

City Council Regular Meeting Transcript – 10/3/2013

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[02:30:11]

[gavel]

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We begin with the invocation from minister karla saldana, director, bendicion musical ministries. Please rise.

>> Good morning. Thank you, mayor, it's an honor to be here. Let us pray. Father god, we come before you this morning first of all giving you thanks, lord. Thank you for the many blessings you have given us including waking up this morning with health and strength and the opportunity of being able to gather in this place. Thank you for the ability to be involved in useful and necessary work and the honor of participating with necessary responsibilities. Thank you as well for the freedom we have to know you and speak of you. Thank you for the love and mercy that you share with each and every one of us. It is clear in the scriptures that you have told us that citizens should obey governing authorities. Since you have established them to promote peace, order and justice. Therefore at this time I pray for our mayor, city officials, and leadership assembled in this place. Not only do I pray for them to govern with wisdom taking into consideration the issues of our times and the true needs of our people, but I also ask you, lord, that you grant them the ability to work together in harmony even when there is honest disagreement and provide them peace and joy in their personal lives after each decision that is made. Give our city

officials confidence in the decisions they are making with justice and righteousness. Please guide our city officials to make the decisions that would please you and benefit all those people that live and work in and around our beloved city of austin. We put all of this before you knowing and declaring that austin, texas is in your hands and this city is yours, lord. In your name we pray. Amen.

[02:32:19]

>> Mayor Leffingwell: Amen. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, october 3, 2013. We're meeting in the council chambers austin city hall, 301 west second street, austin, texas. The time is 10:06 a.M. I'll begin with the changes and corrections to today's agenda. Item number 10, add the praise "september 30, 2013, approved by the public health and human services commission on a 2-0 vote with councilmember morrison off the dais," and I'll add I believe that should be "committee" not "commission." Items 29, 51, 53 and 56 are withdrawn. Item number 62 is postponed UNTIL OCTOBER 17th. Item 57 is postponed until OCTOBER 17th. Items 58 through 60, that is 58, 59 and 60, they are post NOVEMBER 7th, 2013. Items 90 and 92, at their 4:00 p.M. Time certain, a postponement of these items to october 17, 2013, will be requested. On item 93 at its 4:00 p.M. Time certain postponement until novembe2013 will be requested. Item 100, add as a second co-sponsor austin mayor lee leffingwell. Our time certain items for today, at 10:30 we'll have a briefing on the drought and annual update. At 12:00 noon we'll have our general citizens communication. At 2:00 p.M. We'll take up our zoning matters. At 4:00, public hearings. At 5:30, live music and proclamations. The musician for today -- the musicians r today are the peterson brothers. Items -- the consent agenda has items 1 through 61 plus item 100 with several items pulled off the consent agenda. They are items 7 and 16 are pulled by myself, mayor leffingwell. Item number 10 pulled by mayor pro tem cole. Item number 12 pulled by the law department for a brief presentation. Item 17 pulled by councilmember riley. Items 18 and 42 pulled by mayor pro tem cole. Items 43, 44, 45, 46 and 47 pulled by councilmember morrison. Item 49 pulled by councilmember spelman. Item 50 pulled by councilmember martinez. M 100 pulled by councilmember tovo. So that is our

consent agenda and we have several speakers on the consent agenda, we'll go to those next. The first speaker is paul saldana. Paul is signed up on several items. Councilmember spelman.

[02:35:54]

>> Spelman: As mr. Saldana makes his way forward, I would like to pull item 13, a quick question.

>> Mayor Leffingwell: Item 13 is pulled off consent by councilmember spelman.

>> I'm sorry, mayor, I thought maybe the items were pulled for discussion.

>> Mayor Leffingwell: You're signed up on several other items, I believe, that are not -- that have not been pulled.

>> I thought they were 42 and 47 were

--

>> Mayor Leffingwell: Okay, so you can go sit back down.

>> Thank you.

>> Mayor Leffingwell: Gus pena.

>> Good morning, mayor and council. Gus pena, I'd like to speak on item 9, supporting the river city youth foundation. Done a good job keeping kids out of trouble and, you know, the funding is well worth the expenditure. Item number -- was item number 48 pulled or

-- it was pulled. Okay. Number 55 is funding for the greater east austin youth league improvements. Outstanding. We fully support it because kids in that 02 area get involved in sports and stay out of trouble. Anyway, thank you very much and that's all I have to say. Thank you.

>> Mayor Leffingwell: Thank you. Matt price. Matt price in the chamber?

>> Good morning. I was under the impression as well that this would be pulled for discussion, but I can

-- I'm glad to speak now. I think there were a couple others from greater east austin that were planning to come and speak on it, but is now the time that we need to speak on this one? Item 55. Item 55, the greater east austin maps and field, that's what I was going to speak on. I understood it to be pulled for discussion. Is now the only time to speak on it?

[02:38:07]

>> Mayor Leffingwell: Yeah, that's on the consent agenda. There are two people signed up but they signed up after the 9:45 deadline. So one jamie

-- one jamieings will also be allowed to speak. Councilmember martinez.

>> Martinez: I'm happy to pull this item so we can have a broader discussion.

>> Mayor Leffingwell: All right. You can go sit back down and add number 55 as pulled from the consent agenda by councilmember martinez. Just for your information, if you sign up after 9:45, it does not count towards the requirement for citizens pulling the item from the consent agenda. So that's how that happened. I'll entertain a motion to approve the consent agenda.

>> Move.

>> Mayor Leffingwell: Councilmember martinez so moves. Seconded by councilmember spelman. All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. So now we'll go to item number 10 pulled by mayor pro tem cole.

>> Cole: I had a few questions for staff. I believe that this is approval of morris

-- I'm not sure if this is

--

>> mayor, oh, they are coming.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Thank you, may we took this up, it's creating better regulations over existing splash pads because of the increase in health hazards that we're finding with some of the splash pads that are now very sought after feature in developments and in parks, even on the private side, but I'm sure david will be able to answer

--

>> Cole: That's exactly why I pulled it because of the problems with health issues on the private side and i understand health and human servicass heard it. Can you talk to about some of those health considerations?

[02:40:11]

>> Well, we

-- as we talked about it

-- I'm sorry, david lopez, health and human services. As we talked about earlier this week with the committee, we had

-- we currently don't have any existing rules and requirements for these type of interactive water features requiring proper plan review and annual inspection of these locations. Anat was the reason that we wanted to come forward is we're seeing an increase in these types of pads that require some additional built-in disinfection, infiltration systems because of their design. We wanted to be able to introduce the language requiring this regulation.

>> Cole: So more and more of our parks we are putting in splash pads and state law has some regulations. Are we coming into compliance with that?

>> Yes, ma'am. The language would bring them together.

>> Cole: And this item does that.

>> Yes.

>> Cole: I move approval.

>> Mayor Leffingwell: Seconded by councilmember spelman. Discussion? All in favor say aye. Aye. Opposed. Passes on a vote of 7-0. Now we'll go to item numbers 7 and 16 together although we'll vote separately. I pulled this because three people signed up late. Paul san dan I can't.

-- Saldana.

>> Good morning, mayor, councilmembers. Paul san dan I can't with the u.S. Hispanic contractors association and the minority trade association. I signed up neutral on the item, but I did want to come and express and go on the record expressing concern about the firm tt's being recommended for this particular contract. For the last year and a half or two years along with the black contractors association we have been meeting with your staff over at parks and recreation expressing some concerns about this particular contractor. I think we'll have a speaker here who is a veteran who this was his first project as a subcontractor on this particular project who did not have an overall good experience with the firm that's being recommended. I think it's also important to point out that the vendor within the last year has had a violation. We certainly support the project and recognize the importance of this project to the community. But I just felt it was important to go on record to say that. We also have concerns with the lack of hispanic participation on this contract. If you

look at the scope of work, erosion control, landscaping, irrigation, surveying, there are present hispanic contractors that I'm aware of that could have participated in this particular project. So out of the \$2.1 million that's been allocated, almost 90% are going to nonminority or women owned contractors. I just wanted to go officially on the record and say that. I'd be happy to answer any questions you may have.

Thank you.

[02:43:21]

>> Mayor Leffingwell: Next speaker is julio trevino. Julio trevino. Apparently not here. Councilmember martinez.

>> Martinez: Thank you. I want to ask ms. Lada if she can talk about the process and good faith efforts.

>> Mayor Leffingwell: I have one more speaker.

>> Martinez: I'm sorry.

>> Mayor Leffingwell: Juan onevides. Juan onevides. Not here. You donated time but the person you donated time to who I just called apparently is not here. All right, so that's all the speakers that we have. You can come on up now. Councilmember martinez.

>> Martinez: Can you just walk us through the process that we've underwent to make these recommendations for these contracts and ensuring good faith efforts were met?

>> Absolutely. Good morning, council, veronica lada. The recommended contractor on this particular rca did comply with good faith efforts. They took all the necessary steps. They contacted all firms on the availability list through two methods, both fax and email. If a vendor didn't have a fax or email they called that vendor. We did also notify they contacted the trade associations advertised in our paper. As part of our good faith effort review, we also look at reaching out to the firms on the availability list with a good faith effort verification form. We sent that out to 209 hispanic vendors on the availability list. We received eight responses and they did all confirm that they did receive notification from mr. Hyatt, however, they did not submit a bid on the project. It is our understanding the prime did not receive any hispanic bids on this particular solicitation.

>> Martinez: Can you expand as to why you think that's occurring and is it because of the experience with the prime contractor, previous experience as was mentioned?
[02:45:25]

>> We did receive as a part of our verification process, we did receive some feedback from one of our hispanic contractors that there was a concern of a previous experience that this particular hispanic contractor had on a previous project, but that was the only feedback that we had received through our process.

>> Martinez: So I guess what I want to throw out there, there's got to be a way to improve this process because if we just have good faith efforts and if a prime has been so difficult to deal with that no minority subcontractor is going to submit a bid to be a part of a project, then that defeats the whole smbr process, in my opinion. What are some things we do and maybe we take this to the subcommittee, put it on the next agenda, because I can see this as a recurring problem, you know, this particular firm has been brought up before by other subcontractors as having issues. And so now

-- you know, they are still bidding on city work as a prime and they are achieving good faith efforts, but if no one is willing to submit a bid because of the relationship, previous relationships they've had, ireally hope we come up with something to combat that and overcome that and ensure minorities can participate. I don't want to see us in a situation where our primes start treating minority subcontractors so bad that no minority subcontractors ever apply on projects. I believe the speaker is here now, mayor.

>> If I could just say that i do think that is something that the subcommittee could certainly committee. We also as you are aware have a disparity study underway and I believethat's something through that you are outreach with our contractors they can discuss and get more qualitative information on and perhaps come back with recommendations as council considers possible ordinance revisions.

>> Mayor Leffingwell: The speaker is here now. Julio trevino and juan is here so you have up to six minutes.

[02:47:29]

>> Yes, sir. My name is julio p. Trevino, a highly decorated veteran in vietnam and almost lost my leg. I've never worked with the city of austin except for one job at [indiscernible] recreation. And while I was there, it seems like this is the first time I have ever worked for the city of austin. I paid my insurance, which was almost \$6,000, and during this time I was

-- the second day or third day I was there, the inspector came out there and started telling me what I was going to be doing and all this. I says fine. And I said, you know, but the only thing is the way you are treating me, I said the way you are talking to me, it's like you own this place. And he said you know what, I'm going to have you fired. And I said you are? And he said yeah. I said well, let me tell you this work is being done so that handicapped people will have access to this park. I said I'm a handicapped person and I'm going to b the first one fired out of this place? And you know, I

-- he said, well, if you don't leave this place, you are going to get fired. I said okay. The next day he was back up there again and

-- and there was I believe one city employee that spoke to a supervisor because I called the supervisor and said this man is out of control. We were talking about the inspecto and he is telling us we're going to have to redo everything we did because it was wrong. And all we're asking is that we get treated just like anybody else. We don't want special privileges, but we do want to get paid for the work that we do. I got paid \$17,000. My insurance was \$6,000. I paid out of my pocket like \$17,000 in -- in revenue. During this time I had a brother that was dying of cancer. All I wanted was to get paid what I was owed so I could spd some time, quality time with him before he passed, and that never happened. So I

-- what I'm asking is that this is why you cannot get a lot f minority contractors is because the way we ge treated out there. We did some damage to the road out there because the inspector wanted us to load up the heavy equipment on the asphalt, and I said that's going to ruin the asphalt. I don't care. Told the guys, okay, just pull it out there in the road and tear up the asphalt. That's what he wants. And it was done because of one person that either didn't like the way I was dressed or -- or had something else to do with it. Okay. Now, the time that we spent

-- that we spent out there, the work that we done, we never got, in my opinion, we

were never paid a correct amount. To this day I was told that I had closed
-- that I was
-- the city gave me \$5,500, \$5,600 because I had only gotten paid \$10,000. And what I wanted is to get paid what I was owed. So I actually got paid \$9,000 after I paid my insurance. That's what the city requires is the 6,000
-- the insurance. So paying out \$17,000 and not making a penny that
-- and I came before
-- before several members of the city and I was never able to get this money from the contractor. What I wanted is just equal rights. And sometimes it's
-- it's difficult and I had a hard time because my brother and I were very close during this time and he was dying of cancer. And I couldn't make it to the hospital because my funds were tied up. So the last six months that he
-- that he was sick I was never able to go see him. You know, and that's
-- to me, this contractor needs to be held accountable. Why up to this date I see no money on this project, I'm still paying out money. I still owe \$600 or \$700 left on this project so I'm still
-- and all my bills were late because of this. This contractor needs to be accountable for this. If I had been a general contractor and if I didn't pay my subs, they told me that they would stop my pay. I came up here before you several times and his pay was never stopped. Everything just continued just like
-- like if he was paying everybody else. I'd like to see, I'd like to see
-- I believe that this is double standard. And I'd like to see this come to an end. Seems like
-- seems like us minorities, we go through this constantly and nothing is being done.
[02:53:36]

[Buzzer sounding]

>> Mayor Leffingwell: Thank you, Mr. Trevino.

>> Okay.

>> Mayor Leffingwell: All right. Those are the speakers. And I didn't have any questions, I just pulled it for speakers so I'll entertain a motion to approve item number 7, which is execution of the contract.

>> Spelman: Mayor, I have a question of Ms. Lada.

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: I have a question.

>> Mayor Leffingwell: Go ahead, Councilmember Spelman.

>> Spelman: A couple people reported complaints, Mr. Saldana reported a violation. Do you have a record of a violation against this contractor?

>> Yes, we do have a record of violation. We had the violation issued a little over a year ago, about a year and a half ago. It did uphold through the appeal process as well so the violation stands.

>> Spelman: What was the violation for?

>> Adding a sub without going through our request for change process.

>> Spelman: What were the consequences of that violation?

>> The first violation the consequences is probation, which doesn't prohibit a contractor from bidding on future contracts or any other existing contracts.

>> Spelman: Okay. Subsequent violations, presumably we would do something more dire. Do we have a procedure for, for example, canceling the contractor's ability to bid on further contracts?

>> There is a

-- there is a procedure. The violation process, if there is additional violation within a two-year rolling period from the first violation, it could potentially result in suspension and eventually debarment. There is, of course, also our contracting procedures that is not administered through my department but through our purchasing department and contract management that looks at violations with the contracting process.

>> Spelman: Have we ever suspended a contractor?

[02:55:38]

>> We have suspended and I should clarify I don't actually execute the sanction, our purchasing officer does, but we have had violations in the past for SMBR that have resulted in suspension and I believe also in the contracting side there has been result of suspension as well.

>> Spelman: Have we ever debarred a contractor?

>> We have not for SMBR purposes. My understanding in working with our

purchasing office there has been debarment in the past for other reasons.

>> Spelman: There are some things which are so serious or happen so frequently we just don't want to see you again.

>> That is my understanding.

>> Spelman: What were the consequences much probation for this particular contracting, a warning or is there more to it?

>> Probation basically is putting the contractor on notice this is an issue and an additional issue could result in further action.

>> Spelman: Okay. Have there been

-- I'll stop now. Thank you, ma'am.

>> Uh-huh.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I have a question and it's probably a question for our parks staff. In the backup we have a map indicating the area of the trail head. The map also indicates some other changes to auditorium shores, and I know we've got some exciting work going on there with tour partners to look at, you know, a master plan and some vision. It looks like the map in the backup reflects the current draft, and I just wanted to get clear are we talking about

-- does the map reflect something we've adopted or is it still a process in work and there's still going to be opportunity for discussion?

>> Sara hensley. The current map attached to this is a map that's work in progress. I believe if you recall back in may I was not at the meeting, but cora wright was acting director where she informed the council that it's a work in progress. We still have public meetings going on. Now, I will say and I'll say this in front of the council that staff are pretty adamant about w we have designed it based on safety and health issues related to trail users and work that we're doing in regards to the auditorium shores projects and the money that's going into it, but we're still having public -- we have another public meeting wednesday night of next week. So it is a map that certainly has the ability to be tweaked.

[02:57:58]

>> Morrison: Great. I appreciate that. I just wanted to get clear. Will it eventually

come to council?

>> We will be bringing it back as ms. Wright had made a commitment to come back. I'm going to ask staff to go through the parks and recreation board one more time as we finish our final public meeting, discussion the issues related to youth, dogs, dogs only, off leash, bikers, joggers, walkers, the whole nine yards, and then really talk about why we've designed it the way we have working with the consultant.

>> Morrison: Great. Thank you very much. I look forward to that.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Mayor, I think we need to take mr. Trevino's and mr. Saldana's concerns seriously however it seems we have a standard operating procedure and seems to me the appropriate thing to do is vote yes on this contract with the caution to the contractor that we caught you once, if we catch you again, you are not going to play this game again. I move approval.

>> Mayor Leffingwell: Councilmember spelman moves approval of item 7.

>> Cole: I'll second that with tcomment that I look forward to a robust, honest discussion of this item in the mwbe subcommittee.

>> Mayor Leffingwell: All those in favor please say aye. Opposed. Passes on a vote of 7-0. I'll entertain a motion on item number 16, which is the ordinance.

>> Move approval.

>> Mayor Leffingwell: Councilmember spelman moves approval. I'll second.

Discussion? All in favor say aye. Aye. Opposed say no. That passes on all readings by a vote of 7-0. Now we'll go to item 12.

>> Good morning, mayor and council, I'm here to recommend a claims payment in the total amount of 66,\$636.64 o settle the personal

-- personal injury and property damages claims for jill turner related to an auto accident involving a city vehicle that occurred on april 10th of this year. As we discussed in executive session, the basic terms of the payment would be payment of \$56,636.64 to the leaseholder on the vehicle and then the remaining balance would be paid to miss turner through her legal representative. In exchange for those payments we would seek release of all claims related to this incident and with that I move approval

-- or I actually recommend approval.

[03:00:40]

>> Mayor Leffingwell: I second. [Laughter]

>> I recommend approval of this payment as we discussed.

>> Mayor Leffingwell: I'll entertain a motion on item number 12.

>> So moved.

>> Mayor Leffingwell: Mayor pro tem moves approval, seconded by councilmember spelman. All in favor say aye. Opposed say no. Passes on a vote of 7-0. Item number 13 p.U.D. By councilmember spelman, there are no speakers.

>> Spelman: I see the person who can answer my questions coming forward. Hi, lorraine. I asked the question earlier this week as to whether or not there was an appraisal on this property and you said yes. And then I didn't have time to ask the followup question which are are we paying at or close to the appraised amount?

>> Yes, sir, we are paying the appraised value for the property.

>> Spelman: We are paying appraised value for the property.

>> Yes, sir.

>> Spelman: That's all i need to know. Mayor, move approval.

>> Mayor Leffingwell: Councilmemberlman moves approval seconded by councilmember morrison. All in favor say aye. Aye. Opposed say no. Passs on on a vote of 7-0. Item number 7 pulled by councilmember riley. There are no speakers.

>> Riley: I have a quick question and I guess this would be a.P.D. Staff. This would authorize negotiation and execution of an interlocal agreement with the texas department of public safety to define respective responsibilities for evens, street closure, traffic enforcement and general security in the capital complex. I'm particularly interested in article 4 of the provision that speaks to parking meters and it provides that d.P.S. Shoes coordinate with the state preservation board to install, operate and maintain and enforce and collect money from state owned meters in the capital complex. There is a long history of discussions between the city's parking enterprise and the state with respect to the parking meters in the capital complex continuing right up to recent months. And anybody who has tried to park in the capital pom plex is aware there are some differences between the parking in that area and the parking elsewhere in the central city. They are still using the old coin operated parking meters. We haven't necessarily landed on an optimal long-term solution so discussions are ongoing and are likely to be ongoing for some time

between enterprise and the state. Since this agreement speaks to how those parking meters will be handled, I wanted to make sure we have our own parking enterprise in the loop on those discussions. We checked with staff this week and found in fact the parking enterprise had not been included in these discussions so I just wanted to ask the police department representative if they would be willing to coordinate with the parking

-- with the city's parking enterprise as we continue our work on this agreement.

[03:03:49]

>> Okay. Austin assistant chief. Yes, we are open to

-- we did include the transportation department and I have had more conversations with them and also talked with Mr. Grassfield, and this interlocal agreement is not a completed document yet. There's still some more meetings to attend and he is going to be included and we're going to be discussing those, so yes, we are hopeful to it.

>> Riley: With that understanding I move approval.

>> Mayor Leffingwell: Seconded by councilmember Spelman. Councilmember Tovo.

>> Tovo: A quick question based on the question and answers. Councilmember Spelman had asked some questions about this agreement and there were some points that staff made in the response and one of them

-- I just wanted to ask a few questions about it. It talked about the agreement removes the arbitrary agreement for fees owed to city of Austin and all requests have to go to city council. Then it referenced a question I asked about an historical account of money owed to the city that was waived and research reflected, no record of any department in the city waiving fees and no money owed to the city by D.P.S. I wonder if we had a staff member who could explain that statement. Does that mean that the previous agreement arbitrarily, using the language from the response, arbitrarily waived the fees and thus they never came to council for approval or does it mean there were never any fees that were waived or does it mean we just didn't keep records of it. I need help understanding that curious statement. If anyone here has that information, if not, I can follow up after. It's not going to

-- it's not going to affect my vote here today. I plan to support the agreement, but since we're discussing it, I did want to ask a question about it.

>> One of the things in special events we've been running into, there's been some practices in place many years and we started going back getting the historical reason why. And in that research we found that in our opinion there were some fees that were being waived that we didn't have the authority to do so and we were just trying to clarify it in our interlocal agreements as far as a.P.D., Austin police department, does not have that authority to waive fees. That comes from council.

[03:06:13]

>> Tovo: Ahh. So then it sounds like the story here is that the fees were being waived, but they were not coming to council for waiving. They were being waived administratively.

>> There's some

-- either some of the permitting fees or as far as the actual officers' overtime, those were not waived and those actually occurred through council approval.

>> Tovo: But it sounds as if there were some fees that were being waived administratively.

>> Yes.

>> Tovo: Okay. Thank you. And so

-- and so I guess since you have referenced the budget question I asked or somebody referenced the budget question I asked that returned the information that fee waivers never happen administratively, I guess I'll have to ask the city manager to look into why this piece of information wasn't included in the response to my budget question. St for context, I had asked a budget question, I think it's the last of the budget questions posted, were there any fee waivers that are not accounted for in our other list that had been administratively approved and the answer that came back to me was no. But this

-- this answer suggests that yes, there has been fees that have been waived and so I guess I would like to ask the finance staff to go back and take another look at that and let us know if there are other situations where fees were administratively approved. I understand there won't be going forward, but as we're trying to get a picture of fee waivers, we really need accurate and clear information even if it's just to say we know some fees have been waived administratively, we didn't keep

records of those and so we can't tell you how much they are, but it happened in this department and this department and here with these kinds of events and these kinds of entities just so we can wrap our head around this information. Thanks very much.

>> Mayor Leffingwell: All in favor of the motion say aye. Aye. Opposed say no. Passes on a vote of 7-0. Item number 18 is pulled by mayor pro tem cole. There are no speakers.

[03:08:29]

>> Cole: Thank you, mayor. I just needed to get a better understanding of this program, the thanks again program. I understand that this is an item designed to boost customer satisfaction with airport concessions and service, but I'm trying to figure out why we actually have to put \$180,000 into it.

>> Jim smith with the airport. T is a national program available to a the look of businesses. There's over 25,000 businesses that belong and over 160 airports. You pay to participate in the program. The research has shown that the participation in loyalty programs generate more sales and since the airport is a landlord, we make our rent on a percentage basis, it's in our interest to do things which help stimulate the sales. So we are recommending that we participate in this loyalty program because we think it's in the airport's best interest. If after participating we find that it doesn't generate more than \$60,000 per year's worth of benefit, we can discontinue the program. But based on dfw has it, a variety of other airports, they've been very pleased with the program and they felt it helped generate increased sales through participation.

>> Cole: Help me understand how parking falls into this. I thought our parking lots were full and I thought people would generate points by parking in our parking lots. I don't understand that correlation.

>> We have a parking program that we run ourselves at this stage of the game. Right now there would not be an immediate participant in the thanks again program because we have to develop a transition between our program and thanks again. We don't have a loyalty program for everything else we do at the airport. So we -- there won't be an immediate switch. Now, parking as a whole this year, basically

june, july and march the parking lots were full because those are our busiest months. But the other nine months of the year, we are in a a compe mode of trying to get people to use our parking versus our competitors.

[03:10:53]

>> Cole: I'm going to go ahead and move approval of this item with construction it come back after six months with an estimate of what our revenue is being generated from it. Do you think you will be able to measure that?

>> Sure, we can prepare a report at six months and see where we are.

>> Mayor Leffingwell: Motion by mayor pro tem to approve number 18 with additional direction. Seconded by councilmember morrison. All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Now we'll take up items 42-47 together. They are related. We have one speaker signed up, paul saldana. We're taking all these items together.

>> Thank you, mayor. Yesterday afternoon I sent an email to the council, but I'll just reiterate my points. First on item number 42, you just

-- you may recall during the whole hispanic quality of life initiative and the african-american quality initiative there was repetitive recommendations about the need for the city to improve its outreach and communications, both from a multicultural and mti lingual perspective with our local minority communities as relates to programs, services, opportunities with the city of austin. What you have in your backup is a proposal by staff to spend about \$2.2 million. The obvious omission here is the lack of minority newspaper, minority participation in this. I know you all are also, the staff is also recommending exemption from the procurement process, but I think it was important to point out based on the question councilmember morrison asked, I believe the staff reported that through fiscal year 13 staff allocated a little over \$21,000. That is less than 1% of what's being proposed here and they are not enlisted in the backup. So I think it's real important for us to support our local small minority newspapers that have been pillars in our community and continue to do a really good job in reaching out to our minority communities so I'm hoping you will reconsider that. And then on item 47, the concerns there is that we missed out I think on opportunities for there to be local participation by some contractors and

the two examples that I mention were the embroidery services and the other is proposing to spend about \$75,000 for a contractor to move furniture. Neither of those firms that are being recommended in the procurement transaction are minority won owned firms. If you look at our list you will find plenty of certified lists take could provide that. Last point I wanted to point out, the city's mandate and value about doing business and supporting living wages, as a local contractor if I do business with the city, I'm required to pay any of my subcontractors and workers at least \$11 an hour. We're proposing so spend on 47 a little over \$200,000 with walmart and sam's club, a corporation that clearly does not provide a living wage to its employees. If local small businesses abide by the mandate and embrace that community value, then I think we should hold any corporation that's going to get any money from the city of austin or do business with city of austin to that same expectation and that same mandate. So I would encourage you all to reconsider spending \$220,000, \$225,000 with walmart and sam's club. I'll be happy to answer any questions you may have. Thank you.

[03:14:33]

>> Mayor Leffingwell: Those are all the speakers. These items were pulled by mayor pro tem cole and councilmember morrison. Mayor pro tem cole.

>> Cole: I had a question for staff specifically directed at item number 42. And also the comments that were made by mr. Saldana. Can you tell me what is the amount of minority media contract?

>> Yes. Mike benson, city of austin central purchasing office. These are not contracts; however, we do spend approximately 10 to \$20,000 per year with multiple vendors that are minority vendors. Prime example, central purchasing does advertising in the statesman. We for outreach we on a weekly basis advertise with four minority vendors to the tune of 7 to 15 thousand dollars a year.

>> Cole: Has that upper echelon \$15,000 been increased within the past 10, 15 years?

>> It has gone up partially by

-- based on the rates they've charged and we've also done more outreach on special events, what we've added special one off ads in addition to our weekly or buy weekly

advertising. So it has gone up over time.

>> Cole: So do you see any room for improvement when it comes to outreach efforts to minority vendors?

>> All departments have the ability to do that so yes, there is room for improvement. But each department faces its operational needs themselves.

>> Cole: Okay, well, I'm thinking we can have a more extensive discussion about that ability to increase the minority outreach on these types of contracts. I realize this is a large contract and an annual contract, but, of course, I think we have the authority to make potential amendments to it if we come up with some recommendations or a resolution with respect to that. So I'm going to ask that we consider that in the mwbe committee.

[03:17:01]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I appreciate those comments and fully support that. With regard to the other ones, specifically with the issue that mr. Saldana brought up, it brought back to me an issue that we had run into before where I had

-- we had talked with staff about, you know, we have various values reflected in policies about contracts and procurements and purchasing and all of that. And what was getting a little confusing and hard to grasp was exactly which ones are effective in which situations. Because, you know, we have living wage, we have domestic partner benefits, we have prevailing wage obviously on construction and things like that. And when we last discussed this, it had been suggested that staff was going to provide a nice chart for us that said for all these different situations, here are all the different values, m.B.E., W.B.E. Would also be in there. These are which policies apply to which situations. Ani wanted to know if that chart was going to be possible to get from staff. That was some time ago.

>> I believe the law department is still working on that matrix. There's a lot of issues regarding that

-- do you use it for commodities, living wage versus services. Right now we're leaning towards services that are competitively bid, but that big matrix where we could delve into commodities I think is still being looked at since there are some legal issues

there.

>> Morrison: I was a little confused. I thought there were things set one way or another and it sounds like maybe there's still some questions. Maybe I could ask our legal staff.

>> I'm not sure about the chart, but I'll look into it and we'll get back to you.

>> Morrison: I think that's going to help us because one of the issues mr. Saldana raised is in other situations we're requiring a living wage and now we're talking about doing a relatively large contract that maybe could be done with

-- with a company that does adhere to that instead.

[03:19:21]

>> I understand. Again, these are not necessarily contracts per se. These are very small dollar buys, credit cards, operational in nature. An employee gets an immediate need, they run across the street to walmart, picks up what they need.

>> Morrison: And are there

-- do you know are there options to going to one particular place or another that have been raised?

>> They are not competitive in nature under state law so they do have the option to go to other locations.

>> Morrison: And has staff looked at perhaps another

-- including somebody

-- another company just to satisfy that need that would adhere to some of these other value policies?

>> We can look into that as part of that matrix and give guidance to staff, sure.

>> Morrison: I guess maybe what we can do

-- we have two options, one approve these without those two particular line items, or to go ahead and approve them with the line items with the understanding that it could be looked at. And I don't know if our m.B.E., W.B.E. Committee has the purview to look at the broader question or not.

>> Cole: Maor?

>> Mayor Leffingwell: I would suggest alternative number 2 because I think it's probably not as simple a thing as it might seem to be. It's probably going to require a

lot of time and a lot of discussion. Perhaps some legal advice to get through it. Mayor pro tem.

>> Cole: I was going to say I agree with that and I know that we have a lot more staff that staff that committee with expertise and I think we could delve into it deeper. Then I would let you know w we are actually going to consider it and talk to the chair.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Oh, mr. Canali.

>> I just want to clarify one point. All these items, these collectively are exempt from state purchasing and they all happened below city manager authority, but in the aggregate they exceed the city manager authority. Someone in the parks department, the water department is out there going to a plumbing store to buy a part they need immediately, that purchase is allowable under state law. We believe that whew we're bringing forward and we did this last year as well really is a very transparent way of showing you all these aggregate purchases. But these are not contracts with any of these line items. They are all provided as backup to show you where we do expend these funds. They are based on what we spent this year. We've tried to project forward. But these line items we are showing you an aggregate for example of avertising, but on that issue we are not beholdng to any unof those to advertising hundreds of thousands of dollars in the statesman. It just gives us the blanket authority again in the name of transparency to show you that. So there are no specific line items. These are not contracts. So we as staff as we work through these issues, if there's further discussion at the subcommittee about how we can further perhaps explain and sift out throughout the organization other priorities, we can do that without having to actually come back and amend these as long as we stay within the upper limit and we believe we've done a very conservative job of getting to this dollar amount by each of these types. So just to clarify, these are not contracts, these are blanket agreements that are, again, on an individual level allowable under state procurement law.

[03:23:08]

>> Morrison: Thank you and i applaud staff for bringing them forward in this manner.

Last year was the first time we've done it and is really is a matter of transparency because collectively they get to be a large sum. I would be happy to move approval of these items with the understanding that they will be further discussed at the m.B.E., W.B.E. Committee and that the law department will be working on that chart for us.

>> Mayor Leffingwell: Motion by councilmember morrison. To approve tems 42 through 47 with additional direction.

>> Cole: Second.

>> Mayor Leffingwell: Seconded by the mayor pro tem. All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0 and brings us to item number 49. That was pulled by councilmember spelman and we have several speaks.

>> Spelman: I understand we have an agreement between one of the speakers and the staff and I presume heill tell us about it.

>> Michael whalen on behalf of tds. We've agreement with staff on specific language

--

>> Mayor Leffingwell: Hold on just a second. Just for the formality of it, adam gregory is here.

>> Yes, sir.

>> Mayor Leffingwell: And ryan hobbs and dennis hobbs.

>> Ryan is not here.

>> Mayor Leffingwell: So I'm sure you can finish before this, but you have up to nine minutes.

>> I'm shooting for 60 seconds if I read quickly. So we need confirmation from mr. Getter in a moment, but the contract will include the following sentence in two places so that it's in the contract, not in the r.F.P. And not in any attachment, in the contract. The following sentence will be and will first appear after the definition of quote, daylight take, end quote. It will be, quote, under no circumstances will the customer seek, or contractor maintain, any identification of, or specific reference to, any private hauler, or any set of information that could be used by any person who identify a private hauler. That sentence will also appear in the contract, not in any attachments, at section 2.1 under description of services. In addition, our agreement has a second part which is that the form that is currently promulgated under 15-6 will be changed

-- this is call the recycling plan form

-- will be changed to delete two parts. The part that says hauler under

-- under the part that says height exterior trash containers, delete the words hauler.

That request and specify the name of the company. And also under height exterior recycling containers, those same two sections will be deleted. I would like to show that on the elmo quickly so you can see and the record will reflect exactly what's being deleted from the online form and the norm promulgated by the director. So if we can set up the elmo, we'll show that. While they are setting that up, I would just also encourage

-- I know staff knows there is on new amendment to the open recordsact. It is going to change the way we contract with vendors and some more attention I think long term needs to be paid to the fact when a contractor holds on to information being collected by an ordinance and through a contract, there is a potential that it is public information. And that is what I think caused confusion in this particular circumstance and why we needed to pause for a moment and have this change made. You can see on the elmo the two sections that will be deleted so t@hat private hauler information, which is not necessary for the effort, will under the uro will not be collected. I believe that

-- and think, greg, you wanted me to represent in its current form, the information that is being collected in its current form would not otherwise allow somebody to know who the private hauler is. I can't say that if the form changes, but in its current form it would not otherwise allow a competitor to identify private hauler information.

[03:27:41]

>> That's correct, gregory miller with the law department. And I can let bob speak to this, but we have no interest in collecting hauler identified information so it won't be collect.

>> We just need direction from council you would like the sentence add understand the two places identified and you have this hauler information that I've circled in these two locations on the form be deleted and I think we're done.

>> Mayor Leffingwell: Councimember spelman.

>> Spelman: Mayor, as you know earlier in the week there was discuss 30-day delay promulgating this. In view of the fact the public information act has changed and this was at least one of the sources this information believed necessary to protect proprietary information, is there anything we need to be doing to protect other sources of information or respond to changes in the public information [inaudible].

>> I don't believe so. I mean the really thing to keep in mind with regards to keeping information confidential is just don't collect it in the first place. Once it's collected for or by the city, it's presumed public.

>> Spelman: The change in the act was if it's collected on behalf of the city even if it's not the city that's doing the collecting, it's public information.

>> Precisely.

>> Spelman: We're taking that into account in future R.F.P.s AND CONTRACTS. Thank you, sir. Move approval.

>> Mayor Leffingwell: Councilmember spelman moves approval of item 49, seconded by councilmember morrison. All in favor say aye. Opposed say no. Passes vote of 7-0.

>> I assume that's with the sentence added.

>> Mayor Leffingwell: Correct. The latest version. As amended. Item 50, no speakers, councilmember martinez. Item 50 is just our boards and commission appointments so in order to be able to communicate with all six of you at once I decided to pull this item. As you know, the hispanic quality of life oversight team, their strongest recommendation after adopting the report was to move forward with the commission, the permanent citizen-led commission that will now drive the policies towards the council. Initially we had very, very low application numbers coming in. Thanks to pio staff and others who helped us do an outreach, we now have over 30 applications as of this week and so my request to you all is to simply, with due diligence, just start going through that process of making that appointment to that commission because it is the highest priority coming out of the recommended report so that the commission can get to work on all of the items contained within the report. We've already

-- we've already begun going through the list and so I just wanted to make that request to you all that you take a look at those 30-plus applicants.

>>

[03:31:04]

>> Mayor Leffingwell: Duly noted. There are no actions required. Councilmember morrison.

>> I appreciate this comment from councilmember martinez and I guess as part of the recommendation there was a suggestion that we make sure that various perspectives and arenas are addressed and so i wondered if you had anything in mind that we might take an opportunity in a couple weeks to have it on our work session or something so we could start sharing ideas so we make sure we cover it all.

>> Martinez: That's certainly one opportunity to talk amongst ourselves in public. The other is dependent upon how quickly the item that councilmember spelman and tovo and I put on last week creating this online message board to communicate via publicly. I don't know how long that's going to take staff to get up and running but it is a good tool in instances like that where we can talk about the diversity of our appointees and backgrounds and what they bring to the table so we can make these well-rounded decision. Obviously work sessions are the most readily available, but I look forward to the onlinemessage board as well so we can communicate 24 hours a day via that public forum.

>> Morrison: I can leave you messages at 3:00 in the morning.

>> Martinez: I will be up feeding diego.

>> Mayor Leffingwell: I will use this pickup setting to say I will not be looking at the public message board so don't consider I will be.

>> Morrison: Mayor, one more question for staff. Do we have an estimate of how long that

-- when we might be able to get that message board up? Or maybe if we don't have that right now if we could get an estimate.

>> I'm not sure we have an estimate from the mayor's office and we can get back to you.

>> Morrison: Thank you.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Since you won't be looking at the message board, that means we're all going to have to call you at 3:00 in the morning.

>> Mayor Leffingwell: Okay.

>> Spelman: Implications.

>> Mayor Leffingwell: I'll have to consider that. So as I said, no action required on item 50 so we go to item 55 which was pulled by councilmember martinez and we do have two speakers.

[03:33:23]

>> Martinez: Let's go ahead and take the speakers.

>> Mayor Leffingwell: Matt price.

>> Mayor and councilmembers, thank you for letting me speak on this item. This is a project that's been in the works with the round rock express and the softball jam and so they started down this path to create a synthetic turf field on east 12th street in an area that could greatly use and be blessed by this kind of field. That's an area where kids from that area don't really have opportunity to play on a grade a type field that kids from other parts of austin do. We believe long term this will be a huge impact to that community and as far as the resolution today that I'd like to propose an amendment to, currently the amendment or the resolution directs the city manager to negotiate a three-year agreement for the use of this field upon the completion of the renovation between rbi austin and greater youth association who has been there 30 years and a group we've gotten to partner up with. My background, and I got to visit with a couple of you. I run the affiliate here in austin full time. And the main basis for asking for an amendment to make it a 10-year usage agreement as opposed to the three year on the resolution, one is the investment being made in this field. It's about a \$400,000 project and it will create a turf field that won't require much maintenance, no cutting the lawn, no irrigation, anything like that that will last for many years and really impact that community. And allow the local volunteers and leaders there to focus their attention time on the kids and reaching more kids through those sports programs rather than having to spend as much time as they do currently on the field. Another -- another reason that we really are asking for ten years as opposed to three, one of the primarily grants that funded this project, the baseball tomorrow fund and in that application the basis for asking for the funding was a long-term impact in that specific community and making that field for the kids in that east austin community.

And so with some of the metrics that were in the grant as far as five-year outcomes and things of that nature, a longer time than three years is needed to assure our ability to follow up with that commitment in this grant as we send in reports as we go on. One of the main outcomes from this project that we told baseball tomorrow fund would happen

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[03:36:41]

[buzzer sounding]

-- within five years it will be 1,000 kids. Thank you for your time. That's what I would like to propose.

>> Mayor Leffingwell: Thank you. Councilmember tovo has a question.

>> Tovo: I do. Mr. Price, thanks for being here two weeks in a row to our council meeting. Just a quick question. I know you said the primary purpose is to really serve youth in the east austin area in the immediate vicinity of the field. How will you work to ensure that?

>> Absolutely. One of the things that we do as rbi, we look into partnerships with local schools in that community so that's where

-- as we've seen the numbers really grow to our o to three years working in inner austin, it's working through the schools, meeting the families where they are at and rather than just setting up your registration booth and see who shows up from who knows where, it's working with the aisd elementary schools and we've seen a lot of success through that method.

>> Tovo: And so will you have a requirement that youth be from that area or will you set aside 70% of the spots o how

-- what are your on the ground

-- the equipment sounds great.

>> That's a good question but you put in a really nice field and it can attract people from all over. If, as a rbi program, we do have a commitment and a requirement from major league baseball that at least half of the kids in the areas that we're partnering and serving are from innercity communities, and even as far as who we market to, it

-- again, it's going to be heavy to those

-- those local elementary schools. Now, if we do have the case where there's kids coming in from other, you know, suburbs or other parts of town, we'll kind of reevaluate the strategy, but to this point really focusing the marking of it and creating relationships with local schools has made it so that it's probably 90% or more that come from the immediate area.

[03:38:42]

>> Tovo: So I think I heard you say the requirement for your grant funding and arrangement with major league baseball is 50%.

>> That's right.

>> Tovo: And you keep tabs on that number, but what are your boundaries for this field in terms of determining that 50%? How

-- what's the definition basically of surrounding area?

>> Sure, yeah.

>> Tovo: If you want to get back to me.

>> No, I'll tell you what we've done to this point we've worked with about a dozen elementary schools. About half of those in this central east austin area, half in the northeast austin area near reagan high school, and so that

-- to this point those who know about the program are the people in those schools and they start telling their friends and stuff and it spreads. If it would ever come to the point where there is I would say fewer than 80% from those communities, innercity communities we're targeting, then we would have to reevaluate the plan and find a way to make sure we're reaching the kids it's intended for. That's who we're serving. That's why r.B.I. Exists nationally and so if we veer off from that, if we get to where there would be fewer than 75% or so kids from innercity community, then we wouldn't be doing our job.

>> Tovo: Thanks. I liked your first number better. I liked 80%. I think that sounds

-- especially since part of the consideration is that it is a public site and it is going to be used for an exclusive use.

>> Right.

>> Tovo: I think then it should be really serving the youth in that area and not from all around the city who have other options and then re create all kinds of side

problems in that case like creating more traffic and having people drive from one neighborhood to another. We need to keep these things in mind.

>> If I didn't make it clear, this isn't just r.B.I. Austin. This is really we're starting with this greater east austin youth association so they are a key partner and we're working with them to reach more kids in that community. And when they are short on coaches and things like that, helping find coach that's will want to come in there and give their time to those kids. Really whatever the needs are, we're working with them to help support them in that.

[03:41:00]

>> Tovo: Thanks.

>> Mayor Leffingwell: Next speaker is juan st. James or jamie. Is juan here? I guess not. Those are all the speakers. Councilmember martinez.

>> Martinez: Thanks, mayor. Because of the issues that matt has brought forward, i think there is some room to discuss this further and potentially extend the agreement beyond three years. I would be supportive of a five-year agreement since that is what the grant actually stipulates is touching 1,000 kids within that five-year period. So what I'm going to do, mayor, is make an amended motion that moves forward with negotiations directing staff to work towards a five-year agreement and then bring the execution back to council after it's gone through parks board one more time.

>> Second.

>> Mayor Leffingwell: Motion by councilmember martinez to direct staff to continue negotiations towards a five-year agreement, seconded by councilmember spelman. Discussion? All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. That brings us to item 100. Which was pulled by councilmember tovo and we have one speaker. Stewart hirsch.

>> Mayor and members of the council, my name is stewart harry hirsch and as you know like most in austin I rent. And I am extremely excited that you're finally willing to take up something that i believe used to work, create some new ways of using that tool, it's the 90-90 standard that our goal becomes as a city that 90% of the rental complaints we get are either in compliance in 90 days or moving through the

building and standards commission process in the way that this resolution says. So I just wanted to be here today to say thank you for your willingness to consider a different approach that used to work and hope that you'll approve it. Thank you.
[03:43:17]

>> Mayor Leffingwell: Thank you, Stewart. I believe you showed us the way so we appreciate your input on this. Mayor pro tem.

>> Cole: Can you give us a little more information about how it used to work and why this resolution will resolve that.

>> I think basically what happens is a complaint gets filed, the inspector should be out there within a day or two verifying whether the complaint is valid. If it is and the certified notice that state law and the city ordinance requires happens and people respond to that by getting their permits or conducting the repairs or doing nothing, which happens all too frequently in this town, and if they do nothing and they are not moving in good faith, then within three months they are on the building and standards commission facing \$1,000 per building per day violations. If they are given an additional length of time to repair and they don't and if the fines build up to \$30,000, then the city attorney goes to district court to start collecting that \$30,000 and putting people on notice that we're really serious about all this. And that's different than the way we do business currently from what I've heard at the building and standards commission meetings I've been attended for the last several months. So it's a

-- it's embracing with a we used to do that seemed to work with a whole lot less resources, so I think it will have no fiscal impact and I'm excited about the fact you are willing to look at expedited permitting for people who want to do repairs so that no longer becomes an excuse that I wanted to do the repairs but they just won't give me the permit to do it. I think we want to reward those people by letting them go fix their stuff.

>> Mayor Leffingwell: That's all the speakers. Councilmember Tovo.

>> Tovo: I have questions for staff but also for Mr. Hirsch. I'm sorry, I didn't catch you in time. So you said this is the way the process used to work so I guess my question to you is did it work that way with a bigger building and standards commission?

[03:45:30]

>> No.

>> Tovo: It was the same size.

>> Yes.

>> Tovo: Okay. Thank you very much. So I guess I have questions for the sponsors and for our staff. I think I understand better a little bit better based on mr. Hirsch's comments. So the resolution in front of us talks about the city's rental properties with the highest number of complaints of substandard and dangerous conditions that remain unresolved be placed on the building and standard commission's agenda. I think what

-- then it goes on to say in the next 90 days for possible order and penalty suggesting that we're going to take that body that's currently outstanding and put it on the building and standard commission within the next 90 days. What I heard mr. Hirsch say was that it should be a standard we adopt on an ongoing basis of getting those cases that represent substandard ordaining reduce property violations to the building and standards within 90 days of the violation. That's not exactly what we have before us and also what we have before us I'm not sure would be possible given that it requires time to initiate, come back, appoint commissioners after the initiation. That would be happening concurrent with the next 90 days. So I wonder if it might work -- I wonder if what was intended it was to cut it after agenda? Because that really describes what mr. Hirsch just described was kind of a standard of after the violation it goes to building and standards within 90 days.

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: I think that was the intent of the clause. It was not clear starting now or after the notice of violation has been issued and ignored. If you could suggest a better phrase, that would be lovely.

>> Tovo: I think it might work to just eliminate in the next 90 days for possible order and penalty. Be placed actually

-- maybe it says instead after notices of violation is issued be placed on on the building and standard commission agenda for possible order and penalty and strike in the next 90 days which seems to be creating confusion. If you want to think about

it, think about it and I'll go on to my other questions.

[03:47:56]

>> Spelman: What you are getting at, we don't need to put a deadline on notices of violations that have lapsed on the agenda and one of the reasons for putting in that next 90 days is within a certain time period get it on the agenda as quickly as you can.

>> Cole: After the notice of violation. Not after we pass this item.

>> Mayor Leffingwell: Mayor pro tem. And I would suggest if queer going to get in the business of making sausage here on the dais that we do it in the proper form which is to get a motion on the table and then to offer amendments to the motion.

>> Tovo: Sure. I have some other questions too, but if you want to make a motion in the meantime.

>> Mayor Leffingwell: Would anyone like to make a motion on this?

>> Spelman: Move approval on the item.

>> Mayor Leffingwell: Seconded by the mayor pro tem. Councilmember tovo.

>> Tovo: I had some other questions. What I'm trying to figure out is whether we're trying to

-- or trying to speak what's going to happen in the next 90 days or do both. That's the area. Then I guess I would like help understanding, whereas we're looking at talks about all rental properties with the highest number of active complaints of substandard and dangerous conditions. Which is a good group to go after, but they are going to be dealt with in 90 days, but within the next 180 days we're going to deal with all the remaining similarly situated properties. How are those different from all that we talked about in the previous? I wonder if one of the sponsors could explain which do we expect should be dealt with in the next 90 days and which could be in the next body or is there a difference?

>> I think there's a difference

--

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I believe there's a difference in what we're terming the highest number of active complaints which are repeat offenders and the ones we know about and we

want to immediately direct to the building and standard commissions for
-- within the next 90 days for possible order and penalty. And then those remaining
after that.

[03:50:03]

>> Tovo: Well, but it says similarly situated. What do you mean by similarly situated?
Wouldn't those also be properties that had substandard and dangerous conditions?

>> Cole: They wouldn't be the highest number of those with active complaints.

>> Tovo: What would they have?

>> Cole: They would have fewer than the highest number.

>> Tovo: How are staff going to know which ones need to come first, first, and
maybe staff has a sense of how many they are going to prioritize this.

>> Assistant city attorney. The worst are the 90 so you have multiple substandard
dangerous conditions. The similar situated would also have dangerous and
substandard conditions but they wouldn't be as bad as the first group.

>> Tovo: So one of the reasons I'm asking this question is because it also is
accompanied by a proposal to expand the building and standards commission. One
of the things I'm trying to figure out whether there's a need to expand the bidding
and standards commission or whether our existing building and standards
commission can handle the workload. But without knowing what they are going to
need to tackle in three months and what they are going to need to tackle in six, I
don't know what kind of numbers we're looking at in either category or how staff are
going to prioritize the first batch versus the second. I mean multiple

-- are we saying anybody who has a multiple is going to be in the first? Is what we're
really saying anybody who falls into repeat offenders is going to need to be in the
first tier and anybody who may have one is going to fall into the second tier?

>> Mayor and council, Carl Smart, director of code compliance department. I think
we're

-- we've started looking at numbers to see what those numbers might look like of
cases with the highest number of complaints, rental properties that are dangerous
and substandard and those that might be available in 180 days. Looking at our
caseload now, there is a

-- our number is about 93 cases that are in the cue, that are beyond the 90 days that our rental properties with substandard, at least substandard, in some cases substandard and dangerous, I cue moving towards curing. Certainly we have a practice now of prioritizing those cases and making sure that the worst os with the dangerous situations are moving first toward bsc and others are coming along also. And keeping in mind some of those cases may end up in municipal court versus building and standards.

[03:53:04]

>> Tovo: So there are 93 in the cue.

>> I'm sorry?

>> Tovo: There are 93 cases in the cue that re outstanding, they haven't been resolved after 90 days.

>> That's correct.

>> Tovo: So you take the top half of them? I mean if the resolution passes as is, you would take the top half and keep other half

-- you have a sense how you divide up those two things or how you define which are the worst and

-- you'll just list them and just take the top half? Eye really haven't had a chance to review in depth those 93 so identify whether it would be half or whatever percentage is more dangerous than the others, but that's what staff is doing now. We will do that with or without course of resolution. That's our process to make sure we prioritize those that need to go first, make sure we try to get them before the bidding and standards commission as quickly as possible. Some of them already prepared and ready to go on the agenda and others are just coming from the inspectors and moving toward the agenda. So they are in different stagees of the process and we haven't really been able to identify those stages yet.

>> Tovo: So how would this resolution change your existing process?

>> The first thing it does, of course it requires us to look at setting up a system where we would have move appointees, 15 appointees to the bidding and standards commission and set up three panels, and those panels would meet more than

-- we would have more than one building andtandards commission per month. And

more than likely that would mean every other week at least every other week we would have a panel meeting and hearing cases. But we would be processing cases through three panels of the building and standards commission. Then bringing together the whole commission if there is a rules or policy decision that the building and standards commission needs to make. The second thing would be working with pdr to make sure we're meeting the intent of the resolution as relates to having an expedited permit process. We talked to pdr. Pdr has a quick turn-around if there is an immediate danger and hazardous situation. They have a process called a quick turn-around for emergency situations. We will look further, we would talk further with pdr and see if there is any other type of permit that would be available for these kinds of situations, expedited permit processes.

[03:55:48]

>> Tovo: I have questions about that so I hope somebody from pdr is here to explain.
[One moment, please, for change in captioners] 6.

>> Tovo: Would the full panel need to

-- need to affirm the decisions of those panels?

>> No, each panel could actually make a decision just as if they were the building and standards commission.

>> Tovo: Okay. But you would be looking at three meetings a month versus one possibly. You said every other week but if you've got three panels and we've got typically four months and we

-- in a month.

[03:57:51]

>> That's possible. My thought right now is maybe two meetings a month, one every other week. It would be very difficult to

-- to do three

-- three meetings a month, especially with current staffing level.

>> Tovo: What would you do with a

-- sorry, I am maybe logistically challenged here, but if you've got three panels meeting, how could you accommodate that in two meetings?

>> Then every six

-- every six weeks that panel will be

-- a panel will be meeting, an ab and c panel, every two weeks, the first of the month panel a, a couple of weeks, panel c, a couple of more weeks.

>> Tovo: I've got you so each panel would not necessarily meet a month.

>> We would rotate.

>> Tovo: You would have two panels a month?

>> Right.

>> Tovo: Okay. Thank you. So I have a question, then, for

-- and do you think

-- it seems like there may be

-- do you expect that workload

-- I am sorry, mr. Smart. I have one last question. One reason I asked whether the building and standards had an opportunity to review this because I am quite interested in their feedback about this plan and whether they have any other ideas for us about, say, perhaps they want to meet twice a month and handle the workload so I hope we can add in some direction to have some very specific feedback from the buildings and standards when it comes back to us and I can make that as a formal motion later, if necessary. Do you have an expectation that there would need to be this ongoing panel system to handle that workload or

-- what is your recommendation about whether the existing building and standards commission could handle hearing cases within 90 days of the violation?

>> I think currently on our workload, the building and standards commission as it is can handle the workload but I suppose this resolution is anticipating that the repeat offenders ordinance or the repeat offense ders ordinance would increase maybe the number of cases to bsc and if the ree ordinances for the pilot registration passes or any number of those passes, it could also increase the number of cases so it kind of anticipates if we add the repeat offender program or we add pilot registration program, there should be an increased number of cases going before the building and standards commission and might justify in the increase of number of panels for the bsc.

[04:00:39]

>> Tovo: That's helpful. Thanks. If I could ask mr. Guernsey about the expedited permit that is currently available. The resolution calls for a streamline process that would authorize repairs based on substandard and dangerous conditions. The response we get back from staff suggests that currently we have the opportunity for property owners to do that under the existing code. Do you see

-- could you elaborate on what business currently exists?

>> Guernsey: Greg guernsey, director of planning and review department. If there is an instance where an air conditioner fails or something, there is an opportunity for them to get it and then file for a permit but they would actually get the unit up and running in a very quick manner. If there is a concern about the building and standards commission taking action on a building that is not safe, with council direction, we can certainly treat them almost like a smart housing project if it was a larger complex and we need to do substantial changes to the buildings, we can always mp those to the front of the stack as well, so

--

>> Tovo: It sounds like that may not be an option that currently exists?

>> Guernsey: If they were doing more extensive repair than if something

-- if there was a stairway that fell, that's already happened at some of the complexes, we have allowed them to meet and go back and fix that. We've asked them to show engineer drawings.

>> Tovo: Show what?

>> Guernsey: Engineering drawings to show they are safe and allow them to go forward immediately but if it is something like remodeling the structure, tenants will move out, it will take a while to repair. It wasn't something is an emergency repair, that is something we could do and treat it in a manner similar to the housing project to get the units back up as quickly as possible, sort of like smart housing project where they are kind of put in the front of the list for review.

[04:02:42]

>> Tovo: Okay. But I did want to be clear about that because some of the news articles talked about the staff working with property owners to make sure the repairs could happen as soon as possible. So just to be very clear, we currently have -- our process currently allows property owners who need to make immediate structural repairs to get those done as soon as possible or not waiting months for permits?

>> Yes, if there is something that is endangering their lives or something, we look forward and look at that and come back and get that permit. Some people maybe take advantage of that sometimes, but usually we find that out accordingly. So we also made accommodations accordingly, all the way back to the time when Stewart Hurst was the official, that if someone's house is burned and they need to secure their belongings and secure the house, we also work with them, although I think is done by tradition from the different building officials through time and I think Stewart can talk about this. We've also worked with the fire inspectors to make sure their house is secure and safe and that as quickly as we can as well.

>> Tovo: So what would be will be different about -- what will be different if this resolution passes? Is it just the piece -- it's the piece that allows them to do more extensive remodeling?

>> Guernsey: If we can work with code compliance department and look at ways we can move them up the list if there is a situation where you had an entire apartment building that was, I will say, damaged, and the tenants had to move out and it is not something that can be easily repaired and we can move them to the top of the list in a manner similar to smart housing.

>> Tovo: Okay. Thank you very much.

>> Mayor Leffingwell: Council member Morrison.

>> Morrison: I would be happy to yield the floor if my colleague wants to follow up on this particular discussion.

[04:04:45]

>> Spelman: (Indiscernible).

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: I will yield the floor right back as soon as I am done. Mr. Guernsey, if I

can follow up, if I could. Do we have a formal program of streamlining, even endangered cases, like a big red stamp that says expedite or move fast or put it in a different pile or how does that work?

>> Most of the time if it is a water heater or an air-conditioner unit, they already go through a fasttrack process. If you are replacing a door, water heater, air conditioning units, those usually go through a much quicker process, anyway, so it is easier for us to expedite those. If it's a breach in a roof structure, we can certainly work to bring that

-- to get that more quickly taken care of but it kind of depends on the situation in which the incident occurred.

>> Spelman: Let me tell you what I have in mind, is

-- and we can spell it out in great detail but I think it is a little different than what council member tovo was expressing and I want it to be clear what our intention is pointing this out. If there is a notice of violation that has been issued, some condition in some rental property some place is not up to code. There are two

-- two ways of marking this, even endangered of course means the place could be evacuated. Dangerous means that at least within local parlances, it can be fixed right away and standard means we ought to get to it as quickly as we can because of a technical violation. What we had in mind here was certainly for dangerous conditions, which I think is a little bit broader than what you have been talking about and to the extent possible for all substandard technical violations, if there has been notice of violation, we could like to take the excuse away from the rental property owner, i can't get to that because i can't get permits. No, you can get permits because there is a process available, whatever process you've already identified for water heaters that go on the blink, things like that, that process is available to them to take that excuse out of their hands, they can no longer claim I haven't been able to get to it and blame greg guernsey to it. Does that make sense?

[04:07:01]

>> Guernsey: Yes, I also understood you were talking about the situation with the building and standards commission, you would be dealing with something larger, maybe a whole building, that wouldn't necessarily come in as a process quickly

because it may have to make that that alteras and with this resolution, to understand, you would like to advance those to be on the top of the list in a manner similar to smart housing so we can get the building fixed as quickly as possible and get the tenants back in there.

>> Spelman: Certainly that will make more demands on your staff than the average technical violation or other violation attached to it but I think those are things we need to move quickly and put on the top of our queue, partly because we want to bring people to their houses as quickly as possible and partly because we need to remove that excuse from the owners of property that are substandard. No we will help you out here andic that it as easy to come up to code.

>> Guernsey: We can work with code compliance to know those cases so we can identify them differently. We have housing designation that we have paper that isp accompanying and what they can bring and we can work this all out with kyle smart and the code compliance department but maybe they can bring a board order with them as they bring it that way. It will be identified that this is a priority case.

>> Spelman: How much faster is the smart housing process than the usual process.

>> Guernsey: When they go in, they go right to if --right to the front of my list unless we have

-- sometimes we have large companies and hotels that council will sometimes give direction and take them a priority but if this housing comes in, they are put ahead of the list, with the smart housing. We don't get as many smart housing projects on the commercial side but we will probably get more of these type and we can treat them in a similar manner.

>> Spelman: There will be more of them but the vast majority will take less time than hotel.

[04:09:08]

>> Guernsey: Yes, because it will be dealing with more repair and the other is with construction of new buildings.

>> Spelman: So it won't mess with your procedure?

>> Guernsey: It is kind of row arranging the order of the seats, changing who is in the first seat versus who is in the second or third.

>> Spelman: Thank you very much.

>> Cole: Council member morrison.

>> Morrison: Thank you. I want to talk about the idea of three panels. What is not clear to me is the intent. Is the intent that these panels make final decisions and take action? Or are those panels merely going to be working groups just like we can have on other commissions, or are they going to be standing committees? So what are these panels, exactly?

>> Py trishia engel, assistant city attorney. They will act as the building standard commission and have the final orders and they are the member of five commissioners on a panel and make the decision on the case. They will only meet as a full body for advisory issues or their own rules if they need to amend their rules to conduct business.

>> Morrison: So that's interesting. D a little concerning to me. So we are adding a whole new layer of a commission that we've never had before. Is how I would understand it. So what rules would apply to them? So is a quorum three and action could be taken by three? Or is that still to be worked out?

>> Under state law, the majority of the panel members would have to make the decision. So if you have a panel of five, it would be three as the majority.

>> Morrison: Okay. So that was

-- I guess that was the

-- [multiple voices]

>> Morrison: Is to have three people making a decision on these final orders, then. One of the concerns I have is that so I would

-- we get a certain breath of perspective on our commissions by each one of us appointing one. The way this would turn out is we would

-- there would be panels

-- this new

-- and it would take the code amendment, I take it because they have to create the three new bodies in the code.

[04:11:40]

>> You would take your building

-- the building and standards requirements of the boards and commissions ordinance and we would expand it to address the panel system.

>> Morrison: Right. So in fact there

-- this way each council member would have representation on at most two of the panels making the final decision, which feels a little troublesome to me because that shifts the way we have had representation in the past.

>> Cole: Council member morrison, I would like to point out that right n we have a 7 member panel and only four people make it to that, so we would be changing it to three but it wouldn't be whole scale change in the number of people that would make a decision, and the idea just to expedite the process given our backlog but you can continue your questions.

>> Morrison: I guess the question

-- well, I just needed to get, number one, clarified about the intent of this, that we are creating this other level. And I guess a question i have for the sponsors is have you considered expanding it to 21 so that each member

-- each council member would have an appointee on each of the panels, as opposed to the mayor having three, I guess the way it's proposed right now and each council member having two?

>> Cole: The answer to the question is we simply had not considered that because trish, why don't you tell us about the state law with the consistency of that

--

>> under the state law it requires there be a minimum of five commission members so the number of 15|15

-- the number 15, you can get the three panels out of that.

>> Morrison: Is this a state law that applies specifically to the building and standards commission?

[04:13:43]

>> Yes.

>> Morrison: So that would be the minimum, so I guess is

-- I believe there is a motion on the table, so i would like to add a suggested amendment, and that is to change the number to 21, so that each

-- and leave it that each council member appoints three, and then you have 7 on each panel. Which appears to

-- appears to comply with state law, but also could allow us to make sure we have representation from each council member on each panel.

>> Mayor Leffingwell: Council member riley. Is this a proposed friendly amendment?

>> Morrison: It looks like it.

>> Mayor Leffingwell: Council member riley.

>> Riley: What we have heard from staff is the panel meeting

-- we would only have a panel meeting twice a month whoa would

-- meeting twice a month, and one beginning month and mid month and so presumably instead of going to 21, we could consider going to 14 and then each of the panels, they would have two panels of 7, each of which would meet once a month and it seems from a scheduling standpoint that can work better because people can be expected to be called upon each time each month and that way it seems less burdensome to have 14 members than 21, and still be meeting just as often.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I would like to withdraw my proposed friendly amendment and have that amendment be what council member riley proposed.

>> Cole: I consider that friendly.

>> Mayor Leffingwell: That is considered friendly and the second. So it is part of the motion. Are you finished, council member, morrison?

>> Morrison: Yes, I have, thank you.

[04:15:45]

>> Mayor Leffingwell: Council member tovo.

>> Spelman: If I could.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: The friendly amendment, that would change the wording from 15 commission members three panels to 14 commission members, the purpose of creating two panels that would be able to meet as panels more than once a month

and the mayor would appoint two and all council members would appoint two. Is that what you had in mind, council member riley? Good.

>> Mayor Leffingwell: Heaven forbid the mayor have more appointees than anybody else. Any further discussion?

>> Tovo: I do, thanks.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I have to say since mr. Guernsey got up to me, it is unclear to me when somebody gets a violation, whether we are allowed to move quickly through the process or not. It sounded like he said before, yes, based on the exchange. Any case, I am going to interpret this to mean we already have provisions. Again, I think it is important because of the scrutiny and amount of discussion we have had on this subject that people understand that our staff in planning and development review due work with property owners right now to make sure that when they are trying to correct

-- when they are doing the right thing and trying to correct the violations, you are aiding them and not making them wait through months long process. To the extent that this will improve that, that's a good thing, but mr. Guernsey, will you just verify that's the case.

>> Guernsey: I understand the idea of this is if you have someone who is not complying, they have gone before the building and standards commission and they have found deficiencies and they want the property owner to repair that, with the resolution giving direction, that we would make those a priority for our department and we certainly would move those up, yes.

>> Tovo: But you have been doing some of that already?

>> Guernsey: If there is an emergency situation and you have something that's endangering the persons life and safety within that building, it is as if they t have a -- say, heating or cooling system and it is middle of summer and the air conditioning breaks and they need the repair right away, even for a business, we allow that business to go forward and get it installed and come back in and get the permit after the fact to make sure the unit is installed quickly so people aren't suffering the loss of the cooling system or heating system.

[04:18:12]

>> Tovo: Great. Thank you. So I would like to propose two
-- I hop they will be friendly amendments. One, two, three, four, fifth, six. Back to the sixth "whereas," sponsors are you comfortable in removing in the next 90 days or could it be expressed a different way? I can't understand how it's

--

>> Mayor Leffingwell: What are you proposing?

>> Tovo: Removing in the next 90 days, unless I am understanding the

-- misunderstanding the purpose of the paragraph.

>> Spelman: I it can come out as far as I am concerned.

>> Mayor Leffingwell: That is acceptable.

>> Tovo: Thanks and my second and last is just to add language toward the bottom, perhaps as another be it further resolved something along the lines is the city manager is directed to request that the building and standards commission provide a recommendation about these proposed process changes in advance of the code amendments coming back to council. And I will be happy to offer rationale. When we requested that the building and standards commission review the rental registration ordinances, there was substantial confusion among the commission on what they were asked to do. So there was lengthy dialogue at at least one of the meetings, possibly multiple of what they are to do. The chair believed was to look at the ordinance and see if it matched what the staff had been asked to do in the resolution. Other members said, no, i think we are supposed to provide a recommendation on whether we think it is a good idea and our staff member
-- staff members were not able to clarify what they were supposed to do. The boards and commissions

-- like the planning commission for their recommendation and others

-- I don't think we do that often with the building and standards commission and they didn't understand what they were being asked to do and nobody clarified for them. They want to know whether you think it is a good idea, not whether the text of the ordinance matches the resolution, so I think to have guidance, look, we want your opinion, you deal with these issues all the time. Do you think a two panel system will change in or expedite this?

[04:20:20]

>> Mayor Leffingwell: Council member spelman.

>> Spelman: In the blizzard of words, I lost what the proposal was.

>> Tovo: To ask the building and standards commission to provide recommendation about the proposed changes in advance of the ordinances returning to council.

>> Spelman: Okay. I got it, I am for it.

>> Tovo: Thanks.

>> Cole: I think that is friendly.

>> Tovo: Thank you, colleagues. I think these will be good changes. Thanks for taking the time to walk through them.

>> Mayor Leffingwell: So we have a motion on the table and an amendment. All those in favor, say aye. Opposed say no? Passes on a vote of 7-0. So do you think we can get this water briefing in in five minutes or

-- is he going to pla to take longer than five minutes?

>> (Indiscernible).

>> Greg rivera, yes, mayor, it will take longer than five minutes.

>> Mayor Leffingwell: Maybe we will save it for later this afternoon, then. But this is all we

-- this is all the items we can take up this morning, amazingly sos I guess we will

-- so i guess we will go into recess for about five minutes and i want to also announce before we go into recess that council member martinez and I will be off the dais with citizens communication to meet with the toronto delegation in connection with the unanimously passed resolution by the council some time ago through a former partnership with toronto to foster our music industries, so we will be off the dais and perhaps for part of executive session, also. So we are in recess for five minutes. Test.

[04:29:47]

>> Cole: I will reconvene this meeting of the an city council and begin the citizens communication. Our first speaker is carolannrose? Carolyn are you here? I believe she is not here at this moment, if she comes through we will hear her. The next speaker is alan roddy.

>> Hello. Good afternoon, I am alan roddy and my family moved to austin in 1960, in '63, we bought some land here and have been paying taxes here and eanes had a bond election to build a school and 28 year

-- excuse me, 28 years later, the hill

-- lake hills community is still waiting for our neighborhood school. The lake hills corner lot community is the older most densely populated community in this part of austin. Some our families have been living here for 100 to 150 years or more. We were here before there was an eanes isd and here before a city of westlake hills. We have our city and heritage and long before the texas revolution. I don't have time to discuss the environmental damage that will be done by this proposed mega sports plex that will clear-cut t 50-acres of land 1,000 feet from lake austin and across the lake from this project. I am here today to talk about the political corruption of our 1985 election. The former president of the school board has a long history with the western hills corporation which given 50 year lease to build a commercial mega plex. I have been told the former president owns a company that sells uniforms to the various sports teams. Current and former board members have been coaches for sport themes associated with this lease. Terms of this lease are a sweetheart deal for these people and not in the best interest of the taxpayers. Last month the lease was changed to allow to be subleased to a third party. Because of conflict of interest and subversion of the election and misuse of taxpayer fund and resources, I am asking the district attorney and the public integrity office to investigate abuse of power. Because of the subvers 1985 election, I aking the department of justice to investigate eanes isd and i am asking the media to follow the line, shine the bright lacks on this back room deal and I am asking the city council in dealing with public corruption. I know this involves a different focal subdivision but when there was public corruption or mistrust in the austin council limits, i believe the city council has to look into this. We have all a responsibility to fight it. I want to take a moment to thank the military families for protecting our nation and sacrifices. Our congress is not worthy of their sacrifice.

[04:32:59]

>> Cole: Thousand.

>> Do you have any questions?

>> Cole: Thank you.

>> And thanks for getting the pipes off long park. Again and again.

>> Cole: Zenobia joseph. Zenobia joseph.

>> Good afternoon, council members, I am zenobia joseph. I am an educator and veteran from the army intelligence officer and I appreciate the comments of the previous speaker. I am here to speak to you in the context as educator and a former teacher here in the austin independent school district. I have watched a number of hearings and during september 9 and 10 budget debate I didn't hear you mention anything about the trends particularly, and so what I have proposed to the city manager, marc ott is he posted a job for an information officer and i said I would take that job for \$100,000 which is \$30,000 less than the proposal amount and use the money for two initiatives, one for veterans particularly, where austin energy rebate would be given to the veterans who are unemployed for two months consecutively and I would actually save the city \$20,000. I would take the other \$10,000 and create initiative for african-american males in particular. I want to say to you it has been 150 years since emancipation proclamation and sending one black initiative is not enough. I do appreciate appreciate the african-american youth foundation but I am here to tell you that is not enough so what I propose to you is you ask all individuals who have received money from the budgets to post their amounts online. Use simple matrix, red, amber and green what the military uses, just hyperlink the company names on the website and when you do your review, see exactly what is being done. I will tell you specifically that in austin, as it relates to african-american males, there are no african-american males in the initiative which is ongoing at present through the travis county schools that are present and i listed them. I apologize for stumbling. If you go down on the page. I have provided you an example of public information act request. On the back side of the yellow document you have, you will see I requested the information regarding programs for veterans to travis county commissioners court and what I received in return and I will read it into the record is that there was nothing specifically in the

-- the county that addressed those issues and so I apologize because my sheet doesn't have it but if you look at the very top of your paper, it should specify the

-- the response from elizabeth reed who was actually

-- she was the assistant county attorney and basically what I was asking for was

information through the veterans stakeholders meeting and that particular meeting didn't see any information online and whatcy testified back was there weren't any programs and there was no data to provide to me. The last thing I would say to you is that as you meet in the

-- [buzzer alarming]

-- meetings with the county, I would ask you to ask the district to post their information transparently online as well as tell graphings. I thank you for

-- as well as demographics. I appreciate your time.

[04:36:32]

>> Cole: Thank you. I appreciate your testimony.

>> Thank you.

>> robert morrow.

>> Good afternoon, council, robert morrow here. There was a certain ugliness in the heart of lyndon johnson. I am going to tell you an anecdote I heard a few weeks ago. I met a guy who worked for speaker of the house, gigh louis who knew lbg personally and these were the words out of lyndon johnson himself. He was sitting around telling jokes, talking to his political buddies and talked about the first time that he met lady bird, and lyndon johnson said, you know, I heard as we meeting a lady bird but she looked like an ugly bumble bee to me. That's lbg. There is a gay activist in houston, texas. His name is ray hill. He is the equivalence of glenn maxi down in houston. He is 70 years old. He has been at it for many decades. A friend of mine asked me to give him a call about some other topics, and he told me some very disturbing things about george he effort walker bush that he got from the -- george herbert walker bush he got from the gay community that I won't talk about but he did tell me, the number one gay activist in houston is he worked for the alpha kinscy institute on the campus of indiana. He said while he was there in the early mid 1960s, ray hill was privy to reading lyndon johnson's sexual history. And in that history is what ray hill told me and I asked limb three or four times to repeat what he told me. He said that lyndon johnson in his sexual history, described rampant bisexuality and the fact that he had had sex with his grandmother. That would have had to have been ruth ament huffman, because lbg's other grandmother died when

he was 8 years old. And I asked him, that lbj was probably age 16 at this time and she was about age 65. That's a guess. I have never read this sexual history, but ray hill swears that is what he read. Lyndon johnson was a murderer. He ould do things that nobody else would do. As I just described to you. Richard nixon thought he killed jfk, barry coldwater thought he killed jfk, kgb thought they killed jfk, and a law firm that -- [buzzer alarming] thank you very much.

[04:39:53]

>> Cole: Thank you, mr. Morrow. I understand carolyn rose kennedy is here. Come on down.

>> I am (indiscernible).

>> Cole: Speak into the mic so everybody can hear you.

>> [Indiscernible - no mic].

>> Cole: It is up to you.

>> Thanks for waiting. Where is the mayor?

>> Cole HAD BUSINESS TO Attend to.

>> He was afraid I was going to throw a yellow rose at him. Thank you. ♪♪ I used to work at irs and did my best to serve and then my boss said, kennedy, you are getting on my nerves. In 1991, I looked through trucks of nail. ♪♪ that came into the texas truck through winds and fire and hail. By birds, by plane, by super plan, on foot so joyfully, by goat, rope, or on bicycle and they cross the shining sea. I earmarked tax returns with dog bites, pee, and wine but the ones from the popes and the president's smelled very bad as wine. But I wore my suit with hose and heels, my hair the latest style. ♪♪ And I walked real fine and talked real straight and plastered on my smile. And then I got to move downtown on the hill on the capitol. How proud I was but humbled with when I faced the albino bull. And then 9/11, I lived without a scratch but soon i found the one to fair was right behind my ass. She clearly (indiscernible) espanol (indiscernible) my overloaded voice mailbox my end email chore and then it was my tone of voice, the color of my eyes. And then my respiration rate could be on twice her size. The moral to her story is don't give your time and life. ♪♪ to shannongans unless you have a life. I gave my time in life to y'all. My money and my fun. And now I have great news for y'all. From your uncle sam, I

run. ♪♪

[04:42:47]

>> Cole: Thank you. Next, we have mark gentle. Mark gentle.

>> Hi, council members. My name is mark gentle. I live at 2,006 arthur lane in the barton hills neighborhood. I am speaking for myself as a concerned citizen and no one else. I want to talk about the six month old austin energy projects that on my street but I thought that might be too boring so I changed the topics, if that is okay with you. I would just like to reflect back to 2002 when the acl music festival was an idea rather than an icon. I was honored to be a participant in the organizing meeting where neighborhood representatives and the promoters, along with the city manager and the parks director, hammered out a set of commitments that the acl promoter agreed to to protect the park and to protect the surrounding neighborhoods. Among those commitments would be a cap on the daily attendance. It was going to be a staggered cap from 50 to ultimately 60,000, to no more than 60,000 per day. A two-week closure of the zilker great lawn. That included the time it would take to repair the site. And parking that would be enforced by city and access to barton springs pool, in particular the south side, otherwise you would be ramped into the concert parking. Those commitments were important. They were made possible by a promoter that had deep roots in the community, and more particularly by a single manager and staff who would give their home phone numbers, would expect you to call if there was an issue, and who would initiate a meeting and actively participate and seek your input so they could craft their position on issues. In the intervening years, we have had great concert events. I've only missed two. They have made great improvements to the great lawn at zilker park. Fast-forward to today. You have an acl event that had expanded beyond the original boundaries by far. You have a parks director who, through their staff, will tell concerned citizens like myself, I am too busy to meet. Issues raised with the promoter are met with a pat answer, wreck our website

-- check our website for that. And then there is that response from city, you would expect that city from the promoter. There is a change in the chemistry, and what I am here to seek is, you know, not today but ultimately, through this city staff, a

recommitment to some of those.

[04:46:00]

[Buzzer alarming] commitments made by the promoter so we can get the acl festival back into the way it started.

>> Cole: Thank you.

>> Thank you.

>> Cole: Thank you. Koo-hyun kim.

>> Oh, yes.

>> Good afternoon. It's great to see all of you. Do you know what this is? This is the u.S. Constitution. It is 8 pages, very small little one. Small words. There is no government shutdown in here. Government shutdown whatsoever is unconstitutional. This is the dictionary, the dictionary, 1,660 pages, no government shutdown at all. The government shut down whatsoever is unconstitutional. Especially this time, obamacare, so-called healthcare. That law approved by u.S. Congress, the republican and democrats and reformed

-- conformed by the

-- confirmed by the u.S. Supreme court in 2010. In 2013, there is no way to cancel or correct or amend it whatsoever. It's a terror to shut down the government, untitutional! The money is paid. We pay money to the government, over the people, by the people, for the people! Not for the republicans, for the republicans, by the republicans! No, we pay the government by the people, to the people. What, john boehner has no authority to stop the payments of the government at all.

Unconstitutional! Step down. All americans, insane republicans, terrorists.

Americans, republicans terrorists.

[04:48:28]

(Indiscernible) gone to the [indiscernible] abraham lincoln, government of the people, by the people, for the people. They shut down our government is unconstitutional! All over insane republican terrorists for their mental tests to make se if they are sane or insane. Otherwise, let them move, support, all of them to hell. [Applause] president obama.

-- President obama you must authorize the funding immediately without any deed over any republican terrorist approval. President obama must open government immediately and permanently and prevent any kindf plotting, any more on government shutdown terror in the future. Abraham lincoln surely would ab bowl accomplish and this is unr unconstitutional and shut down, for the government and by the people for the people. Oh say can you see. By the dawn's early light.

>> Cole: Okay

-- ♪♪ for so proudly we hailed at the twilight's last gleaming. ♪♪ Whose bright stars and bright stripes, through the perilous fight.

>> Cole: There koo-hyun kim. Can I ask you to bring that to the last stanza, please, because your time has elapsed but we appreciate your singing.

>> Okay. Oh say. Oh say does that star-spangled banner ...

>> Cole: Thank you, thank you. [Applause]

>> Cole: Thank you. ♪♪ ♪♪

>> banner

--

>> Cole: Okay, the next speaker is white white. And the home of the brave! ♪♪
[04:50:32]

[applause]

>> Cole: Thank you. Ms. Kaiba white. Kaiba white, are you here? Susanna almanza.

>> Good afternoon, mayor pro tem and city council members, I am susana almanza and I have here today my indigenous sisters and brothers who are here to propose the east austin land grant known as the urban farm ordinance. This ordinance would commercialize our single family homes and sickle family zoning. We oppose the commercialization of our communities. We oppose the slaughtering of chickens, rabbits and other animals and being able to bury them on single family land. We oppose they are having events and weddings and all kinds of things and not having to adhere to parking regulations through other permits when they are a commercialusiness. And they portray themselves as a victim and that they are struggling to make ends meet but let me tell you, what took on another farm not too long ago and it was the tanks' farm, it was exposing our community to benzene, 720 times over the allowable rate. We opposed the bfi that brought 350,000 household

recyclables to our community that created infestation of rats where the health department had to give us poison to get rid of them. We opposed the power plant that was the largest source of emissions in our community that brought electric fields and particulate matter and noise above the h.U.D. And epa standards. Our families and people are raising our children on minimum wage or below minimum wage so I ask you, who are the real victims? The only people who cannot see what is really happening in east austin are those who have privileges, and their privileges are blinding them about what is really happening in east austin. So we come before you today and we ask you to postpone that urban ordinance. We ask you to create an independent body that will review this ordinance so that it can be a fair process, because it has not been a fair process so far, and, yes, we do see this as a lab rat. When we develop policy that gentry phyor misplace our community, then it is, for over five years, our people have been displayed or relocated when it was found to be gold or minerals and today it's the black prairie soil, that's the goal they discovered in our community and now we are supposed to be displaced because that is the only place in east austin where you can do farming, and we know that's not true. We have traveled throughout the world and we know you can farm just about any other place so we come before you today, our indigenous brothers and sisters who say, let's stop the manifest destiny. Let's stop the gentrification. This issue is bigger than zoning. It's about being able to sustain the people who were forced to move to east austin in -- through the 1928 master plan.

[04:54:06]

[Buzzer alarming] so please review this and we will be here praying today.

>> Cole: Thank you ms. Almanza. [Applause]

>> Cole: Scott burton. Mr. Scott burton. Mr. Scott burton. Okay. Is he coming down? Okay.

>> Hello. Thank you for the opportunity. I wanted to spend my time here talking about solar, and our strategy for renewable energy generation in austin and specifically the local solar advisory committee that the council organized and requested last year, and so we are at the stage now where the local solar advisory committee has done their work, has made a presentation. There has been some fo-on presentations with austin energy incorporating that information and then

assimilating that information, presenting to the ett, presenting to the resource management commission, and so we are kind of moving along the process of integrating that into our plan and I wanted to speak today to request that the next steps we do in this process be something to advance us towards either directly resolving any remaining conflicts between utobe's view and the recommendation view and the view of council members and and taking the steps that would lead us towards the recommended action of moving our goal from 200-megawatts of solar to 400-megawatts of solar. There is different components within there, advancing residential, advancing commercial, advancing utility scale and in terms of any interim steps, I like to say any interim steps the council choose to take be in direct support of the larger goal of

-- of either the 400-megawatt goal as written or a comprehensive analysis of why it should be 300 or 500 or 200 or something else to say that, all right, so here is the plan of where we are going and

-- and the next step that we are taking is in supportf that, so i want to make sure we've got a comprehensive view of where we are going so we can take the appropriate steps of where we want to be.

[04:57:00]

>> Cole: Council member morrison.

>> Morrison: Thanks for being here. I want to comment on the issue of trying to resolve any discrepancies between the utility's view and the very lovely report that the committee wrote is continuing to do work, as you know. We have folks sitting down together. I suspect we will get an update on that discussion at our next ett meeting which i think has been rescheduled for later in the month.

>> Ms. Morrison, for anyone who doesn't know, I am kind of the ears of solar austin. I didn't say that to start with.

>> Thank you.

>> Cole: Thank you for you time, mr. Burton. [Applause]. The city council will now go into closed session to take up two thymes, pursuant to sections 551.071 of the government code, theity council will consult with legal council regarding the following items: Item 64, legal issues relating to regulation of ariel advertising. Item

66, legal issues related to chapter 245 of the local government code and related of provisions of the code, 25-1, article 12, who without any objection, the city council will

>> Mayor Leffingwell: We're out of closed session. In closed session we took up legal items related to items 64 and 66 and we'll start with our zoning items. Our consent agenda for zoning. You can go all the way through, Jerry.

>> Jerry Rusthoven. Number 68, c 814-2012-0160. Staff is recommending this case for a postponement to OCTOBER 17th. Item 69, case c14-2013-0031, this is third reading for a case from family residence to sf-5-co. This is recommended for consent on third reading. Case number 70, c14-2013-0032, Clawson patio homes ii. This is recommended for consent approval on third reading. If you recall, there was a valid petition on one of these cases at the last hearing. There has been a deal reached between the neighborhood and the developer. It's in the backup in front of you and we did receive an email today from the petitioners from three of them saying they wish to withdraw their names. We haven't performed the calculations, but we believe the petition is no longer valid.

[04:59:50]

>> Mayor Leffingwell: And we do have a letter from the neighborhood association.

>> Yes, we do. Item 71, case npa-2013-0025.02 approve on second and third reading a change to the Oak Hill combining neighborhood plan to change the future land use map for the property from office to multi-family land use. This is recommended for consent a second and third. 72, c14-2013-0044, Lantana tract 32. This is approve on second and third reading the property to change from general office combined district zoning to multi-family residence, moderate high density conditional overlay neighborhood plan combining district zoning. Again, this is for second and third readings. For those cases where the public hearings are still open, case 73, c 14-85-288.8 rca to amend restrictive covenant for the property at 6401 Realto Boulevard. Recommended for consent approval. Case 74 and 75 located on East 12th Street will be tabled. We cannot consider those items until we do the 4:00 item. Item 76 is a discussion case. Item 77, c14-2013-0064, Limerick Center, we have a postponement request to OCTOBER 24th. Item 78 is a discussion case. Item 79, c14-2013-, 0093,

lynnbrook condos for the property at 2312 lynnbrook lane to rezone to townhouse and condominium residence district zone or sf-6. Staff recommendation is approve the sf-6 zoning and this is ready for all three readings.

[05:01:55]

>> Mayor Leffingwell: Discussion or consent all three?

>> Consent all three for number 79.

>> Mayor Leffingwell: What about 78?

>> Discussion. Item 80, c 814-2012-0055.01 for the property at 6714 covered bridge drive. This is to amend a condition that was in the recently approved covered bridge p.U.D. And the planning commission and staff recommend approval and ready for all three readings.

>> Mayor Leffingwell: The consent agenda is postpone ITEM 68 UNTIL OCTOBER 17th. To close the public hearing and approve items 69 and 70 and 71. And 72. And to close the public hearing and approve item 73. To put items
-- well, we don't need to say that. Postpone item 76 until october 24. To close the hearing

--

-- 76

--

>> 76 is a discussion item, mayor.

>> Mayor Leffingwell: 77 is postponed.

>> Yes.

>> Mayor Leffingwell: And 79 is to close the public hearing and approve on all three readings and 80 close the public hearing and approve on all three readings.

Councilmember spelman moves approval, seconded by the mayor pro tem. All in favor say aye. Opposed say no. That passes on a vote of 7-0. We'll go ahead and begin with our first discussion case.

>> Mayor, our first discussion case is c14-2013-0023. It's a 6.11-acre tract located at westgate drive and davis lane. The address of the property is 2901 davis lane. The requested zoning is from rr to sf-6 or condominium district zoning. The staff recommendation is grand the townhouse and condominium residence sf-6 with the

conditional overlay. The zoning and platting commission recommended approval as recommended by the staff but with an additional condition that prohibits vehicular access and would require pedestrian access to kentis drive. At the time the case was present, there was concern expressed by the appearance of children who go to calla elementary school. That the

-- I guess the turn lane is used by the buses and so this street serves as the pickup and dropoff for the kids and there was concern so they agreed to prohibit access to that street as well as westgate drive because it's near the major intersection of westgate drive and davis and there is several turn lanes right there. So the zap preferred it be taken off davis lane as you can see on the drawing in front of you. With that I'm available for any questions and I believe the applicant is here for a presentation.

[05:05:27]

>> Mayor Leffingwell: Questions for staff? Here for the applicant? And you'll have five minutes. Physician.

>> Thank you, mr. Mayor, councilmembers. I'm representing the owners on the 6.11-acre tract. We did a presentation last time we were postponed for i think three or four months because of the davis lane question. We

-- I could briefly go through these again. It's basically a sf-6 conversion that we are proposing to do access on davis. The point or the question that came up between that last hearing and now is that we had to find a wastewater solution and the solution was through the school district tract and we wanted to try to negotiate an easement on that but our intentions were not to access kintish. We're currently looking at davis lane as well. The tract on the color scan, this is 32, 34 units we have proposed. It's in the contributing zone. It's a lo density type of residential with a u-shaped access private drive that fronts off davis as well. Based upon that, I think miss kay is the only one that has any opposition. We've talked to her quite a bit and I believe her main concern is the davis lane construction. Now, the c.I.P. Was bid. I believe it was awarded. In talking to the transportation folks and the c.I.P. Project manager, i think they awarded to lowest bidder and it's slated for construction soon. I don't know exactly or if there is a date. So if you have any questions, I'm here to

answer them.

[05:07:33]

>> Mayor Leffingwell: Questions for the applicant? Councilmember morrison.

>> Morrison: Thank you. I'm not quite sure i understand what you're talking about in terms of agreeing with the pool about the wastewater. Could you tell us about that?

>> The best option for wastewater service, there's a manhole in the school tract behind it. It's accessible, but we have to get an easement from them. In the meeting with the aisd, they presented that the city is the only one that could actually demand access to that and a private developer has to request it. So we're going through the motions to try to do that and on the table is obviously we would keep a restrict access from kintish because we intend to because they are interested in that, we wanted to pull that off the table from council and negotiate that with aisd. If that doesn't come through, the picture on the screen is the way we're going to try to develop that. We have site plans already being drawn and designed with that intention. So it was just something that we had tried to negotiate with aisd on an easement.

>> Morrison: So you're saying you will not access kintish unless aisd agrees? Unless you work something out with aisd on the wastewater?

>> We're trying to get a wastewater easement from them and in agreeing or in I guess in exchange for that we would not access kintish drive. And they were interested in that but it seems to be a very long process going through aisd for an easement since we're private and not public.

>> Morrison: Okay. So what you have on the table is you're going to agree to not access it assuming you can get the wastewater easement.

>> That is correct.

>> Morrison: Okay. So is that in writing or anything?

>> No, we just started with a meeting and subsequent dialogues through emails.

[05:09:34]

>> Morrison: And who do you interact with at aisd? A school level person?

>> No, it's the construction department.

>> Morrison: The construction department.

>> Yes, ma'am.

>> Mayor Leffingwell: And i believe this is only ready for first reading. Is that right?

>> Mayor, we're ready for all three readings. The ordinance has the prohibition as recommended by the zoning and platting commission.

>> Mayor Leffingwell: Mayor pro tem cole cole it just want to follow up on councilmember morrison's line of questioning about the easement. Is it generally my understanding that water, wastewater easements, that those belong to the city and only the city can speak to them. Is that right and is it possible for the city to help in this circumstance?

>> I'm sorry, mayor pro tem, I'm not familiar with the easement process for water and wastewater. I know that our water utility will if necessary work with the school district to see if there's a solution, but it's not something that usually comes up in the zoning process.

>> Cole: So the applicant is saying that he's willing to do what the planning commission recommended which is prohibit vehicular access and that's what aisd wanted conditional on that type of easement and so if we were to approve this, could we give direction that you work with our wastewater department and the school district for that easement?

>> We can do that. I will contact the water utility department and seek their assistance in this matter. But the prohibition that's in the ordinance if approved on all three readings would be in the zoning ordinance. It's not a conditional prohibition, it states the access is prohibited.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: The planning commission

-- I think I saw two paths shown on the plan that you showed. Is that right?

>> Yes, sir. We proposed pedestrian access because it's convenient for our site to go ahead and get any school children over to that kintish drive.

[05:11:40]

>> Riley: Would that be available to the public?

>> Yes. I don't propose

-- I don't think we're proposing this as a gated community so yes, that would be just an open-ended street, private street, have you, but open-ended for access.

>> Riley: So no locked gates. So any school kids, for instance, coming from areas to the north could also cut through?

>> No locked gates.

>> Riley: Okay. And currently

-- well, I'll ask staff about how that's addressed in the conditional overlay. Are you familiar with how it's addressed in the conditional overlay? Is it currently in that

-- I'll ask staff that question.

>> Councilmember riley, vehicular access is prohibited except for pedestrian ingress and egress. So it doesn't

--

>> Riley: That does not actually require pedestrian, that just says that it's

-- that it's not prohibited.

>> We could make a change to that if you would like and require pedestrian access.

>> Riley: I think that's what the applicant indicated they were agreeable to. Could we also say open to the public?

>> Yes, we could. The water department will agree we can add that simple condition. Thank you.

>> Mayor Leffingwell: Okay, we have one speaker signed up against. Kay graves. Ma'am, you'll have three minutes.

>> Mr. Mayor, mayor pro tem and councilmembers, thank you very much for the opportunity to come present to you today. Again. I have questions or issues about the ingress and egress on davis lane. I put together some photos and a happen. I hope you have those. I'd like to go over it with you. I live on kintish drive, two houses down from the school. The area on the map in red is the proposed zoning change. To the left of that there's a large multi-family unit already. Access to that is primarily to brodie which is to the far left. But it does have access to davis lane. There have been no improvements on davis lane for that. The green

-- I've indicated left turn lane on westgate. Councilmember spelman, you asked about that before, why it couldn't be there, that's why because the left turn lane primarily takes up half of this space. I'd like to point out also that on westgate you see the

bread basket. There is no access traveling south into the store so all that traffic to get to the bread basket or any other development you put there has to turn on davis to get there. Going to the next photo or the next page, this

-- and all these are done on google maps. This is the street I live on taken in front of my house. You see the proposed property to the right, the school is to the left, and you see how narrow that street is. Down below I turned it around and notice they didn't stripe the whole street. Kintish drive has 11 homes on it. Basically when you see the trees in the middle of the street, that's where it stopped. It's a very crowded street especially when school is starting and letting out. The next one is the subject property, which located to the right of the photo on top. To the left is where davis lane was proposed to go. The 87 bond election, the money

-- they had enough money to do that, but they didn't do the rest of davis so it stopped there and it dead ends. The west view shows how the property looks. Davis is a very narrow two-lane residential-type street. That's how wide it is, with growth on both sides. The only place that you

-- that it's not overgrown is where there are existing homes or where there's pipelines. Otherwise it hasn't been taken care of. The next page is the intersection of westgate and davis. Google didn't have an updated one. The photo down below is davis between brodie and westgate. And if you see

-- at the top of the hill right before that a turn lane to the right, that goes into the proposed property.

[05:16:20]

[Buzzer sounding]

>> Mayor Leffingwell: Thank you.

>> Thank you very much. I also have issues with drainage because

--

>> Mayor Leffingwell: Ma'am, that was your time.

>> Okay.

>> Mayor Leffingwell: Thank you. Now we'll have three minutes of rebuttal from the applicant.

>> Mayor, council, the davis lane plans here show that that portion between westgate abutting our tract is going to be expanded to at least two-lane with a

painted median and some bike and sidewalk lanes on each side. So it will be probably under construction within the next month or two. At least that's what the project manager was saying as well from our conversation. So it will be widened along our whole strip of the road for the development.

>> Mayor Leffingwell: Okay. Thank you. So council will entertain a motion on this item.

>> Cole: Mayor, I'll move approval of the zap reputation.

>> Mayor Leffingwell: Mayor pro tem cole moves to close the public hearing and recommend approval. Councilmember riley.

>> Riley: If I could ask, will that include the slight adjustments.

>> Public access shall be provided to kintish drive.

>> Cole: Absolutely.

>> Mayor Leffingwell: Councilmember martinez. Okay. That's accepted. Discussion? All in favor say aye. Opposed say no. That passes on a vote of 7-0.

[05:18:20]

>> Next is c14-2013-076, rogers juice bar. This is for the property located at 5201 rogers lane, a rezoning request to lr, community commercial zoning. The staff recommendation is to grant neighborhood commercial mixed use zoning. With the conditional overlay that would prohibit the following uses. Service station. The conditional overlay would also require the vehicle trips be limited to less than 300 per day and no vehicular access to 969. The applicant is in agreement with the staff recommendation. The zoning and platting recommendation was to approve the staff recommendation with the additional condition that drive-through uses

-- drive-through service uses would be prohibited. It's my understanding the applicant is not in agreement with that condition and that is why this case is a discussion item. We are ready for all three readings.

>> Mayor Leffingwell: All right. If the applicant is here, you've already made a presentation on this item. Did you want to

-- did you want to speak

-- we have two people signed up in favor, none signed up against. So you're welcome to make a presentation if you want or answer questions.

>> Thanks again everyone. Mayor pro tem, mayor, city councilmembers, it's good to be here and again now I see that the agenda item is on the correct address. Thank you, councilmember riley for pointing that out last week. The

-- I was hoping we could have it settled, but in the meantime, it's allowed me to address some of the issues that councilmember had here and one of the things was why do we need access or what makes this

-- why do I need a drive-through or not a drive-through. Actually the mayor brought up a lot of valid points. This route is right by a school and hopefully servicing a lot of mothers with school children in the car and as the mayor pointed out last week getting in and out of the car is always a fun deal. And if I can save some of these people an extra 5, 10 minutes I'm sure it would be greatly appreciated. The model I want to employ for this is to be as efficient as possible with people's time. I'm well familiar with how traffic comes along that road and am looking to use phone apps to get people to put in orders ahead of time so I can quickly get people in and out of the property, but as councilmember spelman had asked last week the model I was going to use as a backup is not available because drive-through service, the sonic model applies to that as well. So serving people walking up to their car, getting them in and out as fast as possible is not going to be possible without a drive-through.

[05:21:38]

>> Mayor Leffingwell: Thank you. So we have two speakers signed up in favor. Jason jagota. Jason jagota. That was you. Jason anton.

>> Council she mayor. I just want to come in favor of this business. I'm

-- I'm in the direct neighbor across the street. I think it's fantastic for the neighborhood. As jason I'm sure mentioned before it's kind of a food desert. It's going to give a chance for the people in the neighborhood to get quality, healthy food in a short amount of time and I think it would be a great thing for the neighborhood.

That's all I got.

>> Mayor Leffingwell: Thank you.

>> Thanks.

>> Mayor Leffingwell: I believe this is ready for all three?

>> Yes, mayor, it is.

>> Mayor Leffingwell: I'll entertain a motion. Councilmember martinez moves to close the public hearing and approve on all three. Is that staff recommendation? Seconded by the mayor pro tem. All in favor say aye.

>> Riley: Mayor?

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Jerry, we've talked some about drive-throughs on this site and I just want to ask if

-- with the approval of this case, a drive-through would be allowed under the requested zoning?

>> Yes, as the motion was made for the staff recommendation, yes.

>> Riley: So I do have some concern about

-- as the area develops, it seems like there's an opportunity now to set its own for whether we expect it to be a long string of drive-throughs all along this area and based on the discussion today if we go ahead and allow it here, i don't know why we would not continue allowing drive-throughs all along this roadway. And I would suggest that if we want to set a different tone that now would be the time to do it. And so I would offer a suggestion

-- well, I will ask whether it will be friendly to prohibit drive-throughs. I can't recall who made the motion.

[05:24:12]

>> I did.

>> Riley: I would offer that as a friendly amendment and if it's not friendly, I'll be happy to offer it as a motion

-- as an amendment. [One moment, please, for change in captioners]

>> if they didn't have access, main access to the road I think that would be something that would stop a plethora of drive throughs athrong road as council member riley is worried about. I try find another way around it. Am I going to be happy about it? No.

>> I wouldn't use the term around it, I would just say you would find anoth way to fit within the confines of the

--

>> sure. I mean, it's how I've envisioned it and how I've worked with and looked at the land as it is. It is going to be rather difficult to make it work without this model. It really is going to impend on the community and the traffic if I don't use this model. And, it makes it difficult. I mean, we talked about, can you control the traffic flow with the drive-up as easily as with a drive through. Yes, you can, but you can't control people getting in and out of their vehicles and stopping and that start and start kind of thing. With a drive-through, if I can get people in their cars, walk up, hand them their stuff, they've already paid for it online or whatever, I can make it really efficient. I can try to do that with the walk-up model. It is going to make traffic harrier. It is going to be more difficult. The original

-- the reason why this is on, I didn't show up to that meeting because I missed it.

There is one member into into in the neighborhood who is against me doing anything here. The reason why the recommendation from staff is no service station because that is what they thought I was going to do with it. Then, if you look in the full meeting of this, there is a recommendation also about, they think it was an archeological site. That came out of nowhere from this neir, and he's also the one who recommended no drive-through, so it is one particular member that is really trying to stop me at all costs of doing anything with this land. It has been sitting there 40 years undeveloped, I'm trying to do something with it and no one wants to have it, residential, along this.

[05:27:43]

>> Mayor, I supported the east river side corridor plan with limiting drive-throughs but that was a long, methodical planned out process with robust discussion. I think if we're going to start doing that this far out of the urban core, along what I consider still mostly rural areas, we need to plan that out and think it through. And, so, I won't accept it as friendly but I'll certainly vote on the amendment as I see fit. He makes it such.

>> I'll not accept it as a friendly amendment. Council member Riley. >>Riley: I have a question for staff. I hope you can help me with this. When the issue came up in the east river side corridor discussions, we talked about the potential application of some design guidelines that had come up in the north gateway area and I'm trying to

recall exactly what those provided. Do you happen to be familiar with those regulations and how they might apply in a context like this?

>> I'm sorry, council member riley, I'm not.

>> One area we were able to reach some compromises on was saying that you could do drive-throughs as long as they were designed in such a way as to be fitting with the area.

>> I do recall there was some discussion about the location of the drive-through, relative to the building. In the back of the building opposed to the front of the building.

>> Right. So that you would still preserve pedestrian pathway along the front and it wouldn't be

-- the setting wouldn't be overwhelmed by traditional drive-throughs. And I just wonder how that sort of guideline would apply in this context.

>> Mayor? >>Mayor leffingwell:

>> There would be no access

--

>> right, I don't know what that would mean in terms of the lane placement as far as the drive-by location.

[05:29:46]

>> Mayor? >>Mayor leffingwell: Council member spelman. >>Spelman: I'm looking at ge maps of martin luther king, jr. Boulevard in this area, and i can find only two places along the five-mile stretch which are configured like this one where you've actually got two city streets on either side of the developable lot, which would allow the drive-through of the sort that the applicant is row posing or that we're eliminating the applicant to. If we stuck by our restriction you would not be able to enter or exit any kind of a drive-throug off of fm 569 itself, there is one stretch you could do it, and I'm not sure that other stretch is a developable lot. That is a y intersection coming this from 969 on the south side of decker lake. It seems to me the other issue, I think, is that since our reasoning behind prohibiting drive-throughs on east riverside was to make it pedestrian friendly, the critical issue is going to be, what is going to happen on the street nice will we maintain straight sidewalk without

having people looking over their hold to see if they're going to hit by two cars. That is not an issue too because it is straight without curb cuts and pedestrian would have to look, quite properly, carefully, over their shoulder as they cross the street but throughout the stretch between the two, they wouldn't have to look over their shoulder, there wouldn't be a curb cut at all. This is very much in keeping with the kind of restrictions we were putting on the drive-throughs in east riverside. >>Mayor leffingwell: I agree with that, but here is a quite trying to make a go of a small business. Everybody knows he is going to get more business if he has this extra capability to be able to serve people who drive through. We know that there is a lot of people that will stop there in that case that wouldn't than if we didn't have that drive-through. So, he's trying to make a go of it. It is going to be tough enough as it is. I don't know why we want to make it harder on him to be successful in his business, so i just wouldn't support an amendment to that effect.

[05:32:07]

>> One more question. Will you be constructing a new building for this purpose?

>> Yes.

>> And so the driveway would be

-- the driveway, would the drive-through be to the rear or in the front of that building?

>> As you're looking at it from 969, would you be looking at the building or the drive-through?

>> Well, I'm trying to figure out how, at this point, until i have a site plan and figure out exactly how I'm going to do the traffic flow, I'm not really sure how I would want to, like i said, move the traffic. I'm trying to create the most amount of space around the drive-through. Like I said, I might really employ the sonic method even without it so I can have lots of spaces for them to pull up and do a lot of right at the car service, so it would be

-- i might actually have the window. I mean, that's the potential of not having a window and just making it all just like the sonic model, just drive up and have spaces where they can pull up or a lane they come in and have someone come out to service them right at the vehicle. But, as far as that is, it is negotiable. I can do it

either way, I think. I mean, if I get a small, little space to work with, it is only a quarter of an acre, but I think there is room to put it on either side.

>> If, as council member spelman suggests, we're concerned about the conditions along 969, it might well serve that purpose better if you actually had the driveway, drive-through on the north side of the building so that as you're coming down 969, you're not looking at a parallel drive.

>> Sure.

>> You're looking at a small business and the drive-through is on the other side.

[05:34:10]

>> I've got lots of plans to make it look nice.

>> So you will

-- you are open to that and you will be

--

>> oh, yes. >>Riley: Okay. >>Mayor leffingwell: You were next, councilor today vo. You did want to say something?

>> Can you remind me of the square footage? Proposed square footage.

>> Say that again. >>Tovo: The proposed side of your building.

>> Very small, I think 800 square feet. >>Tovo: That strikes me as also a potential difference from some other properties. I think most larger drive-through, fast food restaurants would need more square footage.

>> I definitely appreciate the concern about drive-through and which side of the building it is on. I'm personal plea a quandary and don't now know which really would be best because we also have sing he will family just on the north side of it, so if we require that it be on the north side, you know, that could be an issue of compatibility. Actually, I t there is an issue, technically, of compatibility of driveways and the closeness to the boundary, to the property line of sf-2 that you would have to deal with. So, I can see it either way. I don't feel like I'm in a position to feel what the right way is but to have this be commercial, certainly makes sense. So, I think I'm going to probably just support whatever gets put on the table. >>Mayor leffingwell: What's on the table now is staff recommendation. All those in favor, please say aye. Opposed, say no. Passes on vote of 7-0.

>> Mayor, that conclusioned zoning except for the two ideas we will do after 4:00.

>> We're good. So I guess we can go to our water briefing now.

[05:36:21]

>> Thank you, mayor. Austin water. I wanted to provide council and mayor a briefing today on the drought water supply and each year we do an annual briefing on our water partnership. Starting off on the water supply status, really wanted to share how significant and multi year the drought that we've been in has become. Off anyone dry conditions we can become complacent about the droughts, we're so used to them, but we we're in a very, very significant drought. Probably the worst drought our region has ever faced. This table here shows the lowest 10 in-flow years in the lakes over the last 70 years since the lakes were in existence this drought which started in 2008, one of the definitions of the drought is when the lakes were last full. They were last full in 2007 s we're coming up on six full years of drought conditions since the lakes were full. You can see from this in-flow map that many of those years were in the worse-ever top 10 in terms of in flow, and several were the worse ever in the top five, and 11 being the very worst low into the highland lakes this history. This is a little bit of a complicated graph, but it is very important. This graph compares our drought, our generation's drought to the DROUGHT OF THE 1950s, WHICH IS Considered the worst drought on record. The gray line indicates the cumulative new water flowing into the highland lakes over that drought, which is roughly 10-year route. The red line is our drought. The cumulative new water flowing into the highland lakes about the first six years of the drought that we're in, and you can see that the difference between the red line and the gray line, right there in the middle of the graph, that's the amount was water less that we received over almost a six-year period as compared to the DROUGHT OF THE 1950s. It is actually about 1.5 million-acre feet difference right now, so by this measure, our drought is significantly worse than the trout of the 50s AND CONTINUING TO Intensify. We've been responding to that drought with our every day water restrictions. Austin has been in one-day water fog two years. The forecast was for the gallons per cap use, it was 137. We're revising that downward. We just completed a fiscal year and looked at the numbers and that is probably more like 136 which is a indicator of really good

success. It is and-time water low in terms of gallons per capita. Continuing a long-term trend over the last five or six years of significant drought per capita. So it is a measure of our community's response to the worsening drought conditions. One of the other lessons of this, the utility needs to take a regional perspective on the drought, not just our own water use but where all the water is going in the Colorado basin it serves not just Austin but but other firm water customers, other cities. We provide, ICA provides water to power plants, environmental flows as well as agriculture water. And, this graph shows the stored water. The water in the lakes that we pay the ICA \$100 million to help us during dry periods compared to our water use in blue over the stored water the first five full years of this drought to downstream interruptable water. You can see proportionally how much goes water. One of the key lessons we learned from this drought, we need to work more with ICA, antique, teal and others to do

-- and teal and others to see that water is used in the right way. It is a combination of our natural water river rights and restored water in the lakes. The other part of this graph is the pricing signal. Water pays \$151 currently per acre foot for the water. One acre foot is equal to about 325,000-gallons of water, for perspective.

Downstream, again, 160 per square foot. We will work to encourage water conservation for those who currently don't have pricing signals for that. This is really where the bulk of the water goes and has over the first few years of this drought and I think this graph puts it in better perspective. This is stored water where we worked with ICA for stored water in the lakes you can see downstream there is more stored water out of the highland lakes in that one year than Austin water has used in 15 years. So, again, an indicator of the need to work to see that we rebalance those scales in the future. This is a graphic that ICA produces. It gives a six-month forecast of the highland lakes. It is a look behind and forward. This was issued in the early part of the drought, I will say with the latest range this forecast has improved slightly but really not materially. And, the different color lines, red lines, blue lines and kind of the green lines are really kind of a cone of predictions of the lakes with the red being drought track, the blue being average weather conditions, average rain conditions and green being wet conditions, it forecasts where the lakes will be approximately six months from now from ICA. And, you can see on the right side, the red lines, which is really where we've been tracking that the lakes were forecasted to drop below 600,000-acre feet. Just for perspective in the history of the highland lakes, they've never been

below 621,000-acre feet. So we are heading towards never experienced before lows in the highland lakes at 600,000-acre feet, that is a key level. That's the level where ILCRA's board would declare an emergency and they would direct all firm customers, including power plants, Austin water, other communities, to implement mandatory 20% restrictions and more to come as the lakes would continue to fall. So, just, again, another indicator that we're in uncharted territory with regard to this drought, just how low the lakes are forecast to go as we stay in drought conditions. We hope we don't stay in drought conditions, but all signals that are we're not really entering a wet period. We may have rain events but we're not likely to have a wet season. That's what we need, not just one or two rain events but a long season of rain. Six months, nine months of the year to break out of this drought. We've learned some forecast scenarios. These are not ILCRA's forecast, these are not weather forecasts, these are just Austin water extreme drought forecasts. We have a model we developed that is exactly the same as others use and we've been running various scenarios if extreme drought conditions continue so we can judge how the lakes will perform under current conditions. You might think about this as a mass balance, that you have new water flowing into the lakes each year and then you have water flowing out of the lakes going to different sources, evaporation, environmental flows, Austin's firm water flows, power plants, other communities. Any interruptal or add water that is remaining. It is a high level what's going in and what's going out. And, then, the heavy black line is a forecast for how the lakes would perform under that scenario. So, in this particular example, the broad assumptions are that the 2011, excuse me, 2013 year that we're in. The in-flows would be very similar to the low in-flows we received in '011. We're tracking close to '11 from an in-flow perspective but not much. So the blue line Moot Lake is a good proxy for this year. Then we average the in-flows of the three lowest years so far of the drought and said, what if the low in-flows continue, how would the lakes perform? And this graph shows if we don't change course that the lakes would slowly drop in roughly five years from now would be less than 100,000-acre feet full. So, again, extremely low levels under this scenario. This is the most extreme scenario we've been in. We wanted to get a judge of how the lakes would perform if we just repeated the worse-ever in flows, '011 is the best year, you might think of it as stress test. This is a stress test of the lakes, how long could the lakes endure that level of low in-flows. That's extremely low responsibility that that would happen but we need to judge, again,

how these lakes would perform and how significant this drought is. You can see that the lakes could bear about another two to three years of 011 in flows. If we have 011 in flows this year, which we kind of are, and that happened in 14 and 15, by roughly 16 the lakes would be near empty. So, I think that's a signal where we are with these lakes, where they could go, that we got to start to take drought responses and start ratcheting them up. Because we don't want to end up, there is no option that we will find acceptable that we run out of water, so that is an indication to us as a water utility, the community, the council, we've all got to unite together and prepare plans and drought responses to see that those lakes don't go gray. And they won't. We will take the steps to see that we avoid that. I want to highlight some of the strategies we're implementing and we will bring back to the council going forward. One is a firm water user, we have been implementing drought response programs and I've directed our staff to develop additional drought response programs all the way through stage four and beyond. As mentioned, when the lakes fall below 600,000-acre feet, which right now would be roughly november if we stay on the dry track, november to december, that is going to trigger a mandatory 20% cut by all if i recall water. Austin, we already meet that goal because we've been in one day creek watering for several years. LCRA recognized we're ahead of schedule and meeting that 20% reduction goal already. Even though we meet that, we will recommend we implement additional conservation measures. That would be stage three which still allows outdoor watering one day per week but narrows the amount of time you can do your outdoor irrigation, narrows the amount of time you can run a splash pad or mister or something of that nature, so continues to curtail below 20%. We have been working closely with the power plants because at 600,000-acre feet all the power plants on the Colorado River system would require 20% reduction than would include Austin Energy's plan. San Hill has dedicated to reclaimed water so that plant is really exempt from this 20% goal, but Decker and Fayette would fall into that. And AEE has plans to reduce by 20%. As I mentioned, these lakes could continue to fall as we stay on the dry track and we are looking at additional options. Maybe what we might call an enhanced stage three. Cold stage three. We would continue by hand. Stage four, no outdoor watering what so ever. We would contemplate additional things to encourage folks to manage the indoor watering more aggressively. I asked staff for a plan to drop use to 100,000-acre feet if necessary. Not something that we're doing tomorrow, but we don't know how many tomorrows from now we will

be in drought and we want to be prepared to be able to cut demand as necessary to preserve the lake water. The other strategy we're engaged in protecting Colorado River interests. I mentioned is that lot of users of Colorado River's water, including interruptable water, downstream aggregate. One scenario we want to avoid, instead of breaking out of the drought, what is more likely to happen is we might get a few rains that add 100,000-acre feet or 200,000-acre feet and we don't want to find we slip back and start releasing a lot of downstream and water and interruptable water prematurely. We're working with legislators, the mayor has been helping, the council, LCRA board members and staff, TCEQ leadership. Anyone we can talk to, we're providing them facts and data analysis indicating that emergency orders that have been put into place to cut off rice farm water through this drought need to stay in place to give these lakes opportunities to refill, and that we not get a partial refill and turn around and end up right back in dire circumstances again. And then, in the longer term perspective, we've been working through all means that we can to shape the long-term water management plan. That is the official document that LCRA uses to curtail and interrupt, add water. That plan has been out of date. It needs to be updated. There is an update pending before TCEQ and we believe that update is out of date already and it needs to incorporate these drought conditions we're in and be more risk averse in terms of protecting Austin's water supply. That issue has been the key focus of our LCRA water partnership. We have a requirement that we settled in 2007, we meet regularly with LCRA and this drought and these issues are the predominant goal of that group for the foreseeable future. I mention that because this is also our annual update that is required for that. I just remind the council the partnership is really, the heart of it is an executive management committee. I'm a member of the committee. Assistant city manager of the committee, we have various support committees. We have a can you want of outside boards that give usries and really forms the core of our continuing partnership with LCRA. It is a great vehicle for us. It forces us to fete together every quarter and tackle these issues and work them through. Another strategy that we're working very actively on is looking at ways to compliment the water supply, augment the water supply, things that we're evaluating there, out reaching right now the various ground water providers. There is a lot of ground water in the eastern parts of our system. The Wilcox aquifer. A ground water line runs along the 130 130 130 corridor and ways to augment this water through the drought. Looking at options to acceleration, reclaim water

systems, customers faster, extend lines. Where that makes the most sense, where we get the most bang for the buck, per se, in terms of this drought. We're talking with other providers, our firm water owners, other power plants. The nuclear plant, stp, is one example. They're on the colorado river system and working with how to manage their water to protect the highland lakes. Everything is possible is under way now from the austin water utility's perspective. I would like to mention that also includes enhanced drought communications. You may have received our mailer we sent out that tries to raise awareness. This is not your every day drought. This isn't even your grandfather's drought. This is territory we've never been in before. We're raising awareness about that. We're undergoing a retool of other website right now. A small tidbit, but willie nelson is going to record radio and television ads, a famous voice, encouraging everyone to conserve and unite about this drought. Our bus routes, we developed advertising that is flexible as we stage one face to the next, we rapidly communication changes in water stages it goes and on and on and. We routinely immediate with media managers at tv stations, educating our own employees about the drought and where we're going. They're often our best ambassadors if they're out working with across-the-board, so across-the-board, it is key. In conclusion, if you have one take away from this presentation, this is, in my opinion, as water utility director, the worst kraut we've ever faced in central texas, ever. As we look into the spring, and early summer of next year, that is a critical time for us. We will have gone through the fall, winter and spring, the wettest time of the year. If the lakes haven't materially improved by 2014, we will have to implement additional restrictions beyond stage three which we would go into roughly late fall if they fall below 600-acre feet. We will have to look at other issues like drought rate strategies as the utility continues to curtail water, walk, on our financial house. We would like to come back roughly on a quarterly basis until we break out of this drought and get you updates on our water supply, steps to protect it. Conservation issues. We've started a series of regular updates to boards and commission. Our waste water commission has asked for a monthly update on drought and response strategies which we will be doing, working with rmc and others along the way. That concludes my presentation. I would be happy to answer whatever questions you play.

[05:56:13]

>> Thank you, greg. I appreciate your presentation. I have a couple of questions for you. I really appreciate the emphasis that you put on having a regional view, and I'm hoping you can clarify that a little bit more as to our relationships with lcra and what you mean by that.

>> Well, the highland lakes serve the whole river basin, not just central texas, but the river system goes all the way down to matagorda county there are water users throughout that whole basin. When we think about highland lake water and where it goes, we think austin is the main user of th water but that really not the case from our utility perspective, we have to kind of broaden our strategies to says, you know, to get out of this drought, we can't just manage our own water use, we will have to try influence the laws and the regulations and plans and decision-makers that are allocating water to downstream ag, to downstream power plants. We're regular meeting with other firm waters. The lower lakes have a big economic impact on businesses in and around the lakes. Marinas and other folks who we work very closely with those folks. They are a key stakeholder in the lakes and the use, so that's what I mean by a regional perspective, is austin using its clout, resources, capability to be a more regional influence on these decisions. Because, what is happening down in that county with rice farmers is having an extremely important impact up here in austin in our water supply. >>Cole: You mentioned the rice farmers a couple of different times in the context of interruptable stored water. Can you explain that a little bit more?

>> Interruptable water is a term that describes customers that lcra serves that are to be curtailed or cut off in times of drought, and that's predominantly downstream ag rice farmers. The water management plan lcra envisions is in times of drought those customers are interrupted and cut off and that preserves the water in the lakes for firm water. We are the high priority water. Firm water, it is a much higher priority. As a matter of fact, interruptable water is not even considered a water right. They don't even have rights to the water. If there is excess water, that they use it for ag. In our judgment, the systems that have allocated the risk of how much water should go to interruptable, it has been over allocating that water to downstream interruptable customers, that they should be cut off earlier, they should be curtailed earlier, and, again, as I mentioned, if we do get a small refill of the lakes, say we add 200,000-acre

feet of water in the next month, we wouldn't want to right away have lcra return to releasing 200 to 300,000-acre feet next year for rice farming, that we need the lakes to really materially recover in really large volumes before we return back to interruptable customers. >>Riley: Let me ask you this: Has that been an impediment at the legislature or is that something we can possibly handle locally?
[05:59:43]

>> Well, there hasn't been a legislative action on this i will say our two local senators, watson and frazier, have been mighty warriors helping with others to make sure that interruptable supplies are really managed in a really aggressive manner during this drought, and we applaud that and we will continue to work with them. And, I'm not casting stones against agriculture or rice farming. We've got to know those folks, they are salt of the earth people, that is a hundred-year tradition to grow rice, but what we really have been esizing and explaining is we don't want to put the water supply for a million people and a hundred-billion dollar economy in jeopardy for rice water that is supposed to be interrupted when there is significant drought. And that is simply what our message continues to be is, first, the volumes of water we're talking about here are gargantuan. Seven, eight, 10 times the amount of firm water used. Just pointing that out, that is why it is so important to manage it. Even 20% of interruptable water is more than all the water of all the firms used in certain years. The other part, quite frankly, too, we spend a hundred million dollars, our rate payers today, their grandchildren are going to be having us paw that off and we invested that 100 million in lcra to make sure that water is stored in times of drought. That's why you we pushed back on that. >>Cole: The that contract you're talking about with lcra we entered into and paid the \$100 million. The terms of that, how does that work?

>> It is a very broad contract, basically in a rolled up way, we invested \$100 million with lcra. That did two things for us. One, it prepaid our water use. It said that we don't have to pay for well water. We don have to pay that \$153 in acre foot of well water costs, tha we're prepaid up until we hit a certain trigger and we've been able to postpone that trigger many years that the future, longer than we thought originally because of our programs. The second thing it did, it reserved our firm

water supply. It said lcra would not sell or market that firmed water to other customers that we paid a reservation fee that that water be reserved for austin into the future as our community grows, as we use more water, that we would be able to pull more firm water from the highland lakes. There is a limit to the yield the firm water every yield that the highland lakes have and we locked up the bulk of that water when we did that \$100 million payment. >>Cole: So when you did the forecast you considered it near empty in two years, you did consider the contract and our conservation?

[06:02:56]

>> Well, the cop contracts won't have a bearing on that graph. The water released for ag is gone. We can't get that water back. In terms of conservation, we did assume our already 20% reductions that we've achieved, we have not plugged into those graphs yet. Additive conservation measures we would recommend or are required to take, that's why we're indicating we are reaching the stage we need to start to take those steps in order to see the lakes don't drop the way they potentially could if we stay in these extreme drought conditions.

>> Okay. I believe you said that the extreme drought conditions we're currently under are worse than they've ever been before. Not your mother's or grandmother's drought situation but now we're at of hundred thousand, it is a problem -- 600,000, it is a potential that lcra can declare an emergency situation.

>> That's correct. Certainly from an in-flow perspective, the first five and a half to six years of this drought is significantly worse than the first five or six years OF THE DROUGHT IN THE 50s Which is considered the worst drought. By that measure, it is certainly the worse. Lcra, the lakes have never been below 621,000-acre feet. Today they are 663,000. If we stay in that dry line, we'll be forecast they will cross below 621 and ultimately below 600,000 but approximately november to december, and that's when lcra will declare this likely a drought, worse than the drought of record and trigger off a lot of emergency provisions, including the 20% pro rata reductions by all firm water customers, not just austin. Roller coaster thank you. Council member spelman.

[06:05:04]

>> At 600,000-acre feet, they cut off all the interruptable customers, is that right?

>> They've already cut off interruptables.

>> So how all interruptables are now cut off?

>> Yes. Well, there is a timing of some water but it is really only about 20,000-acre feet, so essentially all interruptables are cut off.

>> Whether do they cut them off?

>> They cut off interruptables, they did an emergency order to tceq for the 2012 crop year. So, 2012 crop year they were interrupted. They did another emergency order that we were actively involved in for the 2013 crop year, and then we're coming up on the 2014 crop year. The lcra board this late fall into the early winter, january we will be making a decision whether or not to seek additional emergency cut-off of the rice farmers. Technically, the water management plan that we're under now, ag could still take water, believe it or not. Significant, but hundreds of thousands of acre feet of water.

>> It would be allowable. Would we have to issue an emergency order for them to not sell

--

>> yes, ask tceq to vary from the current water management plan, that's correct.

>> Your graph, the one which has a cost of firm water verses interruptable water on it.

>> Yes.

>> Although they cut off the 12 crop year, not the 11 across-the-board year, that's why the green bar is so low for 12.

>> Yes.

>> They didn't get any water that year. Previous years even in 2011, the biggest drought year we've ever had, they still sold, it looks like three or four times as much water to the rice farmers as they did to us.

>> Yes. That is really the year that killed us. That was the driest every year in several years and I think recorded history of central texas and that was the year downstream ag used some of the highest volumes of waters they've ever used.

[06:07:14]

>> It was really hot.

>> And we've not recovered from that year yet. >>Spelman: Why were they so slow office the mark in realizing they couldn't sell that much water downstream?

>> Well, I think

-- this is some is up supposition on my part. I don't believe lcra, the board, we don't experience the in-flows we've seen. Sometimes lcra is certainly, rice farmers, they look at things in one-year snippets, we starts in 2011, the lakes were pretty full. So, well, let's just follow the current water management plan. And the current plan is really, really, really out of date. I'll give you one example. They have a concept called open supply. It means if the lakes are above a certain level, I think it is 1.4 unit acre feet, the ag interest, the downstream farmers can takes a much water as they want. There is no limit for the amount of water they can take than is exactly what they did. They had a perfect system. They had beautifuls, gorgeous sunshine every single day, because rice loves hot, hundred-degree temperatures pounding down and they had unlimited water because lcra said, you can takes a much water as you want. And then, the assumption is, the lakes will refill. We will have a goods to 1. We didn't. We will have a good 2013, we didn't. We will have a good 2014, we may not. That is one thing in reviving these water management plans and scenarios, we've got think longer term about how long these droughts can last. They may not last one year or two or three or four. It may be five, 10, 12, 15 year droughts. If your gas tank is full but you have 400-miles to go, you can't wait and hope the gas station is open halfway through the desert because us can't make it. We haven't have marbles one in a thousand or one in a hundred that indicates we will run out of water. That is a risk we can't bear.

[06:09:38]

>> When they wrote the water management plan, they weren't thinking in terms of the 1950s? S.

>> It is hard to speculate on all of those things. EVEN IN THE 50s, IT HAS BEEN Higher

than the drought we're in, so at least through the first few years of this drought, IT IS WORST THAN THE 50s. >>Spelman: It looks like from YOUR DRAFT THE 50s ROUTE BROKE A few months ago. If we're tracking exactly, some time maybe two or three months ago, all the sudden the rains restarted and started filling again. We haven't had that happen yet.

>> That's correct.

>> So this is largely driven by standard operating procedure. I shouldn't look -- I don't need to look any more deep than that to figure out what was going on in the heads of the lcra guys.

>> Yes. >>Spelman: Okay. I may look further anyway, but i understand. I think you're probably right, we don't need to look any further than standard operating procedures. Can we be sure they're going to change the water management plan?

>> Lcra, they have a long-term connection with ag and half of their board are downstream ag folks. Their board is arrayed in a way that one member from every county alongs river, with the exception of travis county has two members. So just the way, so it comes to fully answer your question, i think just from a leadership perspective, their board, i mean, they have a rice farmer on their board. They have people that sell equipment to right farmers. So the board, it is hard for them sometimes to cut off

-- it is a tough decision for them.

>> They have to say no to most of the members of the board that way.

>> Yes, so there is internal mechanics that are grinding there. We're working on that to eased indicate their board and others on

-- education their board and others on the water.

>> Who determines the board, the legislature?

[06:11:41]

>> The governor appoints all members.

>> And by practice, one from each county.

>> He has to pick one from each county.

>> Is that a legislative requirement, one from each county.

>> I believe that is the charter of the river county, one from each county, except travis

gets two. I believe that is the charter. >>Spelman: If we have reason to expect, as I think we do, we will be in what we consider to be drought conditions for the foreseeable future, meaning hotter, drier forever, perhaps, then I can imagine an argument for changing the charter of the lcra because we're going to need the water and the downstream rice farmer will have to farm wheat or corn or something that is less water intensive.

>> I think that is something the legislators might do. One thought is maybe have a firm water person on the board. >>Spelman: Yeah. Okay, thank you. Plate ask you a couple questions also about the consequences of this stuff. If the leaks fall below 600,000, that is a stage three and that would trigger a 20% reduction.

>> Stage three is our own response but lcra would require all power plants, which are firm, to reduce 20%.

>> Got you. With a does that mean for operations, do you know? Using 20% less water, does that mean we produce 20% fewer megawatt hours?

>> I don't think it is correlated that way, but I would really probably want ae to respond. I will work with ae, they'll be able to meet that 20% and not materially materially affect operations. If it goes deeper than that, which it may, lcra indicate if the lakes fall further, maybe 500,000-acre feet below, maybe they go to further curtailment. As you go to the deeper curtailments, that will be tougher. There is a lot of play with the power plants. One has never made a water call, never asked for firm water. They have large firm water volumes and they notessed lcra they are about to make a firm water call for the first time. We're working with ae and others to manage that response to get ideas how we could

-- I say we, but really ae and lcra and stp, reduce that firm water ask because that would come right out of the lakes and it could be a big one. It could be 20, 30, 40,000-acre feet than just would not be the time for that to happen.

[06:14:43]

>> Would a highland lakes, would would highland lakes dropping below 600,000 have any effect on south texas' nuclear projects, to run the plant?

>> Again, I probably need ae to responsibility. My understanding is if push came to shove under the right conditions do they one higher saline water. They're right there

on the bay, and they could convert to a higher saline mix. You know, more ocean water. That is extremely corrosive, hard on equipment, but, you know, if you had nothing else to turn to that that would be a way that they could continue to produce power. Deeping that that, I probably couldn't give you details.

>> Rusting out the pipe of nuclear plants. I hope we don't come to that.

>> There are others along the colorado, not just the ones we own a piece of, is that right? There was fayetteer, decker. A couple of others. There is one up in actually highland lakes. I can't remember the name of it. One of the constant level lakes there may be another one but i don't know off the top of my head.

>> So far as you know, there are no more municipal utility plans downstream of us. So, from the electrical production point of view, it is not clear probably the short-term affect is going to be on our cost of production since we're going to work around less water. In the long run, it is conceivable we will have to reduce our production.

>> And my power off the grid. In a weird way, conservation strategy, that is one thing we want to sort out, what if we bought power off the grid and how much water might that save at various power plants. You could buy power for more water rich basin, right now, because there is other basins in texas that aren't at bad as we are. There are others that are worse and that might be one of the strategies you have to think through. We're looking on that. Today, everything is on the table, we're just looking at that.

[06:17:12]

>> We will have to talk to ae and how the costs are going to work if the water usage is reduced by 20%. That is not your department. One last question for you. All the sudden I'm blanking on what it was. If it occurs to me, I will ask you in a moment.

Thank you. >>Mayor leffingwell: Council member morrison. >>Morrison: Thank you. Greg, if you look at slide 10. You could put slide 10 up.

>> How many years can you stress the leaks, how many years could you go before the lakes are essentially dry if you don't change the demand side or add, augment water. But, yeah, that's a stress test of the lakes.

>> Sort of the stress test or dooms day, I questions not quite dooms day because there really are other things under control can he we could address.

>> We're going to work to shrink the bars as

-- shrink those bars as the lake continues. Now, will is limits, you can't make them go to zero but we would work to shrink those, the other strategy is other water supplies that would complement and augment our existing water supply. I want to be clear, there is not like this million-acre feet water supply that is virtually free that we can go get. If they were there, we could have it. This would be, as we assemble this portfolio the options, a whole series of options. If we accelerate our reclaim system, we get some water here. We have a reduced power demand, we get some water here. Ground water here, this provider has a little extra water, we work in a regional way, we've already reached out other jurisdictions. There is other firm water customers. The list goes on that all rely on Colorado River water. So we're all kind of, working to look for options. >> Morrison: They're basically trying to put a plan together. Not surprising supply and demand, when the supply dose down, it could be much more costly for us, even thinking about, for instance, buying our power off the yes, I did. Instead of running our own could well be more costly, I think that is one of the things we need to keep in mind in terms of the reality of it and I don't know if you all, when you're assembling the various scenarios, it cost is part of your analysis. [06:20:26]

>> We have a team working on cost issues. We've been turning drought rates, ways that we would get through this in terms of added expenses. It is one of the, kind of incongruent sees of the water. The fixed costs still remain so we're working on those kind of options for us. I think, really, the point is next spring when a lot of this will need to come into a sharper focus for us.

>> I do think that the slide is really interesting because it shows the dynamic that, because of the strains and demands on the water supply, even though the in flow, even though there is water coming in, we're still draining the lake.

>> We're mining the lakes. Again, these assume extremely low in f, but we should plan for the worse and then hope for a better scenario.

>> Right. We're entering unexplored territory. I appreciate you looking at it. Looking at all the various scenarios and potential portfolios for other water supplies, did I hear you mention aquifer storage?

>> That's not off the table. There are some issues to sort through but right now everything is on the table for us.

>> I know that is something we talked about before and there are, from the staff's perspective, issues that that brings up because of some of the impact it could have and our water system infrastructure, but I think we do have other neighboring communities that Tuesday so I was thinking that that could well be something we will have to look at. Pause that avoids a lot of the evaporation problem and you can see how much goes to evaporation. Although the least water there is the less evaporation there is.

[06:22:32]

>> That's correct. >> Morrison: Are you working with the school districts, I imagine they are big water users, and number two, a great way to reach people in the community.

>> Yes, we work with them several ways. One, our dan program, we touch tens of thousands of AISD students each year with that. They motivate their parents, they explain the drought. They are good little ambassadors. Working with leadership, our conservation team will meet with them and continue to meet with them, facility managers. The high schools are providing data loggers where they get a better sense of where their water is going, help them reduce demand, working on meter strategies. They have meter conditions where they might have one meter they provide both irrigation in domestic water and it makes sense for them to separate, better charges and better data about the irrigation use. Best practice, how they irrigate football fields. So we're going to be picking that up.

>> That is good to hear because I know there was, I forget the details of this, but there was at least some community interaction in the committee to look at, AISD, to look at, you know, how to promote conservation within the district and as I recall, I might be recalling it correctly, it really didn't get where people thought it should get to so perhaps with greater urgency now, we will be able to work with them and find the programs to make that happen. So I imagine the water utility serves several districts do we have interactions with all the school districts.

>> We have a round rock part of our system. One or two others, maybe

--

[06:24:37]

>> dell valuely.

>> Dell valley. So I will go back and verify that, that we're reaching out to all of those schools.

>> Right, thank you very much. Role. >>Cole: Council member riley. >>Riley: Thank you for the presentation. I wanted to ask a few questions starting with the discussion of power plants on slide 12. I think we need may have discussions with the electric utilities. That is something we haven't gone to in depth with you with the utility before and it may be a topic that would be appropriate to put on the agenda for the new sub council for austin manager. There may be operation of the power plants the utility would be in the best position to discuss. First, are Decker and Lafayette, are those firm water customers?

>> Yes, they're firm water.

>> And they both sit on lakes so I'm not exactly clear what their

-- how the lakes help meet their demand. Are you familiar with how that works?

>> The

-- take Decker, for example. Decker lake, the water is, I think it is actually Walter E. Long lake. The water is pumped up from the Colorado river. There is a pumping station at the Colorado river it is pumped up to a pipeline system and that goes and fills the lake that the Decker power plant draws from. When that goes down by evaporation it is replenished by water from the Colorado river system. Some of that water, sometimes in dry conditions, their firm water, they have stored water released but it is all water coming out of Colorado and Lafayette would be the same way. Now, LCRA is looking at trying to convert Lafayette to ground water. They're looking at ground water systems in and around the Lafayette area that would help complement the water that Lafayette uses right now. I would ask a staff member to come up and kick me if I'm butchering that, but that's my understanding.

[06:26:46]

>> Are you able to reuse water? The water goes through the, the pipeline goes back into the lake and they can reuse it. The main thing we have to deal with is the evaporation?

>> I'm not knowledgeable enough

--

>> that's the issue they may want to get into.

>> I think probably

-- I think so the circulation in the lake. The water that comes out is higher temperature. They probably have certain temperature requirements they can't draw it back in right away. How that all works, I would really need somebody with a little more expertise. I don't know if one of my staff, if you have knowledge of that? She works, Teresa, our water planner, she works with me on a regular basis.

>> Yes, council member. Teresa has to do with Austin water. The process brings water into the power plant and then is discharged. There is sort of a circulation in those lakes. What gets evaporated is the consumption use of the water that is pulled in. The water that circulates, it stays there to the extent that it is still there and is providing the cooling mechanism that it needs to, but what gets consumed what gets evaporates so there is a continual process and the water comes in and circulates through the lake and gets circulated around. It is not all use, it is topped off on a continual basis.

>> The numbers are pretty big on the amount of water that the power plants use.

>> It combined, probably the tens of thousands of acre feet. It is

--

>> significant.

>> Yes.

>> Decker is about four miles from the waste water treatment plant are we looking at

--

>> yes, we're evaluating that. We have evaluated that in the past. We're trying to judge that because it is a large investment, if that is the best investment for reclaimed. The other thing we have to work through is, our return flows that go back into the river are a part of the whole mass balance equation of the highland lakes system and the river and we have to think through working with it how we use

reclaimed water and if it has an effect on the mass balance and if they would have to release more from the lakes to make up for environmental flows. It is a complicated disbut that is an

-- decision, but that is an active project we're looking at, how we reclaim water would play a role in decker. Is kind of ironic in a way, council member. Decker's pump station is located almost immediately downstream from our south austin regional waste water plant discharge, so it is kind of like in an indirect way, coming out of our discharge and into their intake up into the lake. But the question is whether or not it makes technical sense for us to make that more of a direct reuse where it never hits the river, that we get a line up to them or even maybe convert a system that goes in their line and goes up. We are aely looking at that now.

[06:29:56]

>> Okay. And that brings me to my next question, which relates to drought response. I'm glad to hear that everything is on the table. I assume that at least some of the things that are on the table of capital project,. For instance, if we decided it would make sense to replace a reclaimed water line decker that would take some time to put in place. Whatever new system we come up with. It is conceivable some things might be contractual but an awful lot of the options with entail a capital et. We know from past history, capital projects can take some time to put into place. I know our current major capital project, I don't even want to think about how many year it is took to get that going. So I just wanted to ask, at what point, when you

-- on slide 17, you talked about the spring of 2014, being a key decision making point but the boards you listed under that are just the need for additional restrictions beyond stage three and drought rate strategy, which are really just demand side and I'm wondering about critical decision points addressing the supply side. If you do start back from 2018 and you start this ising about capital projects, it seems like there's got to be a critical decision point in the not-too-distant fought on any of those options that would involve a significant capital investment. But, we didn't go into detail about think any of those. At what point would we start getting into that decision point and start going into details about potential capital projects.

>> That's some of the items we would like to pick up with you in the first quarter.

When we come back, we can go into a little more detail. I think you're hitting on an important point. There is lead time. We have design issues. As we work through this, one of the things we might need, special emergency services or powers to work through rapid capital responses. Sol of the capital we're negotiating or having discussions. I shouldn't say negotiating. We're exploring options for ground water. We can go over those with you right now because there is some negotiations issues we wouldn't want to compromise our position, but those with a have capitol implications and we would need to work closely with the council on how to invest and accelerate those and what the time frames are.

[06:32:32]

>> You expect in the spring, when we hit that critical pound, we will have other options on the table that could include capital projects.

>> Yes. If they develop sooner than that, they would come to the council and we would work those through as individual transactions. Other things we're working on, back to finances, the state, if there is a successful vote this fall, may have up to \$2 billion of additional water supply monies to loan. That's the new key legislation that came through and we will be closely monitoring that program and how we might take advantage of it as a way to finance accelerated capital projects, if it makes sense for us to borrow from the state. So that's another option that we will know more in the next few months if the states authorize to implement those new programs.

>> I hope staff is doing some work this spring in advance of this spring so we will have a discussion, a fairly firm grasp of the realistic possibilities to address all potential options on the table.

>> I have dozed of staff, every key executive of the utilities, the number one priority is working through the various strategies and options.

>> Great.

>> The last thing I want to talk to you about is the subject that is already touched on by at least a couple of my colleagues, I think at least three of my colleagues, and that is the contract with the Icra. And, what

-- the position that we're in with respect to our firm water commitment, it seems odd that we would have that commitment and yet have no ability to control or have

any remedy for actions the lcra might take that would essentially undermine or access en to firm water commitments, that even if we have a firm water commitment that doesn't do us much good if there is no water there. Is there -- does our contract provide any remedy or any mechanism for us to wield any kind of control over the lcra's decision with respect to nonfirm water commitments or any other water commitments that would potentially put our firm water in jeopardy?
[06:34:58]

>> I would like to take that up in executive session. Maybe we could plan a session.

>>Riley: I think we probably should. Okay. Thanks. >>Mayor leffingwell: Okay, we will go to item number 74.

>> Before we do item 74, can we go ahead do not 4:00 urban renewal plan item? Which is item 98.

>> Actually, we can do anything after 4:00 now. Why don't we

-- do we have any

-- if you need some more time on 74 and 75

--

>> no, I need 98 and have you approve 98 first, and we can do 73 and 74 and consent, as well.

>> Okay.

>> Idea 9, conduct a public hearing and' he approve an ordinance adopting the eighth plan modification to the east said and 12th streets urban rep newal plan.

>> No speakers signed up so i will entertain a motion to close the public hearing.

>> Council member martinez so moved. Seconds by mayor pro tem. All those in favor, please say aye. Opposed say no. Passes on vote of

--

>> 6-0, I'm recuesing myself.

>> Council member spelman recused.

>> Number 74, npa-2013-0009.01, to amend the neighborhood map to change the land use from single family to neighborhood mixed use. The planning commission and staff both recommend approval.

[06:37:13]

>> Mayor pro tem cole moves to close the public hearing and approve on all three readings.

>> Yes. >>Mayor leffingwell: Second but council member morrison. Discuss? All those in favor, please say aye [chorus of ayes] opposed sai no. Passes on a vote of 7-0.

>> Number 75. C 1914-2013-00 of 6. 1311 east 12th street, the propose tad change from family residence neighborhood conservation combining district zoning to mixed use, neighborhood plan zoning which is lr-mu move nccd-np. The staff and planning recommendation recommended approval. >>Cole: I november to close the public hearing and approve on all three readings. Second by council member spelman. No speakers signed up. All those in favor, please say aye [chorus of ayes] opposed say no. Passes on a vote of 7-0.

>> Thank you. Would you like to do your annexation. >>Mayor leffingwell: Yes.

>> Good afternoon, mayor and council, I'm from the planning development and review department. This is the second of two public hearings for the full annexation AREAS, ITEMS81-89th. Since this is the second of two hearing, I will be brief. Council will take any actions, ordinance readings are scheduled for october 24 with 0 a propose he ised effective date of

-- they will apply zoning and expand the tax base, and municipal services such as public safety and utilities and coordinate the extension of these services to developing areas. I will briefly describe each area, however in compliance with statutory come supplieses, the city will provide full services to each area, copies are available out front by the agendas today. Item s, is the wildhorse ranch annexation area. The area is currently in the city's limit the jurisdiction on the western sides of the tract. The area is undeveloped and is being and annexed none with the owner's request request. A small portion 69 year is for ad valorem tax use, and the property owner has the option to enter into a development agreement with the city to assure her property's stat news while the property continues for its purpose.

[06:40:28]

>> You will entertain a motion to close the public hearing.

>> So moved.

>> All those in favor, please say aye [chorus of ayes] opposed, is a no. Passes on vote of 7-0. Before you go on,ly items for postponement. Entertain a motion to postpone items 90 and 92 to october 17, and item 93 until november 21.

>> I have one more I canned a to that list. That would be idea 95, which is item related to the off-street accessory parking. Staff is request postponing that one to october 17, as well.

>> Add to that list. Just postponements. 95 and until october 17. Council member morrison so moved. Council member tovo seconds. You'lling send? Okay. Go ahead.

>> I wonder if you could explain why 90 is being requestedor postponement.

>> There are some issues we would like to work out with the environmental board and staff relating to how cases would be handles. Whether they go to planning commission or the other board and commission. So, postpone it two weeks to work those issues out.

>> Okay, thank you.

>> All those in favor, please say aye [chorus of ayes] opposed say no. Passes on vote of 7-0. Now we can go back to 82. 82 is the goodnight ranch south area, 458-acres in southern travis county, east of later lane and old lockhart road. It is adjacent to the full purpose. So this concludes my presentation on item 82.

[06:42:53]

>> No speakers signed up? Entertain a motion, mayor pro tem moves to close the public hearing. Seconded by council member martinez. All in favor say aye. Opposed say no. Passes. Number 83 is the morse tract. This includes 180 acres in travis county east of the intersection of ed bluestein boulevard this area is currently in the city's e t.J. And is

-- this property is also appraised for aggies for add very wellorem tax purposes. The owner has the option to enter into a development agreement and if the owner is interested, I'd bring that development agreement forward for council approval in lieu of annexation were the rest of the annexation areas. This concludes my presentation for item 83.

>> No speakers are signed up. I'll entertain a motion to close public hearing.
>> So moved.
>> Councilor martinez so moves.
>> Second.
>> Seconded by mayor pro tem coal. All in favor say aye.
>> Opposed say no. Sses on a vote of 7-0.
>> Number 84 is the ace auto salvage area. This includes approximately six acres in northwestern travis county, north of spieswood springs road, approximately 250 feet of the intersection of spicewood springs road and yaupon drive. The limited purpose on the south and west sides of the tract. Existing development on this side includes an auto glass business and remnants of an auto storage business. A site plan has been approved and the applicant is proceeding to conduct a storage facility and a dog kennel. This concludes my staff presentation for item 84.
>> Item 84 has no one signed up to speak.
>> Close the public hearing and move approval.
>> Mayor pro tem cole to moves the public hearing only. Seconded by council member martinez.
>> Oh.
>> All in favor
-- you have a question?
[06:44:55]

>> No, I'm fine.
>> All in favor say aye. Opposed say no. Passes on a vote of 7-0.
>> Number 85 is the preserve at thomas springs road. This includes approximately 13 aches in southwestern travis county, south of thomas springs road, approximately three tenths after mile west of the intersection of state highway 71 and thomas springs road. This area is currently in the city's limited purpose jurisdiction and is adjacent to the south side and the north and east sides of the tract. The majority of this subdivision is already in the city's full purpose jurisdiction and annexation would bring the remainder of the lots into the city limits so as to avoid having city light limits lines.

>> Entertain a motion to close the public argue. Council member martinez so moves. All in favor say aye. Opposed say no. Passes on a vote of 7-0.

>> The avana-spillar area, also in southwestern travis county and northeastern hayes county

-- hays county, approximately one and one quarter miles south of the intersection of state highway 45 and escart boulevard. This area is undeveloped and the proposed avanna phase two and phase 3 single family residential subdivisions are currently in resue and include a

-- review and include a total of 260 lots in this area. This concludes my staff presentation.

>> Entertain a motion to close the public hearing.

>> So move.

>> Council member morts so moves. Mayor pro tem cole seconds. Passes on a vote of 7-0.

>> Number 87 is the marbella area. 133 acres located in southern travis county. This area is crenently in the city's e t.J. And adjacent to the full purpose jurisdiction on the north and west side of the tract along ih35. A multifamily project is under construction and this concludes the staff presentation for item 87.

[06:47:06]

>> Entertain a motion to close the public hearing.

>> So moved.

>> All in favor say aye. Opposed say no. Passes on a vote of 7-0.

>> Number 88, the prosperity business park is another small area. It includes approximately 13 acres in southern travis county south of slaughter lane, east of intersection of ih first of this and oak hill lane. This area is also in the city's e t.J. And -- on the north an3 southeast sides tract. This area is undeveloped and a preliminary plan is in review that indicates proposed future development, includes office, retail, warehouse and restaurant uses. And this concludes the staff presentation for item 88.

>> Entertain a motion to close the public hearing.

>> So moved.

>> Council member morrison so moves. Council member martinez seconds. All in favor say aye. Opposed say no. Passes on a vote of 7-0.

>> Finally, item 89, include s

-- 407 acres in southeastern travis county, south of state highway 71 east, at the southwest corner of the intersection of highway 71 and highway 130. This area is currently in the e t.J. And adjacent to the full-purpose jurisdiction on the northwest and south sides. This area is undeveloped and land use is unspecified, due to the largeness of the tract, excellent road access and city utilities, land use

-- would be very beneficial. So staff is proposed annexation at this time to ensure quality growth at a highly available location. This includes the staff presentation.

>> Entertain a motion to close the public hearing.

>> Moved.

>> Council member martinez so moves. Mayor pro tem cole seconds. Passes on a vote of 7-0.

>> And I have one more item number 1, the stayed o hollow mud. This is for the proposed strategy partnership agreement. The mud also conducted hearings regarding the agreement, in august and early september and has adopted the agreement and the mud board president, mr. Ron street, another representative of the mud are tearing this evening. Adoption is a term of the annexation. This spa is designed to provide equal benefits to both parties. It's to define determines and conditions for the city's annexation of the mud and the relationship between thed in between the city and the mud. Und they are proposed spa, the mud on behalf of its residents has agreed to the following. Full-purpose annexation, including city services and city TAXES STARTING DECEMBER 15th, 2020, a service plan that describes the services that will be provided by the city upon full-purpose annexation and will be adopted as part of this spa, are available this evening. Also, at the time of full-purpose annexation, the city will resume the mud's current date. And they plan to be

-- finally t d will continue operating and maintaining the water and wastewater infrastructure and providing these services through 2018, at which time the city will take over ownership. The city will conkentucky an

-- conduct an assessment of the water systems. So a little bit different on this one. Staff is requesting approval of the spa on first rea only today. The reason being last week some of the documentation in exhibit c related to the utility infrastructure

needed to be corrected. So we don't have a correct exhibit in your backup. So I'll need to bring that back second and third reading as soon as we get the completed documentation. So this concludes my presentation for item 91.

[06:50:48]

>> We have no speakers signed up, so I would entertain a motion to close the public hearing and approve on first reading only.

>> So move.

>> Mayor pro tem so moves.

>> Second.

>> Seconded by council member morrison. All in favor say aye. Opposed say no. Passes on a vote of 7-0. Thank you. I think that brings us to item 94. This is kind of early in the day for you!

>> It is! [Laughter]

>> thank you! Thank you, mr. Mayor, mayor pro tem. Council members. Kevin should shun. Item before you today, not tonight, is item 94. It is a floodplain variance request at 4406 avenue f, which is in the waller creek watershed. Yes, this is in the samability of the other two variances that you've heard fairly recently. Pure coincidence, I believe. This is an outline of the property here in red. It is to the south of 45th street, on avenue f. You can see waller creek there just to the north of the property. The property is within the 25 and the 100-year floodplains of waller creek. The shapes are the existing building and an existing garage that exists on the site today. Here's a picture of the house as it exists today. The house is not occupied. And is actually

-- has some code enforcement issues associated with it. And that's why the windows and doors are boarded up. There are some significant structural issues with this house. And the applicant has hired a structural engineer and has deemed that the foundation is in such ill-repair that it is not reparable in needs to be torn down. This case, this point kind of brings up a difference with this case compared to at least the two others that we've talked about, and I'll get into more of that here in just a moment. This picture was taken from ue f. The existing house has access to avenue f and the alley, but you can see in this existing layout, the garage access was on to

avenue f. Here's a picture of the proposed building on the lot itself. The proposed bills is

-- building is 2,359 square feet, sing family

-- single family red dense. Flood water will be stored underneath the house. The engineer has submitted documentation that indicates that there's no adverse flooding impact for this proposed development. In the rear of the property, they're proposing to build a car pord port instead of a garage and the carport will have access to the alley as opposed to avenue f, which is somewhat of a significant issue that I'll talk about here in a moment. Here's some drawings of the proposed house, side view on the bottom there with the house in the front and then the carport structure in the rear of the property. So obviously with the proposed building encroaching in the floodplains, with the entire lot being in the 1100-year blood -- 1-year floodplain. We've talked about this in the recent past about the fact that they're increasing the conditioned area in the lot, which therefore increases the nonconformity of the exists how long. Doesn't

-- the existing house doesn't conform, and they're also increasing nonconformitiy through adding additional square footage area. The drainage unit, they're proceeding to do a drainage easement on the property with the variance being just removing the house and the carport structure from the eat itself.

[06:54:56]

-- Easement itself. This is my somewhat famous picture that I've shown recently. A little bit about the difference with this particular case. Again, we talked about the importance of having safe access is to into the build islands in the floodplain so people can walk from the building that's elevated above. We want to walk out of the floodplain without having to touch floodwaters. So you would meet that rule by having the able to walk a distance out of the house that's all one foot above the floodplain and that would be considered safe accessi not possible

-- access. Not possible to do with the alley and street also being in the floodplain. The issue

-- the somewhat positive issue with the carport accessing to the water is the water surface is not as deep at that portion as it would be to avenue f. So the

-- to get from the house to the carport, you would

-- well over one foot above the floodplain. And you walk from the carport to the alley, the depth is only one and a half feet and you only have to walk 50 feet to get out of the floodplain. If you compare this situation to some of the others, the depth of flooding that you would be hitting if you're walking out is one and a half feet as opposed to the others were upwards of almost 3 1/2-feet and two feet and the others, the distance to walk out of the floodplain was 200 to 300 feet, whereas this one you just have to walk off the lot, past the lot 50 feet. So the hardship condition also i think plays a significant role here in that the structure on this property cannot be repaired. So it essentially has to be torn down. They want to build a new house here, so obviously if they

-- if it doesn't comply with the rules, if there's not a variance granted, then the lot is essentially not developable. So the fact that the hardship condition exists, the fact that the flood risk is as minimal as they can get it, they took the access to the alley, which there was less floodplain depth and it's not very far to get out. We feel that that's

-- makes this a little bit of a different case than some of the others. Kind of the summary of the findings for this

-- summary of the findings, there's no adverse

-- the safe access rule we talked about. That situation. The finished floor elevation for this house is 2.4 feet above the 100-year floodplain. They're elevating it more than that, so we find a positive in that. And then the hardship condition is significant as well. So in looking at the hardship condition and considering the flood risk available, that's there, staff is recommending approval for this variance. Just to point out, there is a draft order in your packet

-- ordinance and two conditions are for the applicant to dedicate a drainage easement to the limits of the 100-year floodplain to the city, as well as provide an elevation certificate which is a required document for our FEMA considerations. That's the end of the presentation. I'm happy to answer any questions if you have any.

[06:58:02]

>> Do we have anybody that wants to speak for the applicant?

>> I think there are some people signed up.
>> There are. But I wonder if there's a speaker, primary speaker.
>> I'm not aware.
>> Alan darban.
>> I'm here, yes.
>> You're the primary speaker? Why don't you just come on up and
-- yeah.
>> Council member.
>> Sir.
>> Give you up to five minutes.
>> Okay, thank you. Actually, Kevin stole my presentation. Most of what I had to say,
he already talked about. He's already showed the house, talked about
--
>> well, you don't have to take all the time!
>> What's that.
>> You have to five minutes.
>> No, I won't take up much. What I was going to talk about is the fact that it is
beyond repair. There are a couple
-- a couple of foundation companies that came out and looked at the property and
basically said the foundation cannot be repaired and they could not make that house
into a pier and beam. And an engineer came out and looked and recommended that
the house be torn down. If he had made a note that he only made that
recommendation twice in his 25 years of experience. A little about the health and
safety as the property exists right now. I work at the heart hospital of Austin, so I
drive right by there probably once a week. And within the last six months, there's
been at least three or four times and there's been police out there. There's been
homeless people sleeping on the porch. As little as three to four weeks ago
somebody busted out the front window and that's why you see the boards. They
broke it out. They were sleeping in there. And they came and actually removed them
from the property. They used the side of the house that's kind of blocked from view
as basically a restroom. And they've been caught doing that by the police as well.
And Janelle who represents the
-- the actual owners of the property. I'm the one trying to buy it. It's under contract
and obviously can't

-- would be worthless to me unless variance is granted to be able to build a new house. But she's going to talk about the hardship. But I do believe that if this doesn't get approved, that nobody will buy this property. Because what's on there is basically just beyond rep you know, that's all I have to say, thank you.

[07:00:33]

>> Thank you. Jayson williams?

>> Thank you. My name is jayson williams. I own 4404 avenue f. My anytime and I -- we have two smal children. And we've always loved the hyde park neighborhood because of its family-friend atmosphere. That property is directly across the street from scheid park where lots of families and children play. But over the last year and a half, during the period we've owned the property, we've witnessed on numerous occasions transients and vagrants using this home as a flophouse where they can sleep and they're passed out in the morning and things like that. And I know that there are other issues that play here about the safety, but we've offered to allow alan to do whatever is necessary to access our property, if necessary, if that helps with the flood issue. On several occasions, I've had to call the police on activity that's happening on the next door property, and I guess my fear is that if this property is a blight to the neighborhood of hyde park, and it's

-- I think it's been agreed that this property does not have any architectural contribution to the neighborhood. It's also a safety hazard to my children and the children playing across the street at the park. And we'd love to see this house gone and something put in its place that actually would contribute to the neighborhood of hyde park. Thank you.

>> Thank you. Janelle ross?

[07:02:40]

>> Good afternoon. I'm janelle ross. I'm the seller of 4406 avenue f. I'm also the executor of the estate of john david peck, deceased. And this property is in that estate. Quick background on this house, it is in adverse possession. My cousin

discovered that it had been abandoned for eight years and he paid the taxes on it for the 10 required years. And we've paid the

-- the estate has paid the taxes on the last two years. So for about 20 years this property

-- no one has lived in it. It's had no utilities. And vagrants, drug addicts, alcoholics come to this property. It's very frustrating. I put those boards out that porch and while I was doing it, I had three tweakers over in Scheid park across the street, not threatening, but it was just not

-- it was a very difficult situation. So anyway, my issue is, I would like to have this sold because it is a drain, excuse me, allergies

-- it's a drain on the estate. We've paid between 60 and \$80,000, excuse me. In taxes. And excuse me. \$Went 300 to

-- \$2300 to clear-cut the property, in which they found a shelter in the back d somebody hid under ivy. It may have been children who did it and that's what bothers me, is that children can come on to this property and they can encounter these vagrants. And drug addicts. I worked with officer mittier of the Austin police department and he suggested that I put up nine "no trespassing" signs. So I brought my hammer, my nails, my ladder, I put them nine feet above. I installed half logs and -- locks and they will come and tear it down. So if you scrape this house off and you left it empty, it's not going to help anybody. There will still be va

-- it will still be vagrant headquarters because they think it's theirs. I have personally encountered them. When they broke out that window I went over with flywood. My

-- plywood, my two cordless drills and deck screws and all the time I know do it knows again they're looking at me from the

-- doing it, again, they're looking at me from the park. One person asked me who I was and what was I doing. And I explained I'm selling the property. Luckily I had a hammer my hand and luckily two of his friends pulled up and they conducted a drug deal across from Scheid park. Excuse me. Where kids were playing. So it's dangerous. My concern is

-- I notice on your backup floodplain variance request on page 3, it says that development increases the public threat. And I think the threat is the vagrants.

[07:05:47]

>> Thank you. Those are all the speakers that we have signed up. Entertain a motion.

>> Mayor.

>> Staff recommendation for approval of the variance request.

>> Mayor.

>> Mayor pro tem.

>> We have heard staff recommendation that the existing home is condemned and hardship conditions exist. And they cannot rebuild without this floodplain variance, so I'm going to move approval of the staff recommendation.

>> Second.

>> Mayor pro tem cole moves to close the public hearing and approve the variance request. Seconded by council member spelman. Any further discussion? All in favor say aye. Opposed say no. Passes on all three readings on a vote of 7-0. I'll recognize council member martinez for a request.

>> Thank you, mayor. I think we still have staff making their way down here, but hopefully we can do this quickly. And maybe not need them. Earlier we adopted item 55 with a slight amendment to negotiate and then bring back the execution. The rbi representative wasn't completely understanding what we were doing in that it would create additional timelines to the process. They're under a very strict timeline, so I'm going to ask matt to come up and try to give us a better explanation and see if there is something we can do today to move forward with this so we don't lose this opportunity.

>> And council member martinez, I appreciate the opportunity to come up and I will own as being a dummy who didn't realize what had been approved before would extend or prolong the process. Here's the basic situation with this project.

Unfortunately, we are on a very tight timeline right now as far as the funding. And we've had some delays up to this point as far as getting stuff worked out as far as the usage agreements and park and improvement ingredients and all that stuff. So we're a

-- agreements and all that stuff. So we're a lot further along than we thought. We found get the usage agreement and the multi-year agreement, it would require going through the council for approval. And so that kind of put us in a spot where today the hope was that along with extending the term, it would also allow the

agreement to be executed right away so that the project can happen. So there's a december 31st deadline on the project. As far as the funding is concerned. And after that point, if the project is not complete, the funds go back to the basic row fund and our project

-- baseball tomorrow fund and our project is essentially dead at that point. So I should@ have emphasized that when I was up here the first time. But that's where we are. And so we're asking that rather than going back through the process of going through the parks board, that it would be negotiated and execute rather than negotiate and go back to the process.

[07:08:53]

>> Mayor, and I have also spoken to the assistant city manager. He and his staff are agreeable to amending the resolution that's in the backup to establish a five-year lease with that additional option. It's right now a three-year option. But

-- so that we don't lose this opportunity and this is something I think that is really good for central east austin and the kids that will be a part of this. I'm going to move approval with negotiation and

-- I'll move to reconsider the item first.

>> Council member martinez moves to reconsider item 55.

>> Second.

>> Seconded by council member riley. All in favor say aye. Opposed say no. That passes on a vote of 7-0. Council member?

>> Mayor, I'll move to approve ie item 55 as posted in the backup with the slight amendment of changing the second line of the first, therefore be it resolved to read, a five-year initial agreement, and then a three-year option.

>> The motion by council member martinez is to approve item 55, staff recommendation with the change of the five-years instead of the three-year time frame.

>> Second.

>> Seconded by council member spelman. Council member tovoo?

>> I guess I have two slight concerns here. The first is that, you know, we're in a process of looking at our public lands across the city and making sure that they best

serve the community needs. And know, at this point, I'm not sure and I didn't ask staff earlier because I thought we had time and now we don't have park staff here to answer this quick but I would like to have

-- i would like to know, for example, where this area, how this site fits in terms of our gaps analysis. The council has adopted a goal of making sure that everybody lives within walking distance of a park. If we approve this today, it will not be an open public park. It will be primarily used by ts participants, which is a great use and an important use for the people in that area. But it is one use rather than multiple uses. And we haven't had a chance to see, you know, exactly whether that's the highest and best use for that site. So that gives me some pause. I am going to support it because I think you've made a compelling case and I think it is a good use for this site. But I would ask, given that

-- and the comments that you discussed earlier, I hope that you wi continue to be really committed to making sure that you're very close to that 80% goal, because I think

--

[07:11:38]

>> absolutely.

>> If it is going to just serve one use for that community, i want to be sure it really is serving that community. And so thank you for your comments before and I hope that will continue to be a driving goal. So to speak. I guess that's a

--

>> thank you, and we hope and expect to be at 90%, not 80%.

>> Great. Thanks very much.

>> Mayor?

>> Council member spelman?

>> I think I can reassure council member tovo, the millennium use center and boggy creek park are a five-minute walk. There's a lot of land available in that neighborhood.

>> All in favor of the most say aye. Opposed say no. As a passes on a vote of 7-0.

>> Thank you very much.

>> Okay. Item number 96.

>> Planned development and review again. On June 6th of this year the city council passed a resolution initiating amendments to the PUD section of the city code, such as the affordable housing

-- using the amount of building square footage in the proposed PUD. Staff believes that this would bring the code into compliance with what was intended back in 2008 when we did a rewrite of the PUD ordinance. The staff recommendation on this is to apply the affordability, in the what we call the bonus area. Add a level of level of 10% at 60% FM I for rental housing. And 5% at 80% MFI for owner occupied housing and the fee would be calculated of \$6 a square foot, which would be adjusted annual. 6 a square foot times the entire square footage, which is within the bonus area. So that is the staff recommendation. The community development commission also recommended 10 at 60 level, originally I think the staff was 10 at 80. Staff later changed it to 10 and 60. However, they also included, they supported a letter from housing works that named several ISSUES REGARDING PUDs. And that they recommended that the presumed baseline be taken out of the code. The planning commission recommended the same as the community development commission. So I'd like to expound for a moment on what the presumed baseline portion is. Back in 2008, when we were doing the PUD rewrite, I believe it was triggered by the Concordia PUD, the one that was on the old Concordia campus. And a good portion of that, so we had that one in our mind when we were doing this write.

[07:14:34]

-- This rewrite. At the time we were talking about reporting affordability for the bonus area, the area above what they could do today. However, much of the Concordia campus was owned single family because the property had been a university for so long and it was owned by a church and therefore it did not need zoning. So it was a university campus

-- was a good part of single family. So at the time we thought that requiring the bonus area in that case, if we stuck with just the existing zoning, would have been from 35 feet upward, because that is the height

-- so there is a provision that's in the existing code that says, in the opinion of the

staff the existing zoning is artificially low, such as concordia or maybe it's development reserve or rural, that we would assume a presumed zoning that would otherwise be expected to see at the site. And that we would take that presumption to the city council when we do what we call the prepud briefin those briefings that we do to you all about of the applicant submits and the if the council disagreed with that presumption, they would let us know and we would change it prior to the actual pud application coming in. So that has been on the code

-- that's been in the code since 2008. We have never had to use that provision, because all the PUDs THAT HAVE COME IN HAVE All this cs zoning, so we haven't have to make a assumption. E cdc and the plannings commission recommended the plan be removed. That was not part of the council resolution, but that was the recommendation of the two body. So I'm available for any

-- two bodies. So I'm available for any questions.

>> Questions? Council member morrison?

>> Is that taken out of what's in our backup?

>> Yes, the backup is the planning commission recommendation.

>> Because as I understand it, we have a revised backup that actually staff remov a few unnecessary lines under 133, what was a? I believe

--

[07:16:35]

>> yes.

>> Is that right? Yes.

>> We took those out to clarify that that portion would be removed.

>> Okay. And then of course, we've had a lot of discussion about this and I heard you say mr. Westhoven, the staff believes that what we're moving to is the intent of what was there. And I just for the record other people have other perspectives on that. And thought that the intent was the full of square footage. And I just

--

-- full amount of square footage. I know systems will make a motion. And I do want to make the point, it doesn't matter what the baseline was before when the

-- in lieu was calculated based on the full amount, because you were never having to

look at what were you able to get in bonus above the baseline. But now it's very important that we get the definition of the baseline right.

>> I agree.

>> Thank you.

>> Council member riley, you have a couple of

-- council member riley, you have a couple of speakers.

>> Call my speakers.

>> Stewart hirsch.

>> Mayor and members, my name is stewart harry hirsch and I still rent

--

>> hasn't changed.

>> Hasn't changed since this morning! [Laughter]

>> it's been five years since i left city government. And I have never supported the staff on a controversial issue until today. [Laughter]

>> and I am proud to support the planning and the housing staff on this issue.

Because I was your staffer back when this was originally adopt. Anded

-- adopt. And when I saw the ordinance, i didn't believe it meant your intent and I

believe we ended up WITH NO PUDs AND NO FEE IN Lieu payments. So I said no

impact on housing affordability as far as I was concerned and I think you didn't get

affordability impact state that said otherwise. So now we're finally mixing the

problem that we've had for a number of years. Clearly some people thought the

ordinance said one thing, another people thought another. We've been carrying it

out in a way as if it read that way when it really didn't and we're finally fixing it. The

reason I support the staff is because I believe the council needs to do the balancing

act as to whether you're wanting to collection an individual application hundreds of

thousands of dollars to help the people I'm around every day, which is people who

make less than a thousand dollars a month and desperately need housing or

whether you want to help people at 60% medium family income who make \$30 or

more a

-- \$30,000 or more a year and still need housing that is affordable but not as bad as

people on social security disability. This is a moral issue. We can help fewer people

who are desperate or more people who aren't. When that's the balancing act, i trust

elected officials to not artificially constrain themselves in making that balance

-- the staff proposal does it. The c.D.C. And the housing proposal doesn't do it. So I

support the staff. Thank you very much.

[07:19:43]

>> Thank you. David king? You have a question? Stewart? .

>> Mr. Hirsch, I'm sorry, I'm

-- could you explain where you're diverging in your opinion from the c.D.C. And the planning commission. Some I think that they have believed that geographic dispersion is a higher value than serving the poorest among us. So this would rather see

-- every time you could get it, affordable housing at 60% fm i on all these sites as opposed to inencouraging applicants to consider the fee in lieu as opposed to the on-site order affordability. That's the way I the housing works letter and it's what I observed in the motions when I attended both the community development commission meeting and the planning commission meeting that took this up. We just disagree about what success would look like.

>> Thanks for the clarification.

>> David king?

>> Thank you, mayor, mayor pro tem, and council members. My name is david king and I'm from the zilker neighborhood. I'm here this evening to urge you to make some changes to the proposed amendment before you tonight. Developers of residential projects should be required to develop on-site affordable housing. You know, we're here discussing a change to the

-- to affordable housing amendment. That's going to help a developer on 211 south lamar boulevard. The taco p. They're going to build with the additional 36 feet they're going to get with that project, they're going to make millions and millions and millions of dollars in profit. The condos that are going to be built in that 36 feet, which is owned by the public, by the citizens of this city, that should be valued properly. We should get a better value than you're proposing. 428,000 is not the right value for that additional entightment you're going to

-- entitlement you're going to grant them. That is not right. And you're here to represent the public and look out for the interest. So I urge you to do the right thing. Ask them to pay the full amount. 1 \$.2 million in affordable housing and provide it

on-site. What's wrong with having low and middle income folks living in that same location? Why can't they have the same amenities? Why don't they deserve to live right across from lady bird lake and the parks and enjoy that amenity? Is it only for those who make a million dollars or more or who make millionaires? I ask you to look inside yourself and decide what's right for the citizens of this city. Please. Do the right thing. I don't think you should be allowing them to pay a fee in lieu. But if you decide to do that, then it should be a high bar. It should require super majority of this council to allow the developer to go that option. It shouldn't be up to the developer decide which one they're going to choose. It should be up to you. You should go before the public and make that decision and be responsible for your decision to the public. On-site affordable housing should be limited to 60% of the medium family income. In all areas of the city. To help ensure that affordability is available in all across the city. The affordability

- the on-site fee in lieu should be based if you're going to go that route, should be based on an index, an affordability index for
- affordability index for the city. Affordability goes up
- affordability goes up, that's good, maybe you can lower the requirement for them.

Please, thank you for considering my remarks tonight.

[07:23:50]

>> That's all the speakers that we have. Entertain a motion on item 96. Council member Riley?

>> I'll move approval.

>> Council member Riley moves to close public hearing and approve on all three readings for item 96. Council member Spelman?

>> Second, I have a question.

>> Go ahead.

>> I have a question. Jerry i.

>> Yes.

>> I'm looking at section 1.3.3. Baseline for determining development bonuses. And the question came up in the context of recent annexation, if we were annexing an area which would be zoned irr, and it would near a proposed transportation or

development center, say right off of 130, we someone be able to propose a pud and irr has very, very low entitlements and if the pud were based only

-- if the pud entitlements were based on the ground in a recent annexed area they wouldn't be able to get very far. I realized the council could I realized the council could

-- what

-- form what a comment take?

>> I think the comment right now, that the

-- staff to do that. We felt it more appropriate. We'd present that to you at the pre-pud briefing. And I think as right now, striking out the ability of the staff to make that presumption, but it would

-- presumption, but it would

-- at the time we're doing the pre-pud briefing, council wanted to tell us to make a different presumption for the purposes of baseline, that that would still be a possibility.

>> Help me operationally through this. I think this irr area ought to be zoned cs, but I'm only one of seven and in a few months you're going to have one out of 11. How can that establish a baseline for an entitlement of this kind?

[07:25:54]

>> I think that's an issue because at the time we do the briefing, we're not up for a vote, we're doing the briefing.

>> Exactly.

>> We haven't had to use this provision before, so we really haven't had it come up. But with the pre-pud briefing, if the council general told us if

-- generally told us they had an issue, we would consider it when we submitted the application. In the case, the

-- that were taken out, I think that would be

-- that would be an issue because it is a briefing, not a vote. So if one council member wanted to do it but the rest did not or whatever, it would be kind of left hanging.

>> I agree with you. We need an escape valve. I think there are situation like the

recent annexation exemption where a different baseline would need to be set and I think the council is in a position to set it, but I'm not sure howd we'd go around doing it, given we're not posted for action when you're giving us a briefing.

>> Right. Or if we leave it the way it is today f the staff felt there was a situation where we felt the baseline needed to be changed, then we would present that to you at the time of the pud briefing. And again, if there was

-- you know, a general consensus that that was okay, we would move forward.

>> Would it be inconsistent with our usual procedure to set the

-- set the council up for action or possible action at the time of the briefing so that if we wanted to propose a different baseline, we could do so?

>> I think if we ever had a case where we were proposing a different baseline, that's a great idea. I think we would have both the pud briefing on there, maybe have the second item on for a vote for that presumption, if we ever had one. I think that's a terrific idea.

>> Okay, but that's if the staff wanted to do that. What if the council wants to do that and you didn't know or we didn't know we wanted to do that until we heard the briefing and we realized that doesn't make any sense?

>> Then I think we put that on the next council agenda.

>> That sounds fine, thanks.

>> Council member riley?

>> Jerry, we had a discussion at the work session on tuesday about the application of combining an overlay

-- in this context. And one question that came up was what if you have a situation where your entitlements are conditional? The language we're considering would say that the baseline is determined by the regulations provided in the base zoning combining overlay districts. But it's not clear how that would necessarily apply if -- in a situation where your entitlements aren't mixed or debit on what you're going to do. In talking that around

-- mixed or depending on what you're going to do.

[07:28:28]

-- So just to add a clause at the very end, at the end of that paragraph, where it says

that the baseline is determined by the regulations provided in the base zoning districts, beginning districts and overlay districts. If at the end of that, you just -- instead of a period, you put a comma and said, to the extent the project complies with the requirements for those bonuses. Then would that

-- it seems like that would

-- that would appropriately base

-- set the baseline based on what the project is actually doing. So you don't get the unfair benefit of what you could do when in fact you're not actually going to meet the conditions for any additional bonus. Does that seem

-- bonuses. Does that strike you as an appropriate change?

>> We do. We think it goes without saying, but we're

-- saying, but we're fine with that. We have a several high pressure step zoning

-- several-step zoning process. When we're playing the pud, it's the program materials. Until they come in with a plan, we're not actually enforcing these

affordability provisions because we don't know what the square footage or their height is going to be. So if you have a case where we're saying, the baseline

-- saying the baseline is presuming we're going to do these things, that they tell us they're going to do in order to get an existing bonus, that maybe exists in an overlay district, perhaps the waterfront overlay district, when they came in for a site plan, if they were not doing those things that they got that bonus, we were -- we would say the baseline shifted downward. We're fine with the language. But we just want to make clear that we would never in a zoning ordinance presume that someone is going to do something and if they don't do it, when we go to enforce that provision, say oh well, you got it.

>> I get what you're saying and I have no doubt that our

-- that staff we have on board now would catch that every time. But in the event that there are other staff in the future who might not be as diligent in reviewing the site plan and making sure and going back and check on the determination of the baseline, it seems like it might be appropriate. And you really could address it at the time we approved the pud because to the extent there are conditions that affect the baseline, then you can nail those down in the pud notes and the pud notes could require those conditions and that could affect the baseline.

[07:30:55]

>> There's a pud that will be coming to you shortly that has language that include as provision such that the baseline is this. If they meet the conditions of this certain section of the code.

>> Okay.

>> If they do not it could go back down to what the zoning is without that bonus provision. We'll take that. But I think it's double coverage if we include your language.

>> If it's agreeable with the second, council member spell, i would suggest that we -- council member spelman, I would suggest we include that additional clause at the end.

>> That's a two-way street. Where we say we're including combined district and overlay district, in the waterfront overlay, the one that's been discussed, there's a provision that allows them to ince their far. If we have somebody with a brought of gr, usually we say it's 60 feet of highlight. But if that restricted that down to 40, there would be 20 less. So in some cases this may allow go more. In most cases I would say it require them to do less.

>> Right, okay.

>> Council member spelman accepts that.

>> Great.

>> Counsel morrison. Some.

>> Thank you, I appreciate y bringing that up because that's of what I wanted to bring up, because I think if we step back and make sure that we want to know what their current entitlements are, that's the baseline and sometimes that's what we're trying to get to. We're saying that they might be able to achieve some additional square mootage under relaxed overlays. And we want to make sure if they do that, then they're actually doing all the things that are required to achieve that and that's what council member riley has done. Sometimes there are additional constraints besides overlays and combining districts that limit your entightments, like -- entitlements, like compatibility standards. There might be additional constraints in the waterfront loafer yay. I assume there might -- overlay. I assume there might be additional constraints or relaxaces in the nccd. So what I was interested in is making sure that if there are additional constraints on

your entitlements outside of the base zoning district combining districts, and overlay districts that we also take those into account when we're looking at what their baseline zoning or basically sort of current entitlement is. And so I don't know what you're looking at. I believe that's from somebody else. Yeah.

[07:33:21]

>> That's why I'm confused.

>> Okay, thank you. And I had prepared some language to do both what council member Riley did as well as myself. So now we're getting a little confused. But I think that my

-- I can merge what I had

-- what you just

-- what I'm thinking of that's still not incorporated with what you said by doing the following. Council member Riley said, and to the extent the project complies with the

-- the criteria

-- is that right?

>> With the requirements for those bonuses.

>> With the requirements for those bonuses. And I wanted to add, and to the extent the resulting bonus square footage can be achieved without violating any other applicable site development standards. So that would

--

>> very specific.

>> Do you accept that, council member Riley?

>> I'd like to hear from staff on that.

>> We haven't had much time to think about that. I'm trying to think of examples where it would apply.

-- examples where it would apply. We're not supposed to talk about the taco pud but I'll talk about a case that's hipically very similar

-- hypothetically very similar to that. In the overlay, you're allowed to increase your foot area ratio. So if you had a two to one ratio in CF zoning, you could go up to 60%.

You could increase that by 60% if you do these certain things. That's what we

discussed council member riley. So that would get you up to a 3.2. Okay. The question I think would be raised, with 3.2, if you were to use 3.2, would that cause you to violate some other existing section of the code. Such as for example, we'd have to look at, would a 3.2fa railroad

-- I'm speaking of cause you to rise 60 feet of zoning. You know what I mean? Maybe in the pud they're asking for more than that, but under council member morrison's amendment the way I read it, it would not presuppose the pud. It would preserve the existing condition. And if the existing condition said that the height is capped at 60 feet and the bonus provision was not possible without exceeding that 60 feet, never mind the fact that the pud was asking them to do exactly that, that aside, we would not be able to include that bonus in the baseline presumption because they could not do that under their existing entitlements. It's the way I understand your amendment.

[07:35:51]

>> That's correct. It's trying to get the actual

-- what they can build as their entitlement as opposed to if

-- if there were other things released, yeah.

>> Right. I think the staff

-- you know, i think I'd really have to take time to see what the impact of that would be. But our general position is that the baseline should be the current entitlements.

So whatever the current code allows you to do is what we would use

-- you know, what we presuppose for the baseline. So if there's a bonus provision, you take advantage, then the baseline includes the bonus provision. If you have a conditional overlay, then the baseline is lower than what it may be. So

--

>> if I could just add, as far as I see it, if there are other things in the code that might limit you besides the ones we're talking about, to me that's the same

-- and using that to pull you back, to me that's the same as, hey, if you've got a conditional overlay that limits you down below, from 60 feet to 40 feet under a co or something. It's just one more thing that pulls you back. And we just have to deal with all of them.

>> The only time I could think of where it would come into effect is the waterfront overlay if there are bonuses.

>> I'm sorry. Compatibility standards.

>> I'm talking about a situation where you have a bonus provision where you might not be able to use it because of this amendment. I can't think of another situation where there's a combined beginning that gives you

-- district that gives you additional things. Most of them are going to

--

>> uno does?

>> Huh?

>> Uno does.

>> MAYBE SOME NCCDs ACTUALLY. So I think it would

-- obviously, possibly, restrict somebody from including a bonus provision, but if we're going to with the presumption that's the existing entitlement, I think

-- entitlement, I think it fits with that. I'm kind of thinking out loud.

>> I didn't just bring this on you, just to be clear.

>> No, no.

[07:37:52]

>> Do

-- we have a ways to go in current discussion?

>> No.

>> I any other comments. I'm going to suggest we take this until after live music and proclamations. But do you

-- did you want to offer a friendly amendment before we do that?

>> Yes, that's my amendment to include and to the extent.

>> You've already offered that. Council member riley, do you accept that or

--

>> I think I would want to ask some more questions about it. And as I understand it

--

>> let's put it on the table until after live music and proclamations.

>> And I have one other small one.

>> Sure, take all the time you want after.

>> Great.

>> Right now, if you'll day on the dias, just a couple of minutes, I'd like to welcome mayor rob in order and his delegation of

-- rob ford and his delegation, they're visiting from toronto. You may recall a few months ago this counsel passed a resolution forming an alliance, a music industry alliance with the city of toronto, which is also has a thriving music industry. Our hope is that it w be the beginning of alliances all across the country to promote live music and also to benefit our economy from it. That's one of the major components of this. So right now, from now on, the city of austin and toronto will work together developing partnerships to promote music and especially the economic aspects of it. And one of the major objectives is going to be to create public/private partnerships to build towards that goal. And we're scheduled to have a reception on the mayor's baillony about 6:00.

-- Balcony about 6:00. And we'll talk more about this. The media is invited to attend that reception. So as I said, we'll have more to say about it then. But first, I'd like to recognize council member mike martinez. He has worked very hard on this agreement and worked very hard promoting music in general in the cityf austin, along with his staff. So with that, I'd like to recognized council member martinez.
[07:40:07]

>> Thank you, mayor. I just want to recognize and welcome mayor ford and his wife and he is entire delegation as chief of staff. Other staff members are here, communications director. Had a great visit over lunch. Looking forward to furthering conversation. We talked about everything from music to transportation to solid waste to even no-kill at our animal shelter. He's very interested in the things we're doing in austin and we likewise interested in some of the things that they are doing in toronto. So we look forward to further discussions over the next few days. But then establishing a life long relationship between the cities of austin and toronto via our music alliance. So welcome, and look forward to seeing you upstairs in a little bit.

>> Thank you, mica. Another subject we talked about was the composition of

councils. And

--

>> that's right.

>> Mayor ford advised us that his council is comprised of 44 district. And we're getting ready to put our toe in that water very soon. And we've got some valuable advice from mayor ford about how to conduct business that way. Mayor, I'd like to invite you up, just say a couple of words. Your delegation can join you if they like.

>> Well, thank you very much. The rest of the councilors, unfortunately, they missed a connecting flight from chicago. So we're rather a little late, but they are coming shortly. I want to that i, mayor

-- thank you, mayor, members of council, for your hospitality. This is a beautiful city. I can't wait for this alliance to get off the ground. I'm working closely with the music leaders in our city and everywhere you turn in this city, you see music, you see people work. You have a very clean city a very safe city and I just want to thank you for your hospitality. Everyone is so friendly. Wife, my family is here. And we're having a great time! And I welcome all of you to toronto. And you'll love the city. And I just -- I'm so excited for this music alliance and this working relationship to continue over a number of years and again, words don't describe how much we appreciate your hard work and your dedication. And I love the size of your council. We have 44!
[07:42:21]

[Laughter]

>> I can't get enough of this. So I'm goi take a picture and say, see, they can do it, why can't we. All the best to you, thank you, and I look forward the reception tonight. [Applause]

>> thank you, mayor. [Applause]

>> so without objection, we are now in recess for live music and proc cla makes us.
-- Proclamation

>> if I could have your attention, it's time for live music in austin, texas. The peterson brothers, glen is 17. Glen, wave at everybody. [Applause]

>> alex is 14. He plays bass guitar, violin, and also sings. [Applause]

>> just a few years ago, they discovered the likes of bb king, alan wolf, and stevie ray vaughan. Around the house and began exploring the historical background that we

know as the blues. So now here they are with us today and we're very proud to have them. Thave solidified their place on the austin music scene and are becoming recognized across the country as true prodigies. Anybody ever called you prodigies before? With a deep blues sensibility that belies their young years. So before I ask you to play, we have something special for you. Jeff van zant, is heere? Come on up, jeff. He'd like to surprise you with a gift.

>> Thank you for that bass

-- [laughter]

>> you go ahead and make the announcement, if you'd like.

>> Thank you. Hey, mic. Welcome, everybody. And welcome our friends from canada. I love toronto. Cloe charles is one of my artists on guild. She's amazing. I love her. Love her. Been watching these guys for a couple years now. Watching them closely. Stayed in touch with theme and their parents closely. And watched them emerge into what they are now. They've really grown. They're dedicated, they're smart, kind, wonderful human beings. And they deserve the world. So today I would like to announce that fender musical instruments would like to have them on board as fender artists.

[07:44:59]

[Applause] [cheering]

>> in addition, I brought a couple instruments. As I said, alex, you can put that bass down and may a fender!

-- Play a fender! [Laughter]

>> I'm got the shoreline gold custom design strat for glen. I've got an american jazz deluxe five-string for alex. [Applause] [cheering] [applause]

>> thank you, everybody.

>> Thank you, jeff. Thank you very much. So don't forget to take these with you when you go! [Laughter] so now let's hear from the peterson brothers. [Applause] ♪♪

♪♪♪

[07:50:57]

[cheers and applause]

>> Mayor Leffingwell: That, folks, is why we're the live music capitol of the world. Right there. [Applause]. Okay. Glen, since you're the oldest, are you the spokesman? Are you going to let your little brother do this? All right. I just want to give you a chance to promote your business, tell us where your playing around town, how people get your music. And where can they buy your records? [Laughter]
>> [inaudible] we're expecting to release our album sometime in the the spring. We play at the continental club on monday from 6:30 to 9:00, every monday. Thank you. And we also have at acl we'll be playing twice on sunday. We'll be playing at 4:00. Thank y'all so much.

[Cheers and applause]

>> Mayor Leffingwell: I have to say I celebrated my 21st birthday at the continental club a couple of years ago. [Laughter] I have a proclamation for you. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike. And whereas we're pleased to showcase and support our local artists. Now therefore i, lee leffingwell, mayor of the live music capitol of the world, do hereby proclaim OCTOBER 3rd, 2013 AS Peterson brothers day in austin, texas. Congratulations.

[07:52:58]

[Cheers and applause] [applause].

[07:58:17]

>> Mayor Leffingwell: Okay. We have a few proclamations to give out tonight. And tonight we have a proclamation for owe again for our small business development department. Tonight the city of austin kicks off small biz funding month. This is for the month of october. We've talked many times about how important small business is to our economy here in austin. Between 2000 and 2010 the number of small

businesses in austin area grew by more than 26%. We're glad to confirm that. Austin really values its small business and we show it everyday. We do better with these folks up here who operate our department. I have a proclamation which reads, be it known that whereas access to capital is the number one business need for entrepreneurs designed to start or expand a business. And whereas small biz funding month encourages entrepreneurs to explore opportunities for expanding their businesses by exploring everything from traditional loans to crowd funding. And whereas the city's nationally recognized business loan fair called meet the lender is designed to assist local entrepreneurs by providing opportunity to meet dozens of lenders face to face in a business friendly environment as they gather information, learn about the loan process and discuss their needs. And whereas meet the lender kicks off a full month of classes and events coordinated in partnership with the area community leaders and funding experts that make up the first annual small biz funding month. Now therefore i, lee leffingwell, mayor of the city of austin, texas do hereby proclaim october 2013 as small biz funding month in austin, texas.

Congratulations to all of you.

[08:00:21]

[Applause]. I'd like to invite vicky valdez of our city small business development program up to say a couple of words. And you get to keep the proclamation too.

>> Thank you, mayor.

>> Mayor Leffingwell: You've got a whole wallful by now.

>> Thank you, mayor. Ooze the mayor mentioned by name is vicky valdez and i manage the small business development department here at the city of austin. Small business month is a good opportunity for entrepreneur exploring business options. Throughout october classes will be offered on topics ranging from government loans to how to prepare for the loan office, crowd funding and even how to pitch your business to potential investors. The kickoff to this event is the city's meet the lender business fair on wednesday, october the ninth at palmer convenience from three to seven. Meet the lender is an annual event for small business community where borrowers can meet informally dozens of lenders. And by the way, this is our 10th annual meet the lender event. We're excited about that. We also want to thank our small business friendly community lend stories making the education opportunities

available for october. We have some of them here tonight and I would like to introduce them to you. Claudia connor with big austin. Mario morales and alicia larkins with business community lenders. And adena washington with people fund. Thank you to all of our partners for making this first annual small business funding month a success. And last, mayor, thank you for you and council's continued support of small businesses in austin and also upper management within economic growth and redevelopment service because without your support we would not make this event and this funding month possible. Thank you. [Applause].

[08:03:20]

>> Thank you all for being here, and we are about to declare this annual buy national health week in austin. First I want to welcome ambassador (indiscernible) hear to austin city hall. Some of you may know that he is the consul general from mexico to -- she's the only consul general that we have that actually lives in austin. She represents several cities around the state, of course. We're very proud to have her here. And to celebrate binational health week. And it's a very -- some of us would agree it's a very appropriate week to be celebrating that. Health issues have been somewhat in the fuzz. So I have a proclamation which reads that be it known that whereas bi-national health week is a coordinated effort between the u.S. And the consulates of mexico, el salvador, evacuate mall la, peru, colombia and ecuador to improve the quality of life for the underserved latino population by expanding their access to health care. And whereas our country is home to more than 45.5 million people of latino origin, many of whom are mobile populations requiring multiple approaches and service design delivery funding priorities and a strong bi-national commitment. And whereas in austin the [speaking in spanish] at the consulate in mexico coordinates bi-national health week and provides year-round outreach to underinsured latino populations to raise awareness about preventive health and available health services and whereas we recognize the efforts of the consulate and the -- consulate and many organizations and volunteers collaborating on health related activities this week, now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 12th through the 22nd, 2013 AS THE 13TH Annual

bi-national health week in austin, texas. Congratulations, madam ambassador and I invite you to at a couple of words.

[08:05:40]

>> Thank you very much. Bi-national health week is a nationwide event which in austin consists of a week long series of free activities and education about health. It is one of the nation's largest mobilization efforts to improve the health and well-being of the underserved latino communities living in the u.S. Federal, state, county and city agencies come together with the community organizations so they can participate in this event. This year the [speaking in spanish] of the consul general of mexico in austin, along with community partners, has coordinated a wide range of activities in collaboration with numerous organizations, and they will take place all over this city. I'd like to highlight our kickofflth fiesta next saturday, october the 12th at the (indiscernible) middle school. Community members of all ages will be able at the health fiesta to access free mammograms, vision, dental screenings, hiv and std tests, flu shots and so on, while enjoying, of course, music, food and entertainment. The health fiesta and all other activities will increase understanding andawareness of preventive health to latino community. There by our goal is to create a health fair community for all. You may find more information about the bi-national health events at the consulate's website. And follow us by twitter. Thank you so much. [Applause].

>> Mayor Leffingwell: I forgot to mention that the ambassador talked talked a bit about preventive measures and ianted to announce today that I got my flu shot. I urge you to go get yours. [Applause].

[08:08:38]

>>> Good afternoon. I'm russell wiseman, cultural arts education manager for the daugherty arts manager and (indiscernible) for the austin parks and recreation department. October is arts and humanities month. This this is a celebration of arts and humanities in america. It's become the largest annual celebration of the arts and

humanities in the nation. The history of art and nature division of the arts and recreation department would like to take this opportunity to recognize several individual businesses and organizations for their outstanding contribution to the arts in austin. I'd like to thank the honorable lee leffingwell, mayor of the city of austin. Cora 80, assistant director of the austin parks and recreation department. And laura esparza, division manager of the parks department history arts in nature division and my boss, for their assistance with this presentation. Places, please. To begin, the george washington carver museum and culture center nominates the honorable texas state represent dawnna dukes. Would you join us down here? Representative dukes led the way along with texas black caucus for the george washington carver museum and cultural center to become the official custodian of five juneteenth sculptures. The carver is was the first museum in the nation to have juneteenth as its core exhibition. Representative dukes has an extended family history with the museum which has led to become a major contributor to the arts. Having these sculptures at the carver museum will aid in telling the many stories of juneteenth past. Thank you for your leadership in preserving austin's cultural heritage. [Applause]. Okay. The carver museum would also like to nominate and recognize university of texas at austin americorps vista program, sheryl sawer, director. [08:10:58]

[Applause]. Volunteerism is 24/7 with the university of texas americorps vista program. They are called on on weekend and off times. The task may be little, big, short or long and vista comes through to serve the carver. The vista workers and the quality of work provided at the carver through volunteering and everyday they live up to their code, their last great adventure with the the carver is was the juneteenth 2013 celebration. They were on site before the crowds arrived doing setup and making ready jobs. Vista assisted us on every level of the separation with whatever and wherever you need us, we are happy to be there. The carver is a lieutenants these willing workers as our partners in the arts and humanities. [Applause]. >>> The george washington carver museum and cultural center would also like to recognize mr. Heywood bethel. [Applause]. Mr. Bethel acts as the carver museum's interpreter of slave narratives. He is the carver's walking, talking historian who dresses as the characters he is portraying during his presentations. He engages the

visitors like no other. Mr. Bethel enhances the museum throughout the year with memorable portrayals from slave time into some of his own experiences. He is indeed the character to meet and know at the carver museum. Thank you, Mr. Bethel, for your time, talents and generous art. [Applause]. The Daugherty Arts Center would like to thank the friends of the Daugherty Arts Center. Represented today by the executive committee members Lucky La Mu, Cynthia Wilcox and Jennifer Wilson, Anne Porter. They are a group of individuals who champion the arts as a vehicle for personal development, the creative park that helps people grow into more sophisticated thinkers and the dreams of a community. They have supported the Daugherty by being a central component of the center's open house both last year and this. They have encouraged the city council to provide additional funding for the soon to be new and improved Daugherty Arts Center and they have provided leadership for the Daugherty Arts Center staff on a myriad of topics from programming to facility to customer service. They are an essential part of the Daugherty Arts Center both now and well into the future. I'd like to thank them for their generous efforts and serious accomplishments.

[08:13:42]

[Applause]. I would like to call upon my boss, La Esparza, to help with the next presentation.

>> Thank you. The Emma S. Barrientos Mexican-American Cultural Center would like to nominate Elena Silva. Ms. Silva is a published author dedicated to the works of the emerging and established Mexican-American and Chicano poets and writers to create and nourish ties between writers of other races and ethnicities. And to offer writing workshops not only of interest to other writers, but to Austin's diverse communities. The [speaking in Spanish] literary festival and workshops attracted over 100 participants ranging from established writers to people that just wanted to see if they could write a poem or a verse. The Emma S. Barrientos Center is proud to collaborate with Elena Silva for a third year, a great thank you for helping us all see a brighter tomorrow for literary artists. Thank you. [Applause].

>> The History Arts and Nature Division of the Austin Parks and Recreation Department would like to call to the floor Mr. Pete Malone and John Faulk. [Applause]. John Faulk has been quite a

-- has made quite a contribution in the renovation of the zilker hillside theater by arranging donations from architects and engineers firms to pulling contracts

-- john, what do you pull?

>> Right now?

[08:15:43]

>> No.

>> Site corrections.

>> John faulk has been working very hard with getting all of the site corrections done for the renovation at the hillside theater. You can tell I'm improvising. We want to thank him. This is his third consecutive partners in the arts award for his generous contributions to parks department. Also mr. Pete malone with malone and wheeler incorporated, has graciously volunteered to donate all of the engineering services for the design and construction of wastewater line to service the plan for the trail head public restroom facility at zilker park. This new line will also allow zilker hillside theater to have restroom facilities for the first time. Not only will this save

--

[cheers and applause] not only will this save the city considerable amount of money, but will allow the tens of thousands of people using the trail and attending music, dance and theater events at the zilker hillside theater to enjoy the use of the future public bathrooms. Thank you, mr. Malone and mr. Faulk for your generous donations. [Applause]. Okay. Again, the austin parks and recreation department's history and nature division would like to say thank you for these generous and committed people, organizations and businesses that have made austin the arts culture and heritage destination that it is today. I'd like to invite all the recipients and nominators and ceremony staff to join us outside so they can continue in here, for a photo. Thank you and good afternoon. [Applause].

[08:18:25]

>> Mayor Leffingwell: Proclamation in honor of one of our great small businesses

which just happens to be like so many of them are, a restaurant, a cafe. They may even serve beer and stuff there too. The moon shine patio bar and grill here in downtown austin. Be it known that whereas moonshine patio bar and grill was built on the concept of taking customers back to a simpler time serving up great cooking with an innovative take on classic comfort food and whereas moonshine was founded in 2003 by chuck smith and larry perdito

-- are you there?

>> I'm right here.

>> Mayor Leffingwell: Well-known local restaurant entrepreneurs, and has since become an austin staple. And whereas because of its downtown location moonshine attracts residents and professional people, but its proximity to the convention center has made it a hot spot since convention center visitors and festival attendees as well. And whereas in a

-- be the way, I've been there too. Whereas in a city where small business is big business we are happy to congratulate moonshine on its 10th anniversary and to wish them much continued success. Now therefore I, Lee Leffingwell, mayor of the city of austin, texas do hereby proclaim october 2013 as moonshine patio, bar and grill month in austin, texas. Congratulations, guys. [Applause]. I'll let chuck tell us a little bit about it.

>> It's an honor, thanks, y'all. Special thanks to the mayor and the council. And to this great city. We wouldn't have 10 great years if it wasn't two of this great city of austin. We would like to give special thanks to all the moonshiners, our team members. Of course our family and friends. And most of all, the most awesome patrons. Thank you. Appreciate it.

[08:20:28]

[Applause].

>> Morrison: Thank you for coming. We are here to recognize and celebrate disability mentoring day. I'm joined by kathy keller, who is on the mayor's committee for people with disabilities, as well as dolores gonzalez and mark washington, our director of human resources. And we haven't met yet. Anela, who is

-- are you also on the committee?

>> Yes. (Indiscernible).

>> Morrison: Perfect. Thank you all for coming. And the disability mentoring day is such an exciting opportunity for people with disabilities, but also for the people that serve as mentors. We did that one year in my office and it was just a whole lot of fun and very illuminating and touching for us. I'm glad to be able to present this proclamation. It says be it known that that whereas more than a million people with disabilities have entered the labor force since the passage of the americans with disability act in 1990, enabling them to contribute to our society and to their own fulfill meant of the american dream. And whereas disability mentoring day provides an opportunity for students and job seekers with disabilities to shadow an employee at their workplace. And to gain insights into possible career options while enabling employers to recruit new talent for internships and employment. And whereas we commend the team of local organizers working with the mayor's committee for people with disabilities and the american association of people with disabilities who arrange the mentoring opportunities for disabled citizens and there by help them realize their potential and encourage their full integration into the workforce. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim october 16, 2013 as the 11th anniversary celebration of disability mentoring day in austin. Congratulations.

[08:23:22]

[Applause].

>> Thank you, councilmember morrison for presenting this proclamation. This october 16th will be the 11th year that the austin mayor's committee on people with dilities has hosted disability mentoring day. This year we have almost 100 mentees. Disability day is about career matching students and mentors in their chosen field. This year austin employers open their doors to these students allowing them an opportunity to peak into their own future as fully engaged working citizens taking a step forward toward their dream. Event is a team effort made possible by our partners at austin community college, amerigroup community care, austin independent school district. Hays consolidated independent school district. College living experience. Austin partners in education. The coalition for texans with disabilities. Texas department of stive and rehabilitative services, texas school f the blind and visually impaired, and goodwill industries of central texas where our

luncheon and presentation will take place. I would also like to send out a big thank you to our sponsors at darden restaurants who each year support us by funding our group of over 200 participants and partners. Thank you, councilmember for this presentation and this proclamation. [Applause].

[08:26:09]

>> Morrison: All right, last but not least with this fine group of folks behind us we are here to celebrate and recognize austin creates month. I don't think there's really much I can say. I mean, what a cool place austin is and how much great creativity, creative industries, arts and culture that we have can touch everybody's life. So that's what our goal is. We know it's a huge part of our economy. So it's great that we had this month to celebrate that. So I have a proclamation and really I feel like I should be presenting it to all of you. I'm not sure who is going to speak. It says be it known that whereas the month of october is celebrated locally and nationally as national arts and humanities month to recognize the importance of culture in america and to encourage all citizens to participate in the arts. And whereas arts culture and creative industries are an important economic force in our city as evidenced by recent economic impact studies showing that the creative sector in austin accounts for over 4.35 billion. That's billion with a b, dollars, in economic activity. Almost 49,000 jobs and continues to grow. And whereas the city's cultural arts division of the economic growth department continues to promote art, imagination and creativity as part of a daily fabric of our community's identity, economy and cultural vitality. Now therefore i, lee leffingwell, mayor of the city of austin, texas do hereby proclaim october, the month of october 2013 as austin creates month in austin, texas. Congratulations and thank you all for your work. [Applause].

>> I too want to thank the mayor, city council and particularly councilmember morrison for all of

-- not just the support, but really encouraging creativity in our city. And we're calling october austin creates month because we are joining with our friends with the parks and recreation department to recognize the important role that arts in culture play in our city and to celebrate creativity that resides in everyone and what makes our community so vibrant. It is national arts in humanities month and we're celebrating it

on a local level. It is the largest annual celebration for arts and humanities in the nation designed to recognize the importance of culture in america and encourage all citizens to actively participate in the arts. The economic development department recognizes the impact of creative industries on local economy and our creativity fuels the economy by attracting new businesses and residents to our city as well as visitors and tourists that spend money and add to our economy. In neighborhoods across country art continues to bring people together, address important issues and spark new conversations. It's a city like austin that attracts innovative art projects like thirst called in the center of town lake. It provides an engaging and thoughtful program for thinking about water resources and how our environment and lives depend on using water wisely. It's a new fiscal year for the city and so a perfect alignment for the arts in humanities month to announce some new initiatives to support creative life in our city. It will highlight austin's unique voice and places on a national and international level. Also we're calling austin residents to participate in a cultural tourism survey. We want to know what makes austin a unique destination from the eyes of a local resident. Your response will help us to tell the story of the diverse people, places and traditions that set our city apart. Tell us your austin story and tell all your friends to take the survey at speak-up austin. And right now professional artists within the austin area are encouraged to submit artwork for consideration of the 2014 people's gallery exhibition which takes place every year here in austin city hall. These are just a few of the new arts initiatives happening throughout the city and you can find out more information about these programs on austin creates.Com. There are amazing cultural events going on all month in celebration of arts in humanities month I encourage all citizens of austin to get out there and participate in the arts. Thank you so much.

[08:30:48]

[Applause].

>> This was actually first on my agenda. I'm not only accepting this. I also want to recognize my friends and colleagues with me here. First we have arts commission chairman brett barnes along with commissioner lulu flores. [Applause]. Our economic development assistant director director rosie halefi. And our creative industries manager jim butler here with us. Thank you all.

[08:32:48]

>> We're out of recess and we'll begin with item

-- pick up where he left on item 96. And I believe where we left off was council member morrison had the floor but she's not here. So if anyone else would like to

-- I believe you had something to say, council member tovo. About this item.

>> I do have something to say, and I've motion to pose. But I believe council member riley had another

-- I think there was some more comments on that issue, so I'll yield if he wants to jump in, council member riley.

>> Let's recap and make sure we know where we are. We have a motion and one friendly amendment accepted and there was suggestion in progress from council member morrison on another amendment. And there she is. So you have the floor.

>> Thank you, mayor. I think I'm going to just toss this back to council member riley, who has gotten a look at the motions that I passed out. And might be able to merge them all together now.

>> Council member riley.

>> Thanks, mayor. Yes, I have been looking at the suggestion that council member morrison made and I think we're both trying to aim toward the same basic concept that we've been discussing with staff, and that is what we want some determination about the project's baseline, meaning essentially what the project could do today without

-- without the pud. Because that's the home concept. That's the starting point from which to determine the bonuses that are required for the additional development.

And so with that in mind, i would suggest one additional modification of the same sentence we were talking about before, and that's the last sentence, and section 1.3.3. It was a and now I guess it's just 1.3.3. And the sentence, what

-- what we were suggesting is that sentence say, unless the council establishes a different baseline as part of a comment under section 1.3.2, the baseline is determined by the applicable site development standards and regulations provided in the base zoning district combining an overlay district and so on as it currently reads. So we're just inserting the phrase, applicable site development standard and

that's the phrase that council member morrison suggested which just takes into account all of the different standards

-- account all the different standards that might be applicable. If you would be limited by compatibility or setbacks or any other development regulations, that's going to affect your baseline. Even if you might otherwise be able to get additional square footage under some bonus provision, you're not allowed to take advantage of the bonuses unless you could achieve the bonuses within the current rubric of development and regulations applicable to the site. And I think we're in agreement. It's just a matter of getting to the right wording and I think this captures it.

[08:35:55]

>> Council member morrison.

>> Yes, I believe that captures it also. I was putting in it the negative on my original -- the language that you didn't see written. But just to confirm, it's about what you can feasibly actually achieve on the site given all of the different site development regulations, whether they're in the base district and overlay, a beginning district, or anything else that applies. That's the applicable site development regulations whether it's compatibility standards and the existing entitlement is what you can achieve with that determines the baseline and I think

-- I think we're all in agreement that that language captures it. I hope.

>> Mayor.

>> Council member riley?

>> To carry that same concept forward into the next sentence, which was previously identified as subpractice b, but I think we're glomming them all together, that last sentence as proposed would read the director shall provide an estimate of the maximum extent of development allowable under the project's existing zoning. That's a little awkward because that's the same concept we're trying to capture with the baseline. And then the problem is it is that it refers to the project's existing zoning, which introduces some ambiguity because

-- ambiguity because there may be overlays that haven't been associated with the

-- aren't associated with the zoning but would be available. Just to make it clearer, I would suggest that we modify that sentence to just say, the director shall provide an

estimate of the

-- of the properties' baseline in the project assessment report.

>> I believe that that is clear.

>> Yeah, it clarifies it, simplifies it, and still sticks with that basic concept.

>> So you're proposing to amend your motion with that language and I believe mayor pro tem was the second, is that right?

>> No, I think council member

--

>> council member spelman.

[08:37:57]

>> Council member riley, could you read that one more time?

>> If the paragraph would read, unless

--

>> the last part.

>> The last sentence would read, the director shall provide an estimate of the property's baseline in the project assessment report.

>> Property's baseline, okay.

>> Baseline entitlements. Some I was suggesting baseline entitlements. Would that be better or does it matter? Doesn't matter.

>> We know what it means.

>> Fair enough. Good.

>> So that's accepted. Is that a second.

>> That's fine with me.

>> Is that's fine. I think we get the idea. Let me ask you a hypothetical question. Say in the case of the taco pud, would that change the entitlement that is calculated for them now?

>> I'd have to say we'd have to go back and look at it because we didn't look at it with that thing in consideration, but i believe it would not.

>> You believe it would not?

>> Because we would have

-- we'd have to presume a building which is not necessarily what they intend to build.

It would essentially be a

--

>> trying to use that as an example. This item is not on the agenda but I'm trying to use it as

-- it has a certain baseline entitlement or baseline and I think most of us assumed that their contribution to the affordable housing trust fund would be based on the density above that baseline.

>> That is correct.

>> And I believe that's the way it's been calculated now. And I just wonder if this is anything different.

>> I do not believe the apartment is covered by anything that would lower them what they are already are.

>> I'm just trying to figure out if what I understand is correct about how it works.

>> Mayor?

>> Mayor pro tem?

>> I have another what I hope will be a friendly amendment based on our earlier discussions. Jerry, the planning commission in section 1.333 made one recommendation as the staff flexibility and then staff made another recommendation. And we've talked earlier about sometimes staff needs that flexibility like with Concordia or an irregular zoning case. And so I'm hoping to put the staff recommendation language back in there. Did you want

-- could you clarify that a little more?

[08:40:29]

>> Sure, the ordinance that's in the backup, would that would mean is not striking out basically all of the points that have been stricken out with the line through them. So it would read that the baseline

-- for determining development bonuses, the applicant must recommend and the director of the

-- would now say planning and development review department, shall establish the following in the project assessment report. The zoning district or district to be most appropriate for the property, if it were developed without zoning, the district or

district must be consistent with all applicable neighborhood plans, neighborhood plan amendment, initiate concurrently with the req for pud zoning. And then there's another portion that council member riley read that would also include the director's determination establishes. So what that would mean would be taken out the lines that are stricken in the ordinance before you, because those were stricken because of the planning commission's recommendation.

>> And I'm simply proposing to the makers that we need that flexibility and we have the option of disagreeing with what staff wants to do at the briefings that we have on the pud zoning. Is that correct, jerry?

>> Yes, that's the way the coding exists today, is that

-- again, we haven't had to do this yet but there's the possibility that we may recommend a different zoning for the baseline than what exists today. And we would present that

-- we'd present that to you in the development assessment report that we do the briefing before council as we discuss for council member spelman, if there were a difference of opinion, we'd probably put it out for a vote at the next meeting. But the way it is right now is that the staff would present that to you in the development assessment report. The planning commission recommendation and the c.D.C. Recommendation was to take that option off the table.

>> Mayor?

>> Okay. So that's proposed as a friendly amendment, mayor pro tem?

[08:42:31]

>> Yes.

>> Could I ask the maker first if he would accept that?

>> I think I would, if I could just ask a question.

>> Okay.

>> I want to make sure i understand what we're talking about. This would cover a situation

-- suppose you've got a lot in a single-family area that's an old lot that for some reason is still owned dr and it's clear that if every other lot in the area is sf3, then instead of using dr for your baseline, you might suggest using sf3 for your baseline. Is

that

--

>> yes, that's correct.

>> And that's something that you would be allowed under this amendment but it would not be allowed under the current language?

>> Or for example, on the corner of Cordia Road, we had property adjacent to the I-35 where the existing office building is now. It was zoned single family because it was part of the university. Under this we'd come in and say, absolutely

-- they would probably

-- if they asked they would probably receive general zoning. So we'd say general would be the baseline. We'd ask the council if they agreed with that or not. But we would presume general for baseline, because the zoning that we would presume that they would be able to get if they weren't asking for a podium.

>> So it just allows a little more flexibility to deal with peculiar situations.

>> The presumption was the developer could probably come

-- would probably come in a zoning case to get to that point. You know what I mean? So when they came in, asked for a podium, they reduced that area. And so this would essentially save them from having to do that step.

>> Okay.

>> But it required the council's acquiescence during

-- acquiescence. During the process.

>> Do you want to

-- do you want to let council member Morrison to make a comment before you decide?

>> If she insists on making a comment, she should feel free.

>> I'm not clear on the motion. I take it you are recommending under the revised backup under 1.3.3 that, first of all, you're suggesting in the title where it says the striking of the applicant must recommend

-- you're suggesting that be unstruck?

[08:44:42]

>> Yeah, I'm suggesting that all the stricken language be unstruck so that the director

has the flexibility that we've been discussing.

>> Okay. Because then it doesn't make any sense anymore, because it says, unless the council establishes a different baseline as part of a comment under section 3132, the director's determination establishes the baseline for determining development, bonuses is determined

-- it no longer makes sense. If the problem is saying that the directors adding back in -- the director's determination establishes. Because we've already just decided and come to agreement

-- well, just went into the motion was that what determines the baseline is the existing entitlement. So if you want to say no, that's no longer

>> council member morrison, hold on. I believe in jerry's

--

>> mayor pro tem

--

>> oh. Mayor

--

>> normally, you yield to the mayor pro tem, because you had the floor. We can't just go

-- interrupting each other.

>> Those are my comments that it no longer makes sense what you suggested. So yes, I'd love to yield.

>> Thank you, council member morrison. And excuse me, mayor. Jerry, it was my understanding that perhaps we only need to add back for the flexibility that we're discussing through the language that ends with the request for pud zoning. And perhaps the directors' determination establishes that stricken does not need to be stricken. I think that's the problem.

>> Yes, I believe you're correct. So instead it would read, it would take back in the language, which I think is

-- long for me to read, but it would be back in the language that exists in the code today. It would stop there and say, unless the council establishes a different baseline as part of the comment under 1.3.2, council response, the baseline for WK<ñ zU4zçó óNO CARRIERRINGCONNECT 57600 If that is somehow inproiate baseli- an inappropriate baseline, then staff has an opportunity to tell us we don't think it's the ropeiate baseline. It's dr, it's irr. It was a church and it's next to i-35. And we think a

better baseline would be g. And

-- gr. If we unstrike this language, then that would be binding. That would just be the rule. However, the way it's now written, if staff believes that the language is that this is an improper baseline, they can tell us it's an improper baseline. It's up to you. And council would have an opportunity to rule out. I'm more council ruling on it than I am giving staff to present us with a fait accompli. We'd have to agree on this if it were up to the council to make that decision. Alternatively, the staff disagrees but staff just allows a different baseline, they are we're kind of stuck with a different baseline.

[08:48:32]

>> I think that we're making talking about two sides of the same coin. I believe

-- same coin. I believe under mayor pro tem cole's apartment, it would

-- amendment, it would function as it is now.

-- We would let the council know at the time that we were doing that that assessment report. If we were to strike that language, I would take that to mean the staff no longer has the opportunity to present that to the council.

>> Oh.

>> But it would retain the option of

-- if the coming up decided there was an alternative baseline, they could suggest that at the time of the development assessment report. But it would not be something that the staff would be forwarding to the council. It would rather be something that would have to come from the council.

>> Mayor?

>> I may have misunderstood our earlier conversation. And it was a long time ago before we had music and proclamations, so I may have forgotten something. But it was my understanding on the conversation we had before the break that if you felt that a particular

-- the baseline granted in the black letter language was inappropriate, that you would have the authority to tell us we think this isn't the right baseline. Another baseline would be thus and such.

>> That's

--

>> you don't think you have the authority to say that.

>> Not with that part stricken out. I believe mayor pro tem's amendment would allow us to do that which is what the existing code is today.

>> What I'd like to have happen is for both the staff and the council to agree on a baseline, if it's going to be anything other than base zoning binding district overlays and other applicable development standards. If it's anything else, I like you and us to have a chance to discuss it first and make a normal

--

>> we would present that in the development assessment report. We haven't had to do that yet.

>> City attorney?

>> I understand what's being said, but if we leave that language in, we can't just leave that language in the way it's state now because it will just cause confusion.

>> Right.

>> So my understanding is you want language that says that the staff

-- the director can make a recommendation and the council

-- is it

-- well, I'll tell what you I don't know. I don't know. Do you want the baseline to be, as a rule, the existing zoning including

-- is that still the rule?

[08:50:49]

>> That's what I would like to

-- you're only asking me, so I'll answer for me. What I would like is for that would be the rule, and if staff believes that the rule should be changed, a different baseline would be more appropriate, I'm agnostic on the issue of whether they say it is and therefore it's done, but we can overrule it or whether they can make a recommendation and we can accept it or not. I think I'd prefer the second more than the first. But one way or another, I do not want the original language, which is there is no rule and it's entirely up to the director to decide what the baseline is. That's where I think striking all the changes we've made would put us. I don't think that's the right place for us to be.

>> I think the right place is where we are right now with the revised language that council member Riley accepted. Although I will admit I've been watching the readout, and we have broken the machine twice. [Laughter]

>> Mayor

-- [laughter]

>> Go ahead, Mayor pro tem.

>> I just want to be clear on what I'm trying to do. With scheming that language. And that is

-- with keeping that language. I agree with the language that we have come to thus far as the rule. About you I want staff to have

-- but want staff to have the ability to change the baseline zoning for what those rare reasons that we have talked about, and make a recommendation to us that we would overrule. We have only talked about one case that that has happened in, so I'm not falling on the floor about this, but I think it's just good policy.

>> Actually, it's happened in no cases thus far.

>> Oh.

>> We have

--

>> You accepted the language, correct?

>> I accept the intent. I'm not sure that the language gets at that intent. I'm just not sure, because there's lots of words, some of them struck out, some of them underlined and I'm not sure where we are.

>> Maybe we should get just a readout of what the language as you understand is right now. Just read the

--

[08:52:50]

>> The way I understand the language right now is that it says baseline for determining existing zoning, the applicant must recommend the director of the planning development review shall establish the following. The zoning or zoning districts will be most appropriate for the property if it were developed without zoning.

-- Or neighborhood planned amendment initial
-- for pud zoning. Unless the director establish as different baseline as a part of the common period, under 1.3.2, which is the briefing we presented, the baseline for determining development bon bonuses is determined by the regulations provided in the base zoning

-- baseline districts

-- as amended by council member riley to include the part in there that says all applicable site development regulations. That would be the current code which is that we go with the second portion of that. We go with the existing zoning, including any overlay districts or combined district, and apply all applicable site development regulations, unless we determine there is a need to suggest a different baseline and we present that to you all at the briefing. And if there seems to be a disagreement, then we would at the next council meeting put an item on to determine what that baseline would be.

>> Can I suggest that we

-- I'm being advised by the city attorney, so this is confung, we know what the intent is. I believe she knows what the intent is. The instent is to give staff

-- intent is to give staff the authority to make recommendations for an alternative baseline and that we give the city attorney authority to make editorial changes to accomplish that goal within the language that we've set out here.

>> I withdraw my friendly amendment.

>> No, no.

>> You like it?

>> It's in.

>> Okay.

>> As I understand it I that language

-- I understand that, that language

-- with one small exception. I think it was a misread. Unless you said, unless the director establishes a different

--

[08:54:55]

>> supposed to be council.

>> You mean council.

>> Yes.

>> With that reading, I think

--

>> unless we disagree with ourselves. [Laughter]

>> I'm glad we agree with ourselves. That I believe does get at

-- mayor pro tem cole's intent, which is something i wholeheartedly agree with, so i will accept that as a friendly amendment.

>> And council members riley and spelman, would you give the city attorney within that understanding

--

>> absolutely.

>> An opportunity to editorialize on that. Or to make corrections. All right. So that's incorporated into the motion. Council member morrison.

>> I do need to understand that what this means just in terms of the flow. We have the staff can make a recommendation. And the council can accept that recommendation or make some other determination. But if none of that happens, then it is the rule that we have established.

>> Yes. I think in most every case, wiled go with what the existing zoning is, applicable site regulations, combined overlays. Just in the instances where we make a recommendation, you would have a chance to review that before the pud is submitted. So we have a chance to tell them this is changed.

>> Okay. I think we're there. Any other comments? Council member tovo?

>> Yes, I mean, on this point or are we ready to move on?

>> I don't

-- I thought we were ready to move on.

>> Okay.

>> If you don't think so, let me no.

>> No, I thought

-- let me know.

>> I thought council member morrison said she had another amendment.

>> Councilber morrison.

>> Actually, council member riley has integrated my other amendment, but I have to

ask with regard to the language that we've now ended up with, the baseline cannot be determined finally until it comes through council.

>> Yes, that's the existing code, yes.

[08:56:57]

>>

-- Code, yes.

>> Exciting code. And it does say that the director shall provide an estimate of the maximum under the property's baseline in the project assessment. So you're going to have to just go with the existing zoning in that

-- that first

-- in part b because we won't have finalized

--

>> we probably present both to you. We'd present what the existing would be and what would be under our presumed baseline to help you make your decision.

>> If you have a recommendation outside the rule, you would do both of them, okay. Great, thank you.

>> Yes.

>> Council member tovo?

>> Okay. So I distributed a motion sheet that I'd like to talk about. The ordinance we have before us allows for the density

-- the development bonus to be satisfied either through the provision of on-site housing or through donations for affordable housing as described in 255. And I have suggested a few language changes that would really put forward on-site affordable housing as the expectation. So it doesn't measurably change what I would regard as a substance of the ordinance that's before us, but it would i think acknowledge that our expectation, our hope, is that we will have on-site affordable housing in hud developments rather than fees in lieu paid into a fund. And we've

-- well, you all before I got here, you know, passed various resolutions acknowledging the need for geographic dispersal of affordable housing which I fully support. I think it's critical and i think our best way of doing that is to encourage the projects that are building and getting development bonuses to create units within their

developments. And so the language I've proposed again is just

-- i would regard it as a tweak on what is in the existing ordinance. And it does allow council to waive that requirement. So I'll walk you through what I've proposed. I guess I'll do it formally. I move to amend part 2, subsection 252 of the draft ordinance by deleting the option in b2 that the developer may make donations for affordable housing. Instead just sticking with

-- providing

-- provide contract commitments and performance

-- this is the original language

-- guarantee

-- exceeding or

-- requirements for rental housing, and section 254, requirements for ownership housing. Then it strikes out the business about making donations and instead adds in a provision which is noted as c but staff would have

-- would need to

-- well, I'll let debra explain that later. And would instead add in the language, the council may waive the requirements of section 253, requirements for rental housing, and 254, requirements for

-- developers would make donations for affordable housing as described in section 255. And I haven't made any changes to 255. It's what is currently in there. And that is that motion. And again, we have in our ordinance now that the developer can do on-site housing or pay a fee in lieu and this would say the developer is going to pay a fee in lieu, excuse me. The developer is going to provide

-- goodness. Let me start again. We have now in the ordinance the developer is going to provide on-site housing or contribute fees in lieu to a trust fund. Inst this would say the develop ser going t construct on-site afford how long

-- housing and then we can waive that provision in a circumstance that warrants it. I hope that will be accepted as friendly. Council member riley?

[09:00:55]

>> If I can ask a question of staff. Jerry, as I understand it, the way the ordinance works now, is that when a pud comes to us

-- and we

-- we have an opportunity to make some decisions about how the affordable housing is handled on a given project. In some instances we have said in a

-- in fact, one I can recall we said we wanted some of the affordability done on site and

-- on-site and some to be done offsite within a certain radius and we went so far as to say we wanted home ownership to be prioritized because that that was more of a priority in that neighborhood. Is that consistent with the current language of the pud on the other hand, that the

-- ordinance, that the council has some discretion about the way that the affordable housing funds are handled?

>> Yes. The pud you're talking about was actually before this ordinance. But right now the way that we've written the one that was subject to this ordinance and the one that's spending subject to this ordinance is it has both options in the ordinance. It says the property owner shall either provide the units, and it spells out the number of units, or shall provide -shall pay the fee in lieu of, basically tells how you would calculate that. But the way that that ordinance is written, it allows, you know, the developer the choice when they get to the site plan stage of building the project. The council, however, when they're deciding about the approval of the pud could decide they wanted to take one or the other of those options off the YOU TAKE THAT OPTIONt THE Table when you're approving an ordinance.

[09:03:07]

>> Okay. Then I'm

-- I would say

-- would not accept these amendments as friendly, because I think we already have the discretion to decide that we want affordable housing on-site. I think there are

-- i absolutely agree that we want our whole city to be accessible to everyone. But I also am

-- sensitive to concerns like those raised by mr. Hirsch when he spoke tonight and he pointed out that in some cases, if not most cases, we can actually g a lot of

-- a lot more affordable housing bang for our b by devoting those resources towards

other housing needs, even

-- which may well be in the immediate area. And so in that sort of case, i think it
-- the need for affordable housing is so urgent that we need to retain that flexibility
to direct those resources where they will have the most impact. And I think it's
important that we retain that discretion.

>> That's not accepted.

>> Okay. If I may respond, to a few points. Mr. West hoven, I think you've said this,
but I want to just underscore the point. Right now it's expressed, the council may
have the discretion, but right now this ordinance before us expresses it as if it's the
developer's choice.

>> Yes, it provides other options, yes.

>> It says, it says the developer either provides contract commitm to create the
housing or makes donations fo affordae housing. It doesn't say the council may use
discretion. I mean, I understand we have the discretion to say, no, you're going to do
this or that, but in terms of the options that are laid forward, it is expressed as the
developer's choice. And I think if we're trying to give the development community
the kind of consistent messages that I understand are helpful to their doing business
here in austin, then I think we should say, this is our expectation. And we still retain
the discretion to make different decisions, if as mr. Hirsch said it makes sense to
encourage the develop tier do an in lieu fee. The language I put forward offer that is
discretion to waive the requirement to put on-site housing. But it does set it forward
as an expectation that our pud ordinance in front of us does not. Mr. Westhoven,
would you agree that the language that I've offered allows council to have
-- I mean, it still preserves for council the discretion to accept an in lieu fee versus
on-site affordable housing.

[09:05:46]

>> The way I understand it would still provide the council the opportunity. They
would have to make a finding in an extraordinary circumstance.

>> I would offer a couple examples of what those might be. One might be where a
pud is being developed in an area that already has a good deal of affordable housing
and it does make sense to take a fee in lieu and put it into a project in a different

part of town to try to get us toward that goal of dispersing affordable housing around our city. Another extraordinary circumstance might be an example where there are some projects that are currently under construction that need some gap financing and the better use is instead of creating units in that pud project to take the in lieu fees and put them into a priej to push that one over the edge and allow that one to go forward. But I think if we're ever going to get to the point where we're getting housing

-- affordable housing in different parts of town, we have to start using the tools that we have at our disposal and I think this is one. And I

-- I just

-- I believe it would be helpful if we sent a message to the development community, we would prefer those units to be on-site. If you can give us a good argument why they should

-- why a fee in lieu would be better, we would have with a simple majority vote the ability to waive that requirement.

>> Mayor?

>> Let me just say that to me

-- to me, the way the existing language does not indicate that it's

-- at the developer's discretion, if it

-- if that's what it meant, that's what it should have said. It could have said the developer shall in his discretion, a, either one or two. But it doesn't say that. It it just says he'll have to do one of the two options. He'll either have to make donations to affordable housing trust fund or provide on-site. There's nothing in that language that bothers me about there being any specific implication that it's the developer's choice, because it doesn't say that. Council member spelman?

[09:07:52]

>> Council member tovo, how important are those words in extraordinary circumstances?

>> I would be happy to entertain other options for language. Or to offer, say, in special circumstances, if that is

-- ems more attainable.

>> My concern with the "in extraordinary circumstances" people who pay a lot of attention to etymology understand extraordinary means not ordinary. But extraordinary sounds like amazingly rare to the average person who uses the word. And I'm concerned that some council

-- some future council, none of us

-- may get beat up by giving away too many

-- allowing too many in lieu payments in circumstances that are out of the ordinary.

But it turns out that is 30, 40, 60% of all the cases and that doesn't sound extraordinary to the average person. So rather than using those words which could be twisted around, maybe we just leave them out. If we left them out, we'd still establish the assumption walking in that you're going to do online

-- you're going to do on-site housing. The council, not the developer, but the council may waive that requirement and allow you to do fee in lieu instead. It would be the council's discretion. It would be very clear. I think it addresses the mayor's concern. Now it is clear in the ordinance, it is up to the council to waive those requirements. But the requirement would still be on-site housing in the absence of some positive action to

-- on the council's part.

>> I think that is

-- I'm sorry.

>> I think it's an important point also that council member riley has said he would not accept that as a friendly amendment. So if you wish to go forward, you're going to have to make it

-- as an amendment. As an ordinary amendment.

>> I'd be happy to do so. I will put forward that motion, and I will entertain a tweaking of the language from council member spelman

--

>> a motion by council member tovo. Is there a second for that?

[09:09:56]

>> I'll second it.

>> Council member spelman seconds.

>> I also make a friendly amendment to the amendment, that we remove the words "in extraordinary circumstances." That gives the council the discretion to do what it needs to do.

>> Okay. Let me just say, I'm still not going to support the amendment. I think the existing language is plain and conveys what we intend to convey. Through this ordinance. All in favor.

>> Indicate that you want to speak when you want to speak. Council memb tovo.

>> I'd be happy to yield to.

>> I was just going to say that if this passes, can in a include also the ability to allow me to clean up the language

-- there's some grammatical errors there that need to be fixed.

>> I think we can make that

-- an ongoing privilege.

>> Thank you.

>> For the city attorney. [Laughter]

>> all right. Go ahead.

>> Thank you, mayor. Yes, I wanted to say in a I am going to support this because

-- say that I am going to support this, because I think as I read the language as it is now, i could envision, while it's fully intended that zoning is discretionary and all that, i could see somebody reading this and coming away easily with the impression that it's totally their choice and then objecting because it says, you know, you get the bonus area if you either do the affordable housing or make a donation. And of course, everything is discretionary. But I think that the

-- if we're tending it for us to be

-- we're intending it for us to make the decision, I think it's cleanup if nothing else.

-- Cleanup if nothing else.

[09:11:56]

>> Those in favor of the motion say aye or the amendment. Opposed say no.

>> No.

>> That fails on a vote of 3-4 with council member riley, martinez, myself, and mayor pro tem cole voting no.

>> Tovo: I would suggest preserving it for those instances where we have rapidly gentrifying areas where you might have a big project going in and 60 or 80 is higher than the median family income in that neighborhood and you want to preserve the ability for people who are representative of the neighborhood around it to continue to live in that area. Again, it preserves an option that the council be able to require lower levels of affordability in areas where that's appropriate.

>> Mayor Leffingwell: Councilmember Riley.

[09:13:58]

>> Riley: I just want to be sure I understand. The all right is that the ordinance currently allows us to set a lower level of affordability? Jerran you help me understand how that would work?

>> Correct me if I'm mistaken, but my understanding is they were recommending taking that portion out when the affordability level changed from 80 down to 60. They felt that if we were to change it it would probably be taking the 80 and taking it to 60. Now that we're establishing the level at 60, I believe they supported removing that portion.

>> Riley: Both the CDC and the planning commission recommended leaving it at 60.

>> For rental housing, yes.

>> Riley: If we were going to set some level with this amendment when would that happen? Would it happen when it actually comes to council?

>> Yes.

>> Riley: My concern is it seems like that just injects a new -- an element of uncertainty in the whole process?

>> It would definitely have to be a first reading situation where you came back for the second and third later.

>> Riley: If somebody goes

-- spends months and months going through the P.U.D. Process and then it comes to council and then we say, well, we think there ought to be

-- four units ought to be available to people at 30 percent above or below, that could inject a whole new element into the financing for the project and I just don't think we ought to be promoting that kind of uncertainty.

>> We could present the proposal at the time of the assessment but it would really not be locked in stone.

>> Riley: I don't consider it friendly.

>> Mayor Leffingwell: So that's not accepted. Do you have anything else?

>> Tovo: No, just a comment.

>> Mayor Leffingwell: Okay.

>> Tovo: So there is a point at which this evening I thought, you know, I might get to the point where I can support this. I think having been on the stakeholder

-- the p stakeholder process and being part of the drafting of the ordinance that came before council I can say it was clearly my understanding that we were going to calculate development bonuses based on the total square footage. It was not a typo, it was not a miswritten secti of the ordinance. That was the expectation as far as I remember the process, and that's the memories of many others who participated in that process. So what we have done with this ordinance is really provide fewer affordable housing benefits than the original ordinance did. I think there was a point this evening where we could have made that a net positive by requiring that those development bonuses be on-site housing in the anned unit developments that go forward. I think that would have represented a pretty good trade-off. But in my book the ordinance that's before us that we're about to vote on represents really a step back in helping us achieve affordable housing. We have a tool, we should use it to the fullest extent possible. And what we've done now is really lower the benefits that are going to come forward as a result of our pud process. I will not be supporting the ordinance.

[09:17:06]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I certainly was not supportive of moving down this path either, and i think we had a long discussion about that some months ago when we set out on changing this. And I guess I too was sort of searching this evening for something that would give me an excuse to vote for me, something that i thought could be at least considered an improvement, but I don't see that happening so I won't be able to support the motion either.

>> Mayor Leffingwell: Mayor pro tem, did you have a comment?

>> Cole: Yes, I had a question for Jerry. I think we're debating this issue of what is ultimately going to result in more affordable housing. On-site affordable housing or fees in lieu. So I want to ask you if there has been any study done that suggests that on-site affordable housing is going to result in more units that you know of?

>> Not that I'm aware of. I believe I can hardly answer that.

>> Gina Copic with neighborhood housing. Can you repeat the question again?

>> Cole: We are currently considering the issue of whether on-site affordability, meaning affordable housing on the site of a development, and in this case a PUD, would that result in more affordable housing than a contribution to a fee in lieu program? And I'm wondering if there has been any studies done that support one way or the other, other than policy issues, that having on-site affordability results in more affordable units than having a program where there's a contribution made and the houses are bought throughout the city. Affordable housing is purchased throughout the city.

>> Right. I am sure that there has been some studies probably done. I'm not familiar with them, though. I can get back with you on that.

[09:19:18]

>> Cole: Let me take this one step further. If we're talking about on-site affordability near downtown or the CBD, would you agree that the price of that housing is a lot higher than in the outer levels of the city?

>> Absolutely, absolutely it is.

>> Cole: So contributions to a fee in lieu could certainly buy more houses in different --

>> outside, outside. Definitely.

>> Cole: Thank you, Mayor.

>> Mayor Leffingwell: Unless the cheapest housing is on-site. That's one exception. Councilmember Morrison.

>> Morrison: I appreciate the questions about what can you get more within a fee in lieu. But I guess I want to make the point that geographic dispersion is more -- can be enhanced by having on-site as a requirement at PUD's because we know

that p.U.D.'S will be around more. Number 2, geographic dispersion is a value that we've set. And number 3, we have acknowledged and we have to remember that geographic dispersion is going to cost more money than getting the most affordable units that you can in the cheapest part of town. It's just a as a matter of fact. It's going to cost us so money to be able to achieve that value of geographic dispersion. If we want to juts say we're only going to use the value of we want to get the most units for a number of dollars, we'll only be going and putting them in the locations that have the lowest valued land and we will not achieve geographic dispersion. So I always try and keep in mind that we have to find a balance sometime and understand that yeah, geographic dispersion is going to cost us something, but it's a value we're willing to invest?

>> Cole: I agree wholeheartedly with your comments and because of those comments I think we should have the choice. Sometimes we should be able to do on-site affordability and sometimes we should do fee in lieu. And we can't make those determinations in advance.

[09:21:32]

>> Riley: I absolutely agree with the mayor pro tem and councilmember morrison that geographic dispersion rema a critical part of our affordable housing program. I would suggest that in some cases the goal of geographic dispersion may well be better served by having some flexibility. For instance, suppose we had an option of either having one very expensive unit in a hi-rise, steel frame construction, new construction, the most expensive kind of construction you can have, or for the same amount of funds we can have three or four units in, sa low to mid rise or even single-family homes whin a half mile of the same place. I would thawing if we really want to achieve geographic dispersion, then getting a more specific number in the immediate area might well do a better job of advancing that goal than giving a handout to a lucky small handful of people who get to love in that gleaming new project. And so I think it's important to retain the flexibility to make the best decision in any given circumstance, and that would allow us to respond to the needs of the neighborhood and the whole city. And would allow us to achieve the goals that i think we all share.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Mayor, I have a last economy I think. We have a letter from housing works and

-- and then I will really end my comments on the subject. But we have a letter from housing works talking about how successful vmu has been. Vmu requires on-site housing, not payment after fee in lieu. And it says there are currently 247 units that are in the pipeline as a result of the vertical mixed use zoning regulations. Would you say that's pretty accurate?

>> That sounds accurate, yes.

>> Tovo: I guess this is a question for either one of you. Maybe ms. Copic. In the cases where we have said to developers, you have the option of creating units on site or paying six dollars a square foot as a fee in lieu, do we have developers often taking advantage of creating o housing when they can pay six dollars a square foot?
[09:23:44]

>> We really don't have a lot of experience yet. They just started building vmu. So we really don't have that much experience. We've seen it in tod's, they've been building the units and there's also an option to do a fee in lieu there.

>> Tovo: But we know we are seeing the creation of on-site units in vmu which requires it.

>> Yes.

>> Tovo: I guess I would say there aren't a lot of places in town where you can construct for six dollars a square foot, which is what the

-- which is the trade-off that's here before us. The creation of on-site units or six dollars a foot fee in lieu. Most developers are going to opt for the six dollars a square foot fee in lieu. You simply can't create units for that price. Anyway, thank you.

>> Mayor Leffingwell: Five in favor of the motion as opposed? Say aye? Opposed say no. It passes on all three readings on a vote of five-two with councilmember morrison and tovo noting no. 97.

>> My name is bart jennings and we're here to request your proposal of proposed modifications of chapter 15-5 of the austin city code related to on-site sewage facilities. Generally known in the public as septic systems. Mayor, council, I

understand that there are no speakers signed up for this item.

>> Mayor Leffingwell: That's correct.

>> If you would like I can give a shorter version of the presentation.

>> Mayor Leffingwell: You can give us the short version.

>> Thank you, sir. So we've focused on our efforts thus far in obtaining stakeholder input and conducting public meetings. We've met with designers and installers. We've contacted the home builders association of greater austin. We've discussed the matter with the real estate council of austin. We've held two general public meetings. We've consulted with the texas commission on environmental quality who has informally approved the proposed ordinance and we established the city website for public comment and questions. In terms of the code amendment process, the water/wastewater commission and the environmental board both recommended the proposed ordinance. Moving forward, so the particular issue for this evening is that the city currently uses the minimum state standards as our standard for on-site sewage facilities. And after 14 years the city, similar to its neighboring governmental entities, has identified the need to adopt more stringent standards. Recent studies conducted by the city's watershed protection department in and around austin have documented elevated levels of nitrates and surface and groundwater bodies.

Moreover additional oversight is needed to ensure the essential periodic maintenance of advanced treatment systems is actually being conducted. Because if the systems are not, then there's a greater risk of negative consequences to the environment and to the public health. The remainder of this presentation covers the major, not all, modifications to the existing city ordinance. In order to show the relationship between the city's proposed modifications in comparison to other neighboring entities, the following table has been created, but abbreviations and symbols were needed to display them in this format. So let's review those. The entities for comparison are travis county, tc, lcra, city of westlake hills, williamson and hays county. The terms in this chart will include norec, which means the entity has no regulation about this particular issue. Utility means the regulations between the city of austin's proposal and the entity's current regulations are comparable and a means the provision in the city's ordinance is not applicable to this particular entity. And then greater than or less than the city of austin means the entity's regulations are less stringent or more stringent than the city's proposed regulations. So for water conservation the proposed city ordinance requires low flow fixtures for on-site

sewage facility upgrades. In addition to conserving water supplies, low flow fixtures can save property owners money by reducing the size requirements of osfs tanks and drain fields. The lcra implemented a similar rule in 1995 and has reported success in reducing demand on water supplies. There is no such requirement by the other regulatory entities identified in the chart. Lot sizes for new residential subdivisions. In the edward's aquifer recharge zone and the edward's aquifer contributing zone, there would be two acres for lots with wells. One acre for lots with public water system. Everywhere else, one acre lots with wells and three-quarters of an acre for lots with public water system. As characterized by the travis county soil survey report, the soils in travis county are characterized as somewhat limited or very limited for septic tank drain fields. Because over 95% of the city's jurisdiction for ossf's is in travis county, larger lot sizes will ensure adequate room and sanitary easements around private wells, increasing the sizing of lots only apply to new subdivisions. Nonresidential systems, the city ordinance will require a reserved area for drainfield replacement or expansion. Now, requiring a reserve drainfield allows a business to expand or change its use over time while ensuring sufficient room to treat and dispose of increased amounts of wastewater. A couple of the other regulatory entities have also adopted this

[09:30:09]

requirement: Surface application systems. Upray treated effluent on the ground for final treatment through evan poe tran expiration. This type of system will be restricted to single-family residences only, require greater set back and limit spraying times to nighttime only. Their experience shows that nonresidential sites are often time leased to tenants who may not have the full knowledge in operation and maintenance requirements for these type of systems, which can lead to an overuse of the system or lack of disinfection step in the treatment process. Increasing the setback for spray area to property lines and buildings while ling surface application to nighttime hours only will reduce the ris of exposure to partially treated effluent for residential systems. For extra large tracts the city proposed ordinance will require a permit for single-family residences located on a 10-acre or larger tract of land. The bottom line is regardless of the size of the lot, permitting and construction inspections are essential in verifying the design and installed ossf will not pollute

groundwater or create a health hazard. Osf's prior to construction in 1983, the ordinance will require upgrade to today's osf standards with the addition of any foundational footprint to the home. Osf's installed prior to 19 aye are near the end of their natural life expectancy. In addition, most systems installed prior to 1983 were standard treatment systems which many would not be able to be built today due to the type of soil and today's design standards. So this rule is intended to upgrade those older systems triggered by a house expansion which may increase the flow to a septic system and reduce the potential area for the installation of a system that meets existing design standards. Osf maintenance, the proposed ordinance will require ongoing maintenance and reporting for secondary treatment systems through contract management or by a homeowner with certified training. Because of the soil types, secondary treatment systems are usually installed near environmentally sensitive features or discharged in shallow trenches. A lack of maintenance on secondary treatment systems can quickly result in poor treatment of effluent. This rule was intended to ensure that periodic maintenance is in fact being done on all advanced treatment systems. For nitrogen reduction the proposed ordinance will require treatment f nitrogen if one of these three cases exist. The drainfield is within 75-foot of lake austin. Or the drainfield is located within the edward's aquifer recharge zone. Or a standard absorption drainfield cannot be used within the barton springs segment of the edward's aquifer contributing zone. So this concludes my brief presentation. I'm available for any questions.

[09:33:39]

>> Cole: Any questions, colleagues? Questions, motions, comments? Councilmember spelman.

>> Spelman: Thank you, bart, for giving us the brief version. I can only imagine what the full version would have looked like.

>> Yes, sir.

>> Spelman: I'm sorry, you were going to retort to my smart-aleck-y remark.

>> I was going to retort, but I decided to refrain from that.

>> Spelman: I didn't refrain, but you can tell me later. I move approval.

>> Cole: Councilmember spelman moves approval of item number 97, and that was

seconded by councilmember morrison. All those in favor say aye in all those opposed say nay. That passes on a vote of six to zero with mayor leffingwell off the dais.

>> Thank you very much. I appreciate it.

>> Cole: Thank you for your presentation. Our final item, number 99, matt, are you going to give us a brief presentation? We had one on tuesday.

>> Good evening, council, my name is matt holland with watershed protection. And just to let everybody watching know we did already brief the council this tuesday on this topic and that's available online of course. And so tonight we're really not going to be presenting much new we do have a couple of motion sheets we wanted to add that we mentioned that we would be adding at the last hearing, if we can go to those.

>> Cole: Matt, we do have speakers. I wanted to let you know.

>> Of course. Do you want me to go ahead and handle these first and then go to the speakers?

>> Cole: Yes, so the speakers know what they are I wanted you to lay it out, but understand we have speakers.

>> Excellent. Okay. So I believe y'all have this in your packet. There would be these two motion sheets with recommendations number 1 and the first recommendation involves amending part 54 section 258433 and part 1 three section 3-5-453 to require that 40 percent buffer receive overland drainage from the development only if a water quality control is not provided. And actually I'm realizing i didn't get any kind of introduction. Basically we're doing a massive watershed protection ordinance overhaul of two chapters of the code, the drainage environmental codes and now I'm diving into the weeds here with a very small change in the water supply rural watershed. Basically I might need some assistance here. Should I just read there through this or do we basically describe what it is? Basically in the water supply rural watersheds, which are the watersheds that drain to lake austin, or a lot of them, those are very sensitive and we have a system where we ask that development there retain much of their development in a natural condition in what we call the 40% buffer. So 40% of the tract needs to be left in an undisturbed condition. And historically that was the water quality treatment method of choice and development would drain to that thing. So as we've made some new provisions in our ordinance we've required folks to put in water quality controls in these areas also. The classic pond kind of water quality controls. And so one of the stakeholders came to us and said look, we'll

have to do two different things here. Would you support having that buffer be -- potentially be up sleep of your area, so I'm going to arm wave this through. If you put your pond here and the impervious cover here, in the old days you wanted it to drain down to this buffer. Sounds good, right? Now we have a pond that you have to have. It goes to the pond, then bust. Awesome. Sounds like the s.O.S. Area.

Unfortunately

-- don't necessarily need those in a that order. You could develop down here, have your pond down here and then have the buffer up here. So this motion sheet effectively does what I just arm waved through with my hands here with this sheet of paper. We're basically saying sure, we don't really care where that is. All sorts of good things will happen with that buffer being on the site. You don't need a down sleep necessarily. That's what this says. And there are two parts of the code, 25-8 in the city limits and 30-5 in the e.T.J. For subdivisions. So that's the first item. And the second item, the second recommendation is simply kind of fixes some clerical issues of basically outlining. So the way we had presented it initially in the ordinance needed to be kind of cleaned up such that subsets of other subsets were lined up properly. Doesat get it done? So we're not making any changes. We're basically making sure that a's and b's are followed by 1's, 2's and 3's correctly. There should not have been an abcdef. There should have been abc and subpart 123 under c. Not very scintillating, but there it is. All right. And that concludes my presentation.

[09:39:10]

>> Cole: Okay. Thank you.

>> I'm happy of course to answer questions here. We've got a great collection of our technical staff here tonight to answer questions about erosion, detention

--

>> Cole: Looks like you brought the army.

>> We brought an army, yes. This is a big deal for us.

>> Cole: Let us hear from the speakers and we'll probably ask you questions. First speaker is david king? Are you still here? There you are.

>> Thank you, mayor pro tem and councilmembers. My name is david king. I'm from the zilker neighborhood. And the-- it's been really good to work with matt. He's one

of the best I've seen in the stakeholder process and effective with such a huge ordinance. I can't believe it. But thank you and your team for the good work that you've done and for the process that we've been through without. It is a big ordinance. There's a lot in this. And there are a couple of things that I think need to be considered some changes that need to be considered in the ordinance. In the proposed amendments to the ordinance. And one is the ordinance would allow more impervious cover in the eastern suburban watersheds in the Austin area and encourage more development in those eastern watersheds versus the western watersheds. And since most of the watersheds in the western area of Austin are developed, then the developers are already moving to the eastern watersheds. So I don't see a reason to provide more incentives for them through like more impervious cover to allow more development, encourage more development. It's already occurring. And we all know and it's said time and again natural impervious cover is one of the best strategies to improve water quality and we should do all we can to preserve it and protect it. In addition, another amendment to the watershed protection ordinance eliminates water quality transition zones along suburban rivers and creeks, but retains the inner water quality zone. That's good it retains the inner, but it needs to also preserve the outer water quality zone. It needs to protect rivers and creeks from erosion and pollution and to preserve the riparian zone along the banks. And this information is provided by Dr. Ross with Glen Ross Engineering and she analyzed the amendments to the watershed ordinance. She said her analysis showed that most of the erosion sites along urban streams are located in the eastern suburban watersheds. That's good why it's so important to protect the zone in the eastern suburban watersheds. The water quality transition zone helps to preserve and protect riparian zones as I mentioned earlier. Dr. Ross' analysis shows that most streams in the eastern watersheds in the desired development zones are unprotected. These streams need protection from the increase in impervious cover in the proposed ordinance. And as you know, increased impervious cover causes more runoff erosion and pollution. So I would ask you to consider these changes to the proposed amendments to make it even better. Thank you very much.

[09:42:26]

>> Mayor Leffingwell: Next speaker is bill bunch.

>> Thank you, mayor. Members of council, I'm bill bunch with save our springs alliance. We're here to largely support most of these changes. There are a couple hundred of them. Most of them add clarity and provide some benefit to the community, but there are quite a few details here that I hope you will move slowly and not take final action tonight and give another couple of weeks to look at some wordsmithing issues and a couple of substantive issues. I've provided y'all with a letter yesterday. I want to raise two other issues that weren't in the letter and then hopefully talk about one or two that were in the letter. First a very important issue that I failed to mention in the letter was that the s.O.S. Redevelopment ordinance here is proposing a significant backsliding. If you add water controls to the entire site to clean it up and that's how it was sold is cleaning it up. The proposal you have specifically on page 10 of the draft ordinance now says you don't have to clean up your whole site. You can only treat the redeveloped portion or some equivalent area thereof. And equivalent is not defined. So very concerned about this change as weakening the protection. The language is still saying you don't have to clean it up. It just says you don't have to make it worse. And that's not what the community was told we were trying to do. That we were in fact trying to clean up these old sites that are polluting our waterways. The ordinance doesn't do that. It just says don't make it worse. That's not enough. It's especially not enough when you realize that it's completely forgetting all of the pollution that happens during the demolition and reconstruction phase. And for a number of pollutants you're talking about 85% of the pollutants during the entire life-span of the system. Several of you were there last night at the preservation austin presentation, and it's an identical issue. If you remember there was a slide the gentleman was talking about, you tear something down and rebuild, all of the waste that comes out of that and all of the embedded energy in building something new versus improving, adding energy efficiency to an existing structure, it's the same with pollution. The slide you see right here, this is one tiny redevelopment site on my street. Two homes were built where there used to be one. This happened repeatedly. This was a one inch rain. Nothing was done by the city even though it was repeatedly complained about. If you can show the next slide.

[09:45:49]

[Buzzer sounds] this is the same site after it was done. Once again another rain.

>> Mayor Leffingwell: Okay.

>> We've got to clean up our construction phase and we have to think about it

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>> Mayor Leffingwell: Your time as expired.

>> Thank you.

>> Mayor Leffingwell: Annie armbrust?

>> Mayor and councilmembers, annie armbrust with the city of austin. I signed up in favor of this ordinance. We've been working with city staff for really years and wholeheartedly have to give matt and his team a huge thank you for balancing as a resolution directed, environmental protection and development issues. There are a couple of small things. And by no means am I going to be here to say let's start pulling apart key tenants of this, but there are some small issues that i would like to bring to your attention. And I say small because they're not foundational of the whole ordinance but they are important to our members. One of these issues is related to the motion sheet that matt passed out, this 40% buffer. We felt that there was an understanding and have come to realize pretty recently that what we had been discus was really by being anywhere on the site, not just the uplands and that is a change we would ask you to consider at this time. And if I can answer questions about that I'm happy to. Additionally the

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>> Mayor Leffingwell: You might want to explain what you mean by uplands?

>> Absolutely. So the uplands would be any area that is not the transition zone or the critical water quality zone. So that 40% open space that's required, if there was a critical or transition zone, those could overlap. What's written now the 40% would have to be just in the up loads, not transition, not critical. Does that help? In addition, there's a substantial change in the ordinance around the trigger for water quality controls. It used to be 20% of the net site area impervious cover, than water quality was required. We would like to propose 10,000 square feet going from a percent to a round number is substantial change. Right now it is in there at 5,000 square feet. The first had 8,000. 10,000 is what travis county utilizes. And we feel this is certainly fair. It's not a huge ask. In our members opinions so the 10,000 is really

what we would like to see there. Lastly, the floodplain modification criteria is something that has given our members pause throughout the process and the basic tenets of that were shared in June, but really the first draft of the functional assessment, which is the real bones of that substantial policy change were developed in September, but the final emergency rule around that earlier this week and our members would really appreciate near consideration of this ordinance on first reading so that we can continue to work with staff as we have all along on the specifics of the functional assessment. So those are the changes that we're requesting and I'm happy to answer questions. And really I just want to come back to what I opened with saying that we absolutely appreciate the work. We're in favor of this ordinance

-- this of this ordinance with these minor adjustments and considerations.

[09:49:20]

[Buzzer sounds]

>> Mayor Leffingwell: I have just a couple of short questions. One, clarify that we're talking about commercial property only here on the 10,000 square foot requirement to trigger water quality.

>> I believe it's for both.

>> Mayor Leffingwell: For both?

>> That's the case, isn't it?

>> Mayor Leffingwell: Okay. So 5,000 square feet is in the ordinance as currently proposed.

>> Which if you think about it really is as much impervious cover as a house and a driveway. So 10,000

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>> Mayor Leffingwell: Average house as a driveway. So clarify what we're talking about, what we mean by triggering water quality controls, we're talking about on-site water quality treatment, right?

>> Yes.

>> Mayor Leffingwell: Okay. So I don't think anywhere else for one house would have to have its own water quality treatment. I mean, in a subdivision you would be able

to provide water quality treatment for a whole group of houses.

>> Yes. I think staff has looked at some other cities. We're comfortable with 10,000 and I think that's an appropriate policy decision.

>> Mayor Leffingwell: Yeah. Okay. I may have something later, but thanks.

>> Thank you.

>> Mayor Leffingwell: Glen coleman?

>> Thank you, mayor. Glen coleman speaking tonight along with annie, although I also live in one of the eastern watersheds and I'm also a member of the texas riparian association. I'll be brief because I have forgotten all the things i was going to say to you this morning and I can imagine how exhausted the rest of you are. I think bill's idea of first reading and ironing out the details is perfectly supportable. I really came up to thank staff for the hours and hours. I've never seen a process that was so collaborative and brought so many stakeholders who traditionally have not always gelled together. And I think the fact that the room is virtually empty except for staff again is testament to what a great job they have done in making sure how many people's concerns were met. And it is an enormous ordinance. It would be nice for we had more time to overlook the floodplain modification rules. There was a lot of work. Even today staff was doing a functional assessment on what it would look like and none of us had a chance to look at it. More time would be great. I wanted to thank staff personally for all the hours and patience and hard work they've put in and thank you for your time. Thank you.

[09:51:55]

>> Mayor Leffingwell: Thank you. Mary gay maxwell?

>> Cole: She signed up not wishing to speak, mayor.

>> Mayor Leffingwell: Those are all the speakers that we have. So discussion or a motion on item 99? Councilmember morrison.

>> Morrison: I think we all had our chance on tuesday to thank staff for the great work and the stakeholders for working so hard. And it was great to get that introduction from staff to get a really good grip on it. And now we have 166 page ordinance which I'm interested in delving into a little bit. I know I'm gog to have some concerns about loosening up the redevelopment, s.O.S. Redevelopment that

I'm going to want to look into, but also I think that there are several things our staff -- my staff has already started looking at. So I am really comfortable tonight closing the public hearing and approving on first reading in recognition of the great work that is being brought to us as a body, but knowing that there will be time to answer questions later.

>> Mayor Leffingwell: So before we put that motion on the table, there is one more speaker who probably signed up about 30 seconds ago. Right?

>> I'm still breathless. It's not that I'm excited to see you, mr. Mayor, but I'm a little out of breath for running out the steps. Roy whaley, austin chair, austin syria club. Listened to it on my way down here on the radio. Wanted to add the praise to matt and his team for bringing wet caps and dogs together and having us all sit down and talk to each other. And hopef there will be some enduring relationships that come out of this long process. Some of us in the development community and environmental community are sitting down and talking about other issues together now. And I think that is is direct result from the great job that matt and his team did on getting us all together in a room every two weeks for two years.

[09:54:07]

[Laughter] and that is as much fun as it sounds. We do support this basically. You heard me applaud matt the other day during the work session. And it was basically because of what I just described. Our concerns remain anything that affects the barton springs zone. We can see the advantage in redevelopment on certain properties, but the baseline remains that we can get energy efficiency in oth areas without impacting water quality. And so whatever action you take tonight we ask that you keep that as our water quality in our springs is paramount. That is what guides your decision tonight on that section. And there are questions. And while I don't like the idea of a delay, I also don't like the idea of this being incomplete. I get the sense that this is going to pass on first reading and so therwill be an opportunity to make these adjustments. I hope that

-- I know y'all have taken it very seriously up to this point, but y'all have had this long to deal with an issue that's been going on this long. So dig in to it, get staff in there, they love coming to your office and having more questions and doing the one on one. Wee community are also ready to meet with you any time and have a

discussion with you and so thank you for your time this evening. Goodnight.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: So mr. Whaley did not talk me out of making the same

-- that motion. So I would like to make a motion that we pass it on first reading. I haven't delved into it, but out of respect and confidence in the work that's been done by staff and the stakeholders I'm very comfortable in doing first rding tonight and coming back with lots of questions.

[09:56:15]

>> Cole: I'll second.

>> Mayor Leffingwell: Motion to approve on first reading by councilmember morrison, seconded by councilmember cole. I do have one question for staff about this trigger for water quality. And when it comes back on second and third readings, i would like some kind of analysis on what the difference would be in going to travis county's 10,000 square foot minimum. It see to me there's something to be -- there's some benefit in having a more uniform development code. If there's a good reason not to go to 10,000, I would like to hear that, but i want to hear that discussion before I make up my mind on that. Go ahead.

>> Okay. We will be talking with travis county. We have throughout the process actually attended all the meetings and we

-- at the end of the day they looked ahe entire ordinance. They actually made some tweaks to it. Theraft you have today actually has a

-- has at least one change that they added. There's a pretty good likely hood they will want to square what they've got with what we're about to pass. So we will have some discussions with their staff to make sure we understand where they're headed as well. I just wanted to make sure that was understood. We would be happy to make that analysis of 10,000.

>> Mayor Leffingwell: And unless there's a good reason not to go to 10,000 square feet as a minimum trigger, iwould like to do that. I would like to propose that when it comes back unless there's a good reason not to.

>> We will definitely make that analysis and bring it back.

>> Mayor Leffingwell: So the other thing I want to mention is that

-- I'll be very brief here because it's the last item and we're all ready, I think. But it's been correctly stated this has been going on for a very long time. It's been going on for a lot longer than two years, Roy. This process was actually begun when I was on the environmental board and I was

-- it originated, Mike Ligate was the guy who got the process going. He's been retired longer than most of us has been on council. This was kind of his brainchild. And the objective at the time was to achieve better water quality and in order to do that, in order to change these regulations, it had to be

-- you had to have all stakeholders at the table so that it would be neutral with regard to restrictions on development. So the idea was to develop a better way to protect water quality with the objective being

-- it was called head waters at that time. You protect more small water creeks and the water that runs into the larger creeks that we now protect would be relatively clean. That was the idea. It was supposed to be an environmental plus and I think it still is. And that's why so many people we've seen support the basic concept. And so that's what we'll be looking for when we come back. And I think it will be when we address it again and hopefully finally approve it, it will be the end of an era and the beginning of a new one. So councilmember Morrison?

[09:59:29]

>> Morrison: I really meant to make the motion with the amendments that staff had proposed. So that will be our baseline to work from.

>> Cole: And I accept those.

>> Mayor Leffingwell: Ok the changes with the latest version of staff corrections. Y other comments?

>> Spelman: Mayor, a question.

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: May I reasonably presume that we will see this for second and third reading in two weeks?

>> Mayor Leffingwell: Do you think you can do this by the 17th? You know we've waited 12 years. I don't think it's

-- [laughter] probably on the 17th.

>> It's no problem to do that analysis within two weeks. I did want to give one shoutout to a mr. Pat murphy who was a pretty key architect of some of the changes we've in here today as well. Mike ligate and pat are definitely in our thoughts here.

>> Mayor Leffingwell: He's now a country and western singer.

>> That's correct, actually, yeah of stage and screen here.

>> Mayor Leffingwell: He's been on our show here. All right. All in favor of the molestation say aye. Opposed say no. Passes on first reading on a vote of 7-078. 7-0. And clerk, I believe that ends our agenda. Without objection we stand adjourn at 8:46 p.M.

[10:02:36]

>> Cole: I'd like to call to order the work session. Mayor lee leffingwell I out of town on city business and m martinez may be joining us later. The first item on the agenda is the preselected agenda items. Item 56 pulled by councilmember morrison and item 57 also pulled by councilmember morrison. And I want to let my colleagues know that I will be postponing item number 57 to have more time with staff. So we -- we'll have a need to discuss that one. Councilmember morrison?

>> Morrison: I would like to discuss that. I had a good chat with staff. I think to get the issues on the table would be helpful before we postpone it?

>> Cole: I wanted to let you know. Item 56.

>> Riley: Councilmember martinez isn't here but he will be here later. Can we take it up later in the work session. I know he'd like to discuss it.

>> Morrison: Can we go to item 57 briefly?

>> Cole: Go to it briefly.

>> Morrison: Great. This is an item brought, i believe, by mayor pro tem and councilmember riley. It's a step to get us to integrate the downtown density plan. As I understand it and I first like to confirm, the affordability section of the street is intended to stay as it is. And it's just a matter of the other bonus elements that are going to be synced up with the downtown density bonus program. Is that correct?

>> Cole: I think that the intent as you pass that resolution is to keep that resolution intact and not the conflict with that. But I want to make sure that as we go from 15 to 1 as we have in the downtown austin plan we do that with the code. And it's

conflicting provisions that are coming to play and i want to visit with staff about them.

[10:04:51]

>> Morrison: Great. Yesterday I asked staff to come visit with me. I was wondering what does that mean to sync it up. Because the

-- because it makes sense with regard to extra square footage for some of the community benefits, but when it comes to affordable housing, since affordability is an essential component of the downtown density bonus plan, what wasn't clear to me was what happens

-- how do you actually integrate those two? So are you going to be achieving up to 8-1 with the rainy street affordability? And if you want to go over eight, you stick with the rainy street for the affordability for the downtown density bonus program? Or do you then confer it over to the downtown density bonus one and I think that that's probably what you're talking about, mayor pro tem.

>> Cole: The overarching goal is to make it a cleanup provision. I need to visit with staff about the codes to accomplish that.

>> Morrison: Okay. To me those are important elements. I don't know if staff is here.

>> Cole: I don't believe they are.

>> They're here.

>> Cole I see in the back, jim is here.

>> Morrison: I anticipate it if we can get the issues on the table before we go off and postpone it so we can all think about this thing since we're all going to have to adopt it in the end. I wonder if we can have staff lay out what the different issues are?

>> Cole: Will you come up. Please understand the item is postponed.

>> Good morning, jim robertson, planning and development review. I'll try

-- it

-- I've given this a fair amount of thought. It still gets confusing to me sometimes. But I'll try to summarize sort of the different provisions and how they relate to each other and potentially overlap. The existing rainy density program, which is a product of the waterfront overlay, embedded in the waterfront overlay and rainy is a sub

district of the waterfront overlay. The majority of the program kicks in for any project wishing to go above 40 feet. So once a project wants to get taller than 40 feet, the rainy program requires that 5% of the units on the site be affordable to a family at 80% of median family income. So by providing those units, a project has the right to then go taller than 40 feet. The rainy -- the downtown program, of course, does not even kick in until beyond 8-1 far. The far of cdb zoning. So between 40 feet and 8-1 far, there's no overlap between the two programs. The rainy program is the only program that has an effect in that delta between 40 feet and whatever 8-1 would work out to be. Now the rainy program continues to give projects additional entitlements above 8-1 above the maximum of 12-1. And the way a project can go beyond its base a to 1, which is what it had as a result of cbd is through a points system. The project has to provide certain benefits and via the benefits accumulate the minimum of 65 point in the points system. So once the project goes beyond 8-1 far under the current rainy program, [10:08:41]

[cell phone ringing]

>> I apologize.

>> If it's for me, I'm not here.

>> Actually, mr. Gurnsey. It is for you. And

-- and so once a project in the rainy, under the existing rainy program goes beyond 8-1, it continues to provide the affordable units and gets to 12-1 by accumulating 65 points. Since the downtown plan program, the density bonus kicks in at 8-1, there's an overlap between the two programs in the gap between 8-1 far and 12-1, f.A.R. And that program has an affordability requirement that is still applying in that gap, if you will. And the job town plan has its own affordability requirements that kicks in at eight. They're expressed in two different ways, rainy expresses it as five units on the site. The downtown plan expresses it as square feet. You accumulate bonus area, bonus square footage by providing a certain amount of each square foot of affordable housing. So, as we move forward and decide to mesh these programs, I think it would be

-- it probably would be helpful for staff as we move forward if everybody can arrive

at the same place as to how we want to handle that space between 8-1 and 12-1, in terms of if we want to terminate the

-- essentially say the rainy program doesn't acquire anything above eight. The downtown plan kicks in. The rainy programs gets to 12 and the rainy program kicks in below that. If I might, I would not recommend just saying let's make the rainy program go to 12 and the downtown plan will kick in 12 to go to 15. From the administrative point of view, I'm not sure it's good for staff or the applicants, especially where we're trying to make a process that can be handled administratively and predictably and efficiently. Not sure if it will have two different programs. The project would have to prove up the 5% units, prove up the 65 points in the points system. It would have to prove up the gait keeper programs in if downtown program. It has to prove up the other communities where it gets additional square footage under the downtown plan. I don't

-- my thought as a staff and I offered my unsolicited opinion with you, is it's probably not a good program where you're trying to create a predictable program that you have to work a maze to go through.

[10:11:35]

>> Cole: Let me ask you a couple of questions about what you just said. My understanding under the codes that the on siteordability is required when you go from 40 feet to 18 months.

>> My reading

-- this is something that came up with councilmember morrison yesterday. I read the requirement of the rainy program to do exactly what you say, to get her from 40 feet to eight to f.A.R. And you go beyond eight, you to accumulate the 65 points. The affordability requirement ended at eight. On secondlook, at looking at that, it says the wording of the

-- the

-- the rainy one, it says 5%

-- 5% of the dwelling units on the site are available to persons blah, blah, blah. I don't see that as a requirement that ends at any particular height or f.A.R. It seems to be a universal requirement that says

-- if you want to go above 40 feet, 5% of your units on the site have to be affordable units. I think I was wrong in my initial reading and I apologize to you and your staff and so forth for going along and creating the impression that essentially that ended at eight. I'm reading now and we can get paid lawyers to come in and weigh in on this. Legal has not weighed in have they? Have you visited with legal about it?

>> This came up yesterday afternoon. This just came around. I haven't solicited with law just yet whether they agree with the reading that my sort of plain english mind

--

[10:13:36]

>> cole: That's one of the reasons I wanted to postpone?

>> Right.

>> Spelman: Mayor pro tem?

>> Cole: Councilmember spelman?

>> Spelman: If I wanted to build a commercial office building at rainy street, I'm not putting any residential units in it at all. Am I still down by the affordable housing units?

>> No. The rainy

-- the code that applies to r street says for a residential or mixed use building. I assume they mean one that's residential and nonresidential, it's 40 feet. It's not a pure commercial building. There's no affordability requirement that kicks in for that one.

>> Spelman: No such requirement for a commercial office building, then it seems to me that that's a provocation for developed in office buildings and not residential buildings in rainy street. Does it strike you that way? It's going to be cheaper.

>> There's an obligation that the residential building has that a residential building wouldn't. I don't know if that would override market forces. It's a carrying cost if you will if you would expand to a residential building than in nonresidential would have to carry.

>> Spelman: In order to get a density, I want to make sure councilmember tovo can hear me. If we

-- if someone builds a office building in the

-- under the downtown plan density program, they would still have to pay in to the fee in lieu of affordable housing program, would they not?

[10:15:41]

>> No.

>> Spelman: They would not. Only for residential buildings for downtown and rainy street?

>> That's correct.

>> Spelman: It's consistent between the two. I remember we had some problems. We're giving an incentive for developers to build office buildings and not residential buildings because the residential buildings are more expensive. That carries turnover rainy street.

>> The modelling we did for the downtown plan including the update we did in the last few months proved up once again that the

-- that the economics, the financing, and so forth and the returns are different between residential and office. So our recommendation continued that it applied to residential buildings but not to nonresidential buildings.

>> Spelman: Thanks for the reminder. Do you have any recommendations as to the proper way to handle that eight to 12 and beyond? To make rainy as consistent as the downtown plan while maintaining the decision we made in the waterfront overlay that we wanted to assure on site affordability to some extent.

>> I don't know if I can sit here today and say my recommendation is. I sat down last night and tried to diagram it out and in order to begin to form that. It's a little bit apples and oranges. The key area is this gap or this margin between eight f.A.R. And 12 f.A.R. Where the two programs overlap. In that margin, if you will, the rainy affordability program requires on site affordable housing. It does not have a fee in lieu. It requires 5% of the units. That's the apples, if you will. The downtown plan in that same margin, a, one difference is allows projects to provide on site affordable housing or pay a fee in lieu after discretion of the project. So that's a difference and that makes them a little bit apples and oranges in the sense that we have given projects under the downtown plan that choice. I think that may be more of a policy type of recommendation than me saying one is better than the other. Now the

downtown plan does full projects that work to provide on site affordable housing is a 10% requirement rather than 5%. You get for every one square foot of affordable housing provided, you get ten bonus square feet. In essence, all 10% of your bonus area has to be in the form of affordable housing. So in that sense, it's slightly more aggressive than the rainy program, although there is that difference than having a fee in lieu or be mandate in the rainy program of on site affordable housing. So I don't necessarily sit here and have a recommendation for you. There's some policy to my mind, perhaps some policy calls that need to be made in that margin.

[10:19:03]

>> You do recommend that you don't go to 12 with the rainy plan and beyond that. That's just too complicated.

>> I would be remiss in probably saying we have to handle these types of cases.

>> Spelman: Might not be happy. I just think

-- one of the mantras, I can't think of the legislative history. In the downprograms, predictable and administrative. And you set up an entitlement process to my mind, there are so many different elements proved by the applicant verified by the staff, the 5% affordable housing, the 65-point

-- the 65-point sort of allah cart benefit system. The gatekeeper requirements under the joub town plan. Other community benefits under the downtown. That may be historic preservation, on site open space, enhanced levels of green building, that is quite a gauntlet to ask the staff to administer in an applicant to pass through, I think.

>>.

>> Spelman: Could you lay out some options for us in the next couple of weeks?

>> Yes.

>> Spelman: Great, thank you.

>> Cole: I see david back there. I know you looked at this this morning. Brainstorming some options and I'd like for you to hear a bit about that again.

>> Good morning. As I've listened to what mr. Robertson is saying this morning and listening to the discussion here, I would potentially agree that I would also benefit from having more time to discuss some of tse potential conflicts you might be creating or i, if you would, as the 2kr569er would be creating between the rainy

provisions that would be left intact or modified and as they are applied at the same time to the downtown density bonus program. I want to explore further with mr. Robertson the different scenarios he's laid out this morning that there may be additional conflicts. I appreciate the additional time. Would you like me to touch on this?

[10:21:47]

>> Cole: If you would feel better about visiting with mr. Robertson before putting an opinion out there, do that.

>> Thank you.

>> Cole: Councilmember tovo?

>> Tovo: Thank you for being here, and thank you to the sponsors for agreeing to delay it. I would like more development, but part of it was a compromise struck. Because it had been a middle income working class hispanic residential neighborhood. But part of why we have this provision here is to preserve some diversity of some economic diversity among the residents of rainy street. So I think it is a critical provision to have on sight affordability rather than just a fee in lieu. I wish we had an on sight requirement, frankly, for all of our downtown density bonus programs. Because that is the only

-- that's going to be the best way of creating units downtown that are not market ready. You know, when we have a fee in lieu, it's almost never set at

-- I would say universally, it hasn't been set at a price that would encourage people to build on site units. And so I would just encourage the sponsors to really consider continuing that piece of it so that it seems to me there are ways to allow t rainy street construction to go up with density bonuses t 15-1, but still to keep as the way to achieve that through on site affordability through the percentage of the units rather than a fee in lieu which doesn't help us get a diversity of housing downtown.

>> Cole: We need to clarify right now we have a choice under the downtown plan.

>> Yes.

>> Cole: Okay.

>> Downtown plan offers

-- it's a choice exercised at the diussion of the applicants. But not with rainy street.

That was a deliberate balance we struck. We need to preserve that.

[10:23:57]

>> Cole: Councilmember morrison?

>>

--

>> Morrison: I want to thank you for delving into it as we did yesterday afternoon. Peeling back the layers. Just the way the community benefits, besides the affordable housing, we have two completely different settles of rules and to find a way to align those is going to be important and delicately deal with the affordable housing component. I would be interested if you could do some kind of work to help us get a sense of what it takes to earn, if you will, extra square footage under those benefits in the rainy street in terms of the building and all those things. Versus what we're coming up with in the density plan. It would be interesting to me if it's twice as rigorous for instance under the rainy street program versus we don't even have a benefit program in front of us yet, the details of it. But I think that will be interesting too. And make sure we aligned the steps that we take with the origin unanimous intent of rainy street which is very special area. So I fully support postpoeb poening it. I appreciate that. And basically if that can help us figure out what the policy options are, that's going to be real helpful.

>> I'll work on trying to fig yurt the options to the extent that I'll sort of translate those options into how the project that sought to came through under those options would behandled. That way you kind of see it in a real world example of how it would play out.

>> Cole: Thank you, gentlemen.

>> Spelman: Quick question. Jim, when you framed the most recent version of the downtown plan, you relied heavily on the earlier versions of the downtown density bonus plan. But I'm guessing that you were informed at least to some extent by the allah cart, 65-point requirement in the rainy street program. Is that accurate? You were aware of it. Does that play any role of the framing the downtown density bonus program?

[10:26:21]

>> We certainly looked at it. It played a role to the extent that we looked at what are the types of community benefits that we thought should be used as mechanisms to achieve bonus area within the downtown plan. And there's a lot of overlap between those two. There's not perfect one-to-one correspondence between the two. But the rainy program has benefits for historic preservation as does the downtown plan. The rainy program has benefits for certain types of parks and open space amenities which the downtown bill does. The rainy program includes provision which the downtown doesn't about putting parking above grade or below grade as opposed to surface parking in general in the downtown, most projects that are occurring today do not utilize parking. We did not reward people for providing something other than surface parking. That's a difference. One of the

-- and certainly to the extent that the downtown program and youth councilmember -- the primary author is the spelman amendment, which is now embedded in the downtown density program, and which is in its essence a provision that allows projects to propose community benefits not listed in the program and have those proposals evaluated. Any of the benefits that are identified in the rainy program could be benefits that could be evaluated through that sort of open-ended other benefits clause of the downtown plan

>> Spelman: When framing that, including the famous spelman amendment, you could have changed the downtown density program so it was identical to the rainy program, but you didn't do that.

>> Correct.

>> Spelman: I guess you didn't do that because the rainy program, the 65-point requirement was relatively restrictive and you were looking for something that was a little softer around the edges. Is that right? Or is there a better explanation?

[10:28:33]

>> I think the rainy program

-- there were some things in the rainy program that either, a, we didn't think needed

to be incentiveized or rewarded in the downtown program. There were some things in the rainy program that we recommended be handled in different ways. The rainy program, one of the ways you can accumulate later 65 points is providing street escaping improvements. We weren't going to award bonus area for that. In the rainy requirement, there's a way to accumulate points by putting primary entrances on the street as opposed to I guess around the corner or in the back or whatever. First of all, in the downtown plan, that's not generally a problem we have. Generally parcels have a street frontage. They bring the building all the way to the street and they put their entrances on it. They did not see fit to reward that by providing bonus area. So there were some ways we had

-- there were some we didn't think were entirely applicable throughout the entirety of downtown. Some we didn't think really merited using those elements as a -- to reward bonus area.

>> Spelman: Would it be as a rough cut the allah cart menu would be the first draft of the density programs of the downtown plan.

>> I think that

--

>> Spelman: Something to put your mind on? Go ahead.

>> I'm may be too obtuse to see where you're going with this. But I think that would be a little bit of a stretch. We look at other city programs, we look at the so-called interim downtown density program. That's probably the more than anything else. So it was a combination of things. So I don't think it would be fair to say we started with rainy and then pruned and diced and paired.

[10:30:45]

>> Spelman LOT OF OTHER Stuff that went into that as well.

>> Spelman: Trying to figure out much weight do we give to rainy and other stuff downtown. From greg's point of view, we say we know what the first draft is. We know what we need to give incentives for, what we don't. To some extent, it makes more sense to pay attention to the downtown plan, and replace it with the density program with respect to the downtown plan. That leaves us with the affordability plans.

>> Yeah, a lot of the projects are similar or due political of elements that are embodied within the downtown plan. There were some that were left behind and not addressed via the downtown plan. I got maybe
-- as I said, I don't claim to know the legislative history of the rainy program. Don't take any of my colleagues as saying this was the intent. There were some that may reflect what were seen as the concerns at that place, rainy street, at that time. And I can't speak as to whether those remain valid. To me, the on site affordable housing or the fee in lieu. But I can't speak to the legislative history. So let me try again. The differences might be
-- we're talking about different places, rainy to downtown. There might be different times when we wrote the rainy street stuff versus last year when we wrote the density program. It could reflect the difference of opinion between who wrote the rainy street program and you and us when we wrote the downtown density program. My reference to third draft is not appropriate.
[10:33:05]

>> I support it's where we are.

>> Cole: We look forward to working on the options to bring consistency with the downtown plan to the rainy street area.

>> Spelman: Thank you.

>> Thank you.

>> Cole: Next, council items of interest because we're waiting on item 56 because whether or not councilmember martinez will make it. He has a family emergency. So that's go ahead and move to the item of interest of council.

>> Tovo: I have a quick announcement. Items 58, 59, and 60 will likely

-- well, I'll say we'll be asking for postponement of those, working with stake holders and also code compliance to get additional data. Now that they're broken to three separate ordinances, we have the opportunity to make each of those ordinances a little different. Councilmember riley, you talked about provisions that if they had been stronger, that would have made a difference for you. And I think we do have options for doing that. But it will take more time than we have between now and thursday, I will be asking for a postponement. I have a question I hope you all will

take a look at. Q&a process. Comparing our staffing levels here in austin to houston and dallas that have fewer staff for citywide programs than our staff have proposed using for the pilot program. Hopefully we'll have information coming back. Our staff said it would take seven to do the pilot program. Houston does theirs with four, dallas does the citywide program with six. So hopefully code compliant will give us information about why we would need more staff to do a much more limited geographic area here. Those will be postponed on thursday.

>> Cole: Any other comments? Other council items of interest to discuss?

>> Morrison: Mayor pro tem?

>> Cole: Councilmember morrison?

[10:35:06]

>> Morrison: I have questions and comments I want to share on item six. Which is the I was going to say the hud affordability.

>> Cole: What item?

>> Morrison: 96. The hud ordinance at this point addresses the pud and this changes the bonus square footage of the pud. One of the issues is about the baseline zoning. That is how do you decide what the bonus square footage would be. A change in the baseline zoning that changes it to be determined by the regulations provided in the base zoning district, comma, combining and overlay districts for determining the development districts. And that's a little ambiguous to me. When I think about an overlay district, I think about, for instance, you know, which gives you in some cases an extra 15 feet in height.

>> Cole: Are you directing that to legal?

>> The county commission adopted a version that said the baseline should be based on existing zoning. The question then was what did that mean? They weren't flushed on the planning commission. We worked with greg at pdrd. And came up with whatever the existing entitlement under zoning were. And that is what

-- that is intended to convey. So if

-- your question is, yes, they can get an additional 15 feet, but do they have to do the thing to get the 15 feet.

[10:38:01]

>> Morrison: If you look at the idea of basing it on the extra 15 feet, just continue with that. If we're going to do that, it would seem to me there could be no waivers to the overlay

-- the overlay. No waivers for the overlay. No waivers to the overlay, then it could be considered an entitlement.

>> Follow that.

>> Morrison: To follow my logic, no waivers to the overlay, if we were looking at, for example, 211 south lamar, there is in fact a waiver to the overlay that is not yet in the ordinance that is needed. And that is

-- that is

-- and i will share that with you. The waiver to 25-2-733-h1 which is the maximum height is the structures located near barton springs road, the lower of 96 feet or the maximum height in the zoning district. As you recall, I asked that question of you, is would

-- does this hud proposition satisfy this, andhe answer is no. It does not satisfy it because it's 96 feet and 60 is the lower of 96. And the base zoning district.

>> At this point, there's no provision waiving that at this butted.

[10:40:16]

>> Morrison: The second question I have is what we have in front of us is combining in overlay districts. Are you saying that that is just a filling out of the planning commission or does the planning commission want that in there.

>> The planning commission said existing zoning would be the baseline. And they're

-- so then the question for everybody is what is the existing

-- is it based

-- is it the existing base zoning? Or is it existing zoning with a string attached? The existing entitlements that you had under zoning. Existing base zoning only, if there was a c.O. That limited the height. Not looking at any project, but what was the range of zoning entitlements. It's how we converted it. It's a question

-- I don't know if existing zoning meant base zoning or the entire string. We pick sometime.

>> Morrison: So you put in combining and overlay. The overlay, we have some explicit in the code, waterfront overlay, uno, and the conditional overlays that we have that are particular

-- on a particular property? It would be

-- I tried to do a little review of the code. There aren't that many overlays that have the increased entitlements with strings attached in the code. Like the capitol view overlay. It would be interesting just to understand what we're really playing with here. Thanks.

[10:42:28]

>> I note that the provision you just read, I think that whole first part that continues to talk about the applicant and the director identifying what the appropriate district is. I don't think that's applicable with the planning district negotiation. I'm going to strike that.

>> Morrison: That makes sense.

>> Tovo: I did not understand your last point.

>> In adding the planning commission recommendation to i think it's 1.3, the existing 1.3 initially had a

-- was written so that the applicant and the director made a detertion about what the appropriate district would be and therefore made a determination about what the allowable and the existing allowable entitlements were. The planning commission recommendation

-- I believe this is also consistent with the cdc recommendation, was to remove that discretion from the applicant and the director and to just flat out say, it's the existing zoning. That initial

-- that language that was already there about the discretion of the director didn't come out. And it needs to come out. It didn't come out at the very beginning. Yeah, all that. It should come out. It's just inconsistent with the

-- it's just unnecessary. It doesn't add anything anymore.

>> Tovo: I need to try to understand the rationale for that. Was there any thought to

going back to the planning commission and asking them to clarify what they mean I would be interested to know

-- because it has been such a critical issue, you know, not just in this recent go-round, but we talked about it endlessly in the stake holder meetings done in the process. If there's any ambiguity, it would be interesting to hear the planning commission's recommendation?

[10:44:39]

>> Cole: Council directed the staff to do that, we could redo that.

>> Morrison: I have one more question. I know with the 211 south lamar hud was last heard, the idea was to bring it back once we had changed the pud ordinance. But the pud ordinance, if it had passed on three readings, it wouldn't be affected for tendaiings, is that correct?

>> That's correct.

>> Morrison: If we want to make for the pud ordin to take effect before the 211 south lamars voted on for third reading, the idea would be we would have to postpone.

>> Council, that might not be a bad idea because there's a posting issue with regard to 211 south lamar. It's posted for second reading only. And as you know, you've done second reading. And so we were

-- we have been discussing with the department that probably would have to be postponed.

>> Mrison: So ituld all sync up?

>> Cole: Another item? Councilmembers? To discuss? Okay, then we'll to our briefing, briefing on the proposed amendment to the city's environmental and drainage regulations. Matt. Matt, I know you've been working hard on this, are you doing it by yourself? Okay.

>> Good morning, councilmembers. I'm matt holland with watershed protection. Joined by gene drew and aaron wood, our team. And actually the team is much bigger than being represented here. So might have a chance to recognize a few other folks here in a little bit. Presenting to you on the watershed protection ordinance from staff and 200 other stake holders are working on for a 2 1/2 year period, back in

january of 2011, y'all kicked us off with a council resolution that came on the heels of a year-long study by the environmental board recommending the same procedure. We're year 3 1/2 as we sit here today in this process. So there's a lot to talk about. I'm going to try to make this as short as we can make something this long. And then open it up for questions. The development patterns we see today are going stay with us for a long time as we know. We would like to set up the patterns to be as positive as possible in the new areas of growth. We basically do not have a superior creek protection at this time. We have an exemplary system in most of the west. We have a great system in the center part of the city in the urban watersheds. That was a little too late in some ways to be effective. But in the east as we'll show some pictures, we're not doing as good a job. We have to close that gap. We want to have superior protection citywide with this ordinance. The science has been around SINCE THE '70s. People were doing things before 1970 for drainage. We learned a ton in the last 30 years. We wanted the code to actually reflect the vast improvements in the last 20, 25 years. The theme I'm going have is we need to quit creating problems faster than we can fix them. We need to shut off the valve, we need to shut off the leaking pipe before we clean up the water on the floor. That's the key part of our regulatory structure is to stop that. And a big theme, of course, is going to be the fitting of the imagine austin structure. A lot of folks have rightfully asked us, why are you doing these vast and sweeping ordinance changes right before you're going to be looking at the land development code revisions. But going to be working on in the next two or three years. So the answer is

-- council kicked us off and said go get it done. We've been closely coordinating it with the staff, the stake holders, making sure this together well. As you heard many times about the imagine austin plan, green infrastructure, compacted development and connectivity. Those aren't nickly the priority programs. But some of the first two are. Compact and connected is one of them. Then a series of other ones that have to do with health and well being. I would argue this ordinance tries to hit on every single component of the imagine austin plan. So it was really

-- this has been a deliberate process. Speaking about deliberate processes. We got the kickoff from y'all. We met with stake holders 26 times in

-- over the last two years. And so there's folks in the audience here that are sturdy types that have been

-- most or many of these meetings. We really tried to go to the detail of this thing to

get it right we're recognizing this ordinance is a very sweeping document. We went to environmental board and planning commission this summer and received unanimous support from those bodies. Today the briefing and posted for a hearing this coming thursday. And so we'll see which way we go. The history of watershed protection is a long one. We'll talk about it for a long time. I'll reduce it to one side. Basically we start in the early '70s IN THE FIRST IN 1974 WITH The waterway ordinance. We have bar on the creek and williamson creek and the '79, '80 range. By 1986, austin was ready for the first ordinance as it was called, the city of watershed ordinance. And that was a citywide ordinance. And we are basically revising that ordinance here 25 plus years later. And so it's kind of a big deal and a privilege for us to be working on this, again, with a lot of help from hundreds of stake holders. I'm going to be recognizing the shape. This is the city of austin jurisdiction. The different areas from town. The watershed classifications in the code. You treat them differently. The urban cote has certain regulations. Everybody

-- most people are familiar with the barton springs zone where the water drains to the bar on the springs. That has high level of protection. The red areas have high levels of protection. The green areas are the desired development zone. They have basically historically a less protective environmental structure. So mostly talking about the suburban watersheds today. 54%, over half of the jurisdiction is in the suburban watersheds. And, in fact, most of the undeveloped land, kind of the green fields if you will will be in the suburban watersheds where sh-130 has been built. So 3/4 of the undeveloped land will be there. Redevelopment all across town. But the development is largely going to be in this area. This is not an area with exemplary protections. Suburban areas are different geologically. They have much larger flood plains than the counterparts and in the west when you have steep canyons and so forth. In the east, you have more rolling hills and broader flood plains. They're tempting to try to fill them in and develop on them. That's one out of six acres but unfortunately there's a lot of environmental and financial risks of doing that. We'll talk about that when the ordinance hits on that highly. This is one of the most erosive areas of town. In most parts of austin, heavy clay soils. The heaviest of the heavy clay are in the east. So we have a lot of structural foundation problem, roadway, base problems. On and on. And we have a lot of erosion in the creeks themselves. Talk about that. I'm going to briefly

-- the council resolution you passed in 2011, had seven components. I will briefly

touch on each one of the seven in this presentation. The first two are the longest. Then we'll kind of clip through the last five quickly as we get through one and two. So the first

-- the first element was to

-- to

-- for creek protection, to include better requirements, to protect water quality and reduce erosion, flooding, long-range cost and structure maintenance. The current development under the rules not providing the exemplary protection that we're hoping for. This is the erosion problem that the city of Austin even though we approved this development are going to end up fixing or repairing in the future.

Here's Stacy Park, which has existed since the '20s, maybe before. Some good ideas around for a long time. A great idea to set aside a space around a creek, one creek in this case. This is good development for times to come. We had entire sessions, 126 sessions about why it's a good idea to protect creeks. And it, again, cut this short.

Basically, it's a really good idea. Austin plan talks about integrating it in the city. And some of the most beloved neighborhoods and areas of town have them protected.

All of the missions for our department, flood, water quality, erosion. Integration, green infrastructure is one we're trying to do. This slide show is the largest creek in town. If you extend them out to the head waters, things like this, the light blue creeks are going to appear on here. Not half of the creeks are what we characterize as head water creeks, the smaller system kind of like the capillaries in your blood system as opposed to the arteries. You would not want to eliminate the capillaries just because they're small. We would like to do that with the creeks as well. Unfortunately, our protection system as you can see on the red here, those are head waters that are not currently protected. In the west, there are a few that do not extend out the a 64-acre drainage area threshold. I'll talk about that more, usually a confusing term, in a second. But basically we count our streets starting at 64 acres of drainage and then until they get to 320 acres of drainage, we call them head water so in the east, none of those are protected. We would like to have that change. That's it

-- so frankly an equity issue among other things. We would like to provide exemplary protection in the west, not just in the midwest. Lots of modification, lots of armoring. These creeks do not have what we call critical water quality zone buffers. You can grade them with bulldozers. They get compacted, straightened, so forth. We end up with drainage problems. We'll talk about that in a little bit too that we have to fix.

We're out there mowing and spending money and suppressing the natural function of the creeks at the same time. That's a bad dynamic. In urban areas, already at 64. In the urban areas, 64. So one of the things you asked us to do was to -- was to minimize the individual and collective impacts of the changes of this ordinance on land development.

[11:00:25]

>> And, so, all of this area in red is not protected at this current time. You can get in with your bulldozer and so forth, straighten the creek, do what you want, et cetera, and end up with those pictures we saw earlier. Anything downstream, you have to stay back and a respectful distance. You can see the dark blue and light blue buffer system there that show the critical water quality in the water quality transition zones. That's what we have now. Ge half a square mile, 320 square miles and stop. Anything above that is unprotected by these buffers. The new system looks like this. We just overlaid it on top of this and want to have a shout out to aaron and aaron and jean, please chip in now or the future as we ask questions and so forth. This is -- aaron did these graphics. So, what we're doing basically going with slightly skinnier buffers, though they don't extend out to the same extend the water quality transition zones did, but we're going up to the areas. He hear is the proposal. Here is what it looks like without the thing behind it. In the city and developments. And, so we see kind of a more forested your or possibly grasslands near the creek, and it tapers down towards the developed area. We're actually incorporating things like roadway crossings, trails, utility lines, green waters and even athletic fields to the east in the areas with some additional conditions and protections. But, basically, we're recognizing this buffer as a place we don't want development such as roads and parking lots around so forth, but we do acknowledge these are good areas for some additional and so forth like like the park amenities. There is the critical water zone itself. Okay, so I talked about stopping, creating more problems faster than we can fix them, so there are some examples. We have almost a thousand examples like this in town. We have a thousand place I'm sorry town that look like this that are waiting on a list that will take many, many decades to fix and we would like to stop this before we create any more. Austin spent money fixing creeks like this so we

would like end that in creating the new ones. We've come in with what we're calling the erosion hazard zone protection. This has been a major focus of the stakeholders. How does this work? What is going to happen? And so forth. Basically, it is possible now to define an area that is in harm's way in terms of future erosion and down cutting of the creek. We're asking folks take this into consideration when they figure out where they want to put buildings and other hard-developed infrastructure, including waste water lines and utilities. Here is just showing the various features. All right. About to the second idea. Which is flood plain protection. The council resolution asked us to promote, encourage and/or require the preservation and restoration of flood plains and stream buffers as well as the beneficial repurposing of mining quarries. If you went back many, many hundreds of years, this whole thing would be forests and much more protected. But it has been grazed and hauled there and so forth. So, here is actually a subdivision, the ranch here in the middle in Austin, and they've actually allowed the nice restoration of their area. This is much more like when we're hoping for, restores all kinds of natural function. So, our flood plain protection ordinance basically relies on the don't mess with Mother Nature rule and we're basically saying we would like to restrict floodplain modifications where possible, and we're requiring some more objective analysis of new area that is proposed to be modified with what we're calling a functional assessment. For the stakeholders listening, there are a lot of questions about when are the criteria coming out and so forth. We have the draft criteria as of today and there will be a process over the next month where we will look at that criteria and get stakeholder input and so forth, so we will have a 30-day period after the ordinance goes into effect to get that criteria in place. We do

-- we're welcoming additional input and comment on that. We know that not every project that proposes modifications is going to be able to mitigate on site, so we have off-site provisions. Again, we're talking about vision. In this case, vision of actual restoration of these degraded creeks. Here is an example of a farm that was redeveloped out in kind of past the airport, out in east Austin. Far east Austin. Started out with this kind of meandering creek going through a wide floodplain. The floodplain shown in brown. The project that goes in very dramatically narrows down the creek.

[11:06:21]

>> A drainage plume. Here is a picture of the the drainage plume. They've eliminated the natural function, there is unanimous agreement from the development community to the environmental community on let's do something different and better. Let's move to development patterns and greenways. One of my personal favorite topics. That is not an exemplary place for nature and people. We want to explore opportunities to encourage a development pattern that better protects public and are private property, preserves floodplains, creeks and open spaces, and provides access and connectivity with greenways and trails. This is a place that is a backyard, armored. Here is another example in the middle of a neighborhood. There is houses and roadways off the edge, the right side of the edge of this screen, but this development has protected their creek and allowed the natural beauty and integrated transportation and recreation system there with that trail/sidewalk. So, what we've done actually gone in the environmental section only of the pud ordinance and expanded the 10 existing options to 23 and given them great new choices. This was a fun meeting, a happy meeting. [Laughter] we talked about a lot of good new things we will be offering. A lot of other things you've seen for the projects that have come through recently to the council because we've been trying to integrate those in in the last number of years, so actually putting it in writing. We're improving transfers and development options so people can -- so when the centers and corridors are built in these areas, we're expecting people to want to transfer in some extra density and bulk and impervious cover, so how do you mitigate off site? We've had interesting ways of doing that to clean that up and make it less ponderous. You all actually, explicitly, this is something we were looking at in the ordinance itself because it was part of the environment chapter, but the council asked us to look at the redevelopment exception, the most famous in the barton springs zone. It was passed in 2007 and was only used twice. Basically take a piece of property and redevelop it, in this case, the home project near 360 and mopac, near the mall, barton creek square mall. They took an existing old cinema and redeveloped it and paid off-site mitigation and permanently protected some land with that. We extended that option, we're proposing to extend that to the lake austin, bull creek kinds of areas, to allow renovation of those areas and s forth with on-site protections and off-site mitigation. And, then, we have tea actually worked

closely with our transportation and public works friends and realize there is a lot of -- a lot of roadway improvements, they are very small scale. They don't have a large water quality impact but they are hindered by our structure, ordinance structure, so we're proposing that roadway projects that are smaller than 5,000 square feet of impervious cover, not be held to impervious cover or water quality requirements, so we're going to be

-- they're actually limited to bike lanes, intersection improvements, public transportation, and roadway crossings at creeks. So, those are some kind of clean-up items we think are going to facilitate other improvements. Here is a sequence of -- okay, this is going to be possible in this precise area, but it is an area of town that is famous and known to most. Waller and Shoal creeks. Here they are. Draining along. And, so, the Austin Creek's plan, back in 1976, no new ideas, apparently, we've been doing this a long time, we've been wanting to have buffers for a long time. They proposed a system that looked just like this. Took the plan and stuck it in the slide. That's what they wanted. You can see somebody would be able to really use that area along the creek to walk and so forth. Unfortunately, a lot of that area was already developed or encroached, private property and what have you, we weren't able to acquire that one way or another so that is what we have today, a very disconnected greenway system. Had these two watersheds had the buffer system that we're proposing for the suburban watersheds in the east, it would have looked like this so you could have walked or ridden your bike from the resource center downtown and moved all sorts of places with alternative transportation and biking and so forth with this system. I think this shows a lot more vision and compatibility with the imagine Austin plan than the current set up. All right. I'll hit this one briefly. In January, we're requesting to be talking to our stakeholders yet another time or series of times about storm water controls and high flow hydrology. We put key pieces into the ordinance to better moderate run-off and help stream bank erosion. It is not doing well in the drought. Here is a better idea. Go with rain gardens in smaller scale, green infrastructure that doesn't take much maintenance and water from a conservation standpoint. We're doing a series of things. We're adjusting the way

-- and some stakeholders may want to comment on this. I think the real estate council was interested in discussing this 5,000 square foot item more but we're asking any new development that has at least 5,000 square feet of impervious cover

to provide the control. There used to be a threshold of how that worked. We will allow people to put water quality on top was each other to stack them. A space-saving move for some projects than is just something that the code blocked in the past. We also focused on maintenance and inspection in a couple different ways, including those for sub surface controls. All right. So, you, council, asked us to look at mitigation options. And, so, I think this is very much something we're going to be looking at with the imagine austin's comprehensive plan. We did propose changes, I will show new a second, but basically, mainly, we've kind of held back on this one knowing we really needed to be

-- integrate more in light of the process, the community on that, so we haven't made any sweeping changes here. Burr but we're offering mitigation options in the way we're mitigating floodplains. And I mentioned the redevelopment options for lake austin and bull creek and so forth and some other improvements in the barton springs area. All right. Our regulations are dense and thick. You saw the ordinance history. It is sort of a series of accretion over time with these ordinances going in, so we really tried to take a look at house the stuff worked total in are there ways to simplify it. We've gone from six different stream buffer systems down three with the ordinance. We actually looked at making that two or even one, but that was given the way the city has already bee developed out and the way the imagine austin plan directing growth, we thought the three was the best option. And, supported by the stakeholders. So, we already talked about most of these. We're limiting any water quality transition zone in the east, want to be clear. In the west, we're continuing to have the same buffer, everything. The same critical zone, same water quality transition zones, in the west only, but, for the east, we're simplifying things by going to one buffer, and offering buffer averaging. We're eliminating a concept we call boundary street reduction, which is a complicating factor for some developments. It doesn't affect the impervious water coverage on a whole, and we can talk more about that if you like but that is something we think is an overdue simplification. And, then, there's really dozens and dozens of smaller clarifications and corrections. If you're really in a it, you can look at our 44-page table and look at every single change we make in the ordinance, but there was lots of clean up necessary after 30 or 40 years of code writing. All right. And, then, in the end, again, you asked us to minimize the individual and collective impact of these ordinance changes on land development, so we actually went in and did a pretty extensive gis mapping analysis

of how this worked and what was affected by what level by the different buffer scenarios. And the selected alternative, we could really dive into this more, the devil is in the details on the assumptions and the modeling and so forth. Basically, if everybody went completely crazy and built suburban development, which is not going to happen, it is going to be a mix. If everybody tried to max out, testing the limits how much we will affect any invest property, we would get a slight gain, four to of impervious cover, and then in most properties would not be perfected at a high level. A few would. A few would have head waters across the middle of them, or they will have a new major buffer extend up through them or what have you. But, the majority have minor impacts. Actually, 70%, numerically, had no impact whatsoever because most properties don't have a creek on them. But we were able to minimize the impact of the

-- for most cities, and actually, on average, people pick up slightly. And, so, we actually

-- and we worked closely with the neighborhood housing department and looked at affordability impact statements. A little more come indicated than usual but we're -- complicated than usual, but we're acknowledging some impacts to properties but also all sorts of community benefits and cost savings over time. The state requires we do a takings impact assessment and we did that. We made that available to the council. We have copies and we will post that to our website. We're showing a positive interchange here from the way we structured the ordinance. All right. We're almost done. And, this is a nice picture showing the impacts. The green shows where -- show where property have picked up slightly or more, slightly than impervious cover. Red shows where the impervious cover of a property is going down with the ordinance so we're trying to minimize the red or at least keep it neutral as much as possible. And, so, again, we show that most properties, by numerically, see no change, the 70%. By land area, 34% see no change. 54% gain, most kind was modestly the the and 12% of land area loses impervious land cover. If council passes this ordinance, it will go to the Travis County Commissioner's court to bookend this thing. But, anyway, they've

-- and that's gone well, and they've been

-- and we've also interacted with you today. Next steps is seeing you Thursday, posted Thursday for a hearing. And, we will

-- I wanted to show one other slide. I didn't put it into the

-- we will also be giving you guy as motion sheet, sort of toward the end but after we published the ordinance. We had one small change one of the stakeholders brought forward which we agree with and we talked to a number of people about it and has to do with the water supply. The watersheds, right now, if you have a piece of property that you can only have 20% impervious cover in this area of town, so right now you have to have 40% of that property in natural condition, and the requirement today is that that 40% natural be downslope of whatever you build so the water is k go in and soak. Sounds good, makes sense. In the old days, that was the way the water got treated. Now we have one that says thou shalt put in in gtaded for most of the development so the pond, plus the big 40% area. You don't have to have that in that order. If someone wanted it up slope, 40% buffer, put it closer to the roadway and what have you, then treat it in the pond, that is fine. We will be presenting that in the motion sheet. We welcome additional questions, if you've got that, too. That was really in the weeds, but I'm done with my presentation and welcome questions.

[11:20:28]

>> Thank you, and your team for the presentation. I understand

-- will is giving you a big thumbs up, and that means we have had a lot of community input. I see here you've will 15 stakeholder meetings with input and others stakeholder meetings just about the ordinance.

>> Yes. 15 and 11, yeah. 15 on the

-- right. Input. Hear some ideas, what do you think. And 11 were, once we wrote up a draft ordinance, we had 11 meetings to really hash through the details of the proposal. And we made a lot of changes as a result of the stakeholder input.

>> Do you remember when this resolution was passed?

>> I think it was january 13, 2011. 2011. 2011, so about who and a half years ago.

>> I was trying to remember. Council member riley, was this your resolution?

>> I think it was martinez and the mayor.

>> Very good work. I mean, we all voted for it. Council member spelman, was that new.

>> We all voted for it so we can all take some credit.

>> Absolutely.

>> I want to recognize whoever took the leadership role on it. Council member morrison, whoever it was. We all voted for it. We will leave it alone. I had a question about the creek protection ordinance proposal and the growth site area basis for impervious cover. Can you explain that to me, the growth side area verses the dense side area and impervious cover.

>> Absolutely. In fact, we have a back-up slide just in case this came up. So aaron is going to help get that up there. Basically, I'll start talking about it before it comes, the slide comes up. Basically, if you have a piece of property and it doesn't have a creek on it or any buffers or any steep slopes or anything else, it is blank, your gross side and net side are the same. Once start having things like buffers on them. Here we go, here is the nice slide here this particular cartoony example shows a property that has a new head waters buffer on it. In today's world they would take that blue area at the top and exclude that from the area that they use to calculate their impervious cover. So, they've got one acre of land, so instead of taking -- and, so, in this take case, they're in the etj of the suburban watersheds and they want to propose something commercial, so they would get 65% impervious cover, maximum. But they only get 65% of the uplands, the the part not in the buffer. Not in the steep slopes. So, empty example, they're really only gets 65% of the net. So the denominator of this equation changes it kind of complicated.

[11:23:35]

>> Is that what the red line means?

>> Yes. The red line, yes, thank you. The red line is the uplands area and that's the part you use to calculate your 65%. It is sad that it takes a half hour to describe this and part of why we want to go to the growth-side area because it is simpler and more straight forward. We don't want people in the buffer. We don't want people developing in the creek, but

-- so, in the new proposal, you still can't build in the blue, that's the buffer, but your impervious cover could be potentially 65% of the site in this case.

>> And you mentioned that this happened into east austin a lot, particularly.

>> It happens everywhere in town except the current said. The east austin buffers

doesn't extend as far upstream as the current counter parts.

>> Okay. I also had a question about, you show that the picture already of a very ranch and you like the idea it is restored?

>> That is the theme of the ordinance. You can knock yourself out with planning and irrigation lines, but we're looking at a pretty low key passive restoration method, we're not looking at anything active and expensive, we're saying leave it alone and let things come back. Seed links and saplings, a buck or two a pop, but we're looking at something more passive, if landowner desires.

>> So we're encouraging that?

>> That's right.

[11:25:39]

>> Our allies with the conservation effort would appreciate that, saving water.

>> And costs.

>> Defely.

>> Okay. You showed us an example of a farm in east austin and trying to work with it, with the floodplain and off-site mitigation options.

>> Yeah, they actually didn't use off-site mitigation. Of course, they just built their project and then narrowed down the floodplain in that one. In the future, it might be, if they propose something like that, under our new ordinance, since they were modifying directly in what would now be the critical water quality zone, they would have to go through the boards and commissions process to get a variance. They couldn't do that project with the new ordinance. In the past, they would just go for it under today's rules and code, but with the new one they would have to come through the boards and commissions process to do that narrowing and they would probably not be welcomed with that suggestion at this point, just because it creates all these negatives.

>> Okay. So, the boards and commissions process is designed to inform and hopefully stop bad efforts and mitigation?

>> Right. They might suggest additional mitigation measure or something that would fit that particular site. I think one of the interesting things will be to look at the imagine austin centers and corridors and how do we want to handle those. Those are

intensive areas, some near creeks. We're hoping to have our cake and eat it too, good environmental protection and some good off-site mitigation in association with those projects.

>> That's where we're heading.

>> Yes.

>> Okay. You talk about the affordability impact statement assessment and having a negative and positive impact. And I wanted to get a better feel for what you meant by that.

>> You bet. Let me see what order these back-up sliding

-- I've gone one that actually shows

-- here it is. Next slide. Awesome. Okay. This is actually

-- this is an actual project done by the neighborhood housing and community development. It is a good project, but in our opinion, they put a lot of lots

-- the green buffer in this slide is the head waters buffer. Again, they didn't have to do anything because the rules today don't make them set back from any kind of buffer. In this case, they went ahead and put a whole bunch of houses right in next to the creek. Let's see. I think we have a picture of this. We zoom in and you can see there are some of these

-- they provided about a 25-foot set back from the center line of the creek. The creek is not just zero feet wide, so we're already seeing erosion and loss of fences and complaints from neighbor I'm sorry complaints from neighbors in this project. It is not very old. You've got a dynamic, the affordability impact statement has to show there is impact. You used to be able to put in more houses. With the new buffer, you would be able to step back, in this configuration, so there is impact. >>Cole: The difference when you're talking about impact on existing houses verses ability to actually put in new houses, you're calling that an impact, right?

[11:29:04]

>> Yeah. The impact we're talking about it on new, new stuff. If you already have a house on a lot, you're done. There is no

-- this ordinance has no impact on you. Yes, exactly, it would be the new development.

>> And, so, when the state is telling you to do a taking analysis, what do they mean?

>> Erin, do you want to take this one? She actually worked the majority of this.

>> Erin, watershed protection. We're required by law to do this takings impact analysis if we think

-- well, first of all, any of our regulations we're adopting in our etj are being done differently, so if we're adopting in the eastern watersheds other than the western, we're required to take the impact analysis under state law. We go through and if there is anything that may impose a burden on a particular property we're required to go through and talk about the benefits to society and why we think the regulations knead to be in place, and some ways we're op setting that potential burden, growth-side area, variance process. >>Cole: I see, you have to lay out the costs and benefits and make the case to the state.

>> Ectly.

>> Any other questions?

>> I want to make sure how the regulation are applying. What is the geographic location of this?

>> This is towards the airport, carson creek, near river side drive. North at river side drive.

>> If we lk at your slide 36 be, which shows the stream buffer systems.

>> Okay.

>> The 100-foot set back that you're showing here as the wpo buffer is based on the fact that this is a minor stream and it is the critical water quality zone and the suburban watershed, is that right?

>> Yes.

>> Help me understand the difference between the critical water quality zone and water quality transition zone.

[11:31:07]

>> So, historically, we've had two buffers. The critical water quality i known as the core buffer closest to the creek, that is thene shown in dark blue on the other slide. It, basically, allows very limited development. You can have a road cross it or you can have a picnic bench and so forth in low-key trails, but that was pretty much it. The

transition zone was, as the name implied, a transitional buffer between the quitcle zone and the uplands area, where most of the development is. Depending where you are in town, you could put 30% impervious cover in that transition zone, currently. So 70% undeveloped and 30% developed. The in the uplands you have your full developed.

>> In the drinking water protection zone, there is the additional zone.

>> That's correct. We're proposing that.

>> I and here we're talking about the critical water quality.

>> Right. We're trying to simplify this so bedon't have to have any longish conversations but there is no water quality transition zone today so we will have an urban and suburban system that look similar.

>> Okay. You showed, in that graphic, you showed a straight 100-foot set back. Help me understand how buffer averaging could work in a setting like this.

>> I'm not sure if we have

-- we had an example. Okay, so, actually, let's do it in the

-- I'm going to go to that same slide. Sorry, guys. Here we go. Okay. So, in this particular case, okay, so that shows the 100-foot-wide buffer in green. We will have another

-- and we will have all this stuff on the web so people can look at the particular piece of property and see what is going on. We have a concept called the half buffer, where, in this ordinance, where we basically say the inner part o that, closest to the creek, 50 feet each side is kind of just

-- that's the most crucial part. You saw the biggest trees in there. We don't want to do anything this there. We don't want the trail in there, on average. And, so, that's going to be kind of much harder to get around. And, then, that top half of the buffer, the upper 50 feet, we're going to allow people to use buffer averaging and so forth in there. You will provide that men mum minimum 50-foot buffer but it will bulge here and in here, you could squeeze in your buffer in one spot as long as you provided an equivalent area somewhere else on your site.

[11:34:07]

>> And that can be approved administratively.

>> That's correct.

>> Got it.

>> And, we have

-- oh, great. We will have criteria available for review, as well, for that. It is pretty straight forward. We can pass around the graphic here shortly.

>> And, then, let me just make sure I understand the underlying class any assification. What is that based on? Is that something that was said at some point and it just

--

>> yes.

>> And will not change at all? Or is that something that is subject to adjustment based on changes in the floodplains?

>> That was set back in the 80s, AND BY THE

-- THE Watershed ordinance, the system we have today, was locked in and so basically, it has to do with these drainage areas. Once you accumulate a certain amount of drainage area up above a certain point on a stream, then you get

-- there is our buffer averaging picture we will show in a second. Anything downstream of that point gets that particular buffer. The largest buffers are on the largest parts of the creek. If you have 640-acres, which is a square mile, that is a pretty big area, anything below that we're going to go with the largest 300-foot buffer in this case. Anything half of that, 320, we will propose a 200-foot buffer there. Anything from 320 to 64, which presumably was selected back in the day because 640, 1/10 of that is 64. That turns out to be about where he start reliably seeing creeks appear in the landscape. If it is really tiny, 10-acres of drainage, it is just water soaking in the grand and you can't see any bank and so forth. By the time you get to 64, you usually see creek. Historically, that's what we use and we're proposing to stick with the same system. The suburban watersheds will have the exact same yeah om geometry, city wide, except for the suburban. Erin, why don't you walk them through this.

[11:36:52]

>> Basically, two ways that you can meet the requirements of buffer averaging that

you're actually, you know, equaling or the service area of the buffer that is required is by widening the buffer in certain places. It is not mentioned, there might be places unique for protection, where your floodplain comes out, you are you can extend the buffer further up, like we were just discussing. Going to 64. There might be places where you do get a defined channel a little further up, maybe to 32-acres. So you can actually, you know, extend a smaller buffer up a little further. Then, in places which are maybe a little more degraded or suitable for development, you reduce it down so you end up with something a little more tailored to your site.

>> So the black buffer in this, heavy black buffer, this is a boilerplate special with 100 feet each side, and then the blue is potential, the applicant could come in and say, look, using your criteria, I can get not any skinnier than half the buffer but then bulge it out here. We think it is great, because we will continue to have erosion hazard. If the creek is hitting a bend, it will have more erosion so let's not make it narrower in that spot so there is intelligence built in so that we can make sure we get the protections we need but they get the flexibility they can use, if necessary.

>> You can intrude into that set back as long as you provide room for the creek to expand in other places?

>> Right. Exactly.

>> And to off set any other intrusions.

>> Hopefully, people will use it to protect trees and other things like that on their site. >>Riley: Right. Okay. I want to go back to one of the last points you made in your presentation about the 40% natural area being located anywhere on the site.

>> Yes. >>Riley: I think you said you're fine with that?

[11:38:53]

>> We are fine with that. That makes sense. You know, again, like we're trying to look at the whole code together and make sure there are not unintended consequences. This is one we said, okay, leave that system alone and also make everybody puts in these water quality controls every time. We didn't realize what that was going to do with these sites.

>> But that require a change to the current draft?

>> That's correct. Our attorney has already drafted up a motion sheet for you for

when the hearing occurs. >>Riley: We can consider that as a potential amendment.

>> Yes. >>Riley:9 last thing is the trigger for water quality controls.

>> Okay. >>Riley: I understand the proposal is to go, right now there is generally a 20% impervious cover trigger.

>> That's correct. >>Riley: And the proposal is to switch that to 5,000 feet. You know, some stakeholders are suggesting or are questioning that.

>> Right. >>Riley: And they point out a 10,000-foot trigger would be consistent with travis county as any water quality rules. I want to understand where the 5,000 number came from and what that position would be with respect to a suggestion about using a higher number, like the 10,000 square feet that travis county uses.

>> Thank you for that question. Basically, where the 5,000 number comes from is currently, in our kind of winding history of this thing. I will give you the hopefully shortish answer. In the barton springs zone, if you have thousand square feet, if you propose 8,000 square feet or less of impervious cover in a particular site and it has been platted since the ordinance was passed, you don't have to come play with the ordinance or do water quality controls, so we initially came in and said to the stakeholders, let's have 8, square feet of impervious cover be the number. We realized, researching this and the stakeholder process, actually, we already require in our own urban watersheds if you're 5,000 or greater, you have to put in a water quality control so we were proposing something that wasn't even as protective as we're asking people to do in the urban watersheds now. So, erin did some more research nationally and we found out that the u.S. Epa h standards for 5,000 and other municipalities had standards for 5,000 so we ended up with this numbing basically corroborated. A couple other communities like portland that had a number that was much lower. And erin found out they were sort of regretting they had done that level, it was administratively difficult, so we think the 5,000 number is something we're already doing, we're comfort within that, it makes sense. It is very small, admittedly, it is .11-acres of impervious cover, but you can have impacts from that if the flows are not controlled. Travis county does have a 10,000 threshold. We will be working with their staff once this ordinance is passed and in its final form, and they've already told us they will be probably adjusting their rules to match ours. In fact, we made some changes to our own draft that you now have, added some protections they wanted in here so we're trying to get this squared up whe we go through. I don't think the 10,000 is set in stone. I mean, the sunrise is set if we go

with 5 or 10, but the five number seems more logical from our perspective.
[11:42:32]

>> You concluded the 5,000 number would be more in tune with national best practices.

>> Um-hum.

>> And the aquifer rules use the 5,000 square foot trigger, so if you're in the barton springs zone, you would be required under tceq.

>> We seemed like let's go with one number everybody is going to use. So the 8,000 area foot example, if you were coming in at 7,000, you would still have to put in a pond, thanks to tceq so let's keep it consistent, I think, was our rationale. >>Riley:En you consider the number a 5,000 number best practice?

>> Yes. >>Riley: Got it. [One moment please for change in captioners]

>> there are two criteria. Those that are the critical battles. If you don't have is the criteria in place, you are not sure how you will get approved. We have emergency rules in process, in place for those. And then the second category are the things that are pretty straightforward. You look at the code and it's self-evident what needs to happen. It might be nice to have criteria to clarify but we could get from point "a" to point "b." And the review development group are here. He and the staff will help us walk through these things. Here are the member rules versions and the ones we can get to later. We hope the stakeholders realize the ones that are emergency rules are the ones they most need to see. Erain and the others are working for the floodplain emergency rules and the buffer averaging emergency rules. And we have the emergent hazard zone recently included in the drainage criteria manual. Those are the three most important ones.

[11:45:17]

>> We will be doing maintenance and inspections.

>> Use your microphone.

>> We also have an emergency role for the maintenance and inspection

requirements for critical environmental feature buffers.

>> That's right. The process is whatever date the council does the hearing -- if you guys approve it, it will be on thursday. Then that next week will go by. And then the monday after that will probably be the effective date of the ordinance. And then 30 days after that date, the emergency rules will go into effect. The latest they can go into effect. We will have the time period to work with our stakeholders. We won't instantly put into effect emergency rules with no review from the public.

>> And you really can't get going on the rules until we approve the ordinance?

>> We do have drafts of them. So we actually provide those to the public today. We'll put them on the web site.

>> So they shouldn't come as a surprise to anybody?

>> Right. And actually the floodplain rules and the backbone of the rule we presented in june. We basically said, look, okay if you have this, you are doing to do the ratios in mitigation and evaluate these kind of criteria and these kind of factors for your functional assessment. Then later we came in recently and finished out the detail of that.

>> And just to make sure i understand what you are referring to, is that the floodplain modification criteria in the section?

>> That's exactly right.

>> And can you help me understand why that's significant? Why those rules are significant. And why someone might have an interest in seeing those rules before we approve the ordinance?

>> Yes.

>> The main thing, the reason those need to be emergency rules, the code says now you can modify the floodplain if it's determined to be in poor or fair condition by functional assessment of floodplain health. And so the question is, what is a functional assessment in floodplain health? And that's what we have been working with stakeholders to develop. It's not saying we developed the bulk of the framework, talking about the restoration ratios and how much you need to restore for off-site mitigation and where you will be doing the functional assessment, kind of what the measures will look like, what the timeline will look like for that. That was done in june. And we did some updates in september and hosted a public stakeholder meeting on that. What we've been tying up in this last month is fleshing out the methodology for each one of those measures. When you go out, when the

environmental consultant or staff goes out in the field, what they will be measuring to assess the health of that floodplain. And then developing some worksheets that make it easier to go out and square them in the field.

[11:48:11]

>> If I were a stakeholder, I would want to know what the detail was. Yes, I know that the frame from June, but what are the details. And I would want to show that to my consultant and so forth. We're going to have about a month, probably more to work with them on this. And so we're not just sticking something straight into the criteria manual at this point.

>> Okay.

>> I would add also those measures are based on EPA service and standard methodology that watershed has developed in the past. They are accepted measures and not something new that we have been constructing in the last week or so. The environmental consultant would be very familiar with the things we are proposing.

>> Most projects don't have floodplain modifications. They look at the site and stay out of the FEMA floodplain. There are obviously environmental and safety reasons you do that. So it's not a

-- projects do propose these, but the average project doesn't necessarily propose the floodplain modifications. The buffer will get used over and over again. The floodplain, there is a niche deal.

>> From your perspective, you are ready for this ordinance to pass on all three readings and the rules worked out over the next month? And that would entail something of a stakeholder process so that people would have an opportunity to participate and review the rules before they finalized?

>> That's right. And we've got several hundred stakeholder lists and we will put out an announcement, hey, you know, go to our web site. We have posted these rules and we'll have a public meeting or more if we need to do flesh this out.

>> Could there be any value in passing the rules and passing the code changes on first reading to give you any further

-- any bit more of a head start in doing the rules? Or would you be in the same position?

[11:50:13]

>> We are hoping for either one I think.

>> I think because of the way our timelines work for the emergency rule, because after that is passed, it expires, after there's three months and that three-month extension. After six months, we need to have the final rule in place. Our process to get the final rules submitted and through the adoption and through stakeholder view is about six months. So actually today is when we submit the final rule for stakeholder comment and review. And so the emergency and final are kind of moving to review at the same time. So really the month of october is when t final rule will be going through. So expending the final rule doesn't necessarily benefit us because the final rule is needing to go into process at this point.

>> Okay. There are a couple of things. A couple of other things i could ask about, but I want my colleagues to jump in if there's anything they'd like to ask about.

>> Council member tovo.

>> Tovo: I have a couple of nts. It sowndz like your timeline is most benefited b us considering these and passing on three readings on thursday. If we passed it on first reading, it delays the rule process to the extent that it makes it challenging.

>> Yes. That is correct.

>> Thanks.

>> Tovo: A couple of quick questions about what you have proposed. Thank you, by the way. This is really clear that it was a tremendous amount of work and that you have really done a good job of working with the stakeholders to craft solutions that work well for our city and its environment as well as the stakeholders who are involved. I wanted to talk for a minute about the proposed stream buffer systems, the proposed and the existing. And council member riley has asked about this already. But I'm not sure that I yet understand what the rationale is for removing the water quality zone, transition zone for suburban.

[11:52:19]

>> Okay.

>> Tovo: Streams. Beyond just that it makes it consistent with urban.

>> Well, basically, we are making the critical zone bigger in every

-- so council member Riley was kind of walking us through the different buffer levels.

>> Well, I see it goes from the range for critical would be 50 to 100. Intermediate will be set at 200. Major take the middle ground between 200 and 400 at 300.

>> Right.

>> Tovo: That doesn't look to me exactly like an increase.

>> Okay. So right now in the west, we actually have

-- right now in the west, if you had the smallest minor creek, 64 to 320, your critical buffer would be 50 and the next 100. When there's a river in those western creeks, we're basically just saying go with the biggest in those first two instances. 50 to 100, take the 100. Intermediate buffer. With the largest, the range was 200 to 400. We felt that was too big and did an analysis and figured out the average buffer was 300 so we went with 300. So it's 100, 200, 300. In every instance the critical zone proposed for the suburban watersheds at least as big as the ones in the west. But then we don't have the secondary transitional buffer. So again we're trying to balance this, you know, impacts deal. We're covering the erosion hazard zone with these buffers. We are nailing that. We're getting the water quality and a high level of water quality buffer out of it. We didn't feel like we needed to extend that water quality transition zone 100, 200, 300 feet beyond that buffer we had already established.

[11:54:20]

>> If I could add to that watershed protection. We also did a lot of research with other jurisdictions and did a lot of national literature research. What we found was there was a lot of scientific basis for having buffers extend further into the headwaters and those were superior from a pollutant removal perspective from having the larger buffers on the waterways. We felt like this taller, slimmer buffer was really scientifically supported in terms of the way to go. We hesitated to make this change in the west because that's an area that traditionally had so much protection and public support for that protection. But for the eastern watersheds, we felt as though

this was really a justified change to make request dropping the zone and extending the buffs buffs

-- buffers further up into the head water and supported by scientific literature.

>> Tovo: Thank you. My last question is, would you give examples of stacking water quality that you referenced?

>> Absolutely. I was saying we don't allow that now. We actually do have one system that we have allow people to staff. And that's a wet pond. So the classic in town is the central market wet pond. Just imagine it has a permanent pool of water. And water comes in during a storm and starts displacing the water that's already there and pushing it downstream. There is the level that's the constant level that's the water quality volume. And then if you had, you know, frog strangling rain and a 100-year storm or something, the thing is designed so it would actually fill up beyond that normal pool level and go up into this extra storage. Those are stacked on top of each other. You could do that potentially with a rain garden or a smaller sand filter or something. The design needs to ache date that and make sure it doesn't get torn up by the larger event and so forth. We'll be working through in our criteria and a feeling through from the manual standpoint. That's exciting from the design community and in some case that is could really help them.

[11:56:38]

>> Tovo: That's very interesting, thanks. And I assume you'll be able to provide developers with those kind of examples so they understand the range of possibilities?

>> Right. And we have already started having conversations internally with our staff what some of that could look like.

>> Tovo: I have a bio transition under way to have an actual pond that people can go out and visit and look at the site plan for.

>> Good. Thank you very much.

>> Council member spelman.

>> Spelman: One question quick. I didn't understand your answer to council member tovo's first question. Let me ask you again in a slightly different form. How would passage of this ordinance on all three readings help to ensure your rules come in on

time? Alternatively, how would passage on first reading only hold you up?

>> Let's see. We have a pretty long period of time. We watershed use to make sure that our rules get full vetting within our department and so forth and then go through this process. It takes months to get the thing done. Ironically, like erain was saying, we are starting the emergency rules process and the permanent rules process simultaneously so that by the time the emergency rules' clock runs out, then the other permanent rules can actually slot in and keep going.

>> Right.

>> So I'm not sure. Gene, do you have any insight into whether we could somehow adjust that permanent rules process to give us a little extra time? If we go weeks later for council, how would that impact our rules process?

>> It really won't have an impact on

-- it really won't have much of an impact because the rules are done in quarterly cycles. And it takes probably a minimum of three months to go through the rules posting process. And that's really assuming you have no stakeholder input. The additional time our department allows is kind of honoring the fact that we know we're going to have a lot of stakeholder input. So we have tried to build in time to deal with that and still meet the rules processes that are established, the time frames that are established. And so really the only impact that passing it on first versus third reading would be that we technically can't post any rules in the process which is a couple of months away from us needing to do that until the ordinance is adopted. We'll have to pull the rules if the ordinance got delayed beyond a certain amount of time. So, you know, it's not going to really have an impact in terms of the timing of the rules, just unfortunately because the cycle for the rules is so lengthy to go through.

[11:59:35]

>> Okay. So let me be sure I get the sequence. If we postpone for a couple of weeks, even a month, it wouldn't have any effect because you're going to have to post within two months. But there are some people that are suggesting that we not take this up on third reading until the rules have been promulgated. That won't work for you. You need the ordinance before you can actually post the rules.

>> Right. That would potentially allow the emergency rules to expire before we had time to adopt. Because if we want to adopt the emergency -- if we want to post permanent rules and have them, you know, smoothly transition from emergency to permanent, we need to take advantage of this posting cycle that's about to begin internally. That's still a couple of months away from other city departments or anyone else seeing those rules. That would be when we start the time frame of meeting with stakeholders. This would allow them to allow opportunity for input to start this ce.

>> So the very short version is a couple of weeks. If some stakeholders want another couple of weeks to take a look at stuff, that wouldn't hurt you a bit.

>> No.

>> Spelman: But if we are talking about a month or more than a month, that will crimp your style a lot.

>> Right. Because we would trying to forward with the emergency rules to coincide with the date. A couple of weeks would allow us to have a conversation with the stakeholders. Beyond that, we will be risking not having the rule cycle with the smooth transition from emergency to permanent rule.

>> Spelman: Thank you. That was really clear.

>> Council member morrison.

>> Morrison: Thank you, this presentation was really helpful and clear. I think in a nutshell, this ordinance is going to really help us down the path of equity in this town. And it's a great step to be taking. So I appreciate that. I have a couple questions, specific questions. When you were talking about the change in the buffers, for instance, that was a really clear explanation of the trade-offs that we were seeing. Can you help me understand when we're going to be doing away with the side area and calculations that's essentially lessening the standards in that area, is there a trade-off that you think about that helps us understand how we benefit?

[12:02:01]

>> Sure. That's a great question. And we had some great discussion about this in the environmental board. In fact, I want to make a shout-out. The environmental board has tracked this thing a year before we started at council and had a subcommittee

that steadily went to every single meeting in this two-year period as well. So, you know, my hat's off to the four folks that came to almost all those meetings. The impact of having the net side area go away, on average, you're going to potentially have a little higher impervious cover in the uplands. If they can crowd in a little extra impervious cover, a lot of projects will do so. But remember that in every instance, the buffer will be at least as big as it is in the critical zone buffer. At least as big as it is in the west and probably bigger. The west again, they have these narrower flood plains. In a change of 50 to 100 feet wide buffer, it depends on the floodplain in between. On average, those are skinnier and the critical zones in the west are usually at the lower end of that. Here we're proposing because of erosion hazards and other thing, the maximum buffer. Every site will have this pretty big critical zone. And so crunching the numbers and especially erin and i worked together on this crazy 100-megabyte excel spreadsheet to crunch through and figure out what's going on with the properties

>> you should have borrowed kevin johns' super computer.

>> It would have been a lot faster. We looked at that and by far the area net side of that actually sprung us into a position where we could with a straight face we don't think there's going to be on average

-- the board minimizing the impacts, expending the exemplary buffers, we want to have them go up to 64 acres and have this width to cover the erosion hazard zone. That was the factor that actually pushed us over the edge.

[12:04:09]

>> Morrison: I guess what you are saying is since we have stronger protection of the creek with the buffer, we can loosen up a little bit on the more indirect protection.

>> That's right.

>> Which was minimizing impervious cover outside of the buffer. That makes sense. And then I'm curious about slide number 28. You mentioned the redevelopment ordinance. So just one item. Expanding the redevelopment exception.

>> Yes.

>> Morrison: Can you help me understand what that refers to?

>> You bet. Let me see if I've got slides to put back up. Okay. Well, I guess just refer

to what probably would be slide 5. It shows the watershed classification areas, the green and red. Currently, there are two existing redevelopment exceptions in austin right now. One of them was passed in 2000 and kind of in the smart growth era and basically said, look, if you have existing impervious cover, redevelop it and reuse it all over town as long as you put in a water quality control. Actually you get off the hook from a bunch of other standpoints. You don't have to put in a buffer and some other things. It was reduced in effectiveness in the drinking water protection zone, this red area and said you can only rate about 25% of your existing impervious cover. It wasn't used very often. The council back in 2000 said let's have a new ordinance for the garden springs zone that allows you to do the thing I was telling you about with the town homes and so forth. You can redevelop your existing impervious cover and do mitigation. For a variety of factors, the economy, development unseemly, roadways, not many have used that structure set up in 2007. So you, the council, said explore options to make it a little easier to use that thing. So we have a number of provisions in the ordinance. Some of them affect -- so we started with the piece that says why don't we make it instead of having to do an entire site, you could just redevelop a piece of the site and then do all the bells and whistles that the ordinance requires and then move forward. I think we're going to get some traction there. Some have larger sites and want to use part of it. And they'll be able to use that. We extended the number of properties that could use it. We still won't allow you to redevelop a single-family duplex kind of site and use the redevelopment exception for that. But pretty much anything else. If you had industrial, civic, multi-family and so forth, you could reuse your existing impervious cover. They come in and say we're zoned commercial. And you don't have commercial land use. There's this weird catch-22. We said hardly anybody is using this, let's go ahead and widen the net or widen the opportunity here a bit. We have the tweaks within the ordinance. We said wait a minute, the same development pattern and issues that are in the water supply in the suburban areas and on your map, we are extending not just to the barton springs area but let everybody in the red use this thing. Old gas stations and strip malls will be able to redevelop and they are frozen in time right now. If you wanted to redevelop, it's reduced the opportunity to redevelop in those areas. So now we're actually -- most of them don't have any water quality controls. And so they will redevelop the sand filter or other water quality control and pay the mitigation bank if they have a

high enough impervious springs.

[12:08:18]

>> Is that for barton springs?

>> The first example which is circa 2000 version, we basically said you know what, let's not use that in the red area any more. The drinking water protection zone. It wasn't that useful there anyway. Let's simplify and use the one option that has more mitigation and convert that into the urban-suburban area. We're basically taking the old one and saying you can still do that but there is no mitigation required.

>> And we have the provision in suburban saying you can't increase with the creek or features. If you have a development out of the creek buffer although they have to pull further back, they can't go encroach further on the creek which under current code technically they could do.

>> We had some extra provisions that were added in the erosion hazard zone, a provision as well. So you'll have to do a little bit more for the redevelopment in the urban-suburban. We wanted to be flexible enough that people would use it.

>> We weren't really seeing any use it much, even in the urban and suburban zone?

>> I don't think so. I was actually surprised to hear that. Our environmental review staff was saying no, we're working around it with this other provision. Buff I think it's still a useful thing for some projects. Hink we will see it more and more as austin continues to redevelop and grow.

>> The next question is i noticed on the posting, it mentions a change to the s.O.S. Code.

>> Yes. There are some s.O.S. Changes.

>> Morrison: Are they pointed out? Can you list them?

[12:10:19]

>> Okay. That's right. The redevelopment exception itself is an s.O.S. Thank you, mitzi. It's an s.O.S. Amendment so it's going to have to

-- anything that was just for everybody, you guys already know this, but tvland, an

s.O.S. Ordinance change is going to need six or seven council votes to change the ordinance. Okay. Okay. So the s.O.S. Ordinance starts in 25-8 to the 500 range. So we've got several amendments. One of them was just saying in 25-8, 5-12, I don't know if you guys have a copy of the ordinance itself it's on page 66. 25-8, 5-12 says -- the original ordinance and the community citizens were concerned that the council at the time was going to come right back and make revisions to the ordinance immediately. So it said you've got to wait at least two years to change the s.O.S. Ordinance. Well, 20 years has gone by so we struck that out. You can leave it in. It wouldn't have any impact. But that's fine. In section 514, we no longer scientifically, we really don't measure for bacteria forms of fecal anymore. We use ecoli for the measuring form and making this big change in the big list of constituents. We thought about some other changes but we talked to the s.O.S. Alliance and decided to go ahead

-- we may talk about that more in phase 2. But those are not critical path. Let's see. Okay. The most important one is called part 61. It's in 25-8, 5-16. You remember that 5,000 square foot roadway, zero to 5,000 square feet, right now if you are in the barton springs zone and you put in one square foot on the impervious cover, technically, you'd have to put in a water quality control for that feature. And so we think just from kind of a

-- we think there is a de minimis amount of pollution at that less than 5,000 square feet, hence that being the threshold for water quality controls citywide and most other areas. We felt like with the public benefit, in talking with the transportation and public works colleagues, we felt that the public benefit of allowing .1 acres of impervious coverage or less, like a small piece of a parking lot, we felt like that allowed that to go forward without having to go to council. We'd have to get an s.O.S. Amendment from y'all, the council, in order to put in a new bike lane that's 3 feet wide times 100 feet long, that kind of thing. We're actually seeing those. The transportation department was bringing those in and showing them to us. Really I don't think the cross-benefit and so forth we're getting out of this is really pretty shaky.

[12:13:30]

>> Is this 5,000 square feet for the roadway?

>> Yes.

>> And bike lanes?

>> Right. And it actually specifies and says roadway improvements are limited to intersection upgrades, additions for bicycle lanes and additions for mass transit stops. And we worked with the viral board on that language because we didn't want it to just be we're widening the road. We wanted a specific

-- just widening the road would take probably more than .11 acres of impervious cover and somebody already put in one and next year put in another one. This really tamps it down so we're getting really targeted small projects.

>> Morrison: It sounds like you have identified projects that have an environmental --

>> right. Instead of stalling out at an intersection and idling for a long time, we have a turn lane. It's not a large amount of impervious cover and so forth. Obviously, we'll continue encouraging and advocating our projects that we buy land in the barton springs land and provide retrofit controls and other things that offset impervious cover. These are pretty small potatoes kind of thing that we think we're getting these other benefits that are greatly outweighing the potential benefit.

>> And one question is, are there any major bones of contention among the stakeholders with what's in front of us now?

>> We have not heard any. I would say that, you know, we've gotten some great comments all along. We are tracking the stakeholder comments coming in. In my view, if you looked at the

-- if you had a bar chart and it was showing how big the change was, we're talking about the little bars at this point. 5 versus 8,000 versus 10,000 on the water quality control. Okay. We think 5 is the right number. But it's not going to

-- the environmental future of austin doesn't hinge on these things we are contesting n those are good things we want to work out and explain to the stakeholders. But we haven't had somebody say, well, something big like the buffers we can't live with or what have you. That was good news. Hence the 26 meetings. We try to make that come in hot as we are landing here at council.

[12:15:53]

orrison: RIGHT.

>> So, you know, who knows?

>> Morrison: I appreciate that.

>> We had 50 or 60 people come to the meetings. Usually 30 to 40 people. We had more and more people come to the meetings as we went along which we were pleased with instead of people trailing off and thinking this is a waste of time. At the end 60 or 70 people. Everybody is like okay, great. At the hearings we had five people show up or whatever. I think maybe a little more at council. But I'm hoping that is actually an indication that, great, we worked out the

-- we agitated out the issues and now we've got clean laundry here.

>> Morrison: I appreciate that.

>> No problem.

>> Morrison: Nice metaphor. Just one last comment. I take it you are calling this the watershed protection ordinance.

>> That is correct. That's the name we have dubbed it as we have gone long.

>> Morrison: I guess my only comment on that is you didn't really get much help with branding on this, did you? [Laughter]

>> well, the acronym is

--

>> wpo.

>> We had the comprehensive watershed ordinance.

>> We have the sticker.

>> Morrison: It's official now I take it

>> yeah.

>> Morrison: Thank you.

>> Thank you. Any other questions, comments? Okay. Without objection, this meeting of the

-- yes. Council member morrison, you want to bring that up?

>> I want to throw out a couple of things because i want to share some thoughts with my colleagues to get them thinking about some things. This is a resolution to get started on some financial planning for urban rail which is great. It gets us moretep along the way of the critical path for making it a reality. And I appreciate that. The reason I wanted to talk about it is because, you know, one of the things i always talk about when we are talking about the future for rail is concerns about the

placnt and all. And we have heard from our transportation director over and over. But the feds are actually going to be looking at funding restart, they are actually going to be having some criteria for how well and how seriously the city has plans for dealing with avoiding displacement and promoting affordable housing. And the really exciting news is those criteria are finally out. And I thought that it would make sense for us, staff and the council, to understand that because the bottom line is we need to have financing to be, you know, rated exceptional by the feds to allow us to be successful getting the funding for urban rail. We also have to have plans in place, including some financial plans for affordability and avoiding displacement. So I just wanted to make sure that we think about that in conjunction with planning for funding for rail in and of itself. And so I have had some great exciting discussion with sf with the transportation, including transportation, economic development and the housing department all together. And it's been great to bring them together and hear the great brainstorming and all. I think we'll continue that. And I hope to get it on our comprehensive community agenda to be able to delve into it more deeply. I did ask staff if they would be here to give us a brief overview of what we need to be thinking about in terms of housing criteria, especially as it relates to funding and planning. That's why I wanted to get this on the table.

[12:19:45]

>> Sure. Council member, transportation department, i think I understand the question. I'll try to be brief. What the new criteria do is ask the community to show that their programs for affordable housing as well as transportation are coordinated. And so there's a coordination role of making sure our various efforts, whether then in transportation or in affordable housing or economic development are all coordinated. And I think we can show that we're doing a really good job of getting there. Certainly it's a process, so it's an ongoing process. And then as council member morrison indicated, we are also looking for a financial plan that shows how we are investing in those. Those don't necessarily have to be one program paying for the other program. It's showing that the city has a coordinated approach to that funding. And so I know that I have talked to the finance department with the financial department and they are aware of that and will be contemplating that as

we fulfill the direction of the i-fc or as other IFCs ARE BROUGHT TO US.

>> I have that so some of you might have seen this already. It's a presentation on project connect central corridor and talks about fta and affordability. I'm going over this briefly. Emphasis on affordable housing, recognize that main affordable housing makes sure that families have access to transit. Three and four, recognize the high quality transit investments with lead to the affordable housing effects. We have opportunities to work on that and put teeth into our approach on that. Lastly it says explicitly consider the presence of legally binding affordable housing as indicative of a community's readiness for new transit investment. And I am not quite sure what that means. I know in the federal guidelines it mentions TIFs, FOR INSTANCE. What else would that look like legally binding affordable housing in terms of what we are looking at here?

[12:21:58]

>> Council member, I give you one example. Of course, the miller development has a built-in requirement for a certain percentage of affordable housing as part of the municipal participation in that project. Building off the experience that austin has already demonstrated, you could also develop that as you consider the redevelopment of areas along the identified priority corridor, that will be coming to you guys in october to start talking about how we're getting towards a priority sub corridor and alignment, building in those capabilities so that as the community might contemplate building value, we are building in affordability. Around station areas, it is not uncommon for transit projects, as they develop station areas and key station areas, to develop additional land as part of that station area, as affordable housing. And so there's a variety of incentives, we already have tools. T's thinking about reuse those tools.

>> And get it reintegrated. And if the voters approve a bond, that could be another demonstration that we have. And interestingly, the federal criteria seem to say we know this is the first time we're doing this. And we look forward to your alternatives. So it's not like we are clearly tied to very specifics. I have think that's good news for us, too. A couple of questions. We do have obviously our current stationary plans for OUR TODs RIGHT NOW, AND The resolution itself is looking for a funding plan for

urban rail and suggesting we might do value capture in the current TODs, EVEN THOUGH THOSE Aren't necessarily our urban rail stops. Am I understanding that correctly?

[12:24:11]

>> The resolution doesn't purport to dictate any outcomes or transit stop. It looks at the possibilities and see what we think makes the most sense. There may be current stops that would serve additional functions in the future. I know there's been some discussions, for instance, about the potential changes to crestview or highland. And so I think those are just all possibilities that may be on the table.

>> And council member, i would respond that just given the circumstances of the market, when some of THOSE TODs CAME ON TO THE Marketplace, that we were in a financial down turn in the economy. I don't know, but I would suppose there still might be value in those existing stations that could be evaluated and considered. I have think that's what the finance department will be looking at.

>> Let me ask a related question. I was very concerned about this resolution, too. Mostly from the fiscal implications. I was not clear if we were saying we were going to consider value capture for capital metro commuter rail, also in addition to our urban rail system. Because it sounded like we were considering both. I wanted to be clear on that.

>> I think the goal of project connect is to provide one coherent system. So I don't think that having a mechanism for value capture at a station is necessarily exclusive to either urban rail or commuter rail. I think there may be opportunities at current stations and future systems that could benefit the whole system.

>> I noticed that

-- i noticed that we contemplated a reserve fund. And I know that we have a financial relationship existing with capital metro, particularly debt. And so I didn't want us to automatically assuming that we would initiative a value capture system for the funding that's already earmarked for capi metro commuter rail. And I thought that this resolution does not make that clear. And I'm looking at the first bid resolved plan where there' financing plan for the city's share of capital metro's commuter rail and planned urban rail, including but not limited to the use of value capture revenue

from the existing red line stationary. Because one thing to station about the -- talk about the station areas and another thing to talk about the tif and enter into a local agreement and the funds from those areas actually designated.

[12:27:04]

>> Assistant city manager, the project connect and funding plan a all these funding scenarios are tools included in that analysis. And we're taking the resolution as being you need to now develop the tools and the financing plan further as we continue the urban rail discussion. So we're not taking, as you are suggesting maybe your concern -- and maybe council member riley will correct me if I'm wrong. We're not taking a direction, as we read it, as saying you have to use that tool for this station, for this use. It's now continue the analysis of the tools you have and bring back a commuter rail and urban rail program for you all to consider.

>> Morrison: Two other things. One, it supports the project connect vision plan.

Didnou guys bring us a resolution?

>> We adopted it.

>> Morrison: That means we really, really support it.

>> We are thankful for that, like lone star as well, so you really, really like it.

[Laughter]

>> Morrison: The other thing is

-- the way I read it, there seems to be a technical issue. It sounds like there is a little bit of disconnect between the posting language, which focuses, as I read it, on value capture as opposed to the ordinance itself, which specifically says come up with a financing plan, which might include capture and I don't know if there is an issue here, especially since you are already doing the financing plan, but I want to make sure it's all right under this that staff are going to look at all of the tools. Not just value capture. It is item 57.

[12:29:38]

>> Yes, council member. Under the posting, they are considering interlocal

agreements and ordinances providing value capture revenues support of. If they are doing other things, then they are doing other thing but

--

>> Morrison: So just a

-- so if you read the first be it resolved, it gives direction to do other things, too.

>> Well, the posting does say

-- and perhaps I will work with the sponsors to fix the resolution so that it attracts the posting.

>> Morrison: Okay. And I guess we would just want to have it real clear that that doesn't mean that's the only thing we want you to beking on, if, in fact, you have to get that aligned to that.

>> Correct.

>> Cole: I would think

-- i want to ask you this question, council member riley and then your comment. I would think that we would need language saying that the city council would support the financing plan so the city share a project connect, as opposed to just listing urban rail and capital metro and that would include all of the entities within pct connect and make sure that we aren't establishing a particular financial relationship with capital metro, and then that could include the use of value capture revenue from the existing red line existing red linewording there.

>> Council member riley is that okay?

>> Riley: That's fine. We are okay to work on the wording.

>> Cole: Anything else, council member riley? I thought you did. Okay, any other comments, colleagues. Council member spelman.

>> Spelman: I want to nail down what happened here. Laugh. Council member riley and council member martinez came up with a resduce, and

-- resolution and posting language was developed. Was the posting language developed in advance of the resolution text or was it sent in separately from the resolution text?

[12:31:48]

>> I am afraid I can't speak for council member martinez.

>> Martinez: I may be able to help. I think the.

>> I may be able to help. I think the posting language was developed and then the resolution changed and became a little more broader.

>> Spelman: Okay.

>> I don't think that posting language tracks with what you are seeing in the ifc.

>> Spelman: So moral of story is if you submit posting language, make sure the resolution matches the posting language. Thank you.

>> Cole: So overreaching council member spelman. Council member morrison.

>> Morrison: Just a follow-up question because i know we have into this before and I am not sure the best way to work this with the law department, in terms of when is it last checked on by the law department that the posting language actually matches the last version because we do pass all of our resolutions through the law department.

>> Everything does come through and before anything goes on the agenda, both the department and the council office agree this is what we are going to do and so that's just a matter of quality control.

>> Cole: So we should constantly, as we draft our resolution, be in touch with the law depent to make sure

-- from what you

--

>> and the law department

-- as changes are made

--

>> Cole: Should be aware.

>> Morrison: We should be checking that.

>> Cole: Yes.

>> Morrison: And we could help by alerting them that we just added a whole other element to my resolution and see if the posting covers it.

>> That will always be helpful.

>> Morrison: We will do what we can.

>> That, we will.

>> Cole: Council member tovo.

>> Tovo: I have a follow-up question on that because the posting language we try to get hard in on wednesday and then sometimes we are still working on the resolution

and I believe I heard if we need to adjust the posting language at that point on friday, it is not that simple. We have to post an addendum. Is that accurate? But if we need to make a change to posting language that is posted, we can't edit it on friday. We have to

--

[12:33:53]

>> that is only if the agenda has posted and then there is a change but that's not normally what we are talking about. We are just talking about the posting language as it is drafted and some point between wednesday and friday, the resolution changed and that just means somebody has got to go back and make sure that in the end, everything matches.

>> Tovo: So if the posting language has actually posted on wednesday

--

>> it is not posting, though. That's just in the

-- we publish, it's just there and everybody can see it. But e agendas state this is not the final. This is just to let everybody know what's out there and what possibly could happen but it clearly says it can change, so until friday, when we send the final post it agenda, we can make changes up until

--

>> Tovo: That is extremely helpful, thanks for the clarifying information.

>> Cole: Any questions? With that, theustin city council work session is adjourned.