

City Council Meeting Transcripts – 8/22/2013

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>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We'll begin with the invocation from the reverend edward garcia, pastor of the emmanuel united methodist church. Please rise.
[00:05:14]

>> Good morning! From the epistle, the first chapter, we are instructed to seek peace whenever we need it and god will grant it without keeping score without a second thought. In the third chapter of james, in the 17th verse it explains what that is so many is. It tells us it is first pure, peaceful, gentle, obedient, filled with mercy and good actions, fair and genuine. That is the wisdom we seek today. Let us pray. God, in your mercy grant us eyes to see those who have been invisible to us even when they're right in front of us. Grant us eyes to see beyond our preferences and ridges. Eyes that can see the difference between wants and needs. Give us ears to hear the silenced voices of the poor and powerless. Ears that discern between truth and lies. Ears that will listen even when it hurts. God, fill us with words, words that encourage and empower. Words that strengthen and lift up. Words that are not afraid. Words that heal. And may the words of our mouths and the meditation of our heart be pleasing to you, lord, our rock and our redeemer. Amen.

>> Mayor Leffingwell: Amen. 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 22nd, 2013. The time is 10:03 a.M. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. We'll start with the changes and corrections to today's agenda. For item number 1, after the phrase august 6, 2013, add, and, the word and, and delete after the words august 8th, 2013, delete the words and budget work session of august 14th, 2013. Item number 10, add the phrase, august 14th, 2013, approved by the austin airport advisory commission on a 4-2-1 vote with commissioners murphy and lee abstaining. Item number 47, add the phrase august 19th, 2013, unanimously approved by the electric utility commission on a 5-0 vote. Item 54 is postponed until september 26th, 2013. Item 75, add the phrase, august 19th, 2013, not approved by the electric utility commission on a 3-2 vote with commissioner fath and vice-chair hayden voting against. On item number 86, add as a second co-sponsor councilmember mike martinez. For item 115, add the phrase, august 19th, 2013, not approved by the electric utility commission on a 1-1-3 vote with vice-chair hayden voting for, commissioner fath voting against and chair burnfield and commissioners ray and shaw abstaining. Those are our changes and corrections to today's agenda. Time certain items for today, at 10:30 we'll have a briefing on the city code chapter 245. At 12 noon we'll take up our general citizens communications. At 2:00 p.M. We'll take up the zoning matters. At 4:00 public hearings. At 5:30 live music and proclamations. The musician for today is emily bell. The consent agenda is items 1 through 92 with several exceptions, which I'll go through in just a moment. First I want to read into the record item number 82, which are

appointments and waivers for our boards and commissions. That item will remain on consent. To the human rights commission, jonathan lu is councilmember spelman's nominee. To the planning commission, alfonso hernandez is councilmember martinez's nominee. To the planning commission, gene stevens is councilmember tovo's nominee. To the urban forestry board, lynn newsome is councilmember spelman's nominee. And there are no requests for waivers. The following items were pulled off for consent. Item number 3, that item will be heard after executive session. Item 16, 22 and 123 will be held at item 122, which is after four p.m. So basically right now item 16 and 33 are pulled off consent to be heard after four p.m. Item 17 is pulled by commercial. Items 31 and 32, which will be heard together are pulled by councilmember tovo. Item 72 pulled by mayor leffingwell. Item 85 pulled by mayor pro tem cole and on items 123 and 124 at the four p.m. Time certain, this item will be suggested for postponement until september 26th.

[00:11:41]

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I believe i also pulled item 18.

>> Mayor Leffingwell: I did not get that. So item 18 is pulled by councilmember spelman any other items to be pulled by councilmembers? So i'll entertain a motion to approve the consent agenda -- before we do that we have several speakers. Gus pena? Gus pena. I don't see gus pena. Lynettea cooper. So after gus will be lynettea cooper.

>> Employ morning, mayor, councilmembers, mr. City manager, gus pena. I'm here on items 5, 8 and 6. Thank you very much and i apologize for being late. I was talking with a citizen out there. All I need to say is this is that as the economy goes worse, as jobs are not created quick enough and people become homeless, we're going to have more anger management problems. As you well know, there was a shooting in georgia because of mental health issues. So this funding for mental health, it states here for austin-travis county integral care, used to be austin-travis county

-- anyway, it's atcic, austin travis county integral care is very important not only for adults, but also our children are growing up with anger management problems. We need a lot more money for mental health. And i'm sure i've been saying it for a long time, but we also need house to go house them so they don't become angry. Thank you, mayor and please support these items in the agenda. Thank you.

[00:13:43]

>> Mayor Leffingwell: Okay. Lynettea cooper here? Don't see lynettea. Lauren albright. Welcome. You have three minutes.

>> Thank you, mayor and council. I'm here on agenda item number 81. My name is lauren albright. I'm here with karma, which is a ride-sharing service, previously under the name of vega corporation. I'd like to praise your staff on the detailed research you've conducted in the ride share report. My company is in support of the ordinance amending city code chapter 13-2 relating to ground transportation passenger services, which we worked in collaboration on to include parking costs as an allowable compensation. These definitions are going to support us in our project in partnership with shwa, txdot, ctrma and tti for a federally funded project launching this fall to encourage carpool behavior along austin's congested highways during commute hours and to improve the accuracy of vehicle occupancy verifications. Thank you.

>> Mayor Leffingwell: Thank you. Harry savio.

>> Good morning, mayor and council. My name is harry savio. I work for the home builders association of austin. I'm speaking in favor of support of item number 34. This is an item that was going to waive fees for visible ramps or accessible ramps. And again, it's just the kind of incentive and the thing that the home builders association thinks is the right way to approach that problem. Thank you.

>> Mayor Leffingwell: Thank you. John ellis? The virtual john ellis. Thank you. Those are all the speakers that we have. I'll entertain a motion to approve the consent agenda. Councilmember spelman so moves. Mayor pro tem seconds. All in favor say aye? Opposed say no. It passes on a vote of seven to zero. I pulled item number 17 for a couple of questions from staff. This is a 200-dollar expenditure for public art. And I guess the question that has been raised with me and has also been raised in the media is this is public art, yet the public has no access to it.

[00:16:48]

>> Meagan wells, art in public places administrator. Morning mayor and council. Let me clarify the scope of this project a bit. This particular art in public places project, the goal was to create an artwork for the system control center, but also create a satellite component of that project that would allow public access. And that's the contract we're looking at today. That particular scope of work would be in a publicly accessible location. Right now we're looking at the seaholm district for that location.

>> Mayor Leffingwell: So it's not true that there's no public access?

>> This

-- the funding from this project came from the relocation of the system control center to the new location on montopolis, which as you know is a secure facility. There is a public art piece there, but this request for qualifications at the very outset said that there would be a satellite location so that the public would have access to a work created by ned kahn within the framework of this project.

>> Mayor Leffingwell: Okay. So just to get it down to plain language, this piece of art will have public access?

>> This particular scope of this contract will be publicly accessible, yes. I think I'm confusing you.

>> Mayor Leffingwell: I just want you to say that this piece of art has

-- the public has access to this piece of art.

>> This piece of art will be publicly accessible. There are two. This one will be publicly accessible.

>> Mayor Leffingwell: Okay. There are two. Where's the other one?

>> In mission control center, which is a secure facility.

>> Mayor Leffingwell: Is that part of this cost?

>> It is not part of this particular cost of the contract.

>> Mayor Leffingwell: But for this contract it's all publicly accessible.

>> Correct.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Could you tell me a little bit about the location of this one?

>> Yes. We're looking at somewhere located in the seaholm district. We have had preliminary conversations with the seaholm team, including staff and private developers. As you know, it's a collaborative process to find a site, also with austin energy, who is our client department in this. Right now we're looking at somewhere along west avenue so that we can enliven that space and focus on some of the needs for activation in that corridor, but it's not pinned down just yet.

[00:18:57]

>> The reason I asked is that the backup indicates that the current identified location is on the west side along west avenue.

>> Right, the seaholm wall right now

--

>> Riley: And that puzzles me because that's a very constrained right-of-way. We had trouble getting a wide enough sidewalk there and I'm not sure how you would squeeze in a piece of public artwork on that very narrow sidewalk where there's already

-- there are already an artwork planned right alongside it.

>> It likely will not go on the sidewalk. That's the artist's job to make sure that how he designs the work will not interfere with any accessibility issues and pedestrian access private now we're focusing on the wall itself, so it could be above the pedestrian walkway, but we haven't

--

>> Riley: And the wall itself was another aipp project, so this would be tacking a new

--

>> it could be. We're not to that point just yet, but that's what we're looking at right now with the team.

>> Riley: Okay. I'll be interested in seeing how that unfolds. Thanks.

>> Mayor Leffingwell: Okay. Just to confirm this has no budget impact.

>> This has

-- this is coming out of the two percent that we are eligible for through the system control center relocation project.

>> Mayor Leffingwell: But this is out of austin energy funding?

>> Yes.

>> Mayor Leffingwell: It has no general fund budget impact.

>> Correct.

>> Mayor Leffingwell: Okay. Any other questions? I'll entertain a motion, but I'm not going to make it. Councilmember tovo moves approval of this item. Seconded by mayor pro tem cole. Discussion? All in favor say aye? Opposed say no? It passes on a vote of seven to zero. Item number 18, no speakers signed up, pulled by councilmember spelman.

>> Spelman: Thank you, mayor. This is the leave bank that we were discussing a few weeks ago to support the capacity of family members to be able to take time off to take care of newborns and other family emergencies. The leave bank as framed by the staff was a membership, had a membership requirement, you had to pay into the leave bank a certain amount of your sick time in order to get access to anybody else's sick time. I believe it was our

-- the understanding of most of us this would be a voluntary leave bank, not a mandatory leave bank, so we've prepared some language to turn the staff's proposal into the volunteer leave bank that we all had in the first place. I'll pass it out right now. We've shown this proposal to the law department and it's my understanding the law department has no legal exceptions. This is perfectly within our authority. I believe this has been shown also to mr. Washington and mr. Snipes. Mayor, I'll move approval of the proposal as amended.

[00:22:05]

>> Mayor Leffingwell: Councilmember spelman moves approval. Seconded by councilmember martinez. Discussion? All in favor say aye? Hold it, someone wants to see what you have.

>> Spelman: Someone wants to see it.

>> Thank you, mayor. We've had a chance to review the changes and did confirm with the law department and there are no legal issues. The only administrative challenge would be before the bank was

-- the membership benefit and the benefit was available to employees who enrolled during open enrollment, with a change to allow employees to donate time as a leave does create additional administrative challenge to monitor the donations every week, and that's something that we would have to reconsider as part of the cost of the program. So before it was an annual enrollment and special enrollment if needed and now it appears that it could happen every pay period in terms of the donation of time.

>> Spelman: Is there a legal instrument or written instrument that someone would fill out saying I'm going to donate my unused sick leave?

>> I'm sorry?

>> Spelman: Do we have paperwork

-- how would this be done?

>> We would have to develop the form for people to voluntarily donate their time. It's just that as a time that they depart it would have to

-- part of that would require some transactional payroll things to occur. Every pay period.

>> Spelman: I understand.

>> That's the only administrative issue that we've seen.

>> Spelman: Thank you.

>> Mayor Leffingwell: So what part of this needs to be changed to eliminate that problem?

>> The wording is fine. It's the fiscal impact. And we've not had a chance to react to the change to determine what that would be.

>> Mayor Leffingwell: I think it would be a good idea either to postpone it or to temporarily eliminate that problem by leaving that language as it is until

-- at least until we determine what the fiscal impact is. Would you consider that friendly, councilmember spelman?

[00:24:22]

>> Spelman: Perhaps we could get at least a rough cut sense for what we're getting ourselves into here. Every week you would receive a certain number of forms, virtual or paper. You might receive a certain number of forms from people who are leaving the city and who would like to donate their sick leave.

>> If that's how we set up the forms

-- some kind of request

--

>> Spelman: You would fund some sort of notification.

>> That's correct.

>> Spelman: Somebody would have to account for that.

>> The deduction and there would be accrual and deposit to the bank, that's correct.

>> Spelman: Approximately how many people leave the city every year?

>> Our turn over is 6.8%, so roughly

--

>> Spelman: 700 or so?

>> Almost a thousand employees.

>> Spelman: Okay. So a thousand employees, weekly basis maybe 20 would leave and some percentage of those 20 who leave on an average basis every week might do this. And somebody would just have to look at the forms to make sure that that was properly accounted for.

>> That's correct.

>> Spelman: And I presume this is con is september wally similar that you have people in the hr department going right now. You don't have anybody who is doing this as people are walking out the door, there is some processing that has to take place when somebody leaves the employ of the city.

>> That's correct. At the department level there's people in the departments that's managing. This is a citywide bank and there's no one in my department that's reviewing requests for separation every time everyone leaves to determine what the amount of leave time should be calculated. That's happening at the department level now.

>> Spelman: Okay. Mayor, I understand the concern about fiscal impact, but it seems to me that if the -- we have people in hr and each of the individual departments who are already processing people who are leaving the employ of the city, this would be one i think relatively small thing to be added to that list of things that has to happen. And then you just have to have somebody in hr centrally to collate this stuff. It seems to me we're talking maybe a half hour, week at the maximum. It wouldn't seem to be

-- certainly no need for an additional f.T.E. I can't see how this would be a substantial fiscal requirement.

[00:26:34]

>> Mayor Leffingwell: Well, councilmember, i appreciate that and what you say does make sense, I'm just a little bit hesitant about passing an ordinance with an open-ended fiscal statement. I wonder if an alternative might be to put this on the table, lit hr at least give us a number that we can attach to it later on in the day, otherwise I'm just kind of uncomfortable with an open-ended statement. I want this to be nailed down pretty good. So it seems to me it's worth waiting a few hours to try to determine that.

>> Spelman: Mr. Washington, would you be able to come up with an answer in a few hours?

>> Yes. I'll work with my it and payroll staff to try to get an answer.

>> Spelman: I'll consider it friendly, mayor.

>> Mayor Leffingwell: The friendly part is to put it on the table, right? Okay. And I want to emphasize that

-- I was a co-sponsor of this. I'm in favor of it, so it's not that. It's just that everybody's got a highly sensitized sense of fiscal statements right now particularly at this time of year. So we want to make sure that we do this right.

>> We just want to make sure that we administer the program correctly and have made all the appropriate preparations to do it as per the council's directive.

>> Mayor Leffingwell: If there's no objection we'll lay this item on the table and pick it up this afternoon. Councilmember tovo.

>> Tovo: Mayor, I have a quick question. Would it be appropriate to ask now or later? How about if I just ask it now.

>> Tovo: I wondered if the sponsor might address that point. So anyone can access it each if they have not been participating in the donated leave program?

>> Spelman: That was in fact the intention of all of this stuff. It turns out words had to be changed in order to support that, but that was the basic idea.

[00:28:35]

>> Tovo: Okay. Thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. Just a clarification. There's a line in here on the second page that says in fact this is the one we're talking about, employees may also donate accrued leave to the bank when they leave city employment either due to retirement or taking another job. If I worked here two years and I'm just not going to work anymore, would I be considered retiring?

>> Would you be considered retiring?

>> Would I fall under retirement?

>> You would just be separated, taking another job if you were not eligible for retirement.

>> Morrison: Okay. So I think that perhaps the intent was when someone separates for whatever reason. So I wonder if I could ask you to think of some expanded language to make sure it's all inclusive, that one line.

>> Yes.

>> Mayor Leffingwell: So without objection, this is tabled and we'll pick it up this afternoon. Thank you. I think we can dispose of

-- if there's no objection, go to item 72. That should be pretty quick. I pulled that. There are no speakers signed up, but there is a 262,000-dollar expense for public works education campaign. And I've just got a couple of questions for staff. Howard? How many public information specialists does public works have? What I'm driving at is why couldn't this be handled in-house.

>> Howard lazarus, public works director. We have an administrative staff of five people in public works. This contract is part of a grant that we received i believe in 2010 and the intent was that this was always going to be done through contract because it's in addition to the capabilities that we have in-house.

>> Mayor Leffingwell: So did your public information people consult with the cpio, they have marketing specialists there to see if they can do that job? We have a lot of successful marketing campaigns that were done entirely in-house. And I'm sure you could name them off as I could too. A lot of public information people throughout the departments and in the central office. Before we spend \$262,000 i just want to make sure that we've exhausted the opportunities to do it in-house.

[00:31:16]

>> The public works and pio office was working hand in hand with us throughout the entire process. I'm nadya rivera with the public works department. They were part of the entire process, but we do believe that this particular campaign should be something that's unique, innovative and we also believe that a third party would do an excellent job in creating the job that we're looking to do.

>> Mayor Leffingwell: You don't think you have the talent in the city to do it?

>> I do believe that a third party would do a better job.

>> I think it's a matter of having a dedicated resource through some of the outside contracts we have. These were placed with minority business enterprises and when it was put together the intent was to use those contracts to get the work done. There are somespects of this program that deal with developing and placing media, advertisements that are probably better suited towards a third party. I would also just add that this is a grant that we had received several years ago and it's the second phase of three phases in the program.

>> Mayor Leffingwell: So this money couldn't be spent anything else. Is that what you're saying?

>> That's correct.

>> Mayor Leffingwell: So it would result in no savings to the general fund too.

>> The multiple cost share for this do not come from the general fund, it comes from the child safety fund, which is funded by fines in school zones and vehicle registration. So there are no general fund monies in this.

>> Mayor Leffingwell: So if we did not approve this contract, you couldn't spend that money on, say, paving a road or something.

>> That's correct.

>> Mayor Leffingwell: Okay. Councilmember tovo.

>> Tovo: I appreciate the questions, mayor. You could use the money

-- could you use the money on sidewalks?

>> No, this is a specific grant that we got through txdot for this one purpose, which is to the safe walking, safe biking program.

>> Tovo: So it's specifically for educational outreach?

>> That's correct. And the monies that are in the child safety fund go towards those activities. So we could use it for another safe

-- the city cost share could be used for another safe route to school activity, but the grant money couldn't be used for something else.

[00:33:29]

>> Tovo: Grant money has to be used for educational outreach, but the city's match could be used for safe routes to schools, which would include sidewalks and cross walks and things of that sort, paying crossing guards.

>> Then we would have to for go the rest of the grant dollars.

>> Tovo: I see. I guess my

-- when I read it one of my questions is how well this is coordinated with some of the previous efforts that have gone on. I know the police department had a pedestrian safety initiative. Transportation has had pedestrian safety initiatives. How

-- what is going to be different about this particular campaign?

>> So the idea is that it would be larger in magnitude. I would like to see

-- my vision is to have something aligned with or something like don't mess with texas or click it or ticket. We want something that will resonate for the next decade for the city of austin. Those campaigns have been smaller. This will be more media focused. We want it to be everything that everybody will be able to relate to. It will be over across the entire population of the city. So it relates to everyone and everyone will understand it and it will be easy to remember.

>> Tovo: It won't just be aimed at pedestrians and bicyclists, but also at the general public.

>> Right.

>> Tovo: I think there's a real need for it. Even despite the other campaigns we've h I think there's still confusion. I've seen it myself in the media. And even among

-- even among other informed parties, including at the city, about for example if you're driving, can you go through a crosswalk if there's a pedestrian on the other side of the street or does it

-- does that pedestrian need to be in your lane of traffic? I think there's conflicting information out there about what the law is. There's also conflicting information about whether a pedestrian can step off the curb when the number is counting down or if it's

-- if it's a red hand. So obviously you stop when there's a red hand, but if it's counting down can you step off the curb? There was conflicting information last year in the newspaper. So I really think it's

important that we have accurate information out there because I think even informed parties don't always agree on what the laws are.

[00:35:35]

>> Councilmember, I think a direct answer to your question is all of your efforts are integrated both with austin transportation, the police department and the child safety programs as well as working with the health and human services departments. So this fills a niche in the overall messaging that we're trying to get out.

>> Tovo: I heard you talk about media. Are you relying primarily on print media, on radio media? All of the above?

>> So we hope that the consultant will be able to tell us exactly the best approach for our money. Part of the contract also includes a one-year, five-year and 10-year strategic plan, so how will we-- what would be the best way to use the media.

>> Tovo: Okay. Thank you.

>> Spelman: Mayor? Approximately how much are you expecting to be spending for the next one years, five years and 10 years on this?

>> Great question. From what I've seen from the cost proposal, they expect to spend at least -- part of the contract is also a one-year implementation. They expect to spend at least around \$100,000 on the implementation. The contract hasn't been signed, but -- so the portion of that will go towards implementation with media strategies.

>> Spelman: We're not just getting a strategy, but a strategy plus a year of implementation of the strategy.

>> Yes.

>> Spelman: And ensuing years would be on the order of \$100,000 a year.

>> It depends. It depends on what their strategic plan says. We would also use that plan to then seek future funding.

>> Spelman: Is there a part of the contract that they would tell you here is our best recommendation. If you have a little bit more here is what you would get for it. If you couldn't spend this much, here's what you would lose for. Do you have a sense for sensitivity of spending with respect to your results?

>> Exactly.

>> Spelman: Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you for pointing out that part of this contract, if i understand correctly, is for media buy. So even if we did it in-house we would still be spending that money on a media buy. And it looks like in the backup this is phase two of the work we're doing. And phase one, did that include actually building some sidewalks?

[00:37:53]

>> No. Phase one was actually

-- we did focus groups. We did a focus group with six different groups and they included middle school students, high school students, parents, drivers of motor vehicles and cyclists. So we got a general messaging strategy. The third phase actually includes building sidewalks.

>> Morrison: Great. Thank you.

>> Hope to have those in by august of next year.

>> Riley: Mayor? I would just note that the timing on this seems particularly good since we have been seeing record number of pedestrian and cyclists deaths and this has been a lot of discussion with the austin police department and others about how to address that. I think this effort could provide a very good complement to the ongoing efforts towards reducing the number of injuries and deaths that we're seeing out there. I appreciate all your efforts on it.

>> Mayor Leffingwell: Is there a motion? Councilmember spelman moves approval. Seconded by councilmember morrison. All those in favor, signify by saying aye opposed say no. Passes on a vote of six to one with yours truly voting no. Okay. If there's no objection we'll take up item 85. Maybe we can get that before

-- it has no speakers. Mayor pro tem?

>> Cole: Thank you. This is an item that we had some discussion about in the comprehensive planning and transportation committee. I hope these are friendly amendments. They are intended to be. We simply had a lot of revisions to what happened with the texas facilities commission at the capitol and some of the bills that were actually in effect that impacted them were not included in the resolution. So I went and listed those also. I also listed the former city council resolution that we had previously passed and have asked for legal to provide a public memorandum analyzing the impact of the new legislation.

[00:40:08]

>> Morrison: I would like to make a motion that i approve this and I would be happy to accept that as a friendly amendment, your changes as a friendly amendment. And I thank you for getting the clarifications and additional information into the resolution.

>> Cole: Move approval, mayor. No, you move approval. Sorry.

>> Mayor Leffingwell: Councilmember morrison moves approval of the motion with the friendly amendments that are listed on this yellow sheet. Seconded by the mayor pro tem. Comments? All those in favor, signify all in favor? Opposed say no? It passes on a vote of seven to zero. Now we'll go to our 10:30 briefing on chapter 245.

>> Morning, council, greg guernsey. I'll go through our 10:30 briefing on vested rights. I believe we have a technical problem. I don't have the slides up right now.

>> Mayor Leffingwell: Okay. Do you want to try to wing it?

>> Mayor, let me verbally walk through it then. I understood that they were

-- well, let me just walk through the presentation. Good morning, I'm greg guernsey, planning and development review department. I'll walk through the vested rights ordinance. This item was an item that we were hoping to bring to you possibly as early as next week, but the commission has wanted a little bit more time to consider the ordinance and is actually appended it to their subcommittee. Back on march 28th the city council brought up the view of grandfathering claims and at that meeting we had a large number of people here, went late into the evening. At the end of that meeting the famous project duration portion of the ordinance went away. Staff has developed a new ordinance based on procedures used by other cities and in consultation with legal counsel both within and outside. And our outside legal counsel is also here today should something arise that you might need to question on. Vested rights generally speaks to legal protections that are available to landowners against changes in regulations after a project has begun. The term ha is used in reference to statutory rights is currently provided under the local government code under chapter 245. And also in our annexation portion of the local government code under chapter 43.002 of the local government code. The vesting rights legislation in the state of texas actually started back in 1987 and has evolved greatly with a short time in the late '90's when it went away by an administrative error, probably at the legislature. It has been

with us ever since and it's been called 1704 or house bill or senate bill 1704 and currently it's chapter 245 in the local government code. The city's process for reviewing vested rights claims is currently uncodified and is implemented solely at the administrative level and that has been me or my predecessors. You do not see them come before the planning commission or the city council for an appeal of those decisions. They're based on a review by my staff, legal counsel and myself, and ultimately the director of the planning, development and review department makes the decision on whether or not an item is grandfathered under state laws. Many other Texas cities have ordinances that address the review and evaluation for processing vested claims and they differ from city to city. Some of the key provisions that are in the proposed ordinance, that this ordinance actually distinguishes the rights that are proposed or that exist under chapter 245, and under 43.002. Let me tell you briefly under 43.002 of the local government code this is the annexation section that states that if you've identified a project, 90 days prior to annexation, that that project can proceed. And if you file the appropriate permits before the annexation date, one would not need to have a zoning change for that project because the righting to forward under that project, whether it's a multi-family and they get interim sf-2 zoning upon annexation, they could continue. The ordinance also establishes review and evaluation criteria that would be for all to see. And it emphasizes information relevant to the nature of a project. So we would take a look at the project history, the scale, the intensity of the project as we're going through these reviews. It provides general criteria for reviewing applications and explains key factors that affect vested rights. When we do these reviews, I do it this today, sometimes projects change. Sometimes they go forward and then they want to come back and they maybe have already built portions of an office project. And for instance, they want to do multi-family. Well, that's not necessarily the same project, so that would be an example of a change of project. There are also a project that may be complete. They may have built everything out on a site plan and they want to come back and do something new. They want to double the size of a project that would be a project that had been completed, maybe not available for vesting under regulations. Authorized administrative guidelines to address common questions that may come up during the vesting process. These are things that a lot of people want to know exactly what were we thinking when we talked about this and why did I come to that final decision? Well, when we get to this new ordinance I will actually provide a more definitive answer of why we approve or deny the request. That has not been given in the past for various legal reasons. It amends dormancy requirements that applies to projects that do not have an expiration date. Currently our ordinance does have a provision for this. For certain projects I think before 2004, and then prospectively it would add some language that addresses this. It adopts new expiration dates that apply prospectively to projects that have started after the adoption of this ordinance and allows more time than the old project duration ordinance and would avoid conflicts of site plan expiration periods. I'm sure you had discussions with some of the stakeholders that the duration dates for projects would often times end before the site plan life would actually end. So we actually had two dates that our citizens and property owners were dealing with, one with duration that would start when a project is filed and the other is site plan expiration which would start when the project is approved. And those would actually be different dates. So this would resolve those issues. We resolved it when we got rid of duration, but this would clarify that. Also it gives more time, so if you were actually progressing with a project, you filed a preliminary plan, you filed the final plat, you filed your site plan and those were continuing, there would not be a date that might just say the project ends in five years or three years. As you get your site plan approved, if you get an extension, that project would proceed. You wouldn't have to get all of your permits before the end of three years or end of five years, depending if you're in the drinking water protection zone, the desired development zone. You could keep proceeding with the project as long as you're diligently pursuing it to its conclusion. It authorizes council to approve project consent agreements on the director's recommendation or on your own initiation. We have cases that come before us that there might be

very clearly a project that is grandfathered. That it may actually be under some old ordinance, allows for more impervious cover, less than current standards for water quality. And they may want to change that project, for instance, maybe they had an office building, they want to go to multi-family. And they're agreeable to reduce the impervious cover by a great amount. Maybe meet current water quality standards for the construction of the ponds. Well, 245 and chapter 43 really don't speak to is this better than that? It really is an issue more of is this the same project, is this a continuation of the project. Well, I could bring forward if an applicant so desired a recommendation to you for your consideration that may actually say you would approve an ordinance to change that standard, to maybe say multi-family is okay because it will do less impervious cover, it will do better request water quality, for instance. If I don't think that's worthy an applicant can come to two of you and on a given thursday you could initiate an item to direct staff to go and do the same thing. And then that is another avenue. Currently that does not exist under our regulations. Agreements for site specific cases that raise unique issues or present opportunities for achieving compliance, that's part of what I addressed, but the other part is that we may actually have some cases that are very sketchy. It's not clear it is a continuing project or not. And there may be good arguments on both sides. And so this might be another way to resolve those issues by bringing it forward to you for your consideration. Finally met me give you the timeline. As I said we were trying to bring this to you possibly for next week for your consideration. It got delayed at planning commission because they wanted to send to the codes and ordinance subcommittee for further review. It would go before the planning commission then for their consideration and then they would bring that back to you. The codes and ordinance subcommittee would probably consider this at their next meeting. They cancelled the meeting in august because of the summer holidays, but they scheduled one for september 17th. We would then place this on the commission's agenda for september 24th for their consideration, provided that they don't postpone, they take action on the 24th, we would present this to you on OCTOBER 3rd. So that concludes my presentation. I believe that we have presented you a memo several weeks ago that kind of went through these different provisions. I'm not sure if you actually have a copy of the latest draft of the ordinance, but if you do not, I'll forward that out to you within the week so you have that for your consideration. Thank you.

[00:51:46]

>> Mayor Leffingwell: Okay. So mr. Guernsey, we have an email here from reca, mikail meade, basically makes two points. They're not sure what the differences are with the ordinance that we repealed, but also makes the statement that the ordinance appears to still be in conflict with state law.

>> We've had a meeting with mikail meade and actually with reca and probably will have additional meetings with them. No one actually I think appeared at the commission meeting to speak from all the parties that had been involved with this, but we have met with reca, we will continue to meet with reca. We've met with save our springs to let them know what's happening. So if there's a group that we're missing out there, we're more than happy along with our legal staff to meet with that stakeholder group and reca is definitely one of our stakeholders.

>> Mayor, could I just say that we are planning to give the council an executive session on the legal issues related to the new ordinance. It's not on the timeline, but I think we're going to do that before we actually have to take a vote on the third. So it sounds like that may be the 29th. But that was in our plan to give the council an opportunity to understand the legal framework of the new proposed ordinance. So we'll have outside counsel and our internal lawyer here to discuss those issues with you in executive session.

>> Mayor Leffingwell: Thank you. And I think too, probably the best place to do it is in that session, but I think two things that I would like to hear about, or one, is what does this change from the ordinance that was just repealed? Just highlight the changes. And the second is try to discuss how this is in conformance with state law whereas the ordinance that we repealed was not. So that's definitely legal issues that we need to talk about when we come back for that briefing. Any other comments or questions? Councilmember morrison?

[00:53:56]

>> Morrison: Thanks, greg. You mentioned that one of the

-- we knew you were going to do this, you were going to survey what other cities had done. Are there some comments you can make in terms of how what you're proposing relates to, compares to what the other cities have done?

>> I think I might actually invite brent lloyd to come up. We went to san antonio and had a very long dialogue with them at their office and went through their procedures and how they track things. I know that we've talked to other cities as well. I think brent did the lion's share of that survey work.

>> Morrison: Thank you.

>> Thank you. Brent lloyd, assistant city attorney. We did in the course of preparing this ordinance, we had a day-long meeting with the city of san antonio and additionally we surveyed the ordinances from a variety of cities, from buda, round rock, westlake hills, san marcos, lakeway, I think several others. And what we found is

-- I'm not prepared to discuss particular ordinances in-depth, but the overrule themes of what we found is that there's a fair amount of variety in terms of how different cities and their ordinances have treated the core concepts of expiration. And that is as it relates both to permit expiration, project expiration, how those concepts relate and how they sync up with the state law on dormancy. So what we did in drafting this ordinance was to try to take a reasonable approach that avoids some of the difficulties that project duration presented for applicants and for the council when you had to deal with managed growth agreements, and we consulted with outside council and drafted something that we think is workable and legally defensible and as the city attorney said will be prepared to go into further depth on those issues in executive session.

[00:56:01]

>> Morrison: Great. You mentioned managed growth agreements. Did we repeal managed growth agreements when we repealed project duration?

>> Yes. Managed growth agreements were a part of the project duration ordinance and they're not found anywhere else in the code. Greg mentioned I think that sometimes when managed growth agreements, when you read the code just about extending the project duration deadline, but sometimes I think the council on occasion used them as a tool to allow blending of impervious cover and provide some additional entitlements. And the project consent agreement that greg addressed in his briefing would in unique cases present compelling issues allow the council on a case-by-case basis to consider providing relief for particular situations.

>> Morrison: Then with regard to your work in surveying the other cities, would you be able to provide us with sort of a summary of what the other cities

-- what the other cities did.

>> Certainly we can do that.

>> Morrison: That would be helpful. Thank you.

>> Spelman: I haven't read the ordinance, but I'm given to understand it's long and complicated. Somebody told me it was 47 pages long s that accurate?

>> It is not accurate.

>> Spelman: Good. I'm so happy to hear that. [Laughter]

>> I want to say 14, something like that.

>>

>> Spelman: There's a large qualitative difference between 47 and 14. I'm happy it's shorter than that. I'm given to understand by some people in the development community that there are

-- it makes more sense when you're talking about 47 pages on october 3rd or maybe beyond october 3rd than if you talk about 14 pages and october 3rd with certainty. I have been hearing from people who are suggesting that there are some projects that clearly would go through under any reasonable construction of chapter 245 as interpreted by the city attorney that we couldn't need to go through 14 pages of analysis, if you will pardon my use of that word. It's the best thing I can do on short notice on thursday notice. That the projects would be allowable and there might be something shorter and simply that would apply to some subset of the projects which have

-- we would otherwise not allow to go forward because they have not satisfied

-- because they have expired. So that's a long and sister captured way of saying is there some subset of the ordinance that you have passed, at least conceptually, which we might consider between now and OCTOBER 3rd, WHICH WOULD Apply to a subset of the projects that have expired?

[00:59:03]

>> I'm aware that there have been concerns raised by applicants and the development community regarding projects that were sort of caught with project duration and were expired and whether or not there's a mechanism for the projects that were filed under current code to essentially grant extensions to those site plans. And certainly we're available to assist in developing an approach along those lines if councilmembers are interested. I would just briefly point out that the bulk of the ordinance-- discussion is on the expiration provisions, but the bulk of the ordinance is simply procedures, procedures it that so far have been uncoded that deal with getting applicants to provide information regarding what their proposal is and what the history of the development is because that can effect the extent of vested rights for a project. And those provisions in particular I think are very, very similar and on par with what you will find in a variety of other cities.

>> Spelman: We're largely adopting best practice in other cities in texas that is consistent with chapter 245 or at least as far as we can tell is already consistent.

>> Yes.

>> Spelman: But at least conceptually there might be some way of giving relieve between now and whenever this comes up to some subset of those projects if they are consistent with current code.

>> Certainly.

>> Spelman: Thanks.

>> Mayor Leffingwell: Any more questions or comments? So as I understand it you're going to reengage with stakeholders prior to the planning commission hearing on this?

>> Yes.

>> Mayor Leffingwell: Thank you. So the only item that we can take up before this afternoon is items 31 and 32 together. So we'll call up that item now. I'll say in advance that this is an item, both of them require s.O.S. Variances. I willing off the dais at about 11:45, so I'm going to

-- if we don't act on these two, both of these two, I will ask that we table them until this afternoon so we will have a full council. And we will

-- there's any briefing we'll have that now or we can go to our citizens signed up to speak on these items together. We'll hear that part of it at the same time, but we will vote on these

-- these are two separate ordinances and will be separate votes.

[01:01:55]

>> Mayor, if the council wishes I do have a short briefing that summarizes the two sites.

>> Mayor Leffingwell: I think that would be very helpful. I'm chuck (indiscernible), city environmental officer. Copies? While those are being passed out, I'll just mention that this was heard at the environmental board last night. And they took action on both items. They recommended approval of the garza tract on a vote of 5-2 and recommended disapproval of the encino amendment on a vote of 5-2. I'm here to talk about items 31 and 32, two separate properties, one on mopac boulevard, the garza ranch property and encino trace property located on southwest parkway. Council initiated this ordinance amendment at the june 27th meeting. I'll start with garza ranch. It is a 34.6-acre tract or property spread across eight parcels. Per a court decision from the late 1990s, the tracks have two different applicable regulations on the site. Approximately half of that will 34 acres is subject to current code, which is s.O.S. It's over the charge zone and so is limited to 15% impervious cover and is required to meet s.O.S. Water quality standards. The remainder

-- the remaining 50% or roughly 50% of the property is subject to the comprehensive watershed ordinance with the 65% impervious cover limit and sedimentation filtration, water quality treatment with a smaller capture volume. That gives the property entitlements to roughly 11.2 acres of impervious cover across the eight parcels. The property has water quality transition zone and critical water quality zone on the northwest corner and there is a cef buffer, a critical environmental feature buffer, for a sink that is just to the north of the parcels on city property that's known as the country white sink. I have this all on a map here in a second. The property

-- the owners of the property submitted an application for a planned unit development in may 2012 and that

-- the city staff currently has that in review. This is an outline of the parcels. All the parcels are outlined in red. The lighter blue are the parcels that are subject to s.O.S. 15% impervious cover. The darker purpleish colored properties are subject to comprehensive watershed ordinance, 65% impervious cover. In green is the city parkland that is just to the north of the property where the country white sink is. I've got another graphic that will show the exact location of that sink. And there's a tributary of williamson creek that flows across the city property just to the north that creates the critical water quality zone. The lows, existing lows store just to the right in this graphic. And so that sort of lays the property out for you. As you can see, it's about 50% current code, about 50% grandfathered to cwo. So the owners of garza ranch have requested 48.2% impervious cover on a growth site basis. I'm sure as you're aware that typically the city calculates impervious cover, both under current code and under the comprehensive watershed ordinance on a net site basis, which means there are certain deductions that are taken from the overall available impervious cover or the overall acreage of the parcel before the allowable percentage is applied. That's mostly creek buffer, critical water quality zone, transition zone, is deducted from the overall impervious cover before that is calculated. They have requested that impervious cover be calculated on a growth site basis for this parcel, not on a net site basis. They've asked to be able to construct a portion of ben garza lane in the water quality transition zone, which is not normally allowed under current code. It would not be allowed under the code applicable to this property. They've also asked to put .8 of an acre of buildings in one lateral street in the water

quality transition zone just south of ben garza lane and I have this graphic on a chart in a moment. They asked to put water quality reirrigation area in the buffer for country white sink and the water quality transition zone. The own verse offered to provide s.O.S. Water quality treatment across all parcels and as an offset for the request to put the .8 of anticar of buildings and road in the transition zone they've offered to reduce the overall impervious cover on a two-one basis for buildings and road in the transition zone. So for every square foot that they put in a that transition zone for that buildings and road they would reduce the overall available impervious cover for the site by two square feet. So ultimately if the developer put that entire 188 in the transition zone, they would deduct 1.6 acres from the available impervious cover to the site. And it would bring them down to an overall gross impervious cover of just under 45%. They've offered to provide an easement for the violet ground trail and give it to the city or to the hill country conservancy for destruction of a trail head on adjacent city parkland. This is the conceptual plan as the planned unit development. I do want to make clear that any action council takes today is not approving this development. This is a conceptual layout and just is an illustration to show what might be built there. This came from the planned unit development and they would not be required to build this, nor would council be approving this layout. You can see on the upper portion of the property the light blue is the transition zone. The darker shading is the critical water quality zone. You can see that it goes on to the property, particularly the transition zone, but you can see the ben garza lane goes right through the transition zone and the buildings and the small road off of ben garza lane in the transition zone there. The black triangle on the upper right is country white sink and that's a 300-foot critical environmental feature buffer surrounding that. The country white sink is about a 30 to 40-foot wide depression. It's a pretty significant recharge feature on the city property. And the cef buffer extends into their property. Typically we don't allow any development in a that area. They had proposed to put pounds in that cef buffer. We requested that those are removed, but they asked to put reirrigation area in that portion of the buffer and I think it's a reasonable request. I support that request. So that's basically the layout and the impact of the transition zone and buffer on the property. So in summary, on garza ranch, impervious cover is limited to 15-65% net site area. There's a small road reduction that would reduce impervious cover very slightly. And they're allowed 11.2 acres of impervious cover under current code. They requested 48.2% on a gross site basis with no road deduction and no deduction for ben garza lane, which would give them 16.7 acres, but if they choose to put the .8 of an acre in building and lateral street in that transition zone that could drop to as low as 15.1 acres overrule on the side. On the current code for current quality they are required to meet water treatment standards for the property and cef standards on the other 50%. They've agreed to s.O.S. Water quality treatment on all of the property in addition to the other impervious cover. Creek buffers under current code. There's no development allowed in the critical and very, very limited development in the water quality transition zone. They've requested to be allowed to put reirrigation in the transition zone up to .8 of an acre for the buildings and minor road and ben garza lane in the transition zone. Under current code there's no disturbance allowed in the cef buffer and they requested to do reirrigation in the portion of the buffer that extends on to their property. The staff recommendation on garza ranch is that staff recommends approval of the garza request because it will provide s.O.S. Storm water treatment. It's a significant benefit and enhancement over what the baseline entitlements require. They have agreed to -- that if there's additional impervious cover beyond just ben garza lane that it will be reduced overall on a two-one basis across the property. And it enhances the ability to build an access to violet crown trail and puts to rest a long running legal dispute that we've been arguing over this property, the city and garza family, for over 20 years. We can put this to rest. If there's no questions about garza, I can move on to encino or take questions about garza now.

[01:12:09]

>> Mayor Leffingwell: I think there are a few questions about garza. Councilmember tovo.

>> Tovo: Thanks very much for this presentation. I have to say I combed the backup not just from our council book, but also i looked at the planning commission testimony and their planning commission powerpoint. And it just didn't have this level of detail in it. So I appreciate you bringing it here today, but our backup information doesn't even really break down the acreage or the baseline requirements and the required modification. I've been trying to calculate it on my own, but it concerns me a bit that the planning commission didn't have access to this level of information. And I wonder if you could just speak to that before we get into the questions about the case.

>> The briefings that are provided for the planning commission and the environmental board were essentially this same presentation. This was in the environmental board backup. This presentation may not have been ready to put in the planning commission backup, but I gave essentially this exact same presentation to the

-- to both beds. Both bodies.

>> Tovo: I haven't seen the environmental board because it was last night and it hadn't posted, but it strikes me that

-- I will go back and watch the planning commission to be sure, but their powerpoint did not compare what is being requested to the baseline requirements in this level of detail.

>> I didn't have the table. Daylight tables I just added yesterday for the environmental board presentation.

>> Tovo: I think it's extremely available information. I'm glad the environmental board had access to it and i really wish the planning commission had had access to it, though it's my understanding they did not. They moved this forward without a recommendation.

>> They did.

>> Tovo: So can you talk to why you had used the language that it was a reasonable request to have reirrigation in the critical water quality zone? Or was it in the transition?

>> In the transition and really the cef buffer here. I'll talk about each of them separately. In the cef buffer this is a 300-foot buffer which is the largest buffer we can require. This is certainly a valuable recharge feature. It's sizeable. This is at the for youer boundary. The soil permeability on this property is pretty good. It's

-- so there should be little if any untreated storm water reach the sink. It should absorb into the soils farther out. There is the potential for that water to recharge and reach that, but that's true anywhere. In allowing some of that

--

[01:14:56]

(mic interference). Allowing some reirrigation in a cef buffer is not unusual. It's not common, but we do occasionally allow that and we have done that for other parcels before.

>> Tovo: Could you tell us what those parcels are and whether they were at the same level of

-- in terms of the value of those environmental features?

>> I don't know of any specific ones off the top of my head. We could certainly get that information. But I do know that it's not

-- that it's not uncommon.

>> Tovo: It is not common?

>> It is not uncommon.

>> Tovo: I thought I heard you say earlier it was uncommon.

>> If it's requested and they're accepting the full size buffer we do occasionally allow people to do certain activities like reirrigation in the outer portion of that buffer. If
-- the main thing we want to prohibit in the cef buffers is disturbance of the soil, removal of the vegetation, trees, things like ponds, buildings, roads, parking lots, things like that. We definitely don't want those in cef buffers. This is essentially a surface irrigation system where the only disturbance will be to lay irrigation lines and then they will be irrigating in that area. And so our staff
-- I'm comfortable, our geologists are comfortable with allowing this in this particular case. And as I say, we do allow it from time to time on other sites. It's not unprecedented.
>> Tovo: I would love to see those other examples just to get a sense of comparison. And there is a disturbance in the form of a lane in the water quality transition zone, correct?
>> In the transition zone which isn't typically allowed, in some ways that falls back to the settlement, one of the last settlement agreement that involved this property and involved the lowe's property as well. The city agreed not to oppose the alignment of ben garza lane that was in that. It doesn't specifically say that we would allow it in the transition zone, but i think that that was the spirit of that agreement and this was one of the requests. And it's not what I prefer, but I think that it was in the spirit of that original settlement agreement and is not an unreasonable request on the part of the applicant. We do try to preserve
[01:17:46]

(indiscernible) as much as possible, but in this case i think it's reasonable.

>> Tovo: I guess it would be helpful on this point too to get a sense of other cases where it's been allowed because it was my understanding, and I think you commented on it here today, that it's unusual to have a disturbance of that sort in the transition zone. So to assess whether or not this is a reasonable request I would like to see extent to which we've done it in the past. I guess I would also like to better understand the settlement in terms of the alignment, I mean, if it's just it's going to go in this direction, that seems to me a very different matter than saying it's going to go in this direction and it's going to go in this spot.

>> One thing we do allow is crossing zone transition zone with roads and utilities. I mean, obviously there's creeks all over the recharge zone and the barton springs zone and roads have to cross them. So typically we don't allow a

-- them to parallel the transition zone inside the transition zone, but we do allow crossing. So there is disturbance within transition zones.

>> Tovo: You wouldn't define this as a crossing.

>> No. I do say that we allow roads for that purpose in the transition zone.

>> Tovo: I probably will have other questions, but i will yield.

>> Mayor Leffingwell: Councilmember morrison. Councilmember spelman.

>> Spelman: What is the important difference between s.O.S. Water quality and cwo water quality?

>> There's two major differences. One is the capture volume is larger. I'm not a drainage engineer so I can't tell you exact numbers. But significantly larger capture volume under s.O.S., so they capture and treat more water. That's the first most important difference. The second important difference is that s.O.S. Is a non-degradation treatment system. The treatment efficiency is in about the 95% range because

-- primarily because to all intents and purposes, irrigation is a non-discharge treatment technology. So you reirrigate the water, capture it and reirrigate it on site. You have to demonstrate that you have adequate permeability in the soils so that the soil can absorb that water without it running off. So you're using on-site capture and agreement and there should be little or no discharge of treated storm water. So you have a very high efficiency for treatment. The old style or what's allowed under the

comprehensive watershed ordinance is a smaller capture volume and it's essentially a sand filter. So it is very effective in

-- not effective in oils and greases, so the treatment sufficiency is significantly lower and you are treating less water as well.

[01:21:13]

>> Spelman: So it will be particularly important given that we're talking about a shopping center here or office center. There will be a fair amount of oil and grease watching on to the roads and needing treatment. Is there a way you could put a number to the capture or you could get somebody to help us put a number to the capture volume issue and to the proportion of oils and greases and nutrients that would be treated under

-- s.O.S. Would be 95%. Then for cwo how much would that personal are?

>> I don't have the capture volume. We can get that, but I did ask our staff to do a calculation of

-- we don't have the exact square footage of impervious cover and we don't have the exact layout

here, so a lot of this is really sort of back of the envelope rough calculation. The difference between

the amount of sediment, total suspended solids that would be discharges off this property on an

annual basis if it was developed under their entitlements versus the 48.2 percent impervious cover and s.O.S. Treatment for all of it, is about an additional 900 pounds

-- a reduction in 900 pounds of total suspended solids annually.

>> Spelman: Out of approximately how much if we just

-- we made them do it according to the current regs?

>> I would have to

-- i don't have that level of detail. I can get that.

>> Spelman: Do you have a sense for the order of magnitude? 2,000 pounds or 100,000 pounds?

>> I would say it's probably on the order of about a 70% reduction. I can get that number.

>> Spelman: Roughly until we get further information, we're talking about a substantial reduction of sedimentation, probably a larger reduction in oil, grease and nutrients because the s.O.S. Water quality ponds are going to be a lot more effective at those things than the cwo would be, in exchange we're giving up a bunch more impervious cover.

[01:23:20]

>> Correct.

>> Spelman: One last question on the impervious cover issue. How much of the impervious cover that they're requesting inside the 300-foot buffer around the critical environmental feature?

>> It would just be reirrigation. The only disturbance in the cef buffer would be the lines.

>> Spelman: And it impinges on the cef buffer would be the reirrigation zone?

>> Yes. And the

-- the darker blue that's in the cef buffer on this drawing, they had originally proposed on this conceptual plan we're proposing to put ponds in that cef buffer. The depth of cut for those ponds was on the order of about 12 to 14 feet and that was something that was just not

-- [inaudible].

>> Spelman: The soil is not 12 to 14 feet. You would actually be cutting into the zone, wouldn't you?

>> Way do into it.

>> Spelman: On this picture is no longer accurate?

>> Correct. And that's why I said that this is for a representative drawing, this is what they had proposed initially in their plan. This is not what we would have agreed to or that -- and there's no [inaudible] that you're approving.

>> Spelman: On the area in the circle is going to be green and won't have any ponds in it, won't have any buildings in it.

>> That's correct.

>> Spelman: Thank you.

>> Mayor Leffingwell: One quick question for clarification. We talked about a substantial increase in impervious cover. There's already a settlement on that that already grants substantial. That's already in the mix, right?

>> Yes.

>> So the actual increase from what they're asking to what they're entitled to per the settlement is not that much. How much is it?

[01:25:22]

>> They're entitled to 11.2 acres of impervious cover and they're requesting 16.7 acres of impervious cover. So about an additional five and a half acres of impervious cover.

>> Mayor Leffingwell: That's under the settlement.

>> The 11.2 is from the court decision and the settlements associated with that.

>> Cole: Violet crown trail, we had additional funding for that. Can you show me where that is or how it works or the extension.

>> I can show you where that is. Where they're proposing to do it is across the western portion, so it would be on the right portion of your screen. You can actually kind of see it there on the right against the property boundary on the eastern side, the the right side. There's sort of a dark squiggly line going across there from top to bottom. That would be the violet crown trail. And it's roughly in that area. They will have to work that out with staff and the hill country conservancy where that will be located. They've agreed to an easement width that our trails department has accepted. It's exhibit c in your backup. Attached to the ordinance.

>> Cole: You also said there's 25,000-dollar trail head?

>> Yes.

>> Cole: Thank you, mayor.

>> Riley: Chuck, just to confirm what you're saying about the cef buffer area, this drawing we have shows -- actually shows a small part of a parking lot in that area. I think what you're saying is that this is no longer accurate and -- is no longer accurate that and be no parking in that area.

>> No disturbance in the cef buffer other than reirrigation.

[01:27:26]

>> Riley: Okay. With respect to the extension of ben garza lane through the water quality transition zone, there has been a lot of talk recently about measures that can be taken to make roads greener, especially in environmentally sensitive areas. Are there any protections that are contemplated for this roadway that would provide any kind of assurances about the impact of the road in going through this zone? Or would this be a typical suburban road?

>> It would be a typical suburban road in the barton springs zone that
-- so all of the runoff, all the storm water from this would go to the s.O.S. Compliant treatment system. So there would be no direct runoff from the road. But other than that there's not anything special about that.

>> Riley: Can you show me roughly on this drawing what that would mean? The runoff would be directed towards those

-- where would the runoff be directed?

>> They're having to relay out their development plan. We don't have a drawing for that because their ponds are having to move, the irrigation areas are moving around somewhat. So wherever ultimately whoever develops this property ultimately the runoff for this property

-- for that road will have to go to a pond where it's prefiltered and then to the reirrigation area somewhere on the property. The bulk of the reirrigation area on this property is towards the top, that big green area, although they

-- in the transportation zone and the other large green spaces on the property are reirrigation areas. But it goes to a bond first and it will have to have several ponds on the property most likely and the runoff will go to the pond and the reirrigation area.

>> Riley: With respect to the parking that's shown here, I gather that this

-- the bulk of the parking shown in this drawing is presented as structured parking, but I realize this is not

-- I'm not sure about that and I realize we're not actually approving this plan. Has there been any discussion about the amount of parking that would be structured as opposed to surface parking?

[01:29:45]

>> No, there hasn't.

>> Riley: With respect to any surface parking on this tract, would that be subject to current code or would that be grandfathered? The reason I ask is that we did amend the commercial landscaping ordinance a year or two ago to

-- essentially it provides that 50% of the required landscaped area

-- 50% of the runoff needs to be directed into the landscaped area. And I just wanted to see if that is

-- if that would apply to this surface parking on this tract?

>>

>> I think that's not totally clear. The parcels that

-- the portions of the property that have rights to the comprehensive watershed ordinance, I don't think we've looked at that question. I'm not sure that the court case speaks to it specifically. So I think our law department would have to look at that and see. So we don't know the attendance that question.

>> Riley: Might there be an attendant to address that?

-- An opportunity to address that?

>> The settlement predates the current commercial landscape ordinance, so it may not be addressed in the settlement either, but we can look at that.

>> Riley: Last question is about how this proposal compares with the one that was approved some years ago on the adjacent tract where the lowe's is. We have heard some concern that when you compare the two deals, it looks like we did better with the lowe's deal than we're doing here. And in particular one thing that's been pointed out is that in connection with that settlement there were contributions totaling some two million dollars to be directed towards the purchase of environmentally sensitive land in the area to provide additional and environmental protection. And so

-- in this case the contribution that's on the table is something
-- as i understand it, is \$25,000. So the argument is what
-- why did we get so much more then than we're getting now.
[01:32:12]

>> I wasn't involved in that settlement. The
-- but the lowe's settlement had a lower impervious cover limit for lowe's. There was
-- I'm not sure if this was two million dollars, but a significant contribution.
>> The lowe's arrangement was a settlement, so they were negotiating a deal to settle a lawsuit. This is
a request for a variance. So the standards for what we can request are different. They need to be
obviously related to the harm that's being caused by whatever it is they're getting. You have all the
variance limitations that we have when a board or commission looks at a variance. It's just a different
situation. The lowe's deal everything was on the table and you were negotiating a deal. And this is
much less that too kind of thing and more of a legislative action by you to your grant or not a variance,
an amendment, if that helps. [One moment, please, for change in captioners]
>> Morrison: We're talking 16 acres of impervious cover which is 48% gross site area versus 11,
approximately, acres that complies
-- that is calculated using the net site area. So can you tell me what 16 acres is relative to net site area,
what percent?
[01:34:17]

>> Not right here, but i could figure that out in relative short order.
>> Morrison: Okay.
>> Mayor Leffingwell: I'm sure councilmember spelman can.
>> Morrison: What we would have to do would be to exclude the upper corner; is that right? Exclude
the transition zone?
>> That's essentially the deduction here is the transition zone and that little bit of critical water quality
zone. Transition is five
-- we could figure that out.
>> Spelman: 60%.
>> Morrison: That's the net site area.
>> That sounds about right.
>> Morrison: As opposed to the 11 is what percent net site area, merging the 65 and the
-- I'm trying to get apples to apples.
>> That's 32%.
>> Morrison: Okay. So we're talking about an increase
-- yeah, of 50%, which is five acres out of 11. Great. Okay.
>> No, it's 32% gross. Yes. Yes. About 40% net.
>> Morrison: 11 is 40% net?
>> Yes.
>> Morrison: Okay. In any case, five acres, to go from 11 to 16 is about a 50% increase in impervious
cover. That's another way to look at it. Let's see, I think the only other question I have, i appreciate my
colleagues' questions, is a followup to councilmember spelman's. Can you do a calculation that can tell
us how much water is going

-- would be draining into the aquifer due to the extra five acres of impervious cover?

[01:36:26]

>> Probably not. We can probably calculate how much water would be running off from that additional impervious cover for a certain storm size.

>> Morrison: Okay.

>> You have to assume a volume of water falling on the ground, but it would be

--

>> Morrison: I understand.

>> We couldn't accurately predict how much is percolating into the ground and going into the aquifer with any accuracy.

>> Morrison: If you wouldn't mind picking a few typical storm sizes just so we can get a bit of a range. That would be helpful. Thank you.

>> Mayor Leffingwell: You have a briefing on encino also?

>> Encino trace, this is a 54-acre site in the barton creek watershed located over the edwards recharge zone subject to s.O.S. 15% impervious cover on a net site basis and nondegradation storm water treatment. The owners of the site filed a site plan in january 2008 under s.O.S., Approved in october 2008. That site plan subsequently expired. They didn't move forward with construction and they later refiled that same site plan in january 2012. The site plan includes two office buildings, the approved site plan includes two office buildings and a parking garage total ago 332,000 square feet. The overall impervious cover is roughly 13% on a net site basis and for roughly six acres of total impervious cover in the improved site plan. The refiled site plan is subject

-- made subject to regulations that were not in place in 2008. Primarily the heritage tree ordinance and our regulations for temporary erosion and sedimentation controls became a little nor stringent. The original plans were revised to meet the new standards, but the development remains substantially unchanged from their 2008 site plan. That site plan was approved in october of last year with an expiration date of september 2015 and they have not yet started construction on that

-- for that site plan. This is the encino property. Let me orient you a little bit. It is on the south side of southwest parkway. That's st. Andrew's school to the left. It's the

-- the encino tracts are outlined in bold yellow. The other parcels on this graphic are shown in light yellow. Those are not associated with the encino property. The critical water quality and transition zones are shown in light blue and dark blue, the transition in the lighter blue. There's a minor tributary of barton creek that goes across the front of this property, really cuts off the road frontage here. For their 2008 site plan council approved a limited adjustment to s.O.S. To provide for a road crossing so they could get access to the property for a driveway into their property. And then you can see down to the very bottom of the property there's a tributary of barton creek that also impacts the critical -- the buffers impact this property, but really don't impact the development at all. But they do add deductions for

-- as farther of the net site area calculation. The black triangle on the middle right is known as penny's cave. It also has a 300-foot buffer that's shown in light green that does affect the property. And the approved development and the proposed development on the property will not affect that buffer or the critical and transition zone that's on the lower part of the property. The owners of the property, koontz McCombs, have requested 25% impervious cover on a gross site basis, approximately 13.5 acres. They've asked to be able to do development with no limitations in the critical and transition zone across the front of the property only. And the owners have offered an easement for the oak hill trail and to construct all of the development to an austin energy green star building standard. This is a

layout of both the approved and proposed development. In red is the currently approved development. You can see the driveway that they obtained a limited adjustment to s.O.S. To cross the critical and transition zones that attaches to southwest parkway. It's their buildings and parking for -- for the approved development. Then in blue is what they would propose to build if this ordinance is approved. It would be done as a site plan revision, a revision to the existing site plan. And then I've got the same drawing with the environmental features and the property boundaries shown to kind of help understand or see how things are laid out. You can see that there's no impact to the cef buffer, no impact to the critical and transition lower part of the development, but they do impact the critical and transition in the

-- that minor tributary across the front of the property. So to summarize the even the encino requests, 15% impervious cover, roughly six acres. They've requested 25% on a gross site basis which is roughly 13.5 acres. S.O.S. Water quality in both their baseline and requested. Creek buffers there's no development allowed in the critical water quality zone and very limited development in the transition zone and they've asked to be allowed to develop in the critical and transition zone with no limitations on the minor tributary. The cef buffer will not be disturbed under either scenario. Staff recommends approval of the encino request. And with that I'll answer any questions that you have.

[01:43:19]

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I have a few. Thanks. I think I heard you say in the planning commission, in your planning commission discussion that the minor tributary would almost certainly get filled in. Did I hear you correctly?

>> The portion of it where they are putting their development that they would cover it over certainly.

>> Tovo: And then I also heard one of the commissioners ask the question about how the changes, the proposed changes to the watershed ordinance could interact with this proposal and I believe your answer was that it would actually

-- the proposed watershed ordinance changes would actually extend

-- would likely extend the critical zone even further.

>> Actually that was incorrect. We're extending the creek buffer sizes or

-- and drainage areas that are currently in the barton springs springs zone to the rest of the city under the proposed watershed ordinances so it would not affect this.

>> Tovo: Thank you, councilmember morrison, for talking about the size of the increase on the last one. That was nearly 50%, nearly 50% increase in impervious cover. This one I think exceeds it, it's just over 50% increase from six acres to 13.5.

>> A little over 100%.

>> Tovo: Thank you. I should never do math on the fly. Thank you.

>> Double.

>> Tovo: Let's just say a very substantial increase. And as I understand it, there's no

-- have they requested

-- I mean have they proposed to do any enhanced wastewater treatment on this site?

>> For storm water treatment?

>> Tovo: Uh-huh.

>> No, beyond s.O.S. They have not.

>> Tovo: I wonder if you could address for me because it's not really been apparent in the materials before us or in the testimony I heard before the planning commission why is staff recommending approval of this item? I haven't heard any real compelling reasons.

>> They are limiting their impervious cover to 25% and that

-- one of the things that I've talked about is that our water quality protection concept for s.O.S.

Depends on low

-- relatively low impervious cover levels and nondegradation storm water treatment system. And

because once the storm water system only treats and captures a certain volume. Once it exceeds

-- once it fills up, additional volume just runs off. And

-- untreated. And so reduced impervious cover reduces that volume of

-- that additional volume of runoff that doesn't get treated. And so in the higher your impervious cover

level, the less effective we are in reaching that goal of nondegradation. And so they've kept their

impervious cover request to a smaller number, certainly as compared to the garza proposal, but there

is no grandfather in question here and so I think that there's a reasonable level of water quality

protection here, but to be honest this was a request that was made that we're bringing forward to the

council and it certainly exceeds the goals and standards that we've set for the barton springs zone.

[01:46:47]

>> Tovo: It certainly does, and I guess I'm

-- i just have to get back to the question why would it be coming forward with a staff recommendation

when it so far exceeds the goals for the barton springs zone and they are requesting a more than

100% increase in impervious cover which we know has significant consequences for this area. So okay,

well, thank you very much, mr. Wozniak.

>> Mayor Leffingwell: Any other questions? Councilmember spelman.

>> Spelman: Chuck, you are not a lawyer so maybe you will defer this question, is there any legal

question that s.O.S. Applies to this tract? Not that you are aware of? Okay. Thank you.

>> Mayor Leffingwell: Any questions? I think we go to speakers now. Roy whaley.

>> Howdy y'all and good morning. My name is roy whaley. I am the conservation chair of the austin

regional group of sierra club. Let me start out by saying we oppose these variances. Also while we

support our friends at hill country conservancy and we are in favor of trails and we are in favor of the

trails going through this area, this does not give us reason to support this. Also I'd like to point out that

executive director of save our springs alliance bill bunch is out of state right now, but he and i

communicated, he can't be here this morning, s.O.S. Alliance is also opposed to these changes. Chuck,

who I respect very much and like very much, spoke of the spirit of the agreement, but there's a

difference between the spirit of an agreement and the letter of the law of our ordinances and that is

very clear on how we should approach this. Clearly, and he did speak on the fact that s.O.S. Water

quality standards work because part of that equation is the impervious cover. And so when we see that

they are offering s.O.S. Water quality, they are not because the whole equation is not taken into

account. And so to ask for enhanced water treatment is a very good idea and we should do that. The

other thing is when we talk about the

-- the critical environmental feature and water reuse, we reuse storm water and it has been pointed

out about all oil and grease. We are talking about putting oil and grease right on top of the buffer of an

environmental feature that goes directly to barton springs. So while yes, we support water reuse on

site and storm water reuse on site, we're talking about in areas that do not have critical environmental

features on them. And so we are talking about putting water with oil, grease, other pollutants right on

top of a feature recharge area that goes directly into our aquifer and directly to our springs. And so we

ask that that not be allowed. This is a very dangerous precedent to set. So we ask that, yes, there have

been variances, but not of this type, not that I'm aware of and I did not hear any presented this

morning. So while I had planned on starting out with some very snarky remarks, I saw paul robbins and thought no, I'll leave that to paul even though he's not speaking this morning.

[01:51:07]

[Buzzer sounding] one last thing quickly, in regards to what they are offering on the trail head, 25,000 goes how far into establishing that. Are we talking pocket change, the stuff we find in our sofa cushions or do we have a real contribution there. Thank you for your time and attention.

>> Cole: Thank you, mr. Whaley. We don't have any questions. Craig, are you here?

>> Mr. Nather left.

>> Cole: Gill furna, are you here? There's no further speakers on item 31 or 32. 32, council. Do you have any further questions for staff? I'm going to make a motion for this to lay on the table until the mayor comes back. Councilmember spelman.

>> Spelman: We may be able to save the mayor some trouble. Remind me, 32 is encino trace and 31 is garza; is that correct?

>> Cole: Yes.

>> Spelman: Mayor pro tem, I move to deny 32.

>> You may want to lay it on the table. These items require a super majority vote so you want to make sure you have a full council.

>> Spelman: Not to deny they don't.

>> That's true.

>> Cole: That's true. They do not deny a super majority vote.

>> Tovo: Can I clarify? You did say 32.

>> Spelman: That's right, I haven't made a motion on 31. Do I need to need to make a motion on both?

>> Cole: I think we can make them separately. Is that right, city attorney? Two separate ordinances so we can make separate. I assume there's an objection not to put them on the table.

>> Tovo: I would suggest we take a minute and look quickly at the agenda. I had it backwards in my head.

[01:53:09]

>> Spelman: Encino was 31. My intention was to deny encino trace whichever apparently 31, not 32.

>> Cole: I'm assuming the motion and second is done to not put these on the table, to go ahead and take a vote and I know that the mayor expressed an interest to vote on the item and to put it on the table. So I think we're going to actually have to take a vote on the motion to table before we vote on the item. So I will entertain a motion to

--

>> [inaudible]

>> Cole: I think, well, he wants to vote on this item. On both items he wants to vote.

>> Spelman: If the mayor wants to vote on both items, then I will happily table them both.

>> Cole: Thank you. So we will table them both until after citizens communications and after executive session.

>> Spelman: Although someone might want to communicate to the mayor there is a motion and second to deny at least one of them, that he is not going to prevail if he wants to vote for it.

>> Cole: I think that will be duly noted but I think we should request his wishes as he is out on business.

>> Cole: I would like to take a suggest a brief recession

[10:50:16]

>> Cole: I would like to call back to order this meeting of the austin city council. Citizens communication. Mr. Roy cavanaugh. Mr. Cavanaugh, are you here?

>> The reason I'm here, I'm trying to redevelop my property and I recently had a site plan approved. Together with that site plan I had a managed growth agreement that was dated -- the rights were I thought effective when the site plan was issued. What happened was is you had to rescind the project duration ordinance because it was flawed. And inside that ordinance was the managed growth agreement. So now I've been told that i don't have the right to proceed as I had planned and as I had done. I had submitted the managed growth agreement. I feel like hey, where's my due process? The system is broken, it's not my fault. I need to go ahead and proceed with this project as best I can without your help if I cannot communicate with you. That's why I'm here today in citizens communication sharing this venue with johnny reeferseed instead of being able to talk to you through the procedure that's been canceled, it hasn't been replaced yet. Now, I'm in the extraterritorial jurisdiction so forthly there's a state code that's applicable. It's 212.172. And it allows you to analyze my professional as a development agreement. Unfortunately there's no procedure for that. Okay? So I'm caught in this catch 22. And I really think that you need to address this situation. This is very important to a lot of people. I am ground zero for the parks, trails, the aesthetics of bull creek park and all the values people move to austin for. Now, I also have neighbors that are behind me that are completely upset. I was forced to because i could not come to a reasonable agreement with the staff -- now, i understand it really wasn't their position to finalize this agreement with me. I needed to get it to you, but they had to be real conservative and they were, they are doing their job. But it ended in a deadlock that forced me to proceed in a manner I didn't want to proceed at. I really wanted to negotiate something different so i went ahead and exercised my legal rights and have a site plan approved which offers to be very profitable. It's mini storage. It's in a place where I have a monopoly in a submarket. All the feasibility studies say do it but it's not the socially responsible thing to do, it's going to hurt my neighbors, hurt the value of their property and I'm the second oldest person, second oldest resident in great hills. I bought a house there in 1979 when I was 13 years old. My grandchildren go to school with their kids. I have no interest in hurting those people. I'm them. But I'm trying to get through to you and explain this to you and try to communicate with you and i want you to make the decision on what it takes to make this situation right. And what it is is issuing me

[10:53:23]

[indiscernible] development rights which the staff agreed that's what they are made for. [Buzzer sounding] they haven't been used that much but they are used other places and that's how they solve these problems.

>> Cole: Thank you, mr. Cavanaugh. Thank you for the information. Next we have vara keathley. Ms. Keathley, are you here? Next we have carol anne rose from the -- from the dead kenneth, rose from the dead kennedy, incessant arguing with bologna sandwiches is the topic. Is there anyone here to speak to this? Patrice mallard. Patrice mallard. Thank you. Come on down. It doesn't matter.

>> Okay, I'm going to try and get in three minutes so I'm going to talk really fast. In 1999 I moved here from new york city and shortly after bought a rundown house at the back of an overgrown lot and covered in rubble and debris. The old man who lived there had allowed people to dump as a source of income, i started cutting a path to the street and hauled truckloads every weekend. I discovered from the city that the lot was not a legal lot and they had no record of anyone ever living there so I spent

weeks researching until I found a record of an occupant in 1946. I took it to the city and they grandfathered the lot defining it as illegal subdivision which would allow me to pull permits. I went to the city for utility services. The person I spoke to said people on hudson street get utilities by taking long water hoses and extension cords to the street behind them and the city, quote, turns their head at these violations because they know that it is their fault because there's no utility access for the street. And that street had been annexed ten years by that time. I started researching again and found civil plans and located a tap at the front of my property barely granting me access to water and wastewater but the problem was the old house was too far from the tap. I found a small house down the street and had it relocated. After three years I had water and take it. I got a homestead exemption so I could pull my own permits and started working on my house but every time i thought I would get my occupancy permit there was some loophole. My permit would go dormant, I would start all over again. Finally I stopped getting permits. I had water in my toilet and passed inspection and i couldn't afford to maintain the house I was remodeling

-- that I started remodeling houses for a living and when I told an architect about my unresolved problems with the city she agreed to help me. After several weeks she was unable to resolve the problem but kept detailed records of her conversation. Eventually she moved out of state and I gave up again. Other contractors have tried. I was told this was the city's fault again and again but they didn't know how to rectify it. I spoke to someone who said I needed a life safety permit. That was on a friday. She said the problem was with these old east austin properties. They didn't know what to do with them. She said someone would be out monday to hook up my permanent power. That was a year ago. I called and no one ever came. Recently someone suggested city council so here I am. It has now been 13 years. For the last ten years i have been squatting in my own house. Temporary power costs twice as much as permanent power. I owe thousands in utilities. I want my occupancy permit and my permanent power. I want my utility debt erased so I could start out fresh. Monday I want to be a legal occupant of my own home, the one I pay taxes on and pay for city services. The city needs people like me. My neighborhood has changed

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[10:57:27]

[buzzer sounding] in the past 13 years. Austin's african-american population has decreased by 50%. I'm a black woman who wants to move into

--

>> Cole: You are out of time, but let me ask you exactly what permit now you are seeking, an occupancy permit?

>> I just need a life safety permit that would expedite my occupancy permit. I didn't bring all my records but I have applied again and again and every time I go down to the city and try to resolve it there's something else that costs a the look of money, i put it off, they go dormant again and again.

>> Cole: Let me ask you

--

>> [inaudible] [no mic on]

>> Cole: I'm going to pass these down and then you can pick them up when we end citizens communication from the clerk. Your pictures. Councilmember tovo has a question for you, ms. Mallard.

>> Tovo: I have sort of a handful, but I think I'll just ask if you would

-- my policy

-- joy is here, talk with her on your way out.

>> Cole: Steven mcintyre.

>> Hello, council. My name is drew. I'm here today because I've never really had a lot in life as far as money and material things go, however, I am one of the happiest people that I do know. And I get most of my happiness and gratitude from my city and its beauty and services. And I spent a lot of time in the bull creek natural park area with my mom as a child for many, many years and now I spend a lot of time there as an adult. And I'd like to see this opportunity for other young people to -- to be preserved. I'd like to see the natural source of wildlife and happiness be preserved for generations. Mine and yours, not just ten years or 50 years, but really forever. And I urge you to act in the long-term interest of bull creek park area. Thank you.
[10:59:58]

>> Cole: Thank you. Next we have robert young.

>>> Hello. Thanks for having me today. I'm actually a neighbor of roy cavanaugh's salvage yard on spicewood springs. I'm here today because i don't really want to see it develop. I've seen roy's plans. There's one for a storage facility, a dog kennel, which I really don't want in my backyard at all, and a crazy idea for a helilly port to go there. I know roy has tried to go through the process, he has plans in place to actually start development on that. And the intersection of spicewood springs and yopon is busy enough as is. Councilmember tovo, I've contacted your staff and I've never received a response back. I'd like to see city council take action, get after it and not put that in there. I'd love to have a park place there at that location. You know, roy has a good plan in place. I've looked at it. His grandkids are, you know, in my daughter's class at hill elementary. I just don't want to have and I speak for a lot of my neighbors because we've talked about this endlessly and we've contacted several councilmembers that says we don't want a storage facility, all that extra traffic emptying out on yopon. We don't want a dog kennel facility at that location in our backyard. I speak for a lot of my neighbors for that, you know, off the yopon area. So I would really like to see some action. I don't really know what your process is so I'm a little frustrated by that because, you know, it's been no action. The only thing I had received is an auto responder every time I fill out something on each of your websites. So please, you know, listen to roy. Get to the table, do something, you know. Otherwise, you know, he has plans in place to start next month putting a storage facility, a dog kennel and maybe a hiliport and I don't want it. Thank you for having me here today.
[11:02:09]

>> Cole: Thank you, robert. Next we have claude welch. Claude welch. Next we have scrip cameron.
-- Skip cameron.

>> Good morning, councilmembers. Skip cameron, president of bull creek foundation. I don't come here often and it's usually an important related topic related to the work that I've been involved in since 1994 leading our all volunteer group in achieving a balance between nature, recreation and development in the bull creek wad, which contains one of the two water supply creeks we have here in austin. Long after the creekside areas and even more thousands of acres in barton creek has been preserved bull creek still cries out for protection of the banks. One of those is 60-acre stennis tract which took place in 1992 and six years later a bond election allowed funds to preserve that tract by buying it from the family instead of having a huge development on it. After decades of collaboration, much of the banks of bull creek have been preserved. Very few areas remain. There is one extremely critical one. For over eight years since I've talked with roy cavanaugh the first time and communicated with a number of city folks over and over and over again trying to find a way to get him to move off

that property. Nothing has really transpired there. We have a junkyard on the banks of that creek. It's an environmentally sensitive area. It needs to go. Roy wants to move off, believe it or not. He's got stakeholders in the area wanting him to move off. The city departments we've dealt with want him to move off. The critters living along the creek would like him to move off. After eight years of nonproductive dialogue it's time for you all as representatives of the community to make a deal happen on this particular situation. Put a resolution before the council, vote on it next week, give the staff direction to work across the table with roy and come up with an acceptable agreement that both parties can sign and get it done by the end of november. That's his deadline, not mine. It has to start next week and it has to end by the end of november. Otherwise the approved site plan that you all have already approved on him will proceed against everybody's wishes. I hope you'll do the right thing. Thanks.

[11:04:47]

>> Cole: Thank you, skip. Next we have ricky martin. Mr. Ricky martin.

>> I'd like to propose a suggestion for the austin police department through the city council that as you are all well aware of the peaceful streets project that film the police to keep them accountable for any complaints that they may have or any discrepancies in the

-- why they are pursuing what they are pursuing. And there's

-- I apologize, I only have seven copies here.

>> [Inaudible].

>> That realto, california, did a study on the police department wearing their own camera. And that study cut down significantly on the police department's complaints for the officers wearing the camera. There was no complaints. Either because they knew they couldn't get away with complaining or that the police officers stayed within their legal bounds of pursuing their calls. I think that this would be very beneficial for the citizens of austin, like the supreme court has ruled that we can film the police department because they are public citizens. Well, it would seem that it would be much more beneficial for the police if they were to film themselves. And then they wouldn't have to worry about any interference for somebody looking out for somebody else. That's what I propose. I'd appreciate if you all would take a look at that. Thank you very much. Oh, and I did speak to an officer today and he -- he brought it to my attention that there are several cameras in use, but they are not all on patrol officers. You know, so I mean if they are the ones that are in definite contact with the public, I feel that they are the ones that should have the cameras. Thank you very much.

[11:07:09]

>> Cole: Thank you, mr. Martin.

>> You all have a tremendous one.

>> Cole: Mr. Walker, dan walker.

>> Good afternoon, city councilmembers, city attorney, staff and citizens. My name is dan walker and I'm the owner and operator of [indiscernible] kayaks and east side tubes in austin, texas. I speak before you today as a local austinite and trying to provide for 10 employees and their families while be a good steward of the colorado river. The tubing outfitters downtown south have created a bad name for what tubing is, but I'm here today to explain what tubing has been in austin for the past three months. It's been environmentally friendly tourism. We give austinites and tourists an opportunity to enjoy the outdoors. Whether 7 years old or 70. We have more families that visit us including grandparents,

parents and children who love what we are doing and how we are being responsible for this stretch of public water that has been neglected for so many years. Our size is minimal carried to the outfitters down south. For example, the outfitters down south had over 100,000 TUBERS THIS JULY 4th. We had 380. We love our rivers. We provide incentives and mesh bags for river trash pickup for every customer who walks through the doors and educate them this is their liver. They cannot bring styrofoam, they cannot bring glass. Through our doors or on this river. This is nothing that the city mandates to us or its citizens. This is what we mandate and demand of our customers. We care. We've held multiple river cleanups and are committed to at least quarterly cleanups moving forward. We provide tube and kayak rentals and work with keep austin beautiful and the colorado river alliance. These nonprofit organizations are thrilled that we can help on a stretch of river that they have had a hard time finding access on for all these years. We volunteer our equipment and staff to help clean up an area that is a natural conveyor belt pushing trash from waller creek, shoal creek and the streets of downtown when it rains. We get that trash and we pick it up. We educate. This trash is not coming from the tubers. It's been glass, diapers and trash for decades and that's what's going on under the montopolis bridge, an area we pick up at every night. We care. Please provide a voice and stand up for a small business who has 10 employees that in danger of losing their jobs because the city of austin has shut down every taxpayer's access to their own river. Thank you very much.

[11:10:00]

>> Cole: Thank you, mr. Walker. [Applause]

>> mayor pro tem?

>> Do you have any questions? Councilmember tovo I have a question. You said 380 over july 4th weekend. Some of the media reports have talked about hundreds over the course of a weekend. Would you say the media reports are accurate?

>> Yes. I would say on a great weekend 500, 600 people. It's a small percentage of what the tubing outfitters down south have done. They don't care for their resources. It's 100,000 people, you cannot control the trash and the problems down south. And we understand that.

>> Tovo: Thank you for just confirming that number.

>> Okay. Thank you.

>> Cole: That is the end of our citizens communication. The city council will now go into closed session to take up four items. Pursuant to section 551.071 of the government code, the city council will consult with legal counsel regarding the following issues. Item number 3, legal issues relating to amending city code chapter 2-5, setting dates for terms and providing a method for staggering terms of councilmembers. Item number 94 was withdrawn. That was legal issues related to open government matters. Item 95, legal issues related to transition to electing the council from single-member districts. Number 96, legal issues related to the austin fire department hiring processes. And pursuant to section 551.074 of the government code, the city council will take up one item related to personnel matters regarding the following item: Item 97, evaluate the performance of and consider the compensation and benefits of the city manager. Without objection, we will now go into executive session on the items announced.

[16:30:01]

>> Mayor Leffingwell: We're out of closed session. In closed session we took up and discussed legal issues related to items 3 and 96. Items 94 and 95 were withdrawn and also personnel matters related to item 97. We'll begin with our consent zoning cases.

>> Mayor and council, I'm Jerry Rusthoven, planning, development and review department. I will do your second and third reading cases today. The first is item 98, case c-14-2013-0047, jdj holdings on slaughter lane. The request from zoning is development reserve, single-family residence large lot conditional overlay combined district zoning to townhouse and condominium residential conditional overlay combining district zoning. This case is ready for your approval on second and third readings. There has been one change made since first reading, and that is on an ordinance in front of y'all today. We have changed part 2 d of the ordinance to read the development of the property may not exceed nine units per acre as opposed to the 7.96 units per acre that was approved on first acre however the total units is capped at 200. With that change I can offer that for second and third reading. Item number 99 is c 814-2012-160. The requested zoning is from general services district zoning and general commercial services vertical mixed use combining district zoning to planned unit development district zoning. This case is ready for approval on second reading. When we held a public hearing the city council asked us to bring this case back once an agreement has been reached on the bridges on the park homeowners application and the applicant. That agreement has been reached and signed by both parties as of 2:50 this afternoon. It has not been recorded at the courthouse. Both sides agree that it will be recorded once the third reading occurs. City council directed us to bring this case back for third reading. Once we bring back the p.U.D. Affordability ordinance that will be on OCTOBER 3rd. Finally for second and third reading we have case 100. I have a postponement request from this one from the applicant to your august 29th meeting. That would be all the cases for second and third reading you can approve on consent.

[16:32:27]

>> Mayor Leffingwell: We can keep going.

>> Greg Guernsey, planning development and review department. Going on to the 2:00 items where the public hearings are open for zoning and instant replay amendments, the first item, item number 101, c-14-2013-0053 for the property located at 515 east slaughter lane will be a discussion item and there will be one speaker signed up to discuss this item. Just to note that there is a petition but it's not valid and stabbed at about 11.85%. Item number 102 is npa-2013-0025.01 for the property at 5816 harper park drive. Staff has requested a postponement to your october 6th agenda. Case 103 for the property at 5816 harper park drive. Move staff postponement of this item to your october sixth agenda. Case 104, again, this is a staff development request to your august 26th agenda. Item number 105

-- 29th? August 29th. That would be for 102, 103 and 104. August 29th for 10, 3 and 104.

>> Mayor Leffingwell: I thought you meant september 26th.

>> I stand corrected, september 26th.

>> Mayor Leffingwell: September 26th.

>> For 102, 103, 104. Item 105 is case c-14-2013-0057 for 3500 west 35th street. This is ready for consent approval on first reading only. The zoning and platting commission recommendation was to grant p public district zoning. Item number 106, c-14-2013-0062 for the property at 3909 westlake drive. We have an applicant request for postponement to september 26th. Item number 107, case c-14-2013-0063 for the property located at 1701, 1715 west slaughter lane to zone the property to general commercial services or cs district zoning. The zoning and platting commission's recommendation was to grant cs-co combining district zoning and this is ready for consent approval on

all three readings. Item number 108 is case c-14-2013-0065 at 3207 west slaughter lane and this is a zoning change request to neighborhood office district zoning. The zoning and platting commission recommendation was to grant the no district zoning and this is ready for consent approval on all three readings. Item number 109 is case c-14-2013-0031 for the property at 3907 clawson road. Mayor, I believe we have at least 10 speakers on this item so that will be a discussion item as well as a related item, number 110 for the property at 3903 clawson road that has several speakers, that will be a discussion item. Item number 111 is case c-14-2013-0048. This is for the property located at 3715 westlake drive. We also have some speakers on this item and the commission forward it had without a commission so this will be a discussion item. And finally item number 112, case c-14-2013-0067 for the property located at 3906 manchaca road. This is zoning change request to limited office, mixed use or lo-mu district zoning. The planning commission recommendation was to grant the lo-mu district zoning and this is ready for consent approval on all three readings.

[16:36:32]

>> Mayor Leffingwell: So the consent agenda for our zoning cases is to approve item number 98 on second and third readings with the changes enumerated so texas 2-d. To approve number 99 on second reading. So postpone item 10 to august 29th. So postpone items 102, 103, 104 until september 26th. To close the public hearing and approve on first reading only item 105. Postpone item 106 until september 26th. To close the public hearing and approve on all three readings items 107 and 108. And to close the public hearing and approve on all three readings item 112. I'll entertain that motion. Councilmember spelman so moves. Councilmember martinez seconds. Discussion?

>> Tovo: Mayor?

>> Tovo: I would like the record to reflect my vote against 99.

>> Morrison: Mayor? I would like to be shown as voting no on number 99.

>> Mayor Leffingwell: All those in favor, signify by saying aye? Opposed say no. That passes on a vote of seven to zero with councilmembers tovo and morrison voting no on item 99.

>> [Inaudible].

>> Mayor Leffingwell: The consent agenda passed on 7-0 with that exception. We had a couple of items on the table when we left. I think it would be appropriate to address those. I was not here, mayor pro tem, did the speakers

-- do we have speakers on items 31 and 32? They both spoke.

[16:38:51]

>> [Inaudible].

>> Mayor Leffingwell: The clerk should show both those speakers having spoken because they're not shown that way now.

>> Cole: Only roy whaley spoke and the only two speakers were not here, i believe

>> yes.

>> Mayor leffingwell: One speaker.

>> Item no. For the record, mayor, council, you know me. My name is will mcleod. Item no.18, approve the resolution amending the city council personnel policies establishing a mon

-- [inaudible] prld provide for lead time off for eligible employees with approved fmla leave and a system of prioritization for leave takers accessing the leave bank. Well, I don't get paid time off at my

job. In fact, where I work at now, we've cut our hours down to 25. Why? The unaffordable care act. So this is

-- reminds me of congress passing a bill, the majority of americans do not want, and to have congress exempt themselves from the bill. I think

-- and I strongly believe that we should not be providing this paid time off. We're in a budget crisis in america. If I don't get paid time off at my job in the private sector, why should city employees get paid time off? Look at the city of detroit. Detroit has recently filed for bankruptcy, and this is part of the problem: Excessive and lavish government spending. Why should a government employee make more than somebody working in the private sector? That's not acceptable. And I really strongly believe, and the majority of americans believe, that we need to end these freebies. Money doesn't grow on trees. When I look at this, I look at it as an entitlement, and now you want to raise my property tax rates. Property tax affects a lot of people, not just people who own homes, but people who rent, because the landlord is not just going to eat up that expense. They're going to pass it along to people. And that's what makes housing unaffordable, is wasteful spending. Let's

-- let's vote against this wasteful boondoggle of paid time off, and it's not about tracking and keeping entitlement. We should send a message to people who work for the city and for the private sector. They're lucky to have a job because our unemployment rate nationwide is at 9% in some areas, if not more. Let's think about that.

[16:42:56]

>> Mayor leffingwell: Okay. Those are all the speakers that we have, and I believe we have some information from hr that was pending from when we considered this before.

>> Thank you, mayor, and council. I'm going to ask karen sharp, assistant director, to come and share the analysis about the additional administrative support that's needed in order to implement the shared leave bank. She has been working on this for several months and has raised this issue previously to me.

>> Good afternoon. Karen sharp, assistant director of hrd. So what I'd like to do is talk about our original assumption on the resources that would be required for this program. We were looking at having two enrollment periods potentially, an open enroll. And if the leave bank was running short we'd have another open period. We did have resource concerns actually and I'll go into why we were having those concerns. And what we decided upon is that we would use a temporary employee for the first year of the program, because there are a lot of unknowns about the utilization and how much of an impact it will be, and so we're going to monitor for a year and then potentially ask for a full-time position to manage the program. Now, with the assumption of separating employees being able to donate any pay period, that changed our reasoning, and I'll go into that. We had 757 non-civil service separations from august of last year to august of this year. The number a thousand was mentioned earlier, but that included civil service. And so if we have the separating employees make donations every

-- during any payroll period, that would be up to 29 donations per pay period. Obviously not every single person separating would be donating but that would be an up-to amount. So in addition to the authorization form from the employee, which I think was mentioned earlier, saying, yeah, she can take this leave from my balance, we would have to centrally collect the leave and centrally administer the program, and we would have to manage especially for the separating employees in very close connection with the payroll department and department to make sure that that final paycheck of the employee was accurately done given that they would be donating leave at the same time we're calculating what paid leave they're entitled to on their final check. As far as the leave bank itself, our current payroll

system cannot automate a leave bank. We assess the capabilities and it can't manage a pooled leave bank. And so we intend to develop a database in corporate human resources for actually tracking that donated leave. And we will manually post the added donated hours into that database. So there are a lot of manual transactions. We have to manually deduct the hours for the donating employee from their account in our payroll system. We have to manually add the hours into the database that we'll be developing. Now, when it comes to the employees who will apply for the donated leave, we

-- you know, as the resolution states there will be a committee to review those requests and prioritize, based on the projections of potentially 140 employees who in the last year were on unpaid fmla and who were out for more than 80 hours with unpaid fmla and had less than 80 hours of their own leave, if all of those individuals applied for leave donation, then we would be managing five requests per pay period. So in addition to evaluating the request, we would have to confirm the available balance in the leave bank itself, and then we would be

-- if the employees were awarded the leave, then those hours would be manually added to the employee's account in the payroll system using a special adjustment code, and that would be tracked on their time sheet in terms of those hours that they could use. In addition to that we would need to monitor closely and reconcile on a pay period basis these additions and subtractions from the leave bank which reps paid lead. So that would have to be monitored. We would also have to coordinate with departments when employees come off of their fmla period, that if they had not used the donated hours, that we could then go in manually into their record and take those hours back out so that they could go back into the leave pool. So it is those kinds of manual transactions and close accounting of these paid leave hours that we think necessitates the need for an additional resource to manage the program, and that's in addition to the education of employees on this program and the education of the hr folks in the departments and the fmla coordinators so that everyone is well-informed on how to manage the program. So we have

-- feel comfortable that we need a full-time equivalent position to manage this program.

[16:49:03]

>> Mayor leffingwell: So what's the added cost? That was what was requested. Your estimate.

>> Well, we are looking at \$86,369 for an hr consultant, that includes the benefits.

>> Mayor leffingwell: But if you were to go ahead with developing an automated process for this you wouldn't need that fte? I mean, at such time as an automated process is in place, you wouldn't need the fte; is that right?

>> Well, if we had a shared payroll system that could hand a leave bank, then we probably wouldn't need a full-time position but just getting a database position developed in

-- we have to do that to actually put the hours in, and that doesn't take away the manual processes of loading into the payroll system

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>> mayor leffingwell: That's not what I'm saying. Let's suppose, for example, that we didn't include the enrollment

-- people donating their time except as was originally specified in the ordinance. Then you wouldn't need an fte, and you could

-- as this process is developed, an automated process is developed, you could incorporate the more expansive time donation plan that has been offered by council member spelman. That's my question. Could we, by delaying this provision only, be able to wait until we have the automation available and incorporate council member spelman's provision, without adding an fte?

>> If we did the enrollment annually or semiannually we would not need the added fte, but to do it every pay period, that's the manual process that would require an additional

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>> mayor leffingwell: Right, but when the automated process is developed, you could do it

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[16:51:08]

>> without

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>> mayor leffingwell: You could do it without adding the fte.

>> There may be a possibility to do it without the fte if there were more automation. I couldn't say that for certain at this point without assessing the capabilities of the automated process.

>> Mayor leffingwell: Okay. So I would suggest

-- i would offer a friendly amendment that we, for now at least, take out that provision and go with annual enrollment only until we have an automated process developed.

>> Mayor? Before I say whether or not

-- first, do we have a motion on the table that you're making a friendly amendment to?

>> Mayor leffingwell: I think you made the motion.

>> Spelman: The motion is still on the table. Fine. Let me ask a question, if i could. There's two competing ways of thinking about this, and one of them

-- I'm just going to think of them in the broadest terms first and then we can whittle away whatever doesn't need to be included. One of them is your original, I will call it revision of council's original proposal. I believe council's original proposal was fully annual leave bank of the kind that I have proposed here, which is a revision of your ordinance. Your ordinance is a revision of our original intent, which is to establish this on a membership basis. Now, that's partially rhetorical, but partially i want to emphasize it is my understanding, and I believe the understanding of all of us that this was not going to be a membership

-- membership would not be a requirement. This was going to be strictly voluntary in the same way that leave banks done in other departments on a department by department basis have been voluntary. I just want to say that. Doesn't matter whether you agree with me or not. That's what I'm going to believe. You won't talk me out of it. One way or another, though, we got two different possibilities here. Now, part of the membership opportunity that you're suggesting is that we only do this

-- we only allow people to donate twice a year during open enrollment and doing some other

-- do we have a second open enrollment period or would we have an open enrollment period just for this purpose?

[16:53:26]

>> It would be just for the purpose in the event the bank ran low on hours.

>> Spelman: So part of your argument is instead of doing this every pay period, if you do this only twice a year it's going to be cheaper and faster from an administrative point of view. Suppose we were to do that and we found that among those 140 or so people who wanted to draw down

-- up to 140 people who wanted to draw down off the leave bank, that there was more demand for leave than there was for supply in the bank. Do we just say no to people, say I'm sorry, we haven't got

enough here because not enough people took advantage of this in open enrollment or is there something else we can do for them?

>> So the evaluation of the leave award would basically, instead of giving up to 140 hours, it would be some amount less than that if there was a diminishing amount of leave available in the bank or having the special enrollment that

-- that we propose. So clearly having it biannually or biannually doesn't give us the flexibility to solicit leave donations ongoing.

>> Spelman: Okay. You've also got the additional problem that we have a certain amount in the bank at a particular point we know will be six months before any replenishment will happen. Somebody puts in a request midway between those enrollment periods and we haven't got anything in the bank left. We had something in the bank three months ago. We spent all that down and there's nothing in the bank now. So because of the term

-- the timing of my pregnancy or my wife's pregnancy, I cannot take advantage of this opportunity whereas somebody three months ago or me three months ago, if I had put in for it three months ago would have been able to take advantage of it. That seems to me unfair and I'm concerned about the fact that we'd only get a chance to replenish this leave bank every six months.

[16:55:31]

>> Council, I think one of the challenges related to the review of the leave bank is the proposal before you that the HR department presented was based on the annual enrollment. When today we received the modification, it reverted to biweekly. That caused some concern of staff, not only from the standpoint of implementation of what council's desire was, but as to how we would be able to effectively do it. You are correct that we would be able to capture more effectively the leave that employees

-- doing it biweekly, particularly if the individual is separating, we'll be able to capture those leaves if they want to donate, but we would need the mechanism in place to be able to

-- to capture the hours and to place that in the leave bank. One of the challenges, you know, going from a membership versus what you are proposing, is, quite frankly, we believe that there's a large number of demand that may be placed when you have a large number of folks that are participating in the program, and you may not have enough leave to be able to be incorporated in the bank. Our suggestion, quite frankly, was to give us an opportunity, since we only had to do to review what the impact would be in going from an annual enrollment to a biweekly, which is what you are proposing and what's before council today, to look at, because staff has alluded to the fact that there is going to be an enhanced level of responsibility, that they're going to be responsible in administering the program, and that's one of the reasons they've suggested an additional FTE to be able to monitor and to facilitate this leave bank.

>> Spelman: Mr. Snipes, you understand why I did not provide you with this amendment several days ago.

>> I'm sorry?

[16:57:33]

>> Spelman: Do you understand why I did not provide this amendment to you and your staff several days ago?

>> Nos, I do not, but you can share that with me.

>> Spelman: I'd love to. We, meaning my staff, ashley and heidi on my staff and acre on the mayor's staff, first began discussions with you and your staff on this issue in september of last year. We had -- they had lots of meetings. They spent lots of time talking with your staff about this and it dragged on, it dragged on. It didn't get anywhere because all the way through they got a very strong impression -- I wasn't there, I can't vet this because I didn't see it, but all three of them got a strong impression that your staff did not want to work with us on this and that this took as long as it did because we weren't getting any help from you. So it seemed to them at the time when we first decided that it made more sense for us to go what I believe was the original intention of council, this be voluntary and not membership-based, that if we gave this to you several days in advance you would just come up with a whole bunch of

-- I almost said excuses and I think I'll continue to say excuses for why you can't do it or why it's going to cost too much money to try and talk us out of it. And it seemed to them, and it seemed to me at the time, that providing this to you at the last possible minute was our best way of avoiding those excuses. Now, I failed in that. You came up with additional amounts of money that you think this is going to cost and you come up with some arguments for why it is we shouldn't do it. But

-- had this been the only time when you and your staff had done that, I'd say, gosh, maybe you're right, maybe it will take another fte, but in the context of a year of having to pull your teeth out to get you to execute the wishes of two or three council members and now of seven council members to do this program, it seems to me that I just frankly on this particular issue, anthony, i don't believe you.

>> Well, council member, let me just say that. First of all, I have not been involved with this process for a year. When I did become engaged with this process, I met not only with you but with your staff to try to facilitate the process. At relates to the leave bank process, the leave bank, we were dealing with parental leave, not the leave bank. When council approved this a month or so ago, leave bank was included for the first time. Our staff had not been discussing leave banks at all related to the year discussion that you alluded to earlier. So in essence we were asked to go back and look at the best way that we can implement a leaf bank process. I believe based on the work that staff has done over the course of the last month and a half and putting forth a bank

-- a leaf bank that we've never

-- a leave bank we've never done before, i think staff did a very responsive and deliberate job of bringing forth to this council the best leave bank proposal. It's disheartening that you believe we can't be collaborative because my staff works very hard to try to provide the best possible service to not only your staff but the council. So if that's the case, I do apologize, but I would say to you, I hope that in the future we would be able to provide you with the service. But I think they were in good faith trying to make sure that whatever the outcome was was a correct one and that we did our due diligence to make sure that you had the best product that was presented to you.

[17:01:01]

>> Spelman: Well, regardless of what I said a few moments ago and regardless of what i may have thought a few minutes ago, I do have complete faith that once we pass whatever it is we pass up here, that you and your staff will do your best to execute it exactly as we have suggested, and that you will execute the policy that we pass, and I have complete faith that that will happen. I do believe that the best policy, and mayor, I'm going

-- I'm not going to accept your friendly amendment but I invite you to make it as a separate formal amendment, that i don't believe the estimate that this is going to take a whole new fte, I'm not persuaded of that yet, but if it does it still seems this is money well spent. This is money on our kids and our families. This is time that our new parents and people who have sick parents themselves, sick

kids, need to be able to take off to be with their families to improve the ability of those families to do what they need to do. So even if it's an extra fte I'm willing to accept that. So, mayor, please feel free to make that as a formal amendment.

>> Mayor leffingwell: Council member martinez.

>> Martinez: Hey, mark, i wanted to ask you a couple questions. During the budget process council member riley asked a question that I guess could apply to this, assuming that it takes an extra fte. I wanted to ask you about the ten vacancies that you have currently in hr, and if they're still vacant and if you could use one of those vacancies as a temporary stopgap measure for what you're saying will take an fte.

>> Of those ten vacancies two have been filled since that report. The seven are in the interview process, and one is being reclassified. Actually, what we have done with that one vacancy is hired two retirees to help us implement the parental leave benefit, and as karen mentioned earlier, they're part of the initial launching of the shared leave. So even that one vacancy, until it's been filled, we've used the savings to help implement the leave programs thus far.

[17:03:21]

>> Martinez: But could you continue doing that without having a budget impact? If you're already doing that why wouldn't you just continue?

>> Because we only did it in lieu of hiring the full-time person that the positions needed for that's unrelated to the parental leave benefit. So that vacancy that created the savings for the temporary employee is still needed.

>> Martinez:

-- Still needed.

>> Martinez: And how long has that vacancy existed?

>> I can't recall off the top of my head.

>> Martinez: I'll be supporting moving forward with this. I think there's a way we can make it work and I even think there's a way we can make it work without a budget impact.

>> Mayor leffingwell: So what is the fiscal

-- estimated fiscal impact on next year's budget with the addition of this one fte?

>> Well, mayor, [inaudible] deputy cfo: The one would be as karen mentioned a human resources consultant, salary and benefits for that position is \$86,369, and that's something that council would have to deliberate and decide whether or not they want

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>> mayor leffingwell: What does that make the total for the fiscal

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>> the total on the fiscal note, the program that staff brought forward was for \$117,000 for a membership-based program. We did talk about in the fiscal note that if 100% of employees were to participate in the program, that the fiscal impact would be \$450,000. So a total of \$536,000 is what we'd be

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>> mayor leffingwell: How much?

>> Incorporating. 500

-- \$536,000.

>> Mayor leffingwell: And that includes the 86 for the

-- that

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>> that includes the new position, and again, the \$117,000 that we costed out was based on staff's membership program that we proposed, and information that came from the city of fort worth that has a similar program that indicated that 26% of the workforce chooses to participate. So when we looked at our data, and I do see some looks up there, so I wanted to be able to explain how we did our calculations. We had

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[17:05:32]

>> mayor leffingwell: All right.

>> We had 1,010 staff locations, 262 took some form of unpaid leave, and we don't think all of those people that took unpaid leave would tap into this program because of its requirement that you use up your existing leave. When we looked at the numbers we narrowed it down to about 140 employees that we think would have taken access of this program and instead of taking unpaid leave would have taken paid leave for 17,429 hours of unpaid leave unfmla that we believe under this program would now be paid. That comes out to \$450,000, but based upon our initial proposal to make it a multiply membership-based program and not know what that membership level would be but talking to the folks in fort worth, that they have a program similar to this and 26% of their employees participate, we assume the participation rate here would be similar and that's how the 450 became 117. So if it's not a membership-based program, anybody who's available under fmla to access this program are allowed to draw from the bank, and we talked about this in the fiscal note, if 100% of employees were eligible, would be \$450,000 plus 86 for this

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>> mayor leffingwell: I don't want to get into the discussion of whether you actually need that employee or not. The discussion I do want to get into is that for next year's budget, which we're about to work on, presumably now we have \$450,000 in it for this program. Is that correct?

>> It's not in the budget. We will be coming back to council as part of

-- on september 9, we would have

-- one of the things, part of our

-- 450,000?

>> That's correct.

>> Mayor leffingwell: And

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>> in the one

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>> mayor leffingwell: And if this passes as is now, the motion on the table, it would be a \$536,000 addition.

>> That would be staff's recommendation on september 9, would be that we find that money in the fy

-- include that amount in fy '14 budget in order to pay for this program.

[17:07:37]

>> Mayor leffingwell: So it's really not an option. It's either

-- as the motion on the table would require \$536,000

-- I mean, you don't have the option just to say we're not going to include that. We're going to adopt this policy, but we're not going to include it in the budget.

>> No, you're correct, sir. We would come back, staff would come back on september 9 with a proposal to pay for this program. Right now we don't have the details of what that would look like, but we'd certainly

-- as we do, we offer amendments to our initially proposed budget and based upon this action that came after we proposed our budget we would have to offer a change to our recommendation.

>> Mayor leffingwell: So we started off with this, the item that I co-sponsored and worked on with council member spelman was about a \$300,000 item. And the changes made on this dais it went from 450,000 and now to 536,000.

>> Are you referring to the parental leave program that was

--

>> mayor leffingwell: Yes.

>> The parental leave program was approved. We did include funding for that in the proposed budget. Council's direction was to bring back a proposed program f a leave bank at this meeting, so we're doing that, but we have not included that in our 14 budget at this time.

>> Mayor leffingwell: Okay.

>> Cole: Mayor, I have a couple questions.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: What amount is included in the budget right now for

-- right now for this program, how much is in the budget?

>> For this program has not been approved by council yet so there's no funding in the budget for this -- parental leave is in there.

>> Cole: Parental leave.

>> I don't recall what the dollar amount of that was, 300 some thousand

--

>> mayor leffingwell: That's in there.

>> That is in there. Parental leave program, whether it was 300, whatever it was, that is definitely in the budget.

>> Cole: But to fund this resolution it would be an additional 536,000?

>> If we were to include the staff that hr is recommending.

[17:09:37]

>> Thank you.

>> Mayor leffingwell: But if this motion is not approved we'd still have the parental leave

-- the parental leave is still in place.

>> Parental leave program per council's direction has been included in the proposed budget.

>> Mayor leffingwell: Okay. Had council member morrison?

>> Morrison: I have a couple ideas to throw out there, and get thoughts from my colleagues, but also from you and hr here. What about if the

-- having it happen 26 times a year is going to cost us extra money. What about if we did something

-- and you're already talking about doing it semiannually, and that you think can be absorbed. What

about something where we could monitor the size of the bank and if we felt like it was getting low

because it was getting drawn down, we could like a special enrollment period open up so it would be

very discrete, it wouldn't be happening every two weeks, but still we would be able to protect

-- protect the bank.

>> I think that is an option, and if we can keep it to no frequent, quarterly or something, as needed, that may be able to be absorbed with our current staffing. By biweekly we know that definitely that would require a lot more.

>> Morrison: I'm thinking of an as needed program, or using an as-needed schedule, and that way like if you identify that some additional donations are needed, you could do an open enrollment, a special open enrollment, and if you don't get enough, we're not

-- and you're still below some threshold, it wouldn't necessarily make sense to just do it again the next week. So you could have some program where it's as needed but no more frequently than something.

>> The only issue with the as-needed component is with the revisions that were made that would allow terminating employees, separating employees to donate. They can't do that as needed. We have people who separate every pay period. So we would have to figure out a way to

-- to include that. So the open enrollment part for current employees as needed works, but it's

-- it's the provision that requires separating employees to be able to donate leave as they leave employment. We would have to figure out a way to work around that.

[17:12:10]

>> Morrison: Right, because they

--

>> separate every pay period.

>> Morrison: They're separating in the middle of a non-enrollment period. Is there any way to just hold them at bay and not process them or something

--

>> there's some payroll issues that we have not had time to work through to discuss how those accruals and commitments for payment would work, and I would need to

-- I don't have an answer for that now.

>> Morrison: Well, I guess I'd love to hear thoughts on whether my colleagues think something like that could be worked out.

>> Mayor leffingwell: Well, I'd just say, I appreciate that effort, and I would like to see something like that worked out. I'm not sure we can do it today. Council member martinez.

>> Martinez: Mark, can you help me walk through the price tag? I got lost in this because I'm assuming that it's donated leave, so it's money that's already budgeted. And I'm having a hard time struggling with the cost impact if it's

-- if it's donated leave that we've

-- it's a benefit we're offering, haven't we already paid for that in our budget? And then the cost savings of a higher salaried employee who will likely be donating into this and a lower salaried employee who will likely be taking advantage of the program, will also be a cost savings. I just don't see

-- I'm lost. I don't see how we can get to this high of a price tag. I understand the 86,000 for a full-time fte, but if we're talking about donated leave, we've already budgeted for all of that.

>> I'll let ed answer the first part.

>> Well, council member, we do budget for people to take leave. The difference is, is that we have currently, when people go on fmla, we have a number of them that take unpaid leave. They choose not to get paid for that, about 17,000 hours. These are people who now will receive a paycheck from the city. So instead of accruing savings, instead of the city's books accruing savings from employees being off and not taking their paid leave, taking unpaid leave, we will have to pay them a check.

[17:14:27]

>> Spelman: Council member, may I break in?
>> Mayor leffingwell: Council member spelman.
>> Spelman: We're paying them a paycheck. On the other hand, the leave that I just
-- that you're paying for me used to be in council member martinez's account. He's donated it to the bank and now the bank is giving it to me. So you're not paying it for martinez. Why is that not a savings of whatever leave you're giving to me?
>> Well, if
-- I'd rather not use council member martinez, but if employee x has a thousand hours of sick leave and they donate 50 hours of that thousand hours to the bank, so they still have 950 hours of sick leave, and when they get sick they still get paid.
>> Mayor leffingwell: Up to 950 hours. Then they stop getting paid.
>> Up to 950 hours, so yes, if you wanted to assume that at some point in time an employee
-- I think this is not very typical, but if that employee were to use up all 950 hours of their sick leave and get to a point where they had none and then they had to take unpaid leave, you could argue that there would be a savings there. Of course they would just now get paid out of the leave bank, though. So I don't know that even in that I think unlikely circumstance that there would be a savings.
>> Spelman: It just seems to me that we're not increasing, all we're doing is moving around. So somebody has 50 hours. They give me 50 hours. Now I've got it, they don't have it. How is that a net cost to the city if somebody is losing it and somebody else is gaining it. I don't understand.
>> Let me throw in some of the accounting. Elaine hart, cfo. Currently if I have unused leave there is a liability on our balance sheet called uncompensated absences. And if I loan or give some of my leave to another employee who needs it and wants to spend it, I move the uncompensated absence from my account to their account, and they're going to use it. So it accelerates the cash payment. So there is a cash impact to the city.
[17:16:32]

>> Spelman: Okay. So we have a fund, basically, of sick time which
-- sick time liability.
>> Yes.
>> Spelman: And there is an assumption as to how much that sick time
-- when you're budgeting you have to make an assumption how much sick time liability will be taken each year. By moving it from somebody who doesn't take it to somebody who does, every year you're going to be taking just a little bit more of that fund than you otherwise would.
>> That's the concept, yes, that you're accelerating the payment of the liability, you're moving it up to an earlier fiscal year than you otherwise might have. And again, it's based on who's sick and who's using and who's donating, so there are a lot of assumption there, and I think that's what's behind the concept, that there's a budget impact, there is a cash impact.
>> Spelman: This is not a physical fund with dollars in it. This is a paper fund in the form of a liability on the balance sheet.
>> It's backed by the cash investments in our balance sheet. We do have money set aside to balance against our liability.
>> Spelman: We're going to have to pay the cash at some point.
>> Right.
>> Spelman: Okay. Thank you.

>> Mayor leffingwell: Any other comments? I'll just say I'm not going to be able to support this at a time when I've already asked for budget cuts in the proposed budget, to add half a million dollars to it is not very consistent. So I'll not be voting for it. So all in favor of the motion say aye.

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> I had a little bit more i wanted to discuss with council member morrison and council member

--

>> mayor leffingwell: Wait just a minute. I called on council member spelman.

>> Spelman: I was trying to get your attention because i believe the mayor pro tem has something to say.

>> Mayor leffingwell: Mayor pro tem then. Okay. Go ahead.

>> Cole: First I wanted to say that council member morrison's idea of not having to have a biweekly calculation but to have an as-needed calculation and that taking out the need for such a huge budgetary impact, but I was unclear, mark, about what you said

-- I mean, I understood that you needed to make some more calculations to say what that would mean, but you were clear on that that would be a lot lower sum. Is that correct?

[17:18:56]

>> That's correct, and it would eliminate the need for staffing, but there are other

-- that other parts of the fiscal analysis would remain.

>> Cole: When we say eliminate the need for staffing that's the

--

>> 86,000.

>> Cole: So we still have the 400 and something dollars that's left?

>> That's correct.

>> Cole: We are going through some very difficult budget negotiations. I would like to get some comments from my colleagues about whether we should put this with our unmet needs that we're going to discuss during the budget session. Several items are already on there, or whether we want to pass that now, and we can

-- because it seems like there's additional information we need from mr. Washington and there also is a budget impact that we just hadn't considered, and we're coming up right now, and I know council

-- i mean, I understand council member spelman would be challenged by that that we're just now discussing that because you should have had that information a lot earlier, but we are where we are, and we need to think about that.

>> Mayor leffingwell: I definitely think it ought to be considered in the context of the budget. It's going to have to be at some point, and I think it makes sense, and it's more fair to consider it along with other unmet needs. Council member spelman.

>> Spelman: Let me ask a hypothetical. Suppose we were to do this on a membership basis, only people who are

-- 26%

-- do we have

-- I was unaware that fort woh had a program similar to this. Is the fort worth program a membership program?

>> It is. We've found three, two other membership programs as well.

>> Spelman: Suppose we were to do this on a membership basis. Now it turns out that somebody who did not have any clue that they were ever going to need this, has an unexpected problem, has used up

their sick time, would really like to be able to take some additional leave and is not a member of the program. Would they have any capacity to buy into the program and to participate in the program or is it just plain too late and they're out of luck?

[17:21:08]

>> Their options would be the other leave, catastrophic leave program that we have where a department could notice the other employees there's a specific employee in need of leave donation and those employees could donate directly to that employee within that department. That's the current shared leave benefit. The other option would be to wait until the next enrollment period to join the leave bank.

>> Would you need an additional fte if somebody wanted to join between enrollment periods? We're only talking about a small number of people, as we have been discussing, who were

-- 140 people or so, the total number of people we're talking about if this were a voluntary program.

That means that the absolute maximum probably would be considerably less than that number of people who might be interested in participating in this program between enrollment periods would be 140 or less. And it seems to me that would put a lot less pressure on your staff than potentially what

-- 737 or what the number was, of people who leave every year. Would this be something which you could do with your current staff would you need an fte for that?

>> I don't

-- I'm not sure that an fte solely would be needed just for current employees joining periodically. It is the issue of the donation of terminating employees each pay period, coupled with that that drives the need for it. So if that element was removed where every pay period we wouldn't have to manage the accounting of donated leave, then that would lessen the need for fte.

>> Spelman: My primary concern about this being a voluntary rather than a membership program is because people don't always know what they need, and I

-- if this were available to me and I were actually getting a paycheck, I would happily volunteer for it and I would happily become a member of it, recognizing it's extremely unlikely that I would ever need to draw it down. This would just be something I would do. And I think it's probably true for a large number of employees and probably true for the vast number of members at fort worth. They're putting money in, expecting it's going to be a net donation, not that it's going to be even steven at the end of the year or end of ten years at a fort worth city employee. So I'm not worried about there being enough leave available in the bank in a membership program. What worries me about a membership program is that odd person who cannot be a member until enrollment comes up and they're stuck. If there were a way of reframing the membership program so that if somebody needed it on an emergency basis to join that program and draw down some of that leave unexpectedly, that there was an option available for them to do that, and that was not going to cost any more

-- or much more than you originally anticipated, that seems to me it would solve my problem without causing you a lot of additional costs. Does that sound reasonable?

[17:24:26]

>> It does in that the members

-- whether it's membership or volunteering does not dictate the need for additional staffing. It's the frequency of enrollment and the frequency of donations occurring outside the enrollment period.

That's the driver of staffing need. So the issue of membership, whether it's voluntary or membership-based, we could administer any way whether it's annual or semiannual.

>> It occurs to me you know the answer to this question so I'll ask. When you were discussing this program with fort worth, did you talk about the accumulated leave in the bank that was available for people to draw down? Do you have a sense for whether this is solvent?

>> Having administered it in fort worth

--

>> Spelman: Oh, all right. Well, then you tell me. [Laughter]

>> there was need to have special enrollments throughout the year, so at least two and occasion two to three, and that was

-- we were able to manage that with existing staff.

>> Spelman: Okay. In that case, mayor, I'd like to withdraw my motion and make another one.

>> Mayor leffingwell: No objection to council member speaks

-- council member Spelman's motion is withdrawn.

>> Who was the second?

>> Spelman: I believe it was Martinez.

>> Mayor leffingwell: Do you have any

-- go ahead.

>> Spelman: This is an ordinance

-- this is an ordinance, is it not?

>> Mayor leffingwell: Yes.

>> [Inaudible].

>> Lost track

--

>> it's a resolution.

>> Spelman: All right. Mayor, I'd like to postpone action on this resolution for exactly

-- actually we may be able to refresh, it's

-- it's a resolution we may be able to reframe on the fly. I'm okay with the membership program so long as someone who needs to become a member unexpectedly can join. I understand that's probably at variance from fort worth but it is possible. It seems to me that's something which we agreed to do, and not need to worry about the wording of the resolution. If that is

-- that is the only change that I would absolutely need to feel comfortable with this resolution, and if you're comfortable with not requiring an additional fte I think we might have a deal. So mayor, that's my motion, is a resolution with the addition that employees would be able to buy in between enrollment periods on an emergency basis.

[17:26:57]

>> Mayor leffingwell: So it's the staff resolution with that addition?

>> Spelman: With that addition.

>> Mayor leffingwell: Is there a second for that?

>> Second.

>> Mayor leffingwell: Second by council member Martinez. And the fiscal impact of that I believe we just said was 117,000? Okay. So that's the motion

-- that's the motion on the table for this resolution. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote

-- no. No, you said no?

>> [Inaudible]

>> mayor leffingwell: Okay. No, I said aye? All right. Passes on a vote of 7-0. Okay, we may be able to get in item no.3. We'll try. There's one speaker. Will mcleod, three minutes.

>> Alrighty, item no.3, approve an ordinance amending chapter 25 of the city code saying a beginning date for the regular term of a council member, providing an end date for terms of city council members and providing a method starting the terms of councils elected from districts. For the record, I am for 10-1 here in austin. I think it's time, because more representation here in austin might be a better thing. However, this idea of having four years on the council per term is too long. Hopefully I'd like to see one day that austin city council and mayor serve two-year

-- years

-- one two-year term

-- actually two two-year terms instead of four-year terms and coming back to the polls every four years. For years can do a lot of damage and I think we've experienced that over the years. And it's time to change the term limits. In san antonio in 1991 they had two-year

-- term for two years, and you can only be elected twice, and after four years in office that was enough. But when they had this idea of expanding the term limits, representation of the people, by the people and for the people went down dramatically. Term limits are as american as apple pie. We need

-- we need to have them. Our senators and our representatives in the office, in the capitol, sthe

-- they also need term limits as well. But this idea where it stands on item 3 is not right. I think we should modify it to include just two two-year terms and that's it. No more petitioning for more terms, no nothing. If you can't do everything in four years, then too bad. We've hired people

-- we elect people who represent us, not become career politicians.

[17:30:56]

>> Mayor leffingwell: Mr. Mc mr. Mc leod, I guess I would just say that this is not what we're considering. We're not considering term lengths or term limitations. That is already established in the charter. This really doesn't have anything to do with that. Council member martinez moves approval of the ordinance. Is there a second?

>> Spelman: Second. Second second ed by council member speaks man. Any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Sses on a vote of 7-0. So

-- I don't think we have time to take up another item. If there's no objection we could go into recess for live music and proclamations. We've in recess.

>> Good evening, thanks to being here. I'm councilmember tovo and it's my great pleasure today to introduce emily bell. Her debut album hit may 28th and she's become one of austin's most celebrated indy artists. From her lyrics you can't get out of your head to her rare vocal ability and incredible stage presence, emily delivers to absolutely every level. Herself released single has been added to more than 150 radio stations around the country and her video has been picked up by more than 100 video outlets so far. Her track, hey baby, was picked up for the austin convention and visitor bureau annual music compilation, austin music volume 12, this summer. So please help me welcome emily bell.

[Applause]. ♪♪♪♪ ♪♪♪♪

[17:36:34]

>> thank you so much. That was fabulous. Can you tell us a little bit about yourselves? Do you have a website?

>> Yes, we have a website. It's called www.Emilybell.Com. It's very easy to remember.

>> Tovo: And where can interested folks buy your music?

>> You can buy my music on itunes, at waterloo records right here in austin. You can get it on amazon, on spotify. It's basically all over the place. If you check my website you can see all about it. I'm also on -- I'm really, really honored to be on the austin convention and visitors' bureau music volume 12. My track hey baby is on there. So you can definitely grab a copy of that as well.

>> Tovo: Good. And are you playing anywhere in austin any time soon?

>> We are. We're playing the hand benefit at whole foods SEPTEMBER 23rd. We're also before that playing at threadgill's september 20th. And then later in the month we're playing threadgill's again for a kgsr music discovery series. September will be a good austin month for us.

>> Tovo: Super. On behalf of the city council I would like to read you the following proclamation: Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talents extends to virtually every muse cal genre and whereas the austin music scene thrives because austin audiences supports the music of newcomers and legend. We're pleased to showcase our local artists, now therefore i, lee leffingwell, mayor of the live music capitol, do here BY PROCLAIM AUGUST 22nd, 2013 as emily bell day in austin. [Applause].

>> Thank you so much. It's an honor.

[17:40:53]

>> Mayor Leffingwell: So we're going to issue some certificates of congratulations to graduates of the small business development programs schools, various schools that they have. And we have a very active program in support of our small businesses in austin because we know how important they are to our community and to our economy. Most people are surprised to learn that 80% of the businesses in austin, texas have fewer than 10 employees and that about two-thirds of our private sector jobs are in companies with less than 100 employees. All that goes to say that small business is the backbone of our economy. We recognize that, we try to support it and enhance it. So I'm going to read

-- we have several certificates to give out. They're all just alike, seamersfully I'm going to read only one and we'll

-- mercifully I'm going to read only one and we'll call up the recipients one at a time. This is the certificate of congratulations, we're pleased to congratulate glen scott and others who will be called up later for having successfully completed course work to qualify for the business success skills certificate. This specialized small business training that helps participants build a corset of business skills offered through a partnership between the city's small business development program and the university of texas at austin's professional development center. We join the university of texas in recognizing and congratulating this year's class of small business owners for pursuing the education needed to build strong, viable businesses within our community. This certificate is presented in recognition thereof this second day of august in the year 2013. So vicky valdez from our small business department will come up and say a few words about it and then we'll call up the individuals to receive their certificates.

[17:43:07]

>> Thank you, mayor. My name is vicky valdez and I manage the small business development program. The city of austin small business development program has consistently provided business education classes and training for small and local businesses over the past 10 years. Annually 57 classes are taught to our customers by the university of texas professional development center. The successful partnership began four years ago and is producing outstanding results. Classes are in marketing, finance, small business accounting, social media and more. These classes are designed to give small and local business owners a competitive edge in managing and developing their businesses. Completion of six of these classes, we then recognize the business owners with a business success skills certificate, which is what we're doing tonight. I'm pleased to introduce to you the graduates tonight, and as I call your name i will have the mayor give your certificate to each one of you, okay? First one is glen scott. [Applause]. David meyers. [Applause]. Scott peterson. [Applause]. And chris straiter. [Applause]. I'd like to lastly thank you, mayor and councilmembers for all their continued support to the small business owners of the city of austin. Thank you. [Applause].
[17:46:11]

>> Mayor Leffingwell: This is a proclamation in honor of vision is for learning month. I'm going to read the proclamation in just a minute, but obviously this is a very important issue to address. Up to 25% of all students have some kind of vision difficulty, and that seriously affects education and learning. So I'm going to have dr. Jennifer idoni come up and say a few words after i read the proclamation. Be it known that whereas children are preparing for the start of another school year, but many, up to 25%, will begin their studies with undiagnosed and untreated vision problems. And whereas traditional eye exams will not diagnose the problems experienced by children who have trouble with their reading vision, causing them to skip or reread lines and have poor reading comprehension, take longer than their siblings to do homework, to reverse letters when reading and writing, and to have a very short attention span, like me, when reading or doing homework, and whereas development optometrists can test for vision problems that may be interfering with a child's ability to learn. Families are encouraged to see that their children's eyes and visual skills are checked so they can learn and achieve their full potential in school. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim august 2013 is vision is for learning month in austin, texas. I would like to comment that I just had my vision checked this week. [Laughter] [applause].

>> For millions of parents, back to school means back to the search for the answers to their children's learning difficulties. While many parents are hopeful the new teacher will have the magic bullet, others are just as frustrated as when the previous school year ended. Statistically more than 60% of children who struggle with reading have around lying vision problems contributing to their challenges. But it's not the type of vision problems most people think of. Most of the children who have vision problems that interfere with reading and learning can actually see the letters on the eye chart just fine. So when parents are told their children have passed a vision screening, what they are really being told is that their children can see clearly far away. But the problem lies in what was not tested. There are 17 visual skills involved in both reading and writing, a problem with any of the visual parts of the processes can prevent difficulties in some way with learning. It is important to know that these children with vision problems frequently do not report symptoms because they think that everyone sees the way that they do. It doesn't matter what the curriculum is or what school year ends. When children have underlying vision problems contributing to their learning challenges, they continue to struggle until the visual problem is fixed. Here in austin, at stars in your eyes vision training center, we have seen a number of children who have struggled for years before finding out they had a visual problem that was interfering with their learning. If your child struggles with reading, prefers to be read to, has difficulty with

comprehension or reading fluency or takes longer to do their homework than they should, it would be wise to schedule a comprehensive visual development exam. For an in-depth checklist of symptoms, visit our website at austinvt.com. August is national children's vision and learning month. As the new school year rounds the corner, august is the perfect time to make sure your child has a visual skills required for academic success. Stars in your eyes vision training center will be having a free developmental screening on september 14th from 10:00 a.m. to noon where we'll be screening key areas necessary for academic performance. Also make sure to schedule your comprehensive developmental eye exam with stars in your eyes vision training center and make sure your child has the visual skills necessary to reach their full potential this school year.

[17:50:29]

[Applause].

>> Riley: I'm austin city councilmember chris riley and it's my great honor and privilege today to be able to recognize one of our truly outstanding city employees who has had an incredible record of service to the city of austin. In fact, when this gentleman started working for the city of austin it was so long ago I actually had dark hair back then. It was actually august of 81 is when martin aleman started to work for the city of austin. He served as a couple of years as a data entry operator in the austin police department. Why don't you come up here, martin, and join me. [Applause]. You went on to work in the employees relations coordinator in the vehicle and equipment services department, he's worked in a number of different city departments. Finally up to present where he is now, human resources manager for the austin public library. And I see some of our great library staff here and brenda branch our director of libraries. I want to present mr. Aleman with a distinguished service award on behalf of the mayor and the whole city council. And I'll read it. It reads as follows: For his devoted service and commitment to our citizens during his 32-year tenure as a dedicated employee of the city of austin, martin aleman is deserving of public acclaim and recognition. Although he started as a data entry operator with a.P.D., Mr. Aleman has spent almost two decades with the austin public library. He has been a source of wisdom for handling human resources since 1984 and has held the position of hr manager since 1997. In times of distress and staffing shortages, mr. Aleman has been a miracle worker facilitating effective staffing changes to meet the changing business needs of the library. His encouragement and positive attitude have gotten the libraries through difficult times. Patience and easygoing demeanor and integrity are just a few of his materializing attributes which his co-workers admire. This certificate is presented in acknowledgment and appreciation of mr. Aleman's public service this 22nd day of august in the year 2013. Thank you so much.

[17:53:27]

[Applause].

>> Just a few words. It is

-- excuse me

-- a blessing and an honor to have been an employee for the city all of these years. There is so much that i could say and so many people that I need to thank for all that they have done and for who have helped me through these past years. Once I told one of my co-workers that perhaps positions could be replaced, even people could be replaced perhaps, but relationships developed over the years cannot be replaced. Those are things that you take with you. And the city has been like a family to me in the good times and the bad times. They were there to support me and my family. As a member of the national guard I was mobilized twice, once in desert storm and once again in bosnia and germany campaigns. And they were there and provided me 100% support. And most of all, about 11 years ago

when my son, who was a student at baylor at that time, was killed in a car accident, I never experienced so much love and so much support as I did then. When my former director and boss, Jesus Garza, who was then assistant city manager, would come down in person and become personally involved in providing support, I'll never forget when Chief McDonald, who was then our assistant city manager, all of a sudden showed up two weeks after my son passed away to provide his support. And of course, Brenda and the HRD staff, the library staff, all were there to provide support and gave me so many examples of what it means to be servant leaders. I thank all of you for this -- the privilege and honor of serving you as a public servant.
[17:55:56]

[Applause].

>> Riley: Thank you so much. And I want to invite Brenda Branch, our director of libraries, to say a word. Brenda?

>> It has been an honor for us to work with Martin. He has been a mentor and a guide, a spiritual guide and a caring ear for every library employee in the library and in the other departments previous to his employment at the library. He has brought our team together in harmony and we've come to rely on him for his sage wisdom and his very thoughtful advice. We will miss him very much. [Applause].
[17:58:02]

>> Cole: It gives me great pleasure to present a proclamation to the city of Austin's best radio station, and they are the best radio station not only because of the music, but because of their commitment to community dialogue on the very tough issues. The proclamation reads, be it known that whereas Kazi 88.7 is the realization of a dream of the late Dr. John Warfield, a U.T. Professor of African-American studies who wanted to create a non-commercial radio station to serve the African-American community in Austin and whereas with the help of his wife Jan several board members and a host of volunteers and supporters Dr. Warfield launched Kazi from a smallest on Manor Road in 1982. And whereas during the past three decades with solid management and programming as well as broadcasting online at www.kazi-fm.org, it has solidified its place as the voice of Austin. And whereas we're pleased to congratulate the station of 31 years of working out their success and to wish them a bright and prosperous future. Now therefore I, Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby proclaim AUGUST 23rd, 2013 as Kazi's 31st anniversary. [Applause].

>> Thank you so much, pro tem Mayor Cheryl Cole. Kazi has been around for a long time, like she said, 31 years. So that's 1982, like even the year I was born. So it's been for a long time. [Laughter] We thank our volunteers and also on behalf of our station manager, Steve Savage, and on behalf of myself, Leah Mercer, we would like to thank everyone for allowing us to have a voice for the community as well as a popular infrastructure for this community as well. I would like to say that Kazi was also one of my internships and many others in college and has helped me in my undergrad and also in grad school, and Kazi has given me a chance and has molded me into an educator, and I would like to thank station manager Steve Savage for that. We have our Summer Fest coming up, and it's this Saturday on the 24th from 12:00 p.m. to 10:00 p.m. at the Millennium Youth Center. So just come out. It's family, food, all that good stuff, live music, everything. Everybody can boogie and do what you want to do. And it will be a great thing. For more information please log on to www.kazifm.org. Thank you.
[18:01:07]

[Applause].

>> I would like to thank the community of austin for the last 31 years. I thank sheryl cole and the city council for their continued support. Thank you. [Applause].

>> Morrison: Congratulations to kazi and I do have to say that tuesday morning listening to shannon jones' call-in show, our assistant director of health and human services always makes my morning. We have another celebration of another anniversary, and that is the best tv non-channel 6 station in the city of austin and that's channel austin or austin community television. It is celebrating its 40th anniversary it was 1973. I had just graduated high school. We're very fortunate today to have the chair of the

-- current chair of the board of directors and that's (indiscernible) and also one of the originals and founders of actv mike tollson. I would like to present this proclamation to you all. It says, be it known that whereas austin community television is celebrating its 40th birthday and whereas public access channel 10 in austin is the longest continually running community channel in the country, the longest in the country. Whereas this community media center has fostered the careers of indy filmmakers richard link later and robert rodriguez and alex jones and whereas thousands of voices have shared their stories with the austin community via channel austin over the past four decades and whereas we wish actv continued success in helping community members to have access to the tools and technology to continue sharing their voices with fellow austinites. Now therefore i, Lee Ieffingwell, mayor of the city of austin, texas do here by proclaim the month of august 2013 as public access television month in austin, texas.

[18:03:51]

[Applause].

>> On behalf of the board, the executive director and staff, linda latowski and all of us, councilmember morrison, we would like to thank you for this honourous occasion. We have been definitely a pillar in the community for over 40 years and I have been fortunate enough to lead leadership over the last couple of years and see how we have affected change in the community. We have the opportunity to bring true free speech and allow the opportunity to reflect the different times of day from history to arts, to voice. We have that community to harvest that within this community. And as you said, be one of the longest standing in the country. We also

-- I have the opportunity to make stance and pillars within the community, which we've been fortunate to do with many of our youth programs, developing the community and allowing them access to the community to become filmmakers, to become tv producers, to have that access to information and infrastructure within the media and entertainment market. But it's not necessarily always available to all communities. And because of that we plan and hope to for 40 more years be in the community and be a part of what makes austin great, and that is keeping austin weird, of course. And with that I would like to thank the former board members, without former board members and board members that have supported what community radio and community television has done in this community, and that is mr. Mike tollson. [Applause].

>> All right. Thank you. On behalf of the thousands of volunteers over the years and the people that have gone through public access here in austin, I would like to accept the proclamation and also thank the city for its support over these years. Going all the way back to 1973 whenever we made our first request for a budget to assist actv in buying equipment. The city stepped up at that point and agreed to give us some money. We got \$8,000 from the city late in '73 to buy our first batch of equipment. And the city has been supporting us ever since. And if you'll think back, those of you who may be able to think back to 1973, those were pretty exciting times. And so I'd just like to sort of take you back there just a moment and remind you that austin cable television consisted of about eight channels.

Capital cable was the system here. They had eight channels. They carried the three channels, pbs and a couple of independent television stations. That was it, there was no local origination. One thing that was very exciting for those of us here in austin trying to be part of the entertainment community was a discovery that the cable

-- the federal communications commission had written into the rules the fact that

-- the requirement that cities of a certain size would have to offer a public access channel. Austin was not due to get that until 1977, but in '72 those of us at the armadillo world headquarters who were making videotapes and taping bands and shows that we were having there were looking for ways to promote texas talent, austin talent. So we were videotaping shows with the new hand-held port that pack that had become available in the 19 60's. And that was the first time that an individual would have an affordable, hand-held portable video camera. So suddenly television was able to move outside the television stations. That was pretty exciting for those of us who were trying to find ways to promote what we were doing in the world of entertainment. At the same time there was a university of texas class who discovered that public access might be available. So those of us at the armadillo and those students at the university of texas came together and decided we should go to austin to the cable system and ask them if we could have a channel for public access, even though austin was not due to provide that until 1977. So they came

-- so capital cable, they said yes, we could try to work that out, and we began to experiment with it and had our first test in april of '73. They were very cooperative from the beginning. We got our organization together, we started going out to the community to see if our organizations would support it. We got community support. We went to the city in the fall of '73. The city agreed to give us the money. And later in '74 we were able to actually make equipment available to community. So we were up and running and it took a few years of pure volunteers to get it going because there's no money, but over time money was able to trickle in. The city kept supporting it. And later whenever the city negotiated its next franchise agreement with time warner. So those were exciting time for us. At this time when there was no public television in houston, dallas, san antonio, public access was just spreading into the big cities, there was no internet, so it was one of the rare and few ways that local origination could occur, and those people who wanted to make television and get their message out could do so in a very inexpensive way. So I would just close by saying that I hope the city will continue to support public access here. It's unfortunate in my opinion that now franchise agreements are given at the state level instead of the local level. You may not know, but back in those days each city could negotiate its own franchise agreement with the cable system. They gave them an opportunity to require and request certain benefits to the local community, including money for public access. Those are being done at the state level now. So in my opinion some of the cities have lost a lot of power in those negotiations. I think it's unfortunate, but I think the city of austin will continue to support public access and i want to thank them for doing that. Thank you.

[18:10:49]

[Applause].

>> Morrison: I think getting to hear some of the history is fascinating. I just want to mention that I found the chronicle did a great article. I guess it was your 25th anniversary in 1998. You can find it still online talking a lot about what it took to go up to mount pleasant, I think and the journey and all of that. Thank you all for your work.

>> I have something for you. I want to present you with the first promotional booklet that we did. It went out to community to tell people what public access was all about.

>> Morrison: That's great. Thank you so much.

>> A little collector's item there. [Applause].

>> Mayor leffingwell: We are out of recess, so we will begin with our public hearings. The ones that are on

-- potential consent for postponement and we have three public hearings with no one signed up so we will go ahead and address those and then go back to 31 and 32.

>> Greg guernsey, planning development, two to offer for postponement, number 123 is regarding a public hearing amending chapters 25-2 and 25-12 with the regulation of short term rentals, that is item number 123. Item number 124 is conduct a public hearing regarding an ordinance repealing and replacing article 9 of the city code chapter 25-12 relating to the 2012 international property maintenance code. Staff

-- we understand this is going to be postponed to september 26. This item is number 123.

[18:13:18]

>> Mayor leffingwell: Request to postpone 123 and 124. I will entertain a motion to postpone those items until september 26.

>> Riley: So move.

>> Mayor leffingwell: Council member riley .

>> Riley: MOVES, SPELMAN Second and that is approved by 6-0 with council member off the dais.

>> And the number is chapter 25 regarding granting a special exceptions for existing residential structures. This is an amendment to an ordinance that you had previously passed that dealt with a fairview neighborhood. We have some more structures that have been built and without the benefit of permits, this ordinance would provide another way for them to come into compliance with our code. I don't believe you have any speakers. We are not aware of any opposition so we would offer this for your approval.

>> Mayor leffingwell: No speakers, offer a motion on public 126.

>> (Indiscernible).

>> Mayor leffingwell: I think actually council member morrison was first to close the public hearing and approve on all three readings. Second by council member spelman. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 6-0 council member martinez off the dice.

>> Guernsey: Thank you, mayor.

>> Thank you, kevin shunk for the record protection department, item number 19 is the flood plain variance, 101 red river which deals with the fair month hotel. I

-- the fairmont hotel and what is happening with the development is they are proposing a plaining wall and this is essentially a matter of timing. The law will be in place for approximately a year before the tunnel is operational. We usually bring flood plain variances to you and we unfortunately don't have a project in place to fix the flooding. That's not the case in this scenario. Obviously the tunnel is underway. The construction is underway and the proposed completion of the tunnel at the end of 2014, so while there is a minor increase in water service elevations two inches for about a year, staff

feels that the likelihood of that happening is fairly low and so that's why we are recommending approval for the variance and I will be happy to answer any questions.
[18:15:36]

>> Move approval.

>> Mayor leffingwell: No speakers. Council member cole moves to approve on all three readings, second by spelman. All those in favor, say aye. Opposed say no. Passes 6-0 with council member martinez off the dais. And I believe we have one more. 121.

>> Thank you, mayor, city council, sheryl bullin division manager for the park and recreation department. Today we are here for annual adoption for the department park recreational program, state chapter 42 regulates facilities that provide child services. This code requires agencies to obtain required licenses or accreditations to upper 8 childcare facilities and services. As municipality offering educational programs to youth 5-13 we are exempt from these regulations. However to equal pay for the exemption we must annually adopt standards of care for our youth program.

>> Mayor leffingwell: Any questions for staff? No speakers signed up. I will entertain a motion. Council member tovo moves to close the public hearing and approve all three readings. Second by council member spelman. All those in favor, say aye. Opposed say no. That passes on a vote of 6-0, council member martinez off the dais. Did you

--

>> we have an item 125, that somebody signed up wishing to speak

-- david berkeley but there are no speakers who wish to speak. Item 125 is to conduct a public hearing for 25-2, subchapter c, the university.

[18:17:38]

>> In addition, the stakeholders request that you make three changes to the

-- to the ordinance that is in front of you, one in part two, section 25-23, 765c, line 22 to revise the percentage from 40-30%, two add the following to the ordinance, projects qualifying for the university neighborhood overlay affordable housing trust funds projects shall receive 100% fee waiver set forth in the housing policy and three that the city manager be directed to consider bringing forth the emergency rule implementing and administering the university overlay smart housing program.

>> Mayor leffingwell: Okay. We have

-- I will call your names anyway, mike mchon. Brian donovan, declining, also.

>> Yes.

>> Mayor leffingwell: All right. Those are the speakers we are signed up wishing to speak. I will entertain a motion on 125. Council member riley.

>> Move and postpone the public hearing and approve all three readings with the amendments outlined by jerry.

>> They are requesting on first reading only.

>> Riley: First reading only with the amendments.

>> Spelman: Second.

>> Mayor leffingwell: Motion to close public hearing and approve on first reading by council member riley, second by council member spelman.

>> Spelman: Mayor.

>> Mayor leffingwell: Go ahead.

>> Spelman: Jerry, how many times has this been on our agenda?
>> Last time I counted, it was about 15.
>> Spelman: And this is the second to last time this will be on your agenda, am i right?
>> I am.
>> Spelman: Thank you. [Laughter]
>> mayor leffingwell: It may go a little farther, i don't know. All those in favor, say aye. Aye. Go ahead.
>> Tovo: I have a question for mr. Rusthoven. We have some amendments, council member riley just passed out. I am not clear on whether those are the ones you are proposing be added in?
>> Yes, those are the ones that the stakeholders have reached an agreement on and they are requesting
-- the reason why we are asking you to add those now is we already been to the planning commission with the ordinance.
>> Tovo: Let me ask you who the stakeholders are. I mean, are they
--
[18:19:41]

>> the stakeholders we have been working on are mike mcellen and michelle houseman with the campus communities and brian donovan with the co-ops and stewart hersh.
>> Tovo: Do you have any housing advocates who reviewed the changes who are part of the stakeholder group who can speak to whether or not
-- we are seeing these amendments for the first time and I don't have a sense of the implication and we rely heavily on our boards and our boards and commissions didn't have an opportunity to review it, either. Did the community development commission see the amendments or discuss them?
>> Sorry, I would have to defer to neighborhood housing staff.
>> Tovo: So the planning commission did not review or discuss these amendments?
>> Planning commission did not see or discuss these amendments that are in front of you right now. But like I said, the folks have been working on this have reached an agreement on it.
>> Tovo: But our community development commission which is our volunteer board which deals with issues of housing did not have an opportunity to review the amendments?
>> Not the specific ones.
>> Tovo: We are considering this on first reading. Does anybody know when the community development commission will meet again and whether they with can provide. Because it than on our agenda for a while, i believe it has been on their agenda a couple of times. I hate to move forward with changes that don't sync with conversations that have taken place.
>> We can bring it back to them. They had the meeting last tuesday but we can bring it to the next one.
>> Tovo: I think it would be best to get the input. I am happy to support this with first reading with understanding none of us have had a chance
-- at least I have not had a chance to assess.
>> We will bring it to the cbc.
>> Mayor leffingwell: Okay, first reading, all those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0.
>> Thank you. Now we go to items 31 and 32 and we have some more people signed up to speak. I will call their names mike blizzard. I believe he went home. He is not here. Adam abrams. After adam will be steve verse.
[18:22:11]

>> Thank you, mr. Mayor, and members of council, I am adam abrams, staff attorney with save our springs alliance, our position on items 31 and 32 we are asking that the council postpone a vote tonight. On july 10th by and through our executive director, we submitted an information request to the city and we have yet to receive those documents. And we would like to make a well informed decision. We intend to take a position but we still have not received those documents. Speaking to the public information officer on tuesday, I was assured within the next week to ten days we would get those documents. We submitted a check and we would just ask the council to postpone the vote until we have an opportunity to thumb through those documents and make a well informed decision. So that is it.

>> Mayor leffingwell: Thank you. Steve beeres. Signed up neutral.

>> My major concern on this, in the case of the garza tract is the

-- the case was litigated long ago. The city lost that established the grandfathering rights of this tract, and

-- but then there was no zoning on the tract until 2007, and there was cases that I found online that I assume were approved that granted them multifamily and granted them gr but with trip caps of 2,000 trips per day, so if there is not really a site plan or anything that gives you square feet, number of land uses, it is impossible to tell whether one is a net improvement over the other. I certainly favor the trail easement but if it is a sidewalk between two parking lots, that's not very valuable, so I just think there needs to be more time to look at what may on the surface be a good deal, but would need details to nail it down because even if it's a good deal, how often do you redo a deal over and over and over again under duress? I would contrast it with the other properties that adjoin it. H-e-b decided to go under sos, no ifs and or butts. The informed pud gave substantial off site mitigation, even the lowe's which is another part of the garza tract formed partially with garza. The lowe's, they gave million dollars mitigation, but more importantly, they have commitments that run with the land so that a deal cannot be reworked over and over and over again. I am wondering why it's bundled with the encino thing. I don't know the merits of that, but I guess the person

-- red mcombs has something to do with that, as the paper said. I don't know if it's because they shared an attorney but the attorney on garzas state he has a 15% interest in it so that may be why the bundling together is to get more strength and push this thing through without a lot of scrutiny.

Anyway, those are just some thoughts and I hope that we hold our options open to negotiate a little longer. Thank you.

[18:26:12]

>> Mayor leffingwell: Thank you. Those are all of the speakers I have signed up. May I ask the clerk, is there a motion? I was not here for the discussion of this item this morning. Is there a motion on the table?

>> Cole: No.

>> Mayor leffingwell: Okay.

>> Cole: Council member spelman, it was your motion, you withdrew it?

>> Spelman: I don't remember if I withdrew it or not. I just remember we tabled it.

>> Mayor leffingwell: We will consider that there is not a motion on the table. And we will consider these two items separately, first item 31.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I had a motion on the table at one point. I would like to make it again. I move to deny item 31.

>> Mayor leffingwell: Council member spelman moves to deny item 31.

>> Second.

>> Mayor leffingwell: Seconded by council member morrison. Is there any further discussion?

>> Mayor.

>> Mayor leffingwell: Council member spelman?

>> In a moment I will be requesting chuck lezniak or somebody else from city staff to give us further information about item 32. I wanted to mention before we vote on 32, which I think will be more controversial than 31, but I have a long-standing history of voting in favor to amendment to sos, if I am persuaded that the amendment will provide water quality, which is clearly better than we would get through current code. This is not a case where i think we are getting water quality anywhere close to sos. Sos clearly applies

-- i asked mr. Lezniak whether the sos amendment, sos ordinance applies to this piece of land. It clearly does and I think we need to enforce our ordinance.

>> Mayor leffingwell: Any more discussion? Could I ask the staff your recommendation on item 31.

There will be sos water quality on this track. Is that correct?

[18:28:15]

>> Yes.

>> Mayor leffingwell: And you are recommending approval of this ordinance?

>> Yes. Yes.

>> Mayor leffingwell: All right. You can add anything if you want to to that, but

--

>> as I mentioned earlier today, they are limiting the request to 25% impervious cover and they are agreeing to

-- not agreeing to. They are providing sos water quality treatment at that relatively low level of impervious cover, I think they probably can either come near or achieve the goal of nondegradation in the sos ordinance for water quality and

-- and that's the basis of my recommendation.

>> Mayor leffingwell: All right. Obviously there are other considerations. We've addressed both of these items extensively in closed session, so I am not going to support the denial. All those in favor, say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. Passes on a vote of 6-1 with myself voting no. I will take up item number 32.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Before we broke, I believe council member morrison asked you if you had

-- if you could estimate the amount of runoff that would not

-- treated runoff that would not go into the aquifer as a result of impervious cover associated with this action. I wonder if you had a chance

-- I believe you were saying it depends on the size of the rain event?

>> Right. And I think

-- and i think

-- think what i responded was we really couldn't predict how much would go into the aquifer because there are a lot of factors that go into that but we could make an estimate of how much additional volume of runoff would leave the site based on the additional impervious cover. Andy from the planning review development department, one of our supervisors for the drainage review, is here and can answer that question, i think.

[18:30:21]

>> Spelman: Thank you.

>> I am andy lintisin, the supervisor draining engineer for the land use and water planning development. To answer your question, a very, very rough analysis, taking basic assumptions, in the increase of the volume of runoff is about 2 and a half percent by the increase in the impervious cover. Well, actually, that is based on a one event 100 year storm. Takes maximum event we look at and ran it with lower impervious cover number and then moved to a higher number and the increase in the volume of runoff, it doesn't account for any detention, so ability 2 and a half percent.

>> Spelman: So for less than a 25 or 50 year storm, anything less than that, the runoff would be smaller than 2.5%.

>> The 2 and a half percent is fairly consistent probably because the curve, the runoff doesn't really change. The intensity does how much but as percentage, it probably would be fairly consistent. In the lower

-- the lower storms would be picked up in the water quality with the sos water quality treatment.

>> Spelman: Okay. So this increase in impervious cover, which is from 11.2-acres to potentially 16.7-acres, maybe not quite that high would under ordinary circumstances

-- well under a relatively severe storm create 2.5% more runoff than otherwise?

>> Yes, sir, that's correct. Approximately.

>> Spelman: Over the course of an ordinary year, how often do we have a storm as severe as we created 2.5% additional runoff?

>> What I analyzed actually was the 100 year event which is the 1 percent chance in any year.

>> Spelman: Okay.

>> I believe that on an average year, the two and a half percent would be fairly consistent with each runoff, each event.

[18:32:24]

>> Spelman: Let me rephrase that, then. The addition of essentially 50% additional impervious cover in this particular site, from 40% of net site area to 50% net site area would have an ability to increase about 2.5%.

>> Yes, the existing soils out there are not

-- they don't absorb all that well. They are very shallow and thin so the impervious cover does not have a dramatic effect that it could in some of the other areas.

>> Spelman: 2.5 percent is 2.5 percent and that could be a substantial amount of runoff in a substantial storm. That's the costs in this case. The benefit in this case is by getting sos water quality controls for the entire site and not only half the site means we are able to treat 97.5% that stays on the site. Is that accurate?

>> Yes, sir, it is. One of the big benefits of the change to having them be sos compliant is increased capture volume for the water quality controls. Under the agreement there is a portion of the site that

is under the comprehensive watershed ordinance with a much lower control. We almost double the amount of capture volume by moving to the sos requirement so they are capturing a much larger storm event and treating it. Also the treatment is more effective. Obviously it is a nondegradation system.

>> Spelman: So my assumption was wrong, though. My assumption was we are going to get a little bit more runoff because of the impervious cover. But in fact because we are getting sos water qualities throughout the whole site, not just half of it, we are also getting less runoff because of the sos water quality controls and the impervious cover effect?

>> Yes, that would be true for a two year storm, that's about the sizing of the ponds so the event is less than about a two year storm, maybe a little less than that would be absorbed and captured in the were quality system.

[18:34:26]

>> Spelman: Half the timeless runoff, other half, maybe a little more runoff, maybe up to 2 and a half percent?

>> Yes, sir, that's correct.

>> Spelman: About how much more runoff would we be capturing in a one-year storm?

>> Well, we would

--

>> Spelman: Half the time it is not a two year storm.

>> I would have to go back and look at the specific data to figure out how much inches of a rain a one inch storm is. The sedimentation filtration system under cwo is probably about 8/10 of inch in capture. In the sos they are going well, well above that so we probably would be catching most of the one year storm and even in the sed fill pond of the

-- the more frequent storms above one year up to two year, we would capture.

>> Spelman: Okay. The other line of questioning, which

-- which mr. Lezniak wanted to check on and maybe you are the right guy to check on, is the treatment effectiveness of an sos water quality pond relative to the cwo water quality with respect to nutrients, greases and oils. 70 percent

-- 70% more effective for sedimentation but not quite sure on the number for oils, greases and nutrients.

>> Yes, he had me look at total suspended solids and we would see somewhere in the range of 15% increase in removal by switching to the sos compliance based on what their settlement allows with the sum sos and sum sed fill, combination. I kind of ran those two together. The other pollutants are apples and oranges because they don't do as well with those things but does well with total suspended solids. The sos treatment does a better job in that it keeps the runoff on site.

>> Spelman: Right. Okay. So let me see if I can summarize this. I was thinking probably improperly that we had a tradeoff between runoff, which was going to be a little bit higher with the

-- this proposal here than we could get if we simply enforced current code. And it sounds like the runoff will be higher or lower in

-- depending on whether we are having a high storm or a low storm year but on average it is going to be about the same or a little bit less over

-- averaged over say a 50 or 100 year period. Is that an accurate statement?

[18:37:06]

>> I believe fairly accurate. On yearly basis, most of our storms are less than a two year event, our frequency and with the sos water quality, the ponds are sized to absorb most of that. I would have to go back and do a lot of calculation to oat totally verify what you are saying but I think in general a correct principle.

>> Less runoff and at the same time because we are getting sos ponds and not cwo ponds in half of this, we are getting better treatment for sediment, better treatment for total suspend and solids, better treatment for nutrients, oils and greases?

>> Yes, you have

-- assume this is install and functioning properly, we are getting better treatment.

>> Spelman: Mayor, as I said a few minutes ago, I will vote to amend sos if I am persuaded that an amendment will improve the quality of the water and the amount of water that go into the aquifer. And I am persuaded in this case, given the information that is available to us that this is true for this particular proposal. So mayor, I move approval of this.

>> Mayor leffingwell: So council member spelman moves approval. Second by council member martinez. Any further discussion? Council member tovo.

>> Tovo: Yes, given this requires a super majority, i will be clear I will not be supporting this motion. I appreciate the line of questioning, as I mentioned earlier, there are some other issues I would like to have had information about it and if we vote on it this evening we won't have that opportunity. For example, I asked for some examples where the city has allowed roads to be built in the water quality transition zone and also examples where the city has allowed reirrigation so close to a critical environmental feature. You may or may not be prepared to speak to that today but it seems to me there are

-- of course, i think this requires a high level of scrutiny as all sos variances and in my mind this does not rise to the level of granting one so i will not be supporting the motion.

[18:39:11]

>> Morrison: Mayor.

>> Mayor leffingwell: Council member morrison.

>> Morrison: For myself, this has been a really hard case and I am not prepared to support it tonight. I think that having

-- if i vote against it, it won't get a super majority but it will potentially pass on first reading. That will give the sos folks time to get their

-- the documents and have further conversation, get more of the questions answered, so i won't be supporting this motion tonight.

>> Mayor leffingwell: So all those in favor, say aye. Aye. Opposed, say no.

>> (Indiscernible).

>> Cole: Can I make a clarify.

>> Can I make a clarification, mitzi, assistant city attorney. This isn't something that will come back for several readings, you can ask but it won't automatically come back. It has to have six votes to pass. Without 6 votes, it just fails. Because it requires a super majority to pass.

>> Mayor leffingwell: Let me

--

>> it is unlike other ordinances, where you might be able to pass on three readings with less votes.

>> Mayor leffingwell: I just asked the city attorney that question this morning and she said it had to pass with a super majority on final reading. But if it were to pass with less than a super majority, to go ahead and then come

-- but on final reading it would have to pass.

>> I see. If that's a the arrangement. It just doesn't automatically come back. We will just do that.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I can eliminate it out and revise my motion to first reading only.

>> Mayor leffingwell: Is there a

-- who is the second? Council member martinez. Is that agreeable to you? So friendly amendment to revise the amendment instead of all three readings. All those in favor, say aye. Aye. Opposed say no. That passes on a vote of 5-2 with council member tovo and morrison voting no and we won't see this item again. So could have actually

--

>> (indiscernible).

>> Mayor leffingwell: Yes. That's what I said.

[18:41:12]

>> Morrison: I heard no.

>> Mayor leffingwell: Well, I didn't say no. But it actually could have passed on first and second with five votes but since you revised your motion, it is first reading only. Okay. So item number 122, for the clerk, what happened to that item? 122 is with

-- is

-- it skipped up here. I see now. Okay. I was looking at the bottom. So that will take us to that item. We are considering items 1

-- or items 16, 33, and 122 at the same time, although we will vote separately on each one of them. We will have the presentation and we do have six citizens signed up to speak.

>> Kevin johns director of economic development. Greg guernsey and I will both be speaking. Would you prefer that we wait for the speakers? You said the outside speakers, or do you want to see the presentation first?

>> Mayor leffingwell: Presentation.

>> All right. Thank you. Greg and

-- greg and I are presenting this together as the planning director and the economic development director because it is both economic development and the city planning. Affecting the \$1.6 million music industry as well as imagine austin's downtown plan. The core issue is the compatibility between the residential and the redevelopment of downtown, and the outdoor music venues. Currently the city has 10,400 people living downtown and the projection for 2020 is for 16,000 people to be living downtown. The solution we are jointly pursuing here tonight is to influence the new stick in three ways. The music. The music at its source, the path that goes to the residential communities and then the receiving area, which is the residential area. So our goal is ongoing, incremental, continuous changes to allow the compatibility of people moving to downtown and living downtown, as well as supporting the music industry, so it is

-- it is both. So I am going to turn it over to greg. After that, our music division

-- and david murry will be part of this presentation, and it will be followed by greg's staff. So I will turn it o over to greg.

[18:44:24]

>> Thank you, greg guernsey, planning development and review department. I think this is important not just for downtown but all over the city. When we passed the comprehensive plan last year, last june, we talked about growing, investing in austin's creative economy in music and it plays a strong role in our community as part of that creative economy but it recognizes we are growing to be compact and connected, people are going to be closer together. You know, recently you've heard we are the 11th largest community in the united states right now, over 824,000 people. We don't expect that to

-- number to drop any time soon, as more people come.

>> Mayor leffingwell:842, greg.

>> Guernsey:842. Yes. As more people come, we are going to have more people living closer and people enjoy the music. We are the live music capital of the world and every day since I have been coming to this chambers, probably, I will say almost 25 years or more, we have had live music that has been presented and so with that, keeping in mind

-- and keeping good neighbors, which I will talk about a little bit later, music is very important and with that, I think we will go over the presentation and it really is a blending of looking at all sorts of things, not

-- not just the source but

-- but who receives it and how it's received and how we all work together to make our community great and to enjoy austin for what it is, the live music capital of the world. I will pause and we will turn it over to the music staff and my staff and i will join you in just a minute again.

>> Mayor and council, the music mean venue assistance

-- music venue program is a microprogram to provide music venue as a loan to provide mitigation at the source. Austin is experiencing phenomenal growth. We have residential and high-rise developments downtown to in close proximity for entertainment district. It is vital we preserve our music industry at the same time ensure residents have quiet enjoyment of their homes. In 2012, council funded two case studies and the ongoing program up to \$750,000. Again, this program is to address sound issues at the source. We intend to limit the impact of sound to the neighboring uses and conserve city resources and especially calms to 9-1-1 and 3-1-1.

[18:47:02]

[One moment, please, for change in captioners]

>> and focused the sound inside the footprint of the venue, keep it from bouncing out proved to be effective the second was black heart bar on rainey, there was a condo directly behind the venue: In this situation we built a sound enclosure around the stage area and immediately had improvement with the condo behind it. The sound mitigation is a work in progress. There's no perfect fix and we're still working with this venue for additional sound mitigation needs. In a recent survey that we sent out to local music surveys the majority of the respondents said if they were loaned money for sound mitigation they would use the money for directional speakers and subwoofers and enclosures and we found these to be effective based on case

-- effective based on case studied. It's important to know these would be used for sound mitigation, that pink liver polka dot is not going to happen. These loans would be for subwoofers, enclosures, et cetera. The types of businesses that we would loan to our indoor and outdoor entertainment, restaurants, theaters and cocktail lounges. The maximum loan available would be \$35,000. However, in talk to go the venues who have already expressed interest we anticipate the average loan being 10 to \$20,000. The applicant must submit two years of financial records and find sign a personal signatory

guarantee for the loan. The pay-back term would be based on the loan amount and other qualifying data, between one and three-year pay-back and the current interest rate is .81%. And another facet of the venue toolkit is the bad actor program, and I think, greg, you're going to describe this one.

[18:49:41]

>> I am. Part of our ordinance, as you recall, deals with actually the permitting of sound amplification permits, and with this ordinance is actually an amendment to the city code, chapter 9 dash 2, and it adds a provision for good neighbor program, basically is that when you came in you get a permit, you're going to follow a sound impact plan, and that is part of the

-- that good-neighbor program and establishes those things that deals with some of the things that dave just spoke about. Sound mitigating, maybe hours of operation, the availability and use of sound meters on-site so they can actually help patrol themselves so they know how high the sound levels would be. The ordinance itself is enforced by the police department, but it's been rather difficult because we didn't really have provisions in our code that dealt with penalties, and what happens if you're the bad actor. And so we created the bad actor provision that allows the accountable official, which happens to be me in this case since my office is the one that admin straits this, to -- administers this, to suspend permits and repeat offenders, to revoke a permit. There's a procedure to appeal that could eventually get to the city council, and if the permit is actually revoked, that they could not be issued another sound amplification type of permit for six months as a penalty for this. We hope that never happens, though. But enforcement is done through the police department. So those are some of the things that we actually put in. It says penalties, clearly defines what the suspension process is so everybody is clear on what that means, but we hope we never have to use it except for the good-neighbor program. So thanks. I'm going to turn this over now to our building official, william barber, within our department, and he's going to talk about some of the building code issues that deal with sound mitigation and building construction.

[18:51:47]

>> Mayor leffingwell: Before you start, leon, 16 and 33 basically pertain to the music venues. 122 pertains to residential buildings. So that's what you're getting ready to talk about?

>> Yes, sir.

>> Mayor leffingwell: Okay.

>> Good evening, mayor and council. Item 122 is to conduct a public hearing and consider an ordinance amending article 1 of the city code chapter 25-12 the building code to address noise mitigation for highrise residential structures. Council resolution 211, 1215-060 recommends improvements to the land development code and to protect residential dwelling units and other uses as overnight guests, such as hotels in the downtown area. When we were asked to look at this particular item we tried to figure out what would be the best and cost-effective and the least interruption to our staff to try to help with these particular issues with the noise ordinance. We decided to look at the windows, primarily that's where your weakest link is on your structure. That's where sound will travel to get into your particular residence. What we are proposing was to enhance the structural components for

-- we're recommending that we have laminated glass in structures with residential units above five stories in grade. This would apply to all residential in the

-- includes hotels, highrises, condos and amounts. One of the side benefits from this is it will increase safety and improve energy efficiency performance. The resolution also asked us to take our recommendation to various boards and commissions. We took it to the planning commission, the design commission, the downtown commission and the music commission for their review and consideration. Only the music commission voted in support of our proposal. It was unanimous. We finally took it to the building and fire code board of appeals on february 7, 2013, and they did not support our recommendation either. It was a 3-2 vote. 3 were against and 2 were for.
[18:54:08]

>> Mayor leffingwell: Were all the other commissions that you took it too voted against it except for the music commission?

>> The design commission and downtown commission did not support us. The planning commission did not give us a recommendation.

>> Mayor leffingwell: Okay. So the only recommendation is from the music commission?

>> Yes, sir. Let me try to explain our logic and why we did this. I'm going to get technical here with you so hopefully you'll understand. It was a learning experience for us, I'll tell you that. Sound transmission class is an energy rating of how well a building partition blocks an airborne sound. In U.S. It is widely used to rate interior ceilings, floors, doors, windows and exterior wall configurations. This system has been around since 1961. The current building code only addresses the walls, interior walls and floors. It does not say anything about the exterior walls. What I provided here to you is an example of what I mean by 35 or a 25 ftc or 40 or 45. These are examples of building materials that you encounter and if you're on the other side of this particular building material you'll have an

-- for example, on a single pane window the stc will be about 26 or 30. Sensors are

-- spoken in normal voice and clearly as I understood. When you get into the 60s and 70s you start to cut out a lot of the noise. Still encountering some of the deeper or lower frequencies such as basses and lower frequency instruments. Currently on the left side of the screen, this is what you're going to see is a one-inch assembly used in a typical highrise, quarter inch glass, half inch air space and another quarter inch of glass. What we're proposing is the laminated glass. The stc for the single

-- for the regular glass that we see has an stc of 35, what we're proposing has an stc of 42. And someone would think, wow, that's a 20% increase. Well, not exactly. Let me explain that with the next slide. This is a graph that's

-- what they do is take these assemblies, test them in a lab. Run different frequencies through these assemblies and they measure the amount of loss and transmission of sound. And as you can tell, this particular graph, there's four different graphs up here. Three of these are the one inch assemblies, that quarter inch

-- the quarter inch glass, half inch basing and the quarter inch glass. Two of the laminated lines at the top, that means they have a higher transmission loss. The dilemma is on the left side, that's where we are the lower frequencies, you'll see they're almost the same, almost the same line. That tells me they're not really functioning better than the others. They don't have the separation that you do on the right side of the graph where higher frequencies are. So that's the down side of laminated glass. It doesn't address the lower frequencies. But if you look at it overall, it does a better job in reducing sound. Our recommendation again is to mandate laminated glass in structures with residential units over five stories above grade. It applies to all new residential group r buildings in the jurisdiction. On a positive side I do want to say that there is a reduction in noise at certain frequencies. There is improved safety, and there is an increase in injury sightings. The down side is there is an additional cost of construction, we're estimating between 1 to 3% overall cost of construction. It's not as effective

as reducing noise down to the lower frequencies. That's our presentation. Okay. Thank you. We have several folks be signed up to speak. Will mcleod.

[18:57:58]

>> I do, however, like the noise mitigation proposal about the double-pane windows. However, the part of this i don't like about this ordinance

-- item happens to deal with the bones that we're giving to these venues loans we're going at such a very low interest rate. I'd like to have a loan when I lived at that place on william canon on the south side, south austin. We had single-pane windows and you could hear every single boom car. I don't think the city should be in the business of loaning money. We need to downsize government. But however, we need essential services, and we need peace and quiet. And the building code, a lot of these buildings here in austin are built on the cheap. You know, some of these zoning ordinances are good, some of them are bad. I'd say that this requirement with the windows having glass inside, that's a good thing. But giving money away to people just because, oh, there's going to be more people here in austin, or for whatever reason, as a loan, the city is not a bank, and we're not your atm machines. I would like to see better building structures in austin, whether it be hotels, motels, business venues, because we don't need another

-- I think it was wood ridge or something where the apartments just fell apart on themselves, or

-- and we don't need another w hotel with the falling glass. So I would just like to say for the record I am f the

-- the

-- what do you call it, the

-- the change of the building code, but I'm against the loans and handouts, and that interest rate, well, if you're going

-- if you must insist on loaning money as a city, I think the interest rate should be like 19.99%. Because I can't get .28%. Nobody does that.

[19:01:03]

>> Cole: Thank you, will. Annie armbrust is next? Annie armbrust? And is don reese here? Don reese? Andy reese? Okay. Annie, you have three minutes.

>> Good evening, mayor and council members, annie armbrust with the real estate council of austin. I'm here on item no.122 related to the proposal for laminated glass that you just heard about. We just sent a letter I hope you had the opportunity to look at. If you didn't I have copies with me now. We would ask you oppose this code amendment. Our members have been part of the stakeholder process which lasted over a year. I believe the last official stakeholder meeting was july of last summer. We've been involved, and in recent months have reconvened them with other organizations to say is there something better we could offer? And I really wish there was. After looking at this issue, different projects, different sites, there just isn't a one size fits all solution to the complexity of sound on the -- that can really be addressed through one single change, and that is really the consensus point our membership came to and that's what I'm here to share with you tonight. As an organization we absolutely support the city's economic development efforts and live music in austin. Our board members serve on many boards related to promoting the industry, but really when it comes to the specific issue within the building code this wasn't a proposal we could get behind. Our cost is similar to

what leon shared with you, 1 to 3%. The results are questionable at best and I think he shared that with you as well. So thank you.

>> Spelman: Mayor?

>> Mayor leffingwell: Mayor spelman.

>> Spelman: Ms. Armbrust, i have a question for you. You said rica members discussed this and concluded there was no one size fits all solution. Are there other solutions we ought to be talking about instead?

[19:03:06]

>> So a number of folks, especially on the development side, it isn't, we don't want to mitigate for sound. People mitigate for sound all different ways. And the city involvement was the point, how the city gets involved, you should do this, you should do that, implement this process. That's where the disagreement happened. But in talk to go a number of developers, many of whom I'm sure you know personally, people said, yeah, we take this into account. There been projects that haven't done that successfully? I'm sure we could come up with examples. But among the people i talked to, they're thinking about it and addressing it and not just one way. One specific project that comes to mine, [inaudible] glass but one pane and had a successful result with that, but that is with the two panes of laminated glass

-- that's not with the two panes suggested here. There's other options that i don't think the presentation went into as much detail about. There are more

-- there are more costly. Sometimes developers go that route for the marketability, the long-term success value project.

>> Spelman: The vast majority of sound as I'm given to understand comes through the external surface of the building through the windows. That is

--

>> I think that's the easiest way to look and i think leon was on point saying this. If we address this let's look at the windows. If we want to do something beyond that, maybe we do. Maybe that's necessary.

>> Spelman: Is there anything other than laminated glass which will have the same effect on a window, other than a window inside of a window? That might work as well.

>> I've heard people say two plies of laminated glass aren't necessary. I've heard different information around thicknesses, but again, it wasn't one consistent message.

>> Spelman: Okay. You may not know the answer to this question. If this problem lingers i urge you to find one. It might be helpful for members. Is there an effect on the rents, on the room rates, on the economics of a dwelling unit if the glass is too thin or too much noise otherwise comes in the room?

[19:05:13]

>> Over the long-term, for a project to be successful it should be built with its context in mind, sort of immediately, if a decision was made that wasn't a great decision, I think that will affect the project long-term, but immediately, maybe, maybe not.

>> Spelman: So people who go to the w. Hotel because it's a really spiffy place will go once but then they realize it's really loud in there, they might decide to go to another hotel the next time they come to austin.

>> Mm-hmm. So I think for us, the market force piece of it, that will play out over time and we want to see projects make decisions up front, certainly. But a one size fits all is not something we could get behind.

>> Spelman: Okay. This is for further discussion, but one possible way of moving the market along might be to identify those buildings which have frequent complaints and put that in the newspaper.

For example, did you know that x hotel or thus and such apartment building has 37 more -- 37% more complaints than any other such place in town.

>> Mm-hmm.

>> Spelman: If you are coming to town and looking for a hotel, this might be a place you want to avoid. How would you feel about that?

>> It's an interesting

--

>> spelman: It depends on who we're talking to, i understand.

>> Mm-hmm.

>> Spelman: It would be moving the market forces along, though, wouldn't it?

>> Sharing information and making information public.

>> Spelman: Yeah.

>> I think that's interesting. I don't know if I can speak on behalf of our organization. For me personally I think that's an interesting proposition.

>> You might want to mention that to your members and see what they think. Absolutely.

>> I will do that.

>> Mayor leffingwell: I've got a question for you. I think I agree

-- I'm very trep

-- I have trepidation about doing things that add cost unless it's for health or safety reason. But letting the market decide what and where to add makes a lot of sense to me. For example, I think a lot of it depends on exactly where the building is located. It would depend on what direction the window is facing. For example, if it were facing east sixth street or parts of west sixth street, that would be a good place for a lot more sound insulation, but if it were facing the north side it might not be necessary, and also I think I seem to remember that the higher you go, the less sound you're going to get from street level. You know, if you're

-- if you live in a house on a hill like I do, most of that road noise attenuated because it's way below you. Seems like you're not going to get as much noise on the 20th floor as you would on the 5th floor, for example. So that might play into it. There might be some room to give the builder, the owner of the property some discretion as to what they think might be necessary to provide an environment that isn't too noisy. So

-- council member morrison.

[19:08:21]

>> Morrison: Thank you. I appreciate you coming down here. We've got a lot of questions for you, I know. So one of the concerns

-- i appreciate that, you know, maybe this is too much of a sledgehammer, one side doesn't fit all. And so I guess we don't really have other options right now on the table that have been sorted out. Did you all talk through like other options and ways to handle it?

>> We really tried to, and i can say in my professional role that's something i really wanted to come to the table with. When we say we don't like something it's always more proactive to say, but maybe we could think about this. And we went through the city stakeholder process, in recent months along with

sister organizations, guys, can we try a little harder? Like what else are you doing? And we heard, we tried this over here but I really wouldn't recommend that be the policy for every project across the city. Because we're not just talking about downtown, we're talking about all struck yours around the city.

>> When we're talking about letting the market forces take care of it, if you were to post the number of complaints in hotels as council member spelman suggested, that would be one way to take care of hotels. One of the concerns I have is for condominiums, a developer comes in if they don't do a good job of it. The owner buys it, they don't know, and then they're stuck with a substandard -- a substandard condominium and, you know, where the quality of life is significantly impacted, but the developer, the original investors, they've made their money already because they made those first sales. So so did anyone discuss the possibility of sort of requiring a certain kind of disclosure about sound testing or something? Because that would catch the market at the beginning.

>> I think savvy consumers, especially if they've been reading the news likely know that this is an issue and I'd hope something that they would ask and get an honest response in that regard. I know also that some projects even in saying where they're located in austin call out specifically music venue, music venue, you know, in looking at a map.

[19:10:39]

>> Morrison: Right, I know, and I have heard of

-- i know when the new apartment building went up on red river, that was very clear, you know, this could well be noisy, and you're signing a lease and you're not going to get out of the

-- we won't break the lease for noise complaints. But what you're suggesting of for let the buyer beware, we were looking for

-- I did this resolution in the first place, some way to make it a more sort of cohesive system where people can have some kind of sense about

-- i mean, I've heard stories of people who spent a lot of money on their condominiums, not that only high-priced

-- not that only high-priced dwelling units deserve to have no noise coming in, where basically they

-- up on one of the upper floors they basically had to

-- to pump up the volume of their tv to be able to listen to tv in their living room. And so it just feels like, you know, something simple, like being

-- having to disclose certain tests or something when you're selling condominiums, could make it clear to the developer that, you know, they are going to be subject to market forces of what actually it is. Doesn't sound like you're real enthusiastic about embracing this idea.

>> I'm having

-- on behalf of my members I can't say I'm terribly enthusiastic but I appreciate your perspective.

>> Morrison: Okay, well, i think we need to continue the conversation, and so i hope that we can have

-- assuming this doesn't pass tonight

-- because I do see that it's, you know

-- it's not that effective for the lower

-- lower frequencies and it's a one size fits all and maybe we don't need a one size fits all.

>> We made this point in our letter but to me it resonated that not only the building and fire code board of appeals could get behind this proposal and it came back to them on two occasions.

>> Morrison: Thank you for your work on this.

>> Thank you.

[19:12:39]

>> Mayor leffingwell: Next speaker is larry graham. After larry will be stewart hurst.

-- Hirsch.

>> Mayor, members of the council. Excuse me. I'm larry graham and I'm the board chair of the downtown austin alliance, and we are here to say that we are against item no.122. We didn't officially take a position on 13

-- or on 16 or 33, but I think it's fair to say that we are supportive of those. Our staff and the board has worked with city staff on this issue with, I want to say 18 months, and our primary issue is that we don't want to write regulations that make downtown residential and hotel development more difficult and more expensive. And we certainly don't want to create the unintended consequence of discouraging new residential or hotel projects. Another concern is that the double pane laminated glass does little to mitigate sound at the lower frequencies. I think we heard that in the presentation, it was mentioned, but it's a pretty important point. This proposal does not address it and our existing noise and amplified sound ordinance doesn't limit it. Without addressing this glaring oversight we're not doing anything that will help the 10,000 people that currently live downtown or the 6,000 nightly hotel guests. So while da supports live music in downtown austin and understands its economic impact and its contribution to vitality, we believe it's worth exploring a more reasonable approach to managing sound in the urban core. So we ask that when you consider this proposal you take three things into account. The cost impact as you heard, it's 1 to 3% of the total construction costs. The effectiveness of the proposed solution. As we've heard with those low bass sounds, this proposal would not improve that or affect that. And then 3, existing residents and visitors. Again, this would not -- this proposal would not do anything to help those people that already live downtown or the guests that stay downtown. We do believe that the other items you are considering tonight, the music venue assistance program and the clarifications to the sound ordinance, are a great start to helping everyone coexist downtown. If after evaluation they are not effective alone, then it may be time to revisit the sound ordinance to better control sound at the source. Thank you very much.

[19:15:22]

>> Mayor leffingwell: Thank you. Stewart hirsch?

>> Mayor and members of the city council. My name is stewart harry hirsch and like most in austin I rent and I help not for profits build affordable housing, which mostly will be exempted by this ordinance because it's less than five stories. I've participated in stakeholder process from the beginning. I supported an amendment to the building code that mirrored what we've been doing with hud funds forever. It mitigates sound not just for music but for railroad tracks and highways and all the other things. That was not a consensus position, because as a city, what we would have to be prepared to do, if we went that way, is to say, we have to demonstrate through modeling at the beginning that you're complying with the standard, and at the end if the tests show that you didn't comply, you wouldn't get a certificate of occupancy for the building. It didn't appear to me that either city staff or any of the other stakeholders in the room were prepared to let a 25-story building not be occupied at the end of the day that is totally safe and totally sanitary because it didn't comply with some nuanced local amendment and I have context for this in austin. IN THE 1980s DOWNTOWN WE Did a disastrous thing. We required heliports on the tops

-- because bright people thought the building codes weren't good enough and we needed to try to get people exiting from the top of the building. And there was a fire in brazil and a bunch of people died on the roof who would have gotten out of the building and we quietly repealed that after the fact. I am

here today to ask you to embrace the first two items on the ordinance, reject this, force us to go back and look at what might really work without causing us to not occupy safe buildings. This is -- this ordinance is for administrative ease, and it's always a bad idea to adopt a building code amendment for administrative ease that doesn't really accomplish what you set out to do, particularly when you've had a national standard that has helped you do that when federal funds were involved. So please reject item 122. Happy to answer your questions.
[19:17:36]

>> Mayor leffingwell: Thank you. That's all the speakers that we have. So we'll now take up the items one at a time, and first will be item 16, which is the resolution for the assistance program. Council member marts moves approval, second by council member riley. Is there discussion in all in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. We'll now take up item 33, which is an ordinance amending the code, requirements for amplified sound and creating a penalty.

>> Mayor?

>> Mayor leffingwell: Council member martinez moves approval, seconded by council member spelman. Seconded by morrison.

>> Morrison: I would like to ask staff a question and maybe someone from our music division. That would be perhaps mr. Murray or mr. Pitts. We have gotten some correspondence and heard in meetings from some folks that are interested in a different kind of decibel measurement. Could you talk a little bit about that having

--

>> you an referring to a weighting versus c weighting?

>> Morrison: Yes, I am.

>> What it means is it's the way the sound meter reads the sound. A tries to approximate human hearing so starts at about 1,000-hertz and the top end

-- so tries to proc mate what a human is hearing whereas c weighting is more flat. It accounts for more of the frequency spectrum.

>> Morrison: So one of the things I've heard is that the c weighting is more sensitive to lower frequencies. Would that be a way to say it?

>> Yes, it's more inclusive.

>> Morrison: More inclusive. So for the folks that are suffering

-- or being impacted by sort of bass, you know, wafting up creek beds and things like that would that be more inclined to catch that at the source?

>> Yes, c weighting would account for more of the bass frequencies.

[19:19:37]

>> Morrison: And it's my understanding that in our ordinance we use the a weighting.

>> We do, that's somewhat the national standard. I believe that apd, their meters average an a weighting. They don't average in c weighting. [Inaudible] peak.

>> Do they actually

-- are they able to measure the c weighting?

>> They can read the peak level but

-- I believe it's a 15 second read so their current meters won't read. They won't average in c weighting.

>> Morrison: Because what i was thinking, at least to be able to move along and at least make a little progress in all of this was that there may be some situations where the sound is traveling in such a way and is of a certain, you know, pattern where it really is the lower frequencies that are causing a lot of the trouble, and that impact other folks. And so what I was wondering is, and I don't know if the ordinance allows this, since you all are going to be doing a sound impact plan, if you run into a situation like that, if it would be possible in the impact plan to actually have some requirements about standards at a c weighting, using a c weighting.

>> Yeah, my understanding that the bad actor policy allows us to write our sound impact plan venue specific, and we'd write a and/or c. And it's important to note that 85 a weighting is a state law maximum, but they're not equivalent numbers, 85 a and 85 c would not be the same number. Typically when you read the same source in a weighting it's reading 85, it would read 95 or 100 c. So to answer your question, in our sound impact plan we can, if you pass the bad actor policy, we could specify venue specific c weighting and/or a weighting.

>> Morrison: And the bad actor policy is in here?

>> Yes.

>> Morrison: In the ordinance

--

>> it's tied to the sound ordinance 92.

>> Morrison: Right. So it sounds

-- and I know you guys have done a great job and I have to say that the marriage between, you know, music and quality of life in the neighborhoods of austin has really blossomed based on the work that the music division has done working very specifically to be able to pinpoint problems. So I'm very comfortable that

-- that the judgment of our staff can really help to pinpoint when we need to be able to use that.

[19:22:04]

>> So to clarify we would be able to do that in specific.

>> Morrison: Great.

>> Thank you.

>> Mayor leffingwell: Okay. I think there's a motion on the table. All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0 on all three readings.

>> Cole: Mayor, I have some questions on 122 of staff.

>> Mayor leffingwell: We are about to bring up 122, so

-- mayor pro tem.

>> Cole: I don't see anybody from neighborhood housing here. So I would guess maybe greg guerns there anybody from neighborhood housing? I want to focus on this ordinance and potential

--

>> greg is in the back.

>> Cole: I don't know in anybody else can answer these questions.

>> Mayor leffingwell: Council member martinez wants to speak while we're waiting.

>> Cole: That's fine.

>> Mayor leffingwell: Council member martinez?

>> Martinez: Yeah, I just am going to tee this thing up. I'm going to move to deny 122, and the reason is we've been told it's, you know, 3% on average, maybe 5% on average. That was about the same numbers we were talking about at the marriott and how
-- what a mess that turned into. I just
-- I feel like we can do better than just saying let's double-pane this thing all the way up to the 50th floor when we really
-- i don't want to ask staff right now to give me all the conversations that were had with stakeholders. I just
-- I struggle with being able to support this as it is. I feel like we need to know where the building is going to be. We need to know what's in its proximity, what music venues exist and sit down and negotiate and discuss with developers the issues before they start building and try to come up with a better
-- better way of addressing this
--
[19:24:09]

>> cole: I'm second that motion.
>> Mayor leffingwell: Council member martinez' motion is to deny item 122, seconded by mayor pro tem.
>> Cole: But I have questions for staff.
>> Mayor leffingwell: They're here now.
>> Cole: Okay. We
-- betsy, we already heard that there will be about a 1 to 3% increase in total construction costs, and the staff report also reported that the glass windows showing for regular glass between \$12 and \$64, and between \$23 and \$211 for the laminated glass. And then I noticed in the affordability impact statement, it said no impact on affordable housing development. Can you explain that to me?
>> Yes, ma'am, betsy spencer, director neighborhood housing. I believe our response was in regards to buildings over five stories. Typically affordable housing, most of what we construct or we help fund for affordable housing does not exceed five stories.
>> Cole: So why was a proposal written to exempt buildings below five stories?
>> I can't speak to the actual ordinance. I'm just here in regard to the impact statement. Normally it's affordable housing for that type of stuff is not going to be above
--
>> cole: I think you're getting a little help.
>> We intentionally did that to take the smart housing out of the ordinance.
>> Cole: Okay.
>> We exempted them. That's the reason we did that.
>> Cole: And building apartments like red river flats, which is below five stories, would they be impacted.
>> No.
>> Cole: It isn't five stories tall but they're in the middle of the red river district.
>> They would not be required to have laminated glass.
>> Cole: I mean, a little while back we looked at conflicts between music on outdoor patios, barton springs road and also south first street. Now, had this ordinance been in place two years ago, would it have prevented the complaints that we receive?
>> I'm not familiar with that.

>> Cole: I guess generally those are below five stories so it wouldn't have an impact.
[19:26:10]

>> It would not have had an impact. We would have been able to count on the developer, contractor, architect to design the building properly. There are a couple buildings going up right now and they've started using laminated glass on certain sides of the building. So they're paying attention now to the noise issue.

>> Cole: Okay. Well, as it stands now, this proposal does not address the bass-level frequencies that are the frequent source of complaints for nearby residents, and I agree with annie armbrust from reca that says one size fits all. So as I say, I will not be supporting the item.

>> Mayor leffingwell: I'm going to be supporting the motion also, but I believe there is
--

>> cole: I mean, the ordinance.

>> Mayor leffingwell:

-- affordable housing complex downtown that's well over five stories. On lady bird lake.

>> Cole: I'm just making a point. [Laughter]

>> mayor leffingwell: No, i know. I was responding to that. So

-- I mean, there's no reason why there would

-- anyway, I'm supporting the motion to deny. Council member tovo?

>> Tovo: I have a couple questions. I guess the first one is for mr. Barbaro. If there is not enough support here today to pass it, which I suggest may be the case, is there any value that you see in having us postpone it? Do you have other ideas that were contemplated during the

-- during the stakeholder process that you would go back and come back to us with an ordinance that offers more

-- a more tailored approach?

>> We had four stakeholder meetings. In the first three meetings we had a lot of input. No one really came up with a recommendation on what we should do. It was

-- everything that we talked about, we talked about how you orient the building, what if you face the river, town lake and you don't have to worry about putting lamb naipited glass there or doing anything to that side. So we thought about the orientation but then we realized it's a very complex issue to measure the sound out there because you may measure this year and next year something changes, there's a different venue, something happens that's changed your projections on your acoustical analysis that you did. We looked at trying to create a magic number or specific number for the structures. You have to have an stc of no higher than 45, for example. The problem is that we have an 85-decibel rating allowed at the property line across the street. Getting 85 down to 45 will be very tough, especially when you have your windows. Those are the weakest link, as I mentioned before. We support a lot of things, a lot of areas we ended up between the third and fourth meeting we said the best thing for us to do so we don't create a problem for our review side, who's going to review this information, if they bring a big elaborate engineering report. We don't have a staff for that. How do we inspect it, do we have a third party? Yes, we have to have a third party. We have it figured out who the third-party inspectors would be. We thought what if 2 fails, what do we do then? As a building official do i say no to them? I can't do that. If they don't make it by one point or whatever it is. So we struggled very hard with this particular issue.

[19:29:30]

>> Tovo: At this point this was the best option you came up with?
>> It was the simplest, the easiest and it was a one size fits all.
>> Tovo: So it sounds like there may not be
-- this is an observation. There may not be a lot of value in postponing this item and asking the staff to at other kinds of window options? I mean, I think ms. Armbrust summarized well what we seem to be hearing from many who participated in the process, which is that the solution doesn't
-- isn't necessarily
-- it just
-- it is a one size fit all and that may not be the best approach. I guess I have a question
-- a question for the music staff or perhaps for economic growth and redevelopment services. , You know, I
-- i appreciate the concerns about whether this is an effective solution and whether it's an effective solution to apply to all
-- all
-- all of those who are constructing beyond five feet
-- I mean, five stories. I guess I would like to just hear from you, mr. Murray. Can you give us some sense of how much of your time across the staff and the music department is devoted to noise mitigation issues?
>> A lot of it, and certainly the majority of it is in downtown. We're involved in the permitting of all outdoor sound permits. And one thing I want to mention if it's okay, I was involved in those stakeholder meetings as well, we were support staff. One other thing we were talking about was simply requiring laminated glass in the sleeping units, because the majority of the complaints happen when people are wanting to sleep. I wanted to throw that out. Yeah, our staff
-- the majority of our time is spent dealing with permitting and dealing with complaints.
>> Tovo: I appreciate that
--
>> primarily in the downtown area.
>> Tovo: Thanks very much. I mean, I think because we're in the midst of the budget session right now, i just feel compelled to say, I appreciate the comments that have been raised about the effectiveness of this solution, but I think we need to be a little careful about the cost argument, because though it may raise developer cost 1 to 3%, we need to recognize and acknowledge that there's a cost to the city of having this focus
-- these focused resources on noise mitigation. So as a city we are investing staff resources that are not inconsiderable in dealing wi noise mitigation complaints from music venues from our music staff, from our code compliance staff, from our apd staff. So that's just an issue that I think should be in the mix, especially since there are additional staff proposed for the music division. I don't know to what extent those are focused on assisting with some of these issues as well, but, you know, the music division has
-- has many goals to enhance our music industry, to, you know, do all kinds of other wonderful things. Noise mitigation is just supposed to be one of those items and I get a sense that it is consuming a fair amount of staff time.
[19:32:26]

>> That is correct.
>> Tovo: Thanks, mr. Murray.
>> Sure.

>> Mayor leffingwell: Before we vote, someone has
IS JACOB RIVERA HERE?

JACOB, DID YOU WANT TO SPEAK ON THIS ITEM?

YOU MUST HAVE JUST SIGNED UP.

WE'VE ALREADY ACTED ON 16 AND 33.

DID YOU WANT TO SPEAK ON 122?

>> NO.

NO.

I ACTUALLY ASSUMED YOU WERE GOING TO PASS ALL THESE THINGS WITHOUT ANY OF THE PUBLIC'S
INPUT, SO I JUST REALLY WANTED TO SPEAK ON THE MATTER AND PUT IT IN THE PUBLIC RECORD.

YEAH, YOU LOOK VERY CONFUSED.

[LAUGHTER]

WHICH IS TYPICAL.

I KNOW.

I'VE BEEN WATCHING YOU FOR A WHILE.

[LAUGHTER]

I'VE BEEN HAVING

>> MAYOR LEFFINGWELL: MR. RIVERA, I'M GOING TO ASK YOU TO ELIMINATE REMARKS LIKE THAT.

>> CRITICISM?

CRITICISM OF

>> MAYOR LEFFINGWELL: YES, THE

>> OKAY, WELL, I'VE HAD A LOT OF PROBLEMS WITH CONSTRUCTION NOISE IN MY NEIGHBORHOOD,
AND I'VE HAD TO GO THROUGH THE PROCESS OF MOVING NEIGHBORHOODS BECAUSE OF THE
CONSTRUCTION NOISE, AND I'VE COME DOWN HERE BEFORE ASKING YOU ALL TO NOT CHANGE
BUILDING CODES AND WHAT NOT, TO KEEP MY NEIGHBORHOOD QUIET.

AND THAT FELL ON DEAF EARS, BUT ORDINANCE 923 SAYS CONSTRUCTION EQUIPMENT CAN'T START
TILL 7:00 IN THE MORNING, AND CONSISTENTLY STARTS AT 6:00 IN THE MORNING.

I CALLED THE CITY MULTIPLE TIMES, ASKED FOR CODE ENFORCEMENT TO COME DOWN.

DIDN'T HAPPEN.

AND THESE MEASURES HERE THAT WE'RE DEALING WITH HAVING MUSICIANS HAVE TO PAY CLUB I
JUST FOUND THIS OUT, THAT THE CLUB THAT I'M PLAYING AT ON SATURDAY IS NOW CHARGING US A
FEE TO HELP THEM DEAL WITH THE COST OF PUTTING IN THESE THE DEVICES TO MEASURE DECIBEL
LEVELS.

YOU KNOW, VERY RECENTLY I DIDN'T HAVE TO PAY FOR PARKING TO COME TO CITY COUNCIL
MEETINGS.

I COULD I COULD PARK DOWNTOWN TO LOAD MY STUFF, AND IT'S GOTTEN MORE EXPENSIVE, MORE
DIFFICULT TO BE IN THE ENTERTAINMENT INDUSTRY DOWNTOWN, WHICH

>> MAYOR LEFFINGWELL: YOU'VE GOT ONE AND A HALF MINUTES LEFT AND I'D ASK TO YOU STICK TO
THE SUBJECT.

>> OKAY.

WELL, I'M REALLY SPEAKING TO THESE PEOPLE OUT HERE.

YOU KNOW, IF IF YOU DON'T WANT NOISE AT HOME, DON'T MOVE TO THE ENTERTAINMENT
DISTRICT OF THE CITY.

YOU KNOW?

I HAD TO MOVE FURTHER OUT SO THAT I COULD AVOID THE NOISE OF THE EVER GROWING CITY.

SO IF YOU DON'T WANT THE NOISE, DON'T LIVE IN THE ENTERTAINMENT DISTRICT, AND IT'S NOT TO
THOSE THAT LIVE HERE ALREADY, TO DECIDE HOW THICK THE WINDOWS NEED TO BE.

THAT'S IN THE HANDS OF THE DEVELOPER.

AND THE BUYER OF THAT PROPERTY NEEDS TO BE CONSCIOUS.

IF THEY DON'T KNOW THAT DOWNTOWN AUSTIN IS THE ENTERTAINMENT DISTRICT, THEN IGNORANCE IS MORE AN ISSUE THAN CITY CODES AND THE THICKNESS OF THE WINDOWS. AND I'VE SAID MY PIECE.

I APPRECIATE YOU ALL'S TIME.

[APPLAUSE]

>> MAYOR LEFFINGWELL: OKAY.

COUNCIL MEMBER RILEY WAS NEXT.

DID YOU HAVE A QUESTION FOR THE SPEAKER?

COUNCIL MEMBER RILEY.

>> RILEY: I HAVE A QUESTION FOR EITHER LEON OR DAVID.

IT'S A QUESTION ABOUT WHAT WAS CONSIDERED DURING THE PROCESS THAT LED UP TO THIS. AND SPECIFICALLY I WANT TO KNOW IF THERE WAS ANY CONSIDERATION TO SIMPLY REQUIRING DISCLOSURE OF THE SOUND TRANSMISSION CLASS FOR ANY GIVEN UNIT.

WE ALREADY HAVE AN ENERGY CONSERVATION AUDIT AND DISCLOSURE ORDINANCE, WHICH APPLIES TO THE MANY MULTIFAMILY PROPERTIES AND IT REQUIRES AN AUDIT AND THEN IT REQUIRES THAT THE RESULTS OF THE ENERGY AUDIT BE PROVIDED TO CURRENT AND PROSPECTIVE TENANTS.

SO IT SEEMS LIKE SOME PROCESS LIKE THAT THAT ACTUALLY MANAGED TO MEASURE THE SOUND TRANSMISSION CLASS AND PROVIDE THAT INFORMATION TO PROSPECTIVE TENANTS OR BUYERS, THAT THAT COULD REALLY HELP THE MARKET FUNCTION MORE EFFECTIVELY, BECAUSE PEOPLE WOULD ACTUALLY HAVE A GOOD IDEA OF WHAT TO EXPECT IN TERMS OF THE NOISE LEVELS ONCE THEY BUY OR RENT THE UNIT.

WAS THERE ANY CONSIDERATION TO THAT SORT OF AMENDMENT THAT WOULD SIMPLY REQUIRE DISCLOSURE?

>> I DON'T RECALL.

LET ME CHECK WITH OTHER STAFF.

I DON'T THINK WE EVER TOUCHED ON THAT ISSUE.

>> RILEY: OKAY.

OKAY.

WELL, MAYOR, I'LL JUST ADD, I'M GOING TO SUPPORT THE MOTION TO DENY.

I THINK THE MOTION WAS TO DENY, AND I'M DISAPPOINTED ABOUT THAT BECAUSE I WAS HOPEFUL WE WOULD BE ABLE TO COME UP WITH SOMETHING THAT WOULD BE COST EFFECTIVE AND THAT WOULD WORK FOR THIS PURPOSE, AND I APPRECIATE THE SUGGESTIONS, ESPECIALLY STEWART'S SUGGESTION THAT HE'S WILLING TO KEEP WORKING ON THIS, BECAUSE THERE'S GOT TO BE SOME WAY THAT WE COULD HELP THE PROCESS HELP THE MARKET FUNCTION MORE EFFECTIVELY SO THAT PEOPLE WOULD ACTUALLY KNOW WHAT TO EXPECT ONCE THEY BUY OR RENT ONE OF THESE UNITS DOWNTOWN.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER MORRISON.

>> MORRISON: THANK YOU.

I APPRECIATE THOSE COMMENTS, COUNCIL MEMBER RILEY, AND WHAT I WANTED TO DO WAS JUST REMIND FOLKS THAT WE DID THIS RESOLUTION, IT STARTED TWO YEARS AGO, AND IT WAS, YOU KNOW, MUCH EARLIER ON IN THE WHOLE CONVERSATION ABOUT HOW YOU DO HAVE COMPATIBILITY BETWEEN RESIDENTIAL AND MUSIC VENUES, AND SORT OF THE FUNDAMENTAL RULE THAT WE WERE WORKING TO WAS, HEY, IF YOU'RE A MUSIC VENUE THAT'S MOVING INTO AND NEAR A RESIDENTIAL EXISTING RESIDENTIAL AREAS, THEN YOU NEED TO DEVELOP YOUR VENUE IN A WAY THAT DOES NOT LEAK SOUND INTO THE RESIDENTS.

BUT THAT VICE VERSA, THE THEORY WAS, IF YOU'RE RESIDENTIAL AND YOU'RE MOVING INTO AN ENTERTAINMENT DISTRICT, YOU NEED TO BUILD THE BUILDING SO THAT IT'S NOT GOING TO BE TRYING TO SHUT DOWN THE REST OF THE SURROUNDINGS.

SO I REALLY APPRECIATE YOUR SUGGESTION THERE, COUNCIL MEMBER RILEY, AND I THINK THAT IT REALLY DOES MAKE SENSE TO TRY AND PURSUE SOMETHING THAT WILL HELP THE MARKET ALONG, BECAUSE I THINK I THINK THAT'S SORT OF THE FAIR THEORY TO WORK TO.

>> MAYOR LEFFINGWELL: ALL IN FAVOR OF THE MOTION SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: AYE.

OPPOSED SAY NO.

PASSES ON A VOTE OF 7 0.

OKAY.

SO WE WILL GO NOW TO ITEM 101.

>> GREG GUERNSEY, PLANNING AND DEVELOPMENT DEPARTMENT.

101 IS A ZONING CHANGE REQUEST.

THIS IS TO APPROVE SECOND AND THIRD READING OF A ZONING CHANGE REQUEST AT 515 EAST SLAUGHTER LANE FROM MULTI FAMILY AND RESIDENCE, LOW DENSITY, CONDITIONAL OVERLAY OR MF 2 CO COMBINING DISTRICT ZONING TO MULTI FAMILY RESIDENCE MEDIUM DENSITY CONDITIONAL OVERLAY OR MF 3 ZONING.

THE CONDITIONAL OVERLAY THAT WAS APPROVED ON FIRST READING.

LIMITED THE PROPERTY TO 517 DWELLING UNITS.

THE PROPERTY ITSELF IS UNDEVELOPED AT THIS TIME, AND IT ORIGINALLY HAD A SITE PLAN IN 2002 THAT ACTUALLY PROVIDED FOR UP TO 528 UNITS.

THERE IS A PETITION THAT'S BEEN FILED BY SINGLE FAMILY PROPERTY OWNERS TO THE SOUTH AND SOUTHWEST OF THIS PROPERTY.

IT DOES NOT REACH THE 20% THRESHOLD AT THIS TIME.

THE PROPERTIES TO THE NORTH ARE MULTI FAMILY AND ALSO TO THE EAST AND THERE ARE EXISTING APARTMENTS FURTHER TO THE NORTH AND SOUTHEAST.

I MADE A PRESENTATION LAST TIME I WAS BEFORE YOU.

I THINK I'LL PAUSE, IF YOU HAVE ANY QUESTIONS THAT WHAT WAS PREVIOUSLY RECOMMENDED BY STAFF, IT WAS ALSO RECOMMENDED BY THE COMMISSION ON CONSENT FOR THE MF 3 ZONING.

>> MAYOR LEFFINGWELL: GREG, ON THE FIRST READING DID THE MOTION STIPULATE KEEPING THE PUBLIC HEARING OPEN?

IS THAT WHY WE'RE

>> THAT'S WHAT I UNDERSTAND.

THERE WAS A COUPLE CITIZENS THAT CAME FORWARD AND THERE WAS A CONCERN ABOUT A ROAD, I THINK IT'S CALLED NARROW GLEN PARKWAY ALONG THE SOUTH.

THEY HAD SOME CONCERNS ABOUT ACCESS.

THE ORIGINAL PLAN MENTIONED FROM BACK IN 2002 HAD ACCESS.

THEIR CURRENT PLAN I THINK THAT THEY HAVE GOING FORWARD WOULD SHOW A DRIVEWAY TO NARROW GLEN AS WELL AS DRIVEWAYS TO SLAUGHTER LANE.

>> MAYOR LEFFINGWELL: WE HAVE THREE SPEAKERS SIGNED UP.

>> THANK YOU.

>> MAYOR LEFFINGWELL: DO YOU HAVE A QUESTION?

COUNCIL MEMBER MORRISON?

>> MORRISON: I HAVE A QUESTION FOR STAFF.

THE EDUCATIONAL IMPACT STATEMENT.

IT TALKS ABOUT HOW MANY STUDENTS THEY WOULD EXPECT TO END UP AT BLAZIER ELEMENTARY SCHOOL, AND SAY AND THE OTHER MIDDLE SCHOOL. AND IT WILL HAVE A NEGATIVE IMPACT ON THE OPERATING CAPACITY OF BLAZER AND BEDICHEK BECAUSE THE PERMANENT CAPACITY, IT WAS GOING TO TAKE BLAZIER ELEMENTARY SCHOOL TO 206% OF ITS CAPACITY.

SO MY QUESTION IS, HOW MUCH OF A DIFFERENCE IN DENSITY IS THIS ZONING FROM THE EXISTING ZONING?

>> THE EXISTING ZONING THEY HAD ACTUALLY GONE FORWARD AND RECEIVED APPROVAL FOR 528 UNITS, WHICH IS ABOUT 11 MORE THAN WHAT'S PROPOSED IN THE ORDINANCE THAT WAS MOVING FORWARD FOR APPROVAL AT THIS TIME.

I THINK THE APPLICANT AT THE LAST MEETING INDICATED THEY WERE ONLY GOING TO BUILD 512, SO THAT BRINGS THAT NUMBER DOWN SLIGHTLY FROM WHAT WAS RECOMMENDED BY THE COMMISSION AND RECOMMENDED BY STAFF.

WHEN WE TALK ABOUT A EDUCATIONAL IMPACT STATEMENT, THAT'S ONE OF MANY THINGS THAT WE LOOK AT, ASIDE FROM TRAFFIC, UTILITY, INFRASTRUCTURE IN THE AREA, LAND USE COMPATIBILITY, ZONING COMPATIBILITY, IS THIS IN ALIGNMENT WITH OUR PLAN.

SO THAT'S ONE OF THE TOOLS THAT WE LOOK AT.

IN MY CONVERSATIONS WITH THE SCHOOL DISTRICT IN THE PAST, WHERE YOU HAVE SCHOOLS THAT ARE CLOSE, THERE MAY BE A NEED TO ACTUALLY AMEND BOUNDARY LINES, WHICH I KNOW IS A VERY CONTROVERSIAL ISSUE, MORE SO THAN ZONING IN SOME RESPECTS, BUT IT IS SOMETHING THAT THE SCHOOL DISTRICT WOULD WORK WITH.

AND THIS IS REALLY LOOKED AT AS A TOOL BY THE SCHOOL DISTRICT TO HELP THEM PLAN LOCATIONS OF FUTURE SCHOOLS BUILD OUT AND ANTICIPATE WHAT MAY HAPPEN IN THE FUTURE AND THEIR NEEDS FOR THEIR EDUCATIONAL FACILITIES IN THE AREA.

>> MORRISON: WELL, I GUESS REALLY THE POINT I WAS GETTING AT IS, YEAH, THIS IS A TRAINING IT'S A SOMETHING THAT CAN PROVIDE US INFORMATION IN OUR DISCRETIONARY DECISIONS BUT ALSO IT PROVIDES SOME ADVANCE NOTICE AND CAN DO BETTER PLANNING.

BUT I GUESS THE POINT I WAS REALLY TRYING TO MAKE IS EVEN IF THEY BUILD THE DEVELOPMENT UNDER THE EXISTING ZONING, THEY'RE STILL GOING TO HAVE THIS IMPACT ON THEIR SCHOOLS.

>> YES.

>> OKAY.

THAT'S WHAT I AS I UNDERSTOOD.

SO THE NEXT QUESTION I HAVE IS, WHAT ABOUT MF 3 DO THEY NEED?

>> MF 3 DOES ALLOW A DIFFERENT MIXTURE OF UNIT TYPES.

THEY CAN ACTUALLY PROVIDE MORE ONE AND TWO BEDROOM TYPES THAN EFFICIENCY AND ONE BEDROOMS.

THAT DESIGN YOU WOULD HAVE SLIGHTLY LARGER UNITS.

THE APPLICANT MAY BE BEST TO GO INTO THE RATIONALE ABOUT HOW THEY GOT TO THEIR UNIT MIX.

I'LL LEAVE IT WITH THAT.

THE APPLICANT I BELIEVE IS ALSO IN THE AUDIENCE.

>> MORRISON: OKAY.

GREAT.

THANK YOU.

>> MAYOR LEFFINGWELL: SO OUR SPEAKERS, KRISHNA ALAN?

KRISHNA ALAN?

ERICA PAYNE?

OKAY.

ERICA PAYNE IS NEXT.

>> HELLO, MAYOR AND COUNCIL MEMBERS.

MY NAME IS CHRISTIANA ALLEN AND I AM A HOMEOWNER IN THE CROSSING AT ONION CREEK, I RESIDE 250 FEET FROM THE STILL WATERS PROPERTY.

I AM HERE TODAY ON BEHALF OF MORE THAN 200 RESIDENTS WHO NOT ONLY LIVE IN MY NEIGHBORHOOD BUT ALSO LIVE IN THE SURROUNDING APARTMENT COMPLEXES.

OUR COMMUNITY HAS GATHERED TOGETHER TO INFORM THE CITY COUNCIL MEMBERS THAT WE WILL POST THE REZONING AND PRIMARY INSTALLATION OF A EXIT INTO OUR NEIGHBORHOOD. THE REZONING AND EXIT ENTRANCE WILL CAUSE MORE TRAFFIC ON TO NARROW GLEN PARKWAY, WHICH FEEDS DIRECTLY INTO OUR NEIGHBORHOOD.

AT THIS TIME OUR COMMUNITY HAS SO MANY SMALL CHILDREN WHO ARE NOW AT RISK OF BEING HARMED BY THE INFLUX OF VEHICLES.

MAIN POINTS TO CONSIDER ARE THESE.

THE HOA WAS INFORMED BY THE OWNER BUILDER THAT THIS IS AN EMERGENCY EXIT OWNER.

THE OWNER DIDN'T MEET WITH US AFTER THE LAST COUNCIL MEMBER WHERE THE COUNCIL REQUIRED HIM TO MEET WITH HOMEOWNERS.

HE SAID HE WAS ON VACATION.

THE ENTRANCE/EXIT IS IN FRONT OF A SCHOOL BUS STOP.

NARROW GLEN CONNECTS TO BURNS ELM, WHICH IS THE BACK ROUTE TO I 35.

THERE CURRENTLY HAS BEEN AN INCREASE IN DEVELOPMENT ALONG I 35 SUCH AS THE NEW CHUCK E. CHEESE WHICH IS ACCESSED DIRECTLY FROM THE CUT THROUGH.

THE TRAFFIC STUDY WAS DONE BEFORE THIS TIME.

ALSO THE APPLICANT TRAFFIC STUDY WAS CONDUCTED IN SUMMERTIME WHEN SCHOOL WAS NOT IN SESSION.

THE TRAFFIC STUDY DID NOT TAKE INTO CONSIDERATION THE OVERFLOW PARKING INTO OUR NEIGHBORHOOD.

THE OWNER INFORMED US OF THE APARTMENT COMPLEX WOULD ONLY HAVE 700 PARKING SPOTS, WHICH WILL UNDOUBTEDLY MEAN THAT RESIDENTS AND THEIR GUESTS WILL BE PARKING IN OUR NEIGHBORHOOD, WHICH WILL ALSO INCREASE TRAFFIC.

THE RESIDENTS OF THE APARTMENT COMPLEX JUST WEST OF US HAVE ALSO INFORMED US THAT THE LACK OF PARKING AT THEIR APARTMENT COMPLEX NOW FORCES THEM TO PARK ACROSS THE STREET AT THE HOME DEPOT.

THE TRAFFIC STUDY WAS ONLY CONNECTED ON NARROW GLEN PARKWAY AND NOT GLEN ELM AND PARK ROAD.

ALSO THE AUSTIN FIRE DEPARTMENT HAS INFORMED US THEY ONLY NEED ONE EXIT/ENTRANCE.

THE STILL WATERS PLAN INCLUDES THREE EXITS.

[ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

So the multiple exits are not needed.

The owners had also informed us that the fire marshal had requested that exit but this is not true.

Our petition was signed by many who are within the 500 feet, but even though they are greatly affected, their signatures did not count.

I also wanted to bring up the fact that in 2002 is when the access to narrow Glenn was approved and our neighborhood didn't exist at that time.

As far as the units, also, even though their are going to have 512 units, these will be two bedrooms and so more families there so these will be more children going into Blazier elementary.

I know they are saying legislation units but it's still going to be more traffic, more families.

[buzzer alarming]

And that's it, thank you.

>> Mayor Leffingwell: Thank you.

Erica Payne.

Following Erica will be Herb Wright.

>> Hi, I am a resident at the crossings at onion creek and I also have concerns with their plans, to place an exit on to narrow Glenn.

I am terrified of my teen driver using the streets already because of all of the fatalities that has happened there, and because of the bad planning, and my fear is that if they allow this exit, then now my youngest who is only a baby is going to have a hard time playing in the neighborhood because of the traffic coming through, because it because people will be using this as a cut a cut through.

I lived on a street that was a cut through, and I as a small child, I almost got hit by a car because just going to the mailbox.

Now we were told that the plans were from 2002, and as she stated earlier, at that time our subdivision was not there.

The apartments across the street, they were not there.

Neither was the corner store.

So sorry.

There is also if they use narrow Glenn as an exit out of these subdivisions, there is no left turn on to slaughter because of the because of the fatalities, so the assumption is that the traffic exiting would go into our neighborhood.

I feel that if since if they wanted the traffic to go left and then right on to slaughter, then just place both of the exits directly on to slaughter.

This is not necessary to put it through our neighborhood and make it a cut through.

I will ask, though, that this be considered a second reading and not a second and third, because the builders were supposed to meet the with us, as you all requested the last time, and they sent the engineer and not anyone who could actually answer any of our actual questions.

They could only answer questions about the construction and that's not what we were trying to address.

It's not the stability of the buildings.

It was the concerns with the placements of where they were putting the entrances and exits.

Thanks.

>> Mayor Leffingwell: Herb Wright.

>> Good evening.

Thanks for allowing us to talk with you.

I am serving as president of the homeowners association for the crossing at onion creek.

I have been on the board for over five years and served as president four.

Initially when we found out about this as a board we met with Jeff and James.

The owner and the developer.

And they came to our home.

They laid out the plans, and they presented everything to us, and at that time, we were informed that the fire marshal was requiring the exit on to narrow Glenn.

We expressed our concerns to them, which are the same concerns I am here with tonight, which are three: The speed limit on slaughter lane, which is where our subdivision faces and this proposed new development.

It's 55 miles an hour and there is a hill, and just as you come over the hill, is narrow. Glenn which is the the main thoroughfare into our subdivision and when I say main, I mean into our subdivision.

It is not a main road that goes to Wal mart or anywhere else.

We have had two people killed that I know of.

One child put in a wheelchair from an accident and there have been many other accidents because there is not enough time to stop.

We need the speed limit reduced there and we also would like to see a light put in there.

Our main concern, we love the fact that the area is being developed.

Our main concern is the exit into our subdivision at narrow Glenn, and we are asking tonight that you give us more time.

It was just stated that there was not a 20% signing on the petition of homeowners and the reason for that is that we as a board were not fighting this because we took what they told us at face value.

And just on the 20th, which was Monday, I got two documents that substantiated the fact that the Austin fire department does not require that.

That made a big difference for us, so we are just now getting in.

I can get the signatures that will substantiate the objections to this and we just are really concerned about the negative impacts that it's going to have on our community.

And, again, we are not objecting to something being developed there.

We are really happy about the improvements that are being made, but we just wasn't the safety of our children.

We don't want cars overflowing parking in there, where you can't even get in our subdivision.

[buzzer alarming]

>> So my time is up.

Thank you very much.

>> Mayor Leffingwell: Those are all of the speakers we have.

I entertain a motion on item 101.

Council member Morrison.

>> Morrison: I wonder if I could ask staff about any requirements by the fire department for ingress or egress on narrow Glenn?

>> Sure.

The Jerry Rusthoven Planning and Development Review.

And we have reviewed the site plan which is currently under review.

We did look at comments and they made a comment about access on narrow Glenn.

It is shown on the site plan today so I imagine that's why they didn't say anything.

Their comments all had to do with sprinklers and all other kinds of things so we don't know if they would be opposed at this time to the closing at this exit because right now it is shown on their site plan.

>> Morrison: Okay.

And I guess in other cases, where it was where the fire department did require access, we have done conditions that say "emergency access only."

Is that correct?

>> Right.

We have done that, yes.

>> Morrison: And do you know anything about the potential for a light or what the traffic safety assessment is, just in that area in general as it's being developed?

>> Sure.

We looked at it today some more.

There was originally a median break at Slaughter and narrow Glenn and the city did close the median break because it was deemed to be hazardous due to the curvature in the road and the hill so this would have two access points.

It would be on Slaughter to the west of that, closer to I 35.

So if you are coming from I 35, there will be two opportunities to turn into the apartment complex.

Main entrance of the apartment complex if you could put up the site plan we have there.

The main entrance to the site plan does have a median break on to slaughter lane which is kind of in the center top there and then there is a third proposed access in the very lower right hand corner of the complex on to narrow Glenn.

I would anticipate, if the if you guess that there is not that much development today slaughter dead ends not too far from the east of here.

I think the majority would be coming from I 35, down slaughter and would take a right into the complex into one of the two entrances off of slaughter.

Hike wise if you are going left to head back into 35 to head in town, you would probably use the medium entrance with the median to slaughter so the narrow entrance to me would not receive much use as far as people using slaughter lane.

It would kind of be like your third option, but I think that's from an emergency standpoint, that for some reason the exits were blocked off of slaughter lane, it provides an alternative, you know, exit point for heading in that direction.

>> Morrison: Right.

At least for emergency exit.

I wonder if I could ask the applicant a question.

So when we were here last time, there was confusion because you had met with the HOA and then other folks had shown up that hadn't spoken up before and I gather you weren't able to then meet with them in the interim of our last since our last meeting?

>> The immediately following this, all of those people that spoke, we met with outside and had a conversation with, and I walked away with an understanding of we both knew where we stood and what we could do and what we couldn't do.

Last week, I got a phone call and I was actually out of town on a family vacation and the request was made to have a meeting on this Saturday.

I was not in town.

I could not do that.

So the civil engineer went on my behalf to meet with the folks and once again see if we can discuss the issues at hand.

>> Morrison: So you said so after the meeting when you did speak with them and you left, you said knowing where we stood and what you could do and what you couldn't do.

What was was anything resolved at that point?

>> Our position is we are neutral on this.

If if somebody wants to have an exit only, knock box kind of gate, that's fine.

The city has a different opinion on it.

They want access to there, so we are neutral.

We will go either way.

We don't care.

>> Morrison: That's great.

Okay.

And I think I heard Mr. Rusthoven say I appreciate that.

That's very helpful.

Mr. Rusthoven, did you does the city want access on to narrow Glenn as far as you are concerned?

>> I would say yes, but it is not a do or die issue for us.

>> Morrison: Okay, but emergency access would probably

>> We think it would be a good idea because you never know slaughter may be blocked for one reason or another and it is a large complex and people would need a way in and out.

>> Morrison: Okay.

Great.

>> Mayor Leffingwell: Entertain a motion.

Council member Riley.

>> Riley: Mayor, I move to close the public hearing and approve the requested zoning on second and third readings.

>> Mayor Leffingwell: Motion by council member Riley.

Is there a second?

Second by mayor pro tem.

>> Morrison: Mayor.

>> Mayor Leffingwell: Did I I saw you nodding your head, I

>> (Indiscernible).

>> Mayor Leffingwell: Council member Morrison.

>> Morrison: I would like to offer a friendly amendment, that it be emergency only access on narrow Glenn, which the applicant says he is neutral on.

Oh, and let me just say, when I say "emergency only," I also mean bikes and ped access.

[LAUGHTER]

>> Mayor Leffingwell: How can that be?

>> Morrison: I mean, I am adding on toe that "bikes and pedestrian."

>> Riley: And Jerry, when I have raised this to staff before, I have been advised we can't actually require access for bikes and peds.

>> We can certainly say emergency exits only to vehicular emergency vehicular exits only to narrow Glenn and that would not preclude the possibility and I believe the applicant is agreeable to

>> Riley: And and what if we learned the fire department does actually require as long as we require emergency

>> Right.

>> Riley: Well, I understand the the spirit of the motion.

I don't consider it friendly and I do think we should vote on that and I will tell you why.

I I certainly understand the concerns of the neighborhood.

That is not a please and stretch of of road there.

I visited the site this weekend and by the way, in case anybody is thinking of it, I don't recommend this section of slaughter lane for a bike ride.

It is doable but it is not that pleasant.

But the solution to that I think we ought to be looking at what we can do to improve the traffic conditions on slaughter lane.

I think a light at narrow Glenn and slaughter may well be where it is considering.

I think there may be other things we can do to improve the conditions on that road, but, you know, you ask if if staff wants a connection there and I understand Jerry being neutral on that.

I would say the city does want connections.

In fact, we just approved a comprehensive plan in calling for the city to be more compact and connected.

There has been a long period of time in the city when we have respond and to concerns similar concerns by cutting off any access and many cities have done that and often the results you get is a is a city of of one isolated cul de sac after another, emptying on to busy roads and that does not create a come packet connected city, and actually property values don't do well in neighborhoods like that as they do in neighborhoods that are actually well connected with grids.

Suppose suppose, you know, these kids are all going to school together.

Suppose they wanted to have a a car pool to get to pick up kids and go to the nearby school.

Well, they certainly the motion under the amendment that suggests that, they certainly wouldn't have a car pool that would be able to go directly from this neighborhood on to narrow Glenn. The car pool would have to get on slaughter lane and mix it up with the unpleasant traffic and then enter it go on slaughter lane and go back to the adjoining neighborhood, into the the adjoining subdivision.

As opposed to simply taking a calm street from one to the other.

I don't see I agree with Jerry, that there won't be a flood of traffic because frankly there is not then much reason for for people in this in this new project to use that access on to narrow Glenn, under most circumstances.

Typically they would be going out of their own exit where they can actually go directly on to slaughter lane and proceeding over to I 35.

If they went on narrow Glenn, they wouldn't be able to take a left on to narrow Glenn, so I think it would be it would promote connectivity for the folks living in both neighborhoods and I think we need to get away from from making these isolated pods, one after another, that only have access to to unpleasant busy roads.

I think we need to do a better job of taking our comprehensive plan seriously and work towards a connected city and that means allowing access in situations like this.

>> Mayor Leffingwell: I think somewhere in there was a statement that he did not accept your friendly amendment.

[LAUGHTER]

>> Morrison: Mayor, if I may, I would like to make that has a formal motion, then, but also with the comment that I think certainly compact and connected is important.

If the school children are sharing a car pool, I hope they walk and they are not going to be that's what it is about to be in a neighborhood and I think that the idea that our imagine Austin, compact and connected, means that we are going to cast aside concerns about increased traffic and the priorities of preserving neighborhoods and the quality of life in neighborhoods.

Putting a I don't see that putting an exit for the traffic to be able to get through there and potentially use it as a back way to I 35, that's not about connectedness.

Connectedness in is about having a grid.

That's not about a grid.

It is about allowing a cut through, through a neighborhood and one of the wonderful things about getting different kinds of development and different in different parts of town is being able to have kids that are living in a single family neighborhood playing with kids that are in a in a multifamily development there, but I hope they are riding their bikes and not driving and so my motion is that that we amend the motion amendment to the motion to to include emergency only access on to narrow Glenn.

>> Mayor Leffingwell: Omit by council member Morrison.

Is there a second?

Council member Tovo.

>> Tovo: I will second that but I need

>> Mayor Leffingwell: Second by council member Tovo.

>> Tovo: I have a question.

Mr. Rusthoven, is there can you talk to me a little bit about about the fire review?

And whether whether this would be whether having emergency access for certain would satisfy their concerns or whether we wouldn't be in better shape actually taking the recommendation of the neighbors and hearing it only on second reading and allowing you to get to get some feedback from the fire department.

>> Yes, the fire department prefers as much access as possible.

In this particular case, they have not reviewed a site plan which did not have this access, so if that access were taken away, I imagine they may or may not make a comment that that would say "please provide access to narrow Glenn."

So the site plan they reviewed did not address issue on to narrow Glenn because it was provided and so we don't know I don't know if closing it off would cause them a concern.

I do know that it has two other accesses on to slaughter and generally speaking, I haven't seen them require three.

But I haven't reviewed the issue of closing the access on narrow Glenn and one other thing, one reason the staff was recommending access to narrow Glenn, there is a possibility in the future there is no plan for this right now or money but there is always plan in the future that the median break there at narrow Glenn and slaughter may be reopen and the single installed there.

The problem was left turns coming off of slaughter was unsafe.

There is a possibility it may be reopen in the future and maybe a light there but right now there is no plans do that.

>> Tovo: If the plan went forward and there was a signal light that was installed there, could the property owner come back and ask for an amendment?

>> The property owner could come back and ask to have that condition lifted off the zoning case. Yes.

>> Tovo: You know, I think I would feel better about the amendment we just seconded if we were hearing this only on second reading.

I think it I think it does make sense to allow that access but I want to be sure that the fire department has looked over the plan and that it satisfies safety concerns.

So procedurally I guess we move forward with

>> Mayor Leffingwell: Procedurally we move forward with the amendment?

>> Tovo: With that first.

>> Morrison: I would be happy to change my amendment and that would be the same amendment but also that we only approve on second reading.

>> Mayor Leffingwell: So now your amendment is to approve the exit on shadow Glenn or whatever narrow Glenn and change it to second reading only?

>> Morrison: That we include a condition that the access on narrow Glenn is vehicular emergency only and that it be done only on second reading.

>> Mayor Leffingwell: Council member Riley.

>> Riley: Access would be vehicular emergency only.

>> Morrison: That's correct, so that so that we are not prohibiting it would the only vehicular would be emergency so that since it's intended that we not prohibit bike or ped.

>> Mayor Leffingwell: Council member Tovo, do you second, agree with that change?

Let me say I am going to oppose the amendment.

I agree with council member Riley's assessment, connectivity is an important part of the planning process that we have govern forward with, imagine Austin and so forth and it's a good it's good urban planning.

There are some things that we have not agreed on but we certainly agree on that.

[LAUGHTER]

All in favor council member Morrison Martinez.

>> Martinez: I agree with council member Riley as well, but I would I would agree even more if you could make a westbound turn on to slaughter from narrow Glenn parkway, which you can't.

As Jerry just mentioned, and I don't know that we have any plans or funding to do that so my question is if I support the amendment to limit access to emergency vehicles only, how do we revisit this some day, if and when we ever recut the median and put a signal there?

>> It would require a new zoning case.

We would have to come back and remove that condition from the zoning ordinance.

>> Martinez: But is there anything we can put in today's language that would preclude that from happening because we don't need any more zoning cases.

[LAUGHTER]

>> I can do some open thinking here and perhaps the law department will reign me in but reign me in but perhaps it would be possible to approve an ordinance to allow only vehicular emergency access to narrow Glenn, unless the median opening at narrow Glenn and slaughter were reopened by the city and the intersection were signalized.

All right. Would you consider that friendly?

>> Yes.

>> Mayor Leffingwell: That is accepted by the maker and the second.

>> Martinez: And it's still on second reading only?

>> Mayor Leffingwell: No, it's on third the amendment is for second reading.

>> Martinez: Right so we can take a look at the language

>> If you give me direction to bring it back next week, I can bring it back for third reading by next week.

>> Okay.

Perform.

>> Mayor Leffingwell: I am still not going to be able to support the amendments but all in favor of the amendment, say aye.

Opposed say no.

That was mayor pro tem, council member Spelman, myself, and council member Riley voting no so the amendment fails.

So motion is now and council member Riley's motion to close the public hearing and approve second and third reading.

All Those in Favor, Say Aye.

opposed say no.

So council member Tovo.

>> Tovo: (Indiscernible).

>> Mayor Leffingwell: So that is passed on a vote of 6 1 with council member Morrison voting no.

If there is no objection, Council, we have three public hearings, no action required with only one speaker signed up and it is the same speaker.

We can get those out of the way fairly quickly.

Item 117, it is a public hearing on growth related projects in the drinking water capitol protection zoning and the budget.

Will McCloud.

Will McCloud.

>> (Indiscernible).

>> Mayor Leffingwell: All right.

I will entertain a motion to close the public hearing.

Council member Martinez moves to close the public hearing.

Second is there a second?

Second by council member Riley.

In favor say aye.

Aye.

Opposed say no.

Passes on a vote of 6 0 with mayor pro tem Cole off the dais.

Item 118, will McCloud as the speaker.

Will McCloud is not in the chamber.

That's all the public all of the speakers signed up.

Council member Martinez moves to close the public hearing.

Second by council member Spelman.

In favor say aye.

Aye.

Opposed say no.

Passes 6 0, pro tem off the dais.

And item 120, public hearing for proposed rate and fee changes for Austin resource recovery, one speaker, will McCloud.

Will McCloud is not in the chamber.

Entertain a motion.

Council member Martinez.

Moves to close the public hearing.

Second by council member Riley.

All Those in Favor, Say Aye.

Aye.

Opposed say no.

Passes on a vote of 6 0, mayor pro tem coal off the dais.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member Martinez.

>> Martinez: I just a point of information, on the public hearing for the budget, are we going to hold that to the very last item of the evening?

>> Mayor Leffingwell: That would be my preference because there are over 50 speakers signed up.

>> Martinez: I understand and I don't want to cause any issues but we have a lot of young children that have been here for four hours and they are simply here to support one speaker for three minutes. Would you or would this body be willing a to allow that speaker to speak for 3 minutes on the budget so these kids can get home.

>> Mayor Leffingwell: If there is no objection, we will waive the rules and allow one speaker to speak for 3 minutes on item 50.

>> Martinez: Thank you, mayor.

>> Mayor Leffingwell: So no objection?

So who is that speaker?

Please come forward and identify yourself.

I think I can do that.

I am not sure.

So if you can keep the sign don't block anyone's view, please.

Go ahead.

>> Good evening, mayor and council members.

I am Monica Gonzales.

I am the founding executive director for the River City youth foundation and first of all, I want to thank you for waiving the rules and allowing us time to speak to you this evening.

That is correct.

The children have been waiting for a few hours but we are not complaining because this is the democratic process.

Tonight they have learned something that perhaps they didn't know before, that you can make decisions in a spirit of brevity as well as seriousness, and I know that we will be processing quite a bit tomorrow about this special evening.

As you are aware, River City youth foundation has been serving children and families in this community that we love for almost 30 years, and I am really proud to say tonight that the City of Austin has been our partner for all of this time.

As we are considering another budget for FY '14, we just ask that you would remember us and remember all of the things that are needed in dove springs and remember all of the stellar and best practices programs and activities that have helped to change and to turn around an entire community. Our lives move very quickly in this world.

Very soon these children are going to be ready for college, for starting their own families, for contributing to this beloved community.

We ask for an opportunity to continue our work in dove springs with volunteers, hundreds of them, staff that are passionate and compassionate and community leaders who are rising to the challenge day after day, supporting the effort.

We can change lives.

We've proved that.

We can also change communities.

We have shown that but we cannot do it alone and I think that better than anyone on the earth, you all, as a city council, know that.

We stand ready to continue in this next year.

We stand ready to work very, very hard, and we stand ready to make a difference for the sake of the children and for the sake of this entire community and especially for the sake of the community in which we are raising up these children and that's dove springs.

Some day, these children are going to prove to each and every one of us that the investments that we've made over the years and in this coming year are definitely [buzzer alarming] worthwhile. It is bedtime.

It is not only the bell ringing.

It is bedtime for them, and as you know, they are here today because school starts on Monday.

We were going to come next week but we decided to do it today and this evening so I want to thank them, too, and really give them a round of applause, because they have been good girls and boys.

>> Mayor Leffingwell: Okay.

>> Thank you, mayor and Council.

>> Mayor Leffingwell: Item 109 actually will have the briefing on 109 and 110 together.

So back to zoning.

We will have the briefing and public hearing will be the same and consider them separately.

>> Thank you, mayor and Council, Greg Guernsey, Planning and Development Review, and 109 is c14 2013 0031, for the property located at 3907 Clawson road.

This is just a one acre 1.06 acre tract of land and the zoning quest is to sf5 urban residence district zoning with conditions.

The planning commission's recommendation recommends the ZF5 zoning with limit of 16 units between this tract and the associated zoning tract I will introduce in just a second which is adjoining the property to the north.

That item is item number 110, kc1420130032 for the property located at 3903 Clawson road and this is a tract that's to the north and located on the map and it shows as tract 2 on the exhibit that's up on the screen right now which is .83 acre tract.

The zoning request was amended by the applicant on this property to rezoning it to sf6 and allowing 16 units between this property and the property to the south.

It was recommended to you by the planning commission with that 16 unit limit.

There is a triple on mobile east property of 2,000 trips per day and also that prior to the rezoning of these properties there is restricted covenant that has a condition of right of way necessary to meet 35 feet of right of way from the existing center line of Clawson road.

The property themselves, right now, they are developed with single family develops.

In the immediate area, joining these properties to the north, there is single family residence, some multifamily zoning as well.

To the south are single family residential, to the east is a multifamily PUD and to the west is single family, sF3 zoning that allows for duplexes and MF2 and MF6 zoning.

And it was recommend by the staff on these items, given lateness of the hours and I know you have numerous speakers on this particular item, I will pause and and the applicant is here to make these presentation and I believe you have over 10 speakers that would like to address you this evening.

>> Mayor Leffingwell: Okay.

We will go ahead and I will work from the list from first of all, we will hear a presentation from the applicant.

Assuming you are the applicant on on 109 and 110?

>> Yes, mayor.

Thank you, council members, my name is Vincent hebinger, representing the owners here.

Thank you.

I know it's late.

You guys do a great job staying up here and taking care of all of these level things and issues but we do appreciate it.

Real quickly, it is located on Clawson, as Greg said, east of Manchaca and further east of South Lamar. This is basically an ariel showing the two independent tracts owned by two separate owners, but they have partnered together to try to provide a better development, it's a unified development under SF6, SF5 site plan category and they have done that in an agreement between them.

This is surrounding land use.

This is basically a zoning map that shows you the MF2 and multifamily tract surrounding us on all three sides and if you if you know the Land Development Code and you talk about the hierarchy, the stepladder of land uses that go through the process, this is a great transition between SF3 that am employs duplex and the MF2 that is on three sides of us.

I show this because we we had a tree survey done and it shows about 8 protected trees anywhere between 18 and 24 inches.

No heritage trees but we are trying to work that in with the design and we were able to save those within the current design we provide on the SF3.

It was very important.

The topo is very rough and drains in one location, too.

So it was really important for the owners to try to preserve some of the larger trees.

They were successful at doing that.

This ariel shows a great bird's eye view of the surrounding apartments on three sides of it and the single family in front.

One thing we wanted to do and we talked about a lot with staff, is look at it from an SF3 category in two separate tracts and what does it give us as a current zoning?

First and foremost 3907 would require a variance to just even get one lot.

It's the flag lot ordinance, would allow would not allow more than one lot unless you went to planning commission and got a variance for these three.

So let's let's say that and assume we did get the variance.

There would be three lots on that site.

It is 3 feet shy of four.

The top 31903 would allow four lots.

As you can tell, there would be two detention ponds and in my opinion, this is a piecemeal development.

I am not a real big fond person of the flag lot scenario but this would allow something of that nature.

When you get into the technical aspects of that ZF3 flag like category, you are SF3 category, you are required to frontage and flags and drives and stuff and you are really not able to do as good of a job and flexible as SF6 site plan in allowing the trees to maintain, providing single retention plan and single aca says to this and so it sort of forces you into this type of situation.

Keep in mind, this is not what we want to do.

We would prefer to do this.

Now, this allows us to protect the trees, provide one single drainage facility that would comply with all of the drainage codes, get some successful landscape buffering and the single family residents off of grayford and provide off street parking.

We all know here the land development code.

This is not necessarily a zoning case.

This is the ability to get flexible and provide residential, and when we talk about residential, this is what the owners intend to build.

This is this is individual owned for sale units and these are two different products that they have built in the past, so this is very much residential.

Oops.

Back up.

The bottom line is we would allow we would like for you to approve this based on the fact that SF5 and SF6 gives to this in a concept such as this.

We provided landscaping screening and walls and we believe it is the best zoning for the project.

We have numerous people speaking on behalf of this.

The owner is represented by Johnny and Claudia kutia.

And there was a lady and her husband that signed up earlier, Mr. mayor, and she was not feeling young.

Her name is Connie young and she asked me to read her letter into the record so she wasn't feeling very well but she wanted to be here.

[buzzer alarming]

Thank you.

>> Mayor Leffingwell: Okay.

Thanks.

Now we are going to go to speakers who are signed up in favor.

Johnny KUTia.

Is James young here?

James young?

No.

>> [indiscernible].

>> Mayor Leffingwell: Oh, that's what you were talking about.

So you have 3 minutes.

>> Thank you, mayor, and council members.

My name is Johnny kutia.

I am a property owner on Clawson road at 3504, which is .2/10 of a mile from the subject property.

I also have a financial interest in one of the tracts that we are dealing with and I am a builder/developer of the entire tract that we are talking about.

Just to give you a sense of who I am, I am not a big developer.

EUC am not from out of town.

My family moved to Austin in 1962, so I have been here over 50 years.

I went to McCallum high school and graduated from the University of Texas.

I have been in real estate, sales, building and development here in Austin for over 40 years.

We built the property that Vince showed you pictures on in the last 12 months and have sold those properties to individual owners, so we are specializing in building duplex condos for owner occupants.

Price range average 350 450,000.

We are big believers in imagine Austin.

Our prior buildings have been in 78757 and 58 ZIP codes, around Arroyo sayco and we own these properties now at 78704.

The purpose of the zoning case coming together is unified development.

My partner, dean Dr. Dean Chen owns one of the tracts.

I have a contract to purchase the other tract that we are talking about on the development.

I will be the builder/developer on these tracts, and we have made several concessions.

We met with the neighborhood association.

We've signed conditional overlays.

We have given restricted covenants.

We have met with city council staff.

We have bent over backwards to try to negotiate with the neighborhood but they've decided to fight us tooth and nail all the way down the road.

The fact is that both of these properties are zoning SF3 right now.

We can do the flag development.

We will end up with 8 buildings, 16 units, if we do flag lots.

That will force us to do two driveways on Clawson road and won't be near the development for the community that we want to do under the unified plan.

We have been asked by the neighborhood association to limit our project to 14 units.

It just doesn't make sense if we can already build 16 units under SF3 zoning with flag lot development to go smaller than that trying to put together a unified project, and that's what they are fighting us for, is the number of units.

One of their main [buzzer alarming].

>> >>PROFESSOR: Okay.

That's your time.

>> Can I fin.

>> Mayor Leffingwell: That's your time.

>> Can I finish that sentence?

>> One main objection is they think there is going to be a lot of traffic on Clawson road and if you know that area, this property we are talking about is only 2/10 of a mile from Ben white boulevard and we feel that 90%

>> Mayor Leffingwell: Okay.

Thank you.

>> Thank you.

>> Tovo: Mayor, I do have a question.

>> Mayor Leffingwell: Council member the other.

>> Tovo: Sir, I heard you say you can build 16 units.

It is my understanding that at the planning commission, the statement was made that the by somebody associated with the project, that 14 units could be built under SF3, assuming you got a variance to do the flag lots, which is would be necessary >>

>> Let can I answer that, council member?

>> Tovo: Sure, whoever can speak to the comments that was made at planning commission about the 14 units.

>> It was me.

It was 14.

If you take those individual properties and you cut them up and technically find that you are short 3 feet on one, we get 7 lots.

However, we talked to Greg earlier and we talked to the other owner, Mr. Chen, they could deed over 3 feet to the other tract.

Thereby, making four lots on each side, so so if you if you combine the two and resubdivide them, you can actually get 8 lots, 16 units.

>> Tovo: So you would have to combine the tracts?

>> And then

>> Tovo: Get it over from one lot to the other lot and get the variance to build on flag lots

>> Right.

>> Tovo: So that's a series it would seem to me a series of assumptions to get to 16.

>> The assumption is the variance, yes.

>> Tovo: Okay.

>> May I answer part of that question as well?

>> Mayor Leffingwell: So really we are supposed to be asking questions.

>> Yes, I understand.

>> Mayor Leffingwell: You will have another opportunity for rebuttal at the end.

>> Tovo: I think you answered that.

Maybe staff can help us with some information at some point about what could how that meshes with your understanding of what could be built on the site right now.

Thank you.

>> Can I answer your question?

>> Go ahead.

>> The answer my answer to the question is, my partner, Dr. Dean Chen, owns one of the tracts.

I have the other tract under contract.

We've just completed development together, Dr. Chen and myself.

We don't have to join these two properties.

I can I can sell to him three feet or four feet of of my tract.

Then he can ask for the variance and do flag lots on his property.

My property, 3903, is already does not need a variance and can get a flag lot development of four buildings on it.

So by me selling him three feet or four feet of my property, which we've already agreed to do as our backup plan if case we don't get the zoning we were questing, as long as we can get a variance on his tract, we will wind up with 8 buildings and 16 units.

That's our backup plan.

>> Mayor Leffingwell: Okay.

Thank you.

>> Thank you.

>> Mayor Leffingwell: Claudia kutia.

You have 3 minutes.

>> Thank you for your time.

My name is Claudia kutia and my husband and I are building on the property and I also represent the neighborhood association as much as those people who are here before you from the neighborhood.

I am a member of the neighborhood association.

They never put their opposition before the body.

The body of the neighborhood association doesn't even know that they've gone against us, does not it's not been in the emails, the last two meetings, there have been no vote and that's because Mr. Antonio what is his last name?

Told us he doesn't let the body vote on it because they don't do the research and the work and they don't know about what goes on.

I I disrespect their arrogance of power.

They should ask the whole neighborhood association, anybody that disagrees with them gets trampled on.

I got another couple to join the association.

They went to the meeting on Thursday night and they were mocked when they stood up.

The first meeting with them, they asked they said, the first words out of their mouth was, what will you give us if we permit you to build on your property?

They have an unfunded part.

They wanted money from us.

To me, that's extortion.

The second time I met with them, they said they would agree I met with Mr. Antonio.

He came to the project and he said he would agree to support our project if we would oppose any further development, stand with them for no further development and go to the transportation department to get the roads fixed.

I told them I could not agree to oppose other development for people who owned their property.

We have given them the conditional overlay.

We have agreed to a restrictive covenant.

We have done everything possible to deal with these people.

They are disagreeable.

They got people to sign this petition by lies.

I met with a young man by the name of Luke Daye who is the only one who would speak to me.

He told them they showed him a piece of paper that was not submitted and told them there would be no on site parking and they would have to park in front of their homes and so that's why he signed that.

He was going to stand here but he was ashamed because of lies on their part.

When I knocked on other doors, they said they were told we are building buildings 35 feet tall and ours are 24.

I have nothing but contempt by people who would win by any means possible.

Like I said, I think don't let us vote, I am a member and these other who will speak for me are members of the association and they never told us whether they would appose or project for them.

It is five or six members of them and they tread on people.

I sent out an email on our Yahoo group, I got supportive emails from people, they told me they were all the way behind me to get this development.

Some sent me emails and said please don't mention our names because we have to live among these people.

Any away I have anyway, I have to end that it is shameful anybody would do anything to any cost to win.

>> Mayor Leffingwell: Just to confirm I am not aware I don't have a question for you.

There is no valid petition on this application, is there?

Is there a valid petition on it?

>> Petition has been submitted.

We just received signatures yesterday and some people were taking their names offer today, so we have not had a chance to develop that petition.

>> Mayor Leffingwell: So there is none right now.

Okay.

So the next speaker is Andrea Smith.

And Gregory freeborg.

Is Gregory freeborg here?

>> (Indiscernible).

>> Mayor Leffingwell: I know.

That's the reason I am calling his name.

I want to verify he is here and he donated his time to you, so you have 6 minutes.

>> (Indiscernible).

So we can both speak?

>> Mayor Leffingwell: Well, you can right now, he's donating his 3 minutes to you so you can speak for 3 or he can speak for three and you speak for 3.

>> I prefer him to speak for 3 and I speak for 3.

>> Mayor Leffingwell: You have 3 minutes.

>> Good evening, I am Andrea Smith and a property owner on Clawson road, 3607, and I am a member of the neighborhood association.

And I also represent, you know, members of the neighborhood.

There has been the the petition that was circulated was very under the table.

They went around to a bunch of people who had not heard anything about this project and misrepresented the building project that was going on.

I was never they never came to me and asked me to sign the petition, and the only way that most of the neighborhood members found out was through Claudia's message through our Yahoo group and some of the issues that have come up in the past with this project were about the driveways, and if you could show that first one.

Thank you.

This is a Google arts image hand we have seen this quite a bit here, but I've actually highlighted the two driveways that are there currently and that's pretty much where they would stay if the zoning was not unified and what this would do would be, I think, negative impact on traffic because you would have two different settings of driveway sets of driveway where you have people turning at the same time.

Whereas a unified plan, you only have one driveway and one vehicle turning in and out at any one moment.

Whereas now you have two.

I think that would be better for traffic, to have the one driveway rather than the two.

They are going to with the unified plan, they would be building sidewalks, although Clawson is extremely disconnected with their sidewalks, it is a step in the right direction.

They would have a larger responsibility for drainage maintenance under the unified plan than under the SF3 which is this area.

If you can put the other one up, three?

>> This is a 1955usgs topo map and I brought this for one of the several reasons.

One you can see the drainage patterns that Dr. Freeborg will talk more about in depth and also from traffic, this is from 1955 I have written in blue where Clawson road is and it is the only road going through Manchaca to the left of the railroad track which incorporates a South Lamar neighborhood and even before the highway was built, it was a through going street.

It is always meant to be a feeder road to all of these neighborhoods that have been built up around Clawson road.

I I am directly on Clawson.

I am on a hill section of it.

The road is busy.

We are in we are very, very close to downtown Austin.

It has been a busy road.

Traffic it's just a part of it.

And, again, part of what Claudia said, back to the other issue was that there was no formal vote taken during any of the neighborhood meetings.

[buzzer alarming]

>> Mayor Leffingwell: Thank you.

Mr. Dr. freeborg.

>> Perfect.

Good evening mayor, good evening council members, thank you for allowing me to speak today.

I am a sedimentologist and a researcher at the University of Texas and the concerns here are basically the issues we have with flash flooding in the area.

In Austin we have a very dry climate which is punctuated from time to time by the massive storms.

The resulting runoff can create flash floods in the creeks.

That's a known phenomenon.

The point I want to make here is in favor of the development proposed by the gold key builders.

By reducing the area covered by concrete with one single driveway and allowing to preserve the trees we will significantly reduce runoffs on impermeable services and they moreover they will be in a detention pond which will increase that pond to the creek network and what is important to notice is the United States gee logical survey had a flood gauge on Oltorf and west Bouldin creek.

Last April we had some kind of a rather violent storm which averaged between 2 4 inches of precipitation.

At that point the charge was 718 cubic feet per second.

Doesn't mean much like that.

What it means is in 2 minutes, two seconds, you are able to fill an Olympic pool.

So this storm was rather big but it had nothing to do in magnitude order of magnitude compared tropical tropical storm Hermine and some were hit with measurement of rain where the national survey of measurements can measure the precipitation and there is no upper threshold and in many places the limit over 15 inches was reached.

So Austin, though not frequently gets hit by important precipitation and strongly in favor any project that can support reduction or at least buffering of any type of runoff we will have.

Here we have a little picture this is a drainage pattern that gets into west Bouldin creek on the top right corner, you see west Oltorf.

That's where the gauge is and that's where the development is there and it would sequester water upstream the drainage basin and each new subdivision would have the retention pond and significantly reduce the effect of the water rushing at the same time and joining at the same point creating the flash floods and there is a big difference between world rising and rising gently.

>> Tovo: I have a question?

>> Mayor Leffingwell:

>> I am part of the neighborhood association.

I live on 3607 just on the other side of the creek.

>> Tovo: On Clawson.

[one moment, please, for a change in captioners]

>> YES.

>> OKAY, THANK YOU.

>> YES.

>> MAYOR LEFFINGWELL: CARNI YOUNG?

>> CONNIE YOUNG?

ARE YOU CONNIE YOUNG?

>> NO, SIR, MR. MAYOR.

SHE WASN'T FEELING GOOD.

SHE LEFT.

SHE WANTED ME TO READ THIS IN THE RECORD.

>> MAYOR LEFFINGWELL: NO, THAT'S OUT OF ORDER.

YOU CAN PASS IT TO COUNCIL MEMBER RILEY AND WE'LL PASS IT DOWN.

>> THANK YOU.

>> MAYOR LEFFINGWELL: WE'LL NOW GO TO THOSE SPEAKERS WHO ARE SIGNED UP AGAINST AND I HAVE A LIST HERE THE ORDER YOU WANT TO GO IN.

I'M GOING TO GO BY THIS LIST.

FIRST IS JUSTIN SCANIO.

AND YOU HAVE THREE MINUTES.

>> THANK YOU, MAYOR AND COUNCIL MEMBERS.

THERE'S A DOCUMENT WHICH HAS BEEN HANDED OUT TO YOU ALL WHICH DESCRIBES SOME INFORMATION WITH REGARDS TO THIS CASE AND OUR COMMITTEE REGARDING THE ZONING.

WE RESPECT THE EXISTING DEVELOPMENT RIGHTS OF THE OWNER.

WE CAN SUPPORT US AT 5 SF 6 ZONING WITH SF 3 DENSITY BUILDING COVERAGE AND PERVIOUS COVERAGE IF IT RESULTS IN INCREASED SETBACKS FROM PROPERTIES, IMPROVED TREE PRODUCTION, IMPROVED WATER QUALITY AND DETENTION, AND SAFER INGRESS AND EGRESS FROM THE SITE THE ASSOCIATION'S POSITION IS BASED ON THE FOLLOWING, CLAWSON ROAD IS CLASSIFIED AND FUNCTIONS AS A RESIDENTIAL COLLECTOR, BUT ONLY HAS 24 FEET OF PAVEMENT.

AS YOU CAN TELL ON FIGURE 1.1 ON THE FIRST PAGE, YOU SEE THAT THE TYPICAL COLLECTOR STREET HAS A 60 FOOT MINIMUM RIGHT OF WAY.

IF YOU GO TO THE FOLLOWING PAGE YOU SEE CLAWSON ROAD AND YOU ACTUALLY SEE THE DRIVEWAY AND THE NORTH PROPERTY THAT IS ITEM 110.

UNFORTUNATELY THIS DOES NOT ALLOW LOTS OF VISIBILITY.

IT ALSO REDUCES THE ABILITY TO RIDE BICYCLES.

MOST RECENT AVERAGE DAILY TRAFFIC REPORT FOR CLAWSON WAS DONE TEN YEARS AGO, AND THIS HAD 2,536 TRIPS.

THE CITY IS PLACING AN EMPHASIS ON DEVELOPMENT THAT PROVIDES PEDESTRIAN AND BICYCLING TRANSPORTATION OPTIONS IN ORDER TO REDUCE THE NUMBER OF VEHICLE TRAFFIC VEHICLE TRIPS. THERE ARE NO SIDEWALKS ON THIS SEGMENT OF CLAWSON ROAD AND THE PRIORITIZATION FOR THIS ROAD IN THE SIDEWALK MASTER PLAN IS MEDIUM PRIORITY.

WHAT I'D LIKE TO DO IS SKIP THROUGH AND GO DOWN TO PAGE 4, ACTUALLY, AND SEE A LISTING OF ALL THE PROPERTIES THAT ARE BEING PROPOSED TO BE DEVELOPED THAT ARE CURRENTLY BEING DEVELOPED.

YOU CAN FIND A MAP ON THE VERY END PAGE, FIGURE 7.1.

AS YOU CAN TELL THERE'S LOTS OF DEVELOPMENT BEING PROCESSED HERE, AND WE ARE CONCERNED IN REGARDS TO THE INFRASTRUCTURE FOR THIS NEIGHBORHOOD AND HOW IT'S BEING IMPACTED BY A LARGE AMOUNT OF UPZONING.

AND AS THIS CREEPS INTO OUR NEIGHBORHOOD IT BECOMES A LESS WALKABLE STREET AND DOES NOT BECOME A VERY GOOD STREET FOR BICYCLES PATHS AT ALL.

THAT'S ALL I HAVE TO SAY.

THANK YOU.

>> MAYOR LEFFINGWELL: THANK YOU.

BOB THOMPSON.

SO IT LINDA THOMPSON HERE?

LINDA IS HERE.

HILLARY DYER?

IS HILLARY DYER HERE?

I DON'T SEE HILLARY.

BRIAN KING IS HERE.

SO YOU HAVE UP TO NINE MINUTES.

>> GOOD EVENING, MAYOR AND CITY COUNCIL.

I'M BOB THOMPSON WITH THE SOUTH NEIGHBORHOOD ORGANIZATION.

YOU SHOULD HAVE A FIVE PAGE EMAIL IN FRONT OF YOU THAT STAFF PASSED OUT EARLIER AND PASSING DOWN IS ANOTHER EMAIL WHICH I'M NOT GOING TO SPEAK ABOUT.

BUT IT IS A COMPILATION OF THE EMAIL DISCUSSION THAT OCCURRED OVER THE PAST THREE DAYS, BOTH PRO AND CON THIS DEVELOPMENT WITH A LISTING ON THE FRONT OF SOME OF THE NEIGHBORS' OPINIONS, PRO AND CON.

IF YOU COULD PUT UP THE FIRST SLIDE THAT I GAVE YOU, THIS SLIDE, WHICH YOU SHOULD FIND IN THE FIVE PAGE HANDOUT, LISTS THE PROBLEMS THAT THE NEIGHBORS IN THE NEIGHBORHOOD ASSOCIATION AND IN THE IMMEDIATE VICINITY OF THE TRACT SAW WITH THE PROPOSED SF 5, SF 6 DEVELOPMENT, AND THESE PROBLEMS ARE WHAT LED TO MANY OF THE NEARBY NEIGHBORS BEING WILLING TO SIGN THE VALLEY PETITION THAT WE HAVE AGAINST THE TRACT.

THE FIRST IS THAT WE BELIEVE THAT THE 16 UNITS PROPOSED, WHICH INCLUDE TEN UNITS ON THE 3907 LOT, IS TOO DENSE.

IT'S TOO DENSE BECAUSE WE BELIEVE THAT THE SF 3 DEVELOPMENT COULD NOT ACTUALLY BE ACHIEVED AT A DENSITY AS BIG AS EVEN 14 UNITS.

AND OUR ZONING POLICY IS THAT WE ONLY GRANT UPZONINGS TO PROJECTS IF THEY'RE WILLING TO RESTRICT THE DENSITY AND OTHER PARAMETERS OF THE ZONING TO WHAT COULD BE ACHIEVED WITH THE EXISTING ENTITLEMENT.

WE RECENTLY HAD A PROJECT IN A NEIGHBORHOOD NOT FAR FROM THIS ONE THAT AGREED TO BUILD UNDER THE SF 3 ZONING CATEGORY AT 4006 VALLEY VIEW, AARON LEVY A GREEN BUILDER, AND I CAN'T TELL YOU HOW REFRESHING IT IS TO HAVE A BUILDER COME TO US AND BUY SF 3 PROPERTY AND AGREE TO DEVELOP IT UNDER THE SF 3.

IT'S NOT A DEFICIENT ZONING CATEGORY, BUT WE'RE WILLING TO CONSIDER UPZONING TO HIGHER CATEGORIES PROVIDING THE DEVELOPERS ARE WILLING TO RESTRICT THEIR PARAMETERS TO THAT THAT CAN BE BUILT UNDER THE SF 3.

AT THE PLANNING COMMISSION HEARING MR. HUEBNER TESTIFIED 14 WAS THE ABSOLUTE MAX THAT COULD BE ACHIEVED AND HE POINTED TO SEVERAL UNITS THAT HE SAID WOULD PROBABLY BE LOST BECAUSE OF OTHER RESTRICTIONS, USING THE VARIOUS SITE PLAN REQUIREMENTS AND SO FORTH. FROM THE BEGINNING WE HAVE ASKED THE DEVELOPERS TO SEE THEIR SF 3 PLAN SO WE COULD JUDGE FOR OURSELVES, AND THEY REFUSED TO PROVIDE IT TO THE NEIGHBORHOOD, AND REFUSED TO PROVIDE COPIES OF WHAT THEY PRESENTED AT THE PLANNING COMMISSION.

THE GRAYFORD DEVELOPMENT, WHICH IS IMMEDIATELY SOUTH OF THE 3907 LOT, ALSO COMPRISES ABOUT ONE ACRE, THE SAME SIZE AS THE 3907 TRACT, AND YET IT CONSISTS OF ONLY EIGHT SINGLE FAMILY HOMES.

THAT IS THE ONE TO THE NORTH OF GRAYFORD DRIVE.

THE 16 UNIT DENSITY THAT'S BEING ASKED FOR WELL, I SHOULD SAY EIGHT IS IN CONTRAST TO THE TEN THAT ARE PROPOSED IN THIS DEVELOPMENT ON THE NEIGHBORING ONE ACRE LOT.

THE 16 UNIT DENSITY DOES NOT PROVIDE QUAD PARKING WITH THAT MANY UNITS.

IF YOU LOOK AT THE DEVELOPMENT PLAN, TWO CAR TANDEM PARKING IS PROPOSED FOR EACH UNIT, BUT THE RESIDENTS FREQUENTLY ABANDON TANDEM PARKING.

IF YOU WOULD LOOK ON PAGE 3 OF THE FIVE PAGE HANDOUT I GAVE YOU, THERE'S AN OPINION BY PAGE SUTHERLAND PAGE THAT TANDEM PARKING IS A VERY BAD PARKING PROCEDURE, AND ON THIS TRACT WHAT TANDEM PARKING IS ONE CAR PARKS IN FRONT OF ANOTHER, AND PEOPLE DON'T LIKE TO PARK THAT WAY.

THAT MEANS SOMEBODY HAS TO MOVE THE OUTSIDE CAR BEFORE THE INSIDE CAR CAN LEAVE.

SO THEY TEND TO PARK ELSEWHERE AND NOT USE IT, AS PEG SULLIVAN PAIGE NOTES.

THERE ARE TEN COMMON PARKING SPACES AVAILABLE AND THOSE HAVE TO BE USED BY THE VISITORS AS WELL AS THOSE RESIDENTS THAT ARE TRYING TO EVADE THE TANDEM PARKING.

THE PUBLIC STREET IN THE VICINITY IS NOT FEASIBLE FOR PARKING, NOR IS IT SAFE.

IF YOU HAVE A CHANCE I WOULD ASK YOU TO READ PAGE 5 OF THE FIVE PAGE HANDOUT, WHICH IS A ONE PAGE TESTIMONIAL BY A NEIGHBOR OPAL CLINE, WHO LIVES AT 1604 GRAYFORD DRIVE AND IT DESCRIBES A FATAL ACCIDENT THAT OCCURRED AT PRECISELY THE LOCATION OF THE DRIVEWAY THAT IS PROPOSED FOR THIS UNIT.

AND SHE PLEAS IN THAT TESTIMONIAL THAT YOU PAY PARTICULAR ATTENTION TO REDUCING THE NUMBER OF UNITS AND INCREASING THE PARKING REQUIREMENTS.

THE 35 FOOT HEIGHT WAS A FIGURE THAT WAS QUOTED TO US AT THE INITIAL MEETINGS WE HAD WITH THE DEVELOPER, AND IT IS A FIGURE THAT WAS CITED BY THE DEVELOPER IN RESPONSE TO QUESTIONS AT THE PLANNING COMMISSION.

WE WERE NOT INFORMED UNTIL TONIGHT THAT THEY PROPOSED A 25 FOOT HEIGHT.

IF IT WERE TO BE 35 FOOT HEIGHT, THAT COUPLED WITH THE 10 FOOT SETBACK PROPOSED TO THE SOUTH WILL CREATE A LOOMING PRESENTATION TO THE GRAYFORD SINGLE FAMILY HOMES JUST TO THE SOUTH OF THE PROJECT.

I MIGHT COMMENT THAT THE COMBINATION SF 6/SF 5 IS WORSE FOR THE NEIGHBORHOOD THAN IF THEY HAD SIMPLY DONE THE ENTIRE TRACT SF 6, BECAUSE IT PERMITS THEM TO EVADE THE 25 FOOT SETBACK AGAINST THE GRAYFORD NEIGHBORS, WHICH WOULD OTHERWISE BE REQUIRED UNDER SF 6 AND ALLOWS THEM TO GET WITHIN 10 FEET OF THE SF 3 PROPERTY ALONG GRAYFORD.

WE PROPOSE 55% IMPERVIOUS COVER LIMIT, WE BELIEVE IS ALSO TOO HIGH.

SF 3 WOULD REQUIRE IT BE HELD TO 45%.

IN RESPONSE TO THE COMMENTS BY THE PREVIOUS GENTLEMAN ABOUT RUNOFF, I WOULD ASSERT THAT A 55% IMPERVIOUS COVER IS LIKELY TO HAVE MORE RUNOFF THAN A 45% IMPERVIOUS COVER PROJECT.

THESE LOTS ARE TOPOLOGICALLY STEEP AND IN THIS NEIGHBORHOOD WE'VE EXPERIENCED FLOODING.

BECAUSE OF THESE PROBLEMS WE WERE ABLE TO CIRCULATE A PETITION AND WE RECEIVED 11 SIGNATURES OUT OF THE 18 SF 3 PROPERTY OWNERS IN THE IMMEDIATE VICINITY, WHICH IS THEY COMPRISED SOMETHING LIKE 70% OF THE ALL OF SF 3 OWNERSHIP AND MADE OUR PETITION INITIALLY VALID.

I DON'T KNOW HOW MANY MAY HAVE WITHDRAWN THEIR SIGNATURES, BUT WE DID NOT MISREPRESENT ANY INFORMATION.

WE USED THE INFORMATION THAT HAD BEEN RECEIVED FROM THE DEVELOPERS.

IF YOU GO TO THE NEXT SLIDE, I HAVE AN OUTLINE OF HOW WE THINK THIS CASE COULD BE SETTLED THROUGH A COMPROMISE UPZONING.

WE BELIEVE THAT THE NEAR NEIGHBORS WOULD BE WILLING TO WITHDRAW THE VALID PETITION AND APPROVE THE UPZONING IF WE COULD HAVE A CONDITIONAL OVERLAY CONTAINING THE FOLLOWING ELEMENTS.

WE WOULD LIKE A CAP OF 14 UNITS ON THE ENTIRE PROJECT AND A CAP OF EIGHT UNITS ON THE 3907 TRACT.

I MIGHT INTERJECT THAT IF WE COULD BE CONVINCED THAT THE SF 3 DEVELOPMENT WOULD INDEED ALLOW 16 UNITS, THEN WE WOULD BE WILLING TO REVISIT THAT, BUT WE'VE NOT BEEN PROVIDED THE INFORMATION TO REACH THAT CONCLUSION.

WE WOULD LIKE A DEVOTION OF SOME OF THE SPACE FREED UP BY THE TWO ELIMINATED UNITS TO INCREASE THE INTERIOR PARKING.

THAT WOULD HELP IN TWO IMPORTANT WAYS.

IT WOULD REDUCE THE DEMAND FOR PARKING WITH FEWER UNITS AND IT WOULD THE SPACE THAT THE UNITS PREVIOUSLY OCCUPIED, SOME OF THAT COULD BE DEVOTED TO NEW PARKING SPACE. PARKING IS A MAJOR PROBLEM BECAUSE OF THE HAZARD ON CLAWSON ROAD.

WE WOULD LIKE A SMALL INCREASE ABOVE 10 FEET AND A SETBACK TO THE SOUTH BOUNDARY OF THE 3907 LOT.

WE WOULD LIKE A VEGETATIVE BUFFER TO VISUALLY SHIELD AND A SMALL DECREASE IN THE HEIGHT LIMITATION THAT MAY HAVE ALREADY BEEN GIVEN

>> MAYOR LEFFINGWELL: THANK YOU.

YOUR TIME HAS EXPIRED.

YOUR TIME HAS EXPIRED.

UNLESS SOMEONE WANTS TO DONATE TIME TO YOU.

COUNCIL MEMBER MORRISON?

>> MORRISON: WHAT WAS THE LAST POINT YOU MADE ABOUT IMPERVIOUS COVER?

I COULDN'T HEAR IT.

>> I WAS SAYING THAT IT'S PART OF A COMPROMISE SOLUTION.

WE WOULD LIKE THE DEVELOPERS TO AGREE TO A REDUCTION IN THE IMPERVIOUS COVER LIMIT BELOW THE 55% THAT THEY WOULD BE ALLOWED UNTIL SF 5/SF 6.

THAT'S IMPORTANT BECAUSE OF THE DRAINAGE THAT FLOWS FROM IMPERVIOUS COVER AND THE VEGETATION THAT LESS IMPERVIOUS COVER ALLOWS.

>> THANK YOU.

>> MAYOR LEFFINGWELL: ANTONIO GONZALES.

ANTONIO GONZALES, AND YOU HAVE SOMEONE DONATING TIME TO YOU.

JUSTIN RADIGAN.

JUSTIN?

WHERE ARE YOU?

OKAY, GOTCHA.

YOU HAVE SIX MINUTES.

>> THANK YOU, MAYOR, MAYOR PRO TEM, COUNCIL MEMBER, I'M SOUTH LAMAR NEIGHBORHOOD ASSOCIATION.

I'M GOING TO BE SPEAKING ON THE IMAGINE AUSTIN.

SOUTH LAMAR NEIGHBORHOOD ASSOCIATION SUPPORTS IACP BECAUSE OF A COMPREHENSIVE PLAN CONFRONTS BIG ISSUES IN A BIG PICTURE WAY.

SUSTAINABILITY HAS BEEN ESTABLISHED AS A CENTRAL POLICY BY THE COUNCIL.

THE CONCEPT OF PLEASE COMMUNITIES THAT ARE LIVABLE, MOBILE INTERCONNECTED, VALUE AND RESPECT PEOPLE, ARE PROSPEROUS, NATURAL AND SUSTAINABLE.

A GROWTH CONCEPT MAP THAT FOCUSES MOSTLY ON DEVELOPMENT AND ACTIVITY CORRIDORS AND CENTERS AND INCLUDES THE DEFINITION OF OTHER DEVELOPMENT WITHIN THE CITY LIMITS.

THE CONCEPT OF COMPLETE STREETS TO WORK WELL FOR CARS, BUT ALSO SAFE FOR PEDESTRIANS, BICYCLISTS, TRANSIT VEHICLES AND RIDERS.

THE USE OF IPC CHECKLIST AS A FRAMEWORK FOR MAKING CLEAR AND OBJECTIVE DECISIONS WHEN ZONING RECOMMENDATIONS AND OTHER CITY OF AUSTIN DECISIONS ARE MADE.

WE BEGAN BY LOOKING AT THE COMPREHENSIVE PLAN SECTION REVIEW OF THIS CASE, AND SUBMITTED A LONG LIST OF QUESTIONS TO THEM AS TO EXACTLY HOW THEY HAD COME TO THEIR CONCLUSION THAT THIS PROJECT COMPLIES WITH IACP.

SOME OF THEIR ANSWERS, WHICH ARE UNDER IACP IMPLEMENTATION QUESTIONS AND CONCERNS I WOULD SAY LEFT US RATHER PUZZLED.

THE FACT THAT COMPLETE COMMUNITIES BASICALLY CONCEPT IS FOCUSED ON CREATING SHORT TRIPS TO SERVICES AND AMENITIES, OUR QUESTION IS WHERE IS THE CONCURRENT VALUE OF SUSTAINING AND IMPROVING THE QUALITY OF LIFE WITHIN THE NEIGHBORHOOD AND COMMUNITIES FROM WHICH THOSE SHORT TRIPS ORIGINATE.

COMPLETE COMMUNITIES APPARENTLY DO NOT HAVE PREDETERMINED BOUNDARIES BECAUSE OF THE DIFFERENT SCALES AND SERVICE AREAS OF THE VARIOUS ELEMENTS THAT CREATE COMPLETE COMMUNITIES.

THE SCALE AND SERVICE AREAS OF THOSE VARIOUS ELEMENTS THAT CREATE COMPLETE COMMUNITIES ARE GEOGRAPHIC, AND MANY OF THE GOALS OF IACP HAVE A GEOGRAPHIC COMPONENT.

OUR QUESTION HOW IS THE GEOGRAPHIC SCALE AND SERVICE AREAS OF SERVICES AND AMENITIES PREVENT US FROM HAVING GEOGRAPHIC BOUNDARIES FOR COMPLETE COMMUNITIES.

MAINLY ELEMENTS LIKE WE ASK THE COMPREHENSIVE PLANNING STAFF IF THEY HAVE CONSIDERED THE INFRASTRUCTURE WITHIN OUR NEIGHBORHOOD.

THE RESPONSE WAS THAT NEIGHBORHOOD ELEMENTS LIKE SIDEWALKS, DRAINAGE, WATER, WASTEWATER, ROADS, SIDEWALKS, ARE HANDLED AT THE SITE PLAN STAGE.

IACP POLICY, 810 P 12 STATES THAT THE CITY WILL IDENTIFY AND ASSESS THE INFRASTRUCTURE NEEDS OF OLDER NEIGHBORHOODS AND PROVIDE FOR IMPROVEMENT NEEDED TO KEEP THEIR SUSTAINABILITY.

THE SITE PLAN FOCUSES ON SPECIFIC SITES AND DOES NOT ADDRESS THE INFRASTRUCTURE ISSUES OF OLDER NEIGHBORHOODS IN A COMPREHENSIVE MANNER.

THIS IS NOT THE BIG PICTURE ANALYSIS OF A COMPREHENSIVE PLAN.

THE COMPLETE STREET CONCEPT REFERS TO DESIGN OF PUBLIC RIGHT OF WAY TO PROVIDE SAFE PATHS FOR PEDESTRIANS, BICYCLISTS, TRANSIT.

A MORE COMPLETE STUDY OF CLAWSON AND DEL CURTO, WHICH IS WHAT WE BASICALLY ASKED THEM, ARE THESE COMPLETE STREETS, WOULD BE NEEDED TO ASSESS THE ISSUES AND EXPENSES ASSOCIATED WITH COMPLETING THESE STREETS.

AN ASSESSMENT OF THESE STREETS IN OLDER NEIGHBORHOODS SHOULD BE AN INTEGRAL COMPONENT OF IMAGINE AUSTIN IMPLEMENTATION PROCESS.

THE PROCESS COULD IDENTIFY COMPLETE STREETS OR STREETS THAT CAN BECOME COMPLETE QUICKLY AND THEREFORE SUPPORT NEW DEVELOPMENT, PROMOTE BICYCLE AND PEDESTRIAN TRAVEL TO SERVICES AND AMENITIES IN THOSE AREAS.

IACP ACCORDING TO STAFF IACP DOES NOT STAND TO PROJECT THE AMOUNT OF GROWTH THAT MIGHT BE ACHIEVED IN THE IDENTIFIED CORRIDOR AND ACTIVITY CENTERS, BUT THEY ALSO TELL US THAT PBR WAS DEVELOPING A PROCESS TO MEASURE THE AMOUNT OF GROWTH THAT IS OCCURRING IN THE CITY IN.

E.T.J., AND THAT THIS INFORMATION WOULD THEN BE USED TO EVALUATE THE IMPLEMENTATION OF THE COMPREHENSIVE PLAN.

OUR QUESTION IS SIMPLY, IS IACP DOES NOT PROJECT THE AMOUNT OF GROWTH THAT WILL OCCUR IN THE IDENTIFIED CORRIDOR AND CITY CENTERS.

HOW WILL THE MEASUREMENT OF DEVELOPMENT ENABLE US TO EVALUATE THE DEGREE TO WHICH THE PLAN HAS BEEN IMPLEMENTED.

COMPLIANCE WITH, DO THE ZONING REQUESTS COMPLY.

THEY'VE CITED FIVE IACP POLICIES THAT ARE COMPLIED WITH.

THEY HAVEN'T SUBMITTED ANY JUSTIFICATION OR ANY BASIS FOR WHY THEY COMPLY.

THEY'VE JUST SAID THEY DO.

LUTP 5 CREATES HEALTHY AND HAPPY FAMILY FRIENDLY COMMUNITIES THAT DEVELOP THAT INCLUDES MIXED LAND USES, HOUSING, AFFORDS REALISTIC OPPORTUNITIES FOR TRANSIT, BICYCLE, PEDESTRIAN FRIENDLY TRAVEL.

THE PROJECT DOESN'T AFFORD OPPORTUNITIES FOR TRANSIT, BICYCLE, PEDESTRIAN TRAVEL BECAUSE CLAWSON ROAD IS THE EXACT OPPOSITE OF A COMPLETE STREET, AND THE STAFF HAS PROVIDED NO SPECIFIC NUMBERS ON THE MIX OF LAND USES AND HOUSING TYPES.

HP 1 HAS A VARIETY OF HOUSING TYPES THROUGHOUT THE CITY TO EXPAND THE CHOICES ABLE TO MEET THE FINANCIAL AND LIFESTYLE NEEDS OF AUSTIN'S DIVERSE POPULATION.

THE STATED PRICE RANGE FOR THESE UNITS OF 350 K TO 400 K.

HIGH PRICE HOUSING UNITS ARE WELL DISTRIBUTED IN OUR COMMUNITY ALREADY AND MANY MORE UNITS WITH SIMILAR PRICE RANGES ARE IN THE DEVELOPMENT PROCESS.

HP 5, PROMOTE A DIVERSITY OF LAND USES THROUGHOUT AUSTIN TO ALLOW VARIETY OF HOUSING, INCLUDING RENTAL AND OWNERSHIP OPPORTUNITIES FOR MANY DIFFERENT TYPES OF FAMILIES.

THE PROPOSED UNIT PRICING WILL ELIMINATE OWNERSHIP OR RENTAL OPPORTUNITIES IN THIS PROJECT FOR MANY AUSTIN FAMILIES, AND ONCE AGAIN, STAFF HAS PROVIDED NO DATA ON THE DIVERSITY OF HOUSING TYPES THROUGHOUT AUSTIN OR OUR COMMUNITY.

HP 11, PROTECT NEIGHBORHOOD CHARACTER BY DIRECTING GROWTH TO AREAS OF CHANGE AND ENSURING SENSITIVE INFILL.

AS FAR AS WE'VE BEEN ABLE TO FIND OUT, AREA OF CHANGE IS NOT DEFINED.

WE ASKED STAFF IF THERE WAS AN IACP DEFINITION.

WE RECEIVED NO RESPONSE.

>> MAYOR LEFFINGWELL: OKAY.

THAT'S YOUR TIME.

THANK YOU.

>> IF I MAY, YOUR HONOR, SINCE MY CHARACTER WAS SOMEWHAT ASSAULTED BY MS. KOCHI, IF I MAY AFFORDED THE OPPORTUNITY TO SAY THOSE CONVERSATIONS NEVER TOOK PLACE.

>> THAT'S A LIE.

I HAVE WITNESSES

>> MAYOR LEFFINGWELL: ALL RIGHT.

HOLD IT DOWN.

THE NEXT SPEAKER IS ALISA GOLD.

ALL RIGHT.

DAMON WALDRUP.

AND YOU HAVE THREE MINUTES.

>> MAYOR PRO TEM, COUNCILMAN AND WOMEN.

MY NAME IS DAVID WALDRUP. I LIVE AT 1508 GRAYFORD DRIVE ADJACENT TO THE DEVELOPMENT. LIVED THERE FOR 11 YEARS, BORN AND RAISED IN AUSTIN.

A LITTLE ABOUT IMAGINE AUSTIN.

A COUPLE PRIORITIES THAT WERE MENTIONED, LESS CAR DEPENDENT AUSTIN WITH MORE WALKING, BIKING, TRANSIT FRIENDLY, IMPROVING WATERSHED HEALTH.

GREEN INFRASTRUCTURE THAT INCLUDES MANAGING URBAN FORESTS AND NATURAL ECO SYSTEMS AND IMPROVING TRANSPORTATION FUNCTIONS.

I SUPPORT THAT.

OUR NEIGHBORHOOD SUPPORTS THAT I DON'T BELIEVE THAT THE CURRENT ZONING COMMITTEE RECOMMENDATION SEEMS TO ACCOUNT FOR ANY OF THOSE PRIORITIES.

LET ME TALK ABOUT THE DANGER OF DRIVING ON CLAWSON, MORE SPECIFICALLY YOU'VE ALREADY HEARD SOME OF THAT, BIKING ON CLAWSON.

IT'S A COUNTRY ROAD.

THERE'S NO CURB, NO SHOULDER.

IT'S ONLY 24 FEET WIDE.

YOU'VE HEARD ALL THAT.

PEOPLE ZIP THROUGH THERE, 35, 40 MILES AN HOUR.

THIS DEVELOPMENT WILL HAVE THE DRIVEWAY IN THE MIDDLE OF AN N SHAPED SLOPE THAT SLOPES DOWN AND OUT, SO IT HAS A BLIND HILL ON BOTH SIDES, AND AS YOU'VE ALREADY HEARD THERE'S BEEN A FATALITY WITH A CHILD KILLED RIGHT IN THAT SPOT THAT WAS WITNESSED BY ONE OF THE NEIGHBORS ON GRAYFORD.

OPAL CLINE.

I MYSELF AM AN AVID BICYCLIST AND I'M ACUTELY AWARE OF HOW DANGEROUS RIDING ON THAT ROAD IS.

I DON'T SEE HOW ALLOWING [INAUDIBLE] SUPPORTS THE HIGHEST PRIORITY OF AUSTIN, WHICH INCLUDES BIKING, WALKING FRIENDLINESS.

IT PUTS MORE CARS ON AN ALREADY BUSY CLAWSON ROAD.

I BELIEVE THAT SHOULD BE LIMITED.

THE NEXT THING I'D LIKE TO TALK ABOUT IS ANOTHER OF THE IMAGINE AUSTIN GOALS IS MANAGING OUR URBAN FORESTS.

ONE OF THE REASONS MANY OF THE RESIDENTS OF THIS NEIGHBORHOOD CAME HERE IS THAT IT'S HIGHLY FORESTED AND HAS A COUNTRY LIKE NATURE.

THIS DEVELOPMENT WILL EFFECTIVELY REMOVE AN EXISTING FOREST AND A BIRD SANCTUARY.

I BELIEVE THAT UPZONING FOR THIS DEVELOPMENT SHOULD INCLUDE A CONDITIONAL OVERLAY THAT KEEPS THE LARGEST TREES AND KEEPS SETBACKS WITH A VEGETATIVE BUFFER ALONG THE UTILITY EASEMENT.

I THINK THIS WOULD SERVE BOTH THE RESIDENTS OF THE DEVELOPMENT AND THE NEIGHBORS AS WELL AS ANY SQUIRRELS AND BIRDS AND EASE THE LOSS OF THAT FOREST.

THE LAST THING I'D LIKE TO TALK ABOUT IS NEGOTIATIONS.

NEGOTIATIONS BETWEEN THE NEIGHBORS AND DEVELOPERS MUST BE TWO SIDED.

ANY CONDITIONAL OVERLAYS OR RESTRICTIVE COVENANTS THAT HAVE SUPPOSEDLY BEEN AGREED TO HAD NOTHING TO DO WITH THE NEIGHBORS.

THOSE ARE THINGS THAT THE DEVELOPERS WANTED ALREADY.

I BELIEVE THAT THE DEVELOPERS HAVE MISCHARACTERIZED THE NEIGHBORS AS INTRACTABLE AND UNWILLING TO NEGOTIATE BUT THAT SIMPLY IS NOT THE CASE.

THE REASON THAT THE PETITION AGAINST THE UPZONING EXISTS IS THAT ANY NEGOTIATIONS HAVE NOT HAPPENED.

WHY IS THAT?

WELL, SO FAR THE DEVELOPERS HAVE BEEN UNWILLING TO NEGOTIATE WITH US FOR ANYTHING.

IF WE'RE TO AGREE WE BELIEVE THAT CONDITIONAL OVERLAY SHOULD BE

>> MAYOR LEFFINGWELL: THANK YOU, DAVID.

THOSE ARE ALL THE SPEAKERS I HAVE SIGNED UP FOR OR AGAINST ON ITEMS 109 OR 110.

IF YOU SIGNED UP AND I HAVEN'T CALLED YOUR NAME, NOW WOULD BE THE TIME TO SPEAK OUT, 109 AND 110.

>> [INAUDIBLE]

>> MAYOR LEFFINGWELL: WHAT?

>> [INAUDIBLE]

>> MAYOR LEFFINGWELL: HE'S THE APPLICANT.

HE SPOKE FIRST.

HE JUST HASN'T BEEN CHECKED OFF.

AND NOW YOU HAVE THREE MINUTES FOR A REBUTTAL.

>> THANK YOU, MR. MAYOR, COUNCIL MEMBERS.

THE SITE IT'S A FINE LINE LOOKING AT PLANNING AS FAR AS GETTING DENSITIES.

YOU DON'T WANT TO BE TOO BIG, YOU DON'T WANT TO BE TOO SMALL.

YOU TRY TO LET THE SITE TELL YOU WHAT IT IS.

IT'S BASICALLY A TREE COVERED AREA.

WE CAME IN AND GAVE YOU A REAL NUMBER.

WE AGREED AND WE COMPROMISED AT PLANNING COMMISSION TO 16.

NOW I UNDERSTAND THEY WANT 14, AND, YOU KNOW, I DON'T KNOW WHERE WE CAN COME UP WITH MORE COMPROMISE.

WE DROPPED DOWN FROM MF 1 TO SF 6.

SF 6 SETBACKS IN HEIGHT IS THE SAME AS SF 3.

THERE'S NO DIFFERENCE.

EVERYTHING IS THE SAME ON BOTH ZONING CATEGORIES.

SO IT'S 10 FEET, HEIGHT IS THE SAME.

JOHNNY WANTS TO BUILD 24, 25 FOOT HOUSES.

IF THAT'S SOMETHING YOU ALL WANT TO DO, TWO STORY, THAT'S FINE AS WELL.

TRYING TO GET EVERYTHING THAT THEY WERE TALKING ABOUT HERE.

THE VEGETATIVE BUFFER, ABSOLUTELY.

IF WE WANT WE'LL BUFFER AS MUCH AS WE CAN, AND STILL SAVE THOSE LARGE TREES, ABSOLUTELY.

WHAT WE DID SHOW ON THE SITE PLAN IS BASICALLY AS MANY OFF STREET PARKING AS YOU CAN, BECAUSE THE MARKET IS GOING TO DRIVE THAT.

YOU NEED AS MANY OFF STREET SPACES, AS MANY GARAGES AND AS MANY DRIVEWAYS, AND WE HAVE A 24 FOOT ROAD, PRIVATE ROAD, BUT IT STILL WOULD BE DESIGNED TO PUBLIC STANDARDS. SO YOU CAN ALSO USE THAT FOR OFF STREET PARKING.

BUT WE SHOWED TEN AND AS MANY AS WE CAN PUT THERE WE CAN PUT THERE AS WELL.

WE HAD A SMALL PETITION.

WE ALSO GOT FROM SUPPORTERS.

IT WAS SEVEN PEOPLE SIGNING ON THAT.

THE OWNERS GOT ABOUT SIX EMAILS.

THERE WAS TWO PEOPLE THAT HAD TO LEAVE THAT WERE IN SUPPORT OF IT.

ANY AND I APOLOGIZE THAT THIS THIS IT JUST DIDN'T WORK OUT.

THE NEIGHBORS AND EVERYTHING JUST CLASHED.

WE TRIED TO COME TO AN AGREEMENT AND HAD A COUPLE OF MEETINGS, AND I KNOW ANTONIO WAS INVITE TO DO AN OPEN HOUSE AND HE WAS GRACIOUS ENOUGH TO COME.

NOBODY ELSE THAT WAS AFTER PLANNING COMMISSION.

THIS IS OIL AND WATER AND IT JUST HASN'T BEEN WORKING.

AS BEST AS WE CAN WE'RE TRYING TO MAKE IT FIT.

IT'S GOING TO BE UP TO YOU TO DECIDE.

THANK YOU.

>> MAYOR LEFFINGWELL: THANK YOU.

ALL RIGHT.

NOW, WE'LL TAKE UP ITEM 109.

ENTERTAIN A MOTION ON 109.

IS THIS READY FOR ALL THREE OR WHAT, JERRY?

YES, IT'S READY

>> WE HADN'T THIS PREPARE SINCE WE JUST RECEIVED THE PETITION THIS WEEK WE'RE ASKING YOU TO DO IT ON FIRST READING FOR US TO VERIFY WHETHER THE PETITION IS VALID OR NOT.

>> MAYOR LEFFINGWELL: OKAY.

COUNCIL MEMBER MARTINEZ?

DID YOU HAVE COUNCIL MEMBER MARTINEZ MOVES TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST AND SECOND READINGS.

>> SECOND.

>> MAYOR LEFFINGWELL: SECOND BY COUNCIL MEMBER SPELMAN.

FURTHER DISCUSSION?

COUNCIL MEMBER TOVO.

>> TOVO: YEAH, I'D LIKE TO MAKE A FRIENDLY AMENDMENT, HOPEFULLY, THAT THE SITE BE HELD TO SF 3 IMPERVIOUS COVER LIMITS, WHICH ARE 45%, AND A UNIT CAP OF 14 FOR THE ENTIRE SITE, WITHOUT A DISCUSSION ABOUT THE UNIT CAP, AND I THINK IT THERE MAY BE A DISPUTE ABOUT THAT, BUT IT'S CLEAR THAT ANY SF DEVELOPMENT BEYOND A CERTAIN NUMBER WOULD REQUIRE A VARIANCE, AND THIS WOULD PROVIDE THE DEVELOPER WITH THE CERTAINTY OF GETTING 14 UNITS, AND I THINK THAT IS A REASONABLE REQUEST FOR THIS TRACT.

SO THAT IS MY FRIENDLY AMENDMENT.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER MARTINEZ.

NOT FRIENDLY

>> TOVO: THAT IS MY MOTION.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER TOVO PROPOSES AN AMENDMENT, AND COULD YOU REITERATE THE NUMBER OF UNITS?

IT WAS 45%?

>> TOVO: SURE, 45% IMPERVIOUS COVER, WHICH IS WHICH ARE THE STANDARDS UNDER SF 3, AND A UNIT CAP OF 14.

>> MAYOR LEFFINGWELL: IS THERE A SECOND TO THAT MOTION?

COUNCIL MEMBER MORRISON SECONDS.

DISCUSSION?

COUNCIL MEMBER MORRISON.

>> MORRISON: YEAH, I'D JUST LIKE TO SAY THAT THIS IS A SOMEWHAT DISTURBING CASE THAT THERE'S SO MUCH FRICTION, AND WE JUST REALLY HAVE TO FIND A WAY FOR PEOPLE TO WORK TOGETHER TO BE ABLE TO COME UP WITH GOOD RESULTS HERE.

SO WITH THIS AMENDMENT I FEEL LIKE WE WOULD BE ABLE TO AT LEAST BRING SOME OF THE SOME OF THE ISSUES CLOSER TOGETHER.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER RILEY, YOU DO YOU STILL WANT TO SPEAK OR

>> RILEY: I DO HAVE A QUESTION FOR THE APPLICANTS, IF I COULD.

I UNDERSTAND THERE'S BEEN LENGTHY DISCUSSION ABOUT THE NUMBER OF UNITS, AND SO I'M NOT GOING TO SUPPORT THAT PART OF IT, BUT I'M NOT SURE WHERE WE STAND ON THE IMPERVIOUS COVER.

WHAT'S THE AMOUNT OF IMPERVIOUS COVER THAT YOU COULD LIVE WITH?

>> WE'RE AFFORDED 55.

IS THAT CORRECT?

ON THIS

>> MAYOR LEFFINGWELL: 55 IS CORRECT.

>> 55.

I THINK WE DESIGNED THAT AT ABOUT 50.

THE SITE PLAN THAT YOU SHOWED, BUT OBVIOUSLY WE COULD USE A FEW MORE PARKING SPACES.
SO

>> RILEY: SO YOU ACTUALLY HAVE THE THE LIMIT WOULD ACTUALLY IMPOSING A LOWER LIMIT
WOULD ACTUALLY MAKE IT MORE DIFFICULT FOR YOU TO PROVIDE THE PARKING THAT THE
NEIGHBORHOOD HAS SAID THEY WANT.

>> AND WE HAVE NOT GONE THROUGH SITE PLAN PROCESS.

YOU KNOW, IT'S A VERY RIGOROUS PROCESS TOO, SO WE DON'T KNOW WHAT THAT'S GOING TO BE
ADDED TO.

>> RILEY: OKAY.

I WILL NOT BE SUPPORTING THE AMENDMENT.

>> MAYOR LEFFINGWELL: ALL IN FAVOR OF THE AMENDMENT SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: OPPOSED SAY NO.

>> NO.

>> MAYOR LEFFINGWELL: NO.

SO THAT'S DEFEATED ON A VOTE OF 2 5, COUNCIL MEMBER RILEY, MARTINEZ, MYSELF, SPELMAN,
MAYOR PRO TEM COLE VOTING NO.

SO NOW WE HAVE THE VOTE ON THE MAIN MOTION.

COUNCIL MEMBER TOVO?

>> YEAH, I JUST WANTED TO ENCOURAGE, TO WHATEVER EXTENT THEY'RE WILLING TO CONSIDER IT,
THE PARTIES THE NEIGHBORHOOD ASSOCIATION AND THE PROPERTY OWNERS, OR POTENTIAL
PROPERTY OWNERS TO SIT DOWN AGAIN AND GIVE IT A TRY AND SEE IF THERE'S A REASONABLE
RESOLUTION.

WE'VE HAD A LOT OF WE HAVE HAD, YOU KNOW, A FAIR NUMBER OF CASES COME FORWARD FROM
THIS NEIGHBORHOOD ASSOCIATION, AND AT LEAST SOME OF THEM HAVE BEEN BEEN RESOLVED
REALLY SUCCESSFULLY, POSSIBLY MOST OF THEM.

SO, YOU KNOW, I DO THINK I MEAN, ESPECIALLY SINCE SEVERAL OF YOU ARE ALSO ARE BOTH
DEVELOPERS AND PROPERTY OWNERS IN THAT AREA, YOU'RE WORKING WITH YOUR NEIGHBORS AND
IT WOULD BE IT WOULD BE NICE TO HAVE A DIFFERENT KIND OF CONVERSATION AT OUR NEXT
MEETING.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER RILEY?

>> RILEY: I ALSO WOULD HOPE THAT THERE COULD BE SOME CONTINUED CONVERSATION BETWEEN
THE APPLICANT AND THE NEIGHBORHOOD.

IT DOES SEEM LIKE THERE ARE SOME SOME AREAS OF POTENTIAL AGREEMENT.

FOR INSTANCE WITH RESPECT TO THAT HEIGHT I HEARD THAT THERE WAS SOME WILLINGNESS TO
REDUCE THE HEIGHT LIMIT DOWN TO THE IT WASN'T PLANNING SOMETHING AS HIGH AS THE
ZONING WOULD ALLOW, AND THEN I ALSO HEARD THAT THE APPLICANT WAS OPEN TO A VEGETATIVE
BUFFER, AND BOTH BOTH OF THOSE THINGS ARE THINGS THAT THE NEIGHBORHOOD WOULD BE
INTERESTED IN AND WE CAN EASILY MAKE THOSE PART OF THE ZONING.

AND I WOULD BE VERY RECEPTIVE TO ADDING THINGS LIKE THAT ON THIRD READING.

>> MAYOR LEFFINGWELL: ALL IN FAVOR SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: AYE.

OPPOSED SAY NO.

>> NO.

>> MAYOR LEFFINGWELL: SAY NO FOR YOU?

PASSES ON A VOTE OF 5 2 ON FIRST AND SECOND READINGS WITH COUNCIL MEMBER TOVO AND MORRISON VOTING NO.

SO BEFORE WE TAKE UP ITEM 110, WE NEED TO ENTERTAIN A MOTION TO EXTEND THE MEETING BEYOND 10:00.

COUNCIL MEMBER MARTINEZ SO MOVES, MAYOR PRO TEM SECONDS, ALL IN FAVOR SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: OPPOSED NO.

PASSES 7 0.

SO NOW WE'LL TAKE UP ITEM 110.

COUNCIL MEMBER SPELMAN MOVES APPROVAL ON FIRST AND SECOND READING.

IS THERE A SECOND?

SECOND BY MAYOR PRO TEM COLE.

ANY DISCUSSION?

ALL IN FAVOR SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: AYE.

OPPOSED SAY NO.

>> NO.

>> MAYOR LEFFINGWELL: PASSES ON A VOTE OF 5 2 WITH COUNCIL MEMBERS MORRISON AND TOVO VOTING NO.

SO WITH THAT IN MIND I WOULD STRONGLY ENCOURAGE THE TWO PARTIES TO GET TOGETHER TO ESPECIALLY IF THERE'S A VALID PETITION VERIFIED.

WHAT'S NEXT?

>> 11.

HOLD ON A SECOND.

OKAY, 111.

>> OUR LAST ZONING CASE THIS EVENING IS CASE C14 2013 0048, AND THIS IS ITEM NO. 111 ON YOUR AGENDA FOR THE APPROPRIATE AT 3715 WESTLAKE DRIVE.

THIS IS A ZONING CHANGE REQUEST INVOLVING TWO TRACTS, ONE BEING .623 ACRES AND ONE BEING .638 ACRES.

THE ZONING CHANGE REQUEST IS FROM THE LAKE AUSTIN RESIDENCE OR DISTRICT ZONING TO SINGLE FAMILY RESIDENTIAL STANDARD LOT OR SF 2 DISTRICT ZONING.

STAFF DID RECOMMEND THE SF 2 DISTRICT ZONING.

HOWEVER, THE ZONING AND PLATTING COMMISSION FAILED TO REACH A VOTE THAT WAS AFFIRMATIVE EITHER TO DENY OR TO RECOMMEND APPROVAL OF THIS.

IT WAS A 3 3 VOTE.

SO THAT MOTION FAILED AND IT WAS FORWARDED TO YOU WITHOUT A RECOMMENDATION.

THE LOT IS CURRENTLY DEVELOPED WITH A HOME FROM 1977 THAT WAS PLATTED BACK ON IT GOES BACK TO 1915.

THE AVERAGE LOT SIZE FOR ALL THE LOTS IN THIS AREA ARE ABOUT 30,000 SQUARE FEET, AND WHICH IS ABOUT 13,560 SQUARE FEET SHORT OF THE MINIMUM LOT SIZE FOR THE L.A. DISTRICT.

EARLIER THIS EVENING I HAD A CHANCE TO SPEAK WITH CHUCK OUR ENVIRONMENTAL OFFICERS BECAUSE THERE WERE CONCERNS RAISED ABOUT THE DEVELOPMENT OF THIS PARCEL ALONG LAKE AUSTIN AND MR. LESNIAK IS GOING TO HAVE A SITE VISIT OF THIS PROPERTY IN THE WEEK AND WILL

COME BACK AND I THINK HAS TENTATIVELY WORKED OUT SOME ADDITIONAL CONDITIONS THAT THE APPLICANT IS ACCEPTING OF BUT HE'S NOT PREPARED TO OFFER THOSE THIS EVENING.

SO WE WOULD OFFER THIS FOR FIRST READING ONLY.

IT'S DISCUSSION BECAUSE YOU DO NOT HAVE A RECOMMENDATION BEFORE YOU, BEFORE THE ZONING AND PLATTING COMMISSION.

I BELIEVE THE ONLY SPEAKERS THAT YOU HAVE ARE THE APPLICANT'S AGENTS, AND I'LL PAUSE IF YOU HAVE ANY QUESTIONS GIVEN THE LATENESS OF THE HOUR.

>> MAYOR LEFFINGWELL: ANY QUESTIONS

>> THIS WOULD ACTUALLY COME BACK NEXT WEEK, POSSIBLY IF THIS GOES FORWARD AS FIRST READING AND THEN YOU CAN CONSIDER SECOND AND THIRD READINGS NEXT WEEK WITH ADDITIONAL CONDITIONS THAT MIGHT BE OFFERED AND ACCEPTED BY THE APPLICANT FROM THE ENVIRONMENTAL OFFICER.

>> MAYOR LEFFINGWELL: ANY QUESTIONS OF STAFF?

WE'LL HEAR FROM THE APPLICANT.

SO YOU'RE DAVID CANCIALOSI?

>> YES, SIR.

>> MAYOR LEFFINGWELL: AND MR. IRION WILL BE SPEAKING OR IS HE DONATING?

>> HE'LL BE SPEAKING AS WELL.

>> MAYOR LEFFINGWELL: YOU HAVE FIVE MINUTES.

>> GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCIL.

I REALIZE IT'S LATE SO I'LL HIT SOME OF THE HIGH POINTS.

WHAT WE'RE ASKING FOR IS A ZONING CHANGE FROM L.A. TO SF 2 TO BUILD REPLACE AN EXISTING SINGLE FAMILY HOUSE.

WE HAVE A VERY CHALLENGING LOT TO BUILD ON, AND WE HAVE BEEN WORKING TO NO END FOR THE PAST TEN MONTHS WITH VARIOUS DEPARTMENTS IN THE CITY TO LOOK AT WAYS TO DESIGN A HOUSE THAT WILL COMPLY WITH THE CURRENT LA ZONING STANDARDS IN PLACE.

AS NOTED BY STAFF, THIS WAS A 1915 PLAT.

IT'S A LATE TO MID '70S BUILD.

IT WAS ANNEXED INTO THE CITY.

IT WAS ZONED SINGLE FAMILY.

IT WAS THEN ZONED LA, WHICH IT CURRENTLY IS.

SO AT ONE POINT IT HAD THE ABILITY TO HAVE 40 OR 45%.

NOW IT HAS WHAT IS ALLOWED IN 551 D UNDER LA ZONING, WHICH IS A COMPARTMENTALIZED TYPE OF ZONING, IMPERVIOUS COVER CHART THAT YOU HAVE TO MEET.

WE'RE NOT ALLOWED TO AGGREGATE OR USE CUMULATIVE AVERAGES OF IMPERVIOUS COVER.

SO GIVEN THE CHALLENGES ON THE LOT WITH RESPECT TO THE SLOPE, WITH RESPECT TO THE 13 HERITAGE TREES THAT WE'RE TRYING TO KEEP, WE ARE ASKING TO KEEP THE HOUSE WHERE IT IS.

WE WANT TO BUILD A NEW HOUSE THAT HAS COME TO THE END OF ITS LIFE.

IT'S WELL OVER 30 YEARS OLD.

IT IS FAR FROM COMPLIANCE WITH CURRENT BUILDING CODES.

IT OBVIOUSLY HAS ZONING CODE ISSUES.

THE EXISTING DRIVEWAY ALONE IS WELL OVER 6,000 SQUARE FEET.

SO ON THESE TWO SEPARATE TRACTS, WHICH ARE APPROXIMATELY 30,000, ONE IS LESS THAN 30,000, BUT FOR ROUGH NUMBERS THEY'RE 30,000 SQUARE FEET EACH, OBVIOUSLY THEY DON'T MEET THE LA ZONING REQUIREMENT OF ONE ACRE.

WHEN THE CITY ZONED THIS PROPERTY, IT SHOULD NOT HAVE ZONED IT LA.

IT SHOULD HAVE MADE IT SF 2.

AND WHEN THE CITY MADE THE STUDY OF SOME 200 PROPERTIES IN THE '80S ALONG THE BANKS OF THE LAKE AUSTIN AREA, IT FAILED TO INCLUDE THIS IN THIS PROPERTY IN THAT STUDY.

SO AND THAT'S SUPPORTED IN YOUR STAFF MATERIAL FROM PDRD.

SO THE CURRENT PROBLEM IS THAT ONCE YOU LEAVE THE RIGHT OF WAY TO GET TO ANY IMPROVEMENT, NO MATTER WHAT WE BUILD, NO MATTER WHAT IT IS, TO DO ANYTHING TO THIS HOUSE, WE HAVE AN EXISTING APPROXIMATELY 6,000 SQUARE FOOT DRIVEWAY.

AND WHAT THAT MEANS IS WE HAVE AN ALLOWANCE, A CUMULATIVE ALLOWANCE OF ONLY 6,000 APPROXIMATELY 6 TO 7,000 SQUARE FEET OF IMPERVIOUS COVER UNDER THE CURRENT CODE.

SO WITH THE EXISTING DRIVEWAY, IF WE KNOCK DOWN THE HOUSE, WE START IN THE RED FROM SCRATCH.

IF WE WENT TO THE VARIANCE BOARD FOR BOARD OF ADJUSTMENTS, IF WE WENT TO FOR TRUE VARIANCES, ET CETERA, IT'S OUR FIRM BELIEF THAT THEY WOULD TURN US AROUND AND HAVE US COME BACK TO YOU.

THIS IS A LAME USE MATTER.

THIS IS NOT A SITE PLAN MATTER.

THIS IS A LAND USE MATTER.

SO WE FEEL THE RIGHT WAY TO HAVE THIS DISCUSSION.

WE HAVE OFFERED AND I HAVE THE PAPER HERE.

WE HAVE OFFERED THE CITY SEVEN ITEMS FOR DISCUSSION ON THE CO.

THE UDA TO TIE THEM TOGETHER IN PERPETUITY FOR A SINGLE FAMILY DEVELOPMENT.

WE'RE OFFERING A 65 FOOT SETBACK FROM THE SHORELINE, WHICH IS CURRENTLY WHERE THE EXISTING HOUSE IS.

WE ARE OFFERING A NEW SEPTIC SYSTEM THAT'S MORE THAN 100 FEET FROM THE SHORELINE.

WE'RE OFFERING TO NOT DISTURB MORE THAN 30% OF THE VEGETATIVE BUFFER ALONG THE SHORELINE.

WE'RE OFFERING 10 FOOT SETBACKS ALONG THE SIDE INSTEAD OF THE FIVE WE'RE LEGALLY ALLOWED AND THAT'S IN LA ZONING AND WE'RE OFFERING AN INTEGRATED PEST MANAGEMENT PROGRAM TO BE APPROVED BY WPDR.

AND ALSO TOO, AS MENTIONED ABOUT I WE'RE OPEN TO, WITHING WITH STAFF AND WE WANT TO INTEGRATE AS MUCH OF THE SPIRIT AND THE INTENT OF THE LA ZONING INTO WHATEVER CO WE CAN AGREE TO TO PROTECT THE ENVIRONMENT.

THIS IS NOT ONLY IMPORTANT TO ALL OF US HERE IN THIS ROOM, BUT OBVIOUSLY IT'S MOST IMPORTANT TO MY CLIENT, WHO IS THE OWNER/OCCUPIER OF THE HOME ITSELF.

HE HAS A LOT INVESTED IN MAKING SURE THAT THIS IS A PROPERTY THAT PROTECTS SOIL EROSION, THAT PROTECTS RUNOFF, THAT PROTECTS DRINKING WATER, AND ALL OF THE THINGS THAT COME WITH LIVING ON THE LAKE.

AND SO WHAT WE WOULD PROPOSE IS THAT TONIGHT YOU CONSIDER THIS FOR PASSES ON FIRST READING, THAT WE GO BACK AND MEET WITH STAFF BETWEEN NOW AND THE NEXT TIME WE APPEAR, HOPEFULLY, IN A WEEK OR SO.

WE HAVE A MORE COMPREHENSIVE AGREED TO CO DOCUMENT, AND WE PROPOSE THAT IN A MORE COMPREHENSIVE MANNER, AND WITH THAT WE CAN MOVE FORWARD, WE FEEL, WITH A VALUABLE SOLUTION, WHICH IF I CAN JUST FINISH ONE SMALL PART, IS AN OPPORTUNITY

>> MAYOR LEFFINGWELL: FINISH YOUR SENTENCE.

>> IS AN OPPORTUNITY TO FIX THE PROBLEMS THAT THE PREDECESSORS OF YOURS CREATED MANY YEARS AGO WHEN THEY ERRONEOUS ZONED THE TRACT TO LA INSTEAD OF SF 2.

>> MAYOR LEFFINGWELL: THANK YOU.

>> THANK YOU.

>> MAYOR LEFFINGWELL: TERRY IRION?

AND YOU HAVE THREE MINUTES.

>> THANK YOU, MAYOR, MEMBERS OF CITY COUNCIL.

TERRY IRION.

I'LL KEEP THIS BRIEF.

I THINK DAVID COVERED MOST OF THE POINT.

>> THAT'S WHAT DAVID SAID.

HE WAS.

>> WHAT'S THAT?

>> MAYOR LEFFINGWELL: DAVID SAID HE WAS GOING TO KEEP IT BRIEF TOO.

>> WE'LL SEE.

[LAUGHTER]

WE THINK THIS REALLY IS A GOOD COMPROMISE.

WE'RE AT THIS WAS A LEGALLY PLATTED LOT WITH A HOUSE THAT WAS BUILT UNDER CURRENT ZONING CODE AT THE TIME, WHICH WAS THE EQUIVALENT OF SF 2.

IT WAS THE DEVELOPMENT THAT'S OUT THERE RIGHT NOW, WHICH HAS A HOUSE THAT'S SETBACK 65 FEET FROM THE LAKE ON THE FLATTEST PART OF THE LOT, IT WAS LEGAL.

ONE DAY IT WAS LEGAL, THE NEXT DAY IT WAS NONCONFORMING.

WHEN THE CITY ADOPTED THE LA ZONING AND IGNORED ITS OWN PERFORMANCE STANDARDS OF THE LA ZONING ORDINANCE, WHICH REQUIRES MINIMUM LOT SIZE OF ONE ACRE.

SO THIS WENT FROM LEGAL CONFORMING TO LEGAL NONCONFORMING.

THE HOUSE IS AT THE END OF ITS USEFUL LIFE.

TO TEAR IT DOWN NOW AND TO BUILD SOMETHING NEW COMPLIES WITH LA, YOU ONLY GET 3,000 SQUARE FEET OF IMPERVIOUS COVER ON EACH OF THE LOTS.

THAT'S BECAUSE THE LA ORDINANCE ADOPTED THIS NET SITE AREA REQUIREMENT WHICH REALLY REDUCES THE AMOUNT OF ALLOWED IMPERVIOUS COVER.

WHEN WE PRESENTED THIS TO THE PLANNING COMMISSION, THE CHAIR OF THE PLANNING COMMISSION ASKED HOW HOW LONG THE DRIVEWAY HAD TO BE TO GET TO THE FLAT PART OF THE LOT WHERE THE BUILDING SITE IS AND HOW MUCH IMPERVIOUS COVER THAT WOULD REQUIRE.

WE SAID IT WILL REQUIRE IF THERE'S ONE DEVELOPMENT IT WILL REQUIRE ABOUT 4,000 SQUARE FEET, AT A MINIMUM.

IF THERE'S TWO DEVELOPMENTS ON EACH OF THE LOTS IT WOULD BE ABOUT 3,000 SQUARE FEET EACH.

AND SHE SAID, WELL, I CAN'T SEE WHY THAT ISN'T A TAKING?

WE SAID, WELL, WE'RE HERE BECAUSE WE WANT TO WORK SOMETHING OUT.

WE THINK THIS IS THE COMPROMISE SOLUTION.

WE'VE OFFERED A VERY GENEROUS CONDITIONAL OVERLAY.

WE ASK THAT YOU CONSIDER IT ON FIRST READING.

WE'RE WILLING TO CONTINUE WORKING WITH MR. LESNIAK TO REFINE THAT.

THANK YOU.

>> MAYOR LEFFINGWELL: THANK YOU.

THOSE ARE ALL THE SPEAKERS, SO I'LL ENTERTAIN A MOTION ON ITEM 111.

>> [INAUDIBLE]

>> MAYOR LEFFINGWELL: COUNCIL MEMBER SPELMAN MOVES TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY.

SECONDED BY COUNCIL MEMBER MARTINEZ.

COUNCIL MEMBER TOVO?

>> TOVO: I HAVE A QUESTION FOR STAFF, PLEASE.

MR. GUERNSEY, AS YOU KNOW, WE JUST CONCLUDED A LAKE AUSTIN TASK FORCE, ONE OF THE RECOMMENDATIONS THAT CAME FORWARD WAS A CONSENSUS RECOMMENDATION, I BELIEVE, THAT THE CITY DO SOMETHING TO PRESERVE THE ENVIRONMENTAL REGULATIONS AND PROTECTIONS THAT EXIST WITHIN THE LA ZONING CATEGORY, BECAUSE WHEN PROPERTIES ARE REZONED THEY LOSE THOSE PROTECTIONS.

WE HAVE BEFORE US A CASE THAT I THINK PICKS UP MAYBE ONE OF THE ENVIRONMENTAL PROTECTIONS FROM THE LAKE AUSTIN ZONING CATEGORY.

YOU KNOW, I HIT ON A FEW THAT ARE IMPORTANT.

THE SHORELINE SETBACK SHOULD BE 75 FEET.

THEY'RE PROPOSING 65 FEET.

THEY ARE NOT COMPLYING WITH THE L.A. PROVISION THAT PERMANENT IMPROVEMENTS PROHIBITED IN THE SHORELINE SETBACK AREA.

THEY'RE NOT COMPLYING WITH THE PROVISION THAT DEVELOPMENT IS PROHIBITED ON LAND WITH A GRADIENT THAT EXCEEDS 35%.

I MEAN, SO THERE ARE SEVERAL REAL POINTS OF DIVERGENCE WITH THE ENVIRONMENTAL REGULATIONS THAT ARE PROTECTIONS THAT ARE IN LA ZONING.

SO I GUESS I WOULD LIKE TO HEAR FROM THE STAFF WHY YOU'RE RECOMMENDING THIS CASE IN LIGHT OF IN LIGHT OF, YOU KNOW, THE IMPORTANT WORK THAT'S BEEN GOING ON WITH REGARD TO LA ZONING.

>> FIRST OFF, THIS CASE WAS INITIATED, I THINK, BEFORE YOU RECEIVED YOUR RECOMMENDATIONS RECENTLY WITH REGARDS TO THIS, BUT I'VE BEEN WORKING WITH THE ENVIRONMENTAL OFFICER, CHUCK LESNIAK, AND AS I SAID DURING MY PRESENTATION, HE'S GOING TO WORK WITH THE APPLICANT AND HE IS ALSO VERY AWARE OF THE LAKE AUSTIN REGULATIONS.

HE HAS NOT GONE OUT TO THE SITE, AND HE AND THE ARBORIST WITH MY STAFF I UNDERSTAND ARE GOING TO GO OUT AND WALK THE PROPERTY TO SEE EXACTLY WHAT'S THERE, GIVEN THIS PROPERTY IS ALREADY DEVELOPED, THAT THERE IS SOME UNIQUE CIRCUMSTANCES.

I KNOW THAT THE APPLICANT, I THINK, EVEN CONSIDERED REMODELING, BUT BECAUSE OF OUR REMODELING ORDINANCE CHANGES WE MADE NOT TOO LONG AGO, THERE ARE LIMITATIONS AS FAR AS WHAT THEY CAN DO AS FAR AS RAZING THE BUILDING AND WHAT THEY CAN DO TO CONSTRUCT ON THE SAME FOOTPRINT.

WE CAN COME BACK ON SECOND AND THIRD READINGS ON A LATER DATE WE CAN GIVE YOU A BETTER IDEA HOW CLOSE THEY ARE COMING TO THOSE.

AS YOU HEARD TONIGHT, THERE MAY HAVE BEEN A 75 FOOT THAT WAS IN THE OVERLAY.

THE HOUSE IS ALREADY AT 65.

THEY'RE GOING TO LOOK AND SEE WHAT THEY CAN DO TO MEET OTHER STANDARDS, BUT IT IS THE FLATTEST PART OF THE LOT.

SO IF YOU WERE TO MOVE THE HOUSE YOU WOULD GO TO STEEPER SLOPES.

THE ONLY WAY THEY CAN DO THAT IS TO REDUCE THE SIZE OF THE FOOTPRINT OF THE HOME TO MAKE THAT CONSIDERATION.

THAT'S SOMETHING I GUESS THE OWNER WOULD HAVE TO CONSIDER, WHETHER THEY WANT TO BUILD A SMALLER NEW HOME OR TRY TO KEEP THE HOME THE SAME SIZE AND THE SAME FOOTPRINT.

>> TOVO: WHAT IS THE SIZE OF THE CURRENT HOME?

>> I DON'T KNOW THE EXACT THE SQUARE FOOTAGE OF THE HOME BUT IF YOU MOVE IT TEN FEET YOU'D BE CHOPPING OFF TEN FEET OF THE EXISTING HOUSE.

>> I CAN SPEAK TO THAT.

THE CURRENT HOME IS HAS A FOOTPRINT OF ABOUT 1500 SQUARE FEET.

IT'S A TWO STORY HOME.

YOU ACTUALLY ENTER IT BECAUSE OF THE STEEP SLOPE, YOU ENTER THROUGH A BRIDGE ON TO THE SECOND FLOOR, AND THE FIRST FLOOR THAT'S LEVEL WITH THE GROUND BELOW IT IS DIRECTLY UNDERNEATH IT.

SO IF WE WERE TO TAKE THAT SAME FOOTPRINT AND MOVE IT UP, WE ACTUALLY WOULD BE KILLING A COUPLE HERITAGE TREES AND ENCROACHING INTO SEVERAL CRITICAL ROOT ZONES OF THE SURROUNDING TREES.

>> TOVO: SO THAT MIGHT ARGUE FOR A REQUEST TO KEEP IT AT THE CURRENT SETBACK, BUT YOU'RE ALSO REQUESTING TO BUILD ON SLOPES AND DO SOME OTHER THINGS THAT ARE NOT PART OF THE LA ZONING THAT ARE NOT ARE CURRENTLY INCLUDED AND REQUIRED IN THE LA ZONING.

>> YES, MA'AM.

THERE ARE SUBSTANTIAL CUTS THAT ARE THERE, AND WE JUST CAN'T DO ANYTHING ABOUT THEM. THEY'RE THERE.

WE DON'T KNOW WHAT ELSE TO DO.

>> TOVO: OKAY.

GIVEN THE LATENESS OF THE HOUR I THINK I'M GOING TO LEAVE MY QUESTIONS THERE EXCEPT TO SAY, THE RECOMMENDATIONS JUST CAME TO US RATHER RECENTLY BUT THE CONCERN I THINK IS AN ONGOING ONE AND CERTAINLY THOSE WERE BUILT INTO THE LA ZONING FOR A REASON SO I THINK WE STILL NEED TO PAY ATTENTION TO THE KIND OF PROVISIONS THAT WERE INCLUDED IN LA ZONING BECAUSE THEY WERE DONE WITH GOOD REASON.

AS ONE OF ONE OF THE PEOPLE WHO WHO HAS WRITTEN A LETTER THAT'S PROVIDED IN OUR BACKUP STATES, CHIEF ENVIRONMENTAL OFFICER CHUCK LESNIAK STATED AT A 2013 TASK FORCE MEETING THAT THE LA ZONING REGULATIONS WERE THE SINGLE MOST IMPORTANT FACTOR IN MAINTAINING THE WATER QUALITY OF LAKE AUSTIN SO I THINK IT IS A VERY SIGNIFICANT CONCERN. SO I WILL NOT BE SUPPORTING THE MOTION.

>> MAYOR LEFFINGWELL: AND THIS IS FIRST READING ONLY AND THE ENVIRONMENTAL OFFICER HAS NOT WEIGHED IN ON THIS PARTICULAR CASE.

>> HE'S BEEN WORKING WITH THE APPLICANT.

>> MAYOR LEFFINGWELL: YEAH, SO

>> HE'S NOT

>> MAYOR LEFFINGWELL: I WANT TO HEAR WHAT HE HAS TO SAY ABOUT THIS.

SO I'LL BE SUPPORTING THIS ON FIRST READING.

COUNCIL MEMBER MORRISON?

>> MORRISON: THANK YOU.

HE HAS MR. LESNIAK HAS PROVIDED A COUPLE OF VERY INFORMATIVE MEMOS IN RESPONSE TO SOME QUESTIONS THAT I THINK WE ALL GOT, AND KNOWING THAT THERE MIGHT BE SOME SOME COMPROMISES MADE, ONE OF THE QUESTIONS TO HIM WAS PLEASE DESCRIBE WHAT LA PROTECTIONS SHOULD NOT BE COMPROMISED AND WHY.

AND HIS ANSWER TO THAT IS THAT THE STAFF FEELS THE MOST IMPORTANT PROTECTIONS ARE THE SHORELINE SETBACK, WITH THE ASSOCIATED PROTECTION OF WOODY VEGETATION AND THE LIMITS ON CONSTRUCTION ON STEEP SLOPES.

SO I THINK THAT I'M GOING TO SUPPORT THIS MOTION, BUT I'M GOING TO BE VERY INTERESTED IN LEARNING WHAT IS THE SITUATION OUT THERE RIGHT NOW, ARE THE ARE THERE ALREADY CUTS ON THE STEEP SLOPES THAT HAVE BEEN MADE THAT, YOU KNOW, WOULDN'T BE MAKING IT WORSE OR IS IT REALLY GOING TO BE SIGNIFICANT ADDITIONAL CONSTRUCTION.

AND THEN THERE'S ALSO MITIGATION TO BE CONSIDERED DURING CONSTRUCTION.

SO I WILL SUPPORT THIS NOW, BUT I'M VERY INTERESTED TO LEARN WHAT STAFF CAN BRING BACK.

>> MAYOR LEFFINGWELL: IN FAVOR OF THE MOTION SAY AYE.

>> AYE.

>> MAYOR LEFFINGWELL: AYE.

OPPOSED SAY NO.

>> NO.

>> MAYOR LEFFINGWELL: PASSES ON A VOTE FIRST READING, 6 1, COUNCIL MEMBER TOVO VOTING NO.

>> THANK YOU, THAT CONCLUDES THE ZONING CHANGES FOR THIS EVENING.

>> MAYOR LEFFINGWELL: IF THERE'S NO OBJECTION, WE HAVE ONLY TWO FOLKS SIGNED UP TO SPEAK ON 114.

SO WE WILL GO WE'LL NOW TAKE UP AGENDA ITEM 114 TO CONDUCT THE FIRST OF TWO PUBLIC HEARINGS TO RECEIVE COMMENTS ON THE PROPOSED MAXIMUM PROPERTY TAX RATE, NOT THE ACTUAL TAX RATE BUT THE MAXIMUM POSSIBLE TAX RATE OF 5 1.14 CENTS FOR \$100 EVALUATION FOR FY 2013 2014.

THE SECOND PUBLIC HEARING WILL BE AT 4:00 P.M. ON AUGUST 29, 2013 IN AUSTIN CITY COUNCIL CHAMBERS.

COUNCIL WILL ADOPT THE CITY'S ACTUAL PROPERTY TAX RATE ON SEPTEMBER 9, 2013 HERE AT CITY HALL, 311 WEST 2ND STREET, AUSTIN, TEXAS.

THE MEETING BEGINS AT 10:00 A.M.

THE HEARING MAY CONTINUE THROUGH SEPTEMBER 10 AND 11 IF NEEDED.

WE HAVE TWO SPEAKERS, PAUL ROBBINS?

>> PLEASE FOLLOW [INAUDIBLE] IS ON TOPIC.

I'M PAUL ROBBINS, I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE AND HAVE BEEN SINCE 1977.

I'M HERE TO OFFER A WAY TO FIND MORE MONEY FOR THE GENERAL FUND BY CHANGING THE WAY FOR WHICH [INAUDIBLE] ARE TREATED.

AND BY DOING THAT YOU CAN LOWER THE AD VALOREM TAX RATE.

TO THOSE IN THE AUDIENCE NEW TO GOVERNMENT POLICY, FRANCHISE FEES ARE BASICALLY LICENSES THAT CITIES GIVE TO PRIVATE UTILITIES TO OPERATE IN AREAS AND USE THEIR RIGHTS OF WAY.

ALMOST EVERY CITY IN TEXAS COLLECTS THEM.

THOSE FOR ISDS USUALLY GO TO THE MUNICIPAL GENERAL FUNDS OF THESE CITIES.

IN AUSTIN THERE ARE 157 UTILITIES THAT PAY AUSTIN FRANCHISE FEES.

THESE INCLUDE THREE ELECTRIC UTILITIES, TWO GAS UTILITIES, THREE CABLE COMPANIES AND ALMOST 149 TELEPHONE COMPANIES.

ALL BUT ONE OF THESE 157 GET THEIR FEES BY CHARGING THE SPECIFIC CUSTOMER.

HOWEVER, UNLIKE FRANCHISE FEES COLLECTED IN AUSTIN, AUSTIN'S ELECTRIC UTILITY PAYS CITIES THAT IT OPERATES IN.

IT PAYS CITIES FRANCHISE FEES FROM GROSS REVENUES.

THE AMOUNT PAID TO BEE CAVES, THE HILLS, LAKEWAY, ROLLINGWOOD, SUNSET VALLEY AND WESTWOOD HILLS AMOUNT TO ABOUT \$1.2 BILLION A YEAR IN 2012.

WHY ARE THEY TREATING THESE CITIES DIFFERENTLY?

THE UTILITIES ARE ATTEMPTING TO BUY GOODWILL.

IT WAS AN ATTEMPT TO GET THE CITIES TO LIKE US.

THAT WORKED WELL, DIDN'T IT?

AUSTIN ENERGY WILL QUICKLY DEFEND ITS GOODWILL POLICY SAYING THAT NONE OF THESE CITIES INTERVENED IN THE RATE CASE.

THEY DIDN'T HAVE TO.

THEIR CONSTITUENTS DID.

BY CHANGING THE WAY WE COLLECT FRANCHISE FEES FOR THESE CITIES, AUSTIN CAN BOTH LOWER THE OPERATING COST FOR AUSTIN ENERGY AND POSSIBLY INCREASE THE GENERAL FUND TRANSFER.

I AM NOT MAKING IT MY CAUSE TO PUNISH OUT OF CITY RATEPAYERS.
RATHER I AM ASKING YOU TO TREAT THEM THE SAME WAY AUSTINITES ARE TREATED, AND BY THE
WAY, THE ELECTRIC UTILITY COMMISSION RECOMMENDED THIS CHANGE A FEW DAYS AGO.
THANK YOU.

>> MAYOR LEFFINGWELL: COUNCIL MEMBER MORRISON.

[APPLAUSE]

>> MORRISON: ACTUALLY, PAUL, THANK YOU FOR THAT.

I HAVE A QUESTION FOR STAFF.

I WONDER IF I COULD JUST ASK STAFF TO PROVIDE INFORMATION TO US ABOUT WHAT WOULD BE
REQUIRED IF WE WANTED TO DO THIS, BECAUSE I UNDERSTAND WE WOULD WANT TO GET OUR
TERRA OFFICER INVOLVED.

I DON'T WANT THE ANSWER RIGHT NOW.

I WONDER IF WE COULD MAKE THAT A BUDGET QUESTION.

>> MAYOR LEFFINGWELL: IT'S WAY OFF TOPIC.

I GAVE MR. ROBBINS A LOT OF LATITUDE BECAUSE IT IS A TAX HEARING BUT IT REALLY DIDN'T HAVE
ANYTHING TO DO WITH THE PROPOSED MAXIMUM TAX RATE.

CERTAINLY YOU CAN REQUEST THAT INFORMATION.

WILL MCLEOD?

>> I THOUGHT I WASN'T EVEN GOING TO BE ABLE TO SPEAK TONIGHT.

WELL, LET'S SEE.

THIS IS ITEM NO. 114.

CONDUCT A PUBLIC HEARING ON THE PROPOSED PROPERTY AD VALOREM TAX RATE.

I THINK AUSTINITES ARE BEING HAVE BEEN TAXED ENOUGH FOR PROPERTY TAXES.

I HAVE A SOLUTION.

LET'S CUT EXECUTIVE SALARIES.

LARRY WAYNE WEIS, AUSTIN ENERGY, \$311,173.

MARK ANTONY OTT, CITY MANAGER, 101,544.

THAT'S NOT BAD COMPARED TO SAN ANTONIO.

THEIR SALARY IS FOR SHERYL SCULLY, CITY MANAGER, 355,000 BUT YOU KNOW WHO HAS THE
LOWEST EXECUTIVE SALARIES IN TEXAS IN CORPUS CHRISTI.

RONALD OLSON, CITY MANAGER, HE ONLY MAKES 198,000.

THAT'S NOT TOO BAD.

SO WHY DON'T WE FOLLOW CORPUS CHRISTI'S LEAD.

LET'S CUT SOME SALARIES AT THE TOP.

WE'RE TIRED OF PAYING FOR THEIR CAVIAR.

AND BY THE WAY, I SIGNED UP TO SPEAK FOR ITEM NO. 117, 118, AND DEFINITELY 120 WITH AUSTIN
RESOURCE RECOVERY.

THAT MOVE THAT YOU DID WHEN I WENT DOWN THERE, HAD TO GO TO THE RESTROOM DUE TO MY
DIABETES, NOT VERY SMART.

I JUST EMAILED THE DEPARTMENT OF JUSTICE BEFORE I CAME UP TO SPEAK.

GOT A LOT OF 'SPLAINING TO DO, LIKE RICKY RICARDO WOULD SAY.

[ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

>> Mayor Leffingwell: item 115, a number of folks signed up to speak, beginning with Lynetta Cooper.

>> Thank you, Mr. mayor.

I am here on behalf of Texas legal service center.

My name is Lynetta.

We are encouraging you not to waive the increases on the regulatory charge writer and the efficiency rider.

There are several reasons.

The first obvious one is this fiscal year, Austin Energy is going to realize that 66 million excess profit, and they have put into their budget for the next fiscal year, a 30 million excess profit, so they don't need the rate increase.

But something that's even more important is that the calculation that they performed to create the increase in those two rates is inconsistent with traditional rate making standards and is even inconsistent with how they have calculated the fuel adjustment clause, which is now called the power supply adjustment clause.

In other words, they estimated the under or overrecovery and with the under historical clause they use actual data, that's what they use, that's what they look at the P.U.C., when they have future test year for future test years.

They have done two estimates.

A future test year and then they estimated the rest of the current year and what we have seen from the data and the data is very vague. I will be giving you written testimony in lieu of testifying later on, that you can't really tell exactly what backs up the energy efficiency rider but it looks like to us that it is underspent so we can't figure out how much they are actually going to expense in this fiscal year and how much the revenues they are going to do because they estimated them.

It is inappropriate.

It is bad public policy.

And the third one that we should never forget is that the liability reserves. I heard that was a concern at the Council the other day.

Well, you'll put that on the table until the special contract customers contracts expired.

You said it's only equitable that until the special contract customer starts participating through getting rid of this 20 million dollar subsidy, that we shouldn't be trying to increase the liability reserves at this time.

The other concern we have is the low income. There is no moderate income program for the energy efficiency budgets, and these are people who just barely don't qualify for cap and I am talking 200 300% federal poverty guideline and these are people who aren't going to go to Sears or whatever store and buy a front load washer to get 100 dollar rebate for \$700 and more likely they will buy a used washer as cheap as they can give it.

We have incredible incentives given to multifamily landlords to encourage energy efficiency, so it is only fair and equitable to give moderate people access and if you have to participate like you did with the multifamily, then you should.

>> Cole: Thank you, Carol, you are next, Carol Biedrzycki.

>> good evening.

Mayor pro tem Cole and members of Council, my name is Carol and I am with Texas roads, Texas ratepayers to save energy and we have a problem R nonprofit organization and work for affordable electricity and a healthy environment.

I have a handout for you this evening and I am trying to focus on some of the issues that Ms. Cooper mentioned which have to do with the community benefit charge and rolling income weatherization program.

Now, my first point is this proposed rate and fee change was taken up by the electric utility commission on Monday night.

They, too, had a very long meeting and they did not recommend adoption of this proposal.

They were unable to come to that conclusion at the end of the meeting and I think that's an important point to turn to bring up.

What I would like you to see is if you look at page 4 and 5, this is a is the actual information that I received as a result of coming here at the last Council meeting and expressing my frustrations that I was unable to get certain numbers.

Now, if you look at page 4, you will see that there is \$5 million in the in the cap program that is not spent and the total budget for the energy efficiency programs is \$34.1 million.

That is what is proposed.

Now, if we go to page 5, and we look at a couple of points on this number one, if you look at the bottom line, about 30% of these funds are not yet spent, and these are figures that are final as of July 30, so I am saying to myself, okay.

You know, where are we?

I don't believe in appropriating higher amounts of money when there is money that is still not being used, you know, in the programmings.

Now, what makes me rather disappointed is the fact that the free weatherization program has only spent \$19,256 as of this date.

If you look at the cap weatherization program, which I have highlighted below, the million dollars that was included in the cap fee for weatherization was never budgeted for fiscal year 2013.

And when we look at the proposed budget for 2014, the budget is a million dollars, which means, okay, what happened to the million dollars from the you know, this year, for low income weatherization? So I still have many questions about this budget and I really would prefer that nothing be done about it.

The other, that you wait to adopt it and wait to adopt any kind of increase in the energy efficiency.
[buzzer alarming]

Cost recovery factor because I don't see a cost justification for it.

>> Cole: Thank you, Carol.

Roger and after Roger we have Paul robins again and Mike faber.

>> Good evening, mayor pro tem, council members.

Roger borgel representing homeowners united for rate fairness.

You may or may not remember me from last year's rate case proceeding and I am here today, tonight on behalf of homeowners united for rate fairness again.

We are very, very concerned, quite frankly at the 56 million dollar fee increase that is being proposed to go into effect on top of the 92 million dollar rate increase that you just passed last year.

Now, I as a utility lawyer understand the difference between a rate increase and a fee increase.

My wallet unfortunately does not.

It sees those things as being precisely the same thing, and we would certainly like for you to take a close look at these fee increases, particularly in light of the fact that, as was stated by a previous speaker, the utility is projecting a 66 million dollar profit this year.

Also, although these fees are intended to be pass throughs of incurred costs, it appears that at least the power supply adjustment fee increase is at least in part based on budgeting mistake, where revenues from another program were supposedly going to be collected under this fee and were not. It's unfortunate that that mistake was made.

I wish that I had the ability, if I made a budgeting mistake, to pass that mistake on to my clients or customers or ratepayers.

I am sure everyone in this room who makes a budgeting mistake wishes they have the ability to pass the cost of that mistake on to someone else.

I might suggest that instead of increasing these fees for which there appears to be little justification, at least it has been presented to the public so far, you might consider filling reserve accounts more slowly.

You have another of options, perhaps reducing the general fund transfer this year to make up for the budgeting mistake that was certainly not made by any of Austin Energy's ratepayers.

Another issue that I believe is very closely related to this is we have noticed that the allocation of charges to city departments, in this case, particularly Austin Energy has increased again this year.

In fact, these numbers have increased every year at least going back to 2010, when the support payments that Austin Energy paid to the rest of the city were at 14 and a half million jumped to 2012 7 million, 28 4 million in 2013 now they are jumping to 21 million.

In light of the fact not just our own experts but public utility commission staff found these costs were railroad being overallocated to Austin Energy.

So what we are headed down is a train toward another unsustainable, simply unviable situation and herb opposes these increases in fees.

Want to let you know that.

Thank you.

[buzzer alarming]

>> Cole: Thank you.

Paul robins.

There you are.

>> Good evening.

I am here mostly to talk about the green choice rate.

All of you know that Austin Energy has a voluntary subscriber green choice rate for people who want to buy renewable energy.

When the costs of wind power went down, Austin Energy should have given a new price, and this should have happened last January when the new field costs went into effect.

And after I protested, Austin Energy did, in fact, revisits green choice rate, although this will be delayed to go effect until this coming January.

The proposed new residential rate reduction is a big improvement in price.

I would guess it would be about a 50% reduction in the price premium.

I would have configured it a little differently than it's been proposed, but I don't think it's that bad a thing.

What bothers me is that that many probably several dozen commercial customers currently on what is called "batch 6", a very high priced rate, will not be allowed to leave that rate to get a lower cost.

They the position of the utility is they signed a contract, and they are going to have to stay in that contract until 2021, when it is over, but any new customer can get a great reduction from batch 6.

And this is what they call in the utility business, "bad karma."

You are basically telling loyal, green choice customers that you are stuck with this turkey, and we are offering new people a cut rate, and it's just not going to go over well.

So I am asking you to change this so that people that want to opt out of batch 6 can.

One other thing, on a slightly to follow up on something that I said on the franchise fees, there is this I did read the contracts for these various cities and this is a lay reading because I am not an attorney, but I believe that four out of six of those cities have an I clause that allows Austin Energy to revise these fees.

My reading is that two of them are sort of locked in.

[buzzer alarming]

Thank you.

>> Cole: Thank you, Mr. Robins.

Mike Faber.

Come on up.

>> Mayor pro tem and Council, thank you for allowing me to speak.

I installed solar panels in my house last summer, and Austin Energy generally gives great generousity gives me a rebate on the electricity that I generate, the excess.

I am conservative and in fact will produce more electricity each year than what I am using.

The fine print is that Austin Energy reduces the rebate credit to zero at the end of each year, which to me doesn't seem fair and I respectfully request that the credit be extended indefinitely and that I be allowed to that goes those producers that produce more energy than what they use be allowed to apply that credit to other bills, of utility bills.

The amount is small.

I expect I probably will generate about \$200 more than what I use.

According to Austin Energy, only about 2% of the residential users actually have produce more electricity than what they use.

That, I think, is about 37, it could be 50, so that's my respectful request and thank you for your time.

>> Cole: Thank you, thank you, Mr. Faber.

Laura Presley and is Ray Alnick here.

There you are.

So, Laura, you have a total of 6 minutes.

>> Hello, Mayor pro tem, and Council members.

I am Dr. Laura Presley.

I am a 25 year Austinite and I am a business owner and I spent 17 years in the semiconductor industry in Austin as an engineering manager.

I want to speak this evening about Austin Energy's proposal for an all metered electric meter opt out program.

And now automated meters are also called smart meters.

Basically, in a nutshell, these meters are a small computer on our homes and they measure our electricity usage through a wireless network.

They emit frequencies of 900 megahertz and 2.5 gigahertz of electric magnetic radiation multiple times a minute on our homes.

And the smart reader technology was ruled out across the country and because of this wireless, pulsed radiation, issues associated with privacy, health, safety and security have arisen.

And would you put the PowerPoint up?

I have one slide I want to show.

Because citizens have had concerns, many states across the nation have implemented opt out programs and this is something I showed a couple of weeks ago.

Oregon, Nevada, California, Michigan, Vermont, Maine, Hawaii, also Arizona now, Sedona, Arizona has implemented an opt out program with no fees.

And also recently, in Brady, Texas, a small town of about 10,000 people have voted to absolutely have a moratorium against smart meters because of health concerns and privacy issues.

So that is kind of the trend going on in the state and also in the country.

Also, two weeks ago, our public our Texas public utility commission passed a final ruling mandating an opt out program for those utilities that they have jurisdiction over so even the P.U.C. of Texas have said, you need to have an opt out program across the state because of issues.

You know, we kind of fast forward to Austin and I want to say thank you to Austin Energy, Larry Weiss and his staff for the leadership in proposing this opt out program for Austin.

It is an absolute win, win solution.

Customers get a choice and then also Austin Energy gets to provide meets their mission and provides the best customer service and experience for Austinites.

I want to speak just a moment about the fees associated with this opt out program.

There is a customer charge that's going to be charged for replacing the smart meter with an old analogue meter that, remember, as you were kid, you saw the little rotating disk.

Those used to be on our homes back on 2000, so there is going to be a 75 dollar charge to replace that, and then also a fee each month to do a manual read.

And just to let you know, I am not jumping up and down about these fees on this.

I have been working with several nonprofits in town, and it looks like there are some options for Wellington families to have resources to help with these fees, so I am very supportive of this program and there is a lot of creative ways to get around the costs, and also Austin Energy has promised me I have talked with marnie cERVAnke who is chief of staff of Larry Weis that there are programs within Austin itself to help Wellington families this need to opt out because of issues.

So I hope you support this and it gives us a choice.

If you have any questions, I am available for questions.

>> Cole: Thank you, Laura.

>> Okay, thank you.

Vera sheefa.

Sheefo?

Help me with the name when you get to the mic.

>> Sheefo.

>> Hello.

So my name is Vera Sheefo.

I am an Austin resident and this is my only my second time talking in front of you guys.

And I am here to support the Austin Energy's opt out program.

I live in an apartment complex and I have 24 smart meters outside my bedroom wall.

I am sensitive to the emissions, and when I go there, it is like walking into a vortex.

I do have health issues.

I believe these health issues are real and some people are sensitive to them and some aren't.

So I want to say that I am all for the opt out program for those of us who do have issues and we have a choice then.

I am keeping it short.

Thank you.

>> Cole: Thank you, Vera.

Will McCloud.

I believe he left.

Charlie Hemley.

>> (Indiscernible).

>> Cole: Okay.

That brings us to the end of our speakers.

Any comments or questions, colleagues?

Motions?

Close the public hearing?

Motion by council member Morrison to close the public hearing.

Seconded by council member Spelman.

All Those in Favor, Say Aye.

Aye.

That motion passes on a vote of 6 0 unanimously with mayor Leffingwell off the dais.

The next item we will hear is item number 116.

I believe we have a few speakers with respect to the water utility.

Lynetta Cooper and Carol offered you some time.

>> My name is Lynetta Cooper and I am here tonight to ask you to reduce the rate requested increase, for a couple of reasons, one, the water utility wanting to add 63 employees.

I looked at the budget activity and they want to add 20 to support services.

That's overhead.

Managerial overhead.

They want to add four after adding four last year for meter accuracy and they already have meter readers in other activities and want to add another 5.3 for regulation so I would like to cut those in half, encourage that employee count in half, take that revenue requirement and reduce the rates accordingly.

I want to point out that I didn't even touch the 17 employees they are adding for water treatment number 4.

Now, we do know that our aggressive conservation measures have really showed we didn't need to have water treatment four this time but nonetheless we have it and they and because of the consumed growth they have the capacities that being built that's not going to be used and paid for by increased growth.

It didn't come.

So the result is higher rates.

And looked at the utility bill and the utility bill after these rates will be a 4.4% increase in utility rates.

Now, it's true, you are concerned about a 2% affordability, then you should be very aggressive to make sure that people keep their belts tightened and I think adding 63 employees, 20 which in support services overhead is a suffer way of doing business.

The second thing I would recommend in the rate decrease is they have budgeted for \$6.8 million excess profit.

I would take that \$6.8 million in excess profit and reduce the rates accordingly, so thank you very much.

>> Cole: Thank you.

>> I would like Lee to file testimony in light of the budget.

I flow that will probably help y'all a lot.

Do I put it over here?

>> Cole: Sure.

>> Thank you.

>> Cole: Paul robins.

There you go.

You move around.

[LAUGHTER]

>> I will be gone before you know it.

[LAUGHTER]

>> In February of 2012, it was reported that Austin had the highest combined water, wastewater fees of the top ten Texas Cities and these cities were also higher than the majority of the rated average of its suburbs.

Interestingly, unlike several other reports or positions that I have taken, the water utility didn't disagree with me on this.

Actually one of its vice presidents said, well, if you look at it from robin's context, he is probably right. So I guess the biggest concern, besides the high costs, is what are we doing to bring it down?

No, to everyone's credit, including the water utility, there is an aggressive move to raise capital recovery fees.

And, okay.

You have been giving credit your due consideration, but I know of no other measure that's duly taken to lower water bills, and it bewilders me with all of the attention that has been given to Austin Energy in the past year and a half, it bewilders me why some, maybe even a quarter of the attention can't be given to the water utility.

Austin Energy doesn't have nearly the high ranking, relative ranking in utility rates that Austin water does.

The other consideration I so I am asking you the next fiscal year to hold work sessions to figure out what specifically can be done to lower Austin's high water rates.

The other thing I want to address is water treatment plant number 4.

The water utility posts its daily peak demand on the Internet.

We haven't broken 170 million gallons per day in the last month.

With water treatment plant four, we will have 335 million gallons a day.

Hey, who says Austin doesn't plan for the future?

[LAUGHTER].

Basically I am wondering we couldn't stop the plant from being built, but is there any merit and I am speaking seriously is there any merit to for stalling the commissioning of the plant for several years and saving money until the plant is needed?

Thank you.

[buzzer alarming]

>> Cole: Thank you, Mr. robins.

Mary Arnold is next.

>> Good evening, my name is Mary Arnold.

Thank you for having this hearing.

In May, we wrote to you about the impact on the fund in proposed changes in the reclaimed water rate and you responded by passing a resolution in June to instruct the city manager to take a look at having a park land reclaimed water rate of a dollar or reclaimed power rate for all park land which would include our golf courses.

And the city manager did recommend that there be a dollar per 1,000 gallons park land rate for fy '14. And that will save the golf fund some money, rather than going to a dollar and 75 cents, or 73 cents, as is being proposed.

However, the water and wastewater commission was told that the plan is to increase the park land reclaimed rate to the system wide rate over the next five years, so all we've done is put off the impact and we would still like for the city council to please ask the resource management commission and the water and wastewater commission, environmental board, to set aside a few folks to meet with some stakeholders and with the reclaimed staff, water conservation staff, in order to take a look on whether or not enough reclaimed water is being sold to help pay for the very large expansions to the reclaimed water system.

They are planning to spend \$8 million this fy '14, and, yet, they have not been able to get enough large volume customers to make up for the the \$2.6 million in debt service that is accumulating and that the water utility is having to pay, partially by the reclaimed water rates and partially by transfers from water and wastewater revenues.

So if we can get more reclaimed water customers, that's great.

And it should be at a reasonable rate, but let's try to match the [buzzer alarming] capital costs with plan to pay for them that would still allow reasonable rates for everybody.

>> Mayor Leffingwell: Thank you, Mary.

Will McCloud.

Will McCloud.

He is not here.

So those are all of the speakers that we have on this item.

Entertain a motion to close the public hearing.

>> Cole: So move.

>> Mayor Leffingwell: Mayor pro tem so moves.

Second by council member Spelman.

All Those in Favor, Say Aye.

Opposed, passes 6 0 with council member Riley off the dais.

That brings us to Council will take up Jinked item 113 to conduct the public hearing, receive public comment on the City of Austin 2013 2014 proposed budget.

Council will hear more public comment on the budget on August 29, 2013.

So we will begin with those speakers.

Joap mERjER.

So you have 3 minutes.

>> Council members, my name is joaP and I represent a local nonappropriate that allows people to be part of climate change solution.

Today I would like to focus on one budget item that involves the rebate program and Austin Energy plans to slash it by over 40%, if anything, we need much more renewable energy to show we are serious about climate change and we need to reduce our gas emission by 80% and we have a renewable goal in town of 35% by 2020 for electricity.

So my question is how do we get to 80%.

My prescription would be very simple.

Stop wasting energy.

Focus on energy efficiency and use more renewable energy.

That's all we have to do.

Decreasing a budget for this sends it in the wrong direction.

The goal is to deliver climate change, then talk budget and be creative in getting funding in place.

Can we do that?

Yes, we can.

Look at where solar power is lowering pricings of utility costs.

Residents own half of this capacity in other words, everybody is involved and we have to have we have the opportunity to do that here in Austin as well.

Austin doesn't have to go at this alone.

We need to remove barriers.

Currently it is not possible for citizens to invest in solar or wind farms, to invest in community server, to own panels and for Austin Energy (Indiscernible) or to get the output of such a project tied to their bill.

Only 30% of us venture roofs are suitable for solar system which is focus of current rebate program and community said they would make it available to everybody.

Also we can make the solar rebate program for income dependent, this would allow low income people to participate.

What else can you do for rates of funds or to decrease more livables.

You can use renewables.

You can use capital program and stop investing in fuel based and invest in vehicle transportation systems as service company.

Invest in (Indiscernible) as a leasing company.

Provide opportunities for solar and roof programs, et cetera, et cetera.

These are a few ideas and there may be more.

There are also financing options that can be very transformative that you can enact.

Finance, rapid deployment where they have the bonds programs, include requirement for them to be solar ready but to have solar.

It is cheaper to pay increase in your mortgage than you would pay for a utility bills.

You can increase include a fee or fossil fuel service in Austin.

The Obama administration estimates the cost of carbon emission at \$40 per ton.

[buzzer alarming]

That's a lot of money.

>> Mayor Leffingwell: Thank you.

>> Thank you so much.

>> Mayor Leffingwell: Time has expired.

>> Thank you for your time and consideration.

>> Mayor Leffingwell: Neil fully.

You have 3 minutes.

>> Mayor, members of the Council, my name is Neil fully, I am a resident at 4108 avenue d in Hyde Park where I resided over two decades.

House is built in 1906.

It was designated historic as the John and Leela gay house.

Leela gay was a leading activist in human rights, women's suffrage women in Austin and Texas leading to passage of the 19th amendment, giving women the right to vote in 1920.

And her husband, John gay, was the president of the Austin school for the blind.

So my daughters, all three of them, are very proud to have been raised in a house by a leading Austin activist for women's rights.

I am here tonight because three weeks ago I got a letter from Travis Counties tcad.

Travis County assessment or appraisal district saying our house had been removed from the list of properties approved for the historic exemption, which came as quite a surprise to me.

We so I want to explain what happened.

We received historic exemption in 2007 and received it every year since then by completing the annual exemption application to TCAD and the office and today I sent the certification to the historic homes and city historic office before the January 15 deadline, and my application to Travis County appraisal district before their deadline in May.

As in previous years, I received in May TCAD's notice of appraised value of our home, along with the estimated amount of our tax, which included what I would expect with the historic exemption, so everything just appeared as it should be every year, except until last month when I got this letter from the exemptions coordinator for TCAD, stating our historic exemption and this is a quote, has been removed because we did not receive a 2013 affidavit for the property from the historic preservation committee.

So I immediately called Mr. sadowski in historic preservation office to find out what happened and he said his office had no record of having received the affidavit.

I know I sent the affidavit in.

I send it every year along with the application.

I don't know where it went.

It could have ended up in the wrong department or lost in the mail.

Either way, Mr. sadowski sent me another affidavit which I sent, filled out, had notarized, sent back.

He had told me last spring the house had passed inspection, as it does every year and said I will be happy to provide you with a written statement and the Council with a written statement that your

property is in full compliance, has passed annual inspection and would have been on the list if it were not for the missing affidavit [buzzer alarming]

So I am asking you to please help me to restore by directing staff to, you know, to amend the list of approved

>> Mayor Leffingwell: Your time has expired.

Lynetta Cooper.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member Tovo.

>> Tovo: I have a question for staff.

I have a copy of Mr. fully did submit to my office perhaps to others a note from actually I got this directly from the historic preservation office verifying that Dr. Fully said that indeed his house would have been compliance it was inspected and found to be in compliance and he had submitted an appropriate affidavit and it would have been included had it been submitted earlier, so is that your understanding as well?

>> Yes, it is, Jerry Rusthoven, planning and don't.

We have checked and double checked.

We have no record of having received Mr. fully's application.

However, we have inspected the house.

It did pass the inspection.

It does appear that the somewhere between his mailing it and our receiving it, that it was lost.

But it would have otherwise been able to receive it because it did pass the inspection.

>> Tovo: So this needs to be amended during the budget process.

Could we ask at this point that staff go ahead and prepare

>> Yes, we can prepare language so when you are approving the budget in September you can make an amendment to add his name to the list that you approve for the budget and we submit to TCAD to receive the exemption this year.

>> Tovo: If you could go ahead and do that, that would be great.

>> We will.

>> Mayor Leffingwell: Lynetta Cooper is not here.

Carol is not here.

Mary arnett.

Okay.

You have several people donating time to you, if they are here.

Mary redig.

Okay.

Got you.

Susan Reed.

Susan Reed.

Maria Flanagan.

Okay.

Maria flanagan.

Sherri Powell.

>> She had to leave.

>> Mayor Leffingwell: Up to 12 minutes.

>> Thank you.

Good evening, Council, I am Mary arnett and the president of the citizen Austin safety partnership and I want to thank you for listening to me tonight and I also want to thank you I have been watching a lot of channel 6 lately and I want to thank you all of you for your diligence.

I can tell you are really digging into those budgets and asking really good questions and that gives me great hope that we will come out on the other side of this budget this year with some happier faces. I want to talk to you about unmet needs and want to remind you devil is always in the details. I know council member Spelman showed a couple of charts to art Acevedo when he was at your work session one day.

I felt they represented things in too broad of a stroke and we need to look into some of the details that understood lie those concepts underlie those concepts.

I first want to bring to your attention to three priorities that have not been included in the city manager's proposed budget that he gave to you, I believe, on August 1st.

There is a victim counselor position that they need about \$75,000 more.

They filled one of them.

They have one still that is unfunded.

Supervisory upgrade positions for the increase in staffing.

In other words, 47 officers have been proposed by the city manager's budget but there was some staffing upgrades to provide for supervisory positions.

That comes to about \$404,000.

And I just want to remind you that number is very close to the amount of money that we gave away to SXSW promoters in return for APD's services, so if we had that money right now, we might not be looking for it in the couch cushions.

Business intelligence analysts.

There are three positions, and they are not all the same.

They will be doing different things, representing about \$305,000, and this is what I have been hearing at the public safety commission all yearlong, is that this is one of the keys to having more efficiencies at the police department is to have those type of analysts to do that kind of stuff for them.

The recommendation is the big elephant in the room, the preferred recommendation, we feel thankful the city manager wanted to put forward 47 officers.

We still feel we need more officers.

Now, after what council member Spelman has told you, he's put a question in people's mind, why do we need more officers, in spite of lowered crime rates, why do we need more officers in spite of the higher staffing in these years and in spite of a perceived level of calls for service.

I want to submit to you the reason we need these more officers is to keep our crime rate low.

Our police department, we are very proud of them.

They have done a great job keeping us safe and we have a rising population, expanding geographic area.

A complexity of policing these city events and other threats that come our way through cartels, terrorist activity or natural disasters.

Also, in regards to calls per service, council member Spelman remitted to you that his remained relatively stable throughout the years but there are many police activities that are not based on calls for service.

Policing downtown, for example, people walking beats come across crime all the time that doesn't get called in by 9 1 1.

Events, the district represented its program is not at all represented in calls for service, hardly at all. Detective work.

Those are the kind those make a need for more staffing but not affected in calls for service.

I just want to give you an overview of response time really quickly here.

Region one is the downtown area and a little north of there.

The the response time is represented PO123 and that is priority 0, the most hot call down to priority 3, the least and so downtown enjoys a pretty good response rate because they we deploy a lot of officers downtown, so downtown is doing pretty good.

Region 2, which is where I live, that is 87 square miles.

And you can see that we experience the higher response rates out there, 8 minutes and 27 seconds.

That is not consistent with what the goal is.

Region 3, again, they are close to downtown, very good response time, but region 4 is 80 square miles.

>> You can see that frank sector has upwards of 40 minutes for priority three call and 8 minutes 31 seconds for priority 0 call.

Let's see, I think I went too far here.

The true officer counts, I received this through public information request through APD, new officers to maintain 2.0 as said, 47 officers, so the calculation minus the airport police, Marshalls and and park place is 1647.

I did my own calculation, where I took the 1647, I want you to be aware, 7 on military leave, as of August, 36 cadets started in May.

They aren't taking 9 1 1 calls yet, 42 cadets just started this month.

They aren't due to be out until July of 2014 and this is a fluctuating number, 53 vacancies right now due to retirements, quits or suspensions, so that's actually 1509 amp sworn officers and I want to bring that to your attention, not to show you two officers per 1,000 but to show you there is a wide fluctuation in the number of officers who serve our various areas.

I will send these comp stats at, quarter one and quarter two, to look at when you have time I know you have a lot of time on your hands.

And I also want to talk about the Rundberg lane case study.

I hope you had a chance to read the great statesman story that came out on Sunday.

Starting on page 57 of the U.T. actual study that's posted online at the statesman, there is an Excellent, excellent description of what community policing really means and this is really what we are trying to get to here, is the uncommitted time so that we are not going to be having future Rundberg lane scenarios festering throughout the city.

How did Rundberg change from what it was from the '60s and '70s until now?

It is a long story of the broken window theory and last of all, I want to tell you this program, the district representative program, in conjunction with using patrols and increasing uncommitted time, this program really means a lot to the neighborhoods and this is what the crux of the matter is.

We would like the uncommitted time to be higher.

It helps us to address chronic problems, which frustrate residents, solving those problems takes more than just calls for service.

You can't call 9 1 1 and hope to solve it that way.

When problems are solved this way, it means less calls for service and better quality of life and people stay invested in the community and that is really a key to keep future Rundberg lanes happening from all over the city.

Thank you for your time.

>> Spelman: Ma'am.

>> Mayor Leffingwell: Council member Spelman.

>> Be you do me a favor and sending me your PowerPoint?

>> Absolutely.

>> Spelman: Thank you, ma'am.

>> Mayor Leffingwell: Bill bryce.

>> Good evening, mayor, mayor pro tem, council members, Mr. not.

I am vice president and director with downtown Austin alliance.

Downtown Austin alliance recently submitted letters to each of you requesting your support for four budget areas.

APD downtown area command, downtown Austin community courts needs, Austin resource center for the homeless, and also for parks maintenance.

All of these budget areas are important to the city as a whole and downtown, I would like to focus on the three areas related to public safety.

We all recognize tremendous growth we had in our downtown over the past ten years with increasing numbers of residents, office occupants, visitors in national and international special events but with this growth also comes the opportunity for increased crime.

We believe the 44% increase in downtown index crime that we saw in 2011 and 2012 is an indicator that can't be ignored.

This was a time when city wide violent crime was trending downward and decreased about 5%.

APD responded to the increase in downtown violent crime by implementing a number of initiatives that began last fall and continue today.

These initiatives have turned violent crime on a downward trend but funded through APD's overtime budget and by pulling staff resources from other APD sectors into downtown to support the thin resources that they have downtown.

Therefore, we would ask that you approve the 3.97 million needed for the 36 officer positions that APD needs to keep downtown safe.

Downtown Austin community court is on pace to see more than 16,000 case filings this year.

This is twice the number of cases filed in FY '12 and would far exceed the previous one year high number of cases which was slightly over 12,000 in FY2010.

The increase caseload of community court along with the court's intensive focus to engage chronic homeless and frequent offenders and treatment and housing requires additional funding for treatment and additional staff to keep the court operating efficiently.

Therefore we ask you to approve the court's need for 310,000 and additional treatment funding and additional funding needed to have two court clerk positions.

Front steps which manages the city owned arch facility needs \$75,000 to fill a gap due to federal funding cuts and need \$500,000 in one time capital funding to create the don't convert their garage space into programmable indoor space that can create a use of space right now that is not very useful. This would allow more people who are waiting for services outside to remain inside the facility, rather than being outside where they are often preyed upon by drug dealers and other criminals.

Front steps is also requesting \$238,000 for additional case managers and security staffing.

This funding would allow them to move more people out of the shelter and into stable housing and to keep the facilities safer.

[buzzer alarming]

I appreciate your attention to downtown issues and respectfully request your support in these essential budget needs.

Thank you.

>> Mayor Leffingwell: Trudy Cortez.

[APPLAUSE].

Trudy Cortez.

Apparently not here.

All right.

Is Carol Gibbs here?

You have up to 6 minutes.

>> I would say good evening, but it is a bit late and I know we are all tired.

Thank you so much for allowing us to speak here, mayor and council members.

>> .

My name is Judy Cortez, and I am the president of local 1624, the labor union representing the City of Austin and Travis County employees and want to let you know that city the city employees are here. They are your employees and they are very valuable to city government, so a shout out to them right now.

>> Woo.

>> I also want to present to you with about 20 2,000 petitions sorry, pretty late 2,000 petitions signed by the City of Austin employees.

Most of them can't be here today, and the reason being is they've got family responsibilities.

They have got second jobs, and sometimes they are too exhausted to just come here today and attend and support us in this endeavor.

Most of them have to get up early in the morning, 5:00 o'clock in the morning and return to their jobs.

These petitions employ you to do right for your employees.

The additional \$2 million needed to bring general fund employees up to 3% amounts to a quarter of one percent of the general budget.

That is one quarter of one percent of the general budget.

I urge your support forgiving city employees a 3% cost of living adjustment.

They deserve it.

This 3% adjustment is in line with what other public and private entities are providing their employees.

According to mercer Hays and market study companies, the average anticipated salary increases for Austin area employees, both private and public sector, is 3.4%.

I ask you to consider as stated in the city manager's 2014 budget narrative that previous budgets have been balanced in part by a zero percent pay increase in 2012.

Holding positions vacant and suspending market salary adjustments indeed one third of the workforce has not received a market based adjustment over five years.

Some of those salaries are 4 \$5 lower than comparable positions found in the marketplace.

In short, these budgets are balanced off the backs of our employees.

You have taken note of the high number of vacancies and the budget savings that they represent.

But the cost of those savings is being borne by the employees and the taxpayers, your constituents.

I assure you the vast majority of those vacancies are in line align with the positions, employees who deliver public services.

Therefore, employees are continuing to do more with less, and citizens are not receiving the full range of public services that they have paid for.

It is only right that the city employee should receive their fair share of increased productivity that is imposed and expected of them.

Do the right thing, please.

Employ you do the right thing and give the employees a 3% increase.

They need it, they deserve it and they sure as heck are worth it.

Thank you.

[APPLAUSE].

[cheering and applause].

>> Mayor Leffingwell: (Indiscernible).

(Indiscernible) brown.

I am going to ask you to hold down the demonstrations.

>> We have approximately 2 hours of testimony remaining.

It is going to be difficult to get through it, so I appreciate your cooperation in that.

Go ahead.

>> All right.

Thank you, good evening, Council, my name is Kaitlin brown.

I am a staff representative with local 1624.

Here to talk to you about the growth of city management and the impact it had on our budget.

Over the last four years, city management has exploded.

One out of every three nonforeign positions filled in the last four years has been management.

Management positions have increased astounding 14% the last four years, compared to less than 1% of the total civilian workforce.

You have to wonder, who are all of these new managers actually managing?

Explosive growth in management has added numerous layers of urn needed bureaucracy.

It's placed a major strain on our budget and has had a major impact when it comes to the high cost of frontline employees and the taxpayers they serve.

The city manager has long touted his goal of created the best managed city in America.

It appears he actually created the most managed city in America.

[APPLAUSE].

The city's organizational chart looks a lot different than its did four years ago.

We have seen a trend in creating offices to do the work, the same work that was done under the umbrella of the department and we all know when you create a new office, you are going to be creating executive positions right along with it.

In the last four years we have added ten each officer and deputy officer positions.

Those employees make on average 109,000 a year.

We are talking over \$2 million annually just for those 20 positions.

When building services became its own office and separated from financial services, you saw a substantial growth in only one category of employees.

You guessed it: Management.

Nine high level management positions were created when the split occurred.

Financial services lost staffing overall but they added three officer positions.

Between the two officers, we between the two offices, we went to four employees making over 125,000 to now nine employees and the trend of adding executives doesn't stop there.

Austin Energy currently has five ups in place but five vps in place but looking to add four more.

The annual budgeted salaries for those four positions alone amounts to \$730,000.

Assistant director positions have also cropped up in recent years, from convention center and anywhere, they have added two each, aviation, H.R., and planning development and review each have one ad, the average salary for assistant director is \$126,000.

And the city almost doubled amount of division managers.

We have ever 70.

The total cost of division managers is \$6.8 million.

And they are not just being added in enterprise departments.

We are paying out of general fund, libraries gone from 3 6 division managers and public works have gone from 2 78

[buzzer alarming]

>> Mayor Leffingwell: Your time has expired.

>> Okay.

>> Mayor Leffingwell: Thank you.

[APPLAUSE].

>> Mayor Leffingwell: Susan skolin.

Donating time.

Silvia pope.

Silvia, is she in the chamber?

Apparently not.

(Indiscernible) is here.

Nora brionni is here.

Jan Adler here, so you have up to 9 minutes.

>> I don't think O.

>> Hi, I don't think I need that much time.

My name is Susan scalon and EUC loved for City of Austin for 24 years and I am a local member of the asme1624 local and many of us have gone through numerous reorganizations the last years and resulted in more layers of management without increase in the total number of employees to manage. For example, ctm, communications and the department has held workforce steady at roughly 240 filled positions from June of 2009 to the present.

Yet, over the last four years, three organizations have heads to explosion in upper management with six new managers with salaries in excess of 100,000 more, plus.

Departments are choosing to use vacancy savings from lower level positions to fund reclassifications for high level management positions.

The neighborhood housing and community development department gone from 56 employees in payroll from June of 2009 to 49 employees in June of 2013.

That's a reduction.

As front run employees leave the department, they are not being replaced.

The department has increasingly became top heavy with 11 new high M. positions with salary in excess of 75 \$150,000.

There are 8 division managers in this department and a department with less than 50 employees.

That is one manager for every 4.5 employees.

By and large the creation of these new management positions does nothing to help us city employees provide better services to our customers, the taxpayers.

On the contrary, it hurts us by eliminating funding that could be used to fill vacant frontline positions or to give us a meaningful pay raise.

Employees tell me they are taking homeless in their paycheck today than they were a year ago prior to our previous 3% raise.

[APPLAUSE].

We will be increase in the health insurance and loss of federal payroll tax deduction, we are not offset for the cost of living from a year ago so numbers to keep in mind when you are considering the budget.

An employee that makings \$14.50 an hour has a general annual income of \$30,000.

That person will only get 23 cents per hour with a 1.5% raise.

That is \$40 more a month pretax.

If they were to get a 3% raise, that would be double, which would be \$80 more a pretax.

With one and a half percent, that is \$480 more a year.

An employee, on the other hand, that makes \$48 an hour for annual income of around 100,000 where a one and a half percent raise would get a 72 cent per hour increase, for an extra \$125 a month, and a 3% would give them extra \$250 a month.

[one moment, please, for change in captioners]

>> I WANT TO TALK TO YOU FROM THE EMPLOYEE'S POINT OF VIEW.

THE CITY'S SECOND QUARTER BUDGET REPORT, THE CITY IS ON TRACK TO GENERATE \$10 MILLION IN VACANCY SAVINGS.

THE CITY VACANCY REPORT SHOWS 718 VACANCIES AS OF APRIL 13, 2013.

AS OF JULY, 2013, THERE ARE NOW 935 VACANCIES AND THE NUMBER DOES NOT INCLUDE THE 364 NEW POSITIONS BEING REQUESTED FOR 2014.

THE VAST MAJORITY OF THESE VACANCIES ARE FRONT LINE, LIKE MINE.

WE ARE THE EMPLOYEES WHO DELIVER THE CITIES SERVICES.

WE ARE THE CITY'S MECHANICS WHO KEEP THE FLEET IN PROPER RUNNING CONDITION.

THE SERVICE WE DELIVER ARE WHERE THE RUBBER MEETS THE ROAD.

THESE VACANCIES REPRESENTS THE GROWTH OF FRONT LINE CITY WORKERS WHO ARE EXPECTED TO DO MORE WITH LESS.

AND, I'M GETTING OUT OF HERE THIS YEAR.

I'M WORKING OUT OF IT THE BEST I COULD, THE BEST I CAN FOR YOU GUYS, AND I'M HEAR STILL TO BE LOYAL TO YOU ALL.

WHAT BECOMES OF THESE VACANCY SAVINGS IS OFF THE BACKS OF THE EMPLOYEES.

THEY GET USED TO FUND VARIOUS ORGANIZATIONS THAT CREATE.

>> NUMBER OF MANAGEMENT LEVEL POSITIONS HAVE BEEN HEARD ABOUT.

THEY FOUND RECLASSIFICATION OF THE FRONT LINE POSITIONS TO MANAGEMENT POSITIONS.

THE FUNDS TRAVEL THE FUNDS FOR TRAVEL AND RETIREMENT PARTIES.

WHAT IS LEFT OVER MAKES ITS WAY TO WHAT SOME CALL THE BUDGET STABILIZATION FUND WHICH HAS A \$60 MILLION BALANCE.

THAT IS THE FANCY NAME FOR A SLUSH FUND.

WHY AREN'T THESE VACANCIES BEING USED TO FUND OUR COST OF LIVING ADJUSTMENTS INSTEAD OF DUMPING THESE MILLIONS OF DOLLARS INTO SLUSH FUNDS.

WHY WOULD YOU USE THEM FOR FAIRLY COMPENSATING THE EMPLOYEES WHOSE BACKS THESE FUNDS ARE BEING MADE POSSIBLE INSTEAD OF TRANSFERRING GENERAL FUND DOLLARS TO THINGS LIKE THE RADIO MAINTENANCE FUNDS AND WIRELESS COMMUNICATION FUNDS, JUST TO NAME TWO, TRANSFER MONEY FROM THE BUDGET STABILIZATION FUNDS TO COVER CAPITAL EXPENDITURE. THIS ONE WILL FREE UP \$9.6 MILLION IN THE GENERAL FUND.

MORE THAN ENOUGH TO FUND OUR PAY INCREASE.

>> THANK YOU.

[APPLAUSE]

>> IS TODD IN THE CHAMBER?

>> YES.

>> YOU HAVE UP TO SIX MINUTES.

>> THANK YOU, MAYOR.

COUNCIL MEMBERS, GOOD EVENING.

I'M GREG POWELL, BUSINESS MANAGER FOR LOCAL 1624, PROUD TO REPRESENT THE CITY OF BOSTON EMPLOYEES UP LATE TONIGHT AND WILL BE OUT IN THE STREETS EARLY IN THE MORNING DOING THEIR JOBS.

I WANT TO TALK TO YOU TONIGHT ABOUT THE COST OF ETHICS, OR THE LACK OF IT, THAT OFTEN PLAYS OUT IN CITY MANAGEMENT.

I'M NOT TALKING ABOUT THE MANDATORY ETHICS CLASSES THAT EMPLOYEES HAVE TO TAKE THAT ADMONISH THEM ABOUT ACCEPTING DONUTS FROM CUSTOMERS AND VENDORS, I'M TALKING ABOUT THE KIND OF ETHICS THAT PLAY OUT THAT ALLOWS MANAGEMENT TO MANIPULATE THE PROMOTION AND HIRING SYSTEM AND THE PAY PROGRAMS AND TO IGNORE THE VERY RULES THAT THEY IMPOSE AND EXPECT EVERYBODY ELSE TO FOLLOW WITH THIS CITY.

WE'VE HEARD ABOUT THE CREATION OF THESE HIGH LEVEL MANAGEMENT POSITIONS, 100, 110, \$125,000 POSITIONS.

I WANT TO TALK TO YOU ABOUT THE PRACTICE OF ARBITRARILY APPOINTING PEOPLE TO THESE POSITIONS.

THESE POSITIONS ARE NOT ADVERTISED, NOT POSTED, NOT LOOKING FOR THE BEST QUALIFIED PEOPLE, THEY ARE SIMPLY APPOINTED TO THESE POSITIONS.

I'M ALSO TALKING ABOUT THE MANIPULATION IN THE HIRING PROCESS OF THINGS LIKE JOB DESCRIPTIONS.

SOUNDS INNOCUOUS UNTIL YOU START REALIZING THAT WHERE MINIMUM QUALIFICATIONS FOR JOBS ARE OFTEN TIMES MANIPULATED WHERE MINIMUM QUALIFICATIONS ARE TAKEN OUT OF JOB DESCRIPTIONS SO THEY FIT A PARTICULAR CANDIDATE WHO WOULD OTHERWISE BE UNQUALIFIED FOR THAT JOB, OR THEY'RE USED TO FREEZE OUT POSITIONS, INDIVIDUALS, BECAUSE THEY ADD QUALIFICATIONS THEY KNOW THEY DON'T HAVE AND THEY CAN'T APPLY.

A RECENT EXAMPLE OF ONE THAT WAS JUST DEALT WITH HAS TO DO WITH THINGS LIKE PREFERRED QUALIFICATIONS GETTING ADDED TO JOB DESCRIPTIONS.

A RECENT ONE WHERE YOU HAD TO HAVE A SPECIFIC CERTIFICATION THAT WAS GOING TO BE THE PREFERRED QUALIFICATION.

NOT MANDATORY, JUST PREFERRED IT WOULD HAVE BEEN NICE IF ALL THE EMPLOYEES IN THAT DIVISION HAD BEEN MADE AWARE THAT THAT WAS AN UPCOMING PREFERRED QUALIFICATION SO THEY COULD HAVE GONE OUT AND GOTTEN THAT CERTIFICATION, BUT ONLY ONE PERSON, THE GOOD OLD BOY OF THE SUPERVISOR, WAS TOLD IN ADVANCE TO MAKE SURE YOU GO GET TO THAT CERTIFICATION SO YOU WILL HAVE THAT PREFERRED QUALIFICATION SO WE CAN HIRE YOU FOR THE JOB OVER AND ABOVE THESE GUYS WHO HAVE 15 AND 20 YEARS MORE EXPERIENCE THAN YOU. THAT'S THE KIND OF UNETHICAL TREATMENTS I'M TALKING ABOUT.

I'M ALSO TALKING ABOUT HOW THE CITY IGNORES THEIR OLD PAY AND PAY ZONING RULES WHEN IT SUITS THEM.

WHEN YOU CALL THEM ON IT, THEY SAY THEY'RE NOT NECESSARILY RULES, THEY'RE JUST GUIDELINES. SO, FOR ALL OF YOU EMPLOYEES OUT THERE, THEY'RE RULES.

BUT, WHEN IT COMES TO MANAGEMENT, THEY'RE JUST GUIDELINES.

IS THAT FAIR?

IS THAT ETHICAL?

THAT'S WHAT GOES ON.

SO, WHAT'S THE COST OF THESE KIND OF UNETHICAL PRACTICES THAT I'M TALKING ABOUT? WELL, FOR ONE, IT IS A COST TO THE TAXPAYERS AND THE CITIZENS OF AUSTIN WHO HAVE A RIGHTFUL EXPECTATION WE WILL BE HIRING THE BEST QUALIFIED PEOPLE FOR THESE JOBS.

AFTER ALL, THEY'RE THE ONES THAT ARE FOOTING THE BILL.

THERE IS ALSO THE COST TO EMPLOYEE MORALE.

THERE IS A COST THAT'S ACTUALLY TANGIBLE BECAUSE YOU CAN GO INTO THE WORK PLACE AND YOU CAN FEEL IT.

THESE ARE EMPLOYEES WHO EXPERIENCE AND WITNESS THAT'S KIND OF UNETHICAL PRACTICES.

THESE ARE WORK GROUPS THAT WATCH SOMEONE GET PROMOTED FOR THE JOB AND WALK AWAY SHAKING THEIR HEADS SAYING, WHAT THE HELL?

HOW COULD THIS HAPPEN WHEN THE RIGHTFUL EMPLOYEE, THE ONE THAT EARNED THAT POSITION, THAT PUT IN THEIR TIME, THAT MASTERED THEIR JOB, THAT PREPARED FOR ADVANCEMENT WAS ARBITRARILY EXCLUDED FROM CONSIDERATION.

THAT'S A HUGE COST OF EMPLOYEE MORALE AND IT PLAYS OUT.

THESE ARE AMONG THE REASONS THAT WE HAD TO PUSH SO HARD FOR CIVIL SERVICE SYSTEM HERE AT CITY OF AUSTIN.

A SYSTEM THAT WE HOPE WILL BRING SOME ORDER AND SOME FAIRNESS TO WHAT GOES INSIDE, WHAT GOES ON INSIDE THE HALLS OF CITY GOVERNMENT.

MUCH OF WHICH YOU ARE NEVER AWARE OF.

SO, WE MET WITH ALL OF YOU ABOUT THIS BUDGET.

WE WERE FAIRLY OUT RANGED, I THINK, ABOUT THE FACT THAT WE'RE GOING TO HAVE TO COME HERE AND FIGHT FOR \$2 MILLION IN A 700 PLUS MILLION DOLLAR GENERAL FUND BUDGET. WE SHOWED YOU WHERE THE MONEY IS TO FUND THE PAY INCREASES THAT WE ASKED FOR. ALL OF YOU SAID, WHERE'S THE MONEY?

I SAID, WE'LL FIND IT, AND WE FOUND IT, AND WE POINTED IT OUT TO EVER ONE OF YOU.

NOW I'M ASKING YOU TO DELIVER.

I'M ASKING TO YOU DO THE RIGHT THING.

I'M ASKING TO YOU DO THE ETHICAL THING AND DO RIGHT BY YOUR EMPLOYEES AND GIVE THEM THEIR 3% PAY INCREASE.

YOU KNOW THEY'RE WORTH IT.

THEY'VE EARNED IT, THEY DESERVE IT, SO DO IT.

I THANK YOU.

[APPLAUSE]

NATHAN RANDALL.

PERRY GILLESPIE.

YOU HAVE THREE MINUTES.

>> THANK YOU, CITY COUNCIL.

MY DEPARTMENT IS AUSTIN RESOURCE RECOVERY.

MY NAME IS PERRY GILLESPIE.

MY TITLE IS ARR OPERATOR.

I USED TO BE CALLED THE GARBAGE MAN, BUT THE WORK IS STILL THE SAME.

[LAUGHTER]

WE GO OUT, WE PICK UP TRASH, WE PICK UP RECYCLED MATERIAL.

WE DO THE WORK THAT NOBODY WANTS TO DO OR THIS JOB AIN'T FOR EVERYBODY.

MY JOB IS NOT A GLAMOROUS JOB, BUT IT IS IMPORTANT.

IF I DON'T GO PICK UP OR WE DON'T GO PICK UP EVERYBODY'S TRASH, RECYCLE, TREES, PROBABLY NOBODY WILL.

I REMEMBER WHEN HE FIRST CAME, HE GOT ON THE BACK OF A TRUCK.

HE WILL TELL YOU, IT IS NOT AN EASY JOB, DAY AFTER DAY.

IT IS NOT AN EASY JOB WHEN YOU GO OUT THERE AN HOUR DOWN IT.

I WORKED IN THE SUN, RAIN, HEAT, IT DOESN'T MATTER TO ME.

I'VE GOT A FAMILY TO FEED.

SO, WHAT I'M ASKING YOU TO YOU ALL, AS LONG AS I GET A REASONABLE PAY FOR A REASONABLE DAY'S WORK.

I'VE GOT A FAMILY TO FEED, A LOT OF FOLKS WE WILL HAVE A FAMILY, THEY HAVE FAMILIES TO FEED.

SO, IF YOU CAN JUST PAY US WHAT WE'RE WORTH, THEN I WILL BE HAPPY ABOUT IT.

I KNOW I'M WORTH IT, AND AS FAR AS THE STORM SEASON COMING AROUND, WE'RE OUT THERE EXTRA HOURS PICKING UP EVERYTHING WE CAN PICK UP.

I MEAN, SOMETIMES WE'RE OUT THERE, I REMEMBER DAYS THAT I WAS OUT THERE FROM EIGHT TO 16 HOURS.

I DIDN'T COME HOME UNTIL 10:30 AT NIGHT, I WAS OUT THERE PICKING IT UP.

SO STANDING HERE FIGHTING FOR A 3% RAISE OR THE CITY OF AUSTIN, WE'RE STANDING HERE FIGHTING FOR JUST A 3% RAISE AND WE'RE ALREADY UNDERPAID, I THINK WE'RE WORTH IT.

THANK YOU.

[APPLAUSE]

>> BOB WILL BE AFTER CAROL GUTHRIE, ON THIS SIDE.

>> GOOD EVENING, COUNCIL.

I'VE GOT A SURPRISE FOR YOU ALL TONIGHT, I'M GOING TO BE VERY BRIEF.

I WANT TO THANK YOU ALL FOR STAYING AND LISTENING TO ALL OF THE TESTIMONY, BUT MORE IMPORTANTLY, I WANT TO TAKE THIS OPPORTUNITY TO THANK THESE WONDERFUL CITY EMPLOYEES WHO HAVE TO GET UP AT 5:00 IN THE MORNING TOMORROW TO STAY, TO COME AND DELIVER THE MESSAGE TO EACH AND EVERY ONE OF YOU THAT THEY ARE WORTH IT.

AND I KNOW YOU ALL KNOW THAT, SO DO THE RIGHT THING.

GIVE THEM THE 3%.

THANK YOU.

AND HAVE A GOOD EVENING.

[APPLAUSE]

>> BOB NIX.

IS BOB NIX HERE?

MARIO CANTU?

KERRY ROBERTS?

HARRY SAVIO?

FOLLOWING HARRY WILL BE PAUL ROBINS.

>> GOOD EVENING, MAYOR AND COUNCIL.

MY NAME IS HARRY SAVIO.

I WORK FOR THE HOMEBUILDERS ASSOCIATION OF GREATER AUSTIN.

I'M HERE TONIGHT SPEAKING IN OPPOSITION TO THE PROPOSED 81% FEE INCREASES PROPOSED IN THIS OPERATING BUDGET FOR PERMANENT REVIEW AND THE 25% INCREASE IN INSPECTION FEES.

IT WAS JUST A FEW MONTHS AGO, I WAS HERE OPPOSE THE LAST 25% INCREASE, SO THAT MAKES A 50% INCREASE.

IN SOME OF THE POLLS I'VE SEEN, AFFORDABILITY RANKS IN AUSTIN ONLY SECOND TO TRAFFIC CONCERNS.

THOSE CONCERNS ARE ACTUALLY JUSTIFIED BY THE DATA.

THE TEXAS A&M REAL ESTATE CENTER JUST POSTED STATE WIDE COMPARISONS WITH THE COST OF AVERAGE AND THE COST OF THE MEDIAN PRICED HOME.

IN AUSTIN, WE ARE ONLY BEHIND THREE, HOUSTON, DALLAS SUBURBS IN COST.

THE MEDIAN PRICE HOME IN AUSTIN TODAY IS \$227,000, AND THE AVERAGE PRICE HOME IS \$293,000.

IMPORTANT TO CONSIDER, WHEN YOU CONSIDER FEE INCREASES IS THERE ARE FEE STUDIES THAT SHOW YOU WHEN INCREASE THE COST TO NEW HOUSING THAT ALSO DRIVES UP THE COST OF EXISTING HOMES.

WHEN YOU DO THAT, YOU MAKE HOUSING MORE EXPENSIVE FOR ALL, AND I MIGHT ADD IT ALSO DRIES UP THE COST OF TAXES.

THE PROPOSED 2013 2014 BUDGET WILL USE THE BUILDING AND REMODEL PERMITS AS A PROFIT CENTER AND OFF SEN INCENTIVE PROGRAMS, ALBEIT GOOD ONES.

TODAY, I'VE HANDED OUT A LETTER THAT EXPLAINS OUR CONCERNS IN DETAIL INCLUDING DOCUMENT TAKES FROM THE CITY'S OWN BUDGET MATERIALS IN A STUDY COMMISSIONED FOR THE LAST 25% STUDY.

THE LAST FEE INCREASE.

IN MY THREE MINUTES, I DON'T HAVE TIME TO GO THROUGH IN EXTREME DETAIL, AND IT IS LATE, BUT THE KEY POINT IS THIS BUDGET, AS PRESENTED TO YOU, FORECASTS \$2.2 MILLION GREATER IN REVENUE THAN EXPENSES FOR COMMERCIAL GOING AND THAT INCLUDES THE OVERHEAD AND PROPORTIONATE SHARE THE ADMINISTRATION COSTS.

I'M CONFIDENT IN SUGGESTING THE NEW INCREASES ARE NOT PROPER UNDER GENERALLY ACCEPTED TEXAS CASE LAW.

SECOND, FEES VASTLY INCREASE THOSE RECOMMENDED BY THE CITY'S CONSULTANT IN THE STUDY PRESENTED TO YOU BY LAST JUNE.

IT IS HARD ENOUGH TO SWALLOW A 25% INCREASE LAST YEAR AND ANOTHER 25% ACROSS THE BOARD INCREASE THIS YEAR WHEN WE BELIEVE THE DEPARTMENT WAS PROFITABLE ALL ALONG. LAST POINTS, THE NEW REVENUE DEFIES LOGIC. HOW IT COST MORE TO REVIEW THE PAPERWORK AND SEND THE OFFICER IN THE FIELD THREE TIMES FOR INSPECTIONS. IF ANYONE WOULD LIKE TO REVIEW THE NUMBER THE WITH ME LATER, I WILL BE PLEASED TO HELP. AND, INCLUDING HOW THIS CAN BE DONE WITHOUT AFFECTING YOUR BOTTOM LINE. THANK YOU.

>> THANK YOU.

>> PAUL ROBINS, AND THEN NEXT IS MARY ARNOLD.

PASS, OKAY.

JACK.

YOU WANT TO SPEAK?

DAVID.

DAVID IS NOT HERE.

KEVIN WILSON.

>> FELL ASLEEP BACK THERE.

[LAUGHTER]

>> ALL RIGHT.

YOU'VE GOT THREE MINUTES.

>> MY NAME IS KEVIN WILSON AND I'M CURRENTLY HOMELESS AND A FULL TIME STUDENT, AND I JUST WANT TO LET YOU KNOW THAT YOUR CITY IS IN DANGER OF LOSING ITS WATER SUPPLY. WHAT ARE YOU GOING TO DO WHEN YOU DO THAT?

I SUGGEST YOU SAVE UNMONEY TO DRILL SOME WELLS AND POUR IT INTO TRAVIS LAKE, AND ALSO STOP SELLING IT TO THE RICE FARMERS.

I HEARD THAT YOU DO.

AND, ALSO, HAVE SOME TYPE OF AGREEMENT WITH THE STATE AND THE FEDERAL GOVERNMENT TO HAVE A PIPELINE DESALINIZATION PIPELINE COMING INTO, THROUGHOUT TEXAS AND, YOU KNOW, THROUGHOUT THE UNITED STATES, TOO.

BECAUSE, WE'RE IN A DROUGHT AND WE CAN'T FUNCTION WITHOUT WATER.

AND, ALSO, FOR ALL YOUR CITY VEHICLES, I WOULD SUGGEST THAT YOU HAVE THE GASOLINE ENGINES REMOVED AND REPLACED WITH HYDRO ELECTRIC MOTORS SO YOU CAN SAVE LOT ON YOUR FUEL BILLS.

AND, ALSO, I WOULD REQUEST THE CITY COUNCIL AND THE POLICE DEPARTMENT STOP THE COVERT CON CONSPIRACY AGAINST THE HOMELESS PEOPLE.

I'VE RECEIVED THREATS AND INTIMIDATIONS AGAINST MAY FAMILY AND FRIENDS OVER THE YEARS, NOT JUST IN THIS MUNICIPALITY, BUT SINCE I'VE BEEN HERE I HAVE AEGON THROUGH A LOT OF HARASSMENT FROM THE POLICE DEPARTMENT, WRONGLY BANNED FROM THE SALVATION ARMY AND IT IS MAKING IT VERY DIFFICULT LIVING ON CONCRETE AND HAVING TO COME IN HERE AND STAY AWAKE ALL DAY JUST TO GIVE THAT YOU MESSAGE.

THANK YOU VERY MUCH.

HAVE A NICE DAY.

>> AFTER JUAN, WILL BE VILIA SANCHEZ RUIZ.

>> IS NOT HERE TONIGHT.

GOOD MORNING, I THINK.

MAYOR AND MAYOR PRO TEM, CITY MANAGER AND COUNCIL MEMBERS.

FIRST OF ALL, I WANTED TO THANK COUNCIL MEMBER MARTINEZ FOR HELPING US LAUNCH THE LATINA ARTS PROGRAM LAST YEAR.

WE HAD A WONDERFUL CELEBRATION ABOUT A MONTH AGO, AND WHERE WE WELCOMED OUR FIRST INCUBATOR PARTICIPANTS AND I WANTED TO GET A CHANCE TO RECOGNIZE THROUGH AT THAT EVENT, BUT I'M HAPPY TO DO IT HERE, AS WELL.

WE THANK YOU SO MUCH FOR HELPING US DO THAT.

LAST YEAR'S BUDGET, 2013, WITH THE HELP OF COUNCIL MEMBER MARTINEZ, OUR LATINA ARTS IN RESIDENCY PROGRAM IS PARTIALLY FUNDED WITH \$110,000.

\$143,000 WAS CUT FROM THE ORIGINAL REQUEST, BUT WE WERE HAPPY TO KNOW THAT IT WAS NUMBER THREE ON THE UNMET NEEDS LIST FOR THIS YEAR'S BUDGET.

AND, WE FOUND THAT OUT ABOUT TWO MONTHS AGO AT, TWO BOARD MEETINGS AGO.

TWO WEEKS AGO, WE FOUND OUT AGAIN THAT THE \$143,000 WAS COMPLETELY GONE, SO THAT'S NOT EVEN ON THE TABLE ANY MORE.

I WOULD LIKE TO ENCOURAGE COUNCIL TO HELP US FIND A WAY TO RECOVER THAT 143 TO SUPPORT THE LATINO ARTS IN RESIDENCY PROGRAM, AND WE ALSO NEED SOME ADDITIONAL FUNDS FOR A VAN FOR TRANSPORTATION FOR KIDS AND THE IMMEDIATE AREA BEFORE SCHOOL.

AND, WE ALSO NEEDED ONE AND A HALF EMPLOYEES SEASONAL AND TEMPORARY EMPLOYEES TO HELP US SUPPORT THAT EFFORT.

I'VE ATTACHED DETAILS OF THE PROGRAM IN THAT PACKET THAT I DISTRIBUTED TO YOU, AND WE ALSO HAVE A VISUAL OF THE BUDGETS WE'VE HAD SINCE 2009, AND TYPICALLY, 5% OF THAT BUDGET IS ALLOCATED FOR PROGRAMMING.

IF WE DON'T GET ANYTHING THIS YEAR, THEN IT WILL JUST BE MORE OF THE SAME, 5%.

SO, WE REALLY ASK YOU TO HELP US FIND A WAY TO FIND THE MONIES FOR THAT BUDGET.

WE HAVE THE FASTEST GROWING DEMOGRAPHIC IN THE STATE, IN THE CITY.

WE HAVE THE HIGHEST DROP OUT RATES, WE THINK THAT THIS MONEY IS A GOOD INVESTMENT IN OUR YOUTH, ESPECIALLY.

AND, THAT'S WHAT I WOULD LIKE FOR YOU TO THINK ABOUT OR HELP US WITH.

THANK YOU.

>> MAYOR?

>> COUNCILOR MARTINEZ.

>> I WANTED TO ASK THE DIRECTOR TO RESPOND TO THE POINT MADE ABOUT THIS BEING THE THIRD HIGHEST PRIORITY IN UNMET NEEDS LIST AND IT BEING REMOVED FROM THAT LIST.

>> THE DIRECTOR OF PARKS AND RECREATION.

JUAN IS CORRECT, WE DID SUBMIT THISES THAT UNMET NEEDS, A HIRE ITEM, BUT WE HAD A VERY LONG LIST OF UNMET NEEDS.

AND, DUE TO THE UNAVAILABILITY OF FUNDS, WE WERE FORTUNATELY TO GET ONE UNMET NEEDS, WHICH I BELIEVE IS THE EXTRA MONEY YOU NEED, SO WE DID SUBMIT IT ALONG WITH A LOT OF OTHER ITEMS THAT ARE CERTAINLY NEEDED, BUT DUE TO THE LACK OF FUNDING, THERE JUST WASN'T THE FUNDING AVAILABLE TO FUND IT.

THERE WERE MANY DEPARTMENTS WITH UNMET NEEDS A THERE JUST WASN'T ENOUGH MONEY TO GO AROUND.

>> SO, THERE WILL BE NO LATINO RESIDENCY PROGRAM IN THIS YEAR'S BUDGET AT ALL?

>> WE WILL HAVE A LATINO WE HAVE A PROGRAM, BUT THIS WAS ASKING FOR MORE MONEY TO FAIL NEED AND CONTINUE THE PROGRAM AND GROW THE PROGRAM, AND THERE WON'T THAT BE ABILITY, NO, BECAUSE THIS WAS LISTED AS AN UNMET NEED AS WAS NOT ABLE TO BE FUNDED DUE TO THE LACK OF FUNDS.

>> WASN'T THIS ALSO THE RECOMMENDATION FROM THE HISPANIC QUALITY OF LIFE COMMISSION.

>> THIS WAS AN ITEM, WITH SEVERAL OTHERS, NOT JUST IN OUR DEPARTMENT BUT IN FOCUSING ON THESE PROGRAMS THAT LINKED TO THE HISPANIC LIFE INITIATIVE.

>> THANK YOU.

>> CHIP ROSENTHAL WILL BE NEXT.

>> MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS STEWART HARRY HIRSH, AND LIKE MOST IN AUSTIN, I RENT.

I'M THE FORMER SECRETARY TREASURER OF ASME LOCAL AND IT MADE ME PROUD TO HEAR ALL THE TESTIMONY TONIGHT.

I SPEND MY DAYS AROUND PEOPLE WHO MAKE 7 OR 800 MONTH AND I TRY TO WORK WITH NOT FOR PROFITS TO HOUSE THEM.

THIS IS AN ATTEMPT TO END THE PROBLEM THAT MANY EXTREMELY LOW INCOME AUSTINITES HAVE IN CHOOSING RENTAL HOUSING AND AFFORDABILITY.

MOST OF THESE PROBLEMS CAN BE SOLVED BETWEEN TWO TECHNIQUES.

ONE IS TRANSFERRING MONEY FROM THE CLEAN COMMUNITY FUND WHICH IS GOING FOR STAFF INCREASES IN THE CODE COMPLIANCE AND SHIFTING THAT TO NEIGHBORHOOD HOUSING AND NOT USING GENERAL FUND TO DO THAT.

AND, THE SECOND IS TO PUT THE APPROPRIATE PERFORMANCE MEASURES IN FOR ALL THE CITY DEPARTMENTS THAT INTERFACE WITH THIS, IN ADDITION TO TWO CODE CHANGES I WAS HOPING TO BRING UP TONIGHT IN CONJUNCTION WITH THE ADOPTION OF THE INTERNATIONAL CODES BUT YOU POSTPONED THAT SO YOU WILL TALK TO YOU ABOUT THAT.

I'M GIVING YOU ADVANCED WARNING THERE IS AN EASY PATH THAT DOESN'T INVOLVE GENERAL FUND MONEY THAT DOESN'T ADD 26 VEHICLES AND TRUCKS.

AND THE OTHER THING I WOULD LIKE TO SUGGEST, WHEN I RAN CODE ENFORCEMENT BACK IN THE '80S AND '90S, WE LED THE NATION IN PERFORMANCE.

90% OF OUR CASES CAME IN A COMPLIANCE IN 90 DAYS.

THERE WERE SIX HOUSING UNSPECTERS.

THREE LAND USE INSPECTORS AND WE USED THIS THING WHERE WE TOOK THE CODE IN MULTICOLORS SO WE COULD GO TO THE FIELD AND EXPLAIN TO THE PEOPLE WHAT THE CODE WAS WITHOUT HAVING TO TAKE OUT A BOOK HARDLY ANYBODY COULD READ, EXCEPT FOR US INSPECTORS.

THE ADVANTAGE OF THIS, IT WAS LAMINATED AND IF YOU SPILLED YOUR COFFEE ON IT, IT DIDN'T IMPACT YOUR ABILITY TO READ THE DOCUMENT.

IF YOU WANTED TO ADD SOME MONEY TO THE BUDGET, IT WOULD BE HELPFUL FOR ALL THE PEOPLE WHO REALLY WANT TO COME PLAY TO THE CODE AND CHARGE THE INSPECTOR THAT WANT TO HELP PEOPLE DO THAT, WE TRY AND HELP THE PEOPLE WHO WANT TO AND WE BEAT THE HECK OUT OF THE ONES THAT DON'T.

AND, I THINK WE NEED TO REVERT TO THAT.

I USED TO CALL IT LEAN AND MEAN.

SOMETIMES IT WAS LEAN AND NICE, SOMETIMES LEAN AND MEAN.

WE PREVAILED IN THE COURT ON THE UTILITY CUT 60S, WE WON A \$3.5 MILLION JUDGMENT IN DISTRICT COURT ON PENALTIES AND WE CAN GO BACK TO THAT APPROACH AND WE WON'T HAVE ANY PROBLEM GAINING THE KIND OF COMPLIANCE THAT RENTERS AND HOMEOWNERS ARE SUFFERING FROM.

PLEASE CONSIDER MY 21 POINT PROPOSAL AND I WILL BE BACK NEXT WEEK TO TALK TO YOU DURING THE REGISTRATION.

THANK YOU VERY MUCH FOR ALL YOU DO.

[APPLAUSE]

>> CHIP ROSENTHAL.

AFTER CHIP WILL BE RICHARD CRAIG.

GO AHEAD.

YOU HAVE THREE MINUTES.

>> THANK YOU, MAYOR, COUNCIL MEMBERS.

MY NAME IS CHIP ROSENTHAL.

I AM A MEMBER OF THE COMMUNITY TECHNOLOGY AND TELECOMMUNICATION COMMISSION AND I CHAIR OPEN AUSTIN, A LOCAL VOLUNTEER GROUP.

I FILED PAPERS WITH THE CLERK AND I HOPE HAVE YOU COPIES WITH YOU.

I WILL TRY NOT TO GO INTO THAT LEVEL OF DETAIL NOW.

I WISH TO PROVIDE YOU FEEDBACK ON TECHNOLOGY RELATED MATTERS IN THE BUDGET.

THE FIRST IS, IN REGARD TO THE DIGITAL IMPROVEMENT PROGRAMS, WE HAVE AN AMAZING OPPORTUNITY IN FRONT OF NEWS 2014.

WE HAVE A NUMBER OF FACTORS COMING TOGETHER, GOOGLE FIBER IS ONE OF THEM, AND I WOULD LIKE TO SEE THE CITY TAKE ADVANTAGE OF THESE CIRCUMSTANCES TO RAISE OUR DIGITAL CIRCUMSTANCES AND EQUITY AS A COMMUNITY TWO THINGS WE CAN DO, AND THESE ARE ACTIONS TAKEN BY THE COMMISSION TO SUPPORT ADDING FUNDING FOR THE CONNECTED AUSTIN RESIDENTIAL TECH SURVEY AT \$50,000, AND ALSO A RECOMMENDATION TO INCREASE THE GRANT FOR OPPORTUNITY PROGRAM BY \$25,000 TO A TOTAL OF 200,000.

WITH REGARD TO THE AREA OF OPEN GOVERNMENT AND CIVIC TECHNOLOGY, I DO HAVE A CONCERN TO SHARE, AND MY CONCERN IS WHERE IS IT?

IN DECEMBER, 2011, YOU ALL PASSED AN OPEN GOVERNMENT RESOLUTION CALLING FOR AN OPEN GOVERNMENT FRAMEWORK AND PART OF IT BEING A FUNDING PLAN.

THIS IS NOW OR SECOND BUDGET CYCLE SINCE YOU TOOK THAT ACTION AND WE'RE STILL WAITING ON THAT FUNDING PLAN.

I BELIEVE THIS MATTER WILL COME IN NEXT WEEK AND WE CAN LOOK FOR DETAILS THERE.

MY BIGGEST CONCERN IS \$251,000 AND TWO FTES IN FINANCIAL SERVICES FOR INNOVATION OFFICE.

I WAS BEFORE YOU A YEAR AGO WITH OPEN AUSTIN PROPOSING THE IDEA TO CREATE AN INNOVATION OFFICE, AND YOU ALL APPROVED IN LAST YEAR'S BUDGET 250,000 AS SEED FUNDING FOR THIS OFFICE.

THE FEEDBACK I HAVE IS THAT I DON'T FEEL LIKE I CAN SUPPORT THE PROPOSAL, NOT BECAUSE IT SOUNDS BAD BUT BECAUSE I LACK THE INFORMATION TO UNDERSTAND IT.

AND, SO, I THINK THAT SHOULD BE A CONCERN TO YOU THAT THE COMMISSION AND OPEN AUSTIN DOESN'T FEEL ENGAGED ENOUGH IN THIS PROCESS TO RENDER AN OPINION.

THE PROBLEM IS, THAT THE COMMUNITY HAS NOT BEEN AFFORDED AN OPPORTUNITY TO PARTICIPATE.

THE FIRST COMMUNITY CONTACT IN THIS PROCESS WAS AT THE JULY 2013 COMMISSION MEETING WHERE, AT THAT POINT, WE HAD BEEN TOLD THE DEVELOPMENT OF THIS PROGRAM HAD BEEN COMPLETE.

WE'RE NOW READY TO GO TO JOB REQUISITIONS SO WE'RE ASKED FOR INPUT ON A JOB REQUISITION FOR AN OFFICE WE HAD NO INPUT TO AND NO UNDERSTANDING WHAT THE SCOPE IS.

>> THANK YOU.

RICHARD CRAIG.

AFTER THAT, BILLY.

SAN RICH DEPALMA IN THE CHAMBER?

APPARENTLY NOT, SO YOU HAVE THREE MINUTES.

>> I APPRECIATE THE OPPORTUNITY TO SPEAK WITH YOU.

I'M RICHARD CRAIG, A REPRESENTATIVE OF A NEW ORGANIZATION, A COALITION OF AUSTIN PARK GROUPS AND ENVIRONMENTAL ORGANIZATIONS.

THE TRAIL FOUNDATION, AUSTIN PARKS FOUNDATION, KEEP AUSTIN BEAUTIFUL, SHOAL CREEK CONSERVANCY, WE'VE BEEN ENDORSED BY APPROXIMATELY 35 OTHER ORGANIZATIONS, INCLUDING

NEIGHBORHOOD GROUPS ALL OVER THE CITY, ORGANIZATIONS RANGING FROM THE AUSTIN SIERRA CLUB TO INTERFAITH AUSTIN.

AND, WE'RE ADVOCATING TODAY FOR A \$4.75 MILLION INCREASE IN THE CITY PARKS BUDGET THAT WOULD REPRESENT ABOUT AN 8% INCREASE.

IT IS A LOT TO TAKE ON IN ONE YEAR, I REALIZE YOU HAVE LOTS OF CHALLENGES ARE HERE WITH THE BUDGET AND I'VE HEARD THE PREVIOUS SPEAKERS AND I APPRECIATE EVERYTHING I ALL DO AND TRYING TO BALANCE ALL THE PRIORITIES.

BUT, SOMEHOW WE'VE LOST OUR WAY ON PARKS.

AUSTIN IS IN THE BOTTOM THIRD OF NATIONS, OF THE CITIES ACROSS THE NATION.

THE 100 MOST POPULAR CITIES, IN WHAT WHICH SPEND ON PARK MAINTENANCE.

THAT'S NOT A PLACE WE WANT TO BE.

WE HAVE FEWER FORESTRY WORKERS THAN WE DID IN 1992.

THE MAINTENANCE STAFF HAS NOT RECOVERED FROM THE 2009 JOB CUTS, TEEN THEY HAVE ADDITIONAL ACREAGE THEY'RE RESPONSIBLE FOR.

I WORKED CLOSELY WITH SARA AND HER STAFF AT PEACE PARK FOR THE LAST FIVE YEARS AND YOU HAVE A GREAT GROUP OF PEOPLE WORKING FOR YOU AT THE PARKS DEPARTMENT.

NO ONE WORKS HARDER.

BUT, WITH STAFFING THE WAY IT IS, THEY'RE FUNDED FOR FAILURE.

NO ONE CAN DO THE JOB AND MEET THE EXPECTATION THAT THE PUBLIC AND COUNCIL HAVE WITH THE MATERIALS THEY HAVE AVAILABLE TO THEM.

I WILL TELL YOU ONE EXAMPLE THAT SET THE TONE FOR ME WHEN I WAS JUST GETTING STARTED AT PEACE PARK.

WE RAISED A LOT OF MONEY, PLANTED A LOT OF TREES.

WE ASKED THEM TO DO ONE FAVOR, REPAINT THE STRIPES ON THE BASKETBALL COURT AT PEACE PARK.

THE DISTRICT MANAGER OF THE PARK SAID THEY WOULD BE HAPPY TO DO SO BUT DIDN'T HAVE ANY PAINT AND THEY COULDN'T GET ANY PAINT.

NO PAINT WAS GOING TO BE FORTH COMING.

THEY ASKS US TO BUY \$120 WORTH OF PAINT AND PAINTER'S TAPE TO PAINT THE STRIPES ON THE BASKETBALL COURT.

AND, IT IS REALLY IT HAS COME TO THAT THAT THE PARK SYSTEM IS BROKEN.

I UNDERSTAND THERE IS A JOKE AROUND CITY HALL, DIFFERENT PEOPLE FROM VARIOUS DEPARTMENTS GET TOGETHER AND THEY SAY, HOW BROKE ARE YOU?

ARE YOU JUST BROKE OR ARE YOU PARD BROKE?

WHEN THE PARK BECOMES THE BUTT OF JOKES, SOMETHING HAS TO BE DONE.

WE'VE LOST OUT WAY.

I ASK YOU WHEN YOU GO FORWARD, THINK ABOUT THE CITY LEADERS ARE REREVERED, CRENSHAW, FISH, SHEFFIELD, LADY BIRD, IF YOU DO THAT, I THINK YOU WILL DO THE RIGHT THING BY PARKS.

THANK YOU.

>> THANK YOU.

BILLY?

MIKE FAVOR?

MITCHELL?

LAURA PRESLEY?

WILL MCLEOD.

LAURA PRESLEY IS HERE.

OKAY.

>> MAYOR, MAYOR PRO TEM AND COUNCIL, I WANT TO SPEAK ABOUT THE 2013 2014 BUDGET.

I WANT TO ECHO WHAT WAS SAID, I APPRECIATE EACH OF YOU SCRUTINIZING AND BEING A PART OF THE \$3.3 BILLION BUDGET.

IT IS A BIG BUDGET.

THERE IS A LOT OF CITY CAN LEARN FROM THE VARIOUS INDUSTRIES IN TOWN.

MANY OF THESE INDUSTRIES HAVE SIMILAR BUDGET SIZES AND CHALLENGES THEY OPERATE WITH THE CONCEPT THAT TOP DOWN COST REDUCTION EFFORTS, A COUPLE OF TIMES A YEAR, ARE NOT ANYWHERE AS EFFECTIVE AS A FRONT LINE BOTTOMS UP COST SAVINGS CULTURE.

AS EXECUTIVES OF OUR CITY, YOU CAN'T BE EVERYWHERE AND YOU CAN'T MICRO MANAGE EVERY STEP OF THE BUDGET PROCESS, SO WHAT'S THE SOLUTION?

I THINK AUSTIN DOESN'T REALLY HAVE A REVENUE PROBLEM.

I THINK WE HAVE A SPENDING AND WASTE PROBLEM.

AND, THERE IS A SYSTEMIC METHOD FOR DEVELOPING A COST SAVING CULTURE IN THIS CITY AT ALL LEVELS.

THE FRONT LINE AND THE UPPER MANAGER LEVELS.

IT IS CALL LEAN BUSINESS PRACTICES.

IT IS SOMETHING I BROUGHT UP MANY TIMES BEFORE, AND I WANT TO APPLY IT TO THE SITUATION YOU GUYS ARE STRUGGLING WITH RATE NOW.

THE BOTTOM LINE, HOW THIS THING WORKS IS YOU HAVE FRONT LINE EMPLOYEES AND FRONT LINE MANAGERS BRAINSTORM AND RANK.

THIS IS HOW CORPORATIONS IN THE BIG TOWNS DO THIS.

THEY HAVE THE SAME BUDGETS AND CHALLENGES AND THIS IS WHAT THEY DO.

THE POWER OF THIS IS YOUR FRONT LINE EMPLOYEES KNOWS WHAT'S GOING ON.

THEY HAVE THE IDEAS, YOU JUST HEARD A BUNCH OF IT HERE.

I WAS JUST FLOORED.

THAT IS EXACTLY WHAT I'M GOING TO TALK ABOUT.

YOU NEED TO ASK THEM, YOU NEED TO LISTEN TO THEM.

IT IS THE BEST KNOWN METHOD AND WORKS ACROSS MANY ENVIRONMENTS.

I HAVE TO BRAG ON MAYOR PRO TEM COLE'S OFFICE.

YOU HAVE A HUGE RESOURCE THERE.

THEY HAVE EXTENSIVE EXPERIENCE AT LEAN BUSINESS PRACTICES I'M TALKING ABOUT AND YOU NEED TO UTILIZE AND LISTEN TO HIM.

ALL THE DEPARTMENTS CAN BENEFIT FROM THIS.

AUSTIN ENERGY, THE WATER UTILITY, FIRE DEPARTMENT, POLICE DEPARTMENT, AND IT DOESN'T HAVE TO IMPACT THE FRONT LINE EMPLOYEES.

THAT'S NOT THE GOAL.

THE GOAL IS TO LET YOU TALK TO THEM, FIND OUT FROM THEM, PRIORITIZE THOSE ISSUES AND IT WORKS.

SO, I JUST WANT TO END WITH ONE THING, THAT'S REALLY YOUR JOB IS TO SET POLICY.

HOLD THE STAFF ACCOUNTABLE AND REWARD THEM FOR MEETING EXPECTATION.

SET THAT EXPECTATIONS FOR COST REDUCTIONS DURING THE YEAR, NOT JUST ONCE OR TWICE A YEAR:

THANK YOU.

>> WILL MCLEOD IS NOT HERE.

STEVE JACOBS.

AFTER STEVE WILL BE TED SIFF.

>> THANK YOU VERY MUCH.

I WILL BE BRIEF.

NOT SURE COHERENT BUT BRIEF.

[LAUGHTER]

FIRST, THANKS TO MAYOR, MAYOR PRO TEM, COUNCIL MEMBERS AND STAFF FOR PAYING SUCH CLOSE ATTENTION TO THE CONCERNS WE'VE RAISE ABOUT THE APPLICATION FOR THE SOCIAL SERVICES RFP FOR THE CAPITAL IDEA AND OTHER WORK DEVELOPMENT PROGRAMS.

WE APPRECIATE YOU TAKING THAT CLOSE ATTENTION.

I'M HERE TONIGHT WITH A ASK ABOUT THIS YEAR'S CONTRACT, NOT TEACHER CONTRACTS, GOING BACK TO 2011, THE FISCAL YEAR BEFORE THE PREVIOUS YEAR.

IT WAS 49 MILLION THE YEAR BEFORE AND THE YEAR BEFORE SO WE HAD A CONSISTENT INVESTMENT IN CAPITAL IDEA.

LOOKING AHEAD TO NEXT YEAR'S CONTRACT, THE INVESTMENT IS \$156,000 LESS THAN THAT AT \$930,000 SO MY REQUEST IS TO ESSENTIALLY RESTORE THAT TO WITHIN OUR OUR REQUEST IS FOR A TOTAL AT \$200,000 IN FUNDING TO BE ADDED TO THE CONTRACT.

THAT RESTORES OUR ENROLLMENTS AND HELPS US COPE WITH INCREASED PRESSURES IN OUR CHILDCARE BUDGET.

WE THANK YOU FOR YOUR TIME TONIGHT AND THE NEXT COMING WEEKS AS YOU CONSIDER THIS DECISION.

THANK YOU.

>> FOLLOWING TED WILL BE MARGUERITE JONES.

>> THANK YOU, MAYOR AND COUNCIL.

MY NAME IS TED SITH AND I'M HERE AS ONE OF THE REPRESENTATIVES OF THE GREATER PARKS ADVOCACY EFFORT.

VOLUNTEER FOR THE BUDDING SHOAL CREEK CONSERVANCY, WHICH WILL FILE PAPERS TOMORROW. WE'RE ASKING TO INCREASE THE PARK'S DEPARTMENT BUDGET IN FOUR AREAS.

POOLS, TRAILS, TREES AND PROGRAMMING.

MANY OF THOSE DOLLARS THAT WERE REQUESTED OVERLAP SOME OTHER QUESTIONS.

ONE WAS MENTIONED EARLIER THIS EVENING, THE LATINO ART PROGRAM, WOULD BE PART OF OUR INCREASED GENERAL MAINTENANCE AND PROGRAMMING EFFORT.

WITH THESE DOLLARS, THERE WILL BE FEWER TREES THAT DIE NEXT YEAR.

WITH THESE DOLLARS, MORE KIDS WILL LEARN HOW TO SWIM.

PARTICULARLY IN EAST AUSTIN.

WHERE POOLS, EVEN IN 2013 AND PROPOSED IN FISCAL 2014 ARE NOT OPEN AS MANY HOURS AS THEY ARE IN WEST AUSTIN.

DO NOT HAVE AS MANY TRAINING PROGRAMS AS THEY DO IN WEST AUSTIN.

DO NOT HAVE ANY LIFE, AS MUCH LIFE SAFETY TRAINING AS THEY DO IN WEST AUSTIN.

THEY WOULD WITH THE INCREASED DOLLARS THAT WE ARE PROPOSING.

TRAIL MILES, MILES OF TRAILS WILL BE SAFER IF WE ADD THESE DOLLARS.

THERE ARE 203 TRAIL MILES OF ALL SURFACES IN THE CITY TODAY.

20 YEARS AGO, THERE WERE 38 MILES OF TRAILS IN THE CITY.

THAT IS QUITE AN IMPRESSIVE INCREASE, OR IMPRESSIVE?

EXACTLY THE WRONG WAY IS THE FACT THAT THERE WERE EIGHT TRAIL MAINTENANCE CREW WORKERS IN 1993.

THERE ARE EIGHT TRAIL MAINTENANCE CREW WORKERS IN TODAY'S PARD BUDGET AND PROPOSED FISCAL 2014.

WE CAN DO BETTER THAN THIS, AS A CITY.

PARD DOES VERY WELL RIGHT NOW, AS WELL AS IT CAN WITH ITS CURRENT FUNDING IN THE TREMENDOUS AMOUNT OF VOLUNTEER EFFORT THE CITIZENS PROVIDE, BUT RANKED WALL WITH DETROIT IN TRUST FOR PUBLIC LANDS, PARKS SCORES STUDY, IS NOT THE CITY THAT AUSTIN THINKS IT IS.

IT IS NOT THE CITY THAT WE ARE, IT IS NOT THE CITY WE SHOULD BE IN THE FISCAL '14 BUDGET.
WE APPRECIATE YOUR CONSIDERATION.

>> THANK YOU.

JONES?

RODRIGUEZ?

FOLLOWING WILL BE SABRINA.

>> GOOD MORNING.

MAYOR, COUNCIL MEMBER PRO TEM COLE.

AND, CITY MANAGER.

I'M HERE THIS MORNING TO TALK TO YOU ABOUT OUR 3% RAISE INCREASE THAT OUR CITY EMPLOYEES
NOT ONLY NEED BUT ALSO DESERVE.

YOU'VE HEARD THIS EVENING AND CONTINUING THIS MORNING THAT YOU ARE DEALING WITH A \$3.3
MILLION BUDGET.

NOW, WHAT I WOULD LIKE TO SAY RIGHT NOW IS I WOULD LIKE TO TAKE COUNCIL MEMBER
MARTINEZ AND COUNCIL MEMBER SPELMAN FOR STEPPING UP TO THE PLATE AND STANDING UP FOR
US.

BECAUSE COUNCIL MEMBER MARTINEZ BROUGHT OUT THAT WE HAVE 934 VACANCIES.

YOU'VE HEARD HERE TONIGHT YOU'RE LOOKING FOR COST SAVINGS.

THERE THEY ARE RIGHT THERE.

COUNCIL MEMBER SPELMAN IS TAKING A HARD STANCE TO SOMETHING THAT NONE OF YOU ALL
WANT TO TALK ABOUT, AND THAT'S HOLDING THE LINE WHEN IT COMES TO PUBLIC SERVICE, PUBLIC
SAFETY.

I'VE HEARD IT IN THE PAST ABOUT EXCUSE ME, IN THE PAST FROM OTHER CITY MANAGERS THAT IF
WE CONTINUE TO FUND PUBLIC SAFETY AT THE RATE WE ARE, WE WILL NOT BE ABLE TO RUN THIS
CITY AS A WHOLE.

I'M HERE TONIGHT TO TELL YOU, I'M A FATHER OF TWO LOVELY GIRLS.

AND, TO HAVE TO TELL THEM THAT MY MEDICAL EXPENSES ARE GOING UP 5.4% AND JUST FOR A
TYPICAL CITY EMPLOYEE THAT LIVES IN AUSTIN TEXAS IS GOING TO TAKE ON 4.8%, I'M IN THE HOLE
10.2.

YOU TRIED TO GIVE ME A 1.2% RAISE, I'M STILL IN THE HOLE 8.

YOU TELL ME HOW I'M GOING TO EXPLAIN THAT TO MY CHILDREN.

YOU ALL TALK ABOUT BEST MANAGED CITIES, I AGREE WITH THE PRIOR REPRESENTATIVE SAID HERE.

I THINK IT IS THE BEST MANAGED CITY.

WE HAVE TOO MUCH HIGH END STAFF HERE.

WE'RE TALKING ABOUT A \$3.3 BILLION BUDGET.

WE'RE ASKING FOR, WHAT, \$2 MILLION?

FOR 3% RATE INCREASE.

I'M IN THE HOLE STILL.

DO THE RIGHT THING.

>> THANK YOU.

SABRINA.

YOU GOT PROMOTED.

YOU ARE THE LAST SPEAKER, TOO.

ON MY LIST.

>> THANK YOU.

THAT'S MY 13 YEAR OLD THERE AND PERHAPS THE REASON I'M HERE.

AND, LIKE THE RIVER CITY YOUTH FOUNDATION, I WOULD LIKE YOU TO REMEMBER THE CHILDREN
DURING THIS 2013 2014 PROPOSED BUDGET.

AS SUNDAY SCHOOLTEACHER WE ARE SEEING CHILDREN BEING PLUCKED AWAY IN OUR CITY OF AUSTIN AND THEY'RE BEING TORN APART, WHICH IS A WICKEDNESS TO PLUCK THE BABIES FROM THE BREASTS OF MOTHERS AND WE NEED TO REVIEW OR CREATE A COMMISSION LOCALLY OTHER THAN THE CPS TRYING TO DO EVERYTHING AND REACHING IN.

THEY'RE ON BOARD AS LONG AS THE KIDS HAVE EVERYTHING THEY NEED DURING THIS RECESSIVE TIME, THEY'RE OKAY, BUT THEY ONLY HAVE SO MUCH.

I'M NOTICING ONE AND THREE FAMILIES AT THE ARCH, KIDS BEING TAKEN AWAY FROM HOSTILE REASONS, WHICH IS CREATING A GREAT MITIGATION AMONG CPS AND GREAT DISCORD.

WE HAVE AN ECONOMIC GROWTH, \$3.3 BILLION BUDGET, I WOULD ASK DO TIE SOMETHING TO THAT, TO THE CHILDREN.

EITHER REVIEW OR REMAND OR RECIND SOME OF THESE CASES, ESPECIALLY THE LAST TWO YEARS, CHILDREN FROM FIVE TO SEVEN BEING TAKEN AWAY.

THANKS, THAT'S ALL I'VE GOT.

THANK YOU.

>> THOSE ARE ALL THE SPEAKERS I HAVE SIGNED UP.

IS THERE ANYONE ELSE IN THE CHAMBER THAT SIGNED UP TO SPEAK AND I HAVEN'T CALLED YOUR NAME?

OKAY.

COUNCIL WILL CONTINUE TO SEE PUBLIC COMMENT ON AUGUST 29 AT 4:00 P.M. AND WE WILL ADOPT A BUDGET AT THE ANNUAL BUDGET MEETING HERE THE AT THE AUSTIN CITY COUNCIL CHAMBERS.

MEETINGS GIVEN BEGIN ON MONDAY AUGUST 29, AND IF NECESSARY, SEPTEMBER 10, AND WEDNESDAY, SEPTEMBER 11, 2013.

ENTERTAIN A MOTION TO RECESS TODAY'S PUBLIC COMMENT PORTION OF THE PUBLIC BUDGET HEARING, EXCUSE ME.

SO MOVED BY THE MAYOR PRO TEM.

SECONDED BY COUNCIL MEMBER SPELMAN.

ALL THOSE IN FAVOR, PLEASE SAY AYE SAY AYE

[CHORUS OF AYES]

OPPOSED, SAY NO.

PASSES ON VOTE OF 7 0.

THAT COMPLETES OUR AGENDA FOR TODAY.

WE STAND ADJOURNED AT 12:20 A.M.

WITHOUT OBJECTION.