

# City Council Meeting Transcripts – 8/29/2013

Title: ATXN2

Channel: 6 - ATXN

Recorded On: 8/29/2013 6:00:00 AM

Original Air Date: 8/29/2013

Transcript Generated by SnapStream Enterprise TV Server

=====

>> Mayor Leffingwell: Good morning. Good morning. If I could have your attention, please. Good morning.

[04:06:14]

[Gavel] I'm austin mayor lee leffingwell. We'll begin today with the invocation by ramacheri jasari of the mission in austin. Please rise. [Speaking in foreign language] blessed mayor, councilmembers, citizens of austin. Human being, the roof and crown of creation, is blessed with highly developed heart and highly developed mind. A prayer uplifts the heart and a philosophy uplifts the human mind. A religion, if it does not have philosophy, becomes superstition. And philosophy without religion becomes sheer madness. Here this prayer says, oh, lord, may you protect us all. May you lead all to righteous paths by allowing each one of us to exercise our intelligence. May all learned men in society, cattle, birds and other species enjoy auspiciousness. May all be happy. Mother earth to prosper for the sake of creation. May the nations be protected by fearless and righteous men who think on the behalf of mankind. May all be happy, may all be healthy, may all see auspiciousness. May none suffer.

[04:09:14]

[Speaking in foreign language]

>> Mayor Leffingwell: Thank you. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, august 29, 2013. The time is 10:09 a.M. We're meeting this the council chambers, austin city hall, 301 west second street, austin, texas. We begin with the changes and corrections to today's agenda. Item number 54, delete the amount, \$255,660, insert the amount \$245,300. Item 55, delete the amount 293,756 and insert the amount \$95,637. On I 75 add as a co-sponsor mayor pro tem sheryl cole. 10:30 briefings. First we'll have a briefing on the mayor's task force on seniors, then we'll have a briefing summarizing urban rail, return on investment scenarios developed with the next generation analytic 2. At 12 noon general citizens communication. At 2:00 p.M. We'll take up bond sales items. At 2:00 p.M. We'll take up our zoning matters. At 4:00, public hearings. At 5:30, live music and proclamations. The musician for today is riders against the storm. The consent agenda for today is items 1 through 83 plus items 112, 113 and 114, with several items pulled off the consent agenda which I'll go through in a moment. First I want to read into the record appointments to our

boards and commissions. These items will stay on the consent agenda, but read into the record. To the mayor's committee on people with disabilities, adam slossberg is councilmember martinez's nominee. To the commission for women, rachel torres is councilmember martinez's nominee. To the community development commission, mitchell harrison, representative of the south austin dawson neighborhood, is mayor pro tem cole's nominee. Waivers for today are to approve a waiver of the attendance requirement for section 2-126 of the city code for the kerr advice of danette clemente including absences through today's date. And I have one other waiver to read. It includes a distinguished service award for 14 years extraordinary service to the city council, city staff, board and commission members and to the people of austin as a dedicated city employee in the offices of city clerk. Cindy parham hinkle deserving of public acclaim and recognition as coordinator for the city's 50 plus board and commission. She has provided unfailing service, expertise and friendliness and have the embodiment of customer service serving as a source of information and inspiration for all. Candy has served not only with competence and grace and humor. If keeping with weekly efforts to attendance measures, we are honored today to grant candy a permanent waiver from her many facettted duties here at city hall and to wish her a fun and fulfilling retirement. This certificate is presented in appreciation of candy's years of public service this 29th day of august in the year 2013. And if there's no objection, i want to go down and present.

[04:14:01]

[Applause] [cheers and applause]

>> Mayor Leffingwell: I've presented candy with the proclamation, the distinguished service award that I just read up here, and we also have a small gift from the councilmembers and their staff. But most importantly, the traditional street sign that we give to employees who leave our service, I think this is somewhat unique. [Applause]

>> I love it.

>> Mayor Leffingwell: This is actually candy's last day so we had to do it at this time in the morning otherwise we were afraid we wouldn't catch her before she gets out of here. So I'm going to offer also my personal thanks, it's been a great pleasure to work for you. [Laughter] I know you do many things for the city including man the desk upstairs. And we appreciate you. We're going to miss you. As always, it's a bittersweet occasion for retirement. You want to retire but we know you will miss us too, right?

[Applause]

[04:16:13]

>> I really wasn't prepared for this, at least not this morning, and this is such an honor. It has been an honor to work with this council and other councils. It was funny, I was thinking about it the other day, since I've been with the city, there has probably been over 10,000 board members. I've served under three city managers, four mayors, some councilmembers have actually come back. [Laughter] I still don't understand that one, but

-- [laughter] and I was thinking about the board members who give tirelessly of their service to our city.

And they do it for nothing. Except to make our city better. And I will miss them dearly. I will miss most of the people that I work with. [Laughter] there's a few who are on my list. You know who you are. [Laughter] but even with that, I will miss everyone, but what's great now is I get to be a citizen. I get to give back to the city that I love, the city that I live in, the one that I'm happy to call home. I'm honored. Thank you all very much. [Applause]

[04:19:39]

[applause]

>> Spelman: Mayor, point of personal privilege. Later in the meeting perhaps on the consent agenda we'll be talking about voter identification laws. We have in the audience today the two travis county officials who are primarily responsible for making sure that people have the right to vote actually get a chance to exercise that right. Bruce elfant and dana debeauvoir.

>> Mayor Leffingwell: So the plan, councilmember, is to go through the consent agenda. That will be pulled off the consent agenda to be heard after executive session, but immediately after passing the consent agenda that will be the first item called up. The speakers will be allowed to speak and we'll table it until later.

>> Spelman: Fair enough. Thank you, sir.

>> Mayor Leffingwell: So as I indicated earlier, several items will be pulled off the consent agenda. Councilmember spelman pulled item 66 and 77, but we are also going to pull 16 and 64 along with that. So all four of those items will be pulled off the consent agenda. They are all related.

[04:21:41]

>> Spelman: Mayor, that was 65, not 66.

>> Mayor Leffingwell: Correct. 60, 64, 65 and 77. Item 33 is pulled off consent to be heard after executive session. Items 39 and 45 are pulled by councilmember morrison as is item 50. We just talked about item 74 as pulled, to be heard after executive session. Item 76 is pulled by councilmember martinez with the intention of withdrawing this item from the agenda. Item 79 is pulled by councilmember riley. Item 78 is pulled by myself. Item 112 is pulled by councilmember morrison. And items 69, 70, 71 and 72 will be heard together because I'm gooding to pull off consent agenda because I have to read a brief statement into the record on those items. There are no items pulled off the consent due to speakers. You did get 45 pulled off consent? We have several speakers to speak on the consent agenda. Gus pena.

>> Good morning, mayor, councilmembers, mr. City manager. Manager. Gus pena. Item 26 is having to do with money for the

-- \$8 million for the family business loan program and I want to thank the city official who made it possible and also the united states department of housing and urban development. This will provide economic funding for growth, jobs, et cetera. Item number 31 is having to do with funding for austin-travis county integral care. I have worked with this agency on many years when it was austin-travis county mental health, mental retardation and I know mr. Dave evans is here and I would like to

acknowledge his leadership because he's the one that deals with this -- the austin-travis county integral care and deals with a lot of people with behavioral problems and mental health problems. Ladies and gentlemen, I will tell us this much and everybody here, there is a problem with mental health issues and it's growing. I mentioned it last council meeting. Not only has to do with adults but also children entering the school. Bullying, not being able to pass the test, the taks test, whatever it is now, end of course exams. Any more funding we can allocate to not only austin-travis county integral care but other agencies that deal with mental health, and housing. This item 31 is specific for services to homeless individuals, et cetera, who have psychiatric, substance abuse and chronic mental conditions. Sometimes I think I have mental health problems when i get angry with y'all or other members in the community, but I mean no disrespect. I am a united states marine corps vet and we have other issues to get angry about. Housing, I'll talk about that in citizens communication. Anyway, item number 31, mr. Dave evans, will you stand up, please, sir? This gentleman is to be commended for helping out the community not only in housing, those with substance problems problems. Mr. Evans, thank you very much. I apologize for embarrassing you. It was meant to recognize your efforts and the many years you give to committee. Thank you, mayor and council.

[04:25:58]

>> Mayor Leffingwell: John evans.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Gus, I would like to thank you for not suggesting we have mental health problems. You are one of the few people in austin who has not suggested that and i appreciate it.

>> Mayor Leffingwell: John evans not here. Bill bunch. Signed up to speak on several items. This is not including item 79. Councilmember martinez.

>> Martinez: I apologize. Since you said we were going to take 69, 70, 71 and 72 together, I was wondering if we could pull those for executive session and have a discussion about them.

>> Mayor Leffingwell: We can if you are so requesting.

>> Martinez: Yes.

>> Mayor Leffingwell: Three minutes.

>> Thank you, mayor. Just for clarification, 33 and 79 were pulled for separate consideration. Is that correct?

>> Mayor Leffingwell: That is correct.

>> Thank you. I just signed up to say a couple words on item 10, i believe it is.

>> Mayor Leffingwell: Right.

>> That's \$50,000 to work with u.T. To study energy efficiency opportunities with austin water utility. Very much support this concept. And would support even doing more. There's very little backup about who would actually be doing that and what little backup there is is suggesting that you are just looking at how you might operate your plants a little more efficiently to get some energy savings. Almost certainly the huge energy savings that are out there are in water conservation. It takes a tremendous amount of water

-- excuse me, energy, to push water around. To treat it and then to treat the wastewater. And this is another instance where the real focus, the laser focus needs to be on building a water efficient economy as a way to be efficient. And I certainly hope this item is focusing on that and not some much smaller realm of opportunities for energy savings, just in looking at plant operations. Thank you.

[04:28:19]

>> Mayor Leffingwell: Thank you. George lusk. George lusk. Those are all the speakers that we have signed to speak in citizens communication. I'll entertain a motion for approval. Councilmember morrison moves approval of the consent agenda. Seconded by councilmember spelman. In favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. And we will now take up item 79

-- excuse me, 74, and we're hear from speakers on item 74. First I'll call bruce elfant. You will have up to three minutes. If you wish to, you can sit there, yes.

>> Good morning, mayor, council. Dana debeauvoir, travis county clerk. It's my honor to appear before you this morning to talk about what we can do to handle the new requirements for texas' new voter i.D. Law. It is the most strict in the nation and unfortunately we have not been given a schedule, materials or an implementation plan to implement this new law. So we're all going to throw ourselves into this and do the very best we can to do outreach into our community to teach people what they need to be ready in order to be able to vote. We're also going to try to expand this outreach to some of our neighboring counties who perhaps don't have the wherewithal that our voter registrar and I do to develop materials to explain to people what they are going to need on election day, also early voting, in order to cast a vote under these new requirements for a photo i.D. Let me just say first of all that the only

-- the only identification that is acceptable are seven pieces of identification, most of them come from d.P.S. The ones that don't have to do with

-- well, they are, you can use a military i.D. You can use a passport. You can use your concealed handgun license. Or you can have

-- if you have u.S. Citizenship certificate. If it's the kind that has the photograph, you can use that documentation. Otherwise there are three types of d.P.S. Documentation, an election photo i.D., A regular driver's license, and a

-- a personal identification card which has been around for a very long time. What bruce and I are trying to do is organize a lot of the social service agencies, basically anybody we can find to help get the word out to people because what we've got is two situations. We have a situation where we have to have an exact name match on two

-- between two databases, the voter registration database and the d.P.S. Database. So you are looking for an exact match on your banana yellow voter registration card and your driver's license. Now, there's also a subsequent level to that law that says the names have to be substantially similar. Most people, most people will fall under the substantially similar between those two names and all it will require is for them to have a check box when they go to sign in for voter registration. We do not want for this name match to turn into a scare tactic. It just needs to be that their names match enough so you can prove you are the same person between these two pieces of identification. The second thing gives me more

pause is that your driver's license

--

[04:32:29]

[buzzer sounding]

-- has to be current and I'm sorry I'm out of town.

>> Mayor Leffingwell: Let me just ask you what your second thing was.

>> Okay. I am most concerned about driver's licenses that are out of date. I think there's a hidden group of people that could get caught with this requirement who perhaps do not realize. Perhaps they are a group of folks who have recently quit driving due to an injury or illness. I'm just worried that there are folks out there

-- how many of you have pulled out your driver's license to do something and, you know, you realize that oops, it's out of date. I hope you've never been pulled over and that's happened to you.

>> Mayor Leffingwell: A long time ago. A long time ago.

>> That it's easy for that to happen if you are not watching carefully. And if you are one of those folks who has your driver's license and you show up at a polling place and it is expired, I'm afraid you are going to be in a world of hurt because I'll bet you don't have anything else. That you've relied on the driver's license and you are not going to have a passport with you or anything else. We want to get the word out that driver's license not only needs to match what the voter registration says. It also needs to be current. I can go on. We can talk more about it later.

>> Cole: Let me ask a quick question.

>> Mayor Leffingwell: Mayor pro tem cole cole I heard you speak recently and I was fascinated with the idea that you could have names that don't match because your driver's license has your maiden name and your voter i.D. Has your name before you were married. Can you speak to how people should be prepared or prepared for that?

>> Yes, ma'am. Another one of those groups that you might not think of, when we've heard criticisms of the voter i.D. Law we've heard about poor people and people with disabilities, people with access needs might have trouble, but here's a hidden group that might have trouble voting and perhaps it hasn't occurred to anyone. Women who have changed their names who might even be hyphenated, changed their names when they married, it may be their voters registration has their name different than their driver's license, one the old name, one a new name. If it's a completely different name that's not going to be substantially similar and you are not going to match. Our voter registrar is going to have recommendations for women who fall into that category but you are going to need to get that fixed.

[04:35:03]

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: In some cases in the past you are able to issue provisional ballots. Is that an option here at all?

>> Yes, you will be able to vote a provisional ballot and there will be a six-day cure period after the

election for you to come back to the voter registrar and prove that you are who you say you are. And it's a whole research process that they will go through to establish that, in fact, you are legitimately registered and you do have photo identification. But what we want to do is avoid those provisional we can and avoid that cure period. We're gearing up and assuming we're going to have a lot of work in that area, but let's try to help people fix the problem first.

>> Spelman: Just a followup question. Are there jurisdictions in the united states that have implemented voter i.D. Laws which are substantially similar to ours?

>> We are the most restrictive.

>> Spelman: Okay.

>> So indiana implemented a very strict voter i.D. Law, but they implemented it with some bypass procedures and, more important there any, a two year implementation period and we could have done that and it would have been smoother and we would have had an educated electorate. Is it north carolina I think right now going through problems with voter i.D. There have been various states that are in different stages of accepting or implementing voter i.D. Texas now is the most restrictive and it has no implementation plan.

>> Spelman: So we're going to have the bumpiest landing probably of anybody.

>> Yes. Yes. And especially I hope travis county can really help take care of its voters, but west texas where they don't even have driver's license offices, d.P.S. Offices out in west texas in every county is going to be hit hard.

>> Spelman: I bet. Thank you, ma'am.

>> Mayor Leffingwell: Thank you.

[04:37:03]

>> Thank you very much.

>> Mayor Leffingwell: Appreciate it. Bruce elfant.

>> Good morning, mayor, council. I'm bruce elfant, travis county tax assessor-collector and fortunately dana covered most of my points. But what I want to say is that, as dana said, the legislature didn't give us an implementation time line and they didn't give us any resources and we have an election in just over two months in travis county. We estimate that there are tens of thousands of registered voters in travis county who do not have the proper i.D. We don't know who they are, we don't know where they are. And our job in the next two months is to reach out and educate the community to the people who don't have driver's licenses or proper i.D. To let them know what they need to do, where they need to go to get that i.D. To the people with name issues where their name is different on their voter registration card than the i.D. They are going to use, we want to encourage them to update their registration card so that won't be an issue especially if the names aren't substantially the same. We want to let the disability community know if you have a 50% disability under v.A. Or social security, you are exempt from all this. The problem is nobody knows this. And what they have to do is come to the travis county tax office and fill out an application for exemption and show us the proof, the physical proof they are exempt. We have the application on our website now so it can be pulled down, but we certainly need help with everybody in the community to let folks know who might be exempt under this

provision that they have that opportunity. So if the city is willing to become a partner with us to help us get the word out in the next two months, we would be very grateful and look forward to working with you all. The last thing that I want to mention is that there is a confined of a work-around on this for people who don't have the proper photo i.D. If you do an application to vote by mail, you don't need the i.D. So people can vote by mail and be able to get around the voter i.D. Provision, but again people don't know this either. So our job in the next two months is to educate over one million of our citizens here in travis county, let them know what they need to do, where they need to go and really encourage them to make a priority so they can continue to participate in our democracy. Thank you all very much.

[04:39:18]

>> Mayor Leffingwell: Thank you. Thank you both. Those are all the speakers we have so we'll lay this item on the table to be heard after executive session for action. Thank you very much. With no objection, we'll go to item 76 and councilmember martinez's request to withdraw this item. If there is no objection, that will be withdrawn. We'll go to our first briefing from the mayor's advisory group on aging.

>> Good morning, I'm ken gladish, president and chief scootist of the seton foundation with the seton health care family and I have the privilege of serving as co-chair of the mayor's task force on aging with my colleague and co-chair bobby barker, vice president of the st.David's foundation who will be commenting ladder. Thank you, mayor leffingwell and councilmembers for taking the time today to discuss the recommendations for the mayor's task force on aging. On behalf of the entire task force, we look forward to working with you to build a city that embraces our increasing age diversity, some of which is in evidence both on the platform and in this auditorium. Over the next decade the demographics of austin are projected to shift. According to a recent report by the brookings institution, the austin-round rock metropolitan area is the nation's number one fastest growing population of people between the ages of 55 and 64. Last year we were the third fastest growing community of people age 65 and older and current statistics suggest we moved to second in that area. In response to these changing demographics, the mayor authorized the task force in august 2012 and asked for support and leadership from the community, and in particular from both the st. David's foundation and the seton foundations, evidence of the fact your two largest health care organizations in the community do in fact work together from time to time. The mayor charged the task force with creating a set of strategic recommendations to accommodate our fast growing senior population. The goal of the recommendations is to address primary issues that support our aging neighbors in staying productive and independent as long as they can and to ensure adequate supports are in place to help each of us age with dignity. The task force was comprised of a diverse group of leaders from nonprofit organizations, funding entities, business and academia. Task force members met monthly from september 2012 to may 2013. There were 23 members including bobby and myself. And I would just like to ask any members of the task force who are present to stand and just be recognized for a moment. Members of the task force. Thank you very much. We were also pleased to receive support from the mayor's office in the person of the chief service officer in the mayor's office and an external consultant, margo weiss, former long-time executive officer of people fund and now consultant with city lights.



Additionally an advisory council of citizens and experts convened to provide feedback. This advisory council was designed through an application process and selected with the assistance of the mayor's office. And I'd like to ask members if any of them are present of the advisory committee also to stand. Thank you so much for joining us this morning. Graduate students from the Ibj school of public affairs at the university of texas conducted research to support the task force's efforts. These students are not with us as councilmember spelman will appreciate, they are hard at work in classes at the Ibj school. Students met with area experts, studied national best practices, engaged approximately 500 local seniors through both multi-topic survey, individual interviews and focus groups. The results of our efforts include a report and a set of recommendations that focus resources on prudent investments that will result in social and economic benefits for our community. By investing intelligently, we believe we can avoid costly interventions and leverage existing resources to support our seniors. I want to make two particular points before I introduce my colleague bobby who will be introducing to members that will summarize the report's recommendations to you. We began this with a commitment to the fact that it would be a public-private partnership. That there are extraordinary assets currently available in our community in this arena and that we need to do a more effective job of linking them together and not drawing too extensively on the public purse. Secondly, you will see from the recommendations that we are really concerned with making real these recommendations, not just a set of recommendations to sit on a shelf and that we can see a pathway to accomplishing that in this public-private partnership. Having said that, it's my pleasure to introduce my colleague and friend and co-chair bobby barker, vice president and leader of the grant making foundation of st. David's. Incidentally, I have copies of the recommendation if you don't have them. Mr. Mayor, do you want me to pass them up?

[04:44:54]

>> Thank you, ken. Thank you, mayor, councilmembers. I appear bobbi barker. The following recommendations that we're about to present to you are divided into community goals and into goals for the city of austin. Building a community that embraces age diversity is going to require all of us working together. The community goals are going to be led by the private and nonprofit groups and the goals for the city are recommendations to you that will require city leadership. All of the recommendations are included in your report. I'm going to be introducing angela atwood, she's the c.E.O. Of family elder care, who is going to review the community goals and then david evans, c.E.O. Of integral care who will discuss the city goals and recommendations. Thank you.

>> Mayor Leffingwell: Thank you, bobbi.

>> Good morning, council, good morning, mayor. I'm so pleased to be here to report to you the key recommendations of the mayor's task force on aging. Slide? Is someone working the -- thank you. Okay. The task force developed three major goal areas, a focus on healthy living, a focus on independence, and a focus on an informed community. And we developed corresponding strategies under each goal area that would have the greatest impact and build on our community's assets. Slide. The first goal area, focus on healthy aging, addresses the needs of our seniors and family caregivers as they are aging. As we age, our physical and cognitive abilities shift. Most older adults will develop chronic diseases like arthritis, hypertension, diabetes, many people develop cancer, and many people

will develop dementia either due to parkinson's or alzheimer's or other types of dementia. That requires a very different response from our community as well as our health care system. We have four strategies upped this goal area for having near-term and long-term impact on our community's ability to support seniors living healthy and engaged lives. Slide. The first strategy under this healthy giving goal area is to create a care transitions coalition. Care transitions refers to avoid hopsization. It's not good for the senior or the family and economically not good. So many hospital admissions are preventable. Key factors can be if they don't follow up with their physician after they are discharged. That could be because they don't have transportation to their doctor or forget that they need to do that followup appointment. Another key factor is not adhering to the medicine directions that their doctor gave them. They might not have the resources or transportation to get to the pharmacy. They might not quite understand the protocol, how much to take, what days, what time of day. Or maybe they don't feel well taking that medication and they discontinue it without understanding the consequence. Diet changes are often required when someone is discharged from the hospital. So that can -- if somebody doesn't have support from a family member or a social worker understanding what do they have in their home that's acceptable for their diet changes, how do you read labels correctly, how do you get to the grocery store and buy the food your doctor has recommended, sometimes people need support with that. Also fall prevention. All of us get weaker when we're sick and for seniors their physical strength can really deteriorate once they've been in the hospital. That makes them at greater risk for falling once they are discharged and falls are a great contributor for people being readmitted to the hospital. All of these can be prevented with strong care transition work. That means building a coalition of hospitals, clinics, other health care providers, not-for-profit profits, community based organizations, safe communities, private companies to work with the senior through discharge and into the 30 to 60 days after getting home to make sure that those directives from the doctor are followed and that the senior in the family has the support they need to make sure that senior doesn't have to be readmitted. Our second strategy is to create an alliance to integrate mental healthation. The senior health issues or issues we see later in life are specifically around depression, suicide prevention, substance abuse as the boomer generation is getting older, and also being able to identify mental health symptoms correctly whether it's dementia or a different issue. Aging service groups and david evans has been a strong leader in trying to start having conversations about this alliance. To coordinate dementia education efforts for citizens and professionals. And to promote career pathways in geriatric mental health and geriatric psychiatry. The third strategy under this is develop a health outreach program in low-income neighborhoods. This outreach would including preventive screenings ... At senior centers. The both is expand food availability and make sure that the best, freshest foods are made available in those centers. There's some interesting partnerships we can look at. The second goal area is focused on independence. Most of us want to age in our own home or age in place or the term is shifting to aging in community. And that can mean a senior lives his or her entire life in the home where they raised their children, it can mean they move to a continuous care community where they start with independent living and then graduate when they need higher levels of care. It can mean they move in with their daughter or son. The key thing is make sure that senior and the family caregivers have the right level of support so wherever that person is living it's safe and healthy for them. Family caregivers are the most important component of the continuum support of seniors and that's true nationally and that's true in our community. If you were to put a dollar value on the amount of work family caregivers provide to

older adults, it surpasses any other component of the support system. It surpasses the value of medicare, it surpasses medicaid, all the nonprofit work that's happening. Taking care of our family caregivers is critical for everyone in our community. Caregivers can suffer a lot of impact from becoming the caregiver for their spouse or their aging parent and it can have significant health effects on that caregiver. Sometimes the spouse's health will deteriorate more quickly than their loved ones because of how much pressure or how much responsibility that is. Sometimes the adult child misses work, misses opportunities for promotion, reduces the amount of hours they are working in order to take care of an aging parent and that in turn jeopardizes their retirement, the resources for retirement. So really trying to work at supporting family caregivers and building on an important collaboration we already have in this community called caregiver u. And the lead organization for caregiver u is age of central texas. I know I saw joyce here. So this is a tremendous network of nonprofits, community based groups, faith communities and right now we focus primarily on doing powerful tools for caregivers, which is a multi workshop session to help family caregivers be better at what they are doing and matter of balance classes that help family members and seniors understand the basics of a fall prevention. What we know is that we could layer even more into that network of the caregiver u such as creating a dementia education program for families. I don't know how many people on council have had a loved one or friend who has had dementia or alzheimer's disease. The current statistics say half of us who live into our 80s WILL HAVE ALZHEIMER'S Disease. If you have cared with someone with dementia or alzheimer's disease, you know it can be overwhelming, frightening and really stressful, and it's a very -- it's a large priority certainly in most of our nonprofit organizations to understand families how to effectively work with their loved one as that disease is progressing. The second strategy under the independence area is expand home based services. Sometimes some of the first things to shift for someone as they are getting older is their ability to perform the activities of daily living such as bathing, going to the bathroom, dressing, meal preparation, remembering to take your medications. A very simple way of supporting someone who is losing some of those abilities is have in-home care. Whether you have a care attendant going to the home a few hours a day or week to make sure that senior is having their basic needs and daily living activities met. We also need to really increase the amount of respite care available for family caregivers, whether it's a spouse who wants to go to church or socialize or run errands or if it's an adult child who is caring for an aging parent and needs to work full time but doesn't want the parent sitting at home alone all day. There's a range of respite programs in our community that work very well and could be grown to support more family caregivers. Third strategy under the independence living is expand repair services. We already have a great coalition, they repair and modify seniors' homes so it's safe and healthy for them to continue living in the home. A lot of seniors are on low or moderate or fixed incomes and can't afford the kinds of repairs or modifications to their home when they are balancing utility expenses, groceries, medications, all that. So this coalition could expand the work they are doing at getting grab bars or ramps or helping with modifications to bathrooms, repairing plumbing, roofs so it's safe and healthy for that senior to stay in their home. They believe that's one of the goals of the bond that will be on the ballot in november. The fourth strategy under the area is create a central dispatch for transportation services within the region, to make it for efficient and accessible to seniors. And I cannot overemphasize the importance of this strategy. The best and most age friendly cities in our country are cities where public transportation is valued and used and it's just part of the culture. Cities like chicago or new york. And we

-- we're making progress, but we've got a ways to go. The most important consequence of living in a city for a senior who doesn't have transportation is becoming socially isolated. And this can have terrible health effects on the senior. They can become more sedentary and strength declines, their mental health, more at risk for severe depression, and isolation coordinated with early on set of dementia. There's a lot being lost by seniors getting isolated. We have interesting nonprofits that are doing transportation for seniors and capital metro is wanting to take a lead role in helping centralize how we can work better together in the near term until we have our transportation realized in austin. The third goal area is our focus on an informed community. But the aging of the population more and more people every day, whether they are seniors or family caregivers or professionals are needing information, education, support and services. And frequently it's in the face of a crisis. Someone will call and say my wife fell and broke her hip, we're not sure what to do at this point. I've really noticed a decline in my mother's mental health, what do we need to do. Because sometimes people will immediately think oh, my loved one needs to go into a nursing home and there are many other options than that. It's really critical at this point to develop a centralized website and/or phone line where people know they can call and get accurate timely information. The other strategy under this area of the informed community is to develop public awareness campaigns such as letting caregivers know where they can get assistance, locating social security service providers and being able to -- senior service providers. Now, these are ten very strong strategies under these three goal areas and we, as I said before, felt that these were going to have the greatest impact in the near term and long term for our community becoming more age friendly. How do we ensure that these strategies get implemented? So our next

-- slide. The next steps for the task force step is to identify vehicles for implementation, and the two vehicles that we have identified is to create an advocacy and planning organization for seniors similar to perhaps what echo is now, the ending community homelessness organization where it's an organization that keeps the policy, the resource, the initiatives in the front of the community's view and keeps pushing for implementation and evaluating them. And also creating a robust aging and disability resource center. And I would like to recognize jennifer scott who is the executive director of our aaa. Every region in the country has an area agency on aging and ours is a part of the capcog and there's been a trend across the country to kind of convert or implement what we call adrc, aging disability resource center MODEL WITHIN THE TRIPLE As So those become centers for serving with people with disabilities of all ages and well as providing senior centers and services. Jennifer is in the middle of preparing an application to the state to receive funding to convert and implement that adrc here and we're excited about that. One of the services the triple a provides now is a phone line with information and referral, but she could use a lot more people, a lot more funding, a new website and more support around that. So I will let david evans come up and talk about the city recommendations. Thank you.

[05:01:29]

>> Mayor, city councilmembers, I'm going to present the second half of the mayor's task force report on aging. While angela focused on the nonprofit and the voluntary sector, the second half is for the public sector and in lore and in particular. I fall squarely under the demographic on on behalf of us I'm going to

present with some conviction the second half of this presentation. If, like the first half, this is constructed around three goals. Dr. Coopwood helped us understand the power of threes and it follows the same format and goals and pursuing eight strategies and a followup i want plex vehicle.

-- Implementation vehicle. First goal focus on age inclusive policies. This is a call for a strategy, number one, it would integrate age inclusive policies as a criteria for city decision making. Of course this wouldn't be for all decision making but would really bring a focus and around reducing any negative impacts while really promoting positive impacts on seniors when it comes to your formulating ordinances, regulations, policies, and in particular when these land on and you've heard the importance around seniors being able to access transportation, affordable housing, land development, affordable utilities and taxes. Also to integrate seniors' interest into the implementation and, of course, this is the -- your long-range plan imagine austin. Second of all, to join the aarp, world health organizations age-friendly communities initiative. This is a good one because you've already applied, the city of austin has already been accepted, and this work is going to hold their first meeting in washington, d.C. In october and the city of austin is going to have a presentation around the work that's been accomplished through the mayor's task force. So this one is already up and rolling and I think it's a good strategic partnership. Second goal area is to focus on affordable housing. Angela did a really good job of talking about the importance of aging in place and the critical role affordable housing plays. Your work could be carried out in through research and analyze the impact of property tax deferrals and caps, utility cost subsidies on seniors, and then to recommend appropriate action. Second of all, and thank you for your work going forward on the bonds, but to prioritize this affordable housing funding for seniors. And then fourth of all to expedite any permitting process for secondary apartments. Again, this helps on this aging in place where communities are supportive. The third and last goal is focus on integrating seniors into our civic life. Three different ways that we're recommending strategies that this could be carried out is to fund neighborhood programs for senior assistance. The city's neighborhood match program could foster neighborhood senior assistance and really engage our neighborhood associations including such things as offering meals, transportation and social engagement and integration. Second of all, to create an interagency committee to optimize facilities for senior engagement. This gets away from the idea of silo planning, but look across city departments. Our parks and rec program, health and human services facilities and then the use of our schools. This would then create opportunities for co-located services and could also be the place to develop further intergenerational programming. As a task force we heard some best practices around the importance of intergenerational contact and mutually beneficial work across the generations. Also then to create intergenerational opportunities for seniors that would invest in intergenerational art partnership with the schools. Organizations, libraries and senior programs that would really further provide exposure and engagement in the arts. And then last of all to designate a city recreation center to serve as this intergenerational site that would promote dynamic volunteer and co-learning opportunities. This could really serve as a model for other places within the city and could then look at developing best practices around intergenerational engagement. Just like angela in her presentation, there should be

-- the slide mentioned to us earlier, this isn't the end of a reporting period but the beginning of some further action around these issues. And our singular implementation strategy is to call upon you to create a city commission for seniors. It's doable and timely and I'm going to ask if ken would join me back up and maybe offer an opportunity for questions and answers and then to further explore this idea

of creating a city commission for seniors. Thank you very much. Ken.

[05:07:23]

>> Mayor Leffingwell: I just want to say a couple words and then we'll go to question. But first I want to again thank sly who spent a lot of hours organizing this effort both in austin and elsewhere. Are you out there? Stand up please. [Applause] and again, pointed out that seton and st. David's were behind this program and co-chairs representing those foundations. I also want to point out that they paid for all the efforts that went into this advisory group and task force and came out with this excellent set of recommendations. So thank you for paying for it as well as serving. And I just want to again emphasize what the impetus was for this. March of 2012 mentioned doing something like this in the state of the city address and that was because of those

-- those kind of game changing changes, those changes this our demographics in the city. We've always thought of ourselves as a young city. But that's changing. And those numbers bear that out. You heard just a minute ago, we are now the number one fastest growing city in the country for people in the 55 to 64 age group and we're number two in the over 65 age group. One more stat that you didn't mention, by the year 2040, one in five austinites will be over 65. We have got to I think plan ahead for this demographic change which we're going through right now. The other point I wanted to emphasize, and, of course, you talked about it, but I think it's worth mentioning again was the fact we focused

-- this effort was focused not on programs that the city could fund and come up and organize, but more on organizing the existing resources. And we have many in this community and so most of this stuff is just the city being sort of the facilitator and bringing together people that already overall of these services, age, family elder care, meals on wheels and more, and I could go on. I don't want to offend anybody by leaving you out because there's so many that are already engaged in this, but we bring them together under one roof. So I just

-- I want to thank all of you again for your service on this group and for spending the time to come up with these recommendations for what I think is very important.

[05:10:13]

>> Thanks, mr. Mayor. I hope council has a sense now of the fact we have these two polls of recommendations, a set for our community partners, kind of a public-private partnership set of groups, and then some modest suggestions for policy and practice. Probably for the city the most significant being our recommendation on creation of a commission for seniors which is within your power and capability to accomplish. But think about on the governmental side the city commission for seniors and then this terrific opportunity for an aging disability and resource center. And then on the nonprofit and community side, the creation of this transitions coalition that would bring a broad range of nonprofit and health care and other organizations together, an alliance for mental health integration. We already have some beginning on that with where central health is beginning. And finally an advocacy and planning group based in the community and in citizen participation. So these are the kind of two polls

that we're suggesting on community side and colleagues if there are questions I would hope david and angela and bobbi would join and look forward the the collaboration and leadership of the city.

>> Mayor Leffingwell: Thank you, ken. And I will be bringing forward an item from council to create the seniors commission in the near future. That will be sort of the glue that holds everything together, I hope, in the years to come so all the work that you've accomplished doesn't just sit on the shelf and gather dust like so many efforts do. Councilmember tovo.

>> Tovo: Thank you very much for all your work and your very interesting recommendations. I had specific questions about just a couple of the areas. I wasn't sure if we're getting a more detailed report.

>> Yes.

>> Tovo: Oh, we are. Then perhaps some of this detailed information will be in the report itself.

[05:12:14]

>> Actually, councilmember, there's a pretty complete report with a lot of the statistical demographic analyses, further detail on recommendations, evidence of progress made in other communities, which I think will be illustrative but that will be a good amount of reading for you.

>> Tovo: Thank you. I look forward to it. I wonder if you could say a few words about the strategy number 4, expand food availability to older adults. I ask this in part because we're right in the middle of the budget or finalizing the budget and this is an important consideration. Just this week actually I met with somebody who wanted to see that number expanded. So

-- in terms of the number of dollars we spend on congregate meals for seniors.

>> So ensuring access to healthy food for seniors obviously is

-- well, it's critical for everyone, but i would say especially for very young people and for older adults.

And meals on wheel, I know, has experienced a cut, I'm sure it's been in the paper everywhere, from sigh sequestration. Then the congregate meal centers provide tremendous opportunity for seniors to socialize with other people in the community, not be so isolated and have access to fresher food than they might have in the neighborhood where they live. Getting to grocery stores or to farmer markets is not an option for a lot of the older adults in our community. So trying to get them either quality food to their home more than once a day, if possible, and getting them to congregate senior centers where they can share in healthy food and socializing are two very simple things to grow upon that would significantly support seniors' health.

[05:14:17]

>> Tovo: And in the course of your task force, was it the sense there was a need to expand the congregate meals program, that there's existing need that we're not currently serving communitywide?

>> To answer your question, yes, there is a need. I know that there has been a reduction in funding for congregate meals at some of the senior centers and so meals a wheels has been reaching out to the community to seek funding for more congregate meals. So I can say that's right, there is a need.

>> Tovo: Thank you for that information.

>> Capital area food has close to 400 partners and that's expanding dramatically. As you know from the reports those challenged by poverty we've seen extraordinary expansion across all age ranges of lack of access to sustain food support and it is a huge issue.

>> Tovo: Thank you, and i hope we'll cycle back to that as we kind of finalize our budget recommendations next week. I also think, you know, several of these recommendations connect to things that are ongoing and i think you may have pointed out that our housing bonds that are going before the voters in november would have a component that help support housing repairs, so I'm glad to see that's in sync with the recommendations of the commission on aging.

>> There is actually a commentary, councilmember, on that particular question. In addition to the aging in community or aging in place, the significant number of the organizations nonprofit and otherwise have active programs in this regard. It's also the case, a point was made that there is probably a very strong partner in a range of these programs in the religious congregation community in the city both focused on their own congregations and outreach to the rest of the communities and they were well represented in our task force as well.

[05:16:26]

>> Tovo: Great. And at some

-- I know you've noted that it helps them

-- helps our seniors stay in their homes while they are healthy enough to do so and it's my understanding it also is a real economic benefit generally because it's much  
-- much cheaper to help seniors stay in their homes than it would be to provide care outside the home.

>> Right. The mayor mentioned st. David's foundation and seton's foundations have been working together on this. It would not surprise you to know on the clinical and lead her ship side every day the issue of challenge of providing health care to our aging population in the midst of all the changes with the affordable care act, with medicare and medicaid and access to resources. So while we were pleased i think to be engaged in this, st.David's spoke especially on community based support for profit seat to, this is a huge area of concern for the two principal health care organizations that serve our citizens in this community.

>> Tovo: Great. And the last thing, I just wanted to say, you know, one of the speakers talked about age-friendly communities, and I think that is a good terrible for us to start using because there are many similarities between design and city planning that works well for seniors and design and city planning that works well for

-- because some of what those groups that each range of the life span need are similar and I wanted to commend out the recommendations regarding intergenerational programming. I hope our park staff are listening and take note because I think if they are not already doing some kind of that work that would be a great things for our recreation and libraries to consider. I look forward to the report.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I would like to follow up on that creating

-- there's a recommendation reducing negative impacts and promoting positive impacts on seniors by focusing on ordinances, regulations and policies related to transportation, affordable housing, land



development and so on and that we consider the impacts of the  
-- on senior activities related to the imagine austin plan. I just wanted to ask you to elaborate a bit on that, in particular with reference to the ongoing work on our  
-- the overhaul of our land development code. There's been a lot of discussion around the country about the design of communities can make it easier or more difficult for people to age in place. Because if  
-- if the communities are designed in such a way that you really have to get in your car on get on the highway every time you need a quart of milk, that's going to be more problematic than if we provide the indicator okay of environment where someone can  
-- the kind of environment on foot or other means. Did you all discuss that and how these recommendations would relate to work like the ongoing overhaul of our land development code?  
[05:19:30]

>> Right. I was just experiencing one of the moments of this population. You saw me leaning in to try to hear you. I think I got the whole question. So one of the things we're able to do, councilmember riley, was to have in conjunction with lbj school and community based organizations a seminar symposium at the lady bird auditorium at lbj school, at u.T. Where a couple of hundred citizens including significant members of city staff and other entities came together to hear some of the leading experts on issues of design and accessibility. It's fair too say the conversation of the task force it lifted up. I know there are multiple lens that is city manager uses, but they think there nodes to be more fussing with regard to design implementation of the new strategies for transportation and streetscape and the like appear and there are terrific resources from aarp. This international coalition of cities interested in this subject. The mayor and his team connected us with the aarp initiative and they really have included in their community of resources, consultants, printed material and guidelines effective material that can inform city staff on that question or the commissions and others dealing with it. But we think it's a a very significant question. We know it's been addressed in ongoing planning and funding of sidewalk renovation, changes to bicycle approaches, encouragement for cap metro to continue to include accessibility not just for age appropriate transportation but for those with disabilities and who have no transportation of their own. So I appreciate the question and it was a concern and i think we have done initial connection with resources that will proof to be quite helpful both to city staff, planners and others engaged in the process.  
[05:21:31]

>> Riley: I'm glad to hear you mention aarp because aarp has played an important role in our focus on walk jacket and we've been working hand in hand with them on several initiatives where we're talking about creating a pedestrian advisory committee. Probably because of the activities of groups like the aarp. I was a little surprised in the discussion about healthy living and independence that i didn't see mention of walking or hear anything about walking. Was that a subject of discussion?  
>> Well, in the context of this broader discussion about streetscape and cityscape, yes, it was. I mean

maybe that reflects the inactivity of the members of the task force, but it obviously would be a concern. And a number of of the community based recommendation and service organizations, not just parks and rec, but the ymca of austin, boys and girls clubs, and other entities are interested and concerned about that question.

>> Riley: Okay. Great. Last question, it may be a question for david. It relates to the provision of care and specifically about the efforts within our e.M.S. Department to work on a community health paramedic program. Because it seems like there is an opportunity there to pursue some of the strategy we see here. I know austin integral care has worked with e.M.S. On development of the community health paramedic program and we're now considering some

-- some potential adjustments to the budget that could expand that program. I just wanted to hear if you've given any thought to that program and how it would relate to the recommendations from the task force.

>> Let me answer this two different ways. The specific planning that's been taking plays with e.M.S. In particular around avoiding recurring hospitalizations, so this idea while they may be the first line in the front end to emergency response, to also have a role in tracking with emergency room use and then their work in further planning. That second part thing, the larger context that was mentioned that central health and seton have formed a community care collaboration to really look closely at wellness, prevention, avoiding hospitalization, and in that regard we've joined as a third agency at integral care into that process. And e.M.S. Has been attending those planning design meetings and has been an involved partner in that work.

[05:24:07]

>> Riley: So do you see development of the community health care program as being helpful component of the sorts of efforts that the task force was envisioning?

>> Without question riley okay. Great, thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thanks. I just want to make a couple comments. Thank all of you for all your work and I want to thank the mayor for bringing the focus to this. And everything

-- everyone speaking to calmly but bottom line is I think that term is the silver tsunami being looked at, it is huge, and for the city's part I think that focusing in the senior commission is the right way to go. We need to be thinking about it in everything that we do and integrate it into all of our policy thinking, and the only suggestion I have is, you know, we have 50 commissions or something like that, and i would think that maybe one of the first tasks the new seniors commission could take on would be to think about outreach to the other commissions so that the design commission and the planning commission and the arts commission and the parks board, all of those folks have a sort of level playing field and understand the issues so it just brings that much more integration to the test.

>> That was an area of comment and conversation in the task force and we saw the senior commission of the city as being potentially kind of an evangelist, if you will. And we specifically talked about most of the other commissions that you identified because we realize that each of them serves in some ways an area of community concern or initiative which is impacted by connected with this larger question of our

diversity in age and the advancing age of the population. We very much appreciate that. Thank you.

>> Morrison: In fact, we did something a few years ago with regard to childhood obesity. It impacts so many and we had a nice forum where lots of

-- all the commissioners were invited and it was educational, but also broke up into different groups to talk about what specifically it meant to the video commissions. So I think

-- individual commissions. So I think there's real opportunity there.

[05:26:30]

>> Mayor Leffingwell: Thank you.

>> Thank you, mayor.

>> Mayor Leffingwell: Everybody else, we'll stay engaged on this.

>> Post-services mayor, there's an opportunity to serve as volunteer.

>> Mayor Leffingwell: I may have already done my volunteer work. Post-retirement volunteer work.

Thank you. Now we'll go to our second briefing, which is summarizing urban rail's return on investment various scenarios developed with Kevin's new toy. The super computer at U.T.

>> Thank you, mayor. Kevin Johns, director of economic development. One of the central questions in cities today is how do you pay for growth. And on

-- not only is the city manager concerned with best managed city but all the directors and we hear it from you all as city councilmembers as well. And we're very pleased to report on the development of the sustainable police analytic tool and to share with you this demonstration of it on the entire urban rail system. Not on segments, but a fresh look at the entire rail system, the real estate around it, what the return on investment would be for the taxes generated, what would it be for the jobs created, what would it be for the individual people who live within a mile of the various transit stations for the purposes of riding a bike or not using your car. We've translated everything into dollars so that you can get a clear picture for the first time anywhere in the United States, we believe, of a complete analysis of sustainable places. We have

-- in the audience a couple of our key partners with CapCog, Betty Voight, and with the University of Texas Dr. Bob Patterson. They will be available after this presentation if you have specific questions. I'd also like to mention that tomorrow there is going

-- there is going to be a

-- from 9:00 to 11:00, there's going to be a two-hour presentation and robust discussion at the Omni Hotel on Ben White. And already we have 165 people signed up to participate so it's going to be very, very exciting. I think that you will enjoy hearing more about it. And before we jump into the presentation, I'd also like to recognize that in the development of this state-of-the-art prototype, there were two of the other city departments that partnered with us from the very beginning, the planning department and the transportation department. So both Greg Guernsey and Rob Spiller were instrumental in helping us get this off the ground and in fact Rob put up the matching grant so we could draw down the \$3.6 million grant. So both of their staff and their focus has been so that we can implement both Imagine Austin better, faster, more frugal, but also that we can develop this tool which will be a prototype for how communities in the future grow and that it developed here in Austin I think

is wonderful.

[05:29:55]

[One moment, please, for change in captioners]

>> august this time two years ago, mayor and council authorized us to test this out on the entire urban rail system, not the individual segments, but to look at the \$1.3 billion system, run the numbers and see what it looked like, to see whether it paid for itself. That's significant in a couple of ways. One is because you get better return on your investment when you do more, hopefully, and also, if it does generate a lot of taxes, then you can use those to leverage private infrastructure companies to get involved in your project, because you have a cash flow. And so this is very important, so as we go through this summary it will just give you ideas for kind of new policies you're going to have to invent. The next slide gets us more into the

-- into the details here. Let's see, where am i pointing. There we go. These are our partners. Capcog, of course, was our

-- the lead in this and dave boyd is here but also chad coburn who is the overall project manager, have been instrumental in organizing all of our partners from campo to cap metro to the university of texas to tac super-computer center. So all of these acronyms represent really hundreds of people who have worked hard to make this tool come to life, and you'll see some of the details on how we have

-- how we have ramped up. So the first three

-- the first four sites that was developed before we got to using it on the billion dollar site was hutto, he will begin, dripping springs and

-- elgin, dripping springs and lockhart. It was evolved to using it on smaller locations to now where we can begin to look at a major investment like the urban rail system, to identify whether the city is going to hit any economic blind sides. The whole purpose of this is to look at return on investment. I think that all our engineers and planners will say we know what this costs, but for the first time we're going to be saying, what is the return on investment? So you can match them up and then make better decisions.

It's great as a big data decision-making tool. And so this is just a little background on the three strategies of an extensive public involvement program, had select the planning demonstration site and then we had to develop the analytic tool as it was applied then to each one of these locations. Some of you may have attended some of these

-- i know there were several council members who were at the demonstration on south shore, which doesn't show up on the site. All right. I'm really struggling here with moving our presentations forward. Here we go.

[05:33:48]

>> Mayor leffingwell: Super computer but we can't get the powerpoints to work.

>> It's funny, that's true. The people at tac said they would have to bring in a big box that would actually process it because the cables weren't strong enough. We have to wait for the google fiber. So these were

-- this is a picture of what we have

-- what we're looking at. We're looking at the entire system, not just a segment of it. Later we can come back and break it down into individual components, but for our purposes here today, we took a holistic look at it. There's that super computer need again here.

>> Use the trigger.

>> Thank you. So I think this is very important because we all know about the sustainability and livability principles that both the three federal agencies that funded this effort, but also from your experience with lucia. You know how we're trying very hard to make these things occur. And so what he have done with this new tool, with the sustainable places tool, is we've been able to translate these into dollars, measurable dollars and an economic impact, that you can then use better to communicate with citizens, stakeholders, taxpayers. So the first, of course, is economic competitiveness. We'll talk a little bit more about that. Leveraging investment, private investment, to avoid using scarce government resources. Add value to communities and neighborhoods. We take great pride in one of our successes that you'll see, is we have so much money, local families and businesses in the communities attached to the urban rail systems will make. So how it supports existing communities. How it translates into benefit for affordable housing and transportation choices. And so we created something called the austin factors, which tried to be the key elements of what we're going

[05:36:00]

to measure: Jobs, taxes, savings, and then how does it affect the business community and the local community. We're working towards doing an analysis of capital infrastructure savings too. You know that small development is different than dense urban development. We'll be able to soon see how that translates, although not to a great deal in this first analysis. This is the first analysis done for the tool of this magnitude. So this is the summary of the return on investment for taxes. So what we're looking at is given a 2 1/2% inflation factor, which is the average of the last 16 years for austin, what we're using, right or wrong, we're estimating that within a mile of the entire transit system, which allows us to overlay a bike system on it so that people can bike or walk to work, which has additional benefits, the taxes generated, new gross taxes, \$54 million a year by the year 2020. And by the year 2030 when the system is completely developed and there's

-- and our redevelopment division and small businesses have been attracted to the area and we've done recruitments, the calculation is \$109 million a year on a \$1.3 billion full urban rail system. Now, we'll break it down a little bit further, but this looks at 45,000 additional population into this area, which of course strengthens the return on investment, and the 58,000 jobs created because you have organized -- you have been following imagine austin, you have greater density, you have more benefits to the businesses. Also I want to make sure that you know that the calculations for this were based upon our knowledge

-- our great deal of knowledge about what kind of developments are already in the pipeline, so we're very confident that these numbers are real-life numbers and that this is real construction. The total economic activity impact by 2030 is really a return on investment based upon the infrastructure and a basic return on investment that is calculated as a summary of over the two-year

-- the year 2030, so it's two decades. This is population growth and employment growth. The projections

are based again upon our emerging projects, so it just shows that it's coming up. It's great because we're a city that's already growing, but it also shows that we're harnessing the growth and driving it into the urban rail corridor, which then effectively implements the imagine austin strategy. If you'll recall, imagine austin had three alternative growth scenarios. The most compact one was the one that was selected, and so the corridor and connected system, this fits right into imagine austin. A couple of other nuances that we plugged into the system, and having the stampede super-computer us to be able to ask questions, people had an unlimited number of questions, and I'm sure you all will have calculations you'll want done, but at this point we're only doing a handful of them. The computer will get smarter as we ask it more questions and we test it out on new locations, but two of the outputs we're looking for in the austin factors are how do we increase people's disposable income if they either take more transit trips and use their car less, or if they bike to work or to the transit. And so again, what we've done is we've taken about a one-mile overlay of the entire system, which is the distance that

- in working with our bike team
- that that makes sense for people that they could comfortably bike. So the numbers that we're looking at are
- for this entire system today, it represents about 200,000 people could use the entire transit system. By 2030, about 290,000 people could use the entire system. So these numbers reflect the 25,000 new transit trips. It's part of a calculation where I'm not going to try and break it down for you today, but I'll be happy to have our experts do that tomorrow, but we're estimating that there would be
- of the 290,000 people, there would be 25,000 new transit trips saved, that's coming and going, for commuters, and that that would save about \$100 million a year. That would save from owning either one less vehicle or using your car less. The same thing applies to the second category, which is bike commuters. So we're estimating that currently 5% of the community uses
- commutes by bike, and we're carrying that forward and saying, this is 5%. So that 5%, if used in the entire system, would generate about \$121 million worth of not using your car. So our summary benefits is an increase in net disposable income. So if you're not paying exxon \$8,000 a year or you're not paying chevron \$5,000
- that type
- those types of dollars, then where does that money go? And so our next calculation with the aid of dr. Michael oden at the university, indicates that that additional disposable income from the families who are living around the system, that they would be using the system, but doing it by avoiding the use of their car as much as they normally would, or by biking, is that the additional disposal income would be about \$296,000 a year. Now, where is that money then spent? Well, we don't know exactly, but the calculations begin to support that it would be
- lots of that money would be spent in the local neighborhoods, in the grocery stores, in the boutiques, in the restaurants, but within the community to support neighborhood revitalization. And the calculations are also
- also indicate that that would support about 2300 jobs for the entire network. So I know this probably raises an awful lot of questions, but I'm going to continue. What we've done is we've plugged in as part of the sustainability factors the real estate development for this corridor and
- quarter and how much dollars in lieu of development would occur for affordable housing and this is the calculation, that we could expect to have 2900 new affordable housing units. So we have them listed

on automatic roll now. This is our credits, greg calo, our project manager, our team at egrso, the cats consortium, betty who is here today, all of the people on the project steering committee who have been working on this project for two years, including other cities. We've got, of course, the university of texas team, capcog has brought people, but paul and bob patterson will be there tomorrow to answer questions and help us walk through this. And the university's tac super-computer has also added a new component which is going to be 3d visualization. So tomorrow there will be a short video for the first time where when we look at urban development you will be able to see a video of it and a report card on the right. And if you change the zoning or development, then the report card produces different results. So that's kind of it in summary. I'd be happy to

-- we have a few people who could answer technical questions or if there's anything I can do generally I'd be happy to do that. Again, the two-hour presentation is tomorrow at the omni at

-- from 9:00 to 11:00, and it will be dr. Patterson, it will be the texas super-computer people, it will be greg kalo, myself and a team. I'd like to thank you for your interest. And I think you'll find this a fascinating tool, coming from austin, to be a place where you learn how to build cities. The future is going to be great.

[05:45:11]

>> Mayor leffingwell: Thank you, kevin.

>> Thank you.

>> Mayor leffingwell: I want to emphasize that as mind-boggling as these numbers are, as impressive as they are, a lot of that is going to vary a little bit depending on where the particular alignment of any urban rail system, plus commuter rail, plus inner-city rail, all of these various components, and that is a decision that has not yet been made. I know there are a lot of people out there who think it has been made, but it has not been made. We're going through a very deliberate process with the subcommittee of campo, which I'm involved with as chair, to make sure that we analyze all of the alternatives and come up with

-- and certainly this data will be a great help in trying to make that decision when we can boil it down to specific alignments. I think it will be a lot more meaningful. But again, we have not gone through that, and this is something that the subcommittee will make a recommendation to the council and to campo on, but not in the very near future. We're talking months here before we'll get to that point.

>> That's correct. I agree with you, mayor. This is not to

-- this is just to provide you an economic analysis on the overall system so that we can begin to look at does growth pay for itself and how it does and how you integrate the plans, how the bike plan becomes integrated with the urban rail system, how we implement imagine austin in a holistic way, but it no way is a recommendation on our rail alignment or any type of analysis, where you should go. Just says the overall system does have a big payoff if it's done properly.

>> Mayor leffingwell: And the other important consideration is that these are component parts of a regional system. We don't want to think of it as austin centric. It certainly will serve austin as the economic hub of central texas, and hopefully enable it to continue to be that, but it has to fit in with the regional transit needs, transportation needs, multi-modal transportation needs of the six-county area

now that comprises campo.

[05:47:30]

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: Kevin, I don't know if I missed this or if you even touched on it, but I wanted to ask, what accounts for natural growth before you start putting out numbers like this? What is our baseline if we didn't do urban rail and if we didn't do project connect, what would those numbers look like in that same time frame?

>> That's an excellent question. We deliberately did not try and make the connection that you need urban rail to attract growth. What we are saying is if you do develop the urban growth, then you will organize it. It will be channeled to this area because people will see they can save an \$8,000 year bump in their salary or that they're healthier because they can walk or bike to work. So it goes to the goals of imagine austin. It doesn't say that people will stop coming here. It just says that this will help with our urban form and help implement the plan.

>> Martinez: And is there any way to ask the computer to account for the cost of sprawl? Obviously there's costs associated with that if we don't truly realize this vision of the future of austin where the urban core is more dense.

>> Yes, there is. And part of the presentation tomorrow will be a look at a green field site as opposed to a development site, intense dense site in the city. For that very reason, because all cities now are looking at your bottom line, and so to make those decisions, you need this big data quantified in some kind of a meaningful way. You see a lot of books on sprawl busting and how to deal with sprawl, but for the first time this business analytic tool can actually break it down into meaningful, quantifiable data, so it memberships you make better decisions, whether you want it, whether you don't want it, at least you'll know what the ramifications of it are. But we're going to do that tomorrow. That is part of the presentation.

[05:49:37]

>> Martinez: Thank you.

>> Mayor leffingwell: Council member riley.

>> Riley: Kevin, I want to thank you and everyone else who's been involved in the project, especially betty voits and people who have worked with capcog to move this project forward. I know it's been a very complicated and challenging effort that's required participation from a lot of folks so I want to thank everybody who's been involved. I just have a few questions for you. First, since we just had the briefing about the task force on aging and we were talking some about the benefits of enabling people to age in place, I see that you do have

-- on one of the slides there is mention of using this tool to quantify health benefits that would include benefits associated with enabling people to lead a less sedentary lifestyle. So I just want to ask you to



elaborate on that. How do you measure the benefits associated with enabling people, say in particular older people, providing them with a setting in which they can live and meet their own needs without getting

-- without relying on cars to get everywhere. How do you quantify those sorts of benefits through use of a tool like this?

>> Well, I would say that we don't have an answer completely yet, but it is more aligned to the financial savings that people make by being able to walk to work. So if you're in your 60s and you still want to work and you can walk to it, then it's a little healthier for you, you save the money. It's a holistic method. We haven't programmed it yet, and so I think that this task force would be a great way to do kind of a think tank exercise on that. We focused on this in our first run on the taxes generated, the jobs generated and benefits that each individual family or commuter could make in terms of their financial gain as well as how much the businesses would make because there was more disposable income in the community. We have not cracked the code yet on the issue you raised or on the savings on capital infrastructure, but the team at the university of texas and our consultants and greg, our planning department, our public works, everybody is trying to work on trying to make those things a reality. I just don't have an answer for you yet.

[05:52:03]

>> Riley: I did have an opportunity to see a preview of this tool at a meeting of the waterfront overlay advisory board, where they

-- where john fragnisi was there and he was demonstrating what I think was the use of this tool and discussing

--

>> yes.

>> Riley:

-- The south shore central area. Are there

-- is that the tool that

-- the same tool that you're talking about and are there other places in austin where we've already had the opportunity to apply the tool?

>> It is the same tool, and fragnasi, was one of the two consultants that was hired to develop the model, and that was the only

-- that was kind of a test run on a bigger setting. The other ones were the smaller communities. So you saw the kind of draft of what you're seeing today on the \$1.3 billion system, you saw the first cut at it there. The fragnasi model, the university of texas, the university of utah all participated in capturing all of this state-of-the-art technology, creating the new software, and then using the stampede super-computer to host it. But it is continuing to evolve but we're at the point now, we're at the end of the contract with the federal agency, and so now is the time to roll it out.

>> Riley: Mr. Fragnisi is a member of the advisory team that's helping us with the rewrite of our land development code, so that leads me to a question about the

-- whether this tool will have any application in that effort. Have you given that any thought?

>> I think that greg guernsey

-- I'm not going to speak for greg, but I'm confident that he would want that because he's been a partner in this, and his staff has helped create the tool. I'm sure that they want to incorporate that thought process in there, because, as you see, the capturing the growth rather than getting run over by it is the objective of both.

[05:54:03]

>> Riley: Well, thanks again for all your work on this.

>> Thank you.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you. Thanks, kevin. So one of the questions i know I've asked you before was like what exactly is in the guts of this that requires a super-computer? And I'm wondering, you're probably not the right person to ask that question. Is there a report, is there anything written up or about the analytic models that are being used in this program?

>> Yeah, I may ask betty to join me here and discuss it. I would say that the

-- as the calculations become more complex and you ask more difficult questions with large amounts of data, then of course the super-computer has the potential to process it quicker, where normal computers simply

-- it would take months, where the idea behind this is that a city planner or an economic development person or yourself could use it at a laptop, because the calculations are coming from a super-strong analytic source. I'd say specifically all of the 3d visualization tools are coming from the tac super-computer center.

>> Morrison: So is this written up anywhere as maybe an academic paper about

--

>> yes, yes, sure is. Betty, do you want to add anything?

>> Morrison: If you can just send me reference to how i can read about it, because i think that would be helpful for me to understand the need for a super-computer.

>> Spelman: Two of those, please.

>> Morrison: Okay. Send it to all of us. I have a couple more questions. This is fun, it's exciting stuff. Let's see. I am looking at

-- I have a question. The one slide that starts out 25,000 new transit trips could save 12,500 daily commuters \$100 million, and down at the bottom it comes to a conclusion, or an estimate, that could save 121 billion by owning

-- million, by owning one fewer vehicle per household. And then we jump to the 296 annual disposal income. So I was sort of following

-- I thought those two numbers should follow

-- should be the same, but it sounds like you're integrating some more effects at that point.

[05:56:20]

>> Yeah, I'm going to add

--

>> mayor leffingwell: Before you answer could I interrupt just a second and say, I'm going to have to leave the dais, and actually I'm just going right outside to the media room for a press conference on this task force on aging. So we'll go ahead and

-- i will see you after

-- or during executive session at some point. I have to leave right now, though.

>> Greg calo is the project manager

-- to join me at the other dais. There were three outputs. There was one output is transit

-- people who use the transit, who then use their cars less. And so there's a certain calculation there of how much more disposable income you save. Then there is the

-- a separate output, which is if you use your bike and you don't use your car as much or you don't use it at all, and what does that generate for you, because you're not using and so on. The third calculation is for the other 90% of the people who live in the neighborhoods, and they may not use the bike and they may not significantly alter their behavior, but they do alter it somewhat because they have a bike

-- because they

-- because they're within proximity to the transit, so it's a much smaller calculation. But the three of those combined is what dr. Oden created to come up with the larger number of 296. So it's a combination of the people within a one-mile walking distance, biking distance, commute distance, that are either not using their cars as much or are biking or walking or their carpooling, but it's a net amount of savings that's translated into a dollar amount.

>> Morrison: Okay.

>> Anything you want to add to that?

>> Well, I think you did a pretty good job of describing it. There's

-- I'm greg kalo, development service office. It's one

-- there are two transportation models built into the tool that can allow to you look at different scales. But the outputs we're using there are

-- they're different outputs of the same model, so the first output is mode share. So it's

-- the mode share for bike and transit, which I don't remember off the top of my head, but it's fairly small. It's in the order of 5 or 10%. So the majority of people are still driving. And in the second slide the output is not

-- it's not the mode share, it's the vehicle miles traveled. So for the 90% or so of people that still drive, the model does show they would drive less. So they may be part of the transit and bike trips or they may be just driving shorter trips or fewer trips. And so it's a different calculation of the same model. One is mode share, one is vmt.

[05:59:27]

>> Morrison: It more than doubles because while the impact to those other non-

-- the people that aren't

-- are still in their cars, the impact is smaller but there's a whole bunch more of them so that would increase the numbers.

>> Correct.

>> Morrison: Well, I think that being able to get to the guts of this will answer a lot of those questions. And then I have one last question, and that is your last slide on affordable housing. And it suggests that it would result

-- maybe I'm reading this too narrowly

-- that it would result in 2900 affordable housing units, but if I look back on your population growth, we're looking at 45,000 people. So the affordable housing is not going to serve very many of those people.

>> I think that's exactly right. And you're seeing that in order to make decisions, you're seeing only enough fee in lieu to generate a small number of affordable housing. And so

--

>> morrison: You're recommending we increase the fee in lieu for affordable housing?

>> I'm recommending that in making decisions on where

-- where you make investments, that you consider this as part of the policy, because I think you would like more affordable housing near transit villages because then low-income people, they save more money. So I think what you said is exactly true, and that's the kind of information we need to communicate, that in this case it's a small number. It's not a big number.

>> Morrison: Right, it's only

-- say for

-- say 3,000 units will serve 6,000 people, and we're talking about 45

-- when we're talking about 45,000 people, we're talking about, you know, 12% of the housing will be affordable.

>> Exactly.

>> Morrison: Which means that that's not

-- that's not the scenario we want to end up with, and we need to do something.

>> And so that

-- that allows you, then, to make early policy decisions and work with the housing department to begin in advance knowing what kind of revenues are going to be generated, what kind of decisions can you make to impact, to change that. When you look at other communities, like atlanta, in their livable center initiative, they call for more like miller, the 25% affordable housing be in those communities. So I think you zeroed in on information, where the rest of the information was pretty rosie, that was not rosie.

[06:02:03]

>> Morrison: Okay, thank you.

>> Cole: Council member spelman?

>> Spelman: I have a million questions, I won't ask any of them but one. What class of

-- what other public policy decisions do you believe that this tool will be useful for? When are we going to see this again and what will it do for us?

>> We'll make it available anytime that you want, now that we know how to do it. We can make it available on a regular basis. So the idea, as you know, is to eliminate economic blind sides of nature investments, but also to get advance knowledge. You know what an urban rail system is going to cost. Well, it's

-- I think it's also important to know what the revenues generated by it are, and the fact that we looked at the entire system, we're looking at almost 300,000 people affected in a city of 800,000. So I think we're very open to suggestions. We have experts that we can bring in to help sort this out. You know, it's at its fancy infancy, but now it's an active tool, an open source tool, and I think we can respond to almost anything you would want to know at this point.

>> Spelman: I'm an incredibly curious person, Kevin, so you may not want to make promises you can't keep. But I understand we can use it for incentive decisions, what you said before is fairly often. We can use it for land use how?

>> You mentioned the [inaudible] right earlier from the dais, and that's something that we'll certainly look at but more recently you passed a resolution about the impact of particular development amendment, and I'm hoping to get what Kevin can use that super-computer to help provide you the information of what that impact could be as we move forward with different code amendments dealing with land development.

>> Spelman: Thank you. I just want to congratulate the efforts of this program for coming up with a great name, SPAT, it's something that's catchy and I expect I'm going to hear a lot about the SPAT results for the next few years. Thank you.

[06:04:13]

>> Thank you. And we appreciate your curiosity. We wouldn't have created a super-computer tool to help run city's economic growth without being curious ourselves.

>> Cole: Thank you for your work. It is now 12:00 and time for citizens communication. Our first speaker is Bill Oakey.

>> [Inaudible] my agenda, Mayor Pro Tem. Mayor Pro Tem, council members, city manager, Gust Pena, proud United States Marine Corps veteran and Austinite. Restoring the American dream, the increasing divide between rich and poor, all of these are symptoms as well as causes of an economic landscape change the planet and our country in ways that are impossible to ignore. This is a critical moment for our nation and our city. We all need to put our minds and wallets behind the idea of restoring the American dream for all. Please, voters, vote for the \$65 million bond proposal, and I will tell you this, you better educate the voter because they think it's going to direct housing and not to weatherization and home repair. I want to tell you one thing, I heard a lot of people ask me about that so you need to be very careful how you educate the people, because it has to go to direct housing. Otherwise a lot of people aren't going to vote for it. But the gap between the haves and have-nots, this town is not affordable for many people, they're losing jobs and becoming homeless. Little or no affordable housing in Austin. We need transitional housing to get people off the street so they can get a job and go to Randalls and

-- we need more affordable housing. Need more jobs, economic development, sustainable wages,

poverty in austin is increasing and I'm going to say this and I stand by, you elected officials need to do a better job to make austin more affordability, create better paying jobs and have justice for all, not for some. Social service agencies and vote not to consolidate ems with austin fire department. That's -- that's not a good idea. The voters, I mean, I had my phone ring and I turned it off. They say no way for that. Populism is the first phase of political awakening of the masses. Remember that. Also society's worth is measured by treatment of the less fortunate. Ladies and gentlemen, elected officials, I said something earlier, might have been disrespectful to you all but sometimes maybe I do have a mental health problem but I get frustrated, I get angry, i cry. I can't cry anymore because there's too much poverty and homelessness out there. There was a quote in the paper, 1,000 homeless -- there's more than that, i count 5500 military inventors in the camps, 5500 military inventors that trust me to go in there. I can tell you, that's not a true statement. Anyway, mayor -- mayor, mayor pro tem and council members, I know you're trying hard, but we need to do a better job of focusing on the needs of the people also. It is not getting done. Anyway, thank you all very much. Have a good day.  
[06:07:23]

>> Cole: Thank you, mr. Pena. Next we have bill oakey.

>> Thank you, mayor and council members. I am bill oakey. I am a long-time austin resident since 1971. I'm a retired accountant and a consumer advocate, and i have recently prepared a two and a half year research report on austin affordability and the title of it is "why lack of affordability is killing austin." And this past weekend i launched a blog called austin affordability.Com, and there is a companion facebook page, which is austin affordability. I encourage everyone to go to the blog, austin affordability.Com, and sign up to follow the blog and go and like the facebook page. The city of austin and travis county and the school district and austin community college really need to get together and look at one important factor in the planning process, and that is the public's ability to pay, and that's what i use as my tagline for the blog, is the public's ability to pay. And if anyone saw my guest editorial and the companion lead editorial that were in the american-statesman a couple of weeks ago, that was highlighted. And affordability just reaches across almost every other issue, and I will tell you that I'm very gratified by mayor leffingwell's task force on aging. I had a good long meeting with sly majid and his office, and two of the things that I have asked for specifically are an increase in the over 65 and disabled homestead exemption, it is currently only 51,000 for the city of austin and yet it is 70,000 for travis county. And also I have discovered many cities throughout texas and across the country that do offer senior citizen discounts on utility, various utility charges. So these are some things, and I probably will apply for a seat on that senior citizen commission. I'm very excited about that project. I think that's a very forward-looking thing that the city of austin has decided to do. We were the 17th largest city in the united states in 2000. We are now the 11th largest city. The city of austin budget has increased 73.7% in ten years. Travis county's budget has gone up 93.6%. Folks, this is simply unsustainable when you consider that the medium family income in austin adjusted for inflation has been relatively flat for the last several years. So what we have to do is we have to come up with a way to measure this. We need to have a study that looks at the demographic breakdown of the people, and you've got to consider the public's

ability to pay in future planning. So thank you, and I look forward to meeting with you on some of these affordability issues.

[06:10:39]

>> Cole: Mr. Oakey, hold on.

>> You referenced at the beginning of your speech your report. Is your report available? I'm looking in the blog in vain for it.

>> If you'll go to [austinaffordability.com](http://austinaffordability.com) and just scroll down the blog and you'll find it on there. And there's a little tab on the right-hand side that you can jump to it more quickly. But yes, it's definitely up there.

>> Spelman: [Austinaffordability.com](http://austinaffordability.com)?

>> Yes.

>> Thank you, sir.

>> Thank you.

>> Cole: Thank you. Mr. Paul Robbins? Oh, there you are.

>> Good afternoon. I'm Paul Robbins, I'm an environmental activist and consumer advocate and have been since 1977. Last week I offered a way to find more money for the [inaudible] by changing the way franchise fees are treated for outlying cities served by Austin Energy. In the city of Austin there are 157 utilities that pay Austin franchise fees. All but one gets these fees by charging the specific customer. However, unlike franchise fees collected in Austin, Austin's electric utility pays cities that it operates in franchise fees from gross revenue. If we changed the way we did this it would amount to as much as \$1.2 million a year back to the general fund. I sent backup material to council member Morrison. I hope you've received it via email. Since you were the one that requested it. And there is also another way you can lower electric bills. As the electric utility recommended a couple weeks ago, you could start charging capital recovery fees. You charge this for water hook-ups now and are considering even higher water hook-up fees. There would probably

-- there would probably be an increase in electric revenues of between 10 and \$20 million per year. If you did this, [inaudible] savings would be profit, while not all would be profit you could probably increase the general fund transfer more than with franchise fees alone. Interestingly capital recovery fees for electric hook-ups were common in the 1980s, AND THEY WERE Relatively high then. So imagine what inflation would do. Council, shortly you will be asking us to vote on affordable housing bonds, which at current interest rates will cost Austinites about 3.7 million a year. The franchise fee could make up as much as one-third of this money, capital recovery fees and the profits saved could be even more. I'm having a hard time understanding why you want us to pay higher taxes for affordable housing when you're not even treating the people in our [inaudible] cities with the same policy that you are treating Austinites. Thank you for your attention.

[06:13:59]

>> Mr. Robbins, you said if we charged capital recovery fees we'd be able to get 10 to \$20 million a year from that?

>> That's a ballpark estimate based on information that the electric utility has presented.

>> Spelman: How big a fee would that be? What would the hook-up fee have to be?

>> Well, okay. There's two parts to this. I tried to be

-- I'll try and be briefer.

>> Spelman: Please.

>> Okay. PART 1, IN THE 1980s THE Capital recovery fee started at \$400 and going all the way up to \$31,000, depending on how big the building was. In 1985

-- between 1985 and now there has been 117% inflation factor. So you can imagine that

-- the electric utility commission recommended we start with the 1985 fees and then study what [inaudible] fees should really be. Okay. The other part of this is that the electric utility estimated that they would

-- with current mechanisms to collect revenue for new hook-ups and maybe not include capital recovery fees, they're probably collecting maybe 30% of what they would if they got full reimbursement. So if you apply 30% to the \$6 million, you come up with 20 million. Excess is about 14 million.

>> Spelman: So we're collecting 30% of our costs of hooking up new server

-- new customers, and whatever that number is, divided by .3 is where you got your 20

--

[06:16:00]

>> that's where I came up with my ballpark.

>> Spelman: Thanks very much. I appreciate that.

>> Thank you.

>> Cole: Thank you, mr. Robbins. Ronnie reeferseed?

>> Yes, I'm, ronnie reeferseed, thanking god and all listening. May peace be upon you. I hope and pray we all recognize this most powerful pray for blessing borrowing from islam, one of god's many prophets, mohamed, who like jesus, our savior, called on you, me and all of us to work hard for our

-- with our lives, for peace in our world. Stop the killing now. We need to stop killing the babies. Men, women and children here, in syria, iraq, iran, somalia, columbia, pakistan, sedan, pipeline or anywhere else in our world where

-- they keep pushing down our throats. Like assad from syria stated, this all is beyond logic. Of course it doesn't make sense f a assad and syria to use chemical weapons on his people. Kerry said we know assad did it. And I predict the chemical fink fingerprint of the weapons used that the c.I.A. Backed the rebels, not assad. These lockstep

-- like the bbc like our own lame stream - motive and method to keep lying to us. The same syrian rebels have been caught and proved

-- so-called rebels have been caught and proved to be behind such horror many times already and reverend martin luther king is spinning in his grave because his message of peace, love and violence is being bastardized and distorted by big gun blacks and the



-- remember the c.I.A. Created the crisis of black america here. Today's gangster rachers have been enriched by the same evil enemies of anything good pushing the deadly disease of hatred, especially to women, white people. Why? Because the devil satan hates you and all of us. Where are christians being killed with tax dollars? Because our own so-called president, so-called peace -- has blacks and others in lockstep. Why? Because of his skin color. That is the exact opposite of what the reverend martin luther king was preaching to all of us. I've been writing about his message of love, peace and nonviolence since the third grade. Before martin luther king's assassination and my speaking of my hero written as a third grader drove judge sam biscoe of travis county commissioners court to actually say to me that my love for martin luther king, jr. Has martin luther king, jr. Spinning in his grave. Huh? What hateful blatant bigotry. Let's stop the killing of babies, men, women and children and the elderly whenever we can and wherever we can. That's truly god's will. May peace be upon you.  
[06:19:27]

>> Cole: Thank you, ronnie. Alisa walker. Rob macdonald?  
>> Good morning. Glad to see you all again. I'm going to read that quote from the part for the homeless that have died on our streets in austin, the plaque. I think the plaque was written by richard troxell's house the homeless foundation. Homelessness. It is the essence of depression. It is immoral. It is socially corrupt. And it is an act of violence. That's to say in honor of those who have lost their lives on our streets, and again, I compliment austin for being the largest american city for a no-kill zone for cats and dogs. But can we move beyond that? I hear that there's two more salamanders that need protection, round rock, something. And we're going to protect them. But what will we do for the homeless that are going to die on our streets tonight? , Tomorrow, next week, next month, the rest of this year. Shall we go and have a day of remembrance of these lost souls? And do we ever wonder, did they have an impact? Does a homeless person affect anybody else but themselves? Yes, they do. Yes, they do. They are people, some capable, some not. They're not disposable.  
[06:22:04]

[Applause]

>> cole: Richard troxell.

>> Hello, my name is richard troxell. I'm president of house the homeless. I'm here today with my friends on a very joyous indication. We're -- we've been fighting to deal with homelessness for two decades. We have come to want to try and end homelessness, and today we come with a message that it's time to begin to prevent homelessness. And so we've come with our white paper, and we're rolling it out today with pragmatic solutions so that we can end and prevent homelessness here in austin and all across this nation. The paper explores homelessness in terms of poverty, and we break it down into these categories: Livable incomes, and for those who work, that means fixing the federal minimum wage so that it ensures that someone working 40 hours in a week will be able to afford basic food, clothing, shelter, including utilities, wherever that work is done throughout the united states. So as long as they put 40 units of work together they'll be

able to afford these things. And then we look at livable incomes for those who are disabled, who make a path of the homeless population. So we're going to fix the ssi, or supplemental security income formula. We're offering a way to do it at the state and at the federal level. And the third prong in this proposal, in this nation changer, is a concept we call discharge no one into homelessness, but rather into a safe housing environment. At no time do we know as much about a person as when they enter and [inaudible] one of our institutions. For example, hospital. Before you get treated they know the name of your wife, your husband, your spouse, your sister, your brother, what your grandmother died of and the name of your dog. Maybe not the last part not so true. But they know a lot about you, as do we know when people enter our prisons, our military, when we have youth [inaudible] foster care and we have people living in mental health facilities, and we know one thing about them as -- when they come to us, and that's that they're going to leave. So we suggest that we need to begin to plan for their departure immediately upon arrival, and if we create the structure to do that, then when we have them leave, we can do it so that they don't enter homelessness. We can find out when they're leaving the hospital -- now, report to your general practitioner, and they don't know which of all those doctors they were. Well, you say, well, why didn't you get that medication? I didn't have a bus pass. Well, why didn't you purchase the medication and take it? I couldn't afford the co-pay. These are simple things. Medicaid is fining 20,000 health care institutions where people exited the hospitals and came back in 30 days with the same disease or a related disease as the one they had. What I'd like to do today is just say thank you. This council is the strongest council we've ever had on the issues of homelessness.

[06:25:49]

>> Cole: Thank you, mr. Troxell.

>> I want to thank you for this and for taking our gauntlet forward for prevention. I want to thank my friends here for being with us. [Applause]

>> cole: Thank you. Julian reed

-- julian reyes. I'm sorry. Julian reyes. Are you here?

>> He's coming.

>> Cole: Okay.

>> [Inaudible]

>> cole: It doesn't matter.

>> I notice we have a couple of members missing. I'll go on without them. When you begin my timer. Thank you, austin city council for listening to the people speak. I'm julian reyes, a austin resident and voter. My campaign is on facebook and called report for shiner. My dog shiner was shot and left to die by austin police today, just days before his birthday party. I watched family member get run down with bullets as he ran from police and cried loudly for his life. I was forced by multiple officers with guns drawn, cuffed and treated like a second class citizen. Even more egregious is how police officers and supervisors kept me handcuffed on the concrete to watch shiner, my best friend in the whole world, bleed to death before me, denied the right to render aid. Sorry. I cry every day, love, honor and duty drives me because my little buddy took a bullet on the night of great peril to save his best friend. The

people of austin when they hear the story are outraged. Expecting me to speak up for all dogs' rights. I would like to make myself available to the system as processed. Time is urgent on this issue, for all dogs' rights. Shiner bock didn't have to die. Violations [inaudible] non-accountability by apd killed shiner. For multiple dog shootings it's apparently they have a pattern of [inaudible] escalating ordinary interactions, violent and fatal endings. Many times the escalation was unwarranted and many times there's no crime reported or actually in progress. This worries me deeply. It it should worry you because it could be any one of the citizens or it could be you or your children that's gunned down. Let's make a change. I recommend training for the officers of apd, has recently audited the training in leander, the dog [06:28:29]

[inaudible] encounter training, behavioral training specifically for officers by an ex-police officer. Several cities are using this. The city of fort worth since implementing this has had zero dogs killed since implementing this. We've had many dogs killed since we implemented our cisco policy and it's a complete and utter failure. It's proven by the number of dogs killed since the policy went in but have yet to be determined because there's no accountability or transparency with apd. We must inject respect for life back in austin's police department. The best most cost-effective solution is the quality dog training for the police department. It will save them money and pay time off, lawsuits and other expenses that the city has to deal with in addition to the \$3 million budget that they want to expand their force when we don't really wall them and we don't really need them to shoot our dogs. Last week -- I'm sorry. City council, it's your duty to see that the austin police department move quickly on this issue, is held accountable and trained properly to protect and serve the people of austin. Don't let another dog die senselessly on your watch. Now we'll expect the city council and apd to answer in person to each future victim, families or children who are shellshocked by the police violence like I am. I am shocked

--

>> cole: Thank you, mr. Reyes. Your time is up.

>> Thank you.

>> Cole: Thank you. Mona gonzalez.

>> Good afternoon, members of the city council, I'm mona gonzalez and I'm the planning and executive director for the river city youth foundation and when i saw you here last week I was surrounded by little ones who's bedtime had passed and I want to thank you for allowing us to speak and to get them home safely. And I also thank you for the pizza, because that was really a treat for the kids. I'm joined here this afternoon by shanea. Shana is the coordinator for one of the programs you fund and that's the summer of safety, that's where the kids came from, cso program. As you know the riverside foundation has been around for a while and we love dove springs and we serve dove springs and have served it faithfully for many years. We celebrate our 30th this coming year. We have a really affective

[06:31:02]

[inaudible] for the 21st century workforce we're all dreaming of. 87 [inaudible] 500 square feet of indoor and outdoor space has been converted into robust connectivity that can be accessed by all. We are

proud of what we do. All of our mentoring, our feeding, our summer camps, all of the programs we have have made a difference. I've got some good news just a few days ago, and the good news was that our request for the 146,000 [inaudible] for next year that they had found the funds. So we're here today to ask you to support [inaudible] to continue our programs in fy '14. We're also here to invite you to our start the peace concert, which is tomorrow, and it's going to be at [inaudible] baptist church [inaudible] and shana will pass out invitations and in the folders also you'll find some letters, many of them are in spanish. Thr written by our parents who couldn't be here today but also want to convey their support for the services their children receive in dove springs. So we want to thank you. We want to encourage you to continue to support. We've been good partners for 30 years and we'd like to continue that partnership. We'd love to expand it but we understand if it is that level, we accept that, and you'll be happy to [inaudible] would grow that. The investment is huge. We looked at our income for 2012 and for this year, and we are more than matching dollar for dollar of what you're doing. People say how do you do that? You've got folks [inaudible] allow the summer of safety to operate all summer long in a 10,000 square feet facility. You're not paying for that. The church is paying for that. That's how we do it, through tremendous collaboration in partnership. So we want to continue and continue doing that, it's a job we love and serving all the wonderful kids in dove springs. Dove springs is that neighborhood that you're going to be proud of, there is a new emerging logo. It has its challenges but we also know it's got its opportunities and the future lies ahead. So thank you so much for your attention, and please look over the information that we passed to you.

[06:33:23]

>> Cole: Thank you, ms. Gonzalez. Raul castillo? Raul castillo?

>> Yes, it's good to be here today. My first time before any committee. But anyway, I'd like to thank the city council for the opportunity to speak here today on behalf of myself, small businesses and residential customers as well on the utility. I would like to start off with a topic that was written on the internet by windows on state government, chapter 27 referring to electricity. It says as follows. Electricity power of great importance to texas due to the state climate and industrial base. Even temporary [inaudible] electricity can cause minor and major inconveniences for customers, significant loss to our economy which brings me to my topic. I've been in business since 2000, which is

-- the

-- [inaudible] the pierson business. I've been in good standing with the city of austin, and I fall into financial and medical burdens which in the past year, due to the economy, dropping the way it has, I was one of the customers that got caught in this long-term, I guess

-- and I knew that long-term

-- getting my electricity

-- I'm sorry, I'm so nervous.

>> Cole: That's all right. Slow down.

>> Okay, I'm one of the customers that got caught long-term [inaudible] getting my electricity turned off because of the computer system because i encouraged the business and my residence. I don't blame the city for the lack of not paying my bill in a timely manner, but I also do feel that austin energy is slightly

responsible for letting my bill get as high as it did. I realize that the city has a payment agreement, but that the customer should default in the payment, there is no hope for the customer to get back on track unless they pay half of the balance and the remaining within two weeks for that payment.

[06:35:46]

[Inaudible] 2000 there were less than 20 shops

-- tattoo shops available, but now there's over 200 shops now, which have made my business more competitive, which made an impact on my business as well as my

-- the other 19 shops that were open at the time. Let me just kind of breathe a little bit. I'm having to compete with what we call scratchers, meaning tattoo artists that are tattooing at home without having to pay licenses or having to be regulated by the health department. I can't compete with them because of my bills and the regulations to maintain in order to stay legal. I paid my utility

-- I came to agreement [inaudible] 8/20

-- sorry, I didn't bring my glasses with me. On 8/20 I made an agreement with austin

-- austin

-- i paid for my residential, i paid \$2,900 down, and they're telling me that i got to pay in two weeks, which would be september the 4th, I got to pay the remaining balance

--

>> financial

--

>> mayor leffingwell: The time has expired. Council member tovo has a question for you, sir.

>> Tovo: Sir, I wonder if you could finish the sentence you were about

-- about your bills.

>> What happened is, okay, I've had cancer, had reoccurring cancer and I'm having to deal with my cancer right now and I'm having to deal with my business. So I made an agreement with the city of austin, trying to work out something, you know, where I pay them \$2,900 on the 20th. And they told me I got to pay the remaining balance in two weeks, which is

-- you know, which I'm having problems now financially, how am I going to pay in two weeks? So I'm trying to

-- I came out with \$3,200 to start to pay my business

-- you know, to pay my power, it's been off for weeks. So they said no, that wasn't acceptable. They want to double the amount. And so I'm

-- I'm doomed to fail, you know, because they're not working with me at all. I have one agreement and that was

-- they're not willing to work with me at all. So I just wondered why would they refuse revenue to the city of austin, you know, instead of trying to work with me, because I'm trying to work with them. But they're saying, no

[06:38:16]

[inaudible] came through the city council, you know, so

--

>> tovo: Thanks for being here and explaining. And I know we have some austin energy staff back here. I hope they're able to talk with you and one of my staff members is here too and perhaps she can assist you.

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: Those are all of our speakers.

>> Mayor?

>> Mayor leffingwell: Council member martinez?

>> Martinez: Mr. Castillo, if you would

--

>> mayor leffingwell: Up here.

>> Martinez: My agent is going to talk to you about this after we're done and you can get some help.

>> [Inaudible]

>> martinez: She'll come up there with you.

>> Mayor leffingwell: Okay. That's all the speakers so the council will now go into closed session to take up nine items. Pursuant to stex 551.071 of the government code, council will consult with legal council regarding the following items, 74, legal issues related to the city's response to the texas voter i.D. Law, that created new requirements for voters to show photo identification when voting in person, including appropriate legal actions on behalf of austin citizens. Noting that items 86 and 87 have been withdrawn and will not be discussed. Item 88, which is discuss legal issues related to jeremiah ventures. Item 89 to discuss legal issues related to the july 26 officer-involved shooting, and then pursuant to section 551.071 -- 74 of the government code, the council will take up four items related to personnel matters regarding the following, item 69 relating to compensation benefits of the clerk, city clerk, item 70, same criteria for the municipal court clerk, item 71, same discussion for the city manager, and item 72, same discussion for the city auditor. If there's no objection to going into executive session on these items, hearing none, we're now in executive session.

[06:40:17]

>> Spelman: Maybe, just a comment?

>> Mayor leffingwell: Go ahead.

>> Spelman: The jeremiah venture issue is item 33?

>> Mayor leffingwell: Well, it's item

-- it's item 88 on the

-- it is on the

-- it's item 88 on our agenda.

>> Spelman: I want to be sure we can talk about it. .

[07:01:40]

(Cofa9-27-12.Ecl) sue all three rating agencies spoke very highly of the city's very strong economy. Moody's also mentioned your conservative management and prudent fiscal and debt policies. S&p mentioned rabid death amortization and spoke of your sound financial profiles. There's a market update on page 5. On page 6 you will notice a chart that shows borrowing rates and since may rates have moved somewhat higher. A lot of that has to be with chairman bernanke's discussion of paper beginning in september. Page 7, the competitive bids we received today, we had a number of bidders indicating the strong interest in city of austin. You had 11 bids on your public improvement bonds which last 20 years. Citigroup was the winner at 3.93%. On the certificates you had 11 bidders. These are 25-year bonds. Robert baird and on the contractals 12 bids of which frost bid 1.65% and those are for seven years. That's for equipment. Page 9 shows the coupons and the yields and then on page 10 we have two refunding bonds that would be refunding bonds that would be sold on SEPTEMBER 17th. One is a tax exempt transaction that would refund about 61 million in bond, the other a taxable transaction refunding about 85 million in bonds. These two are parameters ordinances which you've done in the past. It gives the city megger or the cfo ability to approve the sales should it meet the city's financial targets of savings of greater than four and a quarter percent. With that I think you had an outstanding sale today. A lot of interest, things went very, very well. I'll be happy to answer any questions.

[08:01:33]

>> Questions? This will be on items 90 through 94. I think we can take them all on one motion.

>> Yes, you could.

>> Cole: We know that we do this every august and we are pleased to see the comments back from the rating agencies to our favor and with that, mayor, I'll move approval for items 90 through 94.

>> Mayor Leffingwell: Mayor pro tem moves approval and seconded by councilmember spelman. And I would just like to echo those comments. A string of good news and we know that being rated aaa does affect the total cost of this debt and we're very appreciative of that. And thankful for our strong economy, which leads that effort. All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0.

>> Thank you very much.

>> Mayor Leffingwell: Council, we have to go back into executive session, but with no objection we can go ahead and clean up a couple of things. We can take up item number 74. There are no more citizens signed up to speak. So I would entertain motion.

>> Spelman: Move approval of item number 74.

>> Mayor Leffingwell: I will second. Any further discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. And we can quickly go through our consent zoning before we go back into executive session.

>> Thank you you, mayor and council. I'll quickly go through consent items. I'll start with the 2:00 neighborhood and planning items starting with item 96, a neighborhood plan amendment for the east cesar chavez area to change the designationen future land use map to specific regulating district and that's ready for consent approval on first reading only. Item 97, c14-2013-091, for the property located at 1601 and 1645 east sixth street. This is to zone the property to transit oriented district neighborhood plan, tod-mp zoning. The planning commission recommendation was to grant the todmp, this is ready

for first reading only. Item 98,.

[08:04:21]

>> Restrictive covenant amendment for the property located at 13103 wind gateway. The zoning and platting commission recommendation was grant the restrictive covenant amendment and this is ready for consent approval. Item 99, case c14-2013-005, this is to zone the property neighborhood conditional commercial overlay. The zoning and platting commission's recommendation was to grant the Irco. And item 100, c14-2013-0064, staff is requesting postponement. Item 101, c14-2013-0076, to zone the property community commercial. The zoning and platting commission -- this is ready for consent approval on all three readings. Number 102, c14-2013-0076, rogers lane, the applicant is not able to be here and has requested postponement to september 26th agenda. Item 103, c14-2013-0077.Sh, 1015 west william cannon drive, to zone to multi-family residence, low density, conditional overlay, to change the zoning. The recommendation was to grant the mf-2-co. This is ready for consent approval on all three readings. And item num c14-2013-0079 for the property located at 11,220 bell avenue to zone the property to family residence or sf-3. The zoning and platting commission recommendation was to grant the zoning and this is ready for consent approval on all three readings.

[08:06:28]

>> Mayor Leffingwell: So the consent agenda is to close the public hearing and approve items 96 and 97 on first reading. To close the public hearing and approve item number 98. To close the public hearing and approve 99 all three readings. Postpone number 101. Postpone item 102 until september 26. And to close the public hearing and approve on all three readings items 103 and 104. Councilmember martinez.

>> Martinez: I show one speaker on 101.

>> Mayor Leffingwell: Say that again.

>> Martinez: I show one speaker signed up wanting to speak on item 101.

>> Mayor Leffingwell: That is correct. It must have just popped up. So number 101 is off the consent agenda and we will address all the other items. We'll address item 101 later when we come back out. All in favor of the consent agenda say aye. Aye. Opposed say no. Passes on a vote of 7-0. So now council will go into closed session pursuant to section 551.071 of the government code. Council will consult with legal council regarding the following item: Item number 88, legal issues related to jeremiah venture and pursuant to section 551.074 of the government code the city council will take up four items related to personnel matters regarding the following items: Item 69 relating to the compensation and benefits of the city clerk; item 70, same criteria for the municipal court clerk; item 71, same criteria for the city manager; and item 72, same criteria for the city auditor. If there is no objection to going into executive session on these items, hearing none, we're now in executive session.

[09:53:35]



>> Mayor Leffingwell: Out of closed session. In closed session, we took up and discussed personnel issues related to 71, 72, legal issues for 88. We go back to our zoning cases. And first of all, let me ask, is natascha sermantez

[ phonetic ] in the chamber? If not, we can take that on consent. That was item 101. 101. Yeah. The record first, item 101 is case c-1420130074 for the property located at 2610.5. This is a zone changing request from community commercial to zoning. It was to grant neighborhood commercial or Ir district zoning and that is ready for third reading.

>> Motion to close the public hearing and approve on all three readings, item 101. Morrison so moves. Second? Seconded by mayor pro tem. Discussion? All in favor, aye. Opposed, say no. Passes on a vote of 7-0.

>> Thank you. We have item 95, case z-1420140005

>> Mayor Leffingwell: We had a request for a postponement on that? Councilmember morrison?

>> Morrison: Yes, to postpone to september 26.

>> Mayor Leffingwell: Postpone 95 until september 26. Is there a second? I will second. All in favor, aye. Opposed, say no. Passes on a vote of 7-0.

>> That concludes the zoning for today. Thank you, mayor.

>> Mayor Leffingwell: No speakers on item 50. Councilmember morrison wants to make a quick proposed amendment to that. So we'll call up item 50 if there's no objection.

[09:55:42]

>> Morrison: Thank you, mayor. I'm passing out the motion that I'm going to read. Item 50 is to award a contract. And we had an option for awarding the contract consistent with local preference law. So I wanted to make that amendment

-- excuse me, that motion. So the motion is I move to authorize the award and execution of the agreement with gt distributors inked for the purpose of tactical gadgets, portable radio, microphones and accessories based on the fact that the local bidder offers it city the best combination of contract price and additional economic development opportunities by the contract award including the employment of the residents of the city of austin and tax revenues not to exceed \$60,000 with three 12-month extension options in an amount not to exceed \$240,000.

>> Mayor Leffingwell: Motion by councilmember morrison. Is there a session?

>> Spelman: For the purposes of discushion

--

>> Mayor Leffingwell: Councilmember spelman seconds and you're recognized.

>> Spelman: What's the difference now between the local and the best

-- cheapest price and the local price?

>> Morrison: I'm going to have to pull it up. I don't have my fingerprints.

>> Spelman: I have it, it's about \$700. I'm happy to have the second remain. It's a good judgment.

>> Mayor Leffingwell: All in favor, aye. Opposed, no. Passes on a vote of 7-0. And I believe we can call item 69, 70, 71, 72 together? Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem. Cole: I would propose we consider 69, 70, 71, 7. All of these are the compensation of the county appointees, municipal clerk, city manager and city auditor. I distributed resolutions for these items and they should be in front of you. The substitute documents are yellow sheets that have been handed out. By way of background, we discussed the reports on June 20, August 8, August 22 of this year. The substitute resolutions and ordinance opposed salary adjustment for these appointees based on those evaluations. The substitute resolution establishes the annual salary for the city clerk as the 114,464, cost of living adjustment in the same amount and under the same conditions as the annual base pay adjustment that employees may receive as a result of the annual budget increase, budget process beginning with the first pay period of 2013-2014 fiscal year. The substitute ordinance establishes the annual salary of the municipal court clerk of 118,539.20 plus the cost of living wage adjustment in the same amount and under the same conditions as the annual base pay adjustments for nonsworn employees may receive as a result of the annual budget for the 2013-2014 fiscal year. The auto allowance of \$279,900.09 each year will be added to the base pay after any wages are applied. The annual salary of the city manager of 256,552.00 plus the cost of living wage adjustment in the same amount and same conditions as noncivil service employees receive as part of the annual budget process as being contemplated by council currently, beginning with the first pay period of the 2013-2014 fiscal year. The auto allowance of 8,400 per year will be converted and delivered to base pay after the wage adjustment is applied. The substitute resolution for the city auditor will keep the city auditor's annual salary and the current amount of \$142,563. All of the other compensation and benefits for these appointees remain unchanged from their present needs. I move approval, mayor.

[10:00:24]

>> Mayor Leffingwell: Motion by the mayor pro tem. Second? Who will second? I will second. Before we vote on this, we do have two folks signed up to speak. Gus pena. Is Gus pena in the chamber? George Lusk? Is George Lusk in the chamber? Those are all of the speakers that I had. Motion and seconded on the table. Is there a discussion? All in favor, say I. Councilmember Spelman.

>> Spelman: In executive session, we discussed

-- I don't think I'm telling any tales out of school, the frailty of the performance evaluation system that we have used up to this point. I think one

-- several occasions someone pointed out we've always done it this way. We have a frail performance evaluation system. One of our number who's not here to speak for himself so I'll speak for him suggested that a more robust performance evaluation system would come with a form

-- something like an sspr, which would evaluate each of the direct reports in a more formal way. And the basis of that evaluation, the kind of questions we were going to be asking ourselves as to how we felt about the performance of each of our direct reports. We would be provided to each of our direct reports in advance of say

-- of that situation would be if they were provided a year in advance. Have time to get ready for them.

At minimal, it's several weeks in advance. They have an idea of what the discussion would look like. The value of that sspr evaluation form in my mind is to guide our discussion in such a way that it is not in my

history with this process ever been guided. We have seven councilmembers who have their own settles of concerns. Many of them as another member of our

-- as another member pointed out based on an agenda on a daily basis. If we happen to be unhappy on a particular day, that comes out of the discussion. If we're unhappy for a different day, that's not the day we do the evaluation, that's not the way it comes out. We discussed a better way of doing this. I think this is what we ought to be doing in the future. It's more robust, which everybody can understand the basis for what evaluation they're going to get. That said, that's not what we used this time. And we have one, two, three, four direct reports who have received what feedback they're going to get from us this year on the basis of an old system even if it's an improper system or an ineffective system, it's a system that we've always used. It would be unfair for us to change our

-- our percentage based salary adjustments at this late date. I do not, however, believe it would be unfair for us to have another conversation with some or all of our direct reports in the near future based on a better system which would get all of us to have a chance to talk with one another about what it is we wanted of each of those direct reports. And I look forward to having a meeting based on that better system and that better conversation providing better feedback to each of those direct reports in the near future, perhaps in the next month or two. Standing on item 71.

[10:04:08]

>> Mayor Leffingwell: We had the speaker show up. Gus pena, did you want to speak on this item. >>.

[ Participant off-mic ]

>> I listen to what you say, councilmember, bill spelman. I respect you. You know that. I have a lot of respect for all of you. Irregardless of what I said earlier. Sometimes you do give me headaches, though. But anyway, I wanted to say this, I don't judge. I've been an investigator for the department of the treasury and the irs. I'm a good observer. I'm recon. And I don't judge anybody. I want to say this -- we have very good employees. But I want to say this as our city manager supported him. I want to continue to support him. He's done great things out there. Some of them people don't accept. But there's a lot of people in this case, yeah, people know me. And I trust him. I trust our city manager. I respect him highly. And having said that, I

-- i will stand by my comments as well as other people listening to me right now. I know they have statements like me. And the other people that i don't know too well but I know they're hard workers also. And he's got a lot of kudos out there. We have tough talk as some of you against him. I stand by my city manager. He's a good guy. Ben davison was my favorite. You know you remember him. So just this is closely to mr. Davison, may you rest in peace. I highly support mark. Thank you, keep him as our city manager. Give him what he deserves.

[10:06:14]

>> Mayor Leffingwell: All in favor of the motion, say aye.

>> Aye.

>> Mayor Leffingwell: No? Passes on a vote of 6-0. Martinez off of the dais. And councilmember spelman abstaining on item 71.

>> Mayor Leffingwell: I think we'll go to councilmember spelman had pulled item 16, 64, 65, and 67. So there are no citizens signed up to speak, I'll turn that over to you, councilmember. Considering we can vote on them separately but we can discuss them as you wish.

>> This is a batch of items. I just wanted to clarify a couple of things. The critical issue, I think, I'm going to get my numbers screwed up here until I take a quick look at it is the resolution in 65. Expressing support for project connect. And I think we should all

-- i would like it very much if all of us thought this was a resolution worthy of our support. The only concern that has been expressed to me is the extent to which voting yes on this resolution would institute a blank check for staff with respect to all aspects of the current proposal. And since mr. Spiller is out there waiting for questions, let me ask him one.

>> Mayor Leffingwell: Can i interject and say, no, it is not a blank check on all aspects of project connect?

>> Spelman: I don't have to ask mr. Spiller the questions if you already answered it.

>> Mayor Leffingwell: He may have a different point of view.

>> Spelman: But it's the effect of the support we give in item 65.

>> Thank you very much. Robert spiller, austin transportation department. What 65 does is states the city of austin's support for the regional vision plan which, if you'll remember, there were three pieces. There was a regional high capacity transit map that identified corridors and potential investments that would then be in the future quarter level studies flushed out that it invalidated, if those are the right ones, the right priorities. The second item that project connect developed was a regional management concept of how we would, as a region, organize and manager the delivery of the regional transit system. And the third thing that project connect did was develop a conceptual funding plan for the system. The key thing to remember is that this is a regional concept plan. That any investment before it goes forward would have to be vetted at the corridor level and thought through by the partners that would seek to fund that. So there's no blank check to use your term on any of these programs. It was really a plan that would be recommended for adoption under the 2040 plan. And as the regional partners decided on a priority corridor, meaning let's take lone star corridor, for instance, that investment would be fully vetted with the potential partners to make sure they were the right one. Similar as is being done right now in the central corridor. What is the best investment, what is the best sub corridor, the alignment, etc. All of that is dependent on the future analysis, buy in and buy out such as policy board, metro capital board and lone star board.

[10:10:21]

>> We have not gotten an alternative, for example, for the project?

>> No, sir.

>> Spelman: This is not endorsing a locally preferred alternative. We're just endorsing we think it should be urban and rail in this corridor or in this area? And here is a fruitful direction for us to go in figuring out how to pay for it.

>> Yes, in fact, councilmember in the central corridor, there are multiple urban rail lines identified by the

transit working group, the regional transit working group. One of the challenges for the urban rail program

-- and we have kyle who's the regional rail sort of lead for the region under the partnership for capital metro in the city. One of the channels for him and his group to do is identify which of those would be the logical priority moving forward based on a range of criteria that would be discuss in the public over the next several months. Hopefully coming back to this body sometime around the holiday to indicate which is a priority sub corridor and why is that a priority sub corridor and working within that to identify specific alignments and modes, even re-asking the question, light rail the right technology or should we think about the new brt technology going in? So this is really a regional concept level. It is a necessary step for us to take so that we can then start to develop greater detail at the quarter level

>> Spelman: Thank you.

>> Mayor Leffingwell: Could i follow up on that, just a second on following you, councilmember morrison. I think a lot of questions like that have come out as a result of part of project connect which is the urban rail portion or the central corridor. A lot of that has to do with the thinking no matter how many times or how hard tried to dispel the notion that a specific alignment has been selected, there's still people who believe that the selected alignment has been selected. Part of that, frankly -- part of that us petition comes from the fact that our staff has put on the website in the past something that looks close to alignment. Going to a mueller. We have not made that decision. There's no decision about whether

-- where the urban rail project is going to go except

-- and I've said this many times also, is that it will connect the three major centers of density in downtown, which is the university of texas, the capital complex, and downtown austin. The first step in determining the alignment within that zone is going to be selection of a sub route. Whether that be out to mueller, whether that be out to west austin, northwest, across the river, that is the first task at hand and the central corridor advisory group which already had two meetings in the process of conducting extensive public outreach. When all of that is done, then we will select an alignment. But regardless of what you 'heard or what you've seen, no specific alignment has been selected.

[10:13:53]

>> Well stated.

>> Councilmember morrison.

>>

>> Morrison: I WANT TO THANK Staff and the mayor and councilmember spelman spending, what, every friday afternoon?

>> Spelman: Just about.

>> Morrison: Just about every friday afternoon on a very important task. That is working with the partners on a regional plan. Because that's absolutely an essential part of being successful in solving our transportation issues in town. So I wanted to recognize you all. Because sometimes I hear that the meeting is going on and I've left city hall and down at barton springs swimming. So sorry about that. But, really, I do appreciate that and all of the work that you've done and I'm fully comfortable with

supporting item number 65, which is to endorse project connect with the understanding

-- I do have

-- i know there's a lot of work still to be done. And some of it is addressed in number 77, the resolution from my colleagues on some kind of a value capture like a tiff for lone star. And I just want to get clear. I think I heard you say this explicitly, mayor, and mr. Spiller, that 65 and endorsement of project connect does not endorse a particular funding scheme for lone star or anything else. It just

-- it lists what the tools might be. 65 is the endorsement of the project connect system plan concept. It is identical to the resolution that I believe metro board and other boards have been passing. So that's what that does. It does acknowledge, I think, the regional system plan funding concept. But each of those concepts have to be proven up as part of the overall system plan. So

-- yes, I believe I can say yes.

>> Morrison: Okay, because

-- i guess I needed to get that real clear. Because I know 77 is to develop the

-- the specifics for a particular funding scheme for lone star and I feel like that needs to be discussed some more while I might be comfortable having that go ahead today, I'm not comfortable saying I know that's the right answer yet. And so I

-- I just need to get real clear. That is not saying 65 does not

-- if I support 65, it does not mean that I support value capture for lone star.

[10:16:26]

>> Yes, understood, councilmember. I believe 77

-- go a ahead, yes.

>> Robert goode, assistant city manager. This starts the path for staff to begin the preparation to bring that back for your decision. So that decision is yet to be made. But it does start the path to begin the work to develop that recommendation for you to consider before this.

>> Morrison: That's 77. And 65? 65?

>> That's exactly has been spoken

-- it's a conceptual plan. It endorses the vision.

>> Morrison: Okay, great. Then thank you. I

-- I also have a question about number 16. And that's getting

-- kicking off the environmental study for the nifa work. And as I ask every time we talk about this. And now finally the time one of the concerns that I feel like is imperative that we look at is if we do rail, we are likely to see gentrification, property values rising, a loss of affordable housing along the rail line. And I wanted to point out that the supercomputer presentation that we had today raised another flag. And that is the evaluation is we're going have a real hard time with the new units that are building getting any substantial amount of new affordable housing. So I wonder what it is that we're actually going to do in terms of studying that issue under the environmental study.

>> So councilmember, before i turn it over to mr. Kay hi, i will tell you we're in the proper place to analyze the potential impact. I think one of the nuances that may not have become clear by the presentation this morning was that and I think this is pretty common around the country that rail in and

of itself, transit investment or any kind of infrastructure in and of itself may or may not drive affordable housing. It has to be accompanied with a concerted effort. A policy to achieve the outcome that you want. And I think that's what Esgro director said this morning. That if left alone, that's what you would get. 2300 units that could be assumed to be affordable. But other areas but they Portland or Seattle, have demonstrated that if you marry those infrastructure investments with appropriate policy, you can actually achieve whatever the desired outcome might be that you're after. And I would suggest that throughout the central corridor, regardless of which route is chosen, there will be the opportunity to have policy that could actually generate more affordable housing. So let Kyle speak to

--

[10:19:21]

>> Thank you.

>> He can verify the need for the process for the proper place.

>> Good afternoon. The urban rail lead for the program. With respect to your question, this particular contract will address NIFA. The issues that we're seeing in the early stage is really a comparison of alignments. Typically it was called the alternatives process under the FTA, federal transportation administration's responsibility. Now it's a local responsibility. This is a precursor to the really detailed effort to examine the environmental, social, fiscal impacts associated with a particular project that we'll be identifying during the course of next year. In this scope of effort over the next year that this contract is asking us to do, alternative analysis efforts, it will be a precursor of the details examination of impacts that will result in a particular different document and environmental assessment and environmental impact statement.

>> So this contract that is under number 16 doesn't address the impacts?

>> The contract does. But this particular authorization will not get us quite that far. And the reason for that is by the end of next year, we anticipate about this time next year, we'll have a specific alignment. There will be a broad consideration of potential impacts. But once we actually decide upon a project and if this goes forward under the context of a potential bond vote, it's successful. It's been a real contract and we'll have to undergo a detailed scrutiny of the environmental impact and the impact of that particular project.

>> Morrison: So, I understand that we need to know what the situation is and then identify the policies to put them in place to mitigate the problems that make it the city that we want it to be. I'm hearing if we're going to vote a year from now, we're not going to have a detailed analysis that the point of what the impacts of on housing, the impacts to housing. You're saying that can't be done until you have an alternative that you're specifically working on.

[10:21:48]

>> We can do some broad general comparison of alignment. Ha what is the impact upon affordable housing, one alignment versus another alignment? Once we established that other alignment, we have

the obligation to do a much more detailed examination. Our schedule, a long project implementation, of course, our schedule by the time we get to next year will not be as fully developed as we need to get to that level of scrutiny.

>> Morrison: So as we make the decision about the alignment, it seems like we would want to know some information about what the different impacts are.

>> That is correct. It isn't intended to be broad and general at that time. We'll get to a more detailed level of examination as well.

>> Morrison: What will that look like? The broad and general analysis of impacts on existing housing?

>> That's a broad question as well. Our intent as we get to the sub quarter analysis is a route-by-route identification of impacts, ridership benefits, of costs. So we would take the information, pull it together. Be able to bring it back here to be able to wrestle with the tradeoffs and to help us make a decision about the most preferred alignment alternative.

>> Morrison: I'm still trying to get a more concrete feel.

>> It will have general quantifications of what impacts to affordable housing will be, as well as quantifications of opportunities. So I think even if the end of this preliminary process, we'll be in a position where we can start to speculate on what kind of policies we might need to wrap around that investment as you consider those investments. And I think that that

-- you know, it's really a cyclical process

-- you find out what's possible and what's going to happen and what the impacts will be. What policies can you bring to the table? To create the situation that you want, what benefits is it to head back to the project. The big infrastructure projects. I know Kyle will back me up on this. They take time and they're iterative as they go through. And I think you're seeing

-- you are seeing now, it's broad brush, come back with policy. Keep getting better.

[10:24:15]

>> Morrison: I get that. I want to make sure we have something useful with regard to housing and the impact on the social fabric and that regard when we're trying to make our decision about which alternative to choose. Because I think that's going to be important and to be able to talk about that when and if it goes to the voters. I think we need to be real about that and to

-- and to be starting already to have the conversation of what have the policies we'd adopt to mitigate issues and it promote affordable housing.

>> You're right. Are we displacing what's affordable now? Are we converting what's affordable now to more gentrified or are we accessing opportunities where affordable housing can be successfully injected into the market.

>> So I gather by this time next year, we will be able to have that general discussion specifically about housing.

>> Even perhaps the suggestions about the policies that we may want to wrap around that.

>> Morrison: I appreciate that. And I think that

-- with regard to number 77. I'm going to turn that back over to my colleague who is the sponsor.

>> Mayor Leffingwell: Can I make a quick comment before you start, councilmember. I wanted to follow



up on the afford about discussion. I want to go way out on a limb because I don't have any data to support this. But I believe that development of an effective and efficient mass transportation system may be the single most important thing we can do to enhance affordability itself. So I know that -- I know the federal government has realized this when they coordinate the housing programs with the transportation programs. If you apply for a grant as we're going to do for urban rail, part of their approval process is going to examine how this affects affordable housing. And they're going to share hud and fta are going to share the information with each other. And both of the programs with the ability for hud to inject funds with the community is going to be based in part on the availability of good and efficient mass transit. The synergistic relationship. I think you can only say that it's going to improve affordability, not take away from it.

[10:26:50]

>> Morrison: If I may? I appreciate your point. I think we're fortunate that the feds are looking at it that way. That does offer us a lot of opportunity. I was just especially struck by mr. John's assessment today that said, oh, yeah, we're not going to be getting

-- unless we do something, we're not going to be getting much in the way of affordable new housing. So it's just something that I want to make sure that we keep on the table and I appreciate that we will be doing that with this study.

>> Mayor Leffingwell: Thank you. Councilmember Spelman?

>> Spelman: Seems to be the best way to do this is in pieces. So let me move approval of item 65, that's the most general of these.

>> Mayor Leffingwell: Councilmember Spelman, motion, now second. Discussion? All in favor. In is the conceptual plan for project connect. All in favor, say aye.

>> Aye.

>> Mayor Leffingwell: Opposed, no. That passes on a vote of 7-0.

>> Spelman: Mayor, let me now suggest that if there is general agreement on project connect, that it would be appropriate for us to take a look at item 16 next. And I move approval of item 16.

>> Mayor Leffingwell: Councilmember Spelman moves approval on item 16. Second by Martinez. Any discussion? All in favor, aye. Opposed, no, passes on a vote of 7-0.

>> Spelman: Now on item 77.

>> Item 77. This same principle applies as at 65. Item 77 is not making any decisions about funding of Lone Star. What this does is direct the city manager to initiate conversations with Lone Star and create a draft in the local agreement and draft ordinances necessary to implement the conceptual plan that Lone Star has been proposing. I understand that this may be a controversial issue and so let me propose the following. If we pass this resolution, all we're doing is asking the manager and his staff to go off and work with Lone Star people to come up with the necessary documents. I understand that at some point, we're going to have to take a look at those documents and pass them if we're going to be the law of the land before December 31. It seems to me that I believe I know enough to say yes to those documents, I'd have to take a look at the documents myself, but I know enough conceptually. But many of my colleagues do not have the benefit of the same information that I have had and all of the Friday

afternoons that councilmember morrison has been swimming. It might be a good idea for all of us to take some time off. We take some time off and have a special called meeting between now and when the documents come back for our review to get comfortable with the notion of the capture system that the lone star folks are proposing and i think are the best means available for funding operations and maintenance for the lone star program. The substantial presentation by the folks of lone star, you get mr. Lesard and the presentation from our own staff, though it will probably be our chief financial officer. There are differences of opinions between the two officers and the lone star folks and one of the arguments, the directives is to ask them to work it out, see if we can negotiate something which both sides can be happy with. In the meantime, we need to know more as a group about what the subject of the negotiation is so that we can be comfortable reviewing and in passing yes or no on whatever documents are produced.

[10:31:27]

>> I'd rather push it as close as we can to give us time to work through the details, but I understand you're going to want to have time to discuss and ask questions. So maybe I'd put that back, how -- how much time can you give us, because it's going to take a little bit of time to work through these details.

>> Spelman: I would feel more comfortable, personally, if I could ask mr. Lasard or someone from lone star to give us their view because they're the other party in the negotiation.

>> I'd have to

-- lone star, with lone star rail district. Good afternoon. I'd have to agree with the assistant city manager's assessment. The more time we have to work this out the better. But I also want to be sure that you have enough time for your deliberations and i would think that probably the middle of october might be a realistic time frame, middle

-- sometime in that time frame. That will give us about a month and a half to try to work up at least initial drafts and come back with a document. Is that making sense?

>> [Inaudible]

>> well, I guess I was assuming you'd need to have a november

-- and december time period. I'm not sure what the council meeting schedule is like in those two months for you to actually have adequate deliberation time.

>> Spelman: We have two meetings in november, on the 7th a 21st, and one meeting in december on the 12th. It seems if we gave ourselves two meetings to talk about this there's a real good chance we wouldn't get to closure and the latest possible date we could reasonably consider this is the 7th of november. If we could get draft documents before that so we'd have a chance to look at them and have a good discussion on the 7th of november, I think that would probably be better. Would that work for you, robert? Okay. So the monday of that week would be the 4th of november. Would be reasonable for us to direct you to come up with the draft documents on the 4th of november?

[10:33:35]

>> [Inaudible]

>> let me ask you this. This is the second part of the direction then. We have a deadline of getting the documents to us which gives you enough time to negotiate and us enough time to talk about it. Do -- as early as possible when we have the bandwidth to consider it, it seems to me would be good to get a presentation on what the issues are involved in these documents, and that ought to happen before we actually get the documents themselves. If there's a way we could do that not during budget season but perhaps after the 26th of september, sometime in october be at one of those meetings in october, maybe the 3rd, 17th

-- maybe the 3rd, or perhaps the 17th. I'm not scheduling this city council meeting, but it seems to me that sometime in that period would be a good time for us all to get the benefit of what we need to know, what are the moving parts of this negotiation.

>> Certainly. I think we have the issues that you're going to need to consider. We could brief you on those in october as long as it gives us enough time them to put that document together in november

--

>> spelman: Okay. Thank you, robert. I very much appreciate your help. Mayor, I move approval of item 77 with that direction.

>> Cole: Mayor, I'll second, and I have a few quick comments.

>> Mayor leffingwell: You move approval of item 77, and would you go over the direction for me?

>> Spelman: Two pieces of direction. First direction is that the draft ila and ordinances be provided to us by november 4. That's the monday

-- first monday in november, and that gives us a few days to look at it before the 7th, when presumably -- the first time we could put it on the council agenda for decision. And the reason for doing it at that point and not at a later date is because i think we might need a meeting or two to talk about it. And second, that there be a briefing in october on the moving parts of this negotiation, in particular on the use of a tifturs or

-- pick your acronym. Well, I've heard different versions of this, to

-- as a means of funding operations and maintenance for the lone star rail or any project, because I realize that's something which we haven't done in the past, is something which we have the legal authority to do, but because we've never done it before people are quite reasonably concerned about being the first ones to do it.

[10:36:00]

>> Mayor leffingwell: Okay. So I understand the direction, I believe.

>> Spelman: Presentation in october, decision and the draft documents on november 4.

>> Mayor leffingwell: But the motion is to approve item 77 with that additional

--

>> spelman: Yes. Second second ed by the mayor pro tem, and I would only say, you know, I'm going to obviously support this motion, but i think it is important to move ahead with deliberate speed because the ultimate vision is to be able

-- when we present project connect to the voters, we want to show that it's not just an urban rail project, and our hope right now is that part of lone star rail will be able to be presented along with the urban rail section to increase the awareness that this is truly a regional project and not just a city of austin. And I think with this

-- with the passage of this, of course the lone star folks are in the process right now of going out and talking to jurisdictions outside the city, and they need to have this resolution in hand, i believe, to have some credibility when they talk to people in buda, kyle or san marcos or wherever, and I'm assuming that's the case. All right

--

>> cole: Mayor, I have a couple

--

>> mayor leffingwell: Mayor pro tem?

>> Cole: I share all the comments that have been made that we are adopting a vision of project connect that is regional, and if we don't have lone star connected with that, then we haven't made that statement and we haven't made it clearly. But I will back up and say that I understand some of the concerns that have been raised about what is actually going to be the funding mechanisms for lone star and what is going to be the funding mechanisms for urban rail, and that those two things are getting clouded and that we are going to have some tough decisions to make about how we plan as a city to participate in that. And just because we're saying we want you to go forward and look at our options and actually create a restricted fund, that does not mean that when you come back with your briefing, that you don't give us hard decisions to make, because sometimes it's very easy to sit behind the dais and tell you, go fix it, go make it happen, and this is the way we want it to work, and not realize that you're back there number crunching and going, well, this doesn't add up or this timing doesn't add up, yeah, you said do that but I don't know if we can get the county to do that. And you're talking to the staff people at the county and the acc and the other jurisdictions, and we know that that is a very difficult road that we have put you on, but we want you to know that we stand behind you in that effort, and we support lone star in its efforts with that and we support your efforts to work together to make it happen.

[10:38:45]

>> Mayor leffingwell: Yeah, and let me say I don't want to create the impression that we're still stumbling along with no idea how this thing is going to be funded. We have been discussing that in transit working group meetings for a long time, and although nothing is set in stone, there is a conceptual plan how 40% of the entirety of project connect could be funded. As I said, it's not etched in stone. Substitute ways of funding can be found and probably will be found, but there is a viable way right now to fund 40% of the entire system. Okay? All in favor of the motion say.

>> Riley: Mayor?

>> Mayor leffingwell: Council member riley.

>> Riley: I want to offer what I hope is a friendly amendment.

>> Mayor leffingwell: Okay. Go ahead.

>> Riley: I'm glad to see project connect moving forward. It is, as you all know, a highly collaborative effort, and in the spirit of collaboration I would just like to make sure that we have our partners at the table, and in particular, capital metro does have some interest in our plans with regard to any of these transit stops, and especially the plans with respect to value capture around the transit stops. And so I just wanted to suggest that on page 2 of the resolution under the paragraph that starts -- the first be it further resolved paragraph, in the first line where it says the city council directs the city manager to work with the lone star rail district in the development of the value capture in a local agreement. I would like to suggest we insert after lone star rail district and capital metro transportation authority, just to make sure that we have that partner at the table as we figure this out.

>> Mayor leffingwell: Council member spelman?

>> Spelman: That's friendly.

>> Mayor leffingwell: And mayor pro tem? Is that acceptable to you?

>> Cole: Acceptable.

>> Mayor leffingwell: Okay. So that's incorporated. City manager?

>> Before you vote, I wanted to take a minute to acknowledge [inaudible] and his staff, as you know, have worked very hard on the full range of transportation issues that are reflected here on council's agenda today, as well as the strong leadership of assistant city manager, robert goode, has also served to move these important matters forward. Elaine, likewise with you, you have been the backbone on the financial side. We appreciate all of your efforts as well. Likewise with respect to our relationship with all of the other transportation agencies that are focused on these important matters, and as I've done before, mayor, I'd like to certainly acknowledge your leadership and that of council member spelman in regard to these transportation issues as well as the entire council. So I think we're all moving in the right direction.

[10:41:34]

>> Mayor leffingwell: Thank you, city manager. And I would just like to say in view of council member morrison's comments, that maybe we could find another day besides friday afternoon. [Laughter] council member morrison, go ahead

-- I'm just kidding on that one.

>> Morrison: Thank you, mayor. Actually, let me state that council member tovo and i are often on friday afternoons across the hall serving as board of directors

-- directors on the board of the community advancement network. So just had to set the record straight on that. I do have one issue that i wanted to raise, and that is, you know, in our resolution on tifs in general and value caps, we have an item in there about looking at the possibility for part

-- pairing value capture programs and districts with special assessment districts, so that, in fact, if you get

-- you might be able to find a situation where we're investing taxpayer money, and at the same time the property owners are enjoying a benefit. And so putting a special assessment district on that. And I know that our staff in answer to a question on

-- in a memo on august 23, our cfo mentioned that in practice when evaluating tif requests staff would

also evaluate creation of special assessment districts, and include that evaluation in any recommendation brought forward to the city council. So I wanted to raise that as an issue and make sure that that was also going to be part of staff's recommendation to look at a special assessment district also.

>> [Inaudible]

>> morrison: Part of the analysis. Great. I wanted to confirm that. And in terms of our options for discussing it, i understand we're going to have a meeting to discuss it sort of early on in october. Is that what you said?

>> Spelman: Yes.

>> Morrison: And then it will come to us. And I just wanted to warn that if there is

-- I think that's a great idea for us to make sure we are all on a level playing field of information. It will take time. I have been in a meeting where we got a presentation on lone star and it was a full hour, and then we didn't have time to discuss it, and then same for our tifs, you know, our tif policy, we didn't really have time to discuss that. So I just want to make sure that we set aside enough time not only to be able to get the presentation, but to be able to talk to each other as a council, because this is a very, very important decision, and we need to understand it very well.

[10:44:10]

>> Mayor leffingwell: All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. That leaves item 64 in that cluster. Entertain a motion to approve item 64.

>> Spelman: I overlooked it, mayor, move approval of 64.

>> Mayor leffingwell: Motion by council member spelman to approve, second. For the discussion, all in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no, passes on a vote of 7-0. Brings up item no.33. We have several people signed up to speak. If there are no questions from staff we can go ahead and get started. Bill bunch is the first speaker. Donating time is gus payne pena. Adam abrams is here, so you have up to six minutes.

>> Thank you, mayor, bill bunch with save our springs alliance. Just as a point of order as I did a year ago when this matter was up, if the staff is recommending the settlement, I would ask that they present first so that we could respond appropriately.

>> Mayor leffingwell: Well, I did ask if any

-- we've obviously been briefed on this item, and I asked if any council members had questions, and maybe we could start that way. Would you like to give a thumbnail sketch of it and see if there are any questions?

>> Yes, mayor, mayor pro tem and council members, I'm metra I'm assistant attorney with the law department. I'm here to present it for your approval in the application of jeremiah venture for a new tlap permit. As we discussed in executive session the proposed settlement agreement generally contains

the following terms. One, the developer agrees to install a wastewater treatment system capable of achieving the best treatment limits of currently marketed technology. Two, the developer agrees to meet a lower concentration of total phosphorus than what the tceq requires, and limits the nitrogen, not required by the tceq. It will require homeowners to abide by test management plan to control pesticides applications on the property. Four, the developer agrees to allow the city to perform dye trace studies from face features on the site. 5, the developer agrees to exclude the use of residential lawn areas from the total permit the acreage available for land application. And 6, the developer agrees if monitoring wells show that nutrients are making their way through the solely, remediation plan would commence which requires the developer to lower application rates to 2.5 acre-feet in the triggering application field until monitoring demonstrates nutrients aren't coming through the scale and the city would withdraw draft permit but remain a party of the proceeding to support the settlement terms as part of the permit. Thank you.

[10:47:25]

>> Mayor Jeffingwell: Mr. Bu. Mr. Bu. nch? Six minutes.

>> Okay. You have up to nine minutes. I called your name and you did not respond earlier. Go ahead.

>> Thank you, mayor, members of council, I'm Bill Bunch. I'm executive director but I've also been the lead lawyer for Save Our Springs Alliance in opposing this precedent, or potentially precedent setting proposal to irrigate treated sewage directly on the recharge zone of the Barton Springs Edwards aquifer, and immediately adjacent to the Barton Springs watershed protection lands that we've invested so dearly in, \$120 million, and I'm here to first ask you to do what you did October 2012 and vote 7-0 to reject this settlement proposal at the 11th hour, and to go forward, as you have, as very good partners working with us in opposing this proposal as the first of irrigating wastewater on the recharge zone. There's been some things that are different, but things that have been the same since we were here October 2012. Most importantly, our

-- what should be obvious to everyone is that our water resources are ever more scarce and precious than we could imagine, and we should be increasing our protection for Barton Springs, not reducing it. And our science case and our legal case has gotten much stronger over this one-year delay. We've brought in a plant expert, Dr. Norma Fowler from the UT Biology Department, senior professor, who testified under oath in her deposition that these plants, even if you irrigate it evenly and accurately, are only going to take 50%

-- 10 to 50% of the nitrogen up. That nitrogen is going to go straight into the aquifer. What we're talking about here to back up just a minute, is proposal to irrigate treated sewage directly on the recharge zone, where your experts have identified a whole bunch of recharge features, a whole bunch of them, and they're not going to be setbacks of any kind from a whole bunch of those. They're going to irrigate directly on top of them. Up to 3 feet of sewage every year, a hundred acres, a little over a hundred acres. 270,000 gallons per day is the proposed volume limit, and what they're suggesting is on this pure rock and recharge zone with clay soils that have a rock content of 30 to 50% in most areas, that they're going to add 3 feet of sewage, and it's not going to recharge the aquifer. That is the applicant's case, because TCEQ rules say you can't increase pollutant loading to the aquifer on the recharge zone. That's

why we have over two dozen of these facilities in the contributing zone, but we have none on the recharge zone. If you withdraw your support, your opposition to this, you're opening the door not just to this one but to other plants coming in with more sewage directly on the recharge zone. That's not raising a bar of higher standards. That is a dangerous and terrible lowering of the bar. The science is overwhelming that we've learned over the last couple years from usgs studies and your own staff scientist studies, that we're getting nitrogen

-- a major spike in nitrogen loading in the aquifer and barton springs, from the facilities that are in the contributing zone. And yet there's supposed to be no discharge facilities. They're really operating more as indirect discharge. They're spreading it around, but the soils, the slopes, how they irrigate is uneven, as you know, irrigation facilities fail regularly. They don't spread it evenly. They break, people don't fix them. These facilities don't even have a staff operator on-site watching it. So we brought on dr. Fowler this year to address that plant up take issue. Your scientists are out in the field today looking further at the recharge area because we forced further access that was denied by the applicant and the administrative law judge gave us that. They're finding more features. They're confirming features that they said were important that the applicant's experts said were not important. So our science is stronger, and what that means is we're showing it's even more dangerous and that they cannot do this in a way that will protect the aquifer. We need you as partners in this. Dr. Nico howard on your staff is the preeminent expert. He's worked very well with dr. Phil bennett, who's from the ut jackson school of geosciences, associate dean, who we brought in to support and work with nico on this. Dr. Bennett has found given recharge features that nico didn't have enough time to go look. This place is riddled. This is quintessential swiss cheese recharge zone, and the applicant's case is that you can

-- and they're pitching you, well, we're treating it to higher standards. That is

-- that is a somewhat meaningful improvement that you're hearing today, but the irrigation operations have gotten worse. The science tells us that once you spread that around, it's going straight in the aquifer, and the dye tracing that dr. Howard and others have done, it gets to barton springs in as little as three days. So this is an extremely dangerous precedent. We need you to stand up and protect barton springs. If you're even going to entertain this proposal, please, please reset this for your meeting

-- you have one more meeting before the hearing starts. The hearing is set for september 29, that first week of october. We can have here for you to listen straight from the horse's mouth, dr. Howard, your own expert, who's out on the land right now, our two main experts, who are out of town, dr. Loren ross, ph.D. Environmental engineer who was one of your key experts on aquifer impacts from water treatment plant 4 on the northern edwards, and then dr. Phil bennett. They can all be here so you can hear this straight from them. That would also give you time to send it to the environmental board and get their input. The last time you did that, you got input from the environmental board, you took your time and got their input, and they recommended against, against settling and urging you to continue forward. I recognize that we have a tceq, three member commission, that's known for issuing these permits, rubber stamping and handing out permits. But the step before we get there is a formal evidentiary trial in front of an administrative law judge, and she has made repeated rulings in our favor, the city's favor and sos's favor. She's smart, she's experienced. She is going to listen to evidence, and she's going to make a recommendation. I think she'll recommend denial. If she doesn't recommend denial, she'll recommend a whole bunch of other conditions, a raft of them, that are much more protective of the aquifer, much, much more than what's in this settlement you have in front of you. It



then goes to the commission. If they want to throw that out, they can do that, but it's very hard for them to ignore that if they don't have good science and good law to support ignoring that -- essentially that trial judge. And if they do that, we go to travis county district court, where state agency decisions like this are appealed, and as you know we have very competent judges there that consider this, these kind of matters, and they are regularly reversing these agency decisions that don't -- that are politically motivated and are not based on good science and are not based on the tceq's own rules. So please, this is an important battle, we need you in it with us. Thank you.

[10:56:48]

>> Mayor leffingwell: Thank you. I' couple of questions of staff. So first of all with regard to the suggestion this be postponed until september 26, it's my understanding that this offer would not be on the table at that point.

>> Yes, mayor, this offer is only good through today. The developer has indicated they would rescind the offer after today. It would not still be on the table.

>> Mayor leffingwell: And it's also my understanding that the barton springs edwards aquifer conservation district has already approved a settlement that is not as restrictive as the one that's before us today.

>> They're two different settlement agreements but they do have a settlement agreement in place, which, if you will, raises the bar from what the tceq draft permit would require, and the settlement agreement that's before you today would build upon that even more.

>> Mayor leffingwell: And the lcra has also approved that proposal.

>> Yes.

>> Mayor leffingwell: Which is not as stringent, if i can use that

-- maybe that's a better term

-- as the proposal that's before us today.

>> There are some terms that are different, but today's builds upon it

--

>> mayor leffingwell: I mean, there's less

-- there's less nutrients and other pollutants that are distributed under the ground under the proposal that we have before us today than the one that's already been approved by the conservation district and lcra.

>> Yes, theirs doesn't address the nutrient levels like the one today does.

>> Mayor leffingwell: Okay. Roy whaley? Excuse me. Roy is not next.

>> Morrison: Thanks, I have a question for mr. Bunch. I just want to make sure i captured your conclusion. You're supporting us not settling because you think, tell me if I'm correct

-- you think that we

-- that there is a good, reasonable chance of an even better outcome if we follow through completely the process.

>> Yes, yes, absolutely. We have such a strong science case on this, that we are

-- if we don't get a recommended denial from the administrative law judge, we'll get a whole raft of

other conditions, not just on the nutrient limits, but on how you operate, where you can operate, where you cannot irrigate, and, you know, nobody has a perfect crystal ball, but I feel very confident that we would get a much better permit

-- set of conditions on the permit if you go forward.

[10:59:17]

>> Morrison: Thank you.

>> Cole: Mayor, I have a quick question.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: You made a quick statement about not a rubber stamp from, I believe you said tceq, and I'm trying to understand kind of the second level when you talked to council member morrison about you think we'll get an even better result if we continue with this process. Why would you think that would happen this time from tceq? Is it because of the scientific evidence that you think you're going to receive, that that is so compelling?

>> Yeah, in this year, almost a year delay, we've brought in this new plant expert, dr. Norma fowler, to be on our

-- to support our case, and we forced additional access to the property for dr.-- Your experts, who were out there today, is my understanding. They've been out there last week, and dr. Bennett, our hydrogeologist from ut. And having that additional access, they're seeing more features, they're confirming that where the applicant's experts said they weren't recharge features, they've been able to like excavate them a little bit

-- you said they weren't, we said they were. We just resolved this dispute, and dr. Hower was correct. So yes, our

-- our case has gotten stronger since

-- over this year, to get some very protective conditions, if not an outright denial from the administrative law judge. And that's

-- and we're more likely to continue to get that if the city and its investment and commitment to barton springs is there, and it's not just sos left to fight the battle. We've been very good partners with you. We want to continue to be partners with you.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Let me ask you a couple questions. I'll run past an alternative justification for settling this case, and see what you think of it. Right now, before we started with tceq guidelines, which I think everybody agrees are out of the question bad. They're far

-- they're not nearly restrictive enough. Several of the original interveners in this case have settled, and that raises the bar. So if we can't go any further, at least we've got lcra and hays county and the aquifer district agreed on.

[11:01:57]

>> Right.

>> Spelman: If we were to settle this case we're raising the bar further, and if you pursue the case and you win, you win. That's great. But if you don't win the case, then the fall-back position is at a higher point than it is right now. Is there some value in that for you?

>> I don't see very much value, and I see the harm much greater, because if you listen to mr. Hardy carefully, the settlements before you, then you saw you're withdrawing, it says, you tell them you support the permit with these terms. So basically you're inviting other developers to come irrigate treated sewage on the recharge zone. The two that we used to have were shut down. Travis country and shady hollow had wastewater irrigation plants years ago on the recharge zone. They were polluting the aquifer, and we had to spend a bunch of money to extend sewer lines to take them off-line. There's a reason we don't have these out there. We need to keep them off, and we need your help to do that, rather than saying, well, if you do these standards, then come on, the recharge zone is open for business.

>> Spelman: Well, let me ask the next question, then. If the

-- the gold standard here is no

-- no dumping of treated sewage on the aquifer at all.

>> The recharge zone.

>> On the recharge zone, I'm sorry. Then the only way we're going to get that is by not having any houses on the recharge zone. Isn't that right?

>> Well

--

>> [inaudible] the sewer out.

>> There's a few subdivisions that are on the eastern side of the aquifer that get sewage service, central sewer, and they send it down east, and that's an option. And in the older, more rural subdivisions

-- they're on individual septic tanks and some individual wells and some small water supply companies. It's much lower density.

>> Spelman: Okay.

[11:03:58]

>> And so you're preserving the natural treatment of the system without all that impervious cover from these high-density developments, and your sewage loading, you know, is one-fifth, because your density -- to be able to have, you know, septic service, you've got to have much, much lower density.

>> Spelman: Okay. There's a standard you need, about an acre at a minimum, to have a septic system work, isn't that

--

>> I am

-- I should know the hays county standards right now. I think it's a minimum one acre, if you have water outsid. If you also have a well i think it's 3 or 5 acres.

>> Spelman: Because you have to put the sewage system someplace different

--

>> right, you need separation, correct.  
>> Spelman: These guys are on water, though, aren't they?  
>> Pardon me?  
>> These guys are getting potable water through a pipe, right?  
>> It's my understanding they have some commitment from the new entity that bought the lcra system.  
>> Spelman: Right.  
>> To extend the pipeline from 1826 to serve about half of the homes that they want to build. They're trying to build a thousand to 12 hundred homes.  
>> Spelman: Right.  
>>  
-- On this property.  
>> Spelman: Okay.  
--  
>> to 1200 homes.  
>> And they've got approval for half of them and [inaudible]  
--  
>> I don't know how they're going to get the water for the other half.  
>> Okay. I'll ask them about that in a couple minutes, but the idea is they've got  
-- presumably they would find some way of getting potable water. Let's take that as a given for now. If they can get potable water they could go down as far as an acre, which means they could get  
-- figure out, we're starting with 600 acres, some will be eaten up with roads, some are critical water features that have  
-- you have to have backup from. How many acres in that area are we talking about they could plant houses on?  
[11:06:00]

>> Well, they've got about 115 acres for the wastewater irrigation. Then there's the plant side and the big storage pond that, by the way, they moved right up against the fence line, against our water quality protection lands. And then, yeah, there's some tributaries. I think it's down  
-- the buildable out of that 600 i believe is about 400 acres, 350.  
>> Spelman: Okay. So  
--  
>> that's a guess.  
>> Spelman: What I'm getting at is, what's our best alternative to an negotiation agreement here? And if the  
-- the best alternative would be for them to build nothing and use it as a ranch. I think that's probably not going to happen. If the second best alternative that's achievable from our point of view is they plant houses one per acre on the net side area, we're talking about now  
-- in executive session, my apologies for outing this, but I can get somebody on the record to say it anyway, somebody was telling us 150 building sites, then I had a chance to talk with the lead litigator for

the developer, and they were talking about 400. 400 acres that's buildable, one per acre, sounds like 400 sites to me.

>> I would dispute that vigorously. I mean, there's so many recharge features and tributaries and areas they would have to stay out of. I just don't think you could get that many.

>> Spelman: When you were talking about 350 to 400 acres and that's negligent out 115

-- netting out 115 acres for the irrigation land.

>> Yes, that's assuming everything that's left is

-- you know, absolutely fits perfect for your development.

>> Spelman: So there will be a little bit of loss because of having to fit the houses together.

>> Right, sure.

>> Spelman: We're still talking about numbers like three or four hundred, though.

>> Well, okay, I would think at best, maybe they'd get 300.

[11:08:01]

>> Spelman: Okay.

>> As opposed to a thousand or 1200.

>> Spelman: Okay. That actually sounds like a fairly reasonable compromise. 400 sounds pretty aggressive. Suppose we're talking about 300

-- here's my question

--

>> the question is that financially feasible, and i don't see that happening.

>> Spelman: Okay, now, you don't see that happeni why?

>> We're not seeing those kinds of developments out there. I mean, if you look at development that's happening, it's these higher density homes that are getting access to that Icra line.

>> Right.

>> And getting package plants approved so that they have all the financial advantages of a m.U.D., which you're familiar with, with those central facilities, and, you know, we're just

-- we're not seeing the kinds of large-lot rural subdivisions that we used to see.

>> Spelman: But we

-- we used to see them just a few years ago. It's fairly recent that

--

>> well, the ones that have been out there, ruby ranch is next door, and that was, you know, 20 years ago.

>> Spelman: Okay. I'm thinking of the stuff that's sort of dribbling along 290. There was still building going on five, ten years ago before the recession hit.

>> The ones I'm thinking of are, you know, the ones that have gotten access to the central water and the central package plants, and there may be some. I'm sure there are some.

>> Spelman: Okay. So

-- okay. Let me

--

>> but the other thing is this is an acquisition priority area for the city.

>> Spelman: I know.

>> And I understand that, you know, that's not a reason for you to make a decision here, but that is the real world. I mean, you spent millions of dollars buying both fee simple land and conservation easement with private landowner partners next door, and I just don't understand why you would want to endanger that when you have an opportunity to protect it.

[11:10:21]

>> Spelman: I understand we at one point had an offer out on this land, this was many years ago, right after proposition 3 was passed in '98. That didn't work out. I don't think we've had any conversations since then. We bought some other land that was close by but I don't believe we had any active conversation at all. I don't expect we would have one, but the point is well-taken. This is good land from a conservation point of view and it would be better not

-- from the aquifer's point of view it would be much better if it were never built on at all. But in a long-run sense I'm concerned that we may find ourselves in a place where that building does become financially feasible, and we're talking about something like 3 or 400 units with septic systems and the alternative is what we're talking about here, three times as many units but with a package plant -- a pretty good package plant. Is there a way of cross-walking back and forth between how much damage we're doing to the aquifer with the septic system versus taking the same sewage, treating it through the best package plant we can think of and then sending it back out?

>> Ask that again? I'm sorry.

>> Spelman: Okay. The septic system

-- a septic tank is going to treat your sewage to some extent. The best package plant available, it's my understanding this is what we're talking about here is the best package plant currently available, is going to be treating it presumably to a better extent. Either way, whether it's coming out of the package plant or coming out of my septic tank it's going into a field on top of the aquifer. So either way we're talking about the effluent, from whatever number of units we're dealing with, the effluent is going on top of the ground over the aquifer.

>> Right.

>> Spelman: So the question is, if we're talking about a thousand on one side

-- if we're talking about a thousand units on septic and a thousand units on a package plant, this is no-brainer, we want a package plant. As the number of units goes down there is some point at which we are more comfortable with a certain number of units in the septic system even though the treatment per unit is worse, but there are fewer units. So how do I

-- how do I balance a smaller number of units with the worst treatment method on the one hand versus a larger number of units but a much better treatment method on the other?

[11:12:51]

>> Well, I don't have a perfect answer for that, but I would say that if that was the financially viable approach to pack 300 homes on this property, that's what would be happening. I don't think they can get that. The water is very limited. Getting that many individual wells as exempt wells from the barton springs district, for example, they have some limited authority over those wells as well, I -- you know, I don't see that happening. And maybe it would over, you know, 20 years, 30 years, but as we often say pollution delayed is pollution denied.

>> Spelman: I haven't heard that.

>> You know, give me that 20 years to make sure that pollution doesn't happen, please. But if this happens, it's going to be much faster, and that pollution is going to start going into the aquifer much sooner, and we'll just add it to the list of loadings from the other package plants that are already out there.

>> Spelman: So if I can summarize, I'm asking the wrong question here. If I'm looking at a comparison between a big, highly treated versus a small, much less treated development. I should really ask, what can they guys build and make money off of and if that's small less treated something is something they can make money off of.

>> You have to look at the first speculative question and the timing. You know, these guys want to move with something that they think the market will support soon, and if the market would support the alternative I think they would have been doing that instead.

>> Spelman: I don't think there's any denying that they would make more money out of a more dense development which is putting MORE LUEs ON THE SAME Acreage. They'll make money on a unit by unit basis, not acre by acre basis. So even if they were denied the capacity to put a thousand units on the 600 acres, it might still be financially feasible for them to put 300 acres on the 600 acres.

[11:15:16]

>> Right. Theoretically, yes. You have a thousand homes there. Then you need the transportation infrastructure for a thousand homes.

>> Spelman: Sure. Sure.

>> You start going down

-- schools for a thousand homes. It multiplies.

>> Spelman: Of course.

>> And the situation we've been in for 20 years now is this a race between protection and development. And we need to run faster on the protection side.

>> Spelman: Thanks very much. I appreciate it.

>> Mayor leffingwell: Okay, next speaker is derek flynn. Is derek flynn here?

>> Present.

>> Mayor leffingwell: Okay. So you have three minutes.

>> My name is derek flynn. I'm an attorney with the law firm of munch hart cop in austin. I'm lead council for jeremiah venture. I'm here to answer questions you all may have about the litigation, any concerns you may have about the settlement from our position. I will say this. Listening to mr. Bunch talk, I've heard him talk a whole bunch. It boggles my mind the positions he takes, and i will only say

this. I can assure you, and if you're hearing something from anybody else regarding your chances of being successful at this hearing, you're wrong. Your opportunities of being successful are very slim. The law, the facts, the statutes are very much in our favor, and if the city of austin has a desire to have a say in the way this development goes forward, this is a very good opportunity. And I'll tell you this. I've counseled my clients against going forward with a settlement. I don't think it's a good settlement for my client, if they want to go forward with it. This settlement and this plant, when it's put together, will be the most restrictive trap in the state of texas. There will be no other one even close to it. My co-counsel andy barrett is here and can answer other questions, but I don't want to waste your time. We would like to see this matter resolved. I think this has been going on longer than any of us thought it would be going on, I believe six years now. I think we have negotiated in good faith with the city. I think your legal staff has advised you properly. I know there's been a lot of talk about nico howard and what he would think. I would be shocked if your counsel had not discussed this with dr. Howard and got his blessing on going forward with the settlement agreement. So that's all that I have. Obviously I will answer any questions that you may have to the extent that I can.

[11:18:06]

>> Mayor leffingwell: You may not be able to answer this one, but you've heard a lot of speculation back and forth in this last conversation about how many houses, or would any houses at all be built out there that had to rely on individual septic systems.

>> I can answer that, and i can tell you all this. You can verify it through a pretty simple phone call to hays county, but I believe after speaking to mr. Barrack, it's in the neighborhood of 400, 450 homes. Mr. Bunch is incorrect regarding the features that are out there, because [inaudible] there will not be spring water. There won't be setback requirements or buffer requirements, as stringent as they are right now. So we're pretty confident if we had to, which we do not intend to do this, but if worst-case scenario were to happen and this permit were not to be issued, we could put approximately 400, 450 homes out there on individual septic systems. That's what our belief is. You can verify that by calling hays county. They should be able to tell you that pretty quickly.

>> Mayor leffingwell: Council member riley?

>> Riley: Mr. Flynn, part of the challenge we face is that we haven't had very much time to examine this proposed settlement, and certainly our

-- the community hasn't had much time either. Bodies like the environmental board, which have reviewed issues related to this case in the past, have not had an opportunity to weigh in, and so everybody is kind of caught off guard and there's a lot of apprehension about moving forward with so little time. Given that we do have another council meeting before the hearing, is there any way that your clients would be open to continuing to entertain settlement discussions after today?

>> I discussed that with my client and the answer unfortunately is no. We have now been through four settlement cycles. My clients have spent hundreds of thousands of dollars on legal fees, and your next date is four days out from our hearing date, which means during that time they're going to be paying myself and mr. Barrett a significant amount of money getting ready for a trial, not knowing whether or not it's going to happen. So we're now sitting here 30 days out from from trial. As far as we're



concerned this is a prime time to decide whether or not we can resolve this. I think your staff attorneys and your counsels have an abundant amount of information. They have resource from dr. Howard, and if he is okay with them going forward and presenting the settlement to you, I think that should speak volumes, especially given the fact that save our springs' case has been relying specifically on dr. Howard, all their experts. Their experts are in academia. They are not an expert like dr. Howard. They're professors and they're teachers. They're not out in the field. They're not like our experts who are routinely out in the field doing hands-on work. And if dr. Howard has now changed his tune, he's okay with the settlement going forward, that should speak volumes to you all. And like I said, I think the council member over here was correct. We're stepping up the level of protection here. So it's even more so, and barton springs edward aquifer conservation district, the significant central texas body charged with protection of this aquifer conservation, they signed off a settlement agreement with us. That should speak volumes as well. If they're okay with it, lcra, hays county, the people who will be monitoring this property and the citizens who are going to live out there, I think that's significant as well. [11:21:41]

>> Mayor?

>> Mayor leffingwell: Council member tovo.

>> Tovo: I guess I have a question for staff and that question is, if dr. Howard is here and could speak to the proposed settlement. Or more specifically, could speak to some of the research that's going on at the site and the findings that are in the preliminary phase assessment of the jeremiah venture site and how the current findings compare to what was discussed in this report.

>> I'm with the law department. Dr. Howard is on-site today still further excavating the identified features. So he's not here today. At the same time he's still further evaluating the features and hasn't completed his assessment.

>> Tovo: Okay, thank you. I wonder, do we have someone from the staff who could speak to the features?

>> I believe somebody from watershed is here but not dr. Howard.

>> Tovo: Thank you.

>> Mike at watershed

-- personette.

>> Thank you, mr. Person et the. In looking through the report that dr. Howard prepared, I'll just read a few. We may need to take this up again after the break, but he mentions that there are

-- basically the report recommends that additional studies and surveys take place of the features that are out there, and it's my understanding that that's taking place right now.

>> Yes, ma'am.

>> Tovo: Would you say that the research that's being conducted out on the site is verifying some of the -- some of the beliefs that there were significant recharge features?

>> As ms. Bahardi indicated the work is under way right now. It's not been fully analyzed but I've been asking for reports from the staff, and they are finding features that we had not identified previously and we're looking at features that we wanted to take a second look at and we have found some that we

believe are solution cavities, caves, that are significant carst features that weren't previously identified.  
[11:23:52]

>> And so caves and significant recharge features

-- I mean, those classify as significant recharge features.

>> Again, that will be subject to kind of the processing of the information that's being gathered, but those are kind of the realtime reports from the field.

>> Tovo: Okay, thanks. And so

-- I'll read just a few things that are in here. The importance of preexisting recharge structures across the jeremiah venture site is particularly important where recharge features, such as holding ponds are placed over recharge features. It goes on to talk about the need for buffers, it talks about the study -- it cites a particular study and talks about the study demonstrating that recharge readily occurs in upland areas with soils and without internal drainage basins essentially all the runoff is infiltrated. Cave formations observed in caves across the barton springs segment and the jair might a venture site contain formations such as stalactites, stalagmites, thraught mites, and travertine dams that are evidence of overlying soils. Is this research being borne out by the work you do out there or do you have anything to contradict some of the

--

>> I have not heard any reports that would contradict his initial findings.

>> Tovo: Thanks. And so

-- one of the plants that the environmental board made in its initial recommendation that we continue -- continue in our

-- in our protesting of this permit

-- they cited the fact that the city of austin staff presentation says that the application rate is excessive given geological conditions. Would you say that that's still true?

>> That has been one of the concerns that has been on the table since this issue came

-- came forward as indicated many years ago. The proposed

-- the settlement that has already in place by the other parties as well as the proposed settlement would provide a remediation to lower that application rate if there is evidence of contamination in monitoring wells that have been agreed to in the settlement.

[11:26:14]

>> Tovo: But it

-- okay. Thanks. We'll leave it there for now. I know we've got another speaker who might want to talk before the break. Thank you. I probably will have more questions for you in a bit.

>> Mayor Leffingwell: Okay, we have one more speaker, Roy Whaley. Staff, we're going to have to complete action on this before a break but we'll get all the speakers in.

>> Howdy, my name is Roy Whaley, I'm the conservation chair of the Austin group of Sierra Club and we

ask that you do not settle on this today. To answer a question on where dr. Howard is today, he is on the property finding additional recharge features. And that's the reason he can't be here to answer these questions. And I would say that dr. Howard would not come in and give you legal advice. He would come in and give you science advice. He would not give you legal advice, and we would ask that attorneys return the favor and not try to give scientific evidence that, as he said, the teachers that taught dr. Howard are also not here to testify today. You need good science to make a decision, not an offer that's here on the table and if you don't take it right now, it's gone. How sincere is that? How sincere of a negotiation is that? We need to have time to defend the millions and millions of dollars that we have spent on aquifer protection. We need to have the science and the answers here from our experts to make the best decision we can today. And we have already spent millions and millions and millions of dollars and hours of time defending our aquifer, which can't be replaced. This cannot be replaced. It is delicate. It is unique, and we have to preserve it. It has been our mission as a city council, as a city, as citizens, to protect our aquifer. And this does not protect it. To say we're putting in additional protections by putting sewage on top of our recharge zones is not a sentence that makes sense to me. I don't see how that adds protections. It's like a half-off sale. If you jack the price up twice what it normally would be. They're reducing pollution, from what? From what number? What is the number that they are giving you where they are saying we're reducing it from this amount? Are we putting 10,000 gallons of pollution per day on the aquifer, per person? What is our base number there? Let's look at that. Is that actually a reduction of any kind? No. Is there something better than having it up there? Yes, nothing at all. Does that mean that we're saying it should be nothing at all? It would be preferred. But we understand that we're not antidevelopment. But by god, it has to be done properly, and it has to be done in a way to preserve something that is absolutely precious. Thank you.

[11:29:54]

>> So council, we've arrived at the appointed time for live music and proclamations. I don't think this is going to be settled in five minutes.

>> Mayor, I wonder

-- I know we're going to probably put this on the table. I wonder if there's any chance we could just address item no.112, which has people waiting on it. If we have a recommend

-- just a quick modification from

--

>> mayor leffingwell: If there's no objection to putting this item no.33 on the table, we will take up item 112 before we break. I believe there are no speakers.

>> Morrison: Correct. I pulled it. This is the I biz district contract and staff has something in backup.

There are two changes that staff is proposing. [One moment, please, for change in captioners.] (cofa9-27-12.Ecl)

[11:35:54]

>> all right. Joining us today is riders against the storm. Riders against the storm. All right.

[ Applause ] riders against the storm are award-winning husband and wife duo. Chaka and tiger lilly. Since moving to austin three years ago, the duo has developed not only an impressive flowing for themselves, but also for body rock, an underground dance party they developed with d.J.Karuzo funk in everything they touch, ceremony scraps the floor and atmosphere. As performers, they're called to bring the ceremony back to the party. The new self-titled e.P. Is packed with the crisp and swift agility through a variety of sound escapes and genres. Hopping from theme-to-theme, cloaked in their own ideas and change, riders against the storm casts out invitations to the world, come and party. Please help me welcome, riders against the storm.

>> Good evening. I'm kelly coleman. I'm from austin, texas. I'm here to give honor and be lift up to my friends, riders against the storm, tiger lilly and chaka who have had a lot of accomplishments in the -- they're the hip-hop duo of the century, selected as 2011, 2012 official south by southwest performers, and honor with the austin chronicles best new local act of 2010. They've only begun to leave the musical mark on the world. After seven years of performing in providence rhode island, solo artist on the performance stage, tiger lilly and chaka came together to create music together. Cited as the next best thing in hip-hop, riders against the storm needs to break free or fight against the main stream culture offers to the masses today. They came out in 2009 hitting the ground running. They have made a strong impact in the austin music scene and community in general in a short amount of time. The last year, ras has opened up for s.O.S., Ridlore, kid sister, nas, ray kwan, and dez prez just to name a few.

[11:38:27]

>> How's everybody doing. I'm going to keep it quick. How y'all doing?

>> Good!

>> I'll be brief. I'm proud to be here. I'm proud of my city. Proud of my city for recognizing rise against the storm for the amazing work they do for our community. I've seen them come in and revolutionize us. They're not native to us. They got here as quick as they could. I'm grateful for that. They're going to bring some of the music, music for the people, a all of the people. We thank you, we're so proud. Riders against the storm.

>> Austin natives, yam. We had to open up the stage with people from austin. We came here all the way from providence, rhode island to share something with y'all. Are you ready? ♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪ we are the people ♪♪ ♪♪ we are ♪♪ ♪♪ the people ♪♪ we are ♪♪ the people ♪♪ ♪♪ we are ♪♪ ♪♪ the people ♪♪ ♪♪♪♪ come on.

[11:43:41]

>> I have a couple of questions for you. Do you have a website?

>> It is raship-hop.Com.

>> Where can we buy your music?

>> We've got a box right there. Cole: All right. Now

-- right now. Right now. You can buy it right now. It's available on

--

>> also on itunes. Cole: Where can we see you perform next?

>> The next show is actually on saturday, shout out

-- we're going to celebrate the memory of somebody they lost named tiny watkins. Going to be performing at the can tina. Someone can come out and support it because his family needs help with the funeral costs and arrangements.

>> An important drummer in the austin community. We're here to support that. We want to make sure everybody knows.

>> Absolutely.

>> Happy birthday, michael jackson. Cole: We have a proclamation for you. Be it known that the city of austin, texas is blessed with many creative musicians whose talent extends to nearly every musical general reand whereas the audience theme thrives by our local favorites and newcomers alike, we're pleased to show case and support our local artist, therefore I lee leffingwell and do proclaim august 29 as riders against the storm day.

>> Yeah!

[11:45:52]

>> Thank you, austin.

>> This is one of my favorite proclamations to give. I usually do this once a year. It always reminds me of my mother because she lives with me and when I come home, she tells me that I need to take her to go check on this and to go check on that and then my 16-year-old walks through the door, she says, oh, honey, are you hungry? Sheryl, we don't have to go anywhere. So, I want to emphasize that today is the day of take your loved ones for a checkup. That's important and important to listen to. And even though sometimes when the loved ones become grandparents, they don't seem to want to do anything but take care of those grand kids. But still, that is wonderful. We have a proclamation here be it known that whereas a serious health gap exists between racial and ethnic minority population in the general population showing that they're more apt to suffer from such problems as heart disease, stroke, cancer, diabetes, infant mortality, hiv, and aids, and whereas early detection of disease prompts referral to quality health care sources and immunizations against the diseases are essential steps towards reducing such health disparities and whereas the national take a loved one for checkup day campaign is aimed at encouraging individuals, especially those most many need, to live healthy lyes and visit a health care professional. I lee leffingwell and the city of austin council do hereby proclaim september 21? Is that right? Why is that

--

>> the day of the event. Cole: The day of the event. September 21, 2013 as take a loved one for a checkup day.

[11:47:55]

[ Applause ]

>> good evening. Good afternoon. Take a loved one for a checkup day encourages individuals to seek a health care professional on or near september 21, 2013. That is coming up soon. And we encourage you to focus on seeing a health professional. Both of us at the office county health and human services department quality of life health unit use this one single day to focus on generating a greater understanding and the importance of regular health screenings. At the same time, it gives us a chance to focus on populations that have the least access to health care. We also promote a healthy community by preventing chronic and communicable diseases and promoting improvements in social, economic, and environmental standards that will help in improved health status and disparities. Today we're so proud to have heb as the co-sponsor for the past eight years of the event. We look forward to seeing you on september 21 at heb springdale road. The address is 7112 ed bustien. Today we're proud to have our partners with us today, some of them were able to come and we'll ask them to lift up their hands as we call their names, see the family of hospitals, amerigroup, the smile center dental. United health care, top ladies of distinction. Health and human services department. The africon home health. Rosie, health care services, well med, doctors on wheels. Coming of age. We're delighted to have our assistant deputy with us today, stephanie haden.

[11:50:25]

>> Remember, take your loved ones to work. Take your loved ones to work.

>> Take your loved ones for a checkup. Then take them to work.

>> All right.

>> Working on it, girl.

>> Next, we have a proclamation for direct support professionals recognition week. It's to be accepted by nancy and kathy. Are you here? We're going to read a proclamation. Are you ready? You want to take that? Got it? We know that our disability community is one of the backbones of our city. And we are pleased to have them today to receive the proclamation. The proclamation reads, be it known that whereas personal attendance are the primary providers of publicly funded long term support services for millions of individuals with physical and mental disabilities and are the backbone of this delivery system. And whereas the highly skilled attendees build close, trusted relationships with the people who rely on them for help for basic needs including eating, bathing, dressing, taking medications, and mobility whereas aides enables persons with disabilities to live independent productive lives in their own communities. For many, they offer a cost effective alternative to institutional services. Whereas we urge all citizens to join us in accepting the demanding yet rewarding role for contributions that are indispensable to countless citizens and their local communities. Now, therefore, our lee leffingwell, the mayor of the city of austin and the entire council of the city of austin do hereby proclaim september 8 through 14, 2013 as direct support professionals recognition week. Thank you.

[11:54:05]

>> Thank you very much. My name is cathy cranston and I'm an organizer for the personal coalition attendant of texas. Thank you for this proclamation in recognizing over a quarter of a million direct care workers, personal attendants, direct care professionals that work in the state of texas. There are many here within our own city. And we really appreciate being recognized for the services that we provide in assisting people to live independently. We thank the mayor and the mayor's committee as well as the city, the mayor's committee for people with disabilities. And nancy wants to stay a few words too.

>> If it weren't for an attendant, I wouldn't be here today. I'd still be in bed. Thousands of texans with disabilities depend on attendant care to make their lis available to work in the community and volunteer. If it weren't for the love and the backbones of our attendants, we wouldn't be as involved as we are. And we thank the city of austin because it's so progressive for recognizing the facts that are attendants are important to us. Thank you.

>> Thank you, y'all want to take a picture? Plautz applause

--

[ applause ] cole: Group photo. Group photo.

[11:56:26]

[ Applause ]

>> Riley: I'm chris riley. Sunday, september 8, diabetes tour the cure day in austin and central texas. 600 cyclists will be riding for a cure that day for the terrible disease including 60 members of our own austin energy team led by the fearless led by the fearless jim over here. I'll be joining him on that ride along with city manager anthony snipes and some 58 other austin energy employees. We are riding because 26 million children and adults in the u.S. Have diabetes and 79 million americans have prediabetes. As many as one in three american adults will have diabetes in 2015 if present trends continue. For the elderly population, 25% of seniors have diabetes. The prevalence of diagnosed diabetes in the u.S. Increased by 128% from 1998 to 2008. For the minority communities, the risks are greater, compared to nonhispanic whites, the risk of diagnosed diabetes is 1.2 times higher among asian americans. 1.7 times higher among hispanics. 1 in 2 of all minorities born in 2000 will develop diabetes in their lifetime. For the city of austin employees, in 2012, 1 in 5 claims for city of austin employees was diabetes related. 18% of employees who participated in health assessments indicated they were prediabetic. The financial impact of this disease is staggering. The economic cost of diagnosed diabetes in the u.S. Is \$245 billion a year. The people with diagnosed diabetes had health costs, 2.3 times higher than what expenditures would be in the absence of diabetes. We want the city of austin and central texas to be the healthiest place in the country to live, and we can only do that by becoming more aware of the impact that diabetes has on the citizens of central texas. Come on down here, assistant city manager. And by committing to healthier habits and life styles. So we support the american diabetes efforts to combat the disease and encourage everyone to participate in the 2013 tour detour. We're proud of everyone involved in the effort. We're happy to have a number of key folks here today. We have jeff bias here from austin energy. I'm going to invite him to say a word. I want to recognize the ride director here, mercedes fair. And we have michelle peacock from the director of the austin ada here. The first

-- jeff here to say austin energy.

[12:00:29]

>> Thank you, councilmember.

>> Well, on behalf of austin energy and the city of austin, i want to express how proud we are to be sponsors of the american diabetes associations tour de cure for the second year in a row. I applaud jim and ann and the rest of the team for the spectacular job that they've done, not only do they have the 60 riders. They arranged for 100 volunteers for the event. And I know that they've been consistent leaders in fundraising because I've seen the trophy downstairs in our lobby. They've been aided by the commitment and the support of the city's leadership, of not only the uber cycling supporter champion, councilmember chris riley. But also councilmember mike martinez and assistant city manager anthony snipes. I understand

-- I overheard him say he would be competing against councilmember riley for the yellow jersey. With so many of our employees, our family members, and our friends who are challenged by diabetes, we want to thank the city for its wellness program. And we want to thank the a.D.A. For its very critical mission of education, research, and prevention of this disease. I want to encourage anybody who is viewing out here in the audience and at home to please consider supporting the american diabetes association and help us have a very successful 2013 tour de cure. Thank you.

[ Applause ]

>> Riley: I want to ask michelle peacock to come up and say a word on behalf of austin aba.

>> Thank you, guys, for having us here today. You pretty much said everything I want going to say which is we'd love to have you join us. We're thankful for the city of austin's support of this event as well as austin energy and everything that they've done for to make a cure our goal. We can't wait to see you guys out there riding and come on and join us.

[12:02:41]

[ Applause ]

>> Riley: Thank you. I'm going to read the official proclamation. Be it known whereas diabetes is a group of diseases characterized by high blood glucose levels that result from defects in the body's ability to abuse and/or use insulin, whereas 17 seconds, an american is diagnosed with diabetes and one out of every health care dollars is spent caring for someone with diabetes. Whereas the city's mission is to maximize the health and well being of our workforce and help employees reach their full potential while at the same time benefitting the organization and the larger community we serve. And whereas we congratulate the 600 cyclists throughout central texas riding to promote diabetes awareness and prevention and fundraising efforts will help find a cure for diabetes, therefore I lee leffingwell do proclaim the tour de cure day here in austin, texas.

[ Applause ]

[12:05:43]



>> good, how are y'all? Thanks for being here. Same here.

>> I'm still austin city councilmember chris riley. It's my great pleasure to present a very exciting proclamation in honor of an event a lot of folks have been waiting for for sometime now. It relates to woolridge park near and dear to the hearts of many generations of austinites. One of the four original downpound parks here in austin laid out in the austin city master plan back in 1839. In 1909, mayor wooledridge sponsored that park and the dedication of the

-- the construction of the gazebo there. Over the years, it's been used for political rallies, concerts, celebrations, weddings, chess games, all sorts of fun. This year, in 2013, stable legislation renewed the land grants of the three remaining downtown squares, wooledridge, brush, and republic for the next 99 years. The city closed the park for the last year for an overhaul that included new irrigation, new lawn, new tree plantings, and more. So soon the park will open once again and become a welcome respite from our busy downtown. The group of volunteers we have here has been working hard to make all of that happen. They have been dedicated to making the september 13 reopening successful. And to ensure creative and fun programming moving forward. We want to recognize their efforts today. We want to welcome a few of the folks involved in this. We have this year a number of folks from the downtown austin alliance. mitch McGovern from the downtown neighborhood association. The friends from wooledridge park among other things. We have a number of city staff here and including rip -- including

-- yeah, of course, i see you've just joined us from the parks foundation. From the parks department, kimberly McNeeley, reynaldo hernandez, and benny bennett. We want to mention a few of the other folks that had been involve in this that has taken a lot of work to get ready for this event, to get the park fixed up and prepare the programming to make sure that it is a lively and sustainable place going forward. And those include folks like ann graham, charlie betts, charlie wallace, o'connell, richard craig, ted sif, robert nash. A number of city and county staff that couldn't be here with us today. I have to mention them. kim McKnight, marty stump. Belib data powell from travis county. And amy lambert. A lot of folks have been working hard to make this successful. So grateful to everybody who's been involved in this. I'm going be present to the proclamations everybody is having here, the certificate of appreciation. I'm going to read the first one. The first one is for melissa barry for downtown austin alliance. It reads as follows. Certificate of appreciation, by sharing her knowledge and professional expertise as part of the wooledridge square action team, she's rendered valuable service to the city of austin. It's brought the providence as a vibrant downtown gathering place. Consistent programming and worked with parks and recreation staff to raise the stunds and establish partnerships to make their dreams a reality. The park will get ba community meeting space for future generations of austinites. This is presented in recognition of the woolridge square's fine work on this 29th day of august in the year 2013. Thanks so much. mitch McGovern. mike McGill. Kimberly? We have

-- I have reynaldo hernandez. Bunny bennett. And terry youngman. There you go. Thanks, terry. And I have to give a special shout out to our own michael MCGILL WHO IN ADDITION TO BEING Involved with the friend of woolridge park, a longtime leader with the downtown austin neighbor association and staff member for mayor pro tem cheryl cole. We're fortunate to have him on our team to make it all happen.

I want to invite michael up to say a word about this effort. Michael? Councilmember. Thank you to those who are here. I have a number of great friends and several who could not make it. I've been nominated to speak as founder and nominal care of the square. But that was form in 2009, in truth, there have been friends of the park for many, many years before that. It was formed as an organization to help organize the centennial of the park but should be noted that the person who organized the 90th anniversary of the park was then citizen chris riley and as a way of showing the appreciation of his long tenure and long friendship of the park, we had a little extra one created as well. So the power vest in me by the certificate that you just gave me, I'm going say thank you, also, council member chris -- council member riley for your long service and attention to the park. And thank you to the city staff that was going above and beyond to go to meetings in the evening and in the afternoon any time of day for many years now to focus on the park. I want to get a little shout out to melissa berry who has been a rock through the whole process. Quiet and behind the scenes but essential to the success of the park. Thank you for coming up and representing the austin parks foundation under whose umbrella the friends actually is organized and who did the fundraising and so much of the support for particularly in this renovation of the bandstand. Oh, and just a quick -- quick note, the actual date of our reopening is september 13. The fence will come down. We'll have a wonderful noontime concert by dale watson. We will have a presentation of the 99-year lease from senator kurth watson and the two representatives of our state delegation that we're very proud and happy. Able to bring that to the state legislature this past session and get that passed. So we're looking forward to a bright future for the next 99 years of the park. In addition to the rest of the weekend. We'll feature a return of the austin symphony for a big band concert. The return of giant chess.

[12:12:59]

>> Yea!

>> Just checking on the

-- yes. We had a little bit of trouble with the

-- with the transcription before. There will be plenty of activities. Go to [www.Downtownaustin.Com](http://www.Downtownaustin.Com) and there will be a link to the weekend and for many events in the future. So thank you so much.

>> Thank you.

>> Riley: Get a picture?

[13:06:54]

>> Mayor Leffingwell: We are out of recess and mr. Guernsey, we've talked about our 4:00 items that would be on consent.

>> Mayor, I can offer two immediately for postponement. Item number 109, this is an item chapter 25-1 and 25-5 of our city code dealing with vesting rights. The planning commission postponed action on this item to their codes and ordinance subcommittee meeting which won't take place until next month. Staff would postpone this item to your october 3rd meeting is the suggestion. Item number 110, staff would

ask for an indefinite postponement on item number 110. And on item number 1115 staff is requesting a postponement of that particular item to your september 26th agenda.

>> Mayor Leffingwell: We'll do those three and come back to one more that staff is recommending postponement on. But this consent agenda is going to be to approve

-- to approve postponing item 109 ON OCTOBER 3rd. Postponing 110 indefinitely and postponing 115 until september 26th. Councilmember morrison so moves. Seconded by councilmember martinez. All those in favor, signify by saying aye? Opposed say no. Passes on a vote of seven to zero. And also, understand there's a staff request to postpone item number 39.

>> That's right. Staff would like to postpone item number 39 on your agenda dealing with the property at ben garza lane to your september 26th agenda.

>> Mayor Leffingwell: I understand the reason is the key staff person who would be able to answer questions is not available due to a death in the family.

[13:08:56]

>> Unfortunately he had a family member he had to attend to this evening and would not be available.

>> Mayor Leffingwell: I'll entertain a motion to postpone item 39 until september 26th. So moved by councilmember tovo. Seconded by councilmember spelman. All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero.

>> Thank you, mayor and council.

>> Mayor Leffingwell: And we have item 33 on the table. We are waiting for testimony for city staffer. I take it we're not ready for that at this point?

>> As far as I can tell, no, sir.

>> Mayor Leffingwell: Okay. How about we go on to item number 45, and who did -- who postponed item 45?

>> Morrison: I believe i postponed that, mayor.

>> Mayor Leffingwell: We do have one speaker. Will mccleod.

>> Good afternoon or I'll say good evening. For the record my name is will mccleod. This item 45 happens to do with authorize award and execution of amendment number 1 to a contract with sole incorporated for administrative services related to the qualification and automatic enrollment for austin energy's utility discount program to increase the contract amount for the current contract period in an amount of not to exceed \$61,433. And the three remaining extensions in the amount not to exceed 112, 620 each for an amount not to exceed \$1.97583 million. I originally signed up neutral for this. I needed to get more information from this. I'm not saying that this item is

-- now seeing that this item is potentially postponed, I'm borderline between neutral and against. I kind of found it kind of questioning that when I was out there during the citizens proclamations that I saw councilmember morrison and councilmember riley out there conferring with austin energy employees. And I asked

-- I tried to ask jesse what was going on, and he had his name badge kind of crooked to where you can't see it. So it's very questioning and it's a questionable incident that I just observed. So I think we need to pull this solex contract off the table because from whatever you're conferring throughout with people,

the public deserves the right to know, okay? And I thought that the days of secret meetings were over. But apparently it's been alive and well here at austin city hall. This is not acceptable, especially when the contract

-- not to exceed 1,975,083, especially when we're coming to an area where we need to have more property taxes increased and our budget

-- you're asking us for more money. We need more transparency and the city is lacking it. Sad but true. Thank you.

[13:12:28]

>> Mayor Leffingwell: Those are all the speakers. Councilmember morrison.

>> Morrison: Thank you, mayor. This is the contract that ae is doing for automatic enrollment in our low income

-- program for low income folks. It will have discounts. And I appreciate staff requesting the questions that had arisen so I move approval.

>> Mayor Leffingwell: Councilmember morrison moves to approve, seconded by councilmember martinez. Discussion? All those in favor, signify by saying aye? Opposed say no. That it passes on a vote of seven to zero. It brings us to item 78, which I pulled and we do have several speakers that i believe we can hear from. Well, we have two speakers. Linda guerrero. Is linda guerrero here? Carol lee? Is carol lee here?

>> Good evening, mayor, mayor pro tem cole, councilmembers, I'm here as the former lake austin taskforce chair and I wanted to thank you for

-- sorry bringing this forward in such a quick manner and for addressing our concerns, for looking at our critical issues that we felt were very important to move forward. And unless you have questions I just came up here to thank you.

[13:14:29]

>> Mayor Leffingwell: Any questions? Thank you, linda. So that's all the speakers that we have signed up on this item. I pulled it because there seems to be some disagreement among members of the formal taskforce as to what they achieved consensus on. And to emphasize that I want to read into the record an email I got from four members of the taskforce. And it says, the broad recommendations of the taskforce as written do not accurately reflect what the taskforce actually authorized after much deliberation to be recommended to the council. Specifically the taskforce did not reach a consensus recommendation directing the city manager to process unspecified code amendments to improve the shoreline and dock development nor to be more environmentally accountable, parenthesis, whatever that means, close parenthesis, and did not direct such ordinance to be considered by february 28th, 2014. We respectfully request that the council remove item 78 from the agenda until a later date. We would welcome the opportunity to review the latf findings with staff and develop a resolution that reflects those standings

-- those findings. Respectfully, and that's signed by four taskforce members, eric more land, ryan reasonable care, he will lien witte and james switzerlandler. I had heard anecdotally that there was some disagreement about the recommendation sort of being picked from a large number of statements. Again, anecdotally. And again, specifically the recommendation for a 50-foot no wake zone when i understand

-- I may be wrong, but I understand that the actual recommendation agreed upon by consensus was up to 50 feet. So that's the kind of thing that I think we need to get resolved. We established the taskforce, they made their own rules and apparently there's some disagreement what the consensus recommendations are. And I would like to see that resolved before we vote on the recommendations. If any comments or questions? Councilmember morrison?

[13:17:08]

>> I wonder if we could ask linda guerrero or carol lee to come up and give us your perspective on that issue. Have you seen the letter that the mayor is talking about?

>> Yes, I have seen the letter that you're talking about. And today care lee and

-- carol lee and I sat down and went through this. I think maybe some of the confusion is that these are -- this wasn't written by the taskforce. The letter is

-- this was written by staff. This is being proposed by council. This is not being proposed by us.

>> Mayor Leffingwell: This is a letter written by members of the taskforce.

>> A resolution that they're referring to is not lft. And so I think that has generated some confusion and also as we went through it we could find each resolution that went to the broader language of this. For example, on on the be it further resolved to direct the city manager to evaluate charging various wants and user fees, that's t 1, t 3, f 3 and it's p 7 that was brought forward by consensus. Now, I think also some of the members and everyone should have had gotten a copy of this. It clearly states in here exactly what we agreed to and what was finally voted on by that membership. So I don't want to say that maybe they didn't look closely at those things and they didn't go back to the report before writing this. But I did say that all of the language in here was taken from our final report that we got consensus on when everyone was present for those specific resolutions. And I called maybe four other members this morning and spoke with them and they concurred also that they were very disappointed that this had come forward. And that they feel like all of

-- we can definitely back up all of this and it will correlate to our final recommendations.

[13:19:37]

>> Well, I think what I have heard has happened

-- as you said accurately, these are a set of recommendations that are forwarded from the staff, picked from recommendations that were ostensibly consensus recommendations by the stories, but the problem becomes, as I understand it, when you pick some of the recommendations that were made on consensus and put those in the recommendations and omit others that were also consensus

recommendations and that at the time with the deliberations of the taskforce in many cases were trade-offs. You know, we'll do this if we can do this on the other hand to counterbalance it. And when it gets translated into a staff recommendation the trade-off is lost and only one half of that set of recommendations is sent forward. And unfortunately again as was the case with item number 39, the staff member who specifically liaised on this topic with the taskforce out of town. Due to a death in the family we can't ask those questions. I think since the question has been raised we ought to at least try to resolve it after he gets back. That would be my suggestion.

>> Morrison: Mayor, if I may. I appreciate your concern, but I wanted to bring everyone's attention to fact that after our work session when there were concerns that maybe we need to take a look at before things actually got implemented. We did do a revised resolution that's in the backup so that the words implementation have been taken out so we took that into account and we also adjusted some -- at least one date, I'm not sure more than one, in talking with staff and all. And I am very concerned about not moving forward today because we had this discussion at the work session specifically, ms. Guerrero, you remember I sort of listed out what were the things that really made sense to move forward on now.

[13:21:58]

>> Most critical.

>> The most critical. A couple were public safety issues or public health. And it was also made clear at the work session that we will be having a much longer conversation about the no wake zone. So I think that it makes a lot of sense to move forward at this point and everything will be coming back to council and certainly I appreciate you coming down here whole day to help us work through this. Certainly if something comes up in that that someone misunderstood something, I think we could certainly deal with it then. But I think it makes sense to move on and I would like to move approval.

>> Tovo: I would like to second it.

>> Mayor Leffingwell: Motion by councilmember morrison to approve item number 79. Did you say second?

>> Tovo: I did and I have some comments.

>> Mayor Leffingwell: Go ahead.

>> Tovo: And actually maybe some

-- I would like our former chair to just verify it. I just want to clarify some of the discussion about this. It sounded a little bit from the conversation like the representations that were presented in the taskforce were staff recommendations selected from the taskforce recommendations. I thought I heard you say that, mayor.

>> Mayor Leffingwell: That's my understanding.

>> Tovo: And it's my understanding from reading the report that the summary of consensus recommendations that begins on page five were the consensus recommendations from the taskforce complete, those are the complete taskforce representations for which there was consensus. Those are not a selected group of recommendations that had staff approval.

>> No.

>> Tovo: Great. And each of the items that is in this resolution tracks to something that appears in the consensus recommendations. And I made the point in the work session, I think there's a lot of other very good recommendations throughout this report that did not get consensus recommendations and I think we as a policy

-- as the policymakers for this city need to look closely at those and consider bringing some of those forward too. This resolution doesn't do that. It victims to the consensus recommendations. For example, the second be it further resolved

-- i have the older draft. I don't have the new one, but hopefully there's a close correspondence, talks about the city manager is to evaluate various launch and user fees at boat ramps and user fees and amenities. That tracks to ca 4, provide for boat launching fees at public ramps and employ attendants to collect the fees. It also tracks to t 3, collect the fee for launching at the public ramps that would be used to employ an attendant at the ramps. These track closely to the consensus recommendations and I'd urge that we move forward. We had some great work done by the taskforce. They had a very diverse group and they were able to come to consensus on these recommendations and I think we need to move forward on them. And we moved forward with a couple of recommendations at our june meeting. We're moving forward on some more here today, I hope. This is an ongoing process, but I'm really pleased that we are taking action. Mayor, earlier in the day you said something about you were glad to see an implementation phase potentially beginning soon for the commission on aging so that it doesn't become another

-- because we have enough plans around the city that are collecting dust on shelves. And I share that concern that we have a lot of good work. We bring together commissions and volunteers who put a lot of time and energy into coming up with best recommendations for us to consider. And then sometimes we ignore them for a period of a year or so and nobody can remember what the urgency was and the context and anything else.

[13:25:45]

>> Mayor Leffingwell: I want to repeat that there are concerns that there are recommendations in land all those were consensus recommendations by the taskforce, but what about the recommendations that were made by the taskforce that are not in the staff recommendation which is

-- i understand, just anecdotally were meant to be counterbalanced, in many cases were meant to counterbalance. So I would be concerned about the ones that are missing, not the ones that are in there so much.

>> Tovo: Well, mayor

-- I'm sorry.

>> I just wanted to say that when we did our briefing at the workshop, one of the things that we tried to emphasize is that the lake use management division that we recommended, that we really need that to become the ship that can then come and bring all the other recommendations under it to sell forward. So these, the ones that you are seeing today, these are the kinds of things that staff can go forward and just start working on, but some of the more technical things that we asked, some of the other recommendations

-- and there's 62 in here. You really need to put forward that if possible the lake use management division. While we have

-- and we have watershed protection here, staff, that can

-- they advised us also that yes, move forward with these. These are something that we can start making traction on. While the other ones we need to wait on until we can designing going to know whether yes or no there can be a lake use management division. And that's another reason why these were looked at and we listed them as the top critical recommendations from us.

>> Mayor Leffingwell: I appreciate that, but again we have four members of the taskforce that disagree that this is prescribed process, and I'm concerned about how many

-- out of how many, 14 members or 15 members of the taskforce totally? We have 14, and I understand that they were

-- they wanted to move forward on a consensus basis, which was defined as 100%. And in addition to that we don't have the proper staff person here to ask questions on. And that's my concern. I'm not interested in a big delay, I'm just interested in a delay until we can have the persons here that can answer the questions, a staff person especially.

[13:28:24]

>> Cole: Can I ask a question, mayor? Is it possible for the staff recommendations to be brought as their own items? Would that

-- or are there any staff recommendations? I guess I'm trying to understand you're concerned that

--

>> Mayor Leffingwell: Let's hold the buzz down and let the mayor pro tem talk. Go ahead.

>> Cole: I guess I'm really directing the question at you, mayor. There seems to be some concern that staff had some recommendations that

-- and staff's not here. Can those be brought

-- we need to hold it up for their input. So can that be brought later and we go ahead and move forward now?

>> Mayor Leffingwell: Well, what I'm talking about is that in some cases, as i understand it, there were accommodations made. Let's just pick an example out. This is totally made up. Let's say we agree to charge a fee for boat launching at ramp x. And the other side says we'll agree to that if you agree not to charge it on mondays, tuesdays and wednesdays. So they had two separate recommendations. One was brought forward and one wasn't.

>> And that is in here. All of these were consensus recommendations that were completely agreed on by everybody. There's another section in here that showed what wanted to come forward, but did not get consensus. And those are listed in here too. But this isn't a staff recommendation, this is staff wording on our recommendations. And I think that they misunderstood that this was coming out of our

--

>> Mayor Leffingwell: I think that statement made clear now that this is a staff recommendation. It's based on some of the recommendations of the taskforce. Councilmember spelman.

>> Spelman: It was my understanding that this resolution was drafted by councilmembers morrison and



tovo and riley. Riley, you were working on this too? Okay. In response to the presentation given by linda and carol last week, two weeks ago, whenever it was. And that the staff has nothing to do with it. There was staff to your taskforce and they were applying the usual assistance, but your recommendations as a taskforce and some of them were selected by three of our number for this resolution but staff did not intervene in this process. I can understand about log rolling. I'll give you one thing if you give me another thing, but I don't see any part of log rolling in the recommendations in the resolution.

[13:31:08]

>> Mayor Leffingwell: Whether the items were picked by the staff, and i stand corrected on that, or the councilmembers, we still

-- your term, log rolling, we still don't account for that.

>> Spelman: Is there a specific concern you've got, mayor, about one thing is here, but it should be counterbalanced by another thing?

>> Mayor Leffingwell: No, I'm just finding out. I just got this email today during the meeting.

>> One of the disturbing things about the email is that it said in there

-- it was accusing us of never having the right to have asked the city manager for direction. And yeah, this isn't our

-- we can't do that. We could only come forward with recommendations. When they saw the resolution they assumed that it was part of this. I don't know. I can't figure out how they thought that we had the right to direct the city manager to do anything. That was part of the email and it didn't make any sense to me because we didn't have any power to do that. That wasn't even part of our charge to do something like that.

>> Mayor Leffingwell: That does seem to be an anomaly, I'll give you that. Councilmember tovo?

>> Tovo: Mayor, I'll mention another one. It says the taskforce did not direct such ordinance be considered by february 28th, 2014. I mean, again, those are the kinds of things that we as policymakers do in our resolutions. And frankly, we bring forward resolutions all the time that don't necessarily come from a taskforce, from a consensus recommendation. I mean, these happen to be

-- I don't think we've misrepresented it in this document, but these happen to be consensus recommendations, and we've not skipped over other ones. I mean, it's not like it said, you know, in the example you mentioned, you know, the boat docks, there should be a fee, but it shouldn't be on thursdays and mondays and we left off the thursdays and monday part. I think this is a fairly accurate recommendation in the report. I will say also

-- I really do hate to speak for staff, but after we got this, I did have my staff member contact mr. Lesniak and ask were we mistaken in any part of this, and he did. Let me find

-- sorry for the long pause here, but I wanted to be sure I didn't represent. He told my staff member that it seemed to be consistent. Our resolution appeared to be consistent in his recollection with the consensus recommendation. Again, were he here he could perhaps speak to that directly, but I think the point is we've got the report in front of us, these are consensus recommendations, including the things that the four members had concerns about, which were improving short line and dock development, and those track to boat dock and bulk head issues, 2, which talks about allowing up to 25% of the

horizontal length of a bulk head to be repaired using a site plan exemption. Again, these are drawn from the report.

[13:34:31]

>> Mayor Leffingwell: I will only say I'm still uncomfortable with the four dissenting members on the taskforce and the absence of key staff member to give us direct guidance here on the record. But we do have a motion on the table with a second. All those in favor, signify by saying aye? Opposed say no. Passes on a vote of six to one with yours truly dissenting. That brings us to item 79. Item 79 was pulled off the consent agenda by councilmember riley. We do have several speakers. First is bill bunch. Bill bunch.

>> Riley: Actually, mayor, could I ask a question? Before we hear from the speakers I might suggest that we get one bit of information that we requested from staff. I just wanted to see if we can get the latest report on how many cases we think will be affected by this resolution?

>> Thank you, councilmember. Greg guernsey, planning, development and review department. I had my staff go back and look at the ordinance and then try to determine the number of cases that could potentially affect. During that calculation within the drinking water protection zone we estimated that there would be approximately 60 cases that would be possible to be reinstated by this ordinance. Within the desired development zone, and i think there needs to be a slight tweak to the ordinance, which I'll clarify, but if you take the language

-- what was the intent of the council offices who brought this forward, I believe there would be 60 cases within the desired

-- excuse me, 49 cases within the desired development zone. So that would bring you to a total of 109 site plans that could possibly be reinstated. I've given a range to the council offices and later if you start asking me more I'll get into more dialogue, but for now based on what i understand of the ordinances drafted by the law department with one slight change, it would be approximately 109 site plans.

[13:37:26]

>> That was 60 in the drinking water protection zone and 49 in

--

>> 49 in the desired development.

>> Riley: Could you point to us the provision within the ordinance that you think needs to be tweaked?

>> On page 1 of 2 of the ordinance on line 28, it reads currently the site plan expired under former city code chapter 25-1, article 12, project duration. And I would suggest that you would add or if a project is located in the desired development zone within one year of expiration date established under that article. And the reason for my recommendation of that is that in the desired development zone project duration lasts five years. If the individual who filed the site plan asked for a one-year extension, that was within my authority to grant, but then beyond that the commission's authority to go beyond project duration was curtailed by project duration so there would be a point where they could go to the

commission, but they could never get more time beyond the project duration. But under the ordinance i could fully grant a one-year extension in the desired development zone under my authority under the code. And that still would be within the bounds of the project duration date. So they could come in and file under project duration, they would have five years. Let's say my staff reviews it for six months. Site plan is alive for three years, so that's three and a half years. I can still grant my one year extension and that would only get me to four and a half years. So I would never get to the project duration date, but the commission would be preempted for doing anything greater than whatever the remaining time is.  
[13:39:27]

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Greg, could you read that again?

>> Yes. After the word "duration", close parenthesis

-- I've talked with the law department about this so i feel confident in the language. I would insert "or, if a project is located in the desired development zone, within one year of the expiration date established under that article": Under that article":

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: If we add that line how many additional cases are brought in to the envelope?

>> That's what I'm saying would be the 109 total.

>> Spelman: That gets you to the 109 total.

>> That's right.

>> Spelman: All right.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: So greg, can you help us draw a timeline of just the first part. Let's think about the drinking water protection zone, project duration is three years. And when in fact a site plan would expire under project duration.

>> You should project duration as it was approved, upon submittal the property owner had three years for the life of that project.

>> Morrison: From the application, which was different than when expiration is based on approval.

>> That's correct. So we had a situation where if staff would review the plan and it takes four to six months, we would approve the site plan and the site plan life would add three years, so three and a half years from the date of submittal would be the expiration date of the site plan. But because of project duration starts with the date of submittal, that would actually be cut short by six months because project duration would end before the site plan would expire.

[13:41:47]

>> Morrison: That means pretty much any site plan that expired in the desired development zone died

because of project duration, because project duration has to come first before that.

>> Yes.

>> Morrison: You're saying there were only 60 site plans in the desired development zone that died since

-- than expired. Or did not get built.

>> The ordinance is careful when it says we're only talking about those site plans submitted on or after JANUARY 1st, 2006. It only spoke to those site plans that were within the full purpose jurisdiction and the reason I believe the council offices and mayor's office said that is we were not connected with our counterparts, travis county, williamson county, because they may not agree with the ordinance as presented. So these are cases that are fully within austin's jurisdiction. It also

-- if a project was withdrawn, someone decided i want my fiscal backing, i give up on this project, that case would not have died because it would have still been before the project duration date or they may have actually submitted a new site plan more recently and actually started construction on it. They may have turned in the site plan after the duration date passed, got another site plan approved and actually started construction on that. Those would not fall under this ordinance either.

>> Morrison: The numbers are surprising because we're saying really between JANUARY 1st 2006 UNTIL, Say, three years before we ended project duration, which would be 2010, so in those four years there were only 60 that expired or didn't get built.

>> Didn't get built.

>> Only 60 site plans that weren't built and even through the recession and all.

>>

[13:43:54]

>> and these were the ones that elected to come under the current code. There were others that may have been grandfathered and those are not part of this either.

>> Morrison: This excludes anything that has grandfathering with it.

>> That's correct. So whenever they filed on JANUARY 1st, 2006, 2007, 2008, 2009, they came in and they said we're going to follow current code. So as you add those parameters only in the city, only after '06, only under current code, you didn't build a project or withdraw it, that number gets smaller and smaller and smaller. And the economy probably did not help either when you think about the number of plans that came those years. I know it's lower than it is today.

>> Morrison: So I would think the number that were submitted dropped, but the number that I would think there would be a higher rate of not being built.

>> Right.

>> Morrison: And that one piece of not

-- of no grandfathered site plans, is that supposed to be under b 1, site plan application was submitted and filed for review under regulations in effect on the date of submittal?

>> Correct.

>> Thank you. Mayor we'll go to speakers.

--

>> Mayor Leffingwell: We'll go to speakers. Bill bunch. You have three minutes.

>> Thank you, mayor, councilmembers, I'm bill bunch with save our springs alliance. Urging you to take your time and be more deliberate and careful with this matter. I certainly recognize that in most of y'all's view there's a legal component here, but this is not a simple sort of very clear-cut minute sterile action. There's a lot of complexity here and absolutely no urgency. There's not an emergency out there. Nobody is telling you you have to do this tonight. It's closely related and tied together with the item 109 on the chapter 245 ordinance that you just earlier postponed until OCTOBER 3rd. So I would urge you not to act tonight or if you're going to act, only act on first reading. Let your environmental board and your planning commission have some input on this. And let the community just absorb it. There's a few -- there's nuances here that I'm very concerned about. I'll confess I don't fully understand it. That's a lot fewer projects than we were hearing was likely to be covered. It's still not a trivial number, 60 cases in the drinking water protection zone, 49 in the rest of the city. That's 109 projects that are not going to be extended, they're going to be resurrected and just pop up without any notice to neighbors who might now have something incompatible, set back behind their house, in their neighborhood. You know, the scenarios are almost endless. So if you are going to move forward please put some notice requirements in here. And some appeal and council review provisions so that you can look at these and make sure that you're not just doing something that was unintended, but that once you do it, as you know you can't change it, it's too late. It's a one way street. You've got to do it right and having an appeal provision or a council review would help you do that. I'm especially concerned also that the ordinance appears to have some standard for the director to apply, but one of the standards is -- and you only have to pick one standard and one standard is a good faith application. Everybody had that. So there's not any real screening here to separate those that might have some merit from those that perhaps would not. So please give the community and your boards and commissions an opportunity to provide input on this. Thank you.

[13:48:37]

>> Roy whaley.

>> Roy whaley, conservation chair of the austin sierra club, signed up against, but not necessarily so, asking that we do take our time on this. I was happy to hear councilmember tovo talking earlier about our boards and commissions and our volunteers that spend countless hours, staff level hours working for free and do a great job. And that this

-- I have here a copy of the report that the planning commission issued on this, what they had to say about this. It's a blank piece of paper. But I also have the report from the environmental board which is the other side of a blank piece of paper. So we don't have any input from these people that we just got through praising. So since there is no urgency, we ask that we delay action this evening, send it back to boards and commissions, including zap. Who knows more about getting a slightly different angle and perspective of things that you may be overlooking tonight, but they would see immediately? And don't you want that perspective in order to make the best decision possible? I ask you to just delay this evening. Thank you.

>> Mayor Leffingwell: Annie armbrust?

>> Mayor and councilmembers, annie armbrust with the austin real estate council. Before I begin my remarks i want to thank you, mayor and councilmember spelman for bringing this item forward. We really appreciate all of the council offices hearing our concerns. While this ordinance doesn't include everything that our organization would have wanted, we do ask that you support it as is, including mr. Guernsey's comments. The universe of projects is narrow, including only those commenced after 2006. We're not talking about zombie projects from decades and decades ago. 2006 is a line in the sand here. For the community in real estate and development, this ordinance isn't overly generous, but we believe that it is fair. And for that reason we ask you to support it tonight. For us this is really about cleaning out the catch 22 for these projects. It's about streamlining. And if you have any questions I'm happy to answer them.

[13:51:25]

>> Mayor Leffingwell: Any questions? All right. Thank you. Steve beers?

>> I have to say that 100 or so projects doesn't sound catastrophic, however if there was more information like how many square feet acres, traffic or other impacts we might know what you're actually

-- what the actual situation might be. Also, if you didn't take more time to delve in this deeper, like multiple readings or whatever, perhaps that list could be referenced in the ordinance so that we know it's only limited to those cases. Thank you.

>> Mayor Leffingwell: Those are all the speakers that we have. Councilmember tovo.

>> Tovo: I had some questions for mr. Guernsey probably. Mr. Guernsey, it's my understanding that this would resurrect the site plans along with any existing

-- any variances they had received. Is that correct?

>> That's correct. If an application was approved, whether it's an administrative waiver, variance, cut and fill, or if it received, say, an environmental variance that may have gone for environmental for review and then gone to the planning commission or zap and got approval, if that was part of that site plan, then that would be reinstated with the site plan.

>> Tovo: So of those 109 how many have variances of some sort?

>> We would have to open up each file and look and see if they received a variance or a waiver from a particular code. I did not have the time to pull each and every one to look at that.

[13:53:35]

>> Tovo: And I know you said in the response through the q and a process that there have been few s.O.S. Amendments or limited adjustments. Do you know if any of those 109

-- I should say any of the

-- any of those in the drinking water protection zone have gotten s.O.S. Amendments?

>> I would have to go look at those probably to see. They all came under current code. I know it's not something that council does on a regular basis, and they're considered with much thought. So I don't

have an answer for that, but I can't imagine there would be that many. Each of those are granted independent of the actual application that would come before you. It's my understanding talking with the law department they have their own life separate from the site plan. Unlike maybe a board of adjustment variance, which may be approved and the site plan might take advantage of and the site plan would keep that variance alive.

>> Tovo: So we don't know

-- we don't know how many have s.O.S. Amendments, but we also don't know

-- some may.

>> I can't imagine it would be that many.

>> Tovo: There may be some. Your time is up, but I'm going to ask the mayor to extend it. [Laughter] you're saying that you can't imagine there are many, but there may be some. We don't know

-- we really don't know what the 109 cases look like.

>> That's right. I've investigated

-- i know

-- I believe there's at least one I know that involves our airport because we always follow our own codes typically when we go and do our city projects, but I could not tell you on a case-by-case basis.

>> Tovo: Let's see.

>> Spelman: Mayor, if i could follow up and I'll let you follow up.

>> Mayor Leffingwell: Councilmember tovo, is that all right with you? Councilmember spelman.

>> Spelman: Greg, could you break down the drinking water protection zone cases to those of those in the edward's aquifer section and the drinking water contributing and all other drinking water protection zones?

[13:55:44]

>> No, I could not. If you were to table the item I might be able to come back later and figure that out because there's only 60 and might be able to look through those and try to determine, but I'd have to go back and look through each one to figure that out.

>> Spelman: I wouldn't want to ask you to do that, but do you have a rough impression as for how many of these are in southeast versus

-- southwest austin versus central and northwest austin?

>> No, I do not.

>> You have to go through one by one?

>> I would have to rough guess, but it would take me some time.

>> The other follow-up is the s.O.S. Amendment would have to be voted on a 6-1 or 7-0 vote by city council.

>> Definitely.

>> You do not follow s.O.S. Amendments specifically. You might remember if we granted one.

>> That's correct.

>> That's correct.

>> Tovo: You notify interested parties and they have a right to appeal. Is that correct?

>> On an administrative site plan unless there is a provision that allows for the appeal, perhaps with a variance or a waiver, those would be administrative. I believe there are only five or six that are commission approved site plans that would have been approved by the commission or appealed by this body. All of those were filed under current code. So yes, there was a notice that was provided. With the filing of the applications they may not have all been able to be appealed. The majority probably were not.

>> I was just picking up on mr. Bunch's point that this proposed ordinance doesn't have a notification requirement. Unlike our current site plan.

>> The ordinance as written would reinstate the site plan that expired because of duration.

[13:57:50]

>> I wanted to talk a little bit about timing. So the project duration expired the site plans a couple of months, as many as 180 days before the site plan expiration date. But it's my understanding this would actually extend

-- site plans that fell into this category would have a year to be reactivated and if reactivated they would have about a year and they could go to the planning commission and get another year. But they may have only been expired, what, 180 days at the most, 180 days before their site plan expiration date. So they lost maybe

-- maybe six months.

>> That may be true. I think there's issues of finding financing and probably getting their plans back together and finding a contractor. I don't know all the logic with regard to the one year, but yes, the ordinance provides an opportunity for one year from the date of the passage of the ordinance for someone to come in and make the request of my office or myself and my department then would grant a one-year if it meets the criteria as they existed back then and today. That criteria hasn't changed. And then if they need additional time they could go seek the land use commission, whether it's zap or planning commission to go seek additional time.

>> Tovo: So they could get up to three years.

>> Or possibly more if the commission so desired. Now, that decision could be appealed to your body because they would be

-- the land use commission, either zap or the planning commission I guess would be standing in my shoes looking at whether or not the extension is reasonable and then that decision actually could be appealed to you. [One moment, please, for change in captioners] the criteria that exists in the code today is the same that existed in '06, '07, '09, '10. It's not changed as far as site point criteria.

[14:00:48]

>> I thought I heard the point that the criteria specified in here is 2k3w50d faith

-- it uses the phrase good faith.

>> That's correct. Under 25562. Part c, that's the director may extend the expiration date released to the



ministry site plan for a time period of one year if the director determines there's good cause for the request extension and the director determines and one of those speaks to the applicants filed, the original application of site plan or approval with good faith the expectation of site plan would be constructed. That's one of four criteria that are all listed as a, b, c or d, so any of those four criteria, the applicant could ask for an extension under.

>> So it could ask for

-- those are treated as

--

>> that's correct.

>> Tovo: But the language

-- not sure I have my project

-- not sure I have my rights or what you calling it? The besting ordinance draft. The proposed vesting ordinance draft has the same four criteria and has changed them to an and.

>> I believe that's correct. That's prospectively not looking at those in the path.

>> Right. But we would

-- this would be different. What we have in front of us is different than you have to meet one of the four. Going to what we're looking at, going forward is meeting all of the four.

>> In the proposal ordinance dealing with the future applications in the future if that ordinance were to pass.

>> Tovo: Okay, thank you. Cole: Can I ask a question?

>> Mayor Leffingwell: Mayor pro tem. Cole: You gave us the breakdown in the drinking water protection zone and you told councilmember spelman it would be difficult for you to go and figure out the barton springs zone and all that. I'm not going ask you to do all that. But I do want to understand is if we were to exclude projects in the water protection drinking zone and only covered projects in the desired development zone, what would that mean as between those two projects? How would we end up making a difference?

[14:03:14]

>> Certainly the number that would be eligible would drop. Within the desired development zone, there are 49 versus the drinking water protection zone. So a smaller number with of projects that would be available if you only looked at the desired development zone.

>> Mayor Leffingwell: Councilman riley.

>> Riley: I wanted to ask about 2-d, the provision that says that the site plan, the section includes any variances or waivers previously approved in connection with the site plan. Now, if we were to look at those variances or waivers, suppose we didn't have that provision in there. For the case to move forward, they needed to reapply for the variances or the waivers. Are there

-- my guess is that there are some of those that would actually be grandfathered to old law. And there may well be some that could lawfully be subject to current regulations. Is that correct?

>> If the variances or the waivers went away, or if there was a board of adjustment variance, they may have to go back to the board of adjustment, prove a hardship to make the same request again. And so

the

-- to say they need to meet current code, they could revise the plan they have to make it compliant and to the extent they did not change the project drastically, it would still qualify possibly under this ordinance. Depends on the variance they ask.

>> Riley: Number of waivers don't go to the board of adjustment, they are generated as to the site plan.

As for those waivers, there's some that would be subject to current law or would they all be

-- or will they all be claim to governing.

[14:05:30]

>> I'm not sure the effect of all of those. When I look at the different ordinances, there's a limited number. So the watershed regulations from 2006 to today really have not changed that much. You'll be seeing some major changes, I think, coming soon. From the watershed protection market but the regulations haven't changed much from '06 to today

>> Riley: Is it possible that would be including some variances or waivers granted based on some conditions that have changed, for example, if we're talking about

-- if we're talking about topographic conditions have changed for some reason. And it seems like there might be a basis for

-- if that provision weren't there, there would be legitimate case for considering that request anew?

>> I imagine the conditions on the sites have not changed if the site plans moved forward. The tree might have grown from 2006 to today. So one time they may not have been the heritage tree, if not the heritage tree today kind of thing unless there's creek erosions. Most of these cases so those things have not been built because if they had been, they would have been exempted from this ordinance.

>> Riley: You're saying it requires the applicants to go through the process of getting those variances or waivers again would really just be a needless exercise. They would generally be subject to the same law and the same conditions under which the variances and waivers are originally approved.

[14:07:38]

>> The outcome can be different certainly if you went to the board of adjustment. You might make a different find then the board of adjustment may have previously.

>> Riley: Thanks.

>> Councilmember morrison.

>> Morrison: I appreciate your questions, councilmember riley. That's one of the big issues that I have just the concern of being able to resurrect variances. S.O.S. Variances, probably not any or many. But environmental variances, topographical stuff, can change. But also variances are dependent on the character of the area and certainly in ten years the character of the area could have changed. And so, for me, I'm very uncomfortable. I mean, I'm pretty uncomfortable with this in general just because it's not going through the usual process and who knows what we're going come up with the vesting. I'd rather see it done all together. But to me, the idea of resurrecting variances ten years later is really

problematic. I don't think it's fair to the people in the area.

>> Councilmember spelman.

>> Spelman: I move approval of 79 but I've got a comment.

>> Mayor Leffingwell: Councilmember spelman approves all three readings? Is there a second? You have a second. Now you have the floor.

>> Spelman: We're going have at some point a long ordinance which will deal with vested rights. I've heard varying descriptions of the length of this ordinance, some people insist it's 41 pages. Mr. Loy insists it's 14 pages. The rest is the appendix. Have to look at appendix too, that's the ordinance itself. Not the appendix, just the ordinance. Going to be considerably more complicated than this ordinance here. The reason it has to be as long as it is, as confusing to some people, probably not us, is that we have a lot of difficult cases. We have cases claiming vested rights going back I don't know how far. But however far it is, someone is going to come up on a earlier one. These are going to be difficult cases for us to make and it's difficult for our legal staff to come up with an ordinance which will deal fairly but effectively with those difficult cases. These are not going to be the hard cases. And these are the cases which are actually the most likely to be built and second. The ones that are most certainly going to grant through any ordinance they're likely to adopt. They're not 10 years old. They're 7 years old or less. The vast majority of cases, well, they were executed in good faith. They did not get built because no one expected lehman brothers and the biggest recession of my lifetime or anyone else's in this room. If your funding runs out, even if you're in good faith expecting to build a project which is subject to current code which has been approve and ready to go but you haven't gotten any money because your bank is not going to lend it to you, I don't believe that we should be in a position to say, nah, nah -- we're going have to make you wait for two or three months while we deal with the hard cases even though you're the easy case we know we're going approve. We're going to approve, i believe, all 109 of these cases that under whatever ordinance that we consider on october or november after it goes through the drill, there is no public policy reason why we should make these easy cases wait. So I move approval. Get the cases through the gate so we don't have to worry about them anymore.

[14:11:45]

Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem. Cole: I know these are the easeiest cases. I concur with most of your analysis. But I am concerned about some of the environmental issues in connection with the barton springs zone. So I'm wondering if you would take a friendly amendment that the projects would not be in the bar on the springs zone.

>>

>> Spelman: IF I ACCEPT YOUR Friendly amendment, will you vote for it? Cole: I don't do that. I will vote for it.

>> Spelman: In that case, it's a friendly amendment. I will accept it.

>> Mayor Leffingwell: Although the analysis that we went through doesn't necessarily apply in this case because you limit to the barton springs zone instead of the water protection zone. We expect those cases to be something over 49? Cole: Yes. Motion as amended.

>> Mayor Leffingwell: Councilwoman tovo?

>> Tovo: I want to postpone this item and send it to the planning commission and the environmental board with particular direction for information that I think would be relevant. And I'll offer my rationale unless the mayor would rather wait for a second?

>> Mayor Leffingwell: The motion is to postpone

-- substitute motion to postpone and you didn't

-- you didn't cite a date?

>> Tovo: I think I'll need help from staff in terms of when the next codes and ordinance meeting is. I'll talk about my reasoning while the staff do some working on the calendar. This is the process for code amendments. They send them to the planning commission, they have an opportunity to really review it, to look through the implications. We were talking a minute ago about the variances and whether conditions may have changed. You know, we didn't

-- we couldn't think of any examples off of the top of our head where conditions may have changed. I can think of one. You have a project that is now seven years later going to be immediately adjacent to some single family residential and they may have gotten a waiver or a setback. So suddenly they're a lot closer to the family than in 2006. There are many, many other scenarios with regard to variances that haven't been contemplated. I think there are a lot of issues here that need to be worked through. And frankly, you know, when we have a little more time for a public process, we get good feedback too about things that need to be tweaked or changed. I strongly urge we end it so the land use commission for their review because that really is their mission. They serve as volunteers but they bring a lot of expertise to this issue. Did you have a date to suggest?

[14:14:45]

>> September 17 is codes and ordinance sub committee meeting, planning commission the next time we would meet. The same issue or the vesting ordinance discussed previously was postponed by the commission to that date. And if you went to planning commission thereafter, that would probably be the following week. And then we would most likely bring it back to you on october 3. It would be the

--

>> Mayor Leffingwell: The ordinance coming back?

>> Yes, provided there's no postponements by the.

>> Mayor Leffingwell: The rest of the temporary ordinance.

>> Tovo: That would be the 17th, CODES AND ORDINANCES, THE 24th planning commission. It could return as early as the 26th.

>> It could. It's tight for staff because there's only two days between commission and council meeting. But we could

-- if that's your direction, we'll do that.

>> Tovo: That's my motion.

>> Mayor Leffingwell: Is there a second to that motion? Cole: Yes, mayor.

>> Mayor Leffingwell: Councilmember, morrison?

>> Morrison: I think on the right we're hearing that the reason we need to move this forward is because the vesting ordinance is going to take months. On my left, I'm hearing the vesting ordinance will be back

on the third of october. I tend to think that councilmember spelman is more correct here. It will take a while. And so taking just the weeks and possibly getting it back by the 26th, OBVIOUSLY IF IT DOESN'T Work for staff, it doesn't work for staff. We're just putting it off one meeting. So I think it's a good idea.

>> Mayor Leffingwell: Substitute motion. I'm not going to support the substitute. The effect is to get a temporary ordinance in place for the near future. All in favor of the motion to postpone, say aye.

Opposed, say no. ?

[14:16:56]

>> No.

>> Mayor Leffingwell: That motion fails on a motion of 2-5. Councilmembers riley, martinez, myself, spelman, mayor pro tem cole voting no. That brings us to the main motion. Councilmember morrison?

>> Morrison: I'm concerned about the variances and I would like to offer what may be a friendly amendment and that is any of the site plans that have variances

-- b.O.A. Variances or s.O.S. Variances would be brought before council for approval?

>> As opposed to being approved. The resurrection being approved by staff.

>> Riley: It's my understanding from a legal point of view, both sos amendments and boa variances do not expire. And would

-- there would be no legal necessity to do it that way.

>> Morrison: There would be no legal necessity. But as I mentioned before, I'm very concerned, especially about the condition of boa variances, for example. Changing and, you know, could just be a cursory thing if there's really no change. But it's seven years, i understand. But they could resurrect it and then not build it for two years. So really we're looking at essentially a ten-year stand between when the variance was first approved to when it gets built.

>> Spelman: These are projects that are submitted after 2006.

>> Morrison: And if it gets resurrected at the end of 14? 2014, how long does it have to stay alive then? Three years?

>> Spelman: I have to defer to greg on that.

>> Morrison: Could you

-- let's say a site plan comes in on the last day of this temporary ordinance, which would be september

-- is it september? Yes, september 1. Comes in on september 1, 2014. And gets here so it's resurrected. How long is it alive, then? It expires.

[14:19:12]

>> Until it expires, one year. If the ordinance or the site planning was reinstated, they came in. They met the standard. Reinstated, one year. To go complete. Unless before that date, filed an extension to go to the commission, of course.

>> Morrison: They can't get a second extension from you?

>> Yes. I've done here by the ordinance and any further ones would have to go before the commission.

>> Morrison: So it could be september of 2015 when they got the  
-- when they got the variance in 200?  
>> Spelman: It could. It could.  
>> Morrison: Significant concern to me. So I'd like to offer that as a friendly amendment and I know what you're going say.  
>> Spelman: You know exactly what I'm going to say. In this case, it doesn't matter. I can't accept it as a friendly amendment. I would like to mention that s.O.S. Would not be necessary to include because we've stripped out cases from the barton springs zone.  
>> Very good point, actually.  
>> Mayor Leffingwell: That is not accepted. All in favor of the main motion, say aye.  
>> Tovo: I have an amendment to propose as well. I did have a quick question about that point. It was my understanding and it may be a misunderstanding that the board of adjustment variances expired within one year unless they were tied to a site plan. Could you  
-- could you help me remember the timing onboard of adjustment variances?  
>> Yes. If there were no permit or it was attached and it would certainly expire in one year. In the case of a site plan, if the site plan was approved, it took advantage of the board of adjustment variance. The site plan or the variance would remain alive as long as the application. And the building permit would comply with the site plan. The building permits that arrive, the variances can stay alive as well until the completion of the project.  
[14:21:27]

>> Tovo: Thanks. So I would like to propose the following friendly amendment. We talked a little bit about notice. So site plans do have a note and appeals process. I was adding one to this. I think the proper process might be I'd say under part two b-5, adding language from elsewhere saying notice should be filed in the director's decision as noted under 25-5-62-b and the provision as provided for in section 25.5-section 2-d. We have this provision for live site plans so we should have this provision for the resurrected site plans as well. I offer that as a friendly amendment.  
>> I'd like to ask mr. Gurn sei a question. If you could help me with this? My site plan is expired and I'm asking for it to be reactivated. In a sense, this is an extension. In a sense, this is not. Are you going to be regarding this request to reinstate site plans as extensions and other respects?  
>> Right now, I can meet the criteria set forth in 25-5-62. That could be granted. It expires in one year. There's a provision right now of the appeal for that particular type of extension.  
>> Spelman: Not sure I followed that last bit.  
>> There's a provision under 25-562 for the criteria approval. Under paragraph d, the issue may appeal with the director's decision to the section to the land use commission.  
[14:23:38]

>> Okay.

>> If you take it 25.562 in its entirety, that will approve the provision.

>> Spelman: That's embedded in the language of the ordinance before us. If we're talking about extensions, everything here in 25.562 is already included already.

>> The ordinance is written to that it has to real approximately meet the criteria required for the extension. That's the substantive criteria that greg looks like deciding whether to extend the site plan. The good faith, the factors that were mentioned earlier and your discussion. If council wants to report into that, the appeals process, you can do that. But this ordinance as written does not

--

>> Spelman: That could be a substantive change from the original version of this ordinance. That is something new?

>> Yes.

>> Spelman: Okay. Thank you.

>> Tovo: Propose it as a friendly amendment?

>> Spelman: You'll have to propose it as a formal amendment?

>> Mayor Leffingwell: Not accepted. You're proposing it as a formal amendment by councilmember tovo? Is there a second to that? Second by councilmember morrison. All in favor of the proposed amendment, aye. Opposed, no. That fails on a vote of 2-5 with riley, martinez, myself, spelman, mayor pro tem, all voting no. That brings us to the same motion. All in favor, aye, opposed, no? Passes on a vote of all three readings with councilmember tovo and morrison voting no. So we have two public hearings where no people are signed up to speak that I think we can take quickly. Get out of the way. And first is item 105. Public hearing to consider an ordinance with code title 25 to clarify regulations relating to bicycle and motor vehicle parking.

[14:26:17]

>> Item 105 is a public hearing for title 25. This is actually a correction to the action that you took on may 23, 2013 regarding bicycle and motor vehicle parking requirements and calculations and reductions. I don't believe you have anyone signed up for this item.

>> Mayor Leffingwell: We don't.

>> It was recommended to you by the planning commission and would offer this for your consideration.

>> Mayor Leffingwell: Entertain a motion to close the public hearing and approve the ordinance.

Councilmember spelman. Seconded by councilmember tovo. All in favor, aye. Aye, opposed, no. Passes on a vote of 7-0. So take up item 106.

>> Councilmember, steve sudasky, planning and development review. Item 106 is a proposed code amendment to allow staff 60 rather than 45 days to place an item on the historic landmark agenda. This came out of a joint meeting between the notification staff and the historic preservation office. It's been recommended by the operations committee of the landmark commission, the full landmark commission and the planning commission and the purposes to avoid specially called meetings. We have few times in the year when we can't meet this 45-day deadline. But we do always regularly have at least two meetings that we can't and we have to call a specially called meeting so this is an effort to avoid those specially called meetings and extend the

-- extend the time that we have to place an item on the agenda.

>> Mayor Leffingwell: Entertain a motion to close a public hearing and approve the ordinance?

Councilmember riley, so moved. Seconded by councilmember spelman? Any discussion, all in favor, aye.

Aye. Opposed, no. This passes on a vote of 7-0.

[14:28:24]

>> Thank you.

>> Mayor Leffingwell: And now councilmembers, I'm informed that mr. Howard is in the house and on advice of council, I'm going to go into executive session before we take this item off of the table. So the council will go to closed session, take up one item pursuant to the government code, the city council will consult with legal counsel regarding the following item, item 8 discuss legal issues related to jeremiah ventures. Any objection? Hearing none, the council will go to executive session.

[15:02:52]

>> S

[15:22:31]

>> Mayor Leffingwell: We are out of closed session. Closed session we took up and discussed legal issues related to item 88. So we are on item 33. And I think we have one more speaker signed up, steve beers. Steve beers not in the chamber.

>> Here he comes. He is back there.

>> Well, as I understand it, this is the potential settlement of a case that the city has been sloughed in a long time. I don't

-- have been involved in for a long time. I don't know much about it except that it's all going to be settled in a few weeks. It's going to be adjudicated in a few weeks and it seems like if we have gotten this far with it, we ought to hang with it and we are getting some good results. We've had our -- we have our day in court pending. From what I understand, the settlement is not that different from what it has been offered before. We are, after all, talking about irrigating sewage on the recharge zone on the barton springs edwards aquifer, well outside of our city limits and jurisdiction. So I think it's a situation where the interests of the people that want to do this are opposed to our city's interest. I think there is very little risk in

-- in turning this proposed settlement down in a couple of months, and we can revisit whether or not to keep litigating if it's appealed, so I say stick with it. You are

-- don't

-- don't choke in the land inning. Thank you.

[15:24:59]



>> Cole: I don't believe there is any further speakers, questions, comments? Do we

-- we have one, two, three, four. We do have a quorum.

>> Riley: Arabella, I would like to ask a question of mr. Bunch. I want to ask you a question that's similar to a question that council member spelman asked you previously. And the question is this. We are in a position where we have an opportunity to put some protection in place that relate both to the quality of the discharge that's applied and the remediation that would be required in the event

-- in the event that a discharge is found. That in both respects, the protection we are talking about are somewhat, if not significantly better than that provided by the settlements that are already in place.

This

-- our settling the matter would not eliminate your ability to continue protesting, continue the litigation, but it would provide some insurance, so that if you

-- if you are successful in your arguments and you prevail, then

-- then that's great, and we all win. On the other hand, if you

-- if you lose, what

-- what a settlement

-- if we approve the settlement, what it would mean is that we have

-- we have significantly more protection in place than we would otherwise have. Help me understand why it's not in the best interest of the springs for us to put that insurance policy in place in the event that

-- that you are not successful.

[15:27:00]

>> So starting with the excellent standards that you are getting here that weren't there before, those are not any better than are water in the belterra permits and that is a precedent that is on the contributing zone. The technology is already there, and I feel highly confident that we will get those higher affluent standards in the hearing process. It's there. On the remediation part of your question, I am not sure exactly what you are talking about. I think it's this inova well, if we detect a problem, then -- well, if we detect a problem, then we reduce the application rate from 3 feet to 2 and a half feet.

>> Riley: 2.7 to 2.5.

>> It is not that much benefit, either. You are still talking about 2.7 feet high, depth of wastewater going on the field when you've detected a problem.

>> Riley: Talking about .2-acre feet less than than you otherwise would have.

>> Yes, that's when you are contaminating. You ought to not be irrigating at all. To me, that's not much. There is other permits out there that limit application rates

-- and this is in the contributing zone, like 2-acre feet per acre per year, much more protective in

-- in a much less vulnerable situation. So I don't see that you are getting that much. What

-- what we are losing is the city has credibility that a nonprofit doesn't have. You are the primary

steward of the resource. The city has enormous expertise in house to bring to the table. The administrative law judge will likely be somewhat more receptive to your arguments than if it's just us. The same with the tceq, if it goes up on appeal, the same at the travis county democratic -- travis county courthouse, so, you know, all parties aren't equal. We wish that our justice system were that way, but it's not. And then, also, the -- the settlement you are looking at is not just you withdrawing. It's, we support the permit with these terms, so it's not like you are leaving us to fight it unhindered. You are saying, it should be issued with these terms, and saying, here, you are inviting other developers to come for the same terms. You are boxing yourself in. We've already got way too much pollution from these facilities in the aquifer. We need to be cleaning up what we've got, not -- not inviting more, and I think the settlement invites more.

[15:30:05]

>> Mayor Leffingwell: Other comments? Council member spelman.

>> Spelman: Thank you, mayor, I would like to ask a question of the guy we are suing -- oh, the developer. And the question with respect to rights with respect to wastewater treatment. I have completely lost the ability to be articulate, but I think I am still seasoned enough to understand what you are saying, sir.

>> Well, I don't know if i ever had the ability to be articulate but I am andy barrett and I am an attorney and do work for the developer, jeremiah. I am flattered to be here. This is my first time to appear before city council and I have a great respect with your work ethic watching here tonight and your stamina, because i think I am about worn.

>> Cole: So are we.

>> Spelman: Watching this -- for those, I am sure being up here.

>> Is it like jiffy pop, as much fun to watch as it is to make.

>> Spelman: There you go. If you were to lose and the alj or the tceq or one way or the other, you were denied the ability to build this package plant that you are recommending -- you are offering in the settlement, what would be your best alternative at that point?

>> Well, first, I will say, the first condition where we lost -- our first time here, I am relative well-known commodity of the state and i have a lot of confidence that we won't lose, but, you know, risk of litigation, who knows what will happen.

>> Spelman: Sure.

>> If that happens, we have 600-acres, septic tanks, all of this agreement that we have currently with hays county and the others, lcra and the barton springs district, that's out the window so we don't have to worry about any set asides for that, I am thinking we are looking at 400, 450, maybe 500 lots.

[15:32:21]

>> Spelman: The reason you can get to 400, 450, 500 lots, how big would each of the lots be?

>> It would be roughly an acre because we would be grandfathered in hays county back to the rules back to 2006.

>> Spelman: Okay. Under the 2006 rules, the minimum lot size would be an acre.

>> That is my understanding.

>> Okay. What provisions for septic systems were in place in hays county in 2006?

>> Well, again, because we are a, what I am going to call a central water system, water coming from somewhere else, their acreage requirements are based on whether you have a well versus whatever.

>> Spelman: Right.

>> And I thought it was an acre.

>> Spelman: Okay.

>> I am pretty sure it was that. A couple of weeks ago, i called the county attorney who advised with the court and he said they thought it was an acre. He said they would get back to me and they didn't but that's what they said.

>> Spelman: You are close as an expert

-- this is obviously a hypothetical question because you haven't lost a tceq and you don't think you are likely to but if you were to, it would go back to whatever the septic system minimum lot size was in 2006 because that's when you filed your permit and you think it's an acre?

>> That's right, and even if it weren't grandfathered, it would be an acre and a half now.

>> Spelman: Right. I understand hays county in 2010 or so changed its rules on septic systems so that at least the current requirement is for what sometimes is referred to as an advanced septic system that requires more treatment than the run of mill treatment that is in place in most places that have them. Is this your understanding?

>> I really couldn't address that, council member spelman, but it sounds reasonable to me.

>> Spelman: Is there anybody else that is more up on this stuff?

>> Not sitting here right now and I am sorry, but I am pretty sure that they did update all of that, because there have been advancements made. The one at my house was put in '84, so we have advancements made every so often.

[15:34:34]

>> Spelman: Tell me the basis, if you could, for the 400, 450, 500 lots, because you are taking 500-acres and dividing it 100 per lot. 600-acres is what we have and there is x amount you leave out for roads. There is x amount for

-- i could pull anything

-- you know, we are going to have some buffer systems, and the creeks for the water.

>> Spelman: Right.

>> You know, so we will have whatever the tceq's option enhance measures, we will probably abide by that for the development.

>> Spelman: What is the tceq requirement as a buffer around a creek or a creek environment?

>> I have 300 feet, either side of it, is what is in my mind.

>> Spelman: Okay. So if you have a sinkhole, you have to have a circle with radius 300 feet around that sinkhole?

>> Yes, I was thinking more along the creek bed, it would be 300 feet either side.

>> Okay. But still 300 feet either way?

>> Yes, sir.

>> So if you are taking out all of the water features at the creek, environmental features, taking out roads, you are getting 500-acres?

>> I think we would have about

-- you know, I said 400 to 500 so I think we are in there.

>> Spelman: Okay.

>> Spelman: I don't mean to correct you but it seems like taking out 100-acres for road for 600-acre project seems a little on the lean size. You might not have much parking on the side of those streets.

>> I would always

-- I grew up farming. We grew potatoes in west texas and 100-acres was a full day's worth. It is a lot of land.

>> Spelman: I understand. I understand. All right. So suppose we are talking about some number of acres somewhere in this area. Okay. And we just did

-- the question is, do we divide by one under 2006 rules or 1.5 under the rules or whenever the rules changed?

[15:36:36]

>> I am pretty sure we will go by 1 and I think we would win that argument with the county.

>> Spelman: I understand that. Thank you, sir. Mayor, I would like to talk to mr. Harrington. I believe he is from the city staff.

>> Mayor Leffingwell: Can i ask a quick follow up as you are up there?

>> Yes, sir.

>> Mayor Leffingwell: What would you say of the suggestion, without central sewer you could only build 200-250 max homes?

>> Frankly, mayor, I don't know where that would come from.

>> Mayor Leffingwell: You are extremely confident that would be an unrealistically low number?

>> I do.

>> Mayor Leffingwell: Is that fair to say?

>> I do.

>> Mayor Leffingwell: Okay.

>> One other quick thing. We talked earlier about the large lots subdivisions. One reason you don't see those as much, you see clusters

-- clustered subdivision with more open space. With septic systems you

-- with sen tick tanks you have more lots but not as much open space. Most of us prefer clustered subdivision with a lot of open space and trails.

>> Spelman: All right. Thank you, sir.

>> Good evening, I am Chris Harrington, environmental engineer with the city watershed department.

>> Thanks for coming here, I appreciate your coming up here Chris. As far as you know one of the current requirements that Hays County puts in subdivisions of the kind involved here.

>> Under current rules it would be approximately on lot sizing 1 and a half acres if you do advanced treatment and I believe 3-acres if you did conventional treatment would be the current rules.

>> Spelman: From our point of view

-- and you are familiar with the amount of nutrients and other unpleasant substances that would be put in the ground and eventually in the aquifer under advanced and conventional septic system.

>> Yes, based on the affluent quality for septic systems, yes, sir.

>> Spelman: And you can speak to how much affluent

-- how many unpleasant substances would come out of the effluent for the package plant that is involved in this settlement?

[15:38:42]

>> Yes, sir.

>> Spelman: Okay. So suppose first case, 1.5-acres advanced treatment. Can you give me some numbers just to

-- just.

>> Thinking in terms of concentration of total nitrogen which would be the parameter, with respect to nutrients it would be 30-milligrams per liter total nitrogen for advanced treatment system that would most likely be applicable under current Hays County rules. Conventional system would be approximately 50-milligrams per liter and that in comparison to the settlement agreement is 3 liters total nitrogen with the concentration effluent.

>> And 3-milligrams per liter, the standard they are agreeing to in the settlement is 6 but three milligrams per liter, what does that mean?

>> It means the limit for total nitrogen for which the plant will be designed and operated under the settlement agreement. It wouldn't be the limit that TCEQ would enforce but it's how they would build and then run the plant.

>> When you are running a plant, sometimes it goes up, sometimes it goes down, the amount that you are effluent, putting out will depend in part what is coming in and there will be variance day to day as to what is coming in?

>> Absolutely.

>> Spelman: So it might insist on a buffer to get to 6, a limit of 6, even though on an average day they will be putting out 3?

>> Yes, sir.

>> Spelman: Okay. So 3-milligrams per liter with the settlement. 30-milligrams per liter with advanced septic and 50-milligrams per liter with conventional septic.

>> That would be f1 quality, yes, sir.

>> Spelman: Okay. I haven't done the math yet and so I will

-- effluent quality.

>> I haven't done the math yet but on a rough guess point of view, if we had to choose  
-- if all we are concerned with was the amount of effluent  
-- the amount of nitrogen, coming into the aquifer and we had only two choices inova choice one. Let me say three is about the same as their estimate and our estimate, say 300lues working off conventional septic. It seems to me 300 times 50-grams per liter?

[15:41:00]

>> Yes, sir.

>> Spelman: And the alternative is we have 1100 houses working offer the package plant in the proposal and that would be something like 1100 times 3-milligrams per liter?

>> In

-- and if you want to keep in those consistent units, yes, sir, that is absolutely correct.

>> Spelman: So the question, would it be too unreasonable for me to think that, 1100 times 3, that's 3300, versus 300 times 50. What is 300 times 50, 4500? 1500.

>> Now. 45,000.

>> Thank you. I refuse to be embarrassed of not being able to do math at 9:40 in the evening. I am glad somebody was able do that for me, 15,000 versus 3200. It seems to me that 15,000 is a whole lot worse number and that level of nitrogen going into the aquifer is going to be a whole lot more damage.

>> With regard to the quality of the nitrogen being discharged in nose two different scenarios, yes, sir.

>> Spelman: Thank you.

>> Mayor Leffingwell: You said under hays county rules using advanced systems, one and a half acre lots. Would that

-- what if you are using 2006 hays county rules?

>> Unfortunately, I am only familiar with the current rules and not the previous ones so I would assume that what mr. Beard said with respect to the one acre lot size

-- r

-- and I am not sure whether it would be conventional or advanced treatment, if it would be applicable.

>> Mayor Leffingwell: Thank you.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Mayor, I would like to move that we reject the settlement.

>> Mayor Leffingwell: Motion by council member tovo to deny. Is there a second to that?

>> Second.

>> Mayor Leffingwell: Second by council member morrison.

>> Tovo: And I will just add that, you know, we've talked about this a lot today, a lot of our discussion has been in executive session and I apologize to the public that wasn't able to hear dr. Howard's science on the subject. You know, I think the city got involved six years ago for a very good reasons. This would be the first major application of effluent on the recharge zone. It seems very clear that this application would result in contamination and I think we should continue

-- continue to protest the permit. The settlement does say the city of austin, as mr. Bunch points out, the settlement language does say that the city of austin supports the issuance of this permit. It also

prohibits us from providing expert testimony, as per my reading of the settlement agreement and i think we need to stay the course and stand up for the standards that we want to see development achieve.  
[15:44:00]

>> Mayor Leffingwell: Other comments. Council member spelman.

>> Spelman: Although our expert wouldn't be able to testify as an advocate for our position, he would be able to testify on a factual basis to describe, for example, the location of sinkholes and other critical environmental features. Is that accurate?

>> Tovo: If I may, mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I don't see the language from the settle agreement that supports that and I don't know if it's appropriate to read from that because they have discussed whether or not to make it public but I would refer you to the language in the settlement agreement and as far as making that determination. In any case, it seems to me that our expert who has done all of this science and has done some very compelling work in terms of the very sensitive features

-- the sensitivity of this land and the many features that are on it, recharge features that are on it, it seems to me in any case, he would be very restricted on what he can say in protecting those recharge features but i wonder in looking over the settlement whether he could be able to speak at all.

>> Spelman: Let me ask our legal staff. In your opinion, would our expert or experts be able to testify in any way at all in a hearing that we were not party to?

>> Mayor Leffingwell: Your mic wasn't on but we are having another attorney come up and discuss the settlement. [One moment, please, for change in captioners]

[15:46:57]

>> has to be with the end result of approving the conditions of the permit with the settlement agreement in place. That would have to be

-- that's the message.

>> Spelman: Okay. And one of the conditions

-- what are the conditions of the

-- one of the conditions is that critical environmental features would be protected. Is that right?

>> Yes, that's in the tceq rules, yes.

>> Spelman: Okay. So I am now your expert. I have scientific evidence that right here there is a sinkhole. Am I able to testify before the alj that I know there's a sinkhole right here and here's how I know it? I'm not saying anything about what you ought to do as a result of that. I'm not saying one thing or another about the settle. I'm just saying there's a sinkhole here.

>> If it is not in support of the settlement agreement, it wouldn't be part of our case in chief. It wouldn't be part of his testimony on the stand to explain a bunch of things that are not relevant to issuance of the draft permit with the settlement terms. If he's asked, you know, a factual question, he's under oath,

so he can't lie, i mean

--

>> spelman: Okay.

>> But the end result is that he would be in support of the draft permit with the settlement terms, regardless of where he says there is a sinkhole or not.

>> Spelman: Here I am. I know all about sinkholes. Mr. Bunch comes up. I'm under oath and says, mr. Spelman

-- dr. Spelman, because he has to be kind to me because I have a doctorate, he'd say, do you know there's a sinkhole right here, and I say, yes, mr. Bunch. Would I be allowed to answer the question or would I be overruled?

>> I don't know what an alj would do in that situation. I'm sure

-- I'm sure the developer would object to any questions outside the scope of the draft permit and the settlement terms being a part of it. As to whether or not the administrative law judge would allow fact-based questions from mr. Bunch, you know, I just can't speak to that. I don't know what she would do.  
[15:49:19]

>> Spelman: Okay. So it would be entirely up to the alj as to whether or not our expert's testimony would be allowed or not?

>> Well, keep in mind

--

>> spelman: Well, on this particular issue.

>> Yeah, you're referring to a cross-examination by mr. Bunch. The alj is the keeper

-- she would decide what evidence comes into the hearing or not in that circumstance.

>> Spelman: Right.

>> For purposes of our direct testimony, the direct testimony would not be to advocate for buffering around additional features or anything like that. It would only be for issuance of the permit with the settlement terms in it. That would be our direct testimony.

>> Spelman: Sure. Okay. And on cross, of course, it's always up to the judge as to what he or she is likely to allow.

>> Right.

>> Spelman: Okay. I think that answers my question.

>> Mayor, I offered mr. Bunch an opportunity to ask me questions so I may as well go through with it.

>> Thank you. Council member spelman, i very much appreciate that this issue was raised because I read the new proposal fairly quickly, and I thought this particular provision had been taken out. And apparently it hadn't. We have in place a joint defense agreement that the city committed to making its witnesses available to us to testify in the hearing, even if you settled. And vice versa. We made the same commitment to you. If this provision is still in the agreement, and it sounds like it is, you're about to agree to something that violates our agreement, and there's going to be a big fight over that.

>> Spelman: I bet.

>> Dr. Howard is the best scientist out there with the most knowledge, and the state needs to have his



testimony, and we will fight tooth and toenail to enforce our rights and make sure that he testifies, not limited, but to everything that he knows about that's relevant to this issue.

[15:51:22]

>> Spelman: Hang on. This is more dramatic than i expected. [Laughter]

>> yes, there is a joint defense agreement in place. I do not believe this violates it, even if this is a violation of it, there is a provision in the joint defense agreement that either party can terminate it at any time for any reason. So we could just terminate the joint defense agreement.

>> Spelman: That's not very nice. An alternative means of doing this might be to remove that provision from the settlement agreement if we can get the acquiescence from the offerors of the settlement. They're here. They're talking about it.

>> I'm not exactly sure what

--

>> mayor leffingwell: Ms. Me ms. Me ade, could we

--

>> [inaudible]

>> spelman: Council member tovo, where was that provision that you were referring to?

>> Tovo: I'm not

-- I don't know if it's the same provision. The one I'm looking at, which I'm told I can read aloud, it is

-- yes. The one that gives me concern is under g, something, something, something g, on page 7, and it talks about participation if used above shall not include using expert testimony consulting or resources, any party at a hearing or in preparation of any hearing. And I think our attorney will have to say whether that is the provision that would keep

--

>> I'm sorry, [inaudible]

[15:53:27]

>> tovo: Again, I don't know

-- that's the provision that jumped out at me. I don't know what provision it is that would

--

>> [inaudible]

>> tovo: Well, that's the one we were emailed last week.

>> Spelman: We may have a more current one.

>> In the

-- council member tovo, in the agreement which we brought forward, that language is not included. So I'm not certain if you perhaps got an old draft. I'm not sure

--

>> tovo: That may be an older draft.

>> I have the current final in front of me and it does not have that language.

>> Tovo: So then hopefully i think our attorney can find the passage that was talked about earlier in the day.

>> Spelman: Qualitatively, ms. Meade. Go ahead, I'm sorry. If we

-- if there is still in your proposal a provision which would eliminate the capacity of our expert or experts to being able to testify to factual questions put to them, not advocacy questions, just factual questions, by mr. Bunch, would you insist on keeping that or could we remove that section?

>> Council member, I don't believe it's there, so i suppose my answer is we wouldn't object to removing it. But I'm looking at what is the final.

>> Spelman: Sure.

>> And that's not there.

>> Spelman: It's always better if it's not there in the first place.

>> Right.

>> Spelman: So if somebody does find it, then from your point of view it would be

-- it would be allowable if we removed it. Obviously

--

>> the language just read by council member tovo?

[15:55:28]

>> Spelman: Language which would prevent our expert from answering factual, not advocacy, but factual questions put to him or her by any remaining parties to the lawsuit.

>> I mean, council member, spelman, that's a little bit of a tricky question because the way this is written and was I think carefully written this way, I think a person might argue if the administrative judge made a ruling

--

>> spelman: Sure.

>>

-- That a particular piece of testimony couldn't be included

--

>> spelman: The judge wins. This is a courtroom, i understand.

>> Yeah, we may have to take a minute to confer on that. I just

-- it's a little bit hard not knowing exactly what language we're talking about, to say whether we'd be okay excluding or not excluding it. And I do recall this issue being an issue when we were discussing it with your attorneys, and I believe that's the reason why that particular sentence that was in a prior draft came out.

>> Spelman: Okay, well, I'm just trying to put forward a settlement that both you can agree to and that will not mess with our preexisting contractual agreement with mr. Bunch.

>> I think that we would want to talk about specific language if we were going to add something like that.

>> Spelman: I don't want to add anything

--

>> you want to take

--

>> I don't want to take anything out, I don't want to add anything, so long as the answer to my question is the expert can answer factual questions. There's no prohibition to that.

>> I'm going to let the trial lawyer answer that question so in the hearing he doesn't say that I said something

--

>> mayor leffingwell: Can i make a suggestion here, that we put this item on the table for just a short time to allow you to confer while we take up another pressing item, which is a motion to extend our meeting beyond 10:00 p.M.

>> That's fine.

>> Spelman: I'll put it on the table and move as you just suggested.

[15:57:30]

>> Mayor leffingwell: So council member spelman moves to extend our meeting beyond 10:00 p.M.

>> Second.

>> Mayor leffingwell: Second by council member martinez. Is there any discussion on this item? Hearing none, all in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. So we are extended, and we'll call back up item 33.

>> Spelman: Mayor, it seems that it may take a few minutes for them to identify and answer this question. Perhaps we could lay this item on the table and take up another item while we're waiting. There's a couple here which don't look like they'll take long.

>> Mayor leffingwell: I'm willing to do that. If there's no objection 33 is back on the table and we'll take up item 107.

>> Thank you, mr. Mayor, mayor pro tem, council, kevin from watershed protection department. The item before you tonight is a floodplain variance request for 4518 avenue d. It's in the waller creek watershed, and it's probably more appropriate to say this is a request for an amendment to an existing floodplain variance that you granted two months ago. Sorry about that. The property is in waller creek watershed. It's on avenue d between 45th and 46th street. I'll have a picture for you here in a moment and then I'll get to the main point. There we go. Thank you. Here's the property outlined in red. A little closer-up view of the property. It's partially in the 125 year floodplain. What you see there is the existing house. There's a shed on this picture to the rear that doesn't exist anymore. This kind of sums up where we've been and where we are. So the existing building on the property is a one-level 735-square-foot home. On june 27 we brought a floodplain variance request to you and the applicant was proposing to remodel the existing building and add on an

-- a two-story addition totaling almost 2300 square feet. At that public hearing staff gave a presentation and we talked about the rule, the death of the 100-year floodplain within avenue d in front of this property is 3.3 feet deep. That's the only safe way to access

-- to leave the property at the time of flood. And our discussion on that, the reason for our recommendation for denial was because we feel that that is not safe to increase the noncompliance of the property by increasing the conditioned area with flood risk of being 3.3 feet deep in the hundred year. So instead of denying that variance, as you remember, council granted a floodplain variance for the remodel of the interior of the building only. Of council asked staff if they would recommend that. Staff said we would. Council approved the variance. That variance is active right now. They could build -- they could do the remodel work right now if they wanted to. After that, the applicant came and talked to us and they brought forth another request to us that is the item we're considering tonight, and that is to continue with the remodel of the existing building but add on a second level to that building. So it's about almost

-- a little bit over 1600 square feet. And again, talking about a safe access requirement, when we see a property that does not have safe access and you're increasing the conditioned area, in staff's opinion, we're consistent in applying this, and when you increase conditioned area you're increasing the noncompliance and a depth of 3.3 feet in a 100-year floodplain we feel that is not a safe condition and that we shouldn't be allowing more conditioned area, which therefore allows more people to be in the house. So our recommendation for this request is denial as well. I'm not going to go over the variance request. We talked about safe access. I did find this picture somewhat relevant because it's on the exact same block. This is in two four 2004. November 2004 had 8 1/2 inches of rain and water flooded this car down the street. Wheels almost two feet high. That was about a ten-year storm. So we're talking about a significant storm here. This is an area where water can move a car in a ten-year storm, for hundred year flood we're talking 3.3 feet. It's a dangerous condition. A summary of findings for the variance, again, similar to the previous request, and this request is the same. There's no adverse flooding that this development will cause on other properties, but again, there's no safe from the lot to a point that's outside of the floodplain. They are elevating the finished floor of the building above the floodplain, at least a foot above, if not more, and again, staff's recommendation is for denial. I know the applicant is here to speak as well. I'd be happy to answer any questions that you have. Questions for staff. We'll hear from the APPLICANT Mike McCone, and is Bryan Webber here?

[16:03:15]

>> Yes.

>> Mayor Leffingwell: Bryan Webber is here? Where? Okay. Javier Montiel. Javier is not here so looks like you have six minutes.

>> Mayor, my name is Mike McCone. I represent Blue Sky Properties, Inc. Mr. Chris Dennis is here as the owner, and the staff has gone through and explained to you what our request is. Council did support the variance and what we are trying to do tonight in this floodplain variance request is to simply allow for a reasonable use of the property by adding a second story. We will also be raising the existing house to 2 feet above the floodplain. The picture that staff showed of the car floating down the street is in the street. As you can tell from this picture I have in front of you, the blue house on your left, to my right, is the house in question. There's about a two and a half feet rise so that at the house in the 25-year floodplain even now, we're talking about 4-inches of water and staff did the

-- did the calculation for me for it in the 100-year floodplain, we're at about 9 inches of water at the house. So raising the house two feet above will get us completely out of the floodplain. The proposal that we are

-- so we

-- let's see, that one goes

-- that one got up there. Go that way. All right. Thank you. Now I know how to put those on there. What we're talking about tonight is a reasonable use, and I didn't

-- was not involved in the case originally. It's a very unusual situation for me. I got involved on July the 1st when David Connor from the Hyde Park Neighborhood Association called me and said, can you help this gentleman build a house, remodel a house in our neighborhood so that we could have a reasonable house there that a family could live in? So a 1635-square-foot house, it's a

-- you can see from our existing situation we've already removed 320 square feet from the floodplain. We're raising house by two feet, will remove another 735 feet from the floodplain. So the house itself will be a refuge in any kind of storm event. It's not an overly ambitious plan. We will have a living room and a

-- this is the demolition of the existing first floor. Our proposed first floor and second floor addition will just have a living room, dining room and kitchen area, with a two-bedroom house above, a modern house that will meet the requirements of the McMansion Ordinance, be can't levered, and we believe this case involves a situation only where we're talking about a reasonable use. Is it a reasonable use to only have a 735-square-foot house in an area where most houses are 1500 to 2,000 square feet. I live two blocks from this house, a house I moved from the university and it's 1800 square feet. I the house I lived there in 1983 is 1900 square feet. Houses all around me are this size and most of them have two bedrooms, and this is simply a situation where what is reasonable. We're not increasing the flood situation. We're not really increasing the occupancy, although it is an increase in the amount of square footage. And in finding

-- trying to find a reasonable use definition, I have to go to the city's own chapter 15-2 of their drainage utility, where the equivalent residential unit means 1763 square feet of impervious cover on a lot. If that is the reasonable use, the project that we're proposing is less than 1200 square feet of impervious cover on this lot. We really believe that this is a reasonable request to allow a person to develop and maintain a home, create a home in the university area

-- in the Hyde Park area, sorry, and hope that you can agree that this is a reasonable use, and we appreciate the staff changing the

-- or modifying the rules that allowed us to come back to present to the council this alternative. I have

-- that is the basis of my question

-- testimony. I don't want to go into a lot of detail here. It's very late at night and I want to keep your attention. So if you have any questions for me, I'd be happy to answer those. We do have the owner and the engineer here to answer any more technical questions.

[16:08:43]

>> Mayor Jeffingwell: Thank you. Next speaker is Chris Dennis.

>> Can you hear me okay? I was never really good at these things. So as mike was saying, I'm one of the owners of this project, and last

-- in june when the approval was granted, there was a lot of questions about the existing structure, how we got to this point, and I regretted not coming up here trying to at least explain. I believe both of you gentlemen had several questions in reference to the property, why it was where it's at, et cetera. And so the approval that was granted was wonderful because we then took that and then took a step back and said, okay, what can we do with this if we can't attach to this property and go back and up and add what we initially proposed, then why don't we take the existing house and just add a second floor to it. We sat back with the architect and engineering and devised that plan, which we obviously

-- mike just showed you. And the city or kevin is talking about the safe access, and we can't meet the safe access, and that question came up in june, and I was

-- wanted to come up and I didn't and the other guy came up. So the city to the south part of the home runs from avenue d through avenue c, is an 8-foot strip of land owned by the city. We have proposed several different times with them and sat down with them in trying to develop and change our plans to pay for

-- pay and put in a safe access easement. It would run from street to street. The city owns it and we could then have our safe access. We wouldn't be here. We would be on an administrative variance. We took a step back from the approval, readjusted our plans, got different architects, engineers, talked to the property owners behind us at avenue c. I have a written consent from them to use the north side so we don't have to sit down with the city and figure out how to make this safe access easement to put in a safe access easement halfway from their current structure or the way that their property has already a 4-foot sidewalk that runs on the north side of their property, about halfway back through, they have a shed that sits on the back and we're proposing that we wouldn't just be able to create the safe access easement running into our property, so therefore we meet the safe access easement piece of the objection that

-- why we were here in june. So we do have that consent. We don't have to sit down with the city and trying to figure out how to use this land, how do we do it, and we think what we're doing or what we've done is continuously try to work with the city, the watershed, the council members, you know, everybody else that's been involved in this to again go with what mike was explaining, to give a property a reasonable use. And the density issue continuously comes up too by the city, and that to me is a subjective situation where we're proposing and have continued to propose factual information to you. So I guess for me, the density issue is we're adding square footage so there's going to be a ton of people living there.

[16:12:12]

>> Mayor leffingwell: Thank you, dennis.

>> I'm sorry?

>> Mayor leffingwell: Your time has expired. You wondered what that was.

>> Did anybody have ne questions? [Laughter]

>> mayor leffingwell: Thank you, sir.

>> I have a question. Questi questi on from council member spelman.

>> Spelman: How many bedrooms in the house now?

>> Two.

>> How many bedrooms in the house you're proposing?

>> Two.

>> Spelman: Thank you.

>> Mayor leffingwell: David connor?

>> Good evening, mayor and city council members. My name is david connor. I'm the current chair of the hyde park development group committee and the past hyde park neighborhood association president. I'm going to read a letter you may have in your backup. The applicant and the agent just wanted me to read it for the record. It was dated august 21, 2013. Chris and his business partner bryan webber purchased 4518 avenue d in hyde park last year. This area of hyde park is referred to north hyde park. They came to the hyde park develop development committee and presented their plans related to the purchase of the existing single-family house. They indicated that they were remodeling the house and adding on to it. [Inaudible] reviewed the building plans and we had no comments. It will remain a single-family home and not become a duplex. Since chris and brian were not asking for a demolition permit and the new addition plans were compatible to the neighborhood design guidelines, drc indicated our appreciation to the plans and appreciated the fact that they came to drc in the first place. I hope that city council approves the flood variance being requested so that the project can be completed and approved. Just my general comments. This area of hyde park has been [inaudible] high renters and absentee landlords but this is the increasing land values the area is becoming more owner occupied and hyde park would like this trend to continue. If you have any questions

-- thank you.

[16:14:16]

>> Mayor leffingwell: Thank you. George gonzales.

>> Good evening, council, my name is george gonzales. I'm the owner of genesis one engineering and I'm the engineer of record for this project. Mr. Brian and mr. Chris came to me asking if there was a possibility that we could alleviate the concerns of the city from the floodplain management staff, and meeting the requirements of fema and also from the city land code development. And we regrouped and we redesigned it in such a way that they would be of benefit to the floodplain itself by gaining volume, a positive value to the floodplain rather than being an adverse condition, and also by raising the foundation, the level of the house, that would be assured that we'd meet the fema guidelines and also the city guidelines and also the safe access that mr. Bryan webber discussed earlier. So we just want to make sure we comply with all the REGULATIONS the McMansion ordinance, the land development code, the residential code and the floodplain management code. I'm open for questions.

>> Mayor leffingwell: Thank you. Questions? All right. Those are all the speakers that we have. So council will entertain a motion on item 107.

>> Spelman: I have a question of staff.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Our usual measure of the potential for additional occupancy in the floodplain is if the number of bedrooms and the number of-square-foot

--

>> square feet.

>> So if they took a 735-square-foot house and made it 737 square feet we'd say no because you might be able to get somebody in there? 2 square feet is hard to get more people in. We've had requests where someone wanted to put a bathroom in, and we've entertained that and it was a long time ago. Probably came for a variance many years ago, but maybe something that we could entertain. But when you're looking at doubling square footage inside a house, significant space increase.

[16:16:39]

>> If they built a floor plan we're suggesting, there's no stealth bedroom that's pretending to be a study or anything like that. I just saw two things that looked like they could possibly be bedrooms in this floor plan.

>> Right, downstairs is just opening living area. That's the plan to build it and that's the way, they'll build it to plan. We have no control what happens to that space in the future, so that's why we just look at generally what is the condition space on the lot.

>> They might advertise a home [inaudible] and have people showing up every three days. Usually people are staying in bedrooms, usually they don't live in the living room and there are the same number of bedrooms. It seems to me, this is an arguable case, this is not necessarily going to increase occupancy. Our best guess should not be that it would increase occupancy just because there are more square feet if there are the same number of bedrooms.

>> A two-one which is what's approved now to two two, bedroom-wise, yeah, you would think that it would be the same. It's just again, more space is available.

>> Spelman: Okay. You've mentioned in your report that the hardship conditions for the property do not exist as hardship is defined in the building code. I wonder if you could review for us what that requirement is.

>> The hardship condition is something that's within the floodplain regulations and it's something that fema puts

-- it's a requirement for fema requires it to have it in the code, and it essentially states that fema's consideration for when you could consider a floodplain variance, and a hardship condition would be one of those conditions. So let's just say, for example, there was not a house

-- there was never a house on this lot. And let's say the entire lot was in the floodplain, and the street in front of it. There's no way that you could do a development that would satisfy the regulations because you can't get safe access. There is nothing on the lot at all, and you can't meet the regs, that's a hardship.

>> Spelman: Okay.

>> A case where not only was there a house there but now in this case, not only was there a house, there's a permit to remodel the house. So that is

-- according to fema's interpretation of this situation they would not consider this request to be a



hardship.

[16:18:53]

>> Spelman: Does fema require a hardship before one can grant a floodplain variance?

>> They don't require it. It's just

-- they list it as some conditions that the city council, staff needed to consider when doing floodplain variances. On a three-year basis they come to audit our program. We present to them all the variances we've done and there's time to time when we have to justify and answer questions about them.

>> I see. So it would not be a strict requirement, it's not king's x but it would certainly help.

>> Right.

>> Okay. Thank you.

>> Mayor leffingwell: The truth is we've already given a variance on the same property, and I remember it very well, and we granted the variance primarily because it was

-- raised the property out of the floodplain, floor level above the floodplain, and it also removed barriers to water so that water could flow underneath and not

-- not actually increase the width or depth of the floodplain in the area or anywhere else. And those were good reasons, I think, to approve the variance, but I really don't see

-- I mean, if we already approved the variance anyway, it's on the record for that purpose, and i agree with council member spelman's argument that even though it is an increase in square footage, it likely is not an increase in the number of people who inhabit the property. So I think it makes a great deal of sense. There are so many properties in hyde park anyway that are already in floodplain that we -- this is a sensible and sort of restricted way to make good use out of the property, I think. Council member spelman.

>> Spelman: I move to close the public hearing and approve the ordinance.

>> Mayor leffingwell: Council member spelman moves to close the public hearing and approve the ordinance on all three readings. Council member martinez seconds. Is there any more comment? Council member morrison.

[16:21:02]

>> Morrison: I'm going to not support the motion. We've been very consist content and I always appreciate our staff's thorough analysis and very clear one way or another adherence to the guidelines, so I'm going to not approve this

-- not support this motion.

>> Mayor leffingwell: Those in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 6-1 on all three readings, council member morrison voting no. So we'll now take up agenda item 111 to conduct the second and last of two public hearings to receive comments on the proposed maximum property tax rate of 51.14 cents

per \$100 valuation, for fy 2013-2014. The actual property tax rate will be adopted here in city council chambers on september 9, 2013, at 10:00 a.M. After council adopts the budget. We have three speakers signed up to speak. First speaker is franklin stacy. Franklin stacy. Is franklin in the chamber? Second speaker is isidro rodriguez. Is isidro rodriguez here? Mr. Rodriguez, you have three minutes.

>> Good evening, council, and mayor. I'm here to talk about the property tax increase that you all are proposing. I have the honor to be the son of a native 1-year-old born and raised gentleman that lives still here in austin, texas. He lives less than three miles from where we're at today. He is on a fixed income. He has the ability to have his kids help him meet his financial needs, because right now he needs 24-hour care because of his medical condition. With this proposed rate hike and taxes, you all have it in your proposed rate already, what's called the major rate and fee changes that you all have. What you are proposing right now, with the average residential home using a thousand kilowatt hours, and with the medium priced home of \$185,000, you're looking at an increase of 4.8 increase on a senior that's on a fixed income that has medical conditions and he just wants to stay in his home. I'm asking for you all to pay close attention to what is happening to the seniors out here. Because as you all well know, it's not only their income that they lack, it's the medical needs that they lack. And now we're adding on an additional charge to these seniors, that they just flat can't afford. And in addition to this, as you all well know, aisd is looking at doing an additional increase. It's been brought up and fought back and forth whether it's fair that seniors have to pay the property taxes for aisd, because a lot of them don't have kids anymore. They're grown, like myself. So you continue to pile on more and more on these seniors. They just can't afford it. You all have family members that are seniors as well. What are you all going to do when they can't afford to pay for their medical expenses? I hope you all take a big long look at this and think about it from a realistic side of your seniors and do the right thing to make it happen.

[16:25:42]

[Applause]

>> mayor leffingwell: Point of clarification, the council has not proposed any particular tax rate. This is the maximum allowable, the maximum tax rate that we would possibly consider, that we're addressing here. This is not the proposed tax rate. Will mcLeod?

>> Well, I think we also should lower the tax rate. We shouldn't increase it. You know how we can lower the tax rate? We can cut some pork barrel spending that the city of austin has been spending over the years. Why is it that carl leon smart at code compliance makes \$171,074 a year, or larry wayne weis of austin energy, \$311,173. Or sheryl mealy, chef operating officer, austin energy, \$205,610ed. Or our police cheese, bert acevedo, 198,819. That's a whole lot of money to be paying people. And you know what my solution is? I have a whole list of people. There's 31. It's going to take more than three minutes to speak about all employees and the salaries here. It comes out to an estimated \$10,130,464 and counting. That's just for 31 city employees. If we reduced we could save \$8,270,464 by reducing all executive salaries, just 31 employees down to \$60,000. Career politician or public servant, you decide, as bill o'riley would say. Remember the stosle rule. For every little bit of regulation you put in, you need to take two or three articles of regulation out. And let's add to that the 728,002

-- \$728,200 savings for simply removing the hydrofloor us acid from our drinking supply. Don't mind me. I don't work in government. I'm ju serf in this new feudal system. I think it's time this system changed.

Maybe we'll get our wish. Maybe we'll get lower executive spending at the city level. And I think you have a disk, if you could play that, please. I did one for

-- that was supposed to be for 111 instead of 108, if you could please

-- let's see if we could find that real quick.

[16:28:50]

>> Mayor leffingwell: You have less than 20 second. (Playing tape).

>> Mayor leffingwell: Council member tovo? So that passed on a vote of 6-1 with council member morrison voting no.

>> Let's vote no on that. Thank you.

>> Mayor leffingwell: If there's no objection, council, we have three public hearings, no

--

>> mayor leffingwell: All right. Those are all the folks that I have signed up wishing to speak on this item. If you have signed up and want to speak and I haven't called your name, now would be the time. Is there a motion to close the second and final public hearing on the city's proposed maximum property tax rate?

>> Cole: So moved.

>> Mayor leffingwell: Mayor mayorpro tem cole moves to close the final public hearing on the city's proposed maximum tax rate, second by council member martinez. All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. So the final public hearing on the proposed maximum tax rate is closed. Council will vote to adopt the actual property tax rate for fy 2013-2014 on monday, september 9, 2013 at 10:00 a.M. In these council chambers, 301 west 2nd street after council adopts the budget. So I'm going to proceed on the assumption that we're ready to take up item 39 again.

>> Cole:33? 33.

>> Mayor leffingwell:33, excuse me. Is that the case? And I believe we were having a sidebar discussion on what is actually contained in the agreement.

>> We were having a sidebar. Michal means with hush blackwell. Okay, council member spelman, through the help of your attorneys, I think i understand your question now. Confirming again that that -- the objectionable language that we talked about is no longer in the agreement. But I do want to say that the only reason for us to settle is so that we're no longer having to fight the city of austin in this case. Short of that, if we are going to have to continue to fight the city of austin in the case, there's no motivation for us. However

-- I'm sorry, go ahead.

[16:31:19]

>> Spelman: I have no interest in

-- if we accept a settlement, we would not be fighting you, more or less by definition.

>> Right. So I think the answer to your question, and maybe just the best answer I can give you, is that we don't expect mr. Howard to perjure himself on the stand once there. Any statement that he would make, so long as it is consistent with this agreement, which essentially says the city's participation in the case going forward will be in support of these terms being added to the permit, that his testimony would not be objection only. So I think that we're comfortable with that and that's probably -- without knowing specifically what he would say, and we have no idea, that's probably as far as we could go.

>> Spelman: Okay. I think that makes sense to me. Thank you.

>> Thank you.

>> Mayor leffingwell: Council member martinez?

>> Martinez: Well, I

-- you know, this is a really tough case. You know, obviously the best thing is for nothing to happen over the aquifer, very sensitive area, but this property is owned and there are some entitlements to it, and we're headed towards tceq at a hearing where our staff, who spent years on this case and tons of taxpayer dollars, that are telling us we're likely going to lose. And so we have a floor that's negotiated right now with barton springs, the edwards conservation district and lcra, and we've been able to ratchet that bar up a little bit, and have some higher water quality standards. And if we don't enter into this agreement, we go into tceq at the end of next month with, at least from staff's perspective, a fair amount of certainty that we won't prevail. So we lose everything that we've gained. And I believe in a matter of 45 days we'll be worse off than we were. So I mean, this is not an easy decision, and i appreciate all the questions and comments. I've learned a whole lot just with executive session and the thought process, but I think we're faced with a decision that's a gamble. We're not faced with a certainty either way we go. So I'm going to err on the side of

-- if sos wants to move forward, you know, I'm going to be glad that they're moving forward and continuing to contest the case, because if they win, then we all win, but if we stick with sos and move forward and we both lose, then we all really, really lose on what we've been able to achieve right now in this negotiated settlement. So I'm going to offer a substitute motion that we accept the settlement with the terms that have been lined out ensuring that dr. Howard can at least provide responses to questions, and I believe his work product is also available in the hearing, so their geologist, sos, who is organizable their expert, could use dr. Howard's work product as well to make continued further arguments. So I'll make a substitute motion. Substi substi tute motion by council member martinez to approve the settlement agreement. Is there a second?

[16:34:56]

>> Second.

>> Mayor leffingwell: Second by council member spelman. I'm going to support the substitute motion because at the end of the day we all have to make a judgment call on what is best for the aquifer, what is best for barton springs. And I think based on the advice that we've been given and the technical expertise advice that we've been given by watershed protection department and faced with the

alternative of having the opportunity either to raise the bar

-- raise the bar for the worst-case scenario or face the possibility of lowering that bar if the lawsuit proceeds and if it fails, or worse yet, to have somewhere between 300 and 500 single-family homes over the recharge zone with septic tanks, 2006 style septic tanks, depending on which law applies, whether it's grandfathered or not. So I think weighing all the factors, if we want to do what's best for the aquifer, we should approve this settlement.

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem.

>> Cole: This has been a very difficult case because you run the risk of not getting something better by taking a chance on continuing through trial and other litigation proceedings or taking what you have now, which is something that is good. So it's kind of like you don't want the potential best to be the enemy of the good. But I've been persuaded after listening to the experts in executive session that we run too big of a risk that we will have less protection of edwards aquifer and detrimental to the area in the long run if we do not settle the lawsuit. So I will be supporting the settlement.

[16:37:06]

>> Mayor leffingwell: Council member riley.

>> Riley: I agree with my colleagues that this is a tough call. I do see some strategic benefit in getting some protections in place, but the bottom line for me is that would put the city in a position of supporting the issuance of this permit and I just can't bring myself to endorse that. So I'm not going to support the motion. [Applause]

>> mayor leffingwell: Okay, those in favor

-- did you want to say something, council member spelman.

>> Spelman: I don't support the settlement, but I accept the settlement. I think we're cutting losses here and I think this is a prudent thing to do, and i subscribe wholeheartedly to the framing of the issue offered by council member martinez. I think this is exactly what we need to do in order to -- in the best interest of the aquifer.

>> Mayor leffingwell: Those in favor of the substitute motion say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 4-3 with council members riley, tovo and morrison voting no. Council will now take up item no.108 to conduct a public hearing and receive public comment on the city of austin 2013-2014 proposed budget. Council will also hold a public hearing on the proposed budg august 22, 2013

-- I think this

-- I think there's an error on the script here

-- in the script. August 22

-- oh, also held. It's already been held, held a public hearing on the proposed budget on august 22, 2013. Will close the public comment on the proposed budget at the end of this meeting. Council is scheduled

to adopt the budget on september 9, 2013. If council does not adopt the budget on september 9, we will continue the budget adoption part of the hearing to september 10 and 11 if needed. So now we will begin to receive that public comment beginning with carol bidriky I get the same reaction every time.  
[16:39:42]

[Laughter] I'm sorry, you know, I have a difficult last name too, so that's okay. [Laughter] you have three minutes.

>> Okay, thank you, my name is carol bigistski for the record. I'm executive director of texas roads ratepayers be organization to save energy. I was here on august 22 and I am actually still using the same testimony because i only got the opportunity to make one or two of my points and I wanted to continue to do that this evening. So today I will ask you to please turn to the very last page of the handout that you have just been given, which is numbered page 8. This particular piece of paper is the copy of a page from the public utility regulatory act, which has jurisdiction over a number of utilities in texas but not austin energy. And the purpose of this is to show you that for utilities under puc jurisdiction, they are required to spend not less than 10% of their total energy efficiency budgets on what they call targeted low income energy efficiency programs, which is basically low income weatherization. So actually there is a precedent for there to be a minimum level of expenditure here in the state of texas. Now, if we look at page 6 of your handout, it's actually a printout of a page from the austin energy web site, and this is a page that people go to when they want information about the city's free home energy improvements known as the free weatherization program, the home energy assistance program. I have highlighted what i want you to read there, where it says program currently full. Unfortunately we are not accepting any more applications for the program at this time. We hope to be able to offer the program again in the future. Please check this page for updates. Now, I asked austin energy how long this notice had been posted, and they said three or four months, and i did not get an exact date as to when this was initially posted. Okay. Now let's look at page 5. And page 5 is the budget that austin energy provided that shows the budget and expenditures for each one of its energy efficiency programs. Now, if we look at the total budget for the very first item, free weatherization, we see that it was \$849,850. This year they have so far spent 19,256 of it, and they had this post

-- so this is wrong and I would like to see this energy efficiency budget fixed and that austin energy not be allowed the increase that they've requested.

[16:43:08]

>> Thank you, carol. Thank you. Suzanna almanza? Suzanna almanza? And next we'll have teresa perez wisely.

>> Good evening, mayor pro tem, and city council members. I'm suzanna almanza with poder and also served on the hispanic latino quality of life oversight team. Today's budget review our city staff department implementation recommendation of the hispanic latino quality of life initiative recommendation provide a critical opportunity for the austin city council to address the historic and continuing economic and social cultural marginalization of the hispanic latino community. Full

implementation of the recommendations in the report will put the city on the right track to a better future. When latinos succeeds, austin succeeds. A total of 27 recommendations can be implemented pending council action with a total implementation cost of approximately \$3.5 million. Members of the hispanic latino quality of life oversight team have provided constructive feedback and clarification to staff responses, to the hispanic latino quality of life report. The 27 recommendations address the disparities in areas such as economic development, health, housing, cultural, arts, youth services, civic engagement and transportation. To make sure that the next generation of leaders develops, the city of austin must work to ensure that youth are part of the future visioning of the city's plans and services. We are pleased to see staff's recommendations of an additional \$743,822 to cover programs, services and prenatal through pre-kindergarten programs, and additional funds for youth and college students for summer and year-round internships. These funds are in addition to funds already allocated for summer camp, after school programs and other youth services provided through recreation centers. The funding of these recommendations will move forward, the highest priorities of improved employment and promotional opportunities, with the goal of having a city of austin workforce that better reflects the demographic makeup of our community at all position levels. An increase in bilingual and culturally sensitive information and materials available for public consumption and promote the market austin as a culture city

-- as you would say, the best cultural hispanic latino city of texas. So we ask you to review those budget that were moved forward by the staff, different departments for the hispanic latino quality of life. Thank you.

[16:46:06]

>> Cole: Thank you, suzanna. Teresa perez wisely. And ruby calderon. Are you here? Teresa, you have six minutes.

>> Council and

-- council and mayor leffingwell, good evening. I am teresa perez wisely who also served on the hispanic latino quality of life task force as chair. We appreciate the support of the office of the city manager and encourage city council to focus on our newest recommendations. As you consider our feedback and clarifications. In particular, the report we intended to be a call for leadership to ensure the inclusion of hispanic and latino community in all aspects of the city of austin. The importance of the hispanic and latino community is directly reflected in the specific budget dollars invested by the city of austin. As our hispanic and latino communities continue to grow and be civically engaged, we expect the city to increase its efforts to include the latino community in its workforce, department goals and civic engagement. This summary which you may or may not have in your hands, I'm not sure, I did email it to make sure that everybody got it, now includes our comments. This was set up where it took the items from our report, gave it costs and then recommendation. We then countered those recommendations or maybe attempted to clarify them. It was broken down as recommendations addressed implementation dependent on council action, and implementation contingent on other factors. Of course I'm not going to go over each one of those. We just will send it to you electronically. Let me start with one of the items. In the city clerk's office, page 84 of our report, and our recommendations, we

recommended increased spanish language translation support to all public meetings, of course city meetings. This support shall be made available to speakers as well as listeners in the audience. The staff response was, clerk's office provides this service upon request. Our response to that, the city clerk's office should provide information to the public on how to request the interpretation services or translated materials as required by federal law. Now, that's what we wrote. Let me respond a little bit. I attended a meeting not too long ago as a potential facilitator of a conversation core, what i thought was a new city organization, but it's not. Unfortunately, there were very few in attendance. One group had an interpreter sign to them, and two other department staff persons quickly were broken into two parts in the same room, but we might as well have been in two different cities. They never got to hear our ideas and we never got to hear theirs. There were women who preferred or needed spanish. Our group had some valuable participants that primarily needed english spoken. The hlq report recommends supporting the speakers as well as the listeners in the audience. We have knew that making a meeting easy to participate in and to learn from, we wanted equal access to those professionals, both ways at the same time. The machine helps to hear translation, but if you're still not participating and just listening, you're losing a lot. We want all in our community to hear and to understand and to speak and to be understood and to be included in the big picture. I have never been to a un meeting but I have seen them on tv and I know from watching them that everyone is included at the same time. This is austin. Surely our staff could have come up with a better solution. The next item that needs to be brought up tonight quickly is the response to, again, the pio's responses to page 83 and 84 of our report. Again it was the conversation core. Once you read what staff states you may believe that the conversation core is a city of austin department or program yet I attend those meetings. I'm part of the core, and as far as I understand the conversation core is looking for a home and funding. Therefore we're a little concerned about the responses from pio since it is already addressed to be -- as a resolve. In other words, our questions were resolved by saying the conversation core was the answer. And at best it's only partially responded to it at present. There's still a lot to do within the conversation core before it will improve -- and the city needs to be in the lead and provide funding and keep it within the city departments. It doesn't train members of the latino hispanic community on important public policy issues. It trains them to be facilitators, which will be useful. We want our community to be able to sit on the other side of -- on both sides of the meeting and to learn to participate and be heard by all that are present. Finally, under implementation contingent upon other factors, management services, pages 19 and 29 of our recommendations, our request to increase the collaboration between your joint committee with aisd and travis county and to consider the hispanic latino quality of life issues, which could be mutual, staff recommendation was, further assessment is needed to determine how this recommendation can be implemented. It seemed, quite simply enough because meant to create a link between the two groups. When an issue is relevant to both that there be a two-way form of communication. Our intent was to have staff that's already assigned to the new commission, either to attend your meeting and present those comments or to deliver the information to see -- or to send it electronically to make sure that it gets there and that both sides are hearing the same thing. The new commission, they also choose to attend a meeting as I will be attending in september to present those items for the current report that are under their purview. I ask that you reach out of the to the task force if there is something that needs to be clarified from these recommendations from staff.



I believe these budget responses

-- oops, I'm sorry.

[16:52:22]

>> Cole: Thank you.

>> Thank you.

>> Cole: Sylvia very well velasco?

>> I just need a minute or less.

>> Sylvia will donate her time to you so you have as much as three minutes.

>> I ask that you reach out to us because not all city staff was actually present at our meetings, obviously, and those that were might have understood more about what we were talking about in those recommendations, but they obviously were not in all the departments. I thank you for your time, but there is two more tiny things. We support placing an increase of funding for the mis barrientos mexican-american cultural center, but the staff actually recommended about 45,000. But we're asking that you take in the whole \$244,198 as the macc board has recommended, and one final thing. Sylvia who just gave me her time wanted to make sure i mentioned that there are 73 na, or not applications, in the funding needed or budget areas. That's a little insulting due to the nature of the recommendation, so I ask that you kind of look at all THOSE NAs ALSO. Thank you.

>> Cole: Thank you, teresa. Next we'll have bob nicks, and donating time to bob nicks is greg pulp. Okay. Mark harris, and palmer buck. Okay, bob, you have up to nine minutes.

>> Mayor, mayor pro tem, council members, thank you for your time and your service. I'll be asking you to please consider a pay raise for firefighters. I believe the city council does have the authority to do this either inside or outside the bargaining environment. The city of austin has spent approximately \$1.4 million on the recruiting and hiring process for 2013. For the first time in my career I strongly feel that the recruiting and hiring process are done correctly. The last 18 months

[16:54:31]

[inaudible] staff as well as afa have worked together to produce what I think will prove to be a great hiring process which we will be proud of that will produce competent candidates while reducing adverse impact. Afa wanting this hiring process to go forward. Afa helped design the process. We believe in the process, but without a labor agreement there is no legal basis by which it can move forward. There is an easy fix, which is to go back to bargaining. It would be tragic if together we cannot continue with such potentially great process and stop the wastefulness management of \$1.4 million of taxpayer money. The city staff would have the council believe that afa is unreasonable and cannot be worked with. They have advised you the city must demand the carte blanche hiring process the only way to meet its legal obligations and meet the community goals of diversity. This is patently untrue, or as we sometimes say in texas, it's hogwash. It is city manage management that continues to screw up the hiring process, not the firefighters. The city's failure is continually blamed on afa only because the city refuses to point the finger back at themselves where it belongs. Let's talk a minute about who's being unreasonable. Afa is

afforded the city a very flexible hiring process since 1995. Is this the works of unreasonable association? The city since 1995 has continually received the hiring process they have requested, over and over again they misused it. In 2008 the city manager demand the carte blanche hiring and afa membership voted this down by 80%. Afa looked all over the nation and researched best practices systems. We invited city staffers to memphis to witness an example of these best practice systems. Is this really the works of an unreasonable association? Remember the [inaudible] arbitration? Before the grievance was even filed I spent a month trying to work up issues outside the public eye. I which for with chief kerr, mike ott, michael mcdonald and every city council member at the time. Is this the works of an unreasonable association? The ar awarded in afa's favor. It was uncovered in the arbitration that evidence was tampered by the city and misrepresented during testimony. The vendor submitted a false validation report. The city manager's office pressured the vendor to change the original recommendation that was used over a thousand different cities successfully. How did afa respond? Afa called for a media black-out after we won to keep this damaging information from harming the city and afa from moving forward together and designing a successful hiring mlu. Is this the works of an unreasonable association? The city is to blame for creating the adverse impact. Unqualified and mostly untrained goodwill employee evaluators, surely not an afa initiative, leaked exams. Remember the leaked dpams? Does everybody remember that? No security integrity at all. 58 city staffers had access, unfettered access to the exams, zero uniformed people. It's unconscionable. Application supplement attachment? An unnecessary step in the application process, a test really created with no purpose that was not validated or job-related, but did create adverse impact among african-americans unnecessarily. I am certain the doj will be looking into this. Afa employed the city not to do this but they wouldn't listen. Is this really the work of an unreasonable association? Miscalculated and unpublished -- and published the final eligibility list scores, and they're miscalculated -- they were calculated incorrectly. Afa discovered this on their own and informed management and did not inform the press. It was fixed behind the scenes. Is this really the works of an unreasonable association as council has been briefed. During the mlu, afa did its own analysis of the integrity inventory and found it had adverse impacts to hispanics, unnecessarily. We brought this up to the verched in the city, the vendor agreed. That was afa's analysis, not the city's, not chief kerr's and not the vendors. Is this really the work of an unreasonable association? In this last -- in the last [16:59:02]

[inaudible] the shorter time limit that was required for the testing procedure when mac was headed back was given to our candidates. More likely this created adverse impact. Again, no afa involvement. Almost certainly this misstep will catch the attention of the doj. Expensive recruiting consultants, terrible results, probably led to more adverse impact. 300,000 spent. Council member spelman, i remember you said, why are we doing this? Why don't you know how to fish now? Well, we learned from that experience as we did the exact opposite of what they did, rather the classiest -- we spent \$300,000, we target successful candidates that have the skills that are necessary. Another reason I think this new process will go well. I can go on and on. On a positive note none of these problems occurred in the current process. My point is that afa is very reasonable and flexible in helping

the city attempt their mobile goals and community goals of diversity. In spite of all the problems and the mismanagement created by the city, afa continues to work through this in good faith. I am sick and tired of being unjustly blamed for the city's missteps. The problem with cadet hiring cannot be pinned on the contract or the actions of the firefighters. The problem with cadet hiring is city mismanagement, period.

>> Mayor leffingwell: Bob, just a friendly reminder, this is supposed to be about the budget, discussion on the budget.

>> I will finish up quickly. I really thought I had this worked out better as far as time. I know from a council workday, from a couple wednesdayss ago, the money is earmarked for firefighter raise. I watched the tapes. I want council to consider that what you're being briefed on is incorrect. We've bent over backwards to try to meet the community goals. You can't always be successful, but we do believe that firefighters are just as deserving as any other city employee, and we'd like to consider this during the budget cycle. Thank you for your time. I stand for questions.

[17:01:10]

>> Mayor leffingwell: Thank you. Questions? Thank you, bob.

>> Thank you.

>> Mayor leffingwell: Soyal vega? Not here. Lynns acosta adams? Not here. Ernesto calderon.

>> [Inaudible]

>> mayor leffingwell: I know, but the person you donated too isn't here.

>> [Inaudible]

>> mayor leffingwell: No, i didn't call you.

>> [Inaudible]

>> mayor leffingwell: I called lynns acosta adams. Ernesto, do you want to donate your time to dan aryano?

>> [Inaudible]

>> mayor leffingwell: Okay. We'll get that. Next speaker then is alejandro rocha. The clerk will make that change. Alejandro rocha. Lisa robertson. Barbara grove, brian mageveron. Brian is here. You still only have three minutes, no matter how many people

-- [laughter]

>> thank you. Good evening, my name is brian magiveron. I'm here as a member of st. David's episcopal church and member of austin interfaith. The people you saw lined up at the back of the chamber this evening are representatives of the 30 institutions spread across this city and the more than 50,000 families that form our organization. In the past few months the leaders of austin interfaith have held hundreds of conversations with our members and with our neighbors, in our communities, in our congregations and in our schools. Talking about the city budget. And what we have learned is that all of those people overwhelmingly support the investment in the people of austin, in their livelihoods, in their children, and in their quality of life. I'm going to go through those one by one, but quickly. First, livelihoods. We encourage you to invest in the economic development programs that end the cycle of poverty. Pointedly, we request first that you transfer capital idea funding from the health and human services budget to the economic growth and redevelopment budget. Second, we also ask that you

increase the capital idea funding to support recruitment in child care. Second, our children. Please reinvest in austin's youth by restoring funding to youth programs. When funding was cut from prime time last year, many schools lost their after-school programs, including the one at travis heights elementary, which is a member institute of austin interfaith. We ask that you reinvest in prime time. Further, we ask that you invest in summer youth employment. Every year it trains 1400 young people, but can only employ about half of them. I think you'll all agree that anyone -- if you care about public safety, investment employment is probably the best investment you can make. Finishing with quality of life, I'm going to mention parks and libraries. First, its priority is funding parks to make sure they're safe and equitable. That means in order to maintain health and safety in dove springs park, austin's budget must include utility funding for lights and for water fountains, both of which are conspicuously absent from the park in dove springs. Also need increasing resources for basic services, like the hours that a pool is open. What could be a more clear example of the divide between east austin and west austin than by having pools less available with fewer hours east of i-35. Finally libraries. The effect of years of cuts in our libraries is showing in the graduation rates from our schools. And our most vulnerable students. Without a solid base in literacy, the likelihood that delinquency and poverty increases. Thank you, we look forward to hearing from your offices to learn which of our proposals you'll support. And also, which of you we can tell you our members support their priorities. [17:06:03]

>> Mayor leffingwell: Thank you.

>>

-- And quality of life.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Do you have a specific question, mr. Giveron, with respect to libraries?

>> Yes, we do have a very specific request. I can follow up with you in more detail but it includes hiring more bilingual librarians. I believe currently the budget includes money for two. We would request that you hire an additional four, for a total of six. I can get back with you more details.

>> I'd like to hear it. I think the rest of our residents would too.

>> Absolutely. Thank you.

>> Mayor leffingwell: Kirt cadena mitchell?

>> Bob

--

>> good evening. My name is bob batlynn, I'm a leader with austin interfaith and a board member with capital idea. I am proud that austin interfaith was instrumental in creating capital idea. I joined the board because the idea of a public/private partnership designed to help the disadvantaged lift themselves out of poverty was appealing. Basic concept seems perfect. We bring together people who need jobs, businesses that need good employees, a government that needs a skilled workforce to attract new businesses while at the same time lowering the needs for social services, and educational institution looking to graduate employment-ready students with facilitators who remove inhibitors to students' success. Much to my delight I have found the capital idea actually enables all this to happen.

Today I'm here to thank you for your support over the years and to help remove a financial roadblock. I am here tonight to urge your continued support of capital idea, both by managing it as an economic development program, which it is, not as a basic needs social services program, and by restoring the city's investment to the 1.1 million level that existed prior to the previous social service rfp process. Thank you very much.

[17:08:26]

>> Mayor leffingwell: Thank you. Michelle atamillikin? Michelle? Ven imen? Did I say that right?

>> Yes. Thank you.

>> One for two. [Laughter]

>> good evening. Good night. My name is ben imen and I'm senior director of engineering at austin semiconductor and I'm also a board member of capital idea. Michelle atemillikin is from seton and she's the director of talent acquisition and she was here on first shift and was willing to speak but had to leave so I'm here on behalf of the industry. I'd like to start by thanking you for the impact that I've seen personally from what you created with the \$1 million a year economic development funds resulting from samsung's tax abatement agreement. When I say personally, i mean that I'm very proud to say that one of the capital idea pilot project graduates is now part of my team at samsung. His name is john de leon. Well, back in 1998 when capital idea was just starting john only had a ged certificate. It falls far short what we need for entry level jobs today, but however outside of the educational realm he got customized classes in mathematics, conducted by skilled leaders from austin interfaith at san jose church, and he became hired as an equipment operator at fotronics, a company in austin. Since then he earned his two-year degree from acc in high technology and has joined samsung austin semiconductor and today he's responsible for quality control of about \$50 million worth of pattern reticles for the application processor microchips that are running in pretty much everybody's cell phones and tablets today. So john is a powerful example of the potential of an ordinary austin citizen to improve his skills such that he can contribute and benefit personally from working in a rld with-class high tech environment. But if john were to start this process now in 2013, he couldn't repeat that same story. He'd have to have his two-year degree first. The entry level educational requirement in all good-paying industries, in my case high tech, in michelle's case it's medical, requires -- the requirements are still going up. They're high and they're going up. So I speak from experience in the high tech field, and then the other technology heavy fields like medical, green energy, they share the same problem. The requirements are high, and they're not going to get any lower. So I'd like to thank you for your continued support of capital idea, urge you to continue making workforce development investments in austin citizens, and without you we couldn't have come this far, but now it's more important than ever for austin to keep it going. Thank you.

[17:11:35]

>> Mayor leffingwell: Robert williams.

>> Mayor, I'm allocating my time over to henry violence.

>> Mayor leffingwell: Over to who?

>> Henry vines.

>> Mayor leffingwell: Okay. Next speaker is jennifer mcfarland.

>> [Inaudible]

>> mayor leffingwell: Okay, we'll come back. Oh. Jennifer mcfarland. Okay. Gotcha.

>> Good evening, council member. My name is jennifer mcfarland. I'm one of the first participants to be served by capital idea after it received its initial funding from the city of austin in 1999. At 37 I found myself a divorced mother of two, struggling to live on part-time employment and public assistance. I realized I'd never attain a livable wage in austin with only some college education behind me. The opportunity to return to college through capital idea was a god send. After grawfting from austin community college in 2000 oh graduating from community college in 2001 I acquired full-time employment with austin school district and with city of austin parks parks and recreation department. There was a bright light at the end of a dark tunnel for me and my children. The journey did not end there. Over the last six years I've worked for the city of austin aviation department and recently rekindled the desire to further succeed. I returned to school and earned my bachelor's of science in social psychology from park university. None of that would have been even possible without the first opportunity and the endless support from capital idea and its phenomenal employees. They were there for me and my children from start to finish and offered my family the chance at a brighter future. Capital idea is a worthy program that has established an amazing record of significant long-term impact and warrants your support. I am proof that early investment is still at work producing positive results in the community. Thank you.

[17:13:49]

>> Mayor leffingwell: Thank you. David dixon. Day of the dixon. Diction

-- david dixon. Are you david?

>> Yes.

>> Mayor leffingwell: You can go over here. [One moment, please, for change in captioners.] (cofa9-27-12.Ecl)

>> ... So with this momentum, it is perplexing why austin energy proposed cutting the solar budget by \$3.1 million for 2014. By contracting out the commitments, net result is 80% reduction in new install stalllation capacity next year and it will bring local solar community to a grinding halt. The amount proposed is willfully inadequate and does not come to meeting the recommendations of the local solar advisory committee and in fact it is not in line with the city's own local goals. It was discussed at the ett meeting and at that point they decided to bring it down to realign it with the lsac report and I recommend that and hope the council will approve that recommendation.

[17:15:59]

>> Mayor Leffingwell: Juan benivides. Is julio trevino here?

>> He is not.

>> Mayor Leffingwell: So you have 3 minutes.

>> Thank you. Juan, chair of the mexican american cultural center. I was here last week asking you to consider a budget item for

-- for the

-- and i brought a presentation to you to show how we spent the money for the budget last year. We have gallery exhibitions and one of them is a work by mountain r munoz and the works is by

-- by munoz and san tone yo [. [Speaking spanish]. We had a community gallery showing for him in one of the main gallery. Heaven and earth works with duran. He conducts several workshops and classes for

or youth at mac right now. The big red bus is where austin martinez was in the community gallery.

Musical legend, martinez and then baroque on the border. This is a beautiful art gallery. And this is by one of our staff. Brought us with me, organic tendencies, this is a program that was related to cip money

left over from the phase two construction and that was a community collaborative project with

immigrant families and their children. Arts in public places, uprooted dreams, these are the participants.

These are all families with kids that participated in that program. There are some more pictures of the uprooted

-- uprooted dreams. They make something they call alavijas. They take wood roots and branches and things from nature and they carve things out of them and they paint them, as you can see here. And this

is a great project for children. And of course we have our annual events, mexican american experience and the pan-american festival, in 2012, it was a big moment for us. And then this in 2012 that evolves

around the story and plays that community and children are involved in. All of history's project, this is mayor garcia down at the bottom left. This is an annual event. We have a lot of children attending that

and we celebrated the 50th year anniversary as well last year and more pictures there. The de los

muertos is always a big event for our kids and we make altars with families and lots of families and

children participate in that. More chicks of de los muertos and we need support for this \$243,000 that we are asking for.

[17:19:19]

[Buzzer alarming]

>> Mayor Leffingwell: Thank you.

>> Thank you very much.

>> Mayor Leffingwell: Charles hemiline. Charles hemiline.

>> Good evening. Thank you for the opportunity to speak. My name is charlie hemeline, the president of solar austin. On behalf of local community of solar industry and solar owners and advocates I want to

strongly support the motion passed by council member morrison, spelman, and riley in the

subcommittee to restore the solar incentive budget to 7.9 million. The proposal by austin energy

represents significant cut do the residential and rooftop market reducing budget available for new

installations in 2014 by 80-90%. The city has worked hard over the years to develop the local rooftop

market and a drastic cut is a brick wall to that progress. Amended budget as recommended by that

committee would bring the funding in line with this year's budget and the level recommended by the

city's own local solar advisory committee. It is important that we don't inhibit progress as the city determines its long-term goals for solar. On that front, we are happy to see that austin energy is now working dill generally with the local solar advisory committee to validate the results of the committee's unanimously supported support. We are confident that austin energy and the city will affirm the local solar is a tremendous investment. Near term market development is especially critical since the federal 30% tax credit expires in 2016 so we want to move fast to capture the value. It is also important to keep in mind as you consider these investments in solar that the city's commitment doesn't just benefit those local installers and that buy solar, not to mean that we don't just benefit from clean air but the whole ecosystem as a result of our leadership. I meet with crawford electrical supply, part of the largest distributor in the world. They aren't what you consider a solar company, per se, but they estimate they will do 3-\$5 million of solar work in the austin region in year alone. They don't receive a dollar of the city's incentive budget but their investment is what makes their 5 million-dollar of work possible. The host of companies that don't receive the incentives but are here because of the solar program and high-tech clean record. They include solar bridge, imagine solar, ideal power converters andeer high-tech companies. Ewe get a lot of bang for our buck in solar. I >>fulmore you to maintain progress in budgeting solar rooftop market and that we keep our well kept clean representation, please bass the budget as recommended by the emerging technology committee. Thank you very much and I am happy to answer any questions.

[17:22:27]

>> Gous pena and dan arianno and you have up to 6 minutes.

>> Good evening, mayor and city council. My name is an moreno, author and historian and I am here in support of the mexican american cultural center, perhaps the only outlet we have in please vocation of our heritage and culture. With all due respect to martin luther king, the civil rights movement didn't begin in 1950, it began before the heat was dry on the guadalupe hidalgo in 1848, in 148 our ancestors were fighting for the right to survive. It has been a struggle ever since. Now we are fighting for the right to preserve our culture and our heritage. Now, our mexican american community, an example, some have been concealed, excluded and in some ways out right distorted. World war ii, less than 4% of the population, yet, we were the most highly decorated minority of them all. We were rewarded 12 medals of honor and of course the state board of education, they attempt to remove as much of our history as they could get away with but we showed up and said, oh, no, you don't. Tejano monument. Once we had the money appropriated, they say, okay, you tejanos you have to put it in the back of the capital, the monument, not only did we say no, we said hell no. It took two years and we changed the law and now the governor of texas is refusing to allow the funding for mention carrne american studies at the university levels.

-- The mexican american studies at the university levels. I hope it does not affect the mexican american culture center but it is a trend and I am afraid if we allow that trend to continue we will not have a mexican american cultural center. Please consider that. One other thing, september 28, saturday, between 2 and 5:00 p.M., We are having a save tejano history symposium at the mexican american cultural center. I will be at the moe september 7 to make



-- at the alamo september 7 to make sure those people understand that texas history does not begin with the riley of stephen f. Austin. Thank you very much.

[17:24:52]

>> Mayor Leffingwell: Thank you. Quintenilla. [Clapping]

>> an nita, I am going to take one minute and give two minutes to juan o. If he wants to. Of f. Mexican americans have been here for hundreds of years. Our indigenous ancestors have been here for thousands of years. We experienced genocide and now we are experiencing gentrification and cultural genocide. The city council should be on our side, rather than with newcomers and developers. I am asking you to support our culture and our community, especially our youth. It was their parents, grandparents, great, great parents and so on that built this city with their blood, sweat, and tears. Please fund the additional budget requests for the mexican american cultural center. Thank you. [Applause]

>> Mayor Leffingwell: Thank you. Ecidro rod.

>> Welcome eagain mayor, council members. I am here today now speaking as a city employee. You have in our budget a 1.5% raise for all city employees. As y'all well know, y'all have in your hand and I have a handout of that same graph that I showed you earlier of the rate increase on the fees. It's not only

-- this not only affects seniors. It affects your own employees that you see before you today. Just in the rate increases that you are looking at, 4.8% increase, with the additional rate increase of 5.4 on our medical costs, i am in the hole 10.2. Now, you tell me how am i going to make it with the 1.5 increase? I am at 8%, at 1.5. Even if I go for a 3, which we all feel we know we deserve, I am still in the hole 7. Council member spelman, i talked to you last week, how I supported you for standing up and holding the line. I expect you to hold that line. You want to talk about using nonafd police officers, then do it, because you know what? My family is relying on me to make this happen. I am asking you to hold the line. You want our dedication to do our job? I will have to get up at 5 clock in the morning to get to work, to put two children to take them to school, make it to work from del valle, texas, to be here by 7:00 o'clock. And I do it every day. I want you to commit and do the right thing. We are being told by your own financial officer that we will not be able to get a 3% raise until 2018. We know that healthcare costs is going to go up. The rate of inflation is going to continue to go up. So how am I going to make it? You know, council member spelman, that we have been told time and time again, we cannot continue to fund public safety, which I will say for the record, I highly commend them and are grateful for what they do for us, but we cannot continue to fund it at this level.

[17:29:32]

[Buzzer alarming] continue to do the right thing. Thank you.

>> Mayor Leffingwell: Thank you. Margarite jones. She has 3 minutes and signed up against the budget. [Laughter].

>> Thank you for hearing us tonight, and for staying after 10:00 o'clock. I am here to ask you for 3% raise for the city of austin employees. Most of you know me as community activist and a volunteer and a

mom. My children are 23, 20, and 16 now. I started out fighting for causes for the city when my youngest daughter who is 16 now was on my hip and nursing. As I listened last week and tonight, I realized times have changed and we have grown a lot older but the issues are the same. I am listening and the issues are the same. And I am listening to people last week, and it was humble to see how people treat you and speak about us, austin energy. I have worked there and I am very proud of austin energy and I am very proud of the people that I work with, like sid. We provide a service that i don't think you can really compensate us for some of the things we put up with, either. The things that you rule on, the resolutions that you make , we have to explain to people why you make those resolutions. [Laughter] and it is pretty difficult. Sometimes we get cussed out quite a bit. But anyway, times have changed. Most of the time I spent volunteering, I work with different issues from children with disabilities, barton springs, you know, the environmental protection and justice of the city and all this led me to work for austin energy and I worked under council member dell flesher ux former council members and former council member roger duncan and the former gm of austin energy and I was privileged to travel the u.S. Promoting plug in hybrid vehicles with roger and darrell and others who worked on the plug in hybrid campaign. As I traveled around the country, and I wish our employees could hear the things and the praises that we got for this city, for austin, texas, and for the work that we do to protect the environment and for the way we are known to take care of the people and the environment. So to ask you for a 3% raise when we might get a one and a half percent raise is just kind of an insult to me. The employees that I work with just give an incredible amount of time and sacrifice to their jobs. We are working overtime now trying to answer, you know, to being cut off. They are being cut off. People are having their electricity shut off and it is a very difficult time but not to get a raise, as acid said, you know

-- as sid said, it translates to food, to gasoline, just to get to work, just to be able to have lunch. We work with a lot of temporaries on the third floor in austin energy at customer care and we have these

-- [buzzer alarming] well, hello. Sorry. I have more to say but i will save it for comment later.

[17:33:02]

>> Mayor Leffingwell: All right. Thanks. Jennifer mcphail.

>> I am jennifer mcphail and I with adaptive texas. We had intended to come here tonight commenting and being positive about the budget, but we were told yesterday morning at the city sidewalk task force that the budget for accessible sidewalks and improvements to ensure ada compliance would be \$7.5 millions, and i received correspondence from the budget office tonight that the money available in the proposed budget would only be \$3.2 million and there would be a 10 million-dollar carry over from this year.

-- Carryover from this year. Those two things are in conflict with one another and it is very unclear to me what you will be asked to be voting on but \$3.2 million is not enough money to address the problem that we face throughout this city, and pedestrians all over of different shapes and sizes, from different backgrounds in the community are dying out there because we are all being forced into traffic at some point or another. And it's not just a disability like this but you need to look at this more intimately, because I can't get out of my wheelchair, i am forced into traffic whether I like it or not. A lot of times I

don't have the median to retreat to or the side of the ditch to walk in so it does affect us more intimately but everyone is at risk throughout the city. Children, elderly people, people with disabilities. All sorts of people, bicyclists, and we are not paying enough attention to this problem. I wish I could come up here and

-- and report and praise the work that we've done because in the past, it has been great work. Since 2005, we've created 2200 curb ramps and created 82 linear miles of sidewalk. Yet, we are proposing, in this budget, to only spend \$3.2 million in additional appropriations, because there is a 10 million-dollar carryover. Why, when you can easily contract that out? If the city staff is overwhelmed and doesn't have enough resources to produce it quick fluff, contract it out. Our city sidewalk master plan, it was the recommendation but you found sidewalk construction at \$10 million a year until the problem is addressed

-- assign

-- until there are no barriers to the community for anyone, until no children are forced out into oncoming traffic. Until no person with a disability has to be forced into north lamar. That is not acceptable. Not to me, not to anyone else in our group. And not to most of the general public. You committed to the public to keep us safe, and frankly, every human being who has been hit by a car, who voluntarily got out into oncoming traffic in support of the bond election.

[17:36:18]

[Buzzer alarming] to show people what it meant to support the bond, this is an insult.

>> Thank you, jennifer. Franklin stacy. Council member morrison.

>> Morrison: I wonder if i can ask our staff just to enter a budget question to help us explain what is going on with the sidewalk funding. Last year, this year, the issues that ms. Mcphail has raised. Thank you.

>> Mayor Leffingwell: So ordered. Franklin stacy.

>> (Indiscernible).

>> Mayor Leffingwell: Okay. Katherine kranston. Steve lofton. Albert metz.

>> He had to leave.

>> Will mccloud. Don't see will. Dorsey camille. Dorris camille. Ridge depalma. Skylar banilla. Henry vines. Henry vines. And robert williams, were you donating time to henry? Is that right? So you have up to 6 minutes.

>> Thank you. Council, mayor leffingwell, thank you so much for staying late and to listen to our comments. I know you care about the city. I am here because I care about capital idea. I am another employees for capital idea which is a partnership between austin enter faith and local business leaders who think it's a good idea to develop a workforce in the city. Capital idea does this by way of

-- by the means of basically putting

-- putting prospective students through school to get them training and skills they need to be valuable in our workforce. Capital idea invited me to speak to you tonight as an example of, you know, of a success story. I was

-- I was previously working, you know, just an hourly job, not a lot of opportunity for

-- for advancement. But I had a daughter and i realized I needed to really secure my family's future and I

found out about capital idea's programs and I jumped at the opportunity. What that was like for me was they didn't just cut me a check and send me to school. They did that. They paid for my tuition. They paid for my books but they also met with me every week to make sure that i was

-- they were guiding me on

-- on, you know, making sure I could study well, making sure that I was handling my personal life as well.

For instance, they offered guidance on balancing school life with home life. Job search skills, lots of things like that. One thing in particular that was really valuable that they offered to us was childcare

-- subsidizing childcare for us which for me and for a lot of other students made a big difference in

-- in, you know, having the availability to make it to class, to put in those hours studying so that we could be successful in the program that we choose, which in my case was renewable energy technology. At

this point, what we are requesting is we want the proposed budget to be moved from the human services so workforce development, and that's basically what we are doing. We also would like to see

-- for about three years ago, our budget from the city was 1.1 million. It got

-- it got bumped down in the last rfp. We would like it to be pulled back to the 1.1 million and the difference is

-- the difference that will make is whether or not capital idea is able to offer the childcare services. Right now there is a lot of students in college over at at acc that are having trouble making it to class because

without us being able to offer the childcare subsidies to those students, you can't always do it. You have to take care of the kids. So that's our request and i want you to hear about my story, just briefly, and just

let you know that i went from, you know, having a job here and a job there, like I said, not a lot of

opportunities. Now that I got the training I did through austin community college through capital ideas, health and support. Now I have a salaried position at texas gas service, in particular i am

-- a big part of my job is to coordinate with austin energy and their efficiency services and their rebate programs to make sure that

-- that the services are more effective on the electric and the gas side. The really rewarding thing for me to participate in

-- it is really rewarding thing, and it reflects one of the ideas of capital idea which is they are investing in our community, part of

-- part of the intake process was, you know, we want

-- they made sure, among other things, that I showed up when I said that I would, that I did the things that i said I would do and that i was interested in

-- in being part of this community. Which I absolutely am. Austin is a really wonderful place, and

-- and capital idea is one of the most wonderful things in the city that I could have found. I wish I had found them sooner and I request and thank you for your support of capital idea in this next budget.

Thank you.

[17:42:33]

>> Mayor Leffingwell: Thank you. [Applause].

>> Mayor Leffingwell: Marg arite jones, already spoken. Tom smith.

>> Mayor, council members, my name is tom smith, or submittly, republicans for d or smitty, republicans

for texas officer and I want to thank you for working so late and so hard and sometimes I think you have a thankless job and then i hear stories like the last one and I think this is a pretty cool city. We do some cool things together by working together. I am here tonight to ask you to help fund some programs that have been very successful and to continue them. And there are three

-- two of them you have heard already about today. One of which is the weatherization program that austin energy has developed and I would ask you to increase the funding for that and to at least set aside at least as much as the piners you people in the state of texas is 10% of the energy efficient money into state weatherization. That is what the state requirement is and when are failing on that. Second there is something that we as a community and you as council have talked about a number of times and that is trying to solve the problem of the fees we charge people who are disconnected nor the last two years, you as a council and the euc are asking why are we charging people with these smart meters to having people reconnected. And you can by changing budget item tonight

-- and i think council member martinez may have

-- eliminate the income from that and solve this problem without having to go to darn meetings to talk about solving a problem that otherwise will get studied. The third thing I want to talk to you about tonight is to ask you to support the resolution for an increase of \$3.5 million in the solar budget that has come out of the emerging technology committee. A year ago, y'all asked the local solar advisory committee to come up with plan for developing solar in a very thoughtful way over the next two -- through 2020 and we have done that and basically it is heavy right now on investing in rooftop solar on residential homes but primarily on commercial buildings and then as time goes on, developing community solar and solar in utility scale and the reason we are intent on putting so much money up front in residential and commercial buildings is because there are tax credits that are going to be expand -- expiring in 2016 and this is a way of harvesting them. Now, the investments you've made are really important. Back when we first began to look at this as an issue, it was an economic development issue, and we looked at the policies that you all and others developed to create renewable energy and realized the jobs in wind were elsewhere and you weren't getting the value of that. So when we decided to invest in solar, one of the reasons was to create jobs here and you have done that. 615 jobs here in austin.

[17:45:58]

[Buzzer alarming] and what the advantage of doing this kind of investment is, it will create additional jobs, additional revenue and keep the money back.

>> Mayor Leffingwell: Thank you.

>> And keep people being employed. Thank you very much. Any questions.

>> Mayor, I have a question.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Smitty, can you go back to 10% requirement of state mandates. Ten% of what fund?

>> Basically all money that comes into the state efficiency program. This doesn't directly apply to you, but for the state of texas, which is one of the most pinureous operation i can imagine to say we are going to do at least 10% of the all of the money coming into the efficiency standards sets a standard that we ought to emulate in this case and we think it is important to increase.

>> Martinez: I wanted clarification. I thought you said it was a state requirements that mandated upon us. You are just asking us to try to do what the state has done.

>> Yes, and specifically for weatherization and it is for retrofitting houses to make sure they are efficient. Oftentimes these are folks that don't have the money to do the matches necessary to participate in traditional energy efficiency programs or they are tenant-owned homes so north and sometimes needs repairs and there is actually money left on the table unspent this year which compounds the tragedy.

>> Martinez: Okay. Thanks.

>> Any other questions? Thank you all for your time.

>> Mayor Leffingwell: Is there anyone here who signed up to speak in this public hearing and I haven't called their name? Hearing none, that concludes the public comment part of the budget hearing required by state law. Council will vote to adopt the budget for fiscal year 2013-2014 on september 9, 2013. If council does not adopt the budget on september 9, action to adopt the budget may be continued to september 10th, and/or 11th. These votes will take place in council chambers. These meetings will begin at 9:00 a.M. On monday, september 9, 2013, tuesday, september 10, 2013, and wednesday, september 11, 2013. Entertain a motion to close the public comment part of the hearing and schedule adoption of the budget for september 9, 2013, to be continued on september 10 and 11, if necessary?

[17:48:30]

>> Cole: So moved.

>> Mayor Leffingwell: Mayor pro tem cole so moves. Second by council member spelman. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. Public comment part to the budget hearing is closed. That completes our agenda for today. So without objection, we stand adjourned at 11:50 p.M.