

# City Council Regular Meeting Transcript – 10/24/2013

Title: ATXN2

Channel: 6 - ATXN

Recorded On: 10/24/2013 6:00:00 AM

Original Air Date: 10/24/2013

Transcript Generated by SnapStream Enterprise TV Server

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[04:06:30]

>> Mayor Leffingwell: We'll begin today with the invocation from pastor edward m. Fle sr., Olivet baptist church. If that's incorrect, let us know. Is the pastor here? Pastor fleming, please come forward for the invocation. Please rise.

>> Let us pray. Eternal god our father, we come this morning thanking you for allowing us to be in this place. We thank you for your presence, thank you for your grace and thank you for your mercy. As we come, lord, we ask that you would be in the midst. You blessed us with the ability to reason, the ability to debate, the ability to bring clear thoughts to surface. Father, we pray that you will just help us to -- to speak and to conduct the business of this city in that manner. We ask a blessing upon each councilmember that you would bless their families, that you would bless their affairs. We ask your blessings upon this city that you would make your presence known throughout this city. Most importantly, we just pray for humanity, that as we discuss business here that we will keep in mind the overall purpose that everyone will have an opportunity to be represented in a godly fashion. We thank you for this opportunity and we just ask again, o god, that you would navigate your presentation throughout this meeting for your glory. And then, father, we just thank you for this day. We ask these and other blessings in the powerful name of jesus the christ our savior, amen.

[04:08:38]

>> Mayor Leffingwell: Amen. Thank you, pastor. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order ON THURSDAY, OCTOBER 24th, 2013, at 10:09 a.M. We're meeting in the council chambers austin city hall, 301 west second street, austin, texas. We'll begin with changes and corrections to today's agenda. Items 2, 3, 4, 40, and 41, add the phrase "recommended by the electric utility commission." On item 32, add the phrase "on first reading." So it will read approve on first reading an ordinance," et cetera. Item 23, strike the words "parkland dedication funds and." On item 58 add as a second co-sponsor mayor pro tem sheryl cole. Item 65 will be postponed until november 7, 2013. Item 81 at its 3:00 p.M. Time certain a postponement of this item until november 27 will be requested, and item 83 at its 4:00 p.M. Time certain a postponement will be requested until

november 21, 2013. Time certain items for today are at 12 noon, we'll have our general citizens communication. At 2:00 p.M. We'll take up our zoning matters. At 4:00 we'll have our public hearings. 5:30 live music and proclamations. The musician for today is the javala rand. The consent today is items 1 through 63 and items 83 and 84. Item 52, which is our appointments and waivers, will remain on consent, but I will read that into the record. There are no nominations scheduled, but there is a waiver to approve a waiver of attendance requirement in section 2-1-26 of the city code for the service of james sasson on the ethics review commission. The waiver includes absences through today's date. The following items are pulled off the consent agenda. Items 1 and 2 pulled by councilmember tovo. Item 10 pulled by mayor pro tem cole. Item

-- is that 20, councilmember riley, you are pulling? Item 20 is pulled by councilmember riley. Correction on the items pulled. We'll start over. Councilmember tovo is now pulling 2 and 3, not 1 and 2. Item 10 is pulled by mayor pro tem cole. Item 20 by councilmember riley. Item 47 pulled by mayor pro tem cole. Item 51 is pulled by mayor leffingwell. Item 61 is pulled by councilmember riley. Items 55 and 56, councilmembers martinez and tovo request to set this item at a 6:30 p.M. Time certain. Item 58 is pulled by councilmember morrison. I have no items pulled for speakers. We have several speakers on the consent agenda. First is david king.

[04:12:49]

>> Thank you, mayor, mayor pro tem and councilmembers. I'm speaking on item 63, the resolution to ask the

-- direct the city manager to look at other cities' code enforcement strategies for rental properties and to bring those forward in an ordinance and to strengthen enforcement of problematic rental properties in austin. I think this is a very good resolution and I hope that you support it fully and I thank you for bringing this forward.

>> Mayor Leffingwell: Thank you. Scott johnson. Scott johnson in the chamber? Scott johnson is not in the chamber. Ann teach. And if I mispronounced your name, please correct me.

>> Good morning, my name is anne tiech, a resident of the quail creek area, one of the areas that have a lot of problem properties and I want to thank mayor pro tem cole, councilmembers tovo, martinez, morrison and spelman for making sure that austin residents can live in safe, sanitary and sound housing. This is an important day for my neighbors in my area and for many other people in town who live in areas with many problem properties. We've been working for a long time to improve our neighborhood and we consider this a red letter day in that we have this resolution, 63, plus the ones

-- the one that was previously passed, and we think will make a big difference in the lives of our families not only in on our part of town but in other parts of town where there are many problem properties. So thank you very much for your support and we look forward to seeing the new enforcement measures go into effect. Thank you so much for listening to us.

[04:14:58]

>> Mayor Leffingwell: Thank you. Councilmember tovo.

>> Tovo: I want to thank you for supporting this resolution and all you and your neighbors have done.

You've been a very strong advocate for safer housing and I appreciate all your work and again that of your cohorts.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Will you show me recused on item number 63? Of. Q. The clerk will show mayor pro tem cole recused on item 63. Tom wald.

>> I just stepped in. Which item are we talking about? I signed up for several items.

>> Mayor Leffingwell: You only get three minutes. Tell us which ones you want to talk about.

>> Okay. There are a number of annexation items on the agenda and I wanted to make sure there was a fiscal note attached to those. Adding in thousands of acres of land to the austin area or to the austin city limits will require obviously a lot more patrols and services. There's no fiscal note as far as I know attached to that. I don't recommend you pass it until you get that information. I'll note that with the trails we're adding 21 miles to an over 3,000-mile system and we're asked to increase the budget for that by a million dollars a year. Right now there are 80 officers on overnight shifts covering the entire city. The a.P.D. Has asked to add six officers. There seems to be something incongruous here. I've asked to meet with the assistant city manager and the city manager have they've not made time for it. I met with the chief from a.P.D. And, again, through the communication he acknowledged that the officers are going to be moved anyway whether or not the council keeps the curfew lifted. You know, already there's been a littlement those officers are not kept on the trails, they are diverted to other uses. There's already stats kept through this pilot which is city council passed a pilot to study this and now the mayor is asking to stop it in the middle. The studies showed that there is no -- there have been no incidents towards bicyclists, people biking on the trails and well over 90%, maybe 95% of incidents are due to people camping on the trails. This is about a.P.D. Wanting to divert officers to places where maybe officers are needed, but it's not the trails. The bicycling community says there's nothing to show that those officers are needed and we're not asking for them and this is a red herring and I'm thankful nearly all city councilmembers have questioned the a.P.D. Chief on this fact. The people who most need access to the trails cannot be here because they work overnight. They are the people coming home from the bars after serving you beer, wine, liquor, your meals, they are coming home late at night and they need to use those trails. They can't afford cars. We need affordable transportation and housing. This is their only way home. There aren't buses that serve where they need to go. It's not realistic them to walk an hour and a half, two hours home. They can't be here to speak up for what their needs are. The negligible, nonexistent crimes does not warrant this and I'm thank you many of you have asked this question. You started a pilot program this spring. I ask that you continue it to the end, take the data, find out whether there's been huge incidents and whether police presence is needed because it's not been shown so far.

[04:18:50]

[Buzzer sounding] in that time you can find out what you need to know.

>> Mayor Leffingwell: Thank you. Next speaker is paula McDermott.

>> Good morning. I'm here

-- I'm paula McDermott, chair of the food policy board, and I'm here to thank you all and staff and stakeholders for the farmers market ordinance which is on your consent agenda today. I particularly like

to thank councilmembers morrison, martinez and riley who serve on the public health and human services committee and your wonderful staff. Thanks for all the work on this and also the environmental health staffs, david lopez, and I think some of the stakeholders are here who worked really hard on this, suzanne and carla. But this is a big deal. It's an appropriate ordinance that I think will really help our farmers market, which is a big piece of what we're trying to do here locally with getting good food to people. So thanks again for all your work on this.

>> Mayor Leffingwell: Thank you. Those are all the speakers I have to speak on the conditioned. Are you signed up, mr. Whaley?

>> Yes, sir.

>> Mayor Leffingwell: Which item?

>> [Inaudible]

>> Mayor Leffingwell: 61 has been pulled. I'll entertain a motion to approve the consent agenda. Councilman spelman so moves. Second by councilmember morrison. Councilmember tovo.

>> Tovo: I want to clarify that the agenda

-- that the consent agenda includes items 84 and 85 which were posted on the adenied dumb.

>> Mayor Leffingwell: I have 83 and 84. On my list. Which is it? So my list is in error so change the consent agenda to include 84 and 85 instead of 83 and 84.

>> Tovo: And also to include the withdrawal of item 60, which was split into those two addendum items.

[04:21:00]

>> Mayor Leffingwell: Item number 60. That should have been in changes and corrections.

>> Tovo: Yeah, it should have been. Sorry about that. So I'm withdrawing 60 and, again, making sure that the consent agenda includes those two items. Thanks.

>> Mayor Leffingwell: Is there any objection to councilmember tovo withdrawing item number 60?

Hearing none, we have a motion on the table. Seconded

-- councilmember riley.

>> Riley: I just want to make sure item 61, the 24-hour trail item, is not on the consent agenda; is that correct?

>> Mayor Leffingwell: It's pulled off the consent agenda. All in favor say aye. Opposed say no. That passes on a vote of 7-0. With mayor pro tem recused on item 63. So now we will go to items 2 and 3 pulled by councilmember tovo. Do you want to speak on those together, councilmember?

>> Tovo: Yes, I would. I asked a question through the q and a process

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>> Mayor Leffingwell: Could I ask you to hold it down as you exit? Anyone? Anyone? Could you hold the noise down or do you want us to wait until you work your way out of the chambers? Okay. Go ahead, councilmember.

>> Tovo: Sure. So recently we passed a resolution asking for the collection of data from multi-family apartments that received energy efficiency rebates and it was

-- it was really my expectation based on our discussion perhaps more than the exact language of the resolution, but it was my expectation that when these came to council for approval that we would receive some information about what the existing rental rates are. The answer that I got

-- so I asked that question through the q and a. The answer was no it wouldn't, that the language asked for two reporting dates which it certainly did and those were really intended to be more global looking reporting dates. As I understand your answer, you want to use a consistent report, a consistent database and get consistent information and that way

-- you know, part of the intent was yes, to measure in a larger way whether the energy efficiency rebates have any impact on rent. But the other part of that was really to help us assess on an ongoing basis how well

-- what segment of the market you are reaching with your energy efficiency rebates just as a point of information. And so I don't know whether that was my colleague's expectation as well, but it would be helpful to have that information as part of our backup. I know the last comment here talks about collecting information on specific properties when the customers apply for rebates, the cost of collecting this data would be significant and would impact the overall cost effectiveness of the program. And I guess I wonder whether there might be other options and I'll give you the option I've used for the last several rebates, rebates that came to council, I just got on the internet, googled their site and pulled down their average rents. And today it took a little bit longer because their site was having trouble loading, but within six minutes we had the information we needed and it was one bedrooms

-- I'll read this into the record so we have a record

-- one bedrooms rent between 720 and 889 and the two bedrooms rent for 1055 to 1139. And that's just according to their website. And so I guess I would ask you whether that is information that

-- that you believe would be reasonable to provide in the backup. Again, it's not coming from the same database source that you'll use for those larger reports, but it gives some more information than we're currently getting and allows us to begin to get a sense of what kind of apartments are receiving our multi-family energy efficiency rebates.

[04:25:09]

>> Debbie kimberly, austin energy. While we could certainly, councilmember tovo, go on the internet and collect that information as and when properties apply for rebates, that would be inconsistent with the information investors' interest. In memo we spoke to to need to collect data from one single source of information and the manner in which they collect the information is not by checking the internet, which is not always updated to reflect the most recent information. They actually reach out on a quartererrery basis to properties not only receiving rebates but as well to properties that have not applied to rebates. If I recall correctly, mayor pro tem cole spoke when this matter was being considered to the need to have a control group to look at other properties that were not applying for rebates. Investors' interests will go out on a quartererrery basis, carry the information from rebated and nonrebated properties including per the resolution at the time the rebate application was filed, they actually talk to the property managers to get that then current information that may not reflect a special or exclusions of some properties. And then they will report twice a year in a comprehensive report that will be provided to mayor and council and the city manager's office. So I guess the short answer is while we could pull from the internet that information, you will need to disregard that information when you get the semiannual report. The cost for investors' interests to go out and pull that information each and every time a property manager applies is \$1,200 to do what I would call the ad hoc or one approach. I

would

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[04:27:10]

>> Tovo: I'm sorry, go ahead.

>> The only other thing I would point to is the resolution and in particular appendix a speaks to data collection should include but not be limited to rental prices at the time of application to the rebate program and in subsequent years, it's a multi year process, obviously. So staff did not read that as a directive to collect information at the time and report it on the rca when that comes before council.

>> Tovo: The language you just read said at the time of application.

>> Rental prices at the time of application to rebate program and in subsequent years. So that's what -- that's what investors' interests will do, but they will do that on a quarterly basis and go out and pull that data out, again, looking at multiple properties at one time as opposed to doing it each and every time a property comes through.

>> Tovo: Okay, so the resolution did not because the resolution did not clearly ask include a directive asking for that information to be included in our backup, that information will not be provided in our backup information.

>> Unless it is your directive and it certainly is your prerogative. If you would like us to pull information from the internet with the recognition that that information may not be consistent with what you get from investors' interests. The specials information you read from can change from day to day, it can change based on number of occupants, pets, all of those sorts of things.

>> Tovo: I understand and any of that information would need to say as of blah, blah, blah, on their website, according to their website. I haven't had difficulty in any of the last rebates getting on the website and seeing their average prices or range and it gives us a sense what the scale is.

>> Staff is more than happy to do that just as you've done it with the proviso that that information will not necessarily be consistent with what you see from the services providing the information.

[04:29:15]

>> Tovo: I think that's a very good caution. I think it would be useful information. I think it's in the spirit of the resolution just to get that kind of ongoing glance. But I do want to emphasize by no means -- I completely agree it is not cost effective nor would it make any sense to pay an outside service to pull that information at any kind of cost for something that I can easily do and would be glad to keep doing if that's the only alternative, you know, something that takes me really a matter of minutes.

>> It would certainly be our preference not to have you have to spend your valuable time doing that so we would be happy to do. [Multiple voices]

>> Tovo: It's a very limited time. I would say if that information can be gathered in a matter of minutes it would be useful to have in our backup information. In a matter of minutes and at no cost. That would be useful information. Thanks very much. I appreciate that and look forward to seeing the report that you are working on.

>> Mayor Leffingwell: Do you want to make a motion?

>> Tovo: Yes, I move approval of items 2 and 3.

>> Mayor Leffingwell: Councilmember tovo moves to approve items 2 and 3, seconded by councilmember spelman. Discussion? All in favor say aye. Opposed? That passes on a vote of 7-0. Item 10 pulled by councilmember cole.

>> Cole: This is an item having to do with the district boundaries of rainy street and making a budget amendment in connection to that and we only received the maps late yesterday afternoon and I would like to make a motion to postpone so I can work further with staff on this item.

>> Mayor Leffingwell: Postpone to what date? November 7th is the next meeting.

>> Cole: November 7th.

>> Mayor Leffingwell: Motion by mayor pro tem cole to postpone item 10 until NOVEMBER 7th.

Seconded by councilmember spelman. Discussion? Councilmember martinez.

>> Martinez: I just want to ask what would be the purpose of the postponement. The item actually establishes the district and it's fairly straightforward that this doesn't do anything to waller creek, it doesn't take funding from the t.I.F. It simply takes fees that are paid for development in the district to create a fund, one, to reserve six homes that will now be removed from that site and hopefully preserve them and turn them into affordable housing, but 2, equally significant is creating a program to preserve and recognize the history and heritage of rainy street which has historically been hispanic neighborhood, but obviously is no longer than because of the redevelopment. The boundaries were set and they were in backup the entire time this has been posted.

[04:32:03]

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I simply noticed that the boundaries are different than what is in the downtown austin plan and what is in the national registry of historic places, specifically we're jumping over cesar chavez or rainy street. I support the program. I support maintaining the historic district and using that and recognize that it was an hispanic neighborhood. I really want to understand more about the finances and also about the boundaries.

>> Martinez: And the reason it jumps cesar chavez is because palm park and palm school was the original site of the first culture center.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Sorry, mayor. The reason it jumps cesar chavez is because of what I just said. It's significant and integral to rainy street. The finance structure is nothing other than what we have in the business retention and enhancement program for congress and sixth street if a building is built and if a developer pays for closing a sidewalk, lane or alley, those fees which are uneven couple burden fees because they are not anticipated in our budget could go towards this program. It's not taking away from taxpayer dollars, budget dollars. It's fees generated from development that we don't know at this point what they will be, but for this year because of the site plans that have been pulled, staff is estimating it would be at least \$600,000.

>> Cole: And I would just like an opportunity to visit with staff about that, one week postponement.

>> Mayor Leffingwell: So I think it makes sense, mayor pro tem cole obviously has had an interest in this

item from the beginning and she's a little uncertain about the boundaries, it makes sense to -- no harm done, to postpone it until the next meeting. All in favor of the motion to postpone say aye. Opposed say no.

>> No.

>> Mayor Leffingwell: Passes on a vote of 6-1, councilmember martinez voting no. Item 20 pulled by councilmember riley.

[04:34:11]

>> Riley: Thank you, mayor. Item 20 is something I raised in the work session on tuesday, that's on our council calendar for 2014 and I raised a couple questions about it. The first was about our first meeting date, which is proposed to be on JANUARY 9th, MEANING THAT ON Our usual rules the circulation deadline for that meeting would fall on JANUARY 1st. And I just wanted to make sure that everybody understood that and was okay with that. We

-- this year our first MEETING WAS JANUARY 17th. I noticed that we don't currently have a meeting set for the following week so if anyone is interested, is concerned about having those deadlines fall right at the beginning of the year and have to get things out right around the holidays, then this would be a time to adjust them, the calendar. The second item I raised was about the

-- the schedule for june, and I simply asked that we consider changing the date of the june 5th meeting, and I do have a suggestion on that. I would suggest that instead OF MEETING ON JUNE 5th, WE MEET ON MAY 22nd. So instead of having three meetings in june, we would have three meetings in may. May 22nd is currently an open date and that seems like an opportune time.

>> Mayor Leffingwell: Any comment on that, staff?

>> Ray berrea, assistant city manager. If you want to move the date to june 22 we don't see any problem. Three meetings in may, two in june.

>> Riley: I would move approval with that change and if anyone is concerned about the dates for january, I would be glad to welcome that as a friendly amendment.

>> Mayor Leffingwell: First let me ask, is there any problem, I mean you drew up this meeting schedule and obviously put the 9th INSTEAD OF THE 16th, I Assume is when you want to move that to. You want to move the 9th meeting in january to the 16 th?

[04:36:21]

>> Riley: That would be one possibility.

>> Mayor?

>> Mayor Leffingwell: City manager.

>> Just a question. I'm not recollecting the dates, but the emergency management simulation invitation that we received, do you recollect the dates of those?

>> That's true. My understanding for those who are going to be attending, city manager, everybody would be departing austin sunday, january 12, returning back to AUSTIN FRIDAY, JANUARY 17th.

>> Riley: Mayor, if I may, I understand and I wasn't expecting to make a motion on that matter. I noticed that there also is an open date the following week, january 23rd is a canceled date. I'm prepared to live



with the current proposed schedule, but I just wanted to bring it to council's attention so we're all prepared for that because it would need some work for us and our staffs right at holiday time and I just wanted to bring that to everyone's attention.

>> Mayor Leffingwell: Yeah, that's

-- that is the week of martin luther king day, and we try not to have meetings scheduled on weeks where there's a holiday.

>> Riley: I'm not at this time offering a motion on the january date.

>> Mayor Leffingwell: So your motion is

--

>> Riley: If anyone would like to, I'm fine with that, but I'm okay with leaving it as it is proposed if the rest of council is. My suggestion is approve the schedule with the one change of moving the june 5th date to may 22.

>> Mayor Leffingwell: Motion by councilmember riley for that one change in june. Is there a second? Councilmember morrison. Discussion? All in favor say aye. Opposed say no. That passes on a vote of 7-0. That brings us to item 47. Item 47 was pulled by mayor pro tem.

[04:38:26]

>> Cole: Yes, I have some questions for neighborhood housing with respect to the market study. Welcome, ms. Spencer. I understand that the county declined to partially fund the study. Is that correct?

>> Yes, ma'am.

>> Cole: And so what are we going to do about that deficiency?

>> The way the proposal was structured, we were actually going to have a joint effort with the county and city to do a regional or county-wide. Without the county's participation, we will now just have a citywide study. Re just will not do the county part.

>> Cole: Okay. So have we tried to solicit any additional funding from, say, hhca or do we not need that, the decrease, since we're just looking at the city, the 169,000 can fund that.

>> Yes, we've not solicited any additional funds. It's not our intent to do the work this the county with other county's participation but we have sufficient funds to do the work for the city.

>> Cole: Okay. The last study didn't go into much detail about the populations currently served by affordable housing. Will we be able to do that with this one?

>> When you say populations, you mean of anyone that's currently housed, who is housed where?

>> Cole: Yes.

>> Yes, I believe that that would be accurate. This new study will actually

-- one of the things we're really looking for out of this study is some information that will help us with some of the challenges that we've been looking for as regards to siding housing, having very strategic approaches on how to invest our funds. In that there should be good information regarding who lives where, where the needs are based on populations, to be able to help us and figure out the best way to invest our funds. Does that answer your question?

[04:40:30]

>> Cole: Yes. The siding policy is of great concern because we have started that process and I'm hoping this will take us a long way in being able to set that policy. I know that there's going to be a targeted survey done in connection with the study. What populations are you hoping to target to get information about the study? Is that going to be pretty broad based or

--

>> the consultant will use a great deal of existing data that they will collect in order to compile information for the study. There will also be a series of stakeholder meetings that will occur, potentially very broad based group of stakeholders that can also have input. Specific surveys, I'm not sure, rebecca

-- where is rebecca?

>> The study does

-- the responses that were submitted related to the study do allow for the negotiation process for part

of the funding to

-- to fund a survey should that be the

-- the decision of the department. We are also looking at focus groups as another methodology, and we would like to weigh in with some stakeholders to see which is preferred. As you recall the housing market study from 2009 had a survey.

>> Cole: Will you do the focus groups and the surveyor just the surveyor both?

>> That decision has not been made.

>> Cole: The information that you receive from the focus groups, which are the same I guess as the stakeholders that you referenced earlier, will that also include members or go to the land development code advisory group?

>> Are you asking if the

-- if the focus groups would be comprised of members of the land development code?

[04:42:35]

>> Cole: I'm asking if you will actually take this item to the land development code advisory group.

>> We haven't discussed that, but just with your question I think it would be an excellent .

>> Cole: Yeah, I think their input would be very critical in this. I'm trying to get all our sources of information down. We're going to have focus groups, maybe a survey, we're going to take it to the land code advisory group, and then we'll get the market study.

>> That is correct.

>> Cole: Okay. I know there was some concern I had before about the specifics of how this would tie in with the psh study. Can you give us information on that?

>> It serves as one data set, one study that will help inform the housing market study. I want to state that some populations will be analyzed and goals specified as well as goals specified at the subpopulation level. It's something that's going to be set apart and was not a part of the housing market study and so we do anticipate having conversations that are directly around that particular issue. So I believe the stakeholders around permanent supportive housing, and we certainly know that they have been very active with us, can help inform what exactly is needed to bring to fruition in the next housing market study particularly around permanent supportive housing. But we do have good data there and good partnerships and certain with echo ending community homelessness coalition, we believe they are

going to be a strong partnership offering data they can to inform the study as well.

>> Cole: Okay. Thank you. Mayor, move approval.

>> Mayor Leffingwell: Mayor pro tem moves to approve item 47, seconded by councilmember morrison. Councilmember morrison.

>> Morrison: There has been

-- you know, we had some great conversation about the housing siting policy and this is going to play a part in helping move us forward. Could you expand on in a and help us with a time line of how we could start getting our hands around some more specific policies?

[04:44:53]

>> Sure. So the time line on this process is once we're able to negotiate and execute the contract, they will begin all the work. We expect to have a draft in may. The housing market study is tied directly to the submission of our five-year consolidated plan to h.U.D., AND THAT IS DUE AUGUST 15th. Every year we always submit an annual action plan. We are now also due for our five-year consolidated plan. In that the consolidated plan requires very indepth data and analysis on the needs of the community and how we are going to strategically attempt to solve some of those issues. So this data will help us not only identify where the needs are across the entire city, but the populations that we need to serve. And we've also asked the consultant to give us some very strategic ways in which to try to solve the problem, invest our funds and all the things we can do. Another component of this exercise is what's called the also of impediments in which the consultant will use the same data to help us identify 'em pedestrianments to fair housing and opportunities for folks to live in all places of austin. We're hoping -- and all the studies to date, the psh study, all the studies we've got be able to take all that information and give us a solid road map on how to not only invest our federal funds which is an exercise of the consolidated plan, but any funds we've got to be able to achieve our core values like the geographic disperse, the deep affordability. We expect to have the study in june or july because we need to send this to consolidated plan. From there I expect we'll be able to use that information really to set our road map for things like a citing policy or how we want to invest our money where we want to.

>> Morrison: Thank you for that. Obviously you and your staff led a conversation of stakeholders to talk about different approaches to siting policies and they came up with

-- I don't know if they could be called recommendations or more like observations because there was no one easy answer that was gathered from the stakeholders. And we do have those recommendations which will feed into this, I presume, that the consultant will take. It seems

-- I sort of got the feeling reading their recommendations that there were some very high level policy decisions that needed to be made before we could decide how we were really going to go about trying to achieve, you know, geographic dispersion. It sounded to me like you're suggesting that the consultant can come up with an expert opinion based on the data. Those two paths sound a little different to me and I wonder if you could just comment on those two.

[04:47:47]

>> My expectation is that they will try to

-- again, like I said, try to provide a road map obviously. The housing siting policy came up three different ways to invest our money. One is setting goals in certain areas. One is capacity, determining the capacity of a neighborhood to absorb more affordable housing. And the third is a strategic approach and that's currently the way we invest our funds now, strategic lick across the city depending upon all of our different values. So in that that's where the group spent about eight months struggling which way we want to go with that. It's my hope and expectation that the housing market study and analysis of impediments will come with more solid recommendations for this community on how we would take all of those different strategies and make a very significant recommendation for those policy issues. Whether we would really want to recommend more of a goal approach or a capacity approach or stick with the strategic approach we've got now.

>> Morrison: Okay, so it sounds like your recommendation is we sort of stand down a little bit, wait for the consultant to really take a look at

-- depending on which approach might help us best achieve our goals.

>> And also to encourage everyone to be part of the stakeholder process.

>> Morrison: There you go again. Thank you, betsy.

>> Yes, ma'am.

>> Mayor Leffingwell: All in favor of the motion say aye. Opposed say no. That passes on a vote of 7-0.

>> Mayor?

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Upon reflection, I think we can do better with the january dates of the meetings so I would move that we reconsider item 20.

>> Second.

>> Mayor Leffingwell: Councilmember tovo moves to reconsider item number 20, seconded by councilmember martinez.

>> Tovo: So I would like to propose that we cancel the meeting on january 9th and instead have our meeting on JANUARY 16th. And I think that gets us around the challenges. Oh, is that the -- that's the homeland security.

[04:49:58]

>> That's correct.

>> Tovo: Then I would say, although it is a holiday on JANUARY 20th, EXCUSE ME, THE 19th, I BELIEVE, I THINK THE Better date to have the council meeting would be the 23rd. So that's my motion.

>> Mayor Leffingwell: Your motion is to reconsider item number 20 and to change the schedule date for january 9th to JANUARY 23rd, IS IT?

>> Tovo: Yes. I mean neither is a perfect solution, but I think that's a slightly better one because we do have, as has been mentioned, all of the deadlines for the 9th would be the week of the holiday where we have staff, staff are out typically and we want to give people an opportunity to really spend that time with their families. Including the following monday, I believe, schools are closed of that 9th week so we've got at least in the austin district, probably in other districts as well. I really do think the 9th presents a little bit of a challenge than does 23rd.

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I believe the mlk holiday is actually on the 20th. Is that correct?

>> That is correct. Yes.

>> Cole: So we would not be conflicting with the actual holiday, we would just be having a meeting during that week. Is that correct?

>> Correct. And we traditionally have an informal policy of not having a council meeting on the same day that we also have a monday holiday. But that's up to the council if they so choose to change it.

>> Cole: I'll second that motion.

>> Mayor Leffingwell: Seconded by mayor pro tem cole. Is there any further discussion? The motion is to move the january 9th meeting to january 23rd and the rest of the schedule be unchanged. From the previous motion. Any other comments? All in favor say aye. Opposed say no. That passes on a vote of 7-0. Item 51, which I pulled, and we have a number of speakers signed up. First is michael whalen. Donating time is carlin major. Carlin major is here. Brad speas in the chamber, is here. Laurie velasco is here. So you have up to 12 minutes.

[04:52:31]

>> Thank you. Mayor, councilmembers, michael whalen on behalf of sxsw. I've circulated and we would request several important changes to the ordinance that would improve implementation and ensure the council intent is explicit and not dropped through the rule making process. Most of these changes were developed after receiving input from some of the largest producers in the world, sxsw, cota and transmission events. This represent some of the feedback at the council work session earlier this week. In section 2

-- if you've got the version I circulated, it would be helpful. I'm going to go through what I think are the most significant changes and the rationale for those changes. So in section 2, I'll call mine the blue line rather than the red line, in section 2 at the end of that we have added language to provide for review and approval of the rules after commission and urban transportation consideration. This is a result of the music commission decision and

-- I mean music decision recommendation and comments were made at the council work session earlier this week. I think this is the best way to ensure that the notice provisions are reflected in the rules as was requested since they have been unilaterally removed and we didn't realize that until october 14th when it was posted. There was no discussion or notice that all of 14-8 would be removed, which is what happened. The other thing we've added at the very end and I think councilmember mart pointed this out, like you've done with little league teams, we've added language to allow council or city manager to enter into a multi year agreement and this for any tier, using good discretion, we hope. Council, of course, has the inherent power to make agreements. We simply want to make that explicit so that a future 11 member council may have about that authority which is inherent and yet don't want it to slip through the cracks. In section 3 immediately below it we've added again to make explicit the inherent authority of the council to waive positions, to assist a 11 member council that might not be as knowledgeable initially as y'all are given the experience that you've had with what is and is not inherent authorityment the next change, there are a couple of changes in between. Actually there aren't any. Jumping to section 21, the definition of a tier 4 event, the whole purpose of this process was to

differentiate between tiers, which is a classification that doesn't run into any constitutional issues. In here though we have a tier 4 event using a conjunction or so a very small event that happens to have use of city facilities and a sidewalk would be classified as a tier 4 event. Tier 4 events have in this ordinance many more requirements and hoops they have to go through. It just doesn't make sense for that would be or, it needs to be and. It's a very important change for us. I think you'll see that the tier -- because there are so many more requirements for the tier 4 event, it should be that it's a tier 4 event is something that uses a right-of-way, uses two or more facilities, and is expending up to \$100,000 in city services. I mean it is a much larger group or much larger event that needs that type of designation.

Section 25, probably the most important revision from sxsw's perspective, this would establish what I hope is a general policy of the council that event organizers of returning tier 4 events, the largest events, will be given priority in the permitting process. Of course, the rules will flush out what is and is not priority and how that's done, which is why the rules are going to come back to you, but I think having council policies an intent explicitly set forth here is critical. I know this is one of the most important changes for sxsw so that there is no doubt in terms of direction that staff is given that priority will be given to event organizers of tier 4 events. In section 35 we have provided the appeals process will come to council. However, we have modified that based on work session comments. Let me get turned to 35. I think there was some discussion, councilmember martinez pointed out, and we've added except for a tier 1 event the appeals team decision may come to city council. So we tried to also add a provision that at any time the city manager may have the opportunity to reach agreement with the event organizer as it's going through the appeal process. Some of these items, again, are implicit terms of council authority, such as the ability to enter agreements or waive provisions; therefore you would not expect staff to fight so hard against their inclusion. By including these provisions, however, we are able to remind any special event organizer, anyone regardless of the magnitude or complexity of their event that they have these alternatives much even the smallest events if they feel the need can come and know when they read this ordinance, which is now up to, I don't know, 35 pages, whatever it is, maybe just 25 pages long, they know they can seek help from the council if necessary. And again, especially since we're going to have some new councilmembers that initially might not know what inherent authority does exist or does not exist, I think it's important to have some of this set forth in the ordinance. There are a few other clarifying changes and I would be happy to answer questions, I think these are the most significant ones. Unless invited, I'm not going to get another chance to respond to what the city attorney might have to say and I would ask you when the city attorney working on this comes up to please ask her to explain why any of these proposed revisions that I've included violate the first amendment or the equal protection clause or otherwise make the ordinance, quote, less defensible, end quote. I just cannot and do not understand what is being suggested by that statement. These changes that I'm proposing are content neutral. Such as race, agenda, ethnicity or religion. We know that distinctions based on economic factors or other nonsuspect classifications are rashable and defensible. Why do we know that? Look at this ordinance. It is what all laws do. All of our laws make distinctions based on nonsuspect classifications. In here there clearly is a rational basis to distinguish between tiers otherwise the tier system would not have been created by the city attorney. There is no equal protection violation, there is no first amendment violation issue. There is no issue related to treating tiers differently so I'm not sure what is or what changes I'm proposing make it less defensible. As I mentioned on October 14 for the first time we found out section 14-8, the right-of-way clauses closures would be deleted, but they haven't been shared with me by legal that there might

be some additional changes today that we're going to hear about. I also know a question was raised by councilmember morrison, perhaps, I forget who at the work session about staff and how quickly we can get a response to an application based on current staffing. There's no fiscal associated with this ordinance. I think right now it's internet ready for all three readings. I think first reading is appropriate. I would ask, dag, that you consider adopting on first reading the blue line that I've circulated with these changes so that staff will be a little more open to having a discussion about them. We've presented these

-- we've met for many months with staff and with legal and I feel like we have not

-- we've hit a bit of a brick wall and I feel like there will be a little bit more attention perhaps paid to the changes that we're proposing if they are passed as part of your first reading. So I would ask that you pass them in the blue line form. Thank you very much and obviously we have

-- I have a team of people from sxsw that have been working on this over a year and who have reviewed 14-8 and can talk about the changes. Gloria is prepared to do that, but this is a significant change that we're about to make and I think first reading only with our blue line changes would be appropriate. Thank you very much.

[05:01:50]

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Thanks, mayor. So many folks have been working on this issue for many, many months and I agree, I think there's still some work to be done. I think that there's still some improvements that can be made. But I think it's going to take some special consideration. This is an issue that affects global events as well as very small nonprofit events. When we're talking about some of these global events and national events, and we have this conversation going on right now actually about funding and the cost of special events, one of the things that I found in these national events is they need consideration of a multi year understanding so they can seek sonar ships and have long-term commitments to reduce the costs on citizens of austin. One of the ways they reduce the costs is by securing a multi year agreement with a sponsor. That to me is very significant as we're going to continue this conversation of how much do these events cost and how much are we willing to pay as a citizen. I say if we're going to really scrutinize that and try to save money on the taxpayer side, there has to be deference to those events. And that's not the only issue obviously. There were many things brought up in the work session that I think can and will be addressed. So my motion will be to

--

>> Mayor Leffingwell: Councilmember, we have several other speakers.

>> Martinez: Oh. Let me announce my motion and we'll take the speakers since I have the floor.

>> Mayor Leffingwell: Announce what your motion is going to be?

>> Martinez: Adopt on first reading and not bring back second and third reading for some time but not very long. And I'm going to suggest JANUARY THE 30th. And in that time, councilmember riley and I plan to bring a subsequent item next week creating a special council subcommittee of those three of us that have been working on, which is the mayor, myself and councilmember riley, so that we can have a public process, public meetings and bring this thing back to council for second and third reading in january. I'll make that motion at the appropriate time.

[05:04:16]

>> Mayor Leffingwell: Councilmember morrison. We could get through our speakers before we get into general discussion.

>> Morrison: Yes, of course, but I have a question for the speaker. And I fully support only doing this

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>> Mayor Leffingwell: Question, mr. Whalen?

>> Morrison: I fully support only doing this on first reading. I will be making motions apparently to amend

-- to address the issues, many of the issues that I brought up in terms of appeals and notice and they are sort of messy so it doesn't make any sense to try and get them in in first draft and then identity. But I want to focus on one of the definitions of tier 4 events. The way I read the language right now, there's two cases of something moving into a tier 4 event, either it has fees to the city of over \$100,000, so that's like a relatively major road closure, something like that. Or it's an event that occurs at two different

-- two different city facilities with certain conditions. And we spoke about that at the work session, I'm sure you heard that. I guess I don't really understand your rationale for

-- for merging those two with an and instead of or. They are trying to capture events that will have major impacts on city services. Why does it matter whether or not those are occurring at two city facilities or not?

>> I think it's going to capture

-- it could capture pretty small events. We know if you put and there because the definition says a special event not covered by 1, 2 or 4, that event will end up as a tier 3 so it will get meaningful attention without being a mega event or and he event the size of austin city limits, sxsw or fun, fun, fun festival.

[05:06:22]

>> Morrison: I'm just concerned it's going to be merged with a specific condition and those events have to be taking place at city facilities. I don't see why we would care whether an event that has a major impact is at a city facility or not. We need to do this permitting.

>> I recall now you did make that point, that was the way you phrased it at the work session. I would agree there isn't reason to say two or more city facilities. Obviously I had sxsw blinders on. Drop that. So I can see why you might want to delete two or more city facilities, but if you are using city steets, sidewalks, right-of-ways and the \$100,000, that way the city facility issue would end up being tier 3 still being given attention.

>> Morrison: And I understood the staff's explanation about why the two city facilities and it was because it was just going to really sort of broaden that. So you're concerned about a permit application that might cost more than \$100,000 that does not include the use of city streets, sidewalks or right-of-ways.

>> Yeah. I mean



--

>> Morrison: What would an example of that be where we're paying fees?

>> Had he a vent that doesn't use \$100,000 of city services and is using a sidewalk

--

>> Morrison: Is not using the sidewalk. What

-- I'm trying to

--

>> no, it would be using the city streets or sidewalks if you used or. Or.

>> Morrison: If you used the and

-- about

-- staff might be able to help me. Are there examples of the estimated need that's going to be \$100,000 in city services, staff time and equipment but we're not using city streets, sidewalks and right-of-way?

[05:08:29]

>> Not using city streets.

>> Morrison: Right. Those would be the ones that with your recommendation would go to tier 3. I just don't think it makes that much difference.

>> And it might be the case. I can't think of any as time standing here in the spotlight right now but thank you.

>> Morrison: You are always so good on your feet, mr. Whalen. Mr. Derr, can you comment for us.

>> Gordon derr, transportation department assistant director. Once the discussion came up with I think there's two examples. The marathon I don't think uses two or more facilities. It does use \$100,000 worth of services. Fest uses city streets but I don't know whether it uses \$100,000 worth of city services. In thinking of the eight to ten, what we would think of as TIER 4s, THOSE ARE THE TWO That the and might move out of tier 4 and back down to tier 3.

>> Morrison: And in your mind, does

-- do those two rise to the level of tier 4? I mean are you comfortable with those two that we're basically talking about.

>> I think they meet the criteria discussed before. They are international events. The developers really need some certainty more than a year out. So to me they would be lumped in with that group that

--

>> Morrison: And that's what you get for being a tier 4, you do get that kind of certainty a year ahead.

>> Correct.

>> Morrison: Thank you.

>> Mayor Leffingwell: Councilmember spelman. I realize we're not in discussion about mr. Challen is close by, I would like to ask him a questions. Again, mr. Whalen, we're not discussing the date for postponement yet, but we will shortly and you happen to be close by so I wanted to know if the january date gave you any heartburn.

[05:10:36]

>> Waiting until January and maybe having something by 2016 will be fine.

>> Spelman:16.

>> You got rules. If you are going to have rules they are going to have to be developed and come back. We've seen from San Diego, New Orleans and many other cities that rules will be meaningful and impactful, which is why I think it's important that they come back to the council. So, you know, councilmember Martinez's suggestion of waiting till that time for second and third reading I think is acceptable. I would beg you all to please pass on first reading our blue line, again to put a little pressure and attention on what we've been asking for repeatedly and what many councilmember aides have spent hours and hours working on as well. Thank you.

>> Mayor Leffingwell: Next speaker is David King.

>> Good morning, Mayor, Mayor Pro Tem, Councilmembers. Thank you. This is a big ordinance. It's a long ordinance and it has many of these events are adjacent to residential neighborhoods and they directly impact neighborhoods. And so it's going to be very important that neighborhoods are involved, included in the processes to plan these events, schedule these events and be involved in the permitting process and any waivers to the requirements in the ordinance. One of the things that needs to be considered is the number of concurrent large events that occur in the city and whether we have enough city staff like police officers to provide protection and coverage in neighborhoods while these events are going on. Chief Acevedo pointed out that so that's a problem we need to consider when we work on this ordinance. And specifically in regard to the ordinance, I think it's going to be important that folks understand that special event districts will be created and particular uses will be allowed in those districts under a permit issued for those districts. That sounds a lot like zoning to me. It sounds like this could have a lot of impacts that may not be understood. And so I think it's going to be important that we proceed carefully with this and understand what the impacts could be and make sure that we provide a way for neighborhoods and other stakeholders could be involved in the process along the way. Specifically I think it's important that a public hearing by the city council should be required to approve special event districts and the city should be able to set the number of permits allowed in those districts so that the public has an opportunity to speak about them before they are set in stone. The ordinance needs criteria for how approvals are done and denials and appeals of permits. It should be required to notify neighborhoods of waivers that are granted to the permit applicants. And neighborhoods should have a right to appeal permit waivers, approvals and denials to the city council. Fee waivers should be prohibited for all for-profit special events. For-profit events should be required to pay full cost for city services and properties used by these events. And the cap should be placed on the number and size of special events at city parks to help reduce damage and make the parks more available to the public. The city should encourage promoters of large special events to use other private facilities such as the amphitheater at the F-1 track instead of Zilker Park. Thank you for allowing me to share my concerns.

[05:14:34]

>> Mayor Leffingwell: Kelly Breeden.

>> Mayor, Mayor Pro Tem and Councilmembers, thank you for your time. I'm here on behalf of the Junior League of Austin and I'm here to ask that a provision be made to consider alerting the parties who are

having events at palmer events center at the same time as other events at auditorium shores to be noticed in time for the organizations to work together on any potential parking or traffic or noise-related issues that may come up, and ideally that would be at the time of filing for the permits. Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Thank you, I just want to comment that's a really good idea and I gather last year you were not -- junior league was not noticed about the fact there was a potential for another event right next door to your event.

>> Right.

>> Morrison: And I do intend to add some of the notice requirements back, but it's interesting that you note that that we do need to sort of improve that. I appreciate that.

>> Yes, thank you very much.

>> Mayor Leffingwell: Gale romney.

>> Good morning, mayor, mayor pro tem and councilmembers. I'm here on behalf of ballet austin and want to note that we do really support this ordinance in terms of being looked at and that we also support many of the special events especially as they bring additional economic and cultural benefits to our city. And are asking that their success obviously not be at expense of existing organizations and neighborhoods. To that end, the ordinance that speaks to the fees and deadlines, we would recommend increasing the minimum number of days required prior to the first day of proposed events be changed for a longer period of time up to 365 days for IDEALLY BOTH TIER 3s SINCE We don't know exactly what those will be, but especially tier 4 events. The reason is it will directly impact chapters is through 2, the rules of adoption that are being talked about now as something that will be looked at in the future. Because that does relate to the notification process and giving neighborhoods and organizations and businesses more time to work with special events organizers in terms of accommodations and making sure that we can all have a successful events and businesses.

[05:17:44]

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Would you

-- so I know that ballet austin has very large events at the long center. Are you typically notified about or events in the area? Has that process been working smoothly under the existing ordinance?

>> It does. We are notified, however, again, this will come up in the rules of adoption in terms of that process, which I don't think is involved in this particular ordinance. Because it just references that, but yes, we have a lot of issues with the timing on that and what constitutes an affected area or person.

>> Tovo: And so, you know, one of the discussions we had on tuesday at the work session is how the absence of that

-- of those existing provisions poses some real challenges and you've identified some of them. Out well our appeals process works. We just heard from the junior league that that was

-- that they didn't necessarily receive notification perhaps because it wasn't a street closure, it was a

special event so that's why I want to hear from your experience whether our existing rules have proven

-- excuse me, existing notifications that are in our ordinance now seem to get the communication going in a way that

--

>> a lot of room for improvement.

>> Tovo: Thank you, that's helpful. I hope we'll have more time to delve into that in the next few months.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Thanks, mayor.

>> Mayor Leffingwell: I believe you already stated your motion unless you want to restate it. And just to clarify, which version are you moving approval on first reading.

>> Martinez: What's in the backup.

>> Mayor Leffingwell: Seconded by councilmember riley. And could I add as a friendly amendment to close the public comment period and when we come back and, of course, there's always the opportunity to request questions of people.

[05:19:55]

>> Martinez: I think with the additional subcommittee that we're going to come back with to further this as it gets back to council, that will be the public input process moving forward as we take amendments to the item.

>> Mayor Leffingwell: All in favor of the motion to pass the draft version on first reading?

>> Morrison: Mayor, I have some comments.

>> Mayor Leffingwell: Go ahead, councilmember morrison.

>> Morrison: So we had a really good conversation

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>> Mayor Leffingwell: Let me make sure we had a second. Is there a second? Councilmember riley. Go ahead.

>> Morrison: I realize there's a lot of work to be done. There were several sort of big ticket items that I thought were really critical that I have worked very hard with but not as

-- very hard on but not as hard as staff who has worked to address these items. And what I've done is pass out a motion sheet that addresses the major ones, I just want to list off what they are and we can talk about what to do with

-- to ensure that fee paid events still have to come to council. To address notice and appeal to reinstate notice and appeal as we had it before. To add back the reporting requirement, and then also it adds in

-- it addresses the issue about deadlines for applications and responses that were missing. And

councilmember martinez has suggested that there's going to be a special committee on that and I guess

-- and it's going to be suggested I'm not on it, which is fine, but I hate for this working to to

-- to go for nothing so I'm going to throw out two possibilities. One is that we walk through this motion sheet that I have passed out now and work through each one, or if there's also an option that we could work through this work that's already been done at that special committee, I'd be

-- I'd be happy to just come for that one day when we do that. If that was an option, I would be happy to defer in discussion to that special committee should it be created.

[05:22:22]

>> Mayor Leffingwell: Sounds reasonable that all the suggestions that you made would be considered by the special committee.

>> Morrison: Okay, and I have passed this out and I would be glad to pass it out to everybody. And actually I'll try to prepare sort of a summary sheet for it that goes with the comments that I just made because this was

-- it's not simple to do all those things and I hate for the work to be lost. So I'll look forward to that first meeting.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I just want to say, and I think I made this point on tuesday as well, I think it's really critical to restore the notification and appeals process back into the ordinance. We've certainly heard from community groups as well as potentially some businesses that are affected that those are important provisions for them. As we've also heard there is room for improvement and right now those notifications, I believe, are just triggered by street closure events so we need to address large events that are not necessarily street closure events and communication with other event organizers in the area. I do hope the notification appeals process gets restored back into whatever comes before us in january, with also additional consideration for how to improve the communication when it's not a street closure event, but we need to notify other organizers.

>> Mayor Leffingwell: The motion is approve the draft version on first reading only, to close the public comment period, and to consider

-- plan to co january 30th for second and third readings. And all of the blue line, the red line version in the public comments, will be considered potentially by the committee. That hasn't happened yet, but all in favor say aye. Opposed. That passes on a vote of 7-0. Councilmember martinez.

[05:24:25]

>> Martinez: For clarification purposes, some of the media sources are already saying we just created the committee. We have not done that. That has to take place at the next meeting.

>> Mayor Leffingwell: You said that and I said it so if there's anybody reporting it, please make a correction. All right. So that brings us to item number 58 pulled by councilmember morrison. We have one speaker. David king.

>> Thank you mayor and mayor pro tem, councilmembers. This is the item that will if it goes into effect will alamorted parking spaces to meet minimum parking requirements for businesses. And I realize it's just a resolution for the city manager to investigate that and come back with potentially some ordinance to implement that, but I think there's concerns that need to be addressed as you go through this process. Some questions about this one parking meter and five businesses are within 500 feet of that meter. Who gets to claim it? Which business? And how is that going to be managed? And the other issue is it will encourage expansion of existing businesses now that they can claim those metered parking spaces, and will they encourage new businesses. And will the result of that be even more traffic and more parking congestion than what we already have. And will they be able to use the metered parking space in addition to a reduced parking requirement. Can they combine both of those entitlements or benefits, if you will, to achieve, you know, get the working they need or the permit that they need. I

think those are important considerations that I hope you will look closely and carefully at as you consider this ordinance. And thank you very much for your time.

[05:26:40]

>> Mayor Leffingwell: Councilmember morrison. You pulled the item.

>> Morrison: Thank you, mayor. Yeah, I would

-- I intend to support this item, but I do want to raise the concern that we have done a lot and I appreciate some of it, maybe not all of it, so address parking and try to promote to production strategies and use shared parking and all of that. I did ask the question that staff answered and I appreciate that. You can see it in the backup and in the q and a answers. The time line of adopted parking regulations because it has been several. And I'm just concerned that we're going to start over doing it, overdependency on particular kinds of parking spaces because, for instance, we did pass one recently that said businesses can use adjacent street parking in satisfying their parking and now this sort of expands that. Same kind of thing, expands that so they can use metered parking within a certain distance so it may no longer be adjacent. So I want to make sure with that adjacency parking it's subject to the transportation director's approval which I assume means that the transportation director will be looking at things like general demand for parking in the area. I wonder if we could just get a better understanding from mr. Spiller, I don't know if you've had any examples come to you yet but what you would be considering looking at that?

>> Yes, thank you. Robert spiller, director of transportation. In fact, I just was at a very interesting conference that talked about right sizing parking with developments. And one of the things that other cities are looking at is the availability of high quality transit, frequent transit near the site, are there alternatives, does the employer or is the employer willing to commit to a true production program to save the spaces that are being used on the street for potential customers. So in other words, yes, count the spaces as part of the overall parking need, but try to reserve those for customers which is consistent with our parking program. That's an example of certainly what other cities doing. At least one city that I've been studying recently has sort of a checklist so that as businesses contemplate using on-street parking they have a checklist do we have advertisements about how to get here differently, do we promote to customers that we're saving spaces on street for you and we're getting our, you know, workers to come by different way. That all seems to be in line with our mobility objectives for this city. So those would be once that I would put forward for you.

[05:29:47]

[One moment, please, for change in captioners]

>> Morrison: The fifth one comes along and are you allowed to say oh, I think this puts it over the top. I'm not going to recommend that you also get that same relaxation?

>> Well, I think I would have to defer the zoning related issues to my colleague here. But from an overall mobility perspective, again it comes down to what is the capacity of the district and what other alternatives have people sought, how are the parking. It's an alternative to what transportation is there and how people are getting by on bike and ped. From the mobility perspective it becomes one of

capacity and usage, but I would pass your actual question over to greg.

>> Greg abbott, director of planning, development and review. I think when we go through and start looking at this ordinance some of the things that robert actually mentioned we've actually brought up in, say, planned unit development cases in the past where we've asked employers on the property actually to provide bus passes and make that part of what they do for their tenants. Actually a certain number of spaces could be possibly reduced if there were certain incentives to use public transit. Bicycle parking might be another option, but I think we have to look at that very carefully. I won't rush to judgment to say what we would do in this circumstance. We do have criteria now for offite parking so there are certainly distance requirements, which I have spoken to within the resolution and when we look at those. With of to look at how many businesses are nearby that could possibly be using those spaces. Employees have been known to go many brooks away to make sure there was parking available for their customers on-site based on what the owner of the business and how they operate and what their philosophy is. I think we work very closely with transportation department and looking at those things, and before we come back with a recommendation to you.

[05:32:54]

>> It sounds like you sort of brushed up against a yes to my  
-- to answer any question.

>> Morrison: What I would like to ask is we have legal involved in this too to ask very explicitly at the issue of are we going to get into a first come, first served situation potentially where some businesses are allowed to rely on the city streets and public right-of-way for their parking, but at a point it's it just going to be too much and ther obvious are going to be denied so we could get into a situation where there is an unfair treatment of. I see mr. Lloyd in the back. Do you have a comment that you might make about that or could I just ask

-- at least I want to ask that that be addressed. That issue be addressed during the discussion.

>> Mayor Leffingwell: The city attorney will be happy to address your question.

>> Morrison: I'm sorry.

>> I know that brent lloyd is looking into that and as this goes through he will work on it. He gave a little bit of an answer in the q and a about what the standard would be, but we're happy to continue to look at that.

>> Morrison: Great. If we could get that explicitly addressed in the response that comes back I would really appreciate it. Phrasers.

>> Mayor Leffingwell: Let me say, there's not a motion on the table yet, but I'm not going to support the motion. I think it has the net effect of reducing the number of parking spaces. And I know we're trying to encourage the use of alternative transportation. I've been working for probably about two years now on one of those alternatives, which is a better mass transit system in parts of the city. But that is not going to happen for awhile. That is going to happen

-- even if everything goes like clockwork after 2020, maybe in the 2022 time frame. In the meantime I see parking places, especially in the central part of austin, disappearing in droves. I don't know how many we lost when we eliminated parking spaces on one side of guadalupe and lavaca, but I know we heard a lot of complaints from businesses who now their customers no longer have places. That's just

one example. And I don't think that we want to get into the mode of encouraging

-- I don't want as a sponsor of mass transit initiative, I don't want to advance that by making it hard on people. I don't want to say it's gotten so bad, it's so difficult that now we have to do this. I want to get the cart

-- I don't want to get the cart before the horse, in other words. I want to get our system in place and then we can look at these other initiatives depending on how well it's working. But in the meantime I just see all kinds of potential problems. Councilmember morrison alluded to some of them. We have several parking spots on a block and you've got five or six different businesses claiming these are our parking spaces. They're kind of double, triple, quadruple counting. I realize this is only amending, but I don't see that I can achieve the things outlined in this posting language. Councilmember riley.

[05:36:24]

>> Riley:.

>> Thanks, mayor. I appreciate the conversation. Councilmember morrison is right. There have been a number of initiatives in the recent year or two related to parking. And that's not just here in austin. It's actually around the country. As more and more cities rediscover their central cities and their urban areas that have been affected by years of development under a particular mode of regulation, there's been a growing recognition of certain costs associated with the patterns dictated by the development regulations, and in particular the patterns that result when we require far more space to be devoted to surface parking than is actually occupied by the uses that that surplus parking serves. People have been questioning whether that practice results in a good walkable urban environment and we've been looking at ways to resolve the regulations. Creating an urban environment that is more oriented towards people than to cars and parking is a central part of that conversation. I expect we have made

-- let me first say I think we have made significant progress as a result of the initiatives we've had over the past couple of years. Austin in fact has been recognized as a national leader on parking policy as a result of several of those changes. I hope we can continue that leadership role. I think this particular initiative is right in line with those efforts. We do not have the answers at this moment to all of the questions that have been raised, but by the speaker today and by both the councilmember morrison and the mayor, but we will have an activity to sift through all those questions and have a robust public discussion to try to find answers to all those questions so we can make further progress towards the goals of our imagine austin plan. So with that

-- one last thing I have to touch on. I appreciate all the efforts ongoing with respect to our transit system and fully support those efforts. I keep hearing suggestions that some day we'll have a transit system. As councilmember martinez and I know well serving on the capital metro board, we have a fine transit system. What has been called in the past the highest ridership per capita in the state of texas. I'm very proud of that. Many, many austinites rely on that transportation on a daily basis and they don't need the acres of surface parking that many cities are yessing. So with all that I will move approval of this stomach and look forward to the conversation that will undoubtedly occur as we move through this process.

[05:39:08]



>> Second.

>> Mayor Leffingwell: Motion by councilmember riley, seconded by councilmember spelman. Further discussion? All those in favor, signify by saying aye? Opposed? It passes on a vote of six to no with yours truly voting no. And that brings us to item number 61. Item number 61 is pulled by councilmember riley. We have a number of speakers. First is david king. Thank you, mayor pro tem, councilmembers. My name is david king. I live in the zilker neighborhood. I really appreciate the spirit of what we're trying to accomplish with giving some protection and keeping the trails open at night. I certainly can see that and respect that. I hope we can find a way to have that happen without having to pull police resources out of neighborhoods. Early irrelevant this morning I mentioned concern about neighborhood patrols being pulled out of neighborhoods when multiple events are going on in the city. And that's a concern. This could also create a similar impact that would be a concern to neighborhoods. I hope we can find a way and I appreciate chief acevedo's attempt to try to find some middle ground there although it's difficult to do, without having to pull resources from neighborhoods. Neighborhood patrols are important and their presence there does make a difference. I wouldn't want to have to give up that protection, that presence in the neighborhood for a little bit of a good benefit for a few trail users at night. Seems like that's not a good cost benefit there. But I hope we can find some middle ground that respects taxpayers and provides protection in neighborhoods and other areas of the city that are important. Thank you very much.

[05:41:18]

>> Mayor Leffingwell: Tom walled.

>> Thank you for the time to speak. And I think there should be a guidebook on how citizens can interact with city council because it's a little confusing to me and a lot of people ask me for my advice. Something that I didn't mention earlier in comparison to annexing new parts for austin, I want to go over some facts. The figure of 10 people using the trails at night as has been brought up a number of times and there's no basis for that. I would hope that in your deliberations you discard that number. And use your imagination. We don't have an accurate figure from a.P.D. At this point. I would like to note that there

-- I've heard about liability concerns that if someone is on the trail at night there's concern if there's not a dedicated six officers strong police force down on the trails that the city could be liable. Well, if you arbitrarily preclude people from using the trails at night and then essentially force them on to the streets where there are drunk drivers, other distracted drivers and in the past have been shown to be quite deadly, the city is putting itself at risk. I'm not a lawyer so I don't know, but it seems like then the city is also putting itself at risk for arbitrarily putting people on to the streets where they would rather not be. We have a transportation system and I think we should use it. We've already built it. I am wondering why there's a fiscal note being asked for this, but not for the annexations for the additional a.P.D. Coverage, trauma care and e.M.S. Response for the collisions that are increased because of that. The road infrastructure transit service, I'm guessing when you annex

-- not guessing. I know what you annex neighborhoods you're not adding the tax base to cover that. You're adding to the tax base for the city and there's no fiscal note if for that. Cities all over the world for the the last several decades have been doing this because they know it's the most cost efficient way to

do it. And I hate to see this one possible cost being drawn out and given so much attention. It just doesn't

-- some people find it pretty insulting and I simply don't understand why this is being focused on so much. Again, we have a pilot here. We have a

-- let the pilot have its time. We were not expecting this pilot to be stopped in the middle. That's not what the city council asked for. The city asked for a seven month pilot program. That's what your constituents were expecting. I'm asking that you direct your staff to complete its findings before the pilot program is complete so we can have seamless access. There's no use in creating more confusion out there with having a gap in what are people supposed to expect?

[05:44:29]

[ Buzzer sounds ] a gap in service doesn't make sense.

>> Mayor Leffingwell: Thank you, tom. Johanne barts. Donating time is vera givens. You have up to six minutes.

>> Good morning. Johanne barts, university hills neighborhood association. My mother taught me a long time ago there are three steps to solving any problem. First you identify the problem. We have. Secondly you find a solution for it. And third you implement the solution. Simple. In that regard the gentleman that just spoke, he questioned the cost that has been projected by a.P.D. To service 10 cyclists on the trails and I believe that cost was listed as approximately one million dollars. I want to talk about the costs first. The cost to the citizens, the taxpayer, the voter, me, everyone within the sound of my voice, pays taxes in this city. The costs to us is a loss of community policing. Because we're losing our dr's. And as someone last week asked, what is a dr? It's a district representative. It's a police officer who is assigned to communities, for community policing. To assist them in anything that comes down the pike that needs assistance. Why is this cost problem using the dr funds here? Because none of you, I presume, approved the funds when you approved the budget for the a.P.D. To do this job. Although you came right back last time and said you're going to do it and you find the money. I have a simple solution and because it's simple and logical it's not going to fly. I'll go ahead and establish that. South by southwest, they don't pay the a.P.D. A cent, reimbursing the a.P.D. A cent for the services of a.P.D. Again, an estimated cost coincidence, one million dollars. Per festival. Why haven't you all taken the initiative and instituted an ordinance requiring south by southwest to pay for the a.P.D. Services instead of letting it slide?

[05:47:14]

[Applause]. I resent that as a citizen, a taxpayer and as a voter. You are ignoring a large source of funds for a commercial enterprise that regardless of what you may read, does not service the entire citizen taxpayer, voter base in austin, texas. Now let's talk about equity. We're talking about the wants of 10 cyclists, average 10 cyclists, versus the needs of thousands of citizens, taxpayers, voters. In my area alone, university hills neighborhood, it's 5,000 people. We don't have a dr. We haven't had a dr on a regular basis since the reorganization of a.P.D. Because they were simply not there to do it, but they tried. We were just recently told you have a dr and we saw this light at the end of the tunnel. Guess

what? It's did gone. Our dr is now out on the trail and we have decided  
-- dr stands for district representative. We've come up with a new one. Tps, trail protective services and that's where they are now. Again, we have zero dr in university hills. And we're getting a little bit tired of it. It's ridiculous that the equity in this city is so far off. How can you possibly not see the difference in spending a million dollars to service 10 people on trails at night versus allowing the a.P.D. To have their dr's out in our areas and protecting and assisting and helping the citizens to prevent crime. And that's what we do a lot because of the help of our dr's. I do not  
-- I tell you what, I don't appreciate that. That's not a wise use of my taxpayer dollars. And I think it's time you all took a good hard look at what you're doing and leave the emotions of the trail people aside. If they want to ride it, let them ride it without the protection if necessary.

[05:49:36]

[Applause]. Also, I have a challenge for you. I challenge you before you take any definitive action on this. Of course somebody is going to say it's going to cost more money putting something off again and maybe the chief wouldn't even appreciate this. But the inference has been given that communities don't matter. Dr's don't matter. I challenge you to set up a citywide stakeholders meeting specifically to discuss this one subject, the removal of our dr's to assist 10 people on the trails at night. I think you will be shocked beyond belief at the reception you will receive and what you will hear. And when I say citywide, I mean all over this city, all communities to hear what they have to say, not their opponents, but hear what they have to say about that and congress use of our taxpayer dollars. I really  
-- I'm disappointed. I'm very disappointed. I really expected better protection and governance of our tax dollars and what is being evidenced by this particular subject. I can only hope

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[ buzzer sounds ] bingo, I'm through.

>> Mayor Leffingwell: Councilmember morrison? There's questions for you.

>> Morrison: Thank you for your comments. Over here. I heard you say that your dr has been moved out of university hills to patrol the trails.

>> That's right.

>> Morrison: Where did you get that information?

>> Directly from the a.P.D.

>> Morrison: I wonder if I could ask someone from a.P.D., Especially the chief, because we had a conversation about this before and I asked you specifically if we postpone this item, were any dr's going to be moved out of their positions to patrol the trails as we were postponing and waiting. And you had said no.

[05:51:44]

>> And that is correct. We haven't gotten rid of any dr's. The dr's that would be moved if we continue with 24 hour use of the trails have been noticed. We have not withdrawn that notice pending the outcome of this item, but none have been moved. They have been identified, though. So that's what the speaker may be referring to.

>> It's definitely what I'm referring to. I didn't take into account in my statement, gnawty me, that with this postponement of one week, of course, that does make a difference. That postponement -- his removal for one week, because if your decision is to go ahead and continue to police the trails, I believe I'm correct, then you would have to go ahead and initiate the dr's serving out on the trails, correct?

>> Morrison: If I could jump in here. That is the plan. But no dr's have been moved at this point and I want to make is that very clear. They are all in their positions, is that correct?

>> That's correct. None have been moved.

>> Morrison: None have been moved. They're all in their positions. If this is approved, they will not be moved. And I fully support not moving our dr's.

>> Thank you very much. I appreciate that.

>> Morrison: And I also wanted to just comment, you said if you were to hear citywide, have a discussion citywide, that they would be surprised at the interest and concern. I don't think there's a lot of us that would be surprised about the concern. We've heard from a lot of folks.

>> I am so glad. I'm so glad to hear that. Thank you very much for the clarification.

>> Cole: Mayor?

>> Mayor Leffingwell: City manager has something.

>> Chief, could you come back? You didn't have to run.

>> When the boss calls you run.

>> You mentioned none have been moved, but have been noticed. I want you to provide a little more context as to what notice means.

>> Outside of emergency operations we normally give our employees a 28 day notice consistent with contract when they're going to be moved. So when this item has come up and we knew we were losing the overtime for the patrol over the trails we actually noticed our folks, provide them with a 28 day notice, the commanders have gone out and identified which specific dr would be moved and our intent is that if we have to continue patrolling because they're open 24 hours, they will be pulled at the end of this month. So they'll be moved probably this week. We're still using overtime and I need to stop that bleeding.

[05:54:26]

>> Cole: Mayor. Ms. Barts, there's been a lot of confusion around this item in terms of council actually sanctioning the removal of dr's. I cannot emphasize enough that this council supports the dr's. We want to maintain them in the neighborhood. And the decision about moving or not moving the dr's was not a part of the conversation that we had with the trails. And so we do not intend to support moving the dr's as a policy matter, but the question of how to mooch the police force around and what to do with that is a management question and that is totally made by the chief and the city manager.

>> I understand that fully. We all

-- everybody out in the community understands that fully. However, the chief

-- our chief did make it clear since the overtime is not available, that's already being used up, fest have values a lot, by the way

-- festivals a lot, by the way. The alternative, as I understand it, is that it would be the dr's, is that

correct? That's how you would come up with the money to take care of the trails.

>> It's nine dr's and a little over 300,000 overtime for the remaining three bodies until we identify three more bodies.

>> Right. So cutting out all of the bureaucratic whatever you want to call it, that's what it comes down to. But I appreciate that a whole bunch.

>> Cole: Thank you.

>> Thank y'all very much.

>> Mayor Leffingwell: Thank you. Roy whaley.

>> Howdy, y'all. My name is roy whaley, the conservation chair for the austin regional group for the sierra club and I am a cyclist as much as possible and I will use the trails, the streets, the sidewalks. I will ride through your backward if necessary to stay away from traffic and to ride safely. I also live on a street, a public street. These trails are public transportation corridors. My street is a public transportation corridor. So I'm asking that I have six dr's patrol my street every night so I feel safe. They don't patrol my street at all. And I don't have a problem with that. And I'm not asking for that. As necessary, it is done. It happens while I'm asleep. During the night. They are patrolling. But they don't come by every night and they don't come by every night on the hour. They patrol my street and they patrol my neighborhood. And that's the way it should be with the trails also. The idea that we have to move resources like the dr's or any other overtime necessary to patrol these trails is just bogus. We don't patrol every street every night. Why do we have to patrol the trails every night? We know that we use our transit system at a certain risk to ourselves. The same is true with our trails. Now then, I know that there are a certain number of cyclists that do not physical the rules and -- follow the rules and are outlaws. If we do this we all become outlaws. All cyclists will become, all trail users, because we're not going to stop. People are not going to stop using the trail system because you say you can't do it. We're going to do what keeps us safe just like you're going to do what keeps you safe. So those people, we will become outlaws. We have enough outlaws in society as it is. We have outlaws in our general population. We have outlaws as cyclists that do not follow the rules. To be clear, with the homeless population I don't consider all homeless people outlaws and no one should, but they're just like the rest of society, there is a subgroup that are outlaws. And if the chief has concern about the outlaw population in our trail system, in our park system, then address that. Do not make us all outlaws. Address the trouble spots which they say they know. Also, I'm going to trust that they know where that is. During the work session the chief finally had to admit that yeah, we came up with the 10 trail users, johanne, the 10 trail users per night, because we stood out there for 10 minutes and we watched 10 cyclists go by. And that was pretty much extent of our study. There was no study done.

[05:59:20]

[ Buzzer sounds ] so do not make us all outlaws. Keep the trails open.

[ Buzzer sounds ]

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

>> Riley: Mayor, it's noon and I expect the conversation on this will take some time. Can I suggest we table this item?

>> Mayor Leffingwell: You expect some conversation. So without objection this item will be tabled and

taken up this afternoon and we'll go to our citizens communications. First speaker is robert mcdonald. Robert's subject for today is the world vision for austin.

>> Good morning, folks. Thank y'all for being here. Thanks for being alive. I'd like to thank y'all for the fact that you have been looking at and addressing the homeless issues. And I think that's part of being a world class city how we treat the homeless and the less privileged, those that can't take care of themselves very well. I would like to suggest that maybe in the year 2222 that we throw a world fair. And being as how the mayor has already been working on a better mass transit system for austin, maybe by that time we would be capable of handling that kind of influx of people to come through our city. The thing I'd like for us to continue thinking about is that we give visitors here to austin and I believe all of you on city council have children. What I want you to think about is how you want other cities to treat your child when they go somewhere else. All right? Then I want you to treat all the visitors in austin like you were the other city and that's your child. If you've got questions,, as casey cowly would say, if you have questions, love has answers. You know? And I understand that the hardest thing is expecting and accepting the suffering. Some suffering you can never change. Some suffering we can change and we can prepare for it and eliminate it and ease it as quickly as possible. And those kinds of sufferings are like natural disasters and stuff like that. And we have a good track record of that. But I think austin is a world class city. I think some things need to be worked on like transportation. We have a great police chief, we have compassionate city councilmembers that care about other people. And I appreciate that. We all take the time to listen to other people and hear what's going on in your community and hear the heartbeat of this city. I think this city cares about austin, texas, this country and the world. I think we set an example. I encourage us to continue setting an example and let's prepare this city to be the city that we would want our children to go to and be safe and secure and be able to prosper. To be that which they dream to be. Thank y'all.

[06:03:16]

>> Mayor Leffingwell: Carlos leon. Several subjects. Chemical trails above city hall, truth defeats lies, fear god, follow god, depart from evil, god first at the center.

>> Thank you, mayor leffingwell. I am carlos leon and I'm here on october 24th, 2013 in austin, texas to speak what's right. First and foremost I thank god for letting me be here today. Second, most days are now chemical trail free here in austin texas, only a 100 percent success rate 24/7 is acceptable.

Therefore by the power vested in you, austin city council, according to section 14 of the austin city charter and pursuant to chapter 13-1-11 and 13-1-14-b-3 and 13-1-14-d of said charter, I request you to enact an ordinance at the november 7th, 2013 city council meeting that says be it ordained by the city council of the city of austin that all chemical trails spraying in austin's air space be permanently banned effective immediately. Any violator of this ordinance, including those assigned to operate an aircraft by military authority, would be required to immediately stop spraying, land at austin-bergstrom international airport, deliver its airman certificate and the aircraft certificate of air worthiness to a waiting austin police officer, be arrested and prosecuted to the fullest extent of the law. Third, with respect to the ongoing colossal obama website and i.T. Infrastructure failure, the obama administration appears to have already paid more than 634 million taxpayer dollars to cgi federal, a subsidiary of cgi, a canadian company, when the contract expected a 93.7 million ceiling. That's a 675% cost overrun.

According to their own website, cgi is a 69,000 person consulting group who strive to be recognized by clients, members and shareholders as a world class i.T. And business process services leader. Well, advising is nowhere close to engineering. Perception is nowhere close to reality. Processing is nowhere close to producing because talking is nowhere close to doing. Why did obama award a huge i.T. Contract to an unqualified foreign company when there are several expert american i.T. Companies in austin who can actually do that work at a fraction of the cost and deliver a successful product on time? Why has obama spent his entire deceitful presidency systematically attacking and destroying america's genuine doers and producers, our prime movers, while simultaneously helping and elevating disingenuous talkers and processors.

[06:06:35]

[ Buzzer sounds ]

>> Mayor Leffingwell: Thank you. Your time has expired.

>> In jesus name I pray, we have to get back on task.

>> Mayor Leffingwell: Next speaker is dolores duffie. Parking on cherrywood road.

>> Yes. I love a cherrywood road, been there for 49 years. And

-- I have some

--

>> Mayor Leffingwell: Pull the mic close to you.

>> Is that good?

>> Mayor Leffingwell: Sounds better, yeah.

>> Okay. There's a new restaurant that has opened up on manor road, and from the 2900 block up to the 32nd hundred block of cherry wood road and 32nd street, you cannot park

-- don't anybody insult my intelligence and say that's a public street. We know that, that it's a public street. We're well aware of that. But there are safety issues involved. They park across your drive. You can't get in or out. There's a fire hydrant right at the corner of my property. They park in front of the fire hydrant. Policemen

-- I've called 311. Other neighbors have dialed 311 to no avail, and we finally got somebody. And of course, there's a little nice, nasty letter that's attached to your

-- from one of the officers. But I've already talked to the chief about that, so you can

-- he will take care of that. But at any rate, there are a lot of safety issues involved. Now, I realize that chickens and bike lanes and trails and those kind of things take precedent over neighborhoods, but councilmember morrison, you've always been a strong advocate of neighborhoods, so I want you to take a nice long look at this. But we have a bike lane there in front of my house. They park in front of that. Officers pass up and down the street. They do not stop. They

-- one officer that wrote this letter sat on my porch for 15 minutes, a car was already parked in front of the fire hydrant and the minute he got out of his car he should have ticketed that car. But did he? No.

But I'm just saying there are things we have to live there. We recognize, you know, that restaurants

-- when vortex, which is right across in front of haymaker, wanted to add something, we got letters, we did, because I'm within 300 feet of vortex. So if I'm within 300 feet I wonder why nothing was said about haymaker. I was on the zoning board of adjustment on one point and you had to have x amount of

parking spaces when you open up. So what happened with that? And nobody was notified. I don't know if that's proper or if it's not, but I know we got some notification when vortex was trying to get something. My problem is we put our trash cans out on thursday evenings because trash day is on fridays. We put it out about 6:30 or 7:00. They have taken to removing our trash cans, and this officer says in the letter that we have to put our trash cans out the day of. Well, we got

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[06:10:39]

[ buzzer sounds ] is that for me?

>> Cole: Mayor, I have questions for ms. Duffy.

>> Mayor Leffingwell: Your time is up, but there's a question for you from mayor pro tem cole.

>> Thank you. I didn't hear that.

>> Cole: Ms. Duffy, you were explaining how the parking was interrupting with your putting out of the trash cans. Do you want to finish that thought?

>> Yes. I'm saying I put my trash out, set it out where it's supposed to be, and then luke up a little later, it's not there. It's setting up on the curb or in the middle of my drive. Not only mine, it's other people that set theirs out. It's just not me. That's why I brought the petition because a lot of us are seniors over there. I'm one. We have plenty of seniors. We have three people that have disabilities that have to have e.M.S. From time to time. They cannot get to them. They remove your trash cans and park. Now, also they start parking about 9:30, between 9:30 and 10:00 in the morning. They told me

-- now, I have no problem as long as they don't block my drive, and they have, but they said the staff management told them that they cannot park there, they have to park on the street. So these are concerns. We've had two cars broken into in that area since the opening. So we're putting the ball in your court. We need to talk to somebody. There are other options. I know there are some options: We're not aware of all the options that we have. We know we can't stop parking, but there's got to be some options somewhere. Someone has to reach a happy medium with us.

>> Cole: Let me commit to work with councilmember morrison, who is very committed to neighborhoods, and get some options and some answers for you and get back with you.

>> Well, I need it asap. I'm telling you, because they are just really

-- and we've had one guy that almost got into

-- I mean, it's not work that

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[06:12:47]

>> Mayor Leffingwell: Thank you, ma'am.

>> Just need a little letter and somebody needs to get back with us, okay?

>> Morrison: Thank you. I'd love to work with mayor pro tem on this. And I see our director of public works in the back and I guess what I might ask is just to make sure we keep moving along and addressing your issue. If we could get maybe a note from mr. Lazarus in the near future, just describing what our options are. For instance, resident only parking and then other things too. And then we would be able to



take action from that. But if you could provide that, say, within the week, that would be really helpful.

>> Cole: We'll get back with you.

>> We certainly do appreciate it.

>> Mayor Leffingwell: Thank you, ma'am. Councilmember martinez.

>> Martinez: I am intimately familiar with this. The actual restaurant actually it does have the ample number of required spaces based on their occupancy

-- they actually do have the number of required parking spaces for the size of the restaurant, but there is a parking issue. The restaurant is currently in conversations with every neighboring property that potentially has parking spaces during their business hours. That includes vortex, that includes gene johnson automotive. Anybody around there with additional parking they're trying to work out agreements with them so that they can take the customers off of cherrywood and let them park in those respective parking lots and then the restaurant would sign an agreement and pay rent for use of those spaces.

>> Well, obviously you have talked to somebody at haymaker.

>> I've had many conversations.

>> Okay. Then you haven't talked to us, any of us, any of the neighbors. You're going to be running for office, right? [Laughter]

>> Martinez: I think what I'm doing is exactly what you're asking. I'm trying to address the cherrywood issue. And I am aware of the altercation that took place with the neighbor and the threats that go on. I realize it has to be addressed. And it is going to be addressed.

>> Okay. Thank you. [Applause].

[06:14:51]

>> Mayor Leffingwell: Next speaker is koo-hyun kim. Mr. Kim's topping is reopening government. There are other comments on your document, but they are disparaging. You seem like a nice man, but I want to tell you you are not allowed to make disparaging comments.

>> Thank you very much. This is the happiest time in my lifetime the time I am standing here. A little bit earlier than christmas, december 25, but everyday is christmas. And also I came down here to fix broken american government. Honorable austin city police officers, they are perfect. They protected me. So far no one shoot at me, even though I said american republican lawmakers, they are terrorists, like terrorists 9-11. I said so here october 3rd and october 1st in the travis county commissioners' court. I said so. I am probably the first one across the nation, across the world, american republican lawmakers, they are terrorists like terrorists 9-11. And austin city police officers

--

>> Mayor Leffingwell: That's disparaging. Continue, please.

>> And also, mayor lee leffingwell, you're best mayor. The reason, you said correct mistake of talking. How wonderful? End of talking, correct mistake. The perfect mayor. They know how american government wrong [indiscernible] 24 years.

>> Mayor Leffingwell: I'm going to give you another three minutes. [Laughter]

>> oh, thank you! Wonderful.

[06:16:54]

>> Mayor Leffingwell: No, no. I was just kidding on that.

>> Oh. Wonderful. And also, I am representing [indiscernible] and I am representing president obama and I am representing non-lawyers, non-lawyers, who has no degree and is not elected official. Appointed official and [indiscernible] official. I am representing all of them. The reason? I'm the best professor of american government, the best professor of american democracy at austin city -- austin community college. I was there, but the college used police officers with a gun, kidnapped me from the acc campus outside [indiscernible]. I cannot go in there. They stole my student [indiscernible], 53 pages. They eliminated me and the best professor ever. They stole it right now because my students complained over other professors.

[ Buzzer sounds ] oh, time is up. I really appreciate you.

>> Mayor Leffingwell: Thank you, mr. Kim. I really need one of those hats, I tell you that right now.

[Applause]. Next speaker is ronnie reeferseed. Topic is the ongoing tear any and the horrific kill grid.

>> Hard to follow up him, but yes, I am ronnie reeferseed yelling wake up, people.

>> Mayor Leffingwell: Hold on. I've stopped your time. And you are not allowed to make the sound of passing gas. If you do that or make any other disparaging comments, your time may be cut short and you may be asked to leave the chamber for the day. With that understanding, continue.

[06:19:03]

>> Yes. I'm ronnie reeferseed... Yelling wake up, people, please let's all start thinking about love. What would jesus do? Do you think seriously that our savior, the prince of peace would be happy with the never ending wars worldwide [indiscernible],. By golly, I suspect that nobody who is in lock step with above all big party schemers, all puppets to our own military industrial banks or [indiscernible], trial lawyer complex of criminals is going to get a free ride into heaven once dead. Look, nobody is without sin, but [indiscernible] going on with the torture of men, women, children and unborn babies anywhere for any so-called reason. Why not instead help return our nation to our founding father's vision of peace and commerce with all nations with no I think tanglements making special scheme deals. It's seemingly part of slimy corporatism found under every rock. But I say no, the so-called [indiscernible] of surrendering blood money from hard working taxpayers is never good in the short, medium, long-term for anybody except the already rich scamsters who tell our government slime balls exactly what to do to the rest of us.

>> Mayor Leffingwell: Okay, mr. Reeferseed... I've terminated your time. Your time is over.

>> What did I do this time?

>> Mayor Leffingwell: I told you not to make disparaging remarks?

>> It's my right. We don't want to si thank you, sir. Everybody is great. We love everybody all the time no matter what they do. We have the right to protest. Protest is the basis of the first amendment.

>> Mayor Leffingwell: Please step back. Your time is over.

>> No, look. Everybody wants to move here anywhere, but despite the blatant sociopathy with poisoning our water.

>> Mayor Leffingwell: The next speaker is jerry lock.

[06:21:05]

>> This is incredibly illegal and I hope you are ashamed of yourself.  
>> Come on, don't argue with the mayor. [Indiscernible]  
>> I'll argue with you later, but this is just hog wash. You know, the first amendment. The first amendment. Political peace. [Applause].  
>> Mayor Leffingwell: Jerry lock. Jerry lock is not here. The next speaker is carol anne rose kennedy. Carol anne rose from the dead kennedy, thanksgiving 2013. You can't talk from back there.  
>> [Inaudible - no mic].  
>> Mayor Leffingwell: Next speaker is will McCloudy. McLoad. McCloud. He is not here  
-- topic is ted cruz for president 2016, austin single use bag ordinance.  
>> Before I start  
-- good morning, good afternoon, mayor and council. I would like to  
-- first of all, with dr. Kim, I would like to say that he called us republicans terrorists. I happen to be a libertarian and republican myself. And while I was offended by what he said, I defend his right to speak. Which the passing gas and disparaging comments from a legal standpoint, that's vague and am bahidious. Right here I would like you to start the tape, please.

[06:23:15]

>> To the american people, if you like your doctor, you will be able to keep your doctor.  
>> To all of the people with disabilities who are right now getting in the mail notifications that they're losing their health insurance obamacare, this deal does nothing for them. We saw the house of representatives stand with courage and listen to the american people.  
>> Go ahead and stop right there. Listening to the american people and standing with courage. That's what I'm doing today. As you can see my pot and pan set right over here. I don't know if they gave it to you, but I'll let you look at it from here. You see how dingy and dirty it is. I don't think you want to eat off of it because it is non-stick and it has all those sorts of harmful chemicals all etched in the pan when you're cooking. Now, I hate to do this to you, but you do have this notice of intent for  
-- this letter is notice of intent to file suit. Single use bag ordinance you passed march 2012 violates the texas human resources code rights and responsibilities of persons with disabilities. I hope I have someone talk to me who is actually an expert in the disabilities rights communities here in austin like you did for this nice lady that spoke earlier. This is a bed and bath bag. I can't find these anywhere in austin. And I like to go to home goods just like ordinary able bodied people without paying an additional fare to put pots and pans in a triple bag like this so I can walk down steep hills to where I live because capital metro does not serve my area. And I don't want to file suit against you guys. I want to be able to negotiate with you over this ordinance and get this reworded to where at least I can get these bags at retailers that sell home goods. Is that hard to do? I don't think so. I mean, I think it's a workable solution. For right now I'm tired of eating off this. It's nasty, it's disgusting. Can you help us? Thank you.

[06:25:41]

[Applause].

>> Mayor Leffingwell: Next speaker is paul robbins.

>> Council, citizens of austin, in my statement a week ago I said the money for the city budget could be obtained by changing the method franchise fee collections are paid by austin energy to other cities. I also can complain that my suggestion had been ignored. Currently the electric utility is paying three percent of gross revenues collected from six cities surrounding austin to these cities. This differs drastically from the way franchise fees are collected from people living in austin which are charged to each customer on the monthly bill. Changing the way these fees are collected would probably yield the city around one million dollars that could either be transferred to the general fund or lower electric rates. This everybody was explained away in executive session which allowed no transparency, allowed no public discussion on whether it was indeed legal or illegal. And no justification on whether it was good policy. Can I have the slide, please? Now, regarding whether it is legal to collect franchise fees from specific customers who live in texas, this is a screen shot of the intergy website, the large investor owned utility in southeast texas. And on it you will see the franchise riders for 19 different cities which have a collective population of 417,000 people. And this is the customer service line of the pedernales electric co-op that serves 16,000 austin customers. The franchise rider for austin residents served by pec is curiously not on their website, but you can call this number and confirm that they have this rider or you could call your own regulatory affairs department who collects the franchise and they'll tell you the same thing. So you can see why I might be puzzled at the excuses that I have been given. I did interestingly also inquire with one of the largest common carrier electric distribution companies in the deregulated market. And that company does have a public utility commission ruling that prohibits doing what I suggested. But here is the thing, the ruling does not apply to austin. It is for deregulated companies. I have a very uncharitable view of what has happened. I believe your legal staff is hiding behind executive privilege to keep this matter from seeing the light of day. And by your decision to allow this bad policy to stand, you're allowing rate breaks to wealthy people that are not even given to your poorest constituents. Thank you.

[06:29:14]

[Applause].

>> Mayor Leffingwell: Carol anne rose

-- councilmember riley, did you have a question?

>> Riley: Actually, I would like to

-- I guess I do have a question for the city attorney. Some time ago in response to the concerns raised by mr. Robbins I asked whether the law department will be able to create a memo to be circulated to the public addressing this issue. I was told that yes, they could do that. That was back on october 2nd that I got that response. I understand that a memo is in progress and is almost ready to be circulated. Is there any way to get any direct

-- any information from the city attorney as to when that memo might be ready for release?

>> I think it could be provided to you hopefully by the end of the today.

>> Riley: And we will be able to release it to mr. Robbins and anyone else who is interested.

>> That would be explained in the response.

>> Riley: And the information

-- my request was to get something that we could release to the public and I was told by the law department that yes, they could do that. So that is

-- my understanding is that that is what was in progress. Is that still the case?

>> We would have to look into the matter.

>> Riley: Okay. The official word I have in writing from the law department as of october 2nd is that they can do that. And would have it out in relatively short order. If there has been any change in that position on the part of the city attorney, I would like to ask that as soon as possible.

>> That can be done. Thank you.

>> Mayor Leffingwell: Carol anne rose kennedy. What is the topic here? Thanksgiving.

>> [Inaudible].

>> Mayor Leffingwell: I just read what you wrote, thanksgiving 2014.

[06:31:17]

>> Thank you for letting me speak late. I really appreciate it. I'll put this here so I don't throw it.

>> Don't throw it. Okay. I really appreciate you waiting for me. There were three wheelchairs on the bus. It was late. And then my roses spilled all over the street. Thanks for giving, 2013. I thank austin city council for letting me give y'all a piece of my mind. I thank y'all for giving me a little piece of your heart. Immigrateful and indebted to all the teachers across the reunited states for risking their lives in the classroom when all they're trying to do is bestow precious knowledge on our precious children. I am in awe of our firefighters and emergency medical service. Thanks for giving. I appreciate our law enforcement at all levels of the government. The federal protective service, the texas rangers, the travis county sheriffs. And last and least, the austin cops for your earnest attempts to mind your own business. In other words, you do your job and I'll do mine. I'm thankful for the father dad who stands up to the mother of his children and stands beside her and stands behind her. I am in awe of the woman who will and can stand by herman. I am technicalled pink by the man in front of me at the express line at h.E.B. Who is twice my age and half my size and who has 11 items and nine coupons and is digging in 13 pockets for spare change. I am being woken up

-- I i love being woken up monday through friday before dawn by the bowie high school student next door practicing her trombone before every band practice. I'm almost done. I am more than tolerant of my neighbor working on his truck at 3:00 in the morning so he can get to the job site by sunrise. Immigrateful to be a recipient of the fruits of american medical research and progress, especially austin's skill on attracting the finest doctors in breast cancer survival.

♪♪ It's a great day in the neighborhood. Why can't every morning be just as good? It's a good time to be alive. Thank you for the diamonds, thank you for the diamonds, thank you for the diamonds you've put in my eyes

[06:34:19]

[ buzzer sounds ]

>> Mayor Leffingwell: Excellent timing. Thank you.  
>> I practiced for six years doing this. Nine years.  
>> Mayor Leffingwell: I am absolutely aware of that. That's all the speakers that we have.  
>> Kathy, this one is for you. I will not throw it at you.  
>> Mayor Leffingwell: She will come and get it. Don't approach the bench.  
>> Oh, how sweet. Special delivery!  
>> Mayor Leffingwell: City council will do into coats closed session to take up one item, that is item 70, legal issues related to the partition of the north austin utility district number one et al from the rate-making actions of the city of austin and request for interim rates. Items number 68 and 69 have been withdrawn. If there's no objection to going into executive session, the council will now go into executive session.

[08:07:04]

>> Mayor Leffingwell: We're out of recess. Out of executive session. In closed session we took up and discussed legal issues related to item 70, again, item 68 and 69 were withdrawn. So now we'll go to our 2:00 zoning consent cases.  
>> Thank you, mayor and council. Greg guernsey with planning and development review department. I'll go to our 2:00 zoning ordinance and restricted covenant items. First I'll deal with the items the public hearings have been closed. I believe on 71, perhaps a councilmember wanted to speak to 71.  
>> Mayor Leffingwell: Well she let's go ahead and do to consent agenda.  
>> Item 72, c14-2013-0060 for the property at 7101 bluff springs road. Just so you know, council, we were able to validate a petition that was submitted previously today and the applicant and neighborhood have, as I understand it, agreed to postponement to NOVEMBER 7th. Item 73, c14-2013-0084, 901 juniper street to zone to community commercial mixed use  
-- this is ready for consent approval on second and third readings. Item 74, c14-2013-0085, for the property at 901 juniper street to approve on second and third readings to allow food preparation as a conditional use. This is ready for second and third reading and approval. Moving on to the 2:00 zoning and neighborhood plan amendments where the public hearings are open and possible action, first item is item number 75, c14-2013-0027 forks the property located at 7905 brodie lane. The applicant amended their rezoning request after the commission meeting was held to request only an m.U. To be added to no-co so staff would offer this for con sent approval of neighborhood office mixed use conditional overlay zoning as it was amended on first reading only. That's item number 75. Item 76, mayor, do we have anyone signed up on item 76?

[08:09:53]

>> Mayor Leffingwell: No.  
>> We would offer this I guess as  
-- for your consideration for consent. This is c14-2013-0064 for the property located at 12412 limerick, a rezoning request to g.O., General office district zoning. The zoning and planning commission recommendations was lo-co mu and this is ready for approval on first reading only. I'll note, council, that

the previous times we've had this come before you, the applicant has asked for postponement, postponement again and I guess this is the applicant's third postponement to this evening so I just want to make you aware of that. Item number 77, c14-2013-0069 for the property located at 5107 and 5109 manchaca road to zone the property to townhouse condominium or sf-6. Planning commission was grand sf6

-- glove could I ask you

>> Mayor Leffingwell: Could I ask you to hold the conversation down. Thank you, mr. Guernsey.

>> To grant the combined district zone and this is ready for consent on all three readings. Item 78, c14-2013-0086, 6605 and 6801 east william canyon and 7300 mckinney falls parkway, for tracts 2 and 3, the zoning and platting commission recommendation was grant the district zoning for travis county 1 and community commercial connell mixed use combined district zoning for tracts 2 and with tract 3 with conditions and I would offer this for consent approval on first reading only. Item 79, c14-2013-0103 for the property located at 4845 spicewood springs road to zone to limited office or I.O. Zoning. The recommendation was grant the I.O. And this is ready for consent on all three readings.

[08:12:36]

>> Mayor Leffingwell: So the consent agenda is

-- back up one more page here. To postpone item number 72 UNTIL NOVEMBER 7th. To approve number 73 and 74 on second and third reading. And to close the public hearing and approve on first reading, and that would be the nomu-co as amended 75, close the public hearing and approve on first reading only. 76, close the public hearing and approve on first reading only. 77, close the public hearing, approve on all three readings. Public hearing and approve. 79 close the public hearing.

>> Morrison: I would like to move approval of the consent agenda. 78 for the applicant to work with our watershed as well as our planning and development review and other interested parties. To help us ensure that we're able to confirm that appropriate protections are in place.

>> Mayor Leffingwell: Councilmember morrison moves to approve the consent agenda with direction on item 78. Is there a second? Seconded by councilmember morrison. Councilmember tovo.

>> Tovo: I have questions about 76.

>> Mayor Leffingwell: We'll pull 76 off of consent. So motion and second on the table for the consent agenda. All in favor say aye. Opposed say no. That passes on a vote of 7-0.

>> And mayor, that takes us back to 71, I understand there's a councilmember that might want to

--

>> Mayor Leffingwell: Yeah, 71, was that councilmember morrison?

[08:14:40]

>> Morrison: Yes, please, thank you, mayor.

>> Mayor Leffingwell: Go ahead.

>> Morrison: What I would like to do is make a motion that we approve it on second reading with some additional conditions on it. This is a zoning case that's moving from I.A. To sf-2 similar to what we had before on a recent case, and in that case, you know, the obvious concern is whether the environmental

protections are going to be transferred over, and so in the previous case, which was actually even a more difficult lot, we did impose those conditions to protect the environment while opening it up for sf-2. So I would like

-- my motion is going to be approve it on second reading with conditions that address the highest priorities and just I'm going to list the conditions but just briefly the priorities really are the sure setback line, approve a woody amount of vegetation, limited visibility on steep slopes and working closely with staff to help identify those are the most

-- most stringent ones. So really to use the same kind of protections that we had in our recent case, and greg, I'll be able to provide these to you in writing, but what I would like to add are the following: Maintain the requirement for the shoreline setback of 75 feet, reserve 30% woody vegetation within the shoreline setback, limit development on steep slopes. This tract, most of its site area is in the 15 to 25% slope range and so I think that we have the ability to actually get real clear what's going to be on what -- on this steep slope. For the sewage holding tank, that is if there is one that's at least partially below ground or an effluent disposal site that it must be at least 100 feet horizontally from the shoreline and the sewage facilities drain field that uses filter as a medium may not be located on land with a gradient of more than 15%. Development on the property may not exceed one residential unit in perpetuity, and permanent improvements in the shoreline setback are prohibited except for retaining wall, pier, wharf, boat house or marina or a driveway to a structure, a building on the property. Side yard setbacks of 10 feet, imp management plan approved by watershed protection, and a total site area impervious cover to be limited to 37%. Generally they are limited by the steepness of the slope. So in working to -- with staff to try to absorb what are the most critical elements of environmental protection, we've come up with these and that's my motion to approve on second reading with these conditions.

[08:18:01]

>> Mayor Leffingwell: Councilmember morrison motion to approve item 71 on second reading only with additional direction. Councilmember martinez.

>> Martinez: I just wanted to ask, councilmember, have you shared this with the agent that's representing the property owner?

>> Morrison: It's my understanding that staff had been working with the agent and haven't really come to an agreement in terms of what would be appropriate protections so I wanted to set sort of the baseline here for us to have our conversations from this point.

>> Martinez: May I ask the agent a question, mayor?

>> Mayor Leffingwell: Yes, go ahead.

>> Martinez: Can you come answer questions?

>> Answer chuck wozniak is here.

>> Martinez: Have you been presented with these impervious cover limitations and been working through them or is this

--

>> we are currently working with staff. In various stages we have discussed more or less the same items and we would be comfortable with these on this reading as we continue to work with staff towards third reading.



>> Martinez: Thank you. Thanks, mayor.

>> Mayor Leffingwell: All in favor say aye. I thought you seconded. You didn't second?

>> Martinez: I will now.

>> Mayor Leffingwell: All in favor say aye. Opposed say no. That passes on a vote of 7-0. Now let's go back and take off the table item 61. We were at a discussion point. I believe councilmember Riley had the floor and had a few questions.

>> Riley: Actually, mayor, we have been in touch with staff at some length about many of the issues involved in this matter and I would like to offer a few comments and then a motion.

>> Mayor Leffingwell: Okay.

>> Riley: First I just want to take a moment to address the context of this item. This is the item involving cycling on trails. For many people the reason that's an issue is because of growing awareness of issues -- safety issues regarding our streets especially at night. Just yesterday we received the 2012 annual crime report from a.P.D., And it provides some statistics that we've heard before but they are still troubling. What it tells us is that from 2011 to 2012 fatal traffic collisions increased 56% in one year, 56%. And part of the reason for the increases we're seeing relates to alcohol. In fact, a growing number of fatal collisions are alcohol related. The portion of fatal collisions involving alcohol impaired driving increased from 21% in 2011 to 29% in 2012. Cyclist, of course, being out there on the streets were subject to the same risks as everybody else and in fact the number of cycling fatalities tripled in that year from one to three. We actually had three cycling fatalities in 2012. What we're hearing from many cyclists is that for them the trails represent a safe alternative to the roads at night. We've received countless emails on this subject and I just want to relay a little bit of that -- of the substance of those emails just to convey some sense of why this is a subject of discussion. What the cyclists are saying -- one cyclist said to

[08:21:38]

me: I ride my bike as a sole means of transportation, closing them would be a danger to me and my fellow sick lists. Others said help us keep our late nature bar and restaurant industry safe that have no other means of transportation after the buses slow down. I'm an avid cyclist, mother of four, who relies on our trail system to keep me and my family safe. The trails offer alternatives to drunk drivers, texting drivers, so on. Another said me and my bicycling family live next to the trail. I've been warned multiple times we're breaking the law when I'm biking home from swimming. It goes on and on. Another cyclist says I work late at night and when I bike home at 2:00 a.M. Riding on the trails even in the dark is by far safer than riding on the streets. Another said for more than a year I used the shoal creek trail to get home after producing the 10:00 p.M. News. I can't imagine without the use of that path. I want to convey why this is a subject of discussion because many, many people, especially knows working downtown late at night feel their safest alternative is to be riding on the trails at night. I want to be clear these cyclists are not asking for additional police protections on the trails. Yes, they, of course, -- they like everyone would welcome police protection if it were available, but they are not here asking for that. In fact, the vast majority, in fact some 95% say that they would continue to ride without -- without the police patrols. All they are asking, they are not asking for police protection. All they are

asking is that they not be considered criminals. That is their simple request, that they not be considered criminals for using alternative transportation and for choosing the safest alternative for them and their families. Now, this approach you might think what a crazy idea. Actually allow people to ride legally on the trails at night. Cities all over the country have been doing that and they have not been putting whole new squads of police officers on the trails in order to provide additional safety. Our own police department did checking on this. The number one city for biking is Minneapolis. Minneapolis generally has a curfew of midnight in many parks, but their ordinance allows for active transportation 24 hours through those same parks even without having any police on the trails at those times. Seattle, Washington, a number of consider it the number 4 city for cycle, no curfew, no dedicated officers on the trails. San Francisco, no curfew, no dedicated officers on the trails. Denver, no curfew. There are some random patrols in the parks, but no dedicated officers patrolling the trails. As far as we know from what we've heard from A.P.D. And staff who after we had asked them to look at whether there were safety issues in that sort of setting, those sorts of best practice cities, whether they they adopted that practice of allowing cyclists without providing additional trails did chaos erupt. Did they have swarms of bicyclists and random crime. In light of that we proceeded with this pilot to see what would happen in Austin if we made it legal for people to use the trails at night. Would we see chaos erupt here in ways that it hasn't happened in other cities. In fact, what we saw was not much change. We didn't see a flood of new cyclists using the trails. It was essentially the same people using the trails continued to do so only now legally. We did not see a flood of new incidents even though we've never had the level of patrols A.P.D. Would like to see out there. We have not seen the dramatic increase in any sort of issues related to having been out on the trails. And the concept of adjusting to this sort of expanded territory should not be so foreign. On our consent agenda today we approved the annexation of 3857 acres of territory. Our city just into or as a result of the action we took the consent agenda today, we actually expanded the city by 3857 acres. You might think oh, my god the impact on appeared as with the same number of police patrols we're going to have to come 3,857 new acres of territory. As we heard from A.P.D. We will provide the same level of police presence throughout the entire city. At this time the newly annexed areas will be included in their surrounding district and the district officers will include these new areas in patrols as appropriate. Our [indiscernible] is currently 19% so officers have limited time to provide patrols but these areas will be equitably included in these patrols. That is all anyone is asking by opening the door to patrols at night. Just to include them in the same areas, don't disrupt any programs whatsoever. Unfortunately we have heard from management that they feel that they need to essentially -- what has been described as gut our district representative program with A.P.D., Probably the most favored police program there is, city management has chosen to put that on the chopping block because their resistance to this policy change is so great. And that is not -- I want to make clear that is a city management decision which I think is very unfortunate, but I respect the authority of our city manager and our police chief to make those sorts of decisions and I would not -- I would not purport to have authority to dictate where we deploy our officers. I respect the fact that is management decision, but I reserve the right to express my own personal opinion that I think that is a mistake. I think the program is very important to neighborhoods. It is something we should be maintaining and at least the current levels. I would like to see it increase, that we all know we need additional officers in our neighborhoods and elsewhere. But I don't think that providing -- that actually maintaining those levels needs to come at the expense of putting

-- of having cyclists put their lives on the line by being forced to just choose dangerous methods of transportation just because the safer means are now being considered illegal. With that in mind, I would move that we go ahead and complete this pilot. What we're talking about is a pilot program that is supposed to extend through the end of the year. This pilot program was entered into in January so over all these months we expected city management to be examining what was going on and preparing, taking adequate steps to ensure continued safety on the trails. In fact, the time we actually provided direction to staff to conduct a threat assessment on the trails, to identify additional safety improvements requirements and why two squads are needed rather than a smaller number of police officers, that direction was given January 31 of 2013 and we're still waiting to hear anything from city management to make this work more safely. I applaud the city manager for being willing to look more carefully at this. The city manager has proposed 120-day study period for the pilot that has now been in place for some 150 days. And I would suggest that that seems excessive. That we ought to be able to -- we should have had ample time to study the pilot already and if we need additional time, I would suggest that we should expect that additional work to be done as previously directed by the end of this year when the pilot is scheduled to terminate and at that point we would be in a good position to make long-term decisions. So I would suggest that we -- I would move that we deny this item and give direction to staff to continue the work suggested in the latest memo and provided for the expiration of the pilot as previously requested. If,

[08:30:35]

>> Mayor Leffingwell: Councilmember Riley moves to deny item number 61. Is there a second? Seconded by councilmember Martinez. Could I ask the police chief to come forward and explain what the consequences of this action will be? So we always want to know if we do this, what will happen next?

>> Good afternoon, mayor, council. The

-- if we're going to continue

-- I don't want to keep bleeding our overtime that we've been using for this item so we'll at the end of the month we will move the DRs UNTIL WE GET THOSE 47 Trained which will be in

-- about February 15, and at that point we will

-- we

-- REALLOCATE THE DRs, ASSUMING That, you know, our workload at that time allows us to do that. The other piece will be that we'll have to utilize 312,000 a year in overtime between now and the end of the year won't be that much, but you can do the math on that. The only difference between the trails and the 3,000-acre feeders, those 3,000 acres are not developed, it's just land so there really isn't an impact to the department once we start bringing in neighborhoods and businesses and retail. The other piece from a policing standpoint is that the trails are not like the streets where you can see them. They are isolated and you can't patrol them with police cars like we do the rest of the city and it's just a very challenging and different environment. So we would anticipate moving THOSE DRs AT THE END OF THIS Month and then adding the other three for in our on overtime which is about 300,000 a year.

>> Mayor Leffingwell: As I understood it, the alternative that councilmember Riley referred to was a 120-day period to evaluate options which could be a lot of things. It could be opening up short sections of the trail that would perhaps be able to avoid an intersection that was problematic and at the same time

would not require special police patrols assigned to the trail. That would be one of the possible options that you could come back with in 120 days. Is that correct?

[08:32:55]

>> Yes, sir. We had a multi-disciplinary

-- multi-department meeting to discuss what we recommended at the work session which is to really have a thoughtful process, set up an actual criteria to established safety zones. One of the things I don't to speak for howard lazarus, one of the things we're talking about doing in that 120 days, looking to see if there are opportunities that create bike rings, a lot cheaper bike lanes than to utilize those precious resource to patrol at night and in the parks. I think there was consensus amongst all of us that in that time frame we should be able to come back, identify key locations where some of the more dangerous spots are at and then come back to council to create those what I would call, you know, safe passage zones or something of that nature that you could put signage on both ends of it.

>> Mayor Leffingwell: Mr. Good, do you want to

--

>> robert good, assistant city manager. I wanted to comment on the 120 days, I understand your point, councilmember riley, but we are morphing and looking for

-- we're doing a different thing than the pilot program was originally intended as we understand it so that's why the extended time, we were going to do more origin and destination work and look at the existing bike paths and the trails and really try to come up with alternative plans. That was why the extended time was requested because we wanted to try to come back with a plan that you all could consider that maybe was an alternative than what's on the table today.

>> Mayor Leffingwell: So we've heard a lot of comments. This has been

-- this has been in the works for several months now, carried through the budget process, and the decision was made to keep this pilot plan in place and to fund it for the entire year, which we had to do in this year's budget just in case the pilot were extended for the full year. That cost was a million dollars. So the decision was made by the council, I opposed it, I opposed the decision to remove that overtime money, a million dollars to keep those trails open because that's what it cost. That's what we're told by the people who are experts who are responsible for managing this city, who are responsible for keeping the city safe said it would cost. Once that money was removed, there's basically no option unless the council wants to assume the responsibility for telling the chief how to deploy police officers throughout the city and how to conduct his business. I for one am not willing to do that. I am relying

-- and I think it's more than just us agreeing to rely, I actually think there's civil service issues involved as well as charter issues involved in us trying to make that decision. And instructing you to just say we're not going to provide, we've heard that several times, people say don't provide police patrols, we don't want them. That is really not their call, that's your call, chief. And so I for one respect your position as chief of police and your ability to carry out your record on this

-- since you've been police chief in this city has been outstanding, exemplary, and we have no authority really to do that, to tell you to do that. That being the case, it simply

[08:36:30]

boils down to this: Either this item 61 is approved or if it's not approved as councilmember riley has made the motion with a second, if it's not approved, what's GOING TO HAPPEN IS DRs ARE Going to immediately be notified that they are being transferred to trail duty and there will be an additional \$300,000 worth of overtime cost associated with this program through the end of the pilot. So that

-- that's the choice that is before us. All of us

-- I won't say all of us, I'll speak for myself, I certainly want to provide

-- I have a strong record I believe of supporting alternative transportation through two bond issues with lots

-- some might say disproportionate funds expended on bicycle facilities and on pedestrian facilities, I'm a strong supporter of that. But when I'm faced with the facts, I don't like being portrayed anti-bicycle, I'm not, and I'm for the trails, I have a long record of that. But the pure facts are if the motion that councilmember riley made passes, here's

-- here are the consequences, \$300,000 in overtime money and A NUMBER OF DRs, I THINK SIX For the time being or so, six TO NINE DRs BEING P.U.D. OFF Of that type duty and reassigned to trail duty. So obviously I won't be supporting the motion. Councilmember martinez.

>> Martinez: I seconded the motion for purposes of discussion. I think there was some comments

-- first of all by councilmember riley that I just want to express my appreciation for those comments. It's not easy sometimes up here taking a strong principled position. I also don't like the insinuation that we somehow disrespect our police chief when we disagree with him. That is absolutely not true. We just may not agree on the management decision that was made to rectify this issue. I also disagree that we defer to our experts all the time. We were presented a budget that took our tax rate almost to the rollback rate by all of our experts, by all of our chiefs, by all of our department directors. And the mayor was the most vocal about pushing back on those experts and saying we can do better, and we did, and I'm grateful for that, mayor, because it took all of us saying we can do better to not raise taxes, to find that funding to close that budget gap. So I dispel the notion that just because an expert or a chief or the city manager or a budget officer presents something to us as a way to handle something that we have to defer. It is our role and responsibility as policy makers to question and come up with alternatives if we see that it's appropriate. And if it's within the confines of the council manager form of government as you mentioned. In this case I seconded the motion for purposes of discussion, but I won't vote for this motion. We have been presented with a false choice. And regardless of what data is out there, the only thing that will be remembered is exactly what the mayor just said whether you believe it is true or false and I believe it is false. We keep hearing ten bicyclists over and over. That's the only thing we're going to hear. We keep hearing a million dollars over and over. That's the only thing we're going to hear. We keep hearing that if we vote on this, council is VOTING TO GET RID OF DRs. That's the only thing you are going to hear about this. None of that is true. None of that is fact. In fact, it's all opinion. So we've been presented with a false choice. And it is another example, in my opinion, of an issue where if some folks don't want it to happen, they are going to do everything they can to prevent this council from making a policy decision to have something occur in our city and I think that's sad. I think it's sad that's the state we've come to. I admire councilmember riley for taking the principled stance, unfortunately I cannot support him as I will be labeled as having told the chief that he was wrong, that I want to spend a million dollars to patrol ten bicyclists and on and on and on. So I withdraw my second.

[08:41:06]

>> Mayor Leffingwell: Second is withdrawn. Is there another second? Let me just say, councilmember martinez, that I'm not going to take the time to respond to all the inferences and allegations that you made except for one and I want to say I do respect councilmember riley's passion and his dedication to doing what he believes is right and I don't believe he has any other motivation than that. It simply boils down to are we going to follow the protocol we have to follow under the charter and under civil service regulations and allow these decisions to be made at the proper level. And when it comes down to that, we can't say, for example, go out there and build a monument in front of the city hall here and give the specifications for it and it comes back and they come back and say, well, it costs a million dollars, we can't say no, you can do that for \$200,000. It just can't be done. So we have to rely on the information that we're given, which I believe is good information, but people have different opinions on that. But I just wanted to say that to you, councilmember riley, and reiterate my dedication to alternative transportation and my willingness to be cooperative in finding a solution to this dilemma that will take us to a point that will make everybody at least a little happier. So with that, the motion dies and it's off the table. Councilmember tovo.

>> Tovo: Mayor, I have a question for the chief. Chief, if we passed

-- if we made a policy decision to post signs along the trails that said trails closed at x hour, please bike at your own risk, how would you respond to that? Would there be a response of putting officers out

--

[08:43:10]

>> I think that's a legal question for the law department, but if they are closed and we start seeing an influx of folks on there we're probably going to patrol them anyway. You know, I'm sorry but I have to take exception with

-- and I love mike martinez, I consider him a dear friend, but the police department doesn't play games. We're a department that by your own study that you commissioned is 200 officers short

-- martinez I wasn't referring to you.

>> I thought you were talking about the department because we've been very thoughtful, councilmember, in our deliberations and we're trying really hard to help councilmember riley with this, but we're at a point of very diminished returns in terms of our ability to deliver service. I just want to make sure you know that

-- if you look at where we started to where we are, we've moved significantly as a department in trying to help this council be successful at this and we're not giving up. If we do this four-month study or 120-day study, I think we're going to come up with alternatives that will help enhance safety and it will be a win-win.

>> Tovo: You didn't entirely answer my question, but it sounds like if we made a policy decision to post a sign that says the trails are closed ride at your own risk.

>> If we saw an influx of people on the trail, if it's an invitation and people see it as an invitation we would probably start putting resources on there. We have to remember history to see what the future

may hold and the truth is that our trail system and our greenbelt system has a lot of pretty interesting characters. We do some of our sweeps in some of these illegal campgrounds, we find sex offenders that aren't registered. We've found homicide suspects in out of state. There's a lot going on in our greenbelt and we would probably patrol.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: City manager.

>> I guess I too want to brief speak to the issue and just a little the fact that we see cycling as an important part of our transportation system, multimodal solution given the challenges we have with regard to transportation throughout the city and the region and we are mindful and have been mindful of that in the course of this conversation in regard to trail usage. And so I use want to assure the council with respect to this issue or any other issue it is never our intent to find any means or strategy that would deliberately oppose policy direction that the council might choose to take. In fact, the antithesis is really what the truth is, we are always looking for the means by which to satisfy fully the direction that we get from council. In this case, I have no reason to dispute what our chief law enforcement officer believes is necessary in regard to providing safety, if our trails in fact are going to be open 24 hours a day, seven days a week.

[08:46:24]

>> Mayor Leffingwell: Thank you very much. I'll just

-- I will

-- I said I wasn't going to respond to any of those comments except for the one, but I also want to respond to the comment that there was some kind of a plot that people decided we didn't want this so the case was going to be built so that it couldn't happen. I think exactly the opposite is the case. I think everybody on the staff and certainly myself looked for solutions that would work. And so it's unfortunate that that comment was made. With that, we'll go on to the next item. Councilmember spelman.

>> Spelman: You haven't passed your ordinance yet.

>> Mayor Leffingwell: Good point. It does get confusing. I'll entertain a motion on the item.

Councilmember morrison moves to approve item 61. Seconded by the mayor pro tem. All in favor say aye.

>> Tovo: Mayor, I wanted to make one comment. I just wanted to thank councilmember riley again. You know, it's very clear from the research that his office did and the research that my office did that other cities do regard trails as part of their transportation network and they

-- it would seem to me that most of them do not require extra patrols or have curfews on those trails and, you know, I

-- I strongly believe that that's the direction austin should be going and I hope that in these next few months that we can figure out a way to make that happen. That was one of the reasons I co-sponsored the original resolution and I am regretfully supporting this today because we're really in a dilemma of being forced with the false choice that councilmember martinez described. So I really look forward to some good solutions coming forward that will allow us to do what so many other cities are doing which is to regard our trails as an important place for cyclists. And an extension of our roads.

[08:48:34]

>> Mayor Leffingwell: And I have to say it's not a false choice, it is a true choice from our perspective, it is a true choice. Councilmember spelman.

>> Spelman: I think reasonable people can disagree whether it's a false or true choice. At what moment would this take effect if we were to pass the motion before us? When will roy whaley be an out law for going on the trail after 10:00?

>> Mayor Leffingwell: You recallly nine days, I think.

>> Unless [inaudible] ten days.

>> Spelman: In nine days I'll call roy bailey and we'll go on our bicycle.

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

>> Mayor Leffingwell: Mayor pro tem cole cole can we possibly not allow roy whaley to be an out law? Have you seen that done in other cities as opposed to to putting a sign saying assumption of risk, we did not have a policy of ticketing bicyclists after a certain hour? Is that an option? Is that a policy decision or a management decision?

>> Mayor Leffingwell: You are directing

--

>> Cole: I'm not directing, I'm asking the question.

>> Mayor Leffingwell: The question would be directing police officers not to enforce the law. That's in effect what you are saying.

>> Cole: I'm asking could we have policy whereby we did not ticket on our trails after a certain hour or up to a certain hour, say 2:00.

>> I would not advise that.

>> Cole: Okay.

>> Mayor Leffingwell: All in favor of the motion say aye. Opposed say no. Passes on a vote of 6-1 with councilmember martinez voting no. Councilmember riley it was you. Councilmember riley voted no. I think we can go to item 64. 64 the public hearing has been closed and we offer this to approve on second reading an ordinance amending city code chapter 25-2, university neighborhood overlay related to affordable housing requirements and I can offer that for second reading only.

[08:51:04]

>> Mayor Leffingwell: There are no speaks signed up so the public hearing is already closed so I'll entertain a motion to approve on second reading only.

>> Move approval.

>> Mayor Leffingwell: Mayor pro tem moves approval. Councilmember spelman seconds. All in favor say aye. Opposed say no. That passes on a vote of 7-0.

>> I believe that would take us to 71

-- I'm sorry, 76

--

>> Mayor Leffingwell: 67. And we're deliberately taking 67 before 66 because if 67 doesn't pass, we don't



need to do 66. Go ahead.

>> Greg meszaros, we have staff here to answer additional questions council may have. From the last meeting and council's first reading approval of what we referred to as option 5 in terms of collecting up to the maximum allowable impact fee we have revised the fee ordinance before you and it's now reflective of option 5:00 as opposed to previously was option 4 I and we're here to answer any questions you may have on the two transactions.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I would like to move approval on second reading.

>> Mayor Leffingwell: And that is including option 5? Councilmember tovo moves to approve on second reading

-- is there a second? Seconded by councilmember morrison.

>> Morrison: I believe we need to take final action today or we start all over.

>> That's right. That's correct. The

-- there is prescribed time lines for the impact fee updates and if we don't get item

-- I believe it's the second numbered item, 67, approved today, we would have to restart the process with the public hearings so we would recommend that you approve it on both readings.

[08:53:17]

>> Morrison: So I would like to

--

>> it's actually both items.

>> Morrison: That we approve both items on second and third if that's all right.

>> Mayor Leffingwell: Councilmember morrison offers a friendly amendment to approve on second and third readings. And that is accepted. Councilmember spelman.

>> Spelman: Is this 66 and 67?

>> Mayor Leffingwell: This is 67. Any discussion? All in favor say aye. Opposed no. That passes on a vote of 7-0. Now we'll take up item 66. Councilmember morrison.

>> Morrison: So this is the item that actual sets it at option 5?

>> That's correct. This fee ordinance is now set up around option 5.

>> Morrison: Okay, I was getting confused. I would like to make a motion we approve this on second and third reading.

>> Mayor Leffingwell: Councilmember morrison moves to approve on second and third readings, seconded by councilmember tovo. Councilmember spelman.

>> Spelman: Greg, I have a question. There's been some discussion that it would be

-- this is a very large jump that we're currently doing and asking developers to pay the full freight.

There's been some discussion that having a weigh station between what we are doing now and option 5 with full intention of going to option 5, adopting option 5 at a future date, but allowing a weigh station for, for example, calendar year 2014 would be a more reasonable way of getting to option 5 than doing it all at once, perhaps starting in january 2014. If we were to hypothetically adopt an ordinance which asks for two steps, for example, JANUARY 1st, 2014, SOME Option which is midway between where we are now and option 5, and then in january 1, 2015, going immediately to option 5, does that pose any

problems for you and your people?

[08:55:25]

>> No, I think that would be entirely doable. The only procedural issue with that would be the fee and rate ordinance is only for one year. So as we would go to that second step to get to the full maximum allowable, we would have to conduct another public hearing process and that's entirely manageable on behalf of the staff side. Depending on how the council set it up, we could even do that as a part of the budget process and then you could set the effective date of the second step up to the full maximum allowable sometime in 2015. You could make it January, February, March, April, May, June, as long as it was within that fiscal year. In short answer yes, it's doable, although you would have to do it on today's action and another one for the second year of that.

>> Spelman: Okay. So we would have to have another public hearing on the subject. It could be rolled into our usual budget public hearings on all the fees, however.

>> Yes, it would still be a separate public hearing and we would go to impact the advisory committee and all that kind of thing, but yes, we could make it part of the budget process.

>> Spelman: At the same time as it would be a separate line item in our agenda.

>> Or we could do it at the time, whatever council preferred.

>> Spelman: Okay. It's also my understanding that options 3 a, b and c were mirrors of option 5, the only difference is the percentage of the total development portion of the C.I.P. That would be paid for by developers at time of site plan. That was 75, 75

-- 75, 80 and 85% I think for 3 a, b and c. Is that right?

>> That's correct.

>> Spelman: So if we wanted a mid-step between our current situation, which is roughly 50%, and option 5 which is 100%, 3 a would get us 75%, roughly halfway between where we are and we ultimately expect to go.

[08:57:32]

>> That's correct.

>> Spelman: Mayor, I would like to amend the motion on the table by having us be directing staff to do whatever is needed to do or changing the ordinance, I'm not sure the proper words to use, so that we don't option 3 a beginning in January 2014 and adopt option 5 beginning in January of 2015. And this would be, I presume, contingency on holding that additional public hearing during our budget session for fiscal year 15.

>> Cole: Second.

>> Mayor Leffingwell: Hold on just a second. Let me make sure I've got it straight. The direction is to have an interim option 3 a in effect until January of 2014.

>> Spelman: No, actually I think we were talking about January 14.

>> Mayor Leffingwell: Beginning January 2014 and lasting until January 2015.

>> Spelman: That's right.

>> Mayor Leffingwell: Hold on a second. Is that a substitute motion?

>> Spelman: If it turns out to be friendly, then I would happily accept it as a friendly amendment.

>> Mayor Leffingwell: Councilmember morrison? Are you the maker?

>> Morrison: Yes. I need to ask questions before I can do that. So it sounded a little different than what I just heard you say, mr. Meszaros. Could you help me understand what happens in january 15? Well, if we follow what councilmember spelman described, this january we would go to 75% maximum allowable. During the budget process we would go back to the budget process for the fiscal year 2015, which would be this summer we would start that, we would hold

-- we would go impact the advisory committee, hold a public hearing during the budget processes and the council would have for their consideration a rate revision that would take us from the 75% to the 100% with an effective date of january 1, 2015. Council would

-- assuming council approves that in september, that rate schedule would go into effect and we would implement the second step of this two-step process in 2015. If council didn't approve that for that budget session, we would stay at 75% or wherever the council directed us to stay.

[09:00:08]

>> Morrison: So it's subject to another vote whether or not the council would want to raise it all the way up.

>> That's correct.

>> Morrison: No, I don't except that as friendly.

>> Mayor Leffingwell: That's not accepted as friendly. Councilmember, do you want to propose it separately?

>> Spelman: I did not expect it would be friendly so I'll propose it as a regular amendment.

>> Mayor Leffingwell: Motion for amendment by councilmember spelman.

>> Spelman: It's just an amendment.

>> Mayor Leffingwell: Just terminology. It doesn't matter. Is there a second for that?

>> Cole: I second.

>> Mayor Leffingwell: Mayor pro tem seconds.

>> Cole: I would just like to make a comment. I fully support and I understand the concerns about having to have a second vote on that, but I believe that we will have the current city council when we go through the next budget procedure, but I did think that we heard a lot of concerns from stakeholders about moving these fees and them increasing so dramatically and being what was termed as shock to the system and I think this would help to ease that burden somewhat realizing that our full intention is to go to 5.

>> Mayor Leffingwell: I agree with a that. I think what the motion does do, even though it does require a separate vote, it lays out our intention so everybody will have this full year and a couple months here to plan for this transition. Into this. And also

-- also internally in the water department you can begin your planning on the at least possibility or maybe probability that this is what is going to happen. Councilmember spelman.

>> Spelman: Two things. One is we would have to take a vote on option 5 or any other option that we passed today for fiscal year 15 because we vote in all the fee changes whether they are changes or not, we vote for all the fees as part of the budget during every budget cycle anyway. So we're not changing

our need to take a vote. And second, if we voted in favor of the amendment as mayor pro tem cole and I have proposed it, then that would be the default option. That would be what would be on the table for the council to approve and we would not

-- no one would have to take positive action to get option 5. Option 5 would be where we would go unless someone changed it. It would be the same people on this dais because we're talking about fiscal year 15 council. That's going to be us.

[09:02:42]

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I had a few questions about this. First of all, can you remind us what the difference would be between the 75% and the 100% just in this year in terms of the millions you will not collect as a result of collecting at 75% of the cost versus 100?

>> Well, I'll reply first by maybe a more narrative response. The first year of a new impact fee, the new fees attributable to that impact increase are the lowest of any of them because it

-- it only applies to new plats moving forward so you don't get a lot of new

-- the units that are developing fall under the older fee structure so it would be a low dollar amount. I don't know if we have that number available. Toff it did seem like we had numbers for different options.

[Multiple voices]

>> we had it for a 10-year period. I don't know if we had it broken down for each year of that period.

>> A ten-year average. This is david anders with austin water. Under the option 3 a as councilmember spelman mentioned, over the ten-year we would expect additional revenue of about 117 million. And under option 5 at the 100% maximum allowable over ten years, we would expect about 175 or roughly about \$60 million additional revenue if we went directly to option 5.

>> Mayor Leffingwell: Divided by

--

>> Tovo: And divided by ten with the. [Multiple voices]

>> the first few years are significantly less than the last few years because of the differences in plat dates for older platted properties.

>> Tovo: I would think that this would introduce a level of confusion among your staff because we already have plats that were platted, as you said, prior to the new fee structure. Then you'll have plats coming on with this new fee structure in 2014, then if the council voted to go on to option 5, you would have plats under another fee structure. Is that a concern at all for staff, that you would have plats coming forward with entirely different fee structures?

[09:05:14]

>> Not necessarily. When a property comes in and we have to check the plat regardless. And so we absolutely get that plat date on that time. And then we can determine by that particular date, we would determine which fee schedule it would be under. It is a little bit more complex because you are correct we currently have a fee schedule that's prior to 2007 and we have one after 2007 now. We would add another one in starting in january 2014 so we would have three and then another one in 2015 we would

have four. So it does add a little complexity, but because we have to check that particular plat date anyway once we know that date it's simple to apply the specific fee schedule that we have.

>> Tovo: And I understand there are builders who are building this year and will be building next year.

So this year they will have a jump and the next year they will have an additional jump. But you might

-- I mean it's not like

-- in my mind, it's not like the austin energy increase where we talked about breaking it into two phases so that the consumer will have an opportunity to adjust to higher rates and adjust to higher rates again.

We're talking about some people who are

-- I mean you have entirely different people coming forward to some extent. With the exception of the large scale builders. So I'm not sure

-- I mean the people who bring forward their plats under the 2014 regulations will have one rate and the folks who bring it in under 2015 will have a different rate. But those aren't all going to be the same people anyway. So for them the step in just seems to make lessens. In any case, I appreciate your discussion on this. In my mind, it makes sense to charge the cost, the full cost, the 100% cost and I appreciate the intent of moving toward that 100% collection in a year, that it is not legally binding and I think we should make that decision here today to move toward that and reduce the

-- frankly, reduce the cost of those fees on all the other ratepayers.

[09:07:36]

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I understand there was some discussion at the impact fee advisory committee and the water and wastewater commission about the possibility of some phase in approach. Is that right?

>> Phasing was discussed not in a lot of details, certainly not at the water wastewater commission. I can't speak

-- I didn't go to all the impact advisory commission meetings.

>> Brian long, austin water infrastructure management division. When we went to the committee with other stakeholders as well phasing definitely came up and was discussed. There is natural phasing built in because of the plat dates that are part of the state law. So the

-- we explained how it works is a lot of times the developers come in, the plats are made and that's the date that happens and the meters where the transaction for the revenue comes in typically is after the land has been made into a subdivision or something that then can a house can go on and, of course, there's the model home and several years down the road we finally get more and more homes that need meters and we start to get that revenue. When you start looking at revenue in relation to plat dates, we termed it natural phasing per the state law. So because of the plat date requirements, you wouldn't see revenue changes and that's what we've talked a lot about in these different options. The revenue impacts are going to be in the later part of the ten years of the ten-year analysis that we looked at. What I'm trying to say is that plat date did have a lot of the natural phasing and you could come up as discussed previously with different phasing opportunities; however, that makes it more difficult to manage those. And if you are also a builder, you are trying to get in and get your lot developed or platted and then if there's a replat date, then that replat date is what applies. So it gets to be a little confusing with a the look of different plat dates.

[09:09:46]

>> Riley: I see. So staff has given some thought to phasing approaches and I take it you don't recommend that.

>> The five year

-- we do this every five years.

>> Staff's recommendation was option 4-i. In part that was based on a phasing approach that has councilmember Spelman indicated we saw going from the heavily incentivized zones to a no zone system in one giant leap as consideration for phasing to get there. That was part of the reason staff originally recommended option 4-i. So yes, to that regard there was some phasing. Water wastewater commission's resolution that they gave to council did not have a phasing recommendation in it, but it was my understanding that at one time that was considered when they were drafting the resolution. So there was some discussion at the board and commission levels about a phasing approach.

>> Riley: I think we have one member of the water wastewater commission in the audience. Mayor, if it please the council, I would like to hear from the water wastewater commission to see if

-- if there's anything more that can be added.

>> Thanks very much. I'm Sara, vice chair of the water and wastewater commission. I just wanted to add since you asked if phasing was considered at the commission, [indiscernible] who drafted the resolution that we adopted, it originally included sort of a one-year grandfathering or phase-in and we did discuss that as a full commission and rejected that specifically in favor of adopting the full option 5 immediately. Thank you.

[09:11:49]

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: Why?

>> We thought that

-- I think, you know, if I recall the discussion was that this has been in the public process since even before we formally considered it as a commission because the

-- what do we call that? The joint subcommittee on Austin water financial plan which met in the first half of 2012 looked at impact fees and made this same recommendation. The impact fee advisory committee has been meeting for a long time and we also looked at this extensively as part of our budget review and the feeling was that the stakeholders who were concerned about the immediacy of the change had been aware of the process in part of it and, you know, going back to I guess May 2012 was when the first recommendation came out that maximum allowable fees be adopted. We thought that was plenty of warning.

>> Spelman: Plenty of warning that you were going to recommend that we adopt option 5.

>> Plenty of warning that that was, you know, based on impact fee advisory committee members, resource management committee members, water and wastewater commission members, that that was something that was being discussed and that the process was underway and that they were aware of it and so that's I guess over

-- well over a year.

>> Spelman: So they've had well over a year to understand that a substantial number of people in the community wanted option 5.

>> Correct.

>> Spelman: Okay. Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I have a question for I think it will be for mr. Meszaros. It may well be for our legal staff. So what's on the table is the scenario that we would set the impact fees this year and reset them next year.

I guess I feel a little frustrated because I think for at least the past four years or whatever we've been

-- it's been suggested and there have been discussions and I thought that we had at least informal questions into staff of we want to change the impact fee. And the answer that always came back is we can't do it, we can only do it on our five-year cycle. Now, maybe I misunderstood that answer, but what you're

-- what it sounds like is during these past five years or six years we could have increased it across the board up to what had been defined as the maximum at that point. Is that correct? So we can change them all the time as long as it's under the formerly adopted maximum.

[09:14:30]

>> I think probably part of that is a legal question. Based on my understanding working with the staff that yes, as long as you don't exceed the maximum allowable, you could

-- you could change it provided we go through the proper public hearing and notification processes.

[One moment, please, for change in captioners]

[09:17:22]

>> also you would have to go to the impact fee advisory committee and get comments from that committee. Likely you would have to go to the water waste water commission as well and work that into a timing. So it is a.

>> Mayor lee leffingwell: That ash membered mendment fails on a vote of four to three with council members riley martinez and trophy and morrison voting no. So that brings us to the main motion. All in favor say i.

>> I.

>> Mayor lee leffingwell: Opposed say no. Passes on a vote of seven to zero. We're back to the disowning case. We got 176 are we on 76.

>> Cole: I want to let you know he that in a I aam going tombing a quick motion to consider item 10 if you want to make ail quit motion to do that now.

>> Mayor lee leffingwell: We'll go ahead and hear mayor pro stems request to reconsider item number 10. There's aa second by council member spelman. Did you want to go through your reconsideration separately through your new proposal separately after the reconsideration because you have you haven't offered anything now.

>> Cole: I'd like to motion a motion to reconsider all in favor say no.

>> I ma r-

>> mayor lee leffingwell: Passes on a vote of five to zero.

>> Cole: On item number 10 I've had an opportunity to talk to finance and my staff and I would like to see us go ahead and move forward even though I have a couple of potential amendments I was concerned early, particularly about the boundaries of the area that's proposed in the ordinance. I looked at the original resolution that we passed in may. It states explicitly that the district should include palm park which I can definitely support. But it was not clear to me at that time that the intention was to include block 11 in the fair amount hotel is slated to go on block 11. At this time I am not anticipating that they will be seeking fee waivers but the fee waiver amounts will be promptly over \$3 million. I did not want us to go forward today making a decision about those funds. So one of the items that I would like to make in this amendment is that we exclude block 11 and its surrounding right of waste from the district.

[09:20:30]

>> Mayor lee leffingwell: Motion by mayor pro tomorrow

-- just a second council member. Motion by mayor pro tomorrow is to change the previously passed item by excluding block 11 in essence. Is there a second to that.

>> Mayor lee leffingwell: Second by council member spelman. Council member martinez.

>> Martinez: I would like to respectfully request since have worked on this item for months now that I be allowed to make a motion to adopt this item if we're going to reconsider it because I am the main sponsor of this motion and have been working on it.

>> Mayor lee leffingwell: Well, we do have a motion with second on the table. You have to deal with that.

>> Martinez: I'm just making a friendly request.

>> I will happily withdraw my question if it makes council member martinez happy.

>> Mayor lee leffingwell: The motion motion is withdrawn.

>> Approval of the item as posted.

>> Mayor lee leffingwell: Of the item as posted. Excuse me is there a second to that.

>> Yes, I was going to make a second.

>> Mayor lee leffingwell: She seconds.

>> But I also have another potential amendment which is in the ordinance to amend the language in item four, part four where it says the fund is created an an affordable housing program and a historical preservation program so now it now reads the fund is rated as an affordable preservation planning and infrastructure program because it's my understanding is that in connection with the program there will be side walk perhaps electrical relocation issues and streetscapes. I would like those to be potentially a part of the program.

>> Mayor lee leffingwell: That is that a friendly amendment it's offered as friendly.

>> Cole: It's offered as friendly.

[09:22:31]



>> Mayor lee leffingwell: Council member martinez accepted it.  
>> Martinez: Yes, sir may my would you accept ounceleel member morrison.  
>> Morrison: Is the proposal on the table to exclude block 11 from this.  
>> , No it's not that's not on the table.  
>> Morrison: Okay. That is not yet on the table. I would expect to hear an amendment

--

>> for what's posted in the back up and then the friendly amendment so far.  
>> Mayor I have a 11 of the block issue.  
>> Spellman: It's my understanding from part three of the ordinance that the appropriation cannot exceed \$6 million for this year so even if the fairmont hotel does come in with fees of \$3 million or any other number over \$600,000 a maximum \$600,000 could be put into this fund is that right.  
>> Mayor lee leffingwell: Council member martinez.  
>> Martinez: So the way that this item is crafted by budget is that they take existing plans that have been filed income that are go to go occur within this fiscal year. The 600,000 is anisate umate. It could be more or less. But 600,000 is limit is that would be allowed to be expended through this program for this fiscal year. Anything above and anything in the future years will also be added to this fund, including the fairmont hotel should it already 3.5 million in fees which I'm not sure it's true but it could be.  
>> Cole: Is that was another darn I have about this item is that staff had not made detailled projections about expenses and revenues. That's north why I would like to keep block 11 out of at this time if we want to dedicate that to this program we can or otherwise it would go to transportation and infrastructure or it may be a part of the creek conservancy and their joint development agreement. I would like not be included in this program  
-- excluded.

[09:24:42]

>> Mayor lee leffingwell: So you're making ash amendment now to exclude block 11.  
>> Cole: Yes.  
>> Mayor lee leffingwell: Council member martinez.  
>> Martinez: Hi, don't accept that as friendly.  
>> Mayor lee leffingwell: He doesn't accept that. So are you proposing it as an amendment.  
>> Mayor lee leffingwell: Council member morrison seconds.  
>> Morrison: Thank you I'm trying to understand the ordinance and make  
-- I hear from council member mortgage even he's that what this ordinance does is set up until we change it a funneling of these fees into this fund and this year, the most that could come would be 600,000 and next year, is it also 600,000  
-- okay. I guess I need to understand because when I read this ordinance, all I see is that we're appropriate e- appropriatate willing up to \$600,000 in in fund this year and I don't see anything that there will be this ongoing financialing into this fund in the following year. So I guess I want to ask you to respond council member martinez or staff if they can help me understand why it says that.  
>> Martinez: The intention when you create a district and specifically a preservation district, the intention clearly was for doctor to be perpetual. We wouldn't create a preservation district for one year.

Like wise the anticipation was that the funding of any fees that kim in within the district could also go for this program. In perpetuity or until this council chose to do otherwise.

>> Morrison: Does this ordinance enact what has been stated because I need to ask staff what this ordinance does.

>> Mr. Mr. Canaly who helped us draft this. I'm not sure he's back there.

[09:26:55]

>> I don't have the background on this and greg went over to north meeting I'm trying to get him back, would you consider postponing this item for a few minutes until I can get him back?

>> I would be fine with that.

>> Mayor lee leffingwell: Before we table it, I guess that's what we're going to do to do need I'm going to ask mayor pro tomorrow, I heard your concern there about a potential adverse effect on the water creek conserve asy r. Are you wonder if you can explain that.

>> Cole: Well, I have a two fold concern. My first concern is that we have a program and the information before us appears like we're setting aside \$600,000 but because it is defined by a district in fees that will be coming from that district and we know that there's intense development on that district, it could be much more. That could escape our ability to use it just for general fund b transportation or for wallow creek in some capacity. Soaked getting to the wallow creek issue, I would like staff to have -- I would like to have block 11 excluded and the legal staff to talk to the wallow creek conserve aprilsy and see the impact on the wallow creek agreement because we have agreements in there about the funds that are associated with the district. I don't think this has been vetted by them or through staff on that point.

>> Mayor lee leffingwell: Okay. I think that makes sense. Isn't there also the possibility that there was a diverting funds from the repayment of the debt incurred to actually dig

--

>> cole: I don't necessarily think that this is going to have to do with the debt. I think this could impact the agreements about the above ground improvements like to the palm park catherine

-- the historic houses that are along wallow creek, there's been lots of discussions I know among the conservancy about having funds to do things to approve those. I don't want potentially millions of dollars at this moment decided to go to another funding source.

[09:29:08]

>> Mayor lee leffingwell: Well, I didn't mean pay for the tunnel itself. I mean, the development of the reclaimed land after the tunnel is dug, is slated with 100 percent tif by the city of austin to repay.

>> Cole: I'm sorry I misunderstood you.

>> Mayor lee leffingwell: As I understand, the last we had a briefing on this, the financing of that was pretty cakey sherry anyway. The 100 percent tif may or.

>> Mayor lee leffingwell: Not be enough to cover it. May may have changed with better economic times. I know it has been an issue in the past. Counsel member martinez.

>> Martinez: , I appreciate all the concerns but again, we've worked on this for several months this has

nothing to do with the debt on the project. This has nothing to do with any potential project because these are unencumbered unreceived funds these are not allocated funds. These are fees that will come from development just like we did on congress avenue and sixth street. With respect to the amount of money, if you ask those community members who are asking for this item for a rainy street, I'm fairly concern that they would say it's fairly disrespectful so say that we might be giving them too much money for this program. This is a historicallaly mexican-american neighborhood. We have no funding stream for phase two and three of the mack. There are tremendous needs and demands. They've asked for a heritage center much like we've had on 11th street by preserving one of those old houses and adding that piece of intrafracture. So that is the goal of this project nothing that we haven't done in other areas of our mine it's done with all deference to the project and we hope to enhance the wallow creek project by doing these improvements in the rainy district.

[09:31:09]

>> Cole: I would just respond to that I certainly support the district and everything that it's planned to be done to the district, I simply want to exclude block 11 from consideration at this time as part of the macc.

>> Mayor lee leffingwell: That add amendment is on the table with the second council member morrison.

>> Morrison: Thank you and I'm trying to get a fuller picture of what we're talking about here because what I read in the ordinance and maybe it's just been broadened but it does say this is for the purpose of rehabilitating the existing single-family structures and that are relocated and so my question it's not about are we giving these community members too much money, the question is how much money are we talking about? How much is needed no do this? I would like to say s, also you know we have our bre, business retention fund, and it is funded as I understand it, by write away fees. What we found was that there were a lot of dollars accumulating in that fund and we actually took some of them out in a time of need this year so fund some of our park things so I'm real comfortable if we have made clear commitments to try to achieve a certain goal. Hopefully we're not making conflicting commitments. I think it makes sense to give a full story on that giving a good sense of how much money we need at least some sense

-- and being aggressive about it. It's not the end of the world, we can still change it in the end if it's too much money. But I look forward to mr. Canaly being able to come back to help us understand what we're really doing here.

>> Tovo: I think I need to understand one point that's been made a little bit more clearly. Mayor pro tem, you mentioned in a one reason for excluding this has no to with meeting our obligations to the wallow creek conservancy. I'm not sure what financial commitments we've made with regard to right-of-way fees. I don't believe we have made any. I wonder if you could just clarify that point for me, please.

[09:33:30]

>> The mayor was making the point and correct me mayor if I'm wrong because I agree with you, that the surface level improvements have not been funded. We have an agreement with the wallow creek

conservancy to fund those improvements. That is a living document. There has not been as far as I know, a specific commitment about these funds on these tracks but the incremental values associated with right-of-way fees are a penitential discussion for use along wallow creek. So that could be for use for this program later or it could be use for developments at water lieu park or along the red river district. I'm just saying at this time, the item that is before us is limited to \$600,000. I agree with. But I don't want to tie up the whole district with license agreement and right-of-way fees of ever more more that program. So I would simply like it excluded right now.

>> Morrison: Okay. I understand your point better now but just to be really clear, it's not my understanding that we committed to the creek conservancy that we're going to fund surface level improvements.

>> Cole: We have not.

>> Okay. Thought I heard you say that end wanted to be clear especially among the public that the city is not funding the improvements by wallow creek.

>> Cole: Pro there's a potential that we will make neg oh, placeiations with the conservancy which is part of the agreement.

>> Okay. Thank you.

>> Mayor lee leffingwell: Mr. Spelman. Question for council member martinez if I could ask him. May I what exactly is this money to be used for. I'm looking at the black letter of the ordinance it itself it has rehabilitation of existing single-family structures that are will be relocated if I bought a lot with a single-family house on it and I wanted to put up a large mix structure whose responsibility would be it be financially to relocate somebody some place else in the city martinez. The responsibility would be with the individual or entity that accepted that time specifically as it related to what we have as an opportunity right now. Our six homes that are being relocated due to a redevelopment. The six hoaxes still remain in the strict. There's no identified funding. The developer has agreed to fund a portion to -- I believe it's \$25,000 per home. It takes about \$50,000 per home to preserve them, not to rehabilitate them, to preserve them and move them. And then we have to locate a neighborhood development corporation of some sort or a nonprofit to turn them into affordable housing. So this \$600,000 specifically contemplates those six homes with the potentially of one of those to be preserved much like we did on east 11th street for a cultural inheritance facility within the district as well. So one of the values passing this in its current form or some form is that relocation and rehabilitation can happen more quickly martinez and whoever wanted to put that used mix facility up or whatever it is would have an opportunity to do so more quickly martinez. Get on the tax rolls quicker.

[09:37:02]

>> Spellman: Spell which means we get the money quicker which means we have more money available to build the tunnel.

>> Martinez: Yes, sir.

>> Spellman: Thank you.

>> Mayor lee leffingwell: I guess we're still waiting for our financial information before

-- we should just go ahead and table it now. We'll put it item on the table. If there's no objection and go ahead to item 76.

>> Item 76c0064. Limerick center located at 124 limerick avenue. The requesting coming is from neighborhood office to go office disowning. The staff regulation is not to grant the go disowning but rather to grant Imuco disowning or limited mixes conditional overlay with the disowning limiting the trips to 300 trips per day. The disowning planning condition agreement with the staff the on a little bit of background in 2,009, the applicant who's the same applicant today applied for Ir disowning. Staff recommended the denial of the request as did the disowning and applying condition. The applicant request to go disowning just prior to coming to the city council. In two to you 10, the city council approved no disowning instead of the amended request for go disowning. That was in 2,010. Since then they have gone out and construct aid building. That building did receive three red tags from the could compliance department one was for construct without a permit. One was for occupant without a certify of occupant y. It s my understanding is that all these of those are not been resolved as of this morning. The purpose of the applicants request of going from no to go disowning is to permit a larger sign on the property. The city sign rules dictate different sized signs depending upon your disowning. Right now. Disowning under no disowning it should be under what we call a residential sign district. The size of the sign would be limited to 35 square feet. Under staff recommendation, the lo zone e- zoning the, the applicant would be allowed to have a forty-five foot square foot sign. Under the requested go disowning the applicant would be allowed to have a 2050-foot square foot sign. The property does face the residential street limerick around. It is at the corner of limerick and palmer lane the reason the staff recommended the no disowning originally because it does face the interior of the neighborhood. Right now, the source of the red tag was a r large sign that was constructed on the roof for a locally well known insurance company I'm sure you l- all would be familiar with it if you saw it. With that I move for any questions. I have a few thanks for diskling us through this history. So basically this site at redisowned to no.

[09:40:00]

>> In 2,010 mate may before you get started on this since this was officially put on the consent agenda do we need to have a presentation from the applicant? Is the applicant here.

>> They had not signed up. I know they're in the building but I know they signed up. May I think there's somebody standing up behind you. I think we should get the applicant an opportunity for five minute presentation.

>> Thank you. My name is tim gideon I'm here with the owner of the property, sean thai. The history is almost exactly correct as retighted by staff. I did want to point out however, that in each of these instances, the increase of the building site and the increase of the drive ways have all been properly permitted. The sign in question ended up being an appropriate sign when given the redisowning into no. The problem with a was with the certify of occupancy, the certificate of occupancy had not been issued for a new tenant in the building. That certify was corrected. The correct use of the building was a business use. They were ticketed for and sited for adversizing a home business by sign or advertising which is specifically addressed by the signed statute. We've cleared up that problem. The sign has now been properly permitted. The building permits are all in place. The drive way improvements and the parking improvements have all been properly permits. My client has taken care of the getting certifies of occupancy for each of the suites that he developed at the back of this lot. This lot, even though it does

base on a residential street has 150 or so feet of frontage on the palmer farmer boulevard. The reason that my client seeks this change is not just for signing. It also is usage because even in the mixed usage that's been proposed by staff, he's not going to be allowed to provide what he believes is most likely tenant for his business which is personal services. There can't be any tanning salons, any hair care facilities, within this use if it's limited office. He's limited specifically to those to other lighter use professional offices, small medical offices, that sort of usage. His desire was to have a larger body of consumers for hi, rental space. To go along that, he's seeking go solely so he can have a reasonable amount of sign space for his

-- those tenants which there will now be four including in each of those suits. Each of those tenants to have a panel on a sign. He's already cooperated by staff by agreeing to limit the number of trips to his property to 300. He's willing to limit the size of this building. We're not looking for additional building space. We're not looking to add a larger insurance sign. We're looking for specific signage for the additional tenants besides the one who already has this sign. That was the reason for this application. I think that might be a slight misapprehension on the part of the staff. My thai is here to speak if the counsel has any questions of him as well.

[09:43:28]

>> Mayor lee leffingwell: All right. Any questions to the applicant there's a question for you sir.

>> Tovo: So the only use that you're seeking under lo is personal services.

>> Yes.

>> Tovo: Did you talk with staff about

-- I understand you're seeking go, the staff have recommended lo, did you talk with the staff about excluding all the other uses and simply going with

-- adding personal services or giving lo with an overlay that excludes all the other uses other than personal services.

>> The personal services would require go7icing.

>> It's not allowed under lo.

>> The original was requested under lo which was approved.

>> Tovo: I see I was looking at the wrong chart under my disowning chart.

>> Mayor lee leffingwell: Council member morrison.

>> Morrison: I'm a little confused mr.

-- So can you help me. With the lo disowning will they be able to do personal services.

>> That would require go disowning, no.

>> Morrison: Okay. I guess I want to ask the applicant for confirmation, I thought I heard you say you want lo disowning for personal services.

>> I apologize if I led to that misunderstanding, in fact we verified that we cannot even going for a conditional approval we can't have personal services under the lo mixed use conditional overlay that the staff has recommended. The fact when me client initially attempted to get an lr, which would alo how a lot heavier use of this property, staff recommended to him that he ask for go. Because in some other areas, not too far away from his property, there have been some gos granted in the same situation, staff thought that he'd be able to get that done fairly easily. After having filed this go now, he's receiving

some resistance from staff. That's why we're here today.

[09:45:37]

>> Morrison: Okay. But what I took from your comments earlier was that you wanted lo  
-- this is what I thought I heard. You wanted lo because you wanted personal services and needed the  
larger sign to be able to fit four personal is tenants on the psych sign. If I said that it was a mistake. I  
would intend today say that staffs recommend was for lo that would not allowed us to have personal  
services. The go would give us both services and a larger amount of panel sign space so that we could  
have the new tenants

--

>> morrison: So why do you want

-- I mean so lo is meaningless to you.

>> Lo I think is ash an accommodation that I think staff is offering. My client hasn't asked for lo.

>> Morrison: So I guess it won't allow your client to do what he's interested in doing. I don't understand  
why we would rozone it.

>> Well, we need some redisowning from lo.

>> Morrison: That's what am asking. What do you need? What is your client interested in the lo  
disowning category. I haven't heard anything.

>> Mayor lee leffingwell: I believe the advocate is not asking for lo disowning they're asking for the go  
disowning they're in a disagreement with lo is my understanding.

>> Morrison: Okay. Just to let folks know if you're interested what's going on in my brain is should be  
rezone it lo or should be leave it no. I don't see go is at all appropriate.

>> Mayor lee leffingwell: The staff's recommendation were both for the lo can I just throw something on  
the table. So what I heard you say in response to a question from council member tove was that the only  
lo and lo and I'm sure you meant go, the only go use that you want is personal services.

>> I believe that's correct, mayor.

>> Mayor lee leffingwell: So it would be possible to give you go disowning with the only go use allowed  
as personal services?

[09:47:46]

>> If such a thing --

>> mayor lee leffingwell: That correct.

>> If such a thing could be constructed i.

>> Mayor lee leffingwell: You could do a go disowning with the only go use being personal services and  
lo services aif you wanted to to leave it as it was today or use do go plus lo and you could even go  
further and say you could require lo building set backs and heights and to forth.

>> Yeah,

--

>> mayor lee leffingwell: So in other words it would be lo disowning in all respects accept technically it  
would be go just to allow for the personal services use.

>> Right it would also change the sign category and sign district they're in unless you made a sign stipulation as well.

>> Mayor lee leffingwell: So I'm just throwing it out there. There's a way to do it if you want to go that way council member martinez.

>> Martinez: Hi, the agent or applicant, I want you to understand, if we're not able to come to an agreement on redisoning something that fits your need. You can come back for 18 months to rezone this. I want you to understand it you're not going to be able to do anything other than the existing category if we can't get three votes on a redisoning for this. Ounce.

>> Mayor lee leffingwell: His point is that if you're deny knewed you have an 18 month weight. But if you withdraw, I think you have a 12 month wait? Is that right?

>> I believe mayor and I have to double check it but I believe because I did not receive the recommendation it

-- the city council agenda it would be 18 months.

>> Mayor lee leffingwell: It would be 18 months, regardless of whether it's withdrawn.

[09:49:48]

>> Yeah, it it would have been 12.

>> Mayor lee leffingwell: Once it's on the agenda.

>> Put on the agenda four time prior to this evening.

>> Martinez: I'm going to make a motion for first reading only that we allow go with either conditional overlay or restriction for personal services only and all other is it currently no and all other no requirements as it relates to set backs, height, density, and signage.

>> And uses.

>> Martinez: And uses.

>> Mayor lee leffingwell: We can do that. Motion by council member martinez to close the public hearing on approve first reading only. Is there a second to that.

>> I'll second.

>> I'll second but I have a question for clarification okay. Well you seconded it I have a question either way council martinez did you mean no uses or lo uses.

>> Martinez: It's currently disowned no. You you meant no so base labeling the uses he's got plus other services as it so with reall respects it would

-- would you be willing to consider lo in all respects including site and development standards.

>> Martinez: I would on second reading if we can have those discussions and determine.

>> Mayor lee leffingwell: Staff is retching lo so

-- I thought that's what you said was go disowning go zone and the only use would be for personal services and lo for everything else, all the lo uses plus lo development regulations.

>> It would be possible, I understand council member to do go personal services with everything else remain same no category may.

[09:51:58]



>> I am hope on second reading. I want to see what the entitlement differences would be. I think the trade off is that the gentleman is getting the exact zone cat egger he needs I think that's a good compromise if he's not recommended for that zone category.

>> Mayor lee leffingwell: If you add lo the only difference would be.

>> Mayor lee leffingwell: Okay. Coming back for second reading.

>> Tovo: I want to just ask a couple of questions personal services is a pretty intense use that is not typically next to residential areas. You obviously had the option of recommending go with overlays and building standards. Is that part of why you did not recommend that.

>> We felt that because it was adjacent to the extended family that no was the appropriate category. We did recommend lo but for that exact reason you stated as well we could not recommend the go.

>> Tovo: And personal services my keviniton which may be an older one from the code is using it for barbershops tailor services gene cleaning repair, pick up stations.

>> Yes.

>> Tovo: And my question to the applicant, its my understanding is that the owner is looking for tenants athe this point. It's no the a business I wants to open but he's looking for tenants that an option he wanted too consider.

>> That's correct. We have a tenant in one of the suites we have three open tent ans that we're looking for tenants forever.

>> Tovo: I see what is the parking like on your site.

>> Twenty-one spaces in adjacent parking lot to the

-- we don't with a have the overhead on any more but you can see the parking lot in the overhead.

>> Tovo: Thank you. I hope staff can help us with a little better understanding of the parking situation and how well that meets that need.

>> We will check the existing tenant mix versus the parking requirement and let you know if it would even be possible to add a personal services use given the existing parking requirement.

[09:54:02]

>> Tovo: I want to say that I have some concerns about the history on the side of the code infractions it sounds

-- can you give us a sense of how long they were out of compliance.

>> Sure. The first the initial notice was mailed out in believe august of 2012. I have a letter here. August 10th, 2012. I had my case manager speak with the code compliance department this morning to confirm that the case had been clear.

>> Tovo: Okay. All three are cleared, thank you.

>> Mayor lee leffingwell: Council member morrison.

>> Morrison: Can you tell me are there any limitations with personal services in terms of how many different individuals tenants might be served because that seems to me is that if personal services is a relatively intense use having four instances of personal services might be four times as intense. Do you all ever talk about that with regards

--

>> no we don't have that but the applicant has aio growed to a 300 trip cap. I think I will have aagree to

that before second reading is how large of a spot can he get. How much space can you use that for. Given the 300 trip cap. It was about the on there. Applicant agreed to that because it does take access to a residential street and otherwise what's call aid neighborhood traffic analis hiss would have had to be done. However because he agreed to stay below that 300 cap. That was not performed but I believe that similar to the parking that is something that would have to be looked at because under the trip it's something that would be possible to fill the space.

>> Morrison: That's 300 trips per day.

>> Yes.

>> Morrison: That's still a lot of cars in and out on a residential street.

>> It is but if you have personal service use that has a higher trip demand so we want to make sure that it was not exceeding the 300 trips per day.

>> Morrison: Okay. But I guess that's one of the things we could think about also on second reading is actually lowering that trip cap. If you can

-- when you come back to us if you can help us understand what even lowering that trip cap would do to maintain more control on activity. Counse lor tovo.

[09:56:16]

>> Tovo: Sorry. Two quick questions. Is there a possibility of limiting the square footage allocated for personal services.

>> Yes.

>> Tovo: So that would be another way of making

-- can you tell me are tattoo parlors considered personal service as well. If you couldn't know maybe you could

--

>> I believe so. I believe they are okay.

>> If you wanted to take that out we would have to have a covenant because that goes finer then what we're allowed no do with the zone category.

>> Tovo: Would that be a possible for a public restrict distriictive

--

>> I have to speak to the department about that.

>> Tovo: Okay. Thanks.

>> Mayor lee leffingwell: Okay. So the motion to close the public hearing an approve on first reading only does everybody understand the motion. All in favor say i.

>> Hi,.

>> Mayor lee leffingwell: I. Opposed so I say passed on a vote of six to one counselor tovo voting no. Assuming that item 10 is still on the table and that they're not ready for that yet, we have no choice but to stay in recess for five minutes. Disowning

[10:00:39]

>> aye.

[10:06:30]

>> Mayor lee leffingwell: We're out of recess. Approximately 135 acres in southern travis county. Approximately 14th south of an imsession of onion creek park way. This area is currently unveiled and located in the city and acon the north sides of the tract. The proposed annexation area includes the proposition of carving a.M.S subdivision and as with other annexation areas the city will provide full municipal areas described in the service plan and additional copies are available this evening this concludes my presentation for item number 80.

>> Mayor lee leffingwell: Okay. I have no speakers signed up. Is there anyone who wants to speak at this public hearing on item atey.

>> Mayor lee leffingwell: We entertain the motion to close the public hearing.

>> Morrison: So moved mate may seconded by counsel member martinez all in favor say aye. Passed on six to one with counsel member spelman. Item 81. Eighty -one. Was postponed.

>> Review item number 81 is a request for postponement. To your november 7th agenda. That's regarding the amendments to the.

[10:08:39]

>> Mayor lee leffingwell: Retain a motion to post own item 81 until november 7th, 2 you 13h. Counsel member tovo so moved. I'll second. All in favor say aye. Aye. Opposed to say no. Passes six to zero counsel member spelman. Eighty-three also is going to be

--

>> that's corrected staff is requesting a postponement of item 83. This is regarding commercial temporary projects on the building facade in the downtown areas. Staff is requesting postponement of this item no november 21st.

>> Mayor lee leffingwell: Retain motion to post own item number 83 until november 21st, 2013. So moved by counsel must be morrison. Is there a second. I'll second. All in favor say aye.

>> Aye.

>> Mayor lee leffingwell: Opposed say no. Passed to six to zero with council member spelman off the desk.

>> Thank you.

>> Mayor lee leffingwell: So I believe that leaves us with 80 number 82. Good afternoon mayor and council members I'm paul louis with the office of tell acommunications and regulatory affairs. This item was brought forth by the

-- - under the gas utilities regulatory act chapters 101 through 105 of the texas utility code which give of gives the city original jurisdiction over gas and utility rates for customers in the austin city limits. In july of this year, atlas filed for an increase in its system wide rates for approximately \$22.7 million under a rate mechanism that council approved on july 27th of this year. Austin is a member of the atm as municipalities or atm coalition who's great experts reviewed the whys and proposed that the atm municipalities agreed to a reduced rate increase of only 16.6 million. About 20 percent less than what atm as originally requested for the 7,300 customers in the city this represents an average residential

rate increase of 74 cents a month or about 1.75 percent. An average commercial customer increase of \$2.16 per month or just over a 1 percent increase. An average industrial increase of just over \$53 a month or a 2 percent increase. Under the two rate review mechanism. We will reimburse all of the cities court cost for the rate review. Staff recommended approval for the rate increase. This concludes my presentation. Questions to staff. Do I have anyone signed up to speak. Is there anyone who would like to speak at this public hearing on item 82. I will entertain a motion to close the public hearing and consider and approve the ordinance on all three readings. Council member spelman so moves is there a second.

[10:12:07]

>> Second. Seconded by council member morrison. All in favor say aye.

>> Aye.

>> Mayor lee leffingwell: Passes on a vote of seven to zero.

>> Thank you. Assuming that we still don't have anything on item 10, council members suggest that we go into recess until approximately 7:30 p.M. Well, we have proclamations that usually last until seven. The proclamations last until seven, I will be off the

-- I have to be some place at 6:45 p.M. Or proclamation for proclamation for beginning of the film festival. So I will be back by 7:30 p.M. That's the reason I am suggesting that. If you'd like to proceed without me, I think these items remaining 55 and 56 are important enough I'd like to see a full council for that. So only 30 minutes later so council member martinez.

>> Martinez: Let me ask you a question mayor. Assume we all anticipate a large number of folks coming down here, do you anticipate limiting testimony on those items.

>> Mayor lee leffingwell: I'm very receptive to a proposal to that affect. I think the issues involved have been discussed a number of times, in fact over and over. I think there's really not much left to be learned. I think we could entertain a proposal to limit the discussion to 30 minutes aside would be reasonable to me and within our power to do that. But that's up to the council. Council would have to vote to waive or normal practice to do that but we could.

>> Martinez: I will say I kind of feel like it's

-- not all appropriate to take a recess for three and a half hours and then come back with 150 speakers and tell them we're only going to take five speakers. I have concerns about that.

[10:14:19]

>> Mayor lee leffingwell: Well, then there are two sources of action. You can make the decision now or he cannot do it. I mean, I only mention it because you brought it up. Council member spelman.

>> Spellman: Mayor I notice we have only five speakers signed up currently. I understand people understood we were going to put off this decision until later. I think it's unlikely that we're going to have 150 speakers. Perhaps we can make the decision at the time we reconvene as to whether or not we want to limit the debate. That sounds good to me.

>> Counsel member morrison.

>> Morrison: I wonder if we might be able to do something like start at 630 or seven, we don't have very

many proclamations so maybe start at 6:30 p.M. And start taking speakers and not take action until you return for sure. That way we're not going to be in a position of having to

-- I guess responding to what council member martinez has said so I would prefer we start at 630 or seven with all the speakers.

>> Mayor lee leffingwell: Any other comments? I just made the simple request. If you don't want to honor the request, that's of course the prerogative of the council.

>> Just to be clear, I think think it would make sense for us to not take action until we have the council. But I'm looking forward to hearing the speakers and there may or may not be any new information there.

>> Mayor lee leffingwell: Any comments on that. Do you want to come back at 6:30 p.M.

>> Why don't we split the difference then and come pack at 7:00 o'clock and make a decision at 7:00 o'clock based on how many speakers we have signed up as to whether or not to limit debate. I'll make that motion in fact we recess until 7:00 o'clock.

>> Mayor lee leffingwell: Motion until we recess until 7:00 o'clock by council member spelman. Is there a second for that? Is there a second for that seconded by council member martinez okay. Councilor member mores.

[10:16:34]

>> Morrison: Just one comment we do still have number 10 so we would pick that up at seven.

>> Mayor lee leffingwell: Yes. All in favor say aye.

>> Aye.

>> Mayor lee leffingwell: Opposed say no. Wee in recess until seven. I'm jacob johnson with austin water we want it ensure that we're putting the correct amount of water on the correct plants to make making sure your iritionation system is I'm here to show you how to fit your irrigation controller and how to avoid common mistakes people make throughout the season. We're going to look at at there are several many factures but each has different models. Most of the controllers has similar functions and capabilities to set an automatic program. The kenotronel needs to know what time to come on and how town each station. Before we do that we want to make sure we have the correct time and date set on the controller. On the control we're willing to tell it what time to come on. On most modern controllers this is a program start time. It's very rare that you need to set a start time for each individual station however, these controllers have multiple start time capabilities. So if we set two start times it will run that program twice. We can use that to our advantage by cutting our station times in half and run tg twice in the morning. That will happen with infiltration and degrease creases run off. Next we want too tell the controller what days to come on. Given austin's water restrictions let's stick to a calender schedule. Let's set the station time. We want to set the times based on what kind of plant material is being monitored by what kind of components: We rarely want to see what kinds of time on each station. Helds have different amounts of watt they are they put out and the sun has a big effect on your land scale. We want to share this water and we quantity to shuffle it around from areas of less need to areas of more need. Modern could. We with can use the multiple program capability to let multiple programs to run. I can set an a program to water my turf areas while I have a b program running on a once per week or as a needed basis. Be careful if we set and a and b program. The controller will run

brother both ever these programs. We've spend a lot of time programming the controller to make sure it's running efficiently. Don't worry even during a brief power outage, your controller should retain what you've put on there. You want to be careful with older controllers after a power outage. Once we get this set you're not done. We want to take advantage of conservation opportunities in the spring and fall and definitely in the wintertime where rain fall typically exceeds the needs in our region. I know this is a lot of information. Don't worry. You'll be fine. Proclamation,.

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[10:55:01]

>>> test test test this is a test, mean, m.B.E., W.B.E., huebner, huebner, webs, mbe, wbe, wbe, mbe,

[11:29:49]

>> Mayor Leffingwell: Good afternoon, it's time for live music at austin city council, a tradition that dates back about 20 years now. We're very proud of our music industry here and we want to give our local musicians a chance to show us their talents. So joining us today is hev ela rand, a singer song writer in austin, she recently celebrated the release of her new album called the high wave, that's w-a-v-e, which is available online at I tunes and [indiscernible] and locally here at waterloo records. She's not only a musician, but also an educator. Continuing a passion for creativity and self expression. She has five years of middle school teaching experience and some of austin's most challenging campuses 6789 please join me in welcoming [indiscernible] rand.

>> Thank you.

>> So

-- so it's all yours.

>> All right. Well, I'm going to play the title track of my album, called the high wave. This is a song about making the most of every day so that

-- so that by chance if it happens to be your last day, you are doing something that you love and you are passionate about. So thank you so much for having me.

[ 🎵 Music playing 🎵 ]

[11:34:20]

>> give her a hand. [Applause]. Good job. Now I'll give you a couple of minutes of shameless self promotion if you would to tell folks where they could see you play and get your music.

>> I just released my fifth release, highways. I celebrated at strange brew actually last friday. So that's over. But highways is an album that I'm really proud of. I recorded part of it in bellingham, washington where I'm from and with a great producer oohher in town, billy masters. It's on itunes, band camp. If

you go to half land music.Com you will find all of those links. Something I will mention, another thing I'm really passionate about is working with young people and writing songs and building creativity and self esteem through song writing with kids and in a program

-- work in a program called the being artist program. I've gone into over 50 schools in the last year, written hundreds and hundreds of songs with thousands of students. And we're in the process now of expanding this program and I'd like to take it on the road. So if you want to support me, then please go to the be an artist program.Com and you can find more about that. So that's something that I'd really like people to know about and that's something that I'm really excited about working more towards.

>> Mayor Leffingwell: Great. I wish you a lot of success in that. And you mention that it's a good day in your song. And in just a couple of minutes it's going to be your day. So be it known that whereas the city of austin, texas is blessed with many creative musicians whose talents extends from 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 city of austin, texas, the live music capitol of the world, do here by proclaim october 24th 2013 as hvala day in austin, texas. See, it's your day.

[11:36:45]

[Applause].

>> Mayor Leffingwell: Two honored guests from kenya are here with us tonight to mark a special proclamation in honor of partnerships for inclusiveness here in austin. And as you know, we have a lot of support here at city hall for folks with disabilities. And we even have a mayor's taskforce for that, which has been active since before I became mayor, back in 2007-2008. And I've been proud to help continue the work of that taskforce and I'm proud to have you heartened want to welcome you most warmly to our city and hope you have an enjoyable stay here. I know you will meet lots of nice people. The proclamation reads, be it known that whereas safe place has been hosting representatives from two kenyan organizations to implement a long-term project on preventing gender-based violence for girls and women with disabilities, and whereas the ladies from kenya have been work alongside their american counterparts to gain firsthand experience on how disability rights and gender-based violence are addressed by safe place and whereas the visitors have shadowed safe place disability services staff as they provide workshops on healthy relationships, personal safety and safer sexuality with people with disabilities. And as they met with texas disability rights advocate, service providers and sexual assault staff, and whereas we're pleased to have had naomy ruth esiaba and joyce opondo as guests in our city for this month. And to confer on them the title of honorary citizens of austin. Now therefore i, I lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 2013 as partnerships for inclusive communities month in austin. Congratulations to you.

[11:40:16]

[Applause]. And you get one of these to take home with you. And so do you. Here we go. Would you like to say a couple of words?

>> Yes. First of all, thank you so much for offering us this opportunity. Thank you, Gale Gonzalez for helping us. We are here thanks to a grant from the U.S. Department of State and Mobility International U.S.A. Based in Eugene, Oregon who selected 20 U.S. Organizations working with persons with disabilities or for the rights of persons with disabilities to partner with 20 countries due to the work that we do at Disability Services of Safe Place, we were partnered with the Disability Women Development Strategies that Naomi is the chairperson. (Speaking foreign language).

>> Mayor Leffingwell: Easy for you to say.

>> Yes. Where Joyce is the chairperson in working together on -- against gender-based violence against women and girls with disabilities in Kenya and in our country because it happens here too. So it was an honor to be received by them while I visited Kenya in their work and it's an honor to have you here and it's an honor to have had this opportunity given to them. So thank you, thank you, thank you. [Applause].

[11:44:18]

>> Mayor Leffingwell: We're here now today to talk about National Healthy Eating Day as opposed to what we have back in our snack room, which is pizza. [Laughter] as we now the biggest killer of adults is heart disease and this proclamation recognizes that and also recognizes the beneficial effects of healthy eating, which we should all do a better job of, including me. So the proclamation reads: Be it known that whereas cardiovascular diseases are the nation's leading cause of death accounting for one out of three deaths nationwide, more than 40% of U.S. Adults are projected to have some form of cardiovascular disease by 2030 with costs exceeding \$1 trillion annually. And whereas eating nutritious healthy foods and eating only enough to meet energy needs can increase survival rates from cardiovascular diseases. And whereas the American Heart Association's 2020 impact goal seeks to improve cardiovascular health of all Americans by 20% while reducing deaths from cardiovascular diseases and stroke by 20%, and whereas the special day was created to urge all citizens and employers to recognize the importance of improved nutrition and healthy eating both at home and at the workplace. Now therefore I, Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby proclaim November 6th, 2013 as National Healthy Eating Day. And we hope that everyday is a healthy eating day. So I'll present this proclamation to you, Ms. [Indiscernible]. Would one of you like to be the spokesperson and say a couple of words.

>> Hello. My name is Peggy Castillo and I'm honored to speak to you today on behalf of the American Heart Association. National Eat Healthy Day is important to me because it reminds me that making the right choices when it comes to diet and exercise can lead to amazing success that no one ever believed possible. Five months ago I was diagnosed with prehypertension and obesity. Both of these diseases, along with breast cancer, have been part of my family medical history for most of my adult life. It wasn't until I saw my own numbers that I realized how dangerously out of control my weight and blood pressure had become. Living an unhealthy life-style finally caught up with me and it was time to do something about it before it was too late. After all I have a nine-year-old son and devoted husband that depend on me. At work bonus programs including Heart 360 and Weight Watchers became my weekly reasons for recreation. I learned how to properly use my blood pressure monitor, track my eating, weight and activity. I could also find nutrition facts, healthy recipes and eating plans to help me meet my goals. Learning how much to eat and what to eat was part of changing my lifelong habits. I learned how



to incorporate exercise that was tolerable and began to see the results showily but surely. Receiving the american heart association's 2013 life-style change award is incredibly meaningful to me. I could proudly say that I've lost 35 pounds and lowered my blood pressure since deciding to take control of my life. I also completed my first five k with my son and husband by my side. We're making changes together as a family and I look forward to living a longer, healthier life. I encourage everyone on national eat healthy day to make the right food choices, know your numbers, know your risk and get moving. Love yourself enough to live a healthy life-style. Thank you very much.

[11:48:16]

[Applause].

>> Mayor Leffingwell: Talking about a subject that's very much on people's mind these days, and that is having enough money to have a safe, productive and enjoyable retirement. And a big part of that is doing a little something for yourself along the way, making sure that you contribute and are not solely reliable on the outside sources for your retirement expenses. For this occasion we have a city of austin employee who is engaged in furthering this process, and we have a proclamation in honor of national save for retirement week, which reads, be it known that whereas the cost of retirement in the united states continues to rise in part because people are living longer than ever before and because retiree health care costs continue to increase at rapid rates. And whereas social security was never intended to be the sole source of retirement income for families, but many employees are not aware of the retirement savings options, nor have they focused on the importance of saving for their own retirement. And whereas all workers can benefit from developing personal budgets and financial plans that include retirement savings strategies. And whereas this week is designed to call attention to the need for workers to save adequately for retirement to familiarize themselves with the defined benefit and defined contribution plans available to them and to take advantage then to the full extent allowed by federal law. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 20th through the 26th 2013 as national save for retirement week in austin, texas. So congratulations on doing a great job to help the city of austin's people, employees be better prepared for retirement. And the microphone is yours if you would like to say a couple of words.

[11:51:39]

>> My name is aj padilla. I'm with the city of austin deferred compensation plan. I would like to thank the mayor and city council for recognizing this important national save for retirement week. I just want to take the time to remind people that retirement is a lot closer than you think. Now is the time to start saving. A deferred compensation plan with the city is an excellent way to do that. And we're adding a roth component starting JANUARY 1st. So look at the website and get some information on it and start saving now. Thanks. [Applause].

>> Tovo: Good evening, I'm councilmember tovo and it's my privilege to present this next proclamation to the executive director of rain forest partnership. So I'd like to invite her up. And also invite up liz coffle, also of rain forest partnership. Be it known that current research confirms that carbon dioxide emissions are rapidly accelerating climate change and proclamations show dire warnings for the future,

texas faces rising temperatures, more frequent severe weather, a decline in bio diversity and a rise in sea level and whereas austin's rain forest partnership recognizes that protecting your rain forest is one of the most cost effective ways to reduce carbon dioxide emissions and protect the world's climate. And whereas rain forest partnership celebrates its fifth anniversary fighting to conserve the rain forest by working with communities in ecuador and peru to provide sources of income which rely on keeping forest standing and whereas the purpose of this special week is to recognize the importance of conserving the rain forest in relation to climate change and to promote opportunities to take action to conserve the forest. Now therefore i, kathy tovo, on behalf of lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 27th to NOVEMBER 2nd, 2013 AS RAIN Forest partnership week in austin. Congratulations.

[11:54:08]

[Applause]. Now I'd like to invite ms. Spelman up to say a few words.

>> Thank you very much, councilmember tovo and mayor leffingwell for this proclamation and for recognizing next week as rain forest partnership week. Most people don't realize that we're based right here in austin, texas, and that while being based here in austin we help protect tropical rain forests in south america. We work with rain forest communities helping them make the income that allows them to protect the forest. By allowing them to have an alternative to choices that are far more destructive. And when they do this they're protecting these forests, these lungs of the planet, not just for themselves, but all of us as well. And rain forests regulate our climate, they regulate our water cycle, they hold more than 50% of terrestrial bio diversity, are home to 30 million people. And the thing that a lot of people don't realize, we had some proclamations earlier, they also hold or provide us 25 percent of our western medicines that actually come from rain forests and over 70% of cancer drugs come from the rain forest. And a little known thing, we don't always realize, is that what happens to the amazon has an effect on our rainfall patterns here in texas, gulf of mexico and mexico. And so we're celebrating our being here and all the work we've managed to do, and the support we get in austin. And we have an event next week, wednesday, october 30th, at the barr mansion, which is the first fully organic facility in the country, from 6:30 to 8:30. And to learn more about that and just about what we do here, you can go to [rainforestpartnership.org](http://rainforestpartnership.org). Thank you so much.

[11:56:20]

[Applause].

[12:59:36]

>> Testing 1, 2, 3, 4. Austin city council will begin momentarily.

[13:13:22]

>> Cole: The council is back in session and we previously put on the table item number 10 and I believe

that there was a motion on the floor and I think I am going to go ahead and second the motion and ask greg canowie to come up. We have some questions. You know, let me withdraw my second

-- council member martinez, you had already had that motion on the floor, didn't you?

>> Martinez: I did. I made a motion for approval as posted.

>> Cole: Then we need a second. That has been seconded by council member morrison. And council member morrison would like to make some comments.

>> Morrison: Thank you. I had a chance to talk with staff during the break and there was a little lack of clarity from me about what we were actually doing. What I wondered is

-- this talks about \$600,000 to sort of feed this fund. Are we going to

-- once we approve this, are we going to see the funds every year funnels in to

-- in to this new fund?

>> Great deal canali, financial services. Yes, council member. We structured this fund as directled in the original resolution in the bre fund and this 600,000 is the conservative projections of what we see in the con temporary use right-of-way fees and we are exceeding the funds. On go forward basis, as the funds are collected, it will be brought back to council as part of our annual budget process and it will be part of the adopting, in this case, the capital budget for this fund.

>> Morrison: Great. I guess the only thing I am going to ask is with the bre fund, we found it sort of got ahead of itself. In the past year, we were able to tap it for something else. I thought it would be helpful for the council to keep an eye and know it doesn't get buried in all of the budget work that we do. So I wanted to ask if staff would be able to plan on sending a memo to council every year during the budget process just to give us an update on what the fund is looking like now, what the expected revenues are so that if we do need to have that conversation, at least it won't fly

-- it won't just go unnoticed.

[13:15:54]

>> Certainly, I don't think that is an issue. It is part of our annual forecasting process. It is a perfect opportunity to do that and lay out where we see the funds have been collected and how they will be going into the fund.

>> Morrison: Great. Sounds terrific.

>> Cole: Council member martinez.

>> Martinez: I appreciate that comment. What I anticipate is not just getting the projections back from the staff before budget but also having a public conversation with our mac advisory board, some of the friends of the mac and some of the friends in the rainy street area to look at what we identified as fiscal funding for the year and see if we actually have projects on the ground that can benefit that. If they don't it goes back to general fund or reallocated as staff the needs in normal budget process. I am totally okay with that and appreciate that point.

>> Morrison: It wouldn't probably hurt to have the bre fund monitored, also.

>> We can add that to the list, also.

>> Morrison: Thanks.

>> Cole: Council member riley.

>> Riley: Can you clear up one thing. If these funds are going into

-- if not this designated fund, where would they be going?

>> These are temporary use of right-of-way, as projects come in as they need to use rights of way with sidewalks as they state their projects. These funds are currently part of the transportation fund.

>> Riley: And that fund is used for?

>> A transportation fund is used for the street network, the sidewalk network, the

-- all of the transportation network that we have. They are in essence are excess funds in that fund.

>> Riley: Okay. Thanks.

>> Cole: I want to say that I am very supportive of the goals of the original resolution, which is why I voted for it, but my concerns have to do with the specifics or lack thereof and the finances, and what potential conflicts that it may have with waller creek. I have come to learn about the time sensitivity about some of the house relocations and that's one of the reasons I wanted us to go ahead and move forward tonight. This establishes a separate fund and prefunds it with anticipated fees that we will collect in the future. As I understand it, it is being set up as a passive fund that applicants can request funding from but right now, we don't have any projections on how much this funding mechanism will generate. We don't have any projections on how much it will cost to accomplish the goals in the original resolution, and we try always to find a nexus between the public interest and our policy, and right now we don't know how well we have aligned our policy with our budget. To over

-- to jump over cesar chavez and include block 11 does not seem fiscally responsible to me at this time. Basic prudence demands that we consider these issues prior to approving long-term commitment of revenue. I want to be clear that I believe that this program helps waller creek and helps the tif because we are taking off houses from waller creek that can ultimately be redeveloped. I am bringing this up simply as a financial prudent issue. There are inconsistencies with how we may end up applying the joint development agreement with what

-- with the waller creek conservancy with what we are doing today. So I would like to make what I don't think will be a friendly amendment so it will be a motion to substitute

-- that we move forward with this item but we omit block 11, which is the block that jumps over cesar chavez, where the fairmont hotel is supposed to go, that we are told will generate over \$3 million in right-of-way fees and we then request budget projections with our staff and then we report in the waller street conservancy on any conflicts. That's my motion.

[13:20:11]

>> Mayor Leffingwell: Mayor pro tem is that a proposed amendment.

>> Cole: Yes.

>> Mayor Leffingwell: Proposed amendment to exclude block 11?

>> Cole: Yes.

>> Mayor Leffingwell: And the maker of this, council member, is that acceptable to you?

>> Martinez: No.

>> Mayor Leffingwell: Not acceptable so you want to approve it as an amendment

-- propose it as an amendment to be voted on?

>> Cole: Yes.

>> Mayor Leffingwell: Is there a second?

>> Spelman: Second at least for purpose

--

>> Mayor Leffingwell: Seconded by council member spelman.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I want to ask mr. Canali, I haven't seen a memo from staff of projected fees coming from block 11. Is that \$3.5 million number something that y'all provided?

>> No, I believe

-- we have not seen the numbers specifically from the developer. We have, I think part of the request now, part of the motion is to go off and do projections on the future projects that's something that we could do. First and foremost, we want to work with the transportation department, the right-of-way group, gordon's group to try to look at

-- project out what that would be and that's

-- that's

-- I think that is part of the exercise that we are being asked to do on a respective basis.

>> Mayor pro tem, can you tell me where you got that 3.5 number from?

>> Cole: Yes, I got it from the developers of the fairmont hotel when I was look into the matter. Greg, I think you have done preliminary work, I don't think the numbers you have here match these but I will be happy if you share those numbers with council because they are large numbers and explain what the differences may be.

>> Certainly. I think it is part of our exercise in planning and coming back and responding to the original council resolution, was to first ascertain, to feed this fund what we felt was acceptable level of funds knowing what the projects were. There is obviously a variety of projects somewhat in the pipeline in the district right now. We have identified ones that we think will generate the 600,000. As part of that exercise, we looked at other ones, including the fairmont hotel and this was from a staff perspective. We did not contact any developers or the fairmon themselves. Again, we looked at the right-of-way fees, something in the area of 1.4 million and I think with the direction to go off and, mayor pro tem, to do additional projections, we would expand our communications and try to get additional information. Again, they don't

-- those processes, as far as paying the permitting fees, that happens right about the time they are about to initiate their project. It is not a prepaid permit. It is something they do

-- they obviously work with the right-of-way group and it's not part of their prepermitting process, in terms of getting their permitting in place, in terms of when they start paying those funds.

[13:23:28]

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: You addressed a specific project which did not appear to be a fairmont hotel in your description of how you came up with the \$600,000.

>> Right.

>> Spelman: So there is another project

-- that other project located south of cesar chavez?

>> Yes, again, there is a wide variety of projects within the original council resolution that laid out the area that the staff was to go off and work on. We first and foremost identified potential projects in the area, from just kind of a known understanding what is happening in the downtown area. We looked at all of them. We don't believe that at this time the fairmont was far enough along to start counting on that revenue. If it

-- once it does and it comes in and under this item, those funds would start going under that fund subject to future appropriation. The 600,000 really associated with two projects right now and they are south of cesar chavez. One is a hotels that going up and one is a

-- one is a hotels that going up and one is a large multifamily projects that about to get going and we felt they were far enough along to estimate the funds were available to seed this fund right now.

>> The practical of moving block 11 for the fairmont hotel for these catchment area fees, it's not going to reduce the area of that you will receive enough so you can count on \$600,000 being available the next year?

>> It will not impact the appropriation that we have before you

-- in fact, that appropriation, correct.

>> Spelman: Let me ask the same question a different way. You are expecting more fees than 600,000 to come from these two projects south of cesar chavez?

>> No, we are anticipating

-- the projects that we see that are active and imminent, we anticipate, again, the 600,000. There are other projects in the district that council asked us to look at that will

-- could eventually generate additional fees that would go into those funds, including the block 11 project.

[13:25:45]

>> Spelman: Great. Thank you, greg. Mayor, it seems to me that this is going to hold. If we take block 11 out of the mix, at least now, holding open the possibility of putting it back in later after mayor pro tem cole has had her questions answered, if not, it won't hurt the rainy street effort in the slightest bit. It is not the basis for this estimate and if we add it in later on for future years, we may have a little bit more money available for the rainy street effort but I think right now taking it out doesn't hurt us.

>> Mayor Leffingwell: I agree with that. I intend to support that proposed amendment. Any other comment?

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I see the chairman of the mac advisory board here. I don't believe he was able to sign up because we have taken this thing off the sign-up sheet. Do you have any comments you want to provide, if you don't mind, mayor? , Council member. Rivera rez, chair of the mexican american cultural center., this is a very important action that you can take for us. Hope that you don't exclude block 11.11 is adjacent to palm park. Park always has been part of the rainy street neighborhood. Has a long history there and so does that corner, so it makes perfect sense for the boundaries to be where they are and. It I appreciate council member martinez helping us with that. Okay.. Further comments. Will vote on the amendment by council member cole to exclude blocks. All those in favor, say aye. Say no.. Council

member riley. Fails on a vote of 4-3, with council member riley, martinez, tovo and morrison voting no. So that brings us to the main motion. Discussion on that. On a vote of 7-0..S us to the final two items oppose are 55 and 56. No objection, we will go ahead and address item 56 first. Morrison wanted to ask -- we only have three speakers on item 55 and they may be just specifically about item 55, and I wonder if we could do this first. The few speakers I was going to combine them but we can take up item 55 first. We are going to argue about the order of every item, we will do that. First speaker is roy waley. The. Speak. To allow us to come. Thank you. Good evening before you. .

[13:34:15]

>> Asks the city manager to explore the options and I suspect we will get a recommendation, although we don't specifically ask for one as to whether or not this is a feasible idea. At this point we can say yes or no depending on whether or not it makes my sense. I'm in favor of it. I'm always happy about exploring options.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Thanks, mayor, thank you councilmember spelman. That's exactly what I was going to start by saying, but I was going to finish by saying it also directs the city manager to bring back multiple options, regarding a possible guaranteed loan program, including a collateral pull and provide any information on any related notes, programs, structure and administration information. Again, just asking bring back to council as many options as we have out there. Could be a financial institution, could be a non-profit like people fund or big austin. Collar pool. The bottom line is we need to try to do everything that we can to high pressure our small businesses. As I mentioned on tuesday, aside from whatever happens in the economic incentive policy, exploring this option is still worthy of that exploration, whether we change the economic incentive policy tonight or not.

>> Mayor Leffingwell: In favor of the motion say aye.

>> Aye.

>> Opposed say no. That passes on a vote of 6 to 1 with myself voting no. So now we go to item no.56. We have 60 citizens signed up to speak. This morning there was discussion about the -- about the advisability or desirability of limiting speaking time. Is there -- do we want to go ahead and go through all of these speakers, it's approximately three hours of speaking time. All right. Here we go. David ford.

[13:36:31]

>> Good evening, my name is david ford, I'm president of the associated builders and contractors association, the central texas chapter. We're an association of commercial buildings, there are eight chapters in texas, over 70 chapters around the country, we have over 22,000 members nationwide. I'm here to voice my concerns with the firm based incentive matrix. Used to determine eligibility for companies coming to austin. We strongly oppose the mandatory requirements of prevague wage and living wage for the requirement for the incentives. There are 10 crafts right now, \$11 an hour according to the travis county prevailing wage scale. If you raise the common labor rate to \$11, all of the 10 craft it is that are in that skilled labor pool will want to go up. They will want a raise, going to cost more money

to build these projects, is it estimated that prevailing wage costs increases construction labor rates anywhere from 10 to 20%, more than the free market projects. In addition, when you add the \$11 minimum wage requirement, it makes it very difficult to pay a worker one wage when he was working on this project and then another wage when he goes somewhere else. Abc believes that the prevailing wage costs and the living wage requirement coupled with additional costs of a certified payroll will drive construction costs up. This is also cause unequal access to work opportunities. Prevailing wage requirements prevenience many qualified small contractors

-- prevents many qualified small contractors ability to bid on this work because of the increased burden of the paperwork and so forth and the weekly payroll reports. When companies are considering coming to austin, they see these increases in construction costs, they may consider going elsewhere. We need construction in austin. Nobody wins when companies go elsewhere. You're going to hinder the austin city chamber the ability to bring companies to austin. We suggest that you make the prevailing wage and the \$11 minimum wage an option on the matrix, along with the domestic partners and health benefits requirement. This would allow all companies considering chapter 380 agreement maximum flexibility to choose to pay prevailing wage, generally an overall higher cost of construction or not. It will also allow companies to reward companies to choose the prevailing wage. Please do not make as part of the incentives package the minimum wage of \$11 an hour for all workers and the prevailing wage as a fixed refresh my memory. Let it be an option on the matrix. Thank you.

[13:39:18]

>> Spelman: Mayor I have a very fast question. You said that prevailing wage was going to increase the cost of construction by 10 to 20 centers, did I hear you correctly? What was the basis for that judgment.

>> I'm sorry.

>> Spelman: When did you come by that number.

>> Well, there's a lot of information on that, studies that have been done on this around the country. I don't have the

-- I don't have the exact sources right now, but our national office supplied me with that information.

>> Spelman: Okay. I would like to see it. But your national office is the source of that 10 to 20% estimate? Thank you, sir.

>> Yes. Councilmember martinez.

>> Martinez: I presume that you are a contractor? I'm sorry? Are you a contractor?

>> No, sir, I work for the contractors

--

>> Martinez: You are familiar with the contracting work.

>> I'm a president of the chapter.

>> Martinez: Do your members bid exclusively on private or do public contracts as well.

>> They do both.

>> Okay when they bid on either a private or a public, do they not have davis bacon wage requirements on some public projects.

>> Sometimes they do, yes, sir.

>> One of the points that you made is that it's too difficult to go back and forth if it's so difficult why are



your members continuing to apply for public contracts as well as privates? [Applause]. I deep hearing that point made it's too difficult to go back and forth. I would think if it's that difficult your members would not want to enter in those agreements.

>> A lot of them don't. But some of them do. If you are paying one wage, go back on another page, there's a lot of flack by the employee.

>> Mayor Leffingwell: Before we go to the next speaker, I wants to say just a brief word about decorum. [One moment please for change in captioners]

[13:41:53]

>> [indiscernible - no mic].

>> Mayor Leffingwell: Nobody is complaining.

>> [Indiscernible - no mic]

>> Mayor Leffingwell: All right. We will go to the next speaker, phil thoton.

>> Thanks for letting me come up here and I want to start off with three positive notes. First of all, I am very glad the economic incentive process that has been going on the past 18 months, council member martinez is coming to a close. I think it is a great time for the stakeholders and the dais to come together over the last 18 months and figure out some finalized rules of the game moving forward so we don't have to come back and revisit each other at 161, 12:00 o'clock at night as we have, if there is an economic incentive agreement on the table.

>> I am with the austin chapters and our builders support the safety requirement with the amendments for the workers. It is something there is a lot of and we need the support for it. We also support the mandatory workers comp insurance that was a part of the amendments. We think it is vital to protect workers who may be hurt on the job. I will say that as item 56 is currently structured -- actually, I guess as the amendments are structured, we cannot support item 56 because the wage rate is a mandatory requirement. We would be willing to support an amendment that would move that mandatory wage rate requirement over to the criteria for additional bonus consideration in the firm based incentive matrix. Mayor leffingwell, on the work session on tuesday, I heard you bring that up as a possible solution. Whatever the outcome is today, I will say a little prayer, that these are the final rules of the game. I don't think it is right for a company coming to city of austin after looking for the last 12-18 months and ask the ceo be asked, would you accept a prevailing wage or the living wage or whatever the item before council might be. So I thank you for the process and I thank you for the time this evening.

[13:44:31]

>> Mayor Leffingwell: David king. Camping out here today.

>> Mayor, mayor pro tem and council members. Thank you, council member martinez for sponsoring this and tovo and morrison for coresponding this. This is an issue that directly affects me and my family, but I have to say it is incredible to me that the business will come to you and ask for incentives to move here and then not want to pay their workers a livable wage. That's wrong. They are coming here asking you for incentives to move here and then they don't want to pay their employees a livable wage. Think

about that for a second. What is wrong with saying, if you want an incentive from us, we are going to raise the bar, we are going to do the right thing for the people who built this city and then can't afford to live here because we aren't paying them a living wage. [Applause]. That's wrong. That is wrong. I am looking at each one of you in the eye. Look at me. That is wrong. Do the right thing tonight. My mother worked two jobs 30 years, paid so little that she had to go ask for food stamps, back then they weren't called food stamps and then medicaid. We didn't see her much because she worked two jobs all the time. She wore herself out. She gave herself to us and to make no

-- low cost

-- to make low cost pants for people to buy, what is wrong with helping those people out, in doing the right thing for those people who have given so much to us? And you already know the facts. Austin is now on the top 100 cities

-- list of top 100 cities with the widest economic inequity. It is not working and I find it

-- what is the word? Encourageable [sick] that these companies who want to pay low wages that they want to pay for medicare and food stamps, then they lobby congress to cut back on food stamps and medicare. They want it every way they want it and then they are going to claim economic disaster and the whole city is going to come crashing down. Call their bluff. Do the right thing. Thank you.

[13:47:10]

[Applause].

>> Mayor Leffingwell: Jeremy hendrix. Bob baton. Is it batlin? Batlin.

>> All right.

>> Mayor Leffingwell: You are jeremy?

>> Yes.

>> Mayor Leffingwell: You are up next.

>> Okay. Good, mayor, council, I am jeremy when distribution hinrix with the labors union and I am from south texas on and the district council. Over 500,000 laborers union, our members are proud to join the austin workers project and austin interfaith and other for joining this effort. We want to thank council member martinez, tovo and morrison for u atorning this and their strong support in living wages, prevailing wage, better jobs, safer jobs and a better quality of life for all austinites. Basically at the core of this is all good jobs of the core of our economic policy. We believe it absolutely should be. We are here today not to just represent ourselves but to represent all of those who toiled to build a better austin. We came here to stand proudly with the diverse group of concerned citizens filling this room to ask for living wages, prevailing wage, and training requirements for austin's workers. Thousands of austinites have rallied in support of this the past 18 months of issue. For over a year we have had this economic policy in front of us with the special committee, we believes the time because we waited long enough for the critical vote to determine whether we will follow our shared community values by beginning to incentivize quality jobs with fair pay or continue down the road where we incentivize poverty wages that can no longer

-- for people who can no longer afford to live here. We all know this has been thoroughly discussed and vetted. Thanks for the open stakeholder process contacted by both the special committee and the city staff. All major concerns raised during that have been addressed, from clear exceptions process to

assisting minority contractors with those issues and also with the added bonus section to help offset any costs that are added. It is important that we hold companies to the exact same standards that we hold the city itself which already pays prevailing wage. Our community is also recently witnessed what can happen when economic incentive guidelines are not clear and straightforward. We simply can't let another jw marriott fiasco happen in this city again and tear our citizens apart. We believe it is critical the city council votes this evening to ensure economic development policies provide good, safe jobs and encourages the right kind of investment in our city. I want to make it clear. Whatever happens tonight, the laborers are not going to take no for an answer. We are going to continue this fight in the halls of the government. We are going to continue it at the ballot boxes. Because this issue is too important and we fought for far too long to let this go ignored. A no vote tonight will be recognized by the laborers and fought day after day as we continue. The time is now to do the right thing, to protect both the interests of those who live and work here but also of those businesses wishing to move here.

[13:50:44]

[Buzzer alarming] so I thank you tonight

--

>> Mayor Leffingwell: One quick comment. The city does not pay prevailing wage in all job categories. There are about 55 city job categories that are involved in construction. Of those, 23 are below the prevailing wage. Ranging.

>> Well

--

>> Mayor Leffingwell: Ranging from 2-centness below to \$9.90s below.

>> Thanks for pointing out the city of austin doesn't do a good job and this is the first step. Thank you.

[Applause].

>> Mayor Leffingwell: Bob batlin.

>> Can I have someone donate time?

>> Yes.

>> Mayor Leffingwell: Who is it? I have to know who they are. Who is donating time to you?

>> Kirk

--

>> it is not me, it is robert williams.

>> Mayor Leffingwell: It has to be somebody who signed up. What is your name?

>> Kirk cadena mitchell.

>> Mayor Leffingwell: You have up to 6 minutes.

>> I am from austin interfaith and mary beth shalom. Thanks for the opportunity to speak mayor and council members. During my time at austin interfaith, I was asked pointedly why did I participate, was I bored. This day certainly hasn't been boring. I also add it has been civil and collaborative. Our state and federal friends could learn from this. My work history helped me develop my position. I worked for a company, ibm that believed if it treated their employees, families, contractors and vendors right, customers would notice and it would yield bottom line results. Bottom line was key, but they knew that squeezing the wage dollar out of wage rates was not the most effective path for pleasing the

stakeholders. Luckily my last idea to move was in austin in 1991. Austin seemed to share those values, treat the people right and you will have a successful, vibrant growing community. So for park -- barton springs, greenbelt, 6th street, the capital and its ground, the paramount and u.T. Blew me away. Paradise. Austin interfaith got me out of my comfort soap. Soap -- out of the comfort zone. I work on the incentivize process because I believe it is a small step r step for a better austin for all. We seem to be down to a couple of issues. Will companies consider austin if exchange for receiving millions of dollars they would be required to pay \$11 an hour minimum and the average austin area wage for higher paying construction jobs? The history says yes. The two most recent deals volunteered to do both. Next, would it be okay to let incentive applicants choose whether lower skilled workers or higher skilled workers should be treated fairly. Take your choice. Should we not require any wage commitment at all but offer a bonus to applicants to agree to pay decent wages? The bonus structural hows for some applicants to receive 100% tax relief without a wage rel bonus. If that option is approved, it would be a complete disregard for austin's workers and would be long remembered after that vote. And, by the way, it would lead to us continuing our long-standing tradition of coming here at 11:00 o'clock at night negotiating with you.

[13:54:50]

[Laughter] now, when would an applicant be allowed to apply if they offered something in real benefit to austin in exchange for relaxing incentive qualification. That's what the exception process is about. All they have to do is document what they are requesting and what the compensating benefit to the city. Then we are asked, would an applicant be so embarrassed or so unsure that city council would pass their exception that they would not apply. There are millions of dollars involved. Receiving an incentive from the city qualifies an applicant to apply for much greater incentives from the state. We expect an applicant offering to hire significant numbers from the ranks from the hard to employee, invest heavily in various city recognized programs, commit to multiyear construction project and/or have other creative ideas that will help austin to apply. I have every confidence that city staff, with the help of chamber of commerce and even austin interfaith when it becomes public, will help the applicant draft a city of austin request that city council will find reasonable. Should prevailing wage be added to the exception process, we prefer the rules as written, undercutting prevailing wage would directly contribute to lowering wages on all federal, state, and local sponsored construction projects in the area. However, if prevailing wage were added to the exception process, we would simply make sure that the compensating rationale was documented and made sense. Thank you for your time. [Buzzer alarming]. And especially the efforts of your remarkable staff. Thank you. [Applause]

>> Mayor Leffingwell: Thank you. Reno hammond.

[13:56:58]

>> Thank you. My name is reno hammond. I am a business manager for a multistate district council covering the labor union again in the orange shirts. I will keep my points brief. I think our point will be well made tonight but I think a few things are missing, and first I want to thank you for the authorship of this language and the importance of it to us. I think some of the things that I am hearing from the

contractor's side surprised me. We want to have an incentive. We want money, but we don't want to return it back to the people that actually pay that money. I think we are forgetting that the very workers that do this work are the ones that pay the taxes that generate those funds and I think that's a missed point. I think we are also missing a point where we are a band for labor is so high right

-- demand for labor right now in the state of texas that you will be competing for skilled workforce anyway. Billions of dollars worth of work coming into the gulf coast area. If you don't get behind from supporting the citizens for a living wage to keep them from having two jobs to barely get by, I don't know what we will do that. I am here today

-- I have an office here and I am here representing many workers who are in this room and beyond. I am here proudly with organizations from faith, from community, from labor, and the unspoken contractors that are here that are signatory by hundreds. I have hundreds of contractors across arkansas and oklahoma that don't mind competing. They are small and large. They build on vacant jobs and on private work. It is not a problem for them. It shouldn't be a problem for anybody else. Allowing contractors to come in and do otherwise only spreads the compatibility and allows unscrupulous contractors to rise to the top and abuse our people. Thank you. I hope you

-- I hope y'all get behind us.

[13:59:27]

[Applause].

>> Cole: Next, we ha tanith crowtz.

>> Good evening, mayor pro tem. I guess, mayor and council members. I am here to support this living wage initiative as well. I appreciate the effort, the language, the

-- all of the regards that you have taken to put into this measure for the citizens of austin. Not only for construction workers but workers abroad. I mean, this will bring a wage that's

-- that meets

-- I can eat and feed my children with this. I appreciate your support. Thank you. [One moment, please, for change in captioners] this should say it all. It's about having the chance for the american dream.

What we're doing here is disputing the final profit margin, how much is enough for these corporations to make, how much? How much is enough? Thank you.

[14:01:33]

[Applause].

>> Cole: David butts.

>> Mayor, wherever you are, and members of the city council, I'm here to speak for the working people of austin, the men and women who build austin with their hands, and it seems incredible to me. And this is even a point of discussion that these people shouldn't be paid a living or prevailing wage or a decent wage, considering the amount of money that's made in this city every year by the corporations who have come here. I'm of the philosophy basically that if everyone does better, everyone does better, and that's my viewpoint. And I know each one of you, and I've been around you a lot, each member of the council up there. I know what you believe in your own heart. And I hope that you will do the right

thing for the working people of austin. I want to tell you I know you've probably been bombarded by arguments that this is going to lead to some sort of apocolypse economically if we pass this. I had the pleasure of helping run the s.O.S. Campaign in 2002, and we were hit with the same argument that if we passed s.O.S. There would be economic disaster for the city. The chamber of commerce commissioned a 25,000-dollar economic study that proved this. Well, you can see what happened, we really did collapse, didn't we, after we passed s.O.S.? All these arguments, really it comes down to there's a lot of money to be made and they don't want to share it with some of the people who actually helped them make it. That's the facts. Quite honestly if they want to come here on their own and do whatever they do, then that's their choice. Now, if they want tax dollars or benefits from the city, that's a different matter. I can tell you the citizens of austin, a large percentage of them, don't appreciate these incentives going to these corporations at all. And they're rather sick of it. But I think many people believe that if we're going to do this we should get something in return for it, and that these corporations have to reinvest in the community and part of that is wages to people who live here, and many who do not live here admittedly, but still the impact on the central texas area, the economic benefit. So I hope that each of you will look into your heart and make the right decision. Don't separate this between the living wage and the prevailing wage. That's the old ploy of splitting -- basically splitting the forces, or we're going to help you, but we're not going to help those people over there, so you're going to be with us, right? That shouldn't work in austin. It really should not work here. So please do the right thing. Thank you very much.

[14:04:52]

[Applause].

>> Cole: Joe vasquez. Bishop joe vasquez.

>> [Inaudible].

>> Cole: He has time donated to him from Ieland butler and juana gonzalez. So if either of them want to speak or read his letter, however you want to do it.

>> [Inaudible].

>> Mayor pro tem and councilmembers

--

>> Cole: It would take me longer to figure out what you were asking.

>> Mayor pro tem and councilmembers, I'm angela baker from st. Albert the great catholic church and a leader with austin interfaith. Bishop joe vasquez spoke to a rally in front of city hall of about 200, and I would like to read the statement that he gave in front of this group. And I think it reflects all of what we really believe in in this organization. Since the [indiscernible] by pope leo the 13th in 1981, the catholic church has championed the dignity of the right of workers. In 1891 pope leo was concerned that low wages were keeping families from being able to provide adequately for their children. He was concerned about working hours that kept parents from being home to parent their children. He was concerned that the economic situation was forcing children and youth into the workforce, preventing them from getting an education. Are things very different today? A minimum wage job does not provide enough income for even two people to live above the poverty line. A family is in jeopardy if there is no health insurance for the worker, and that worker faces great uncertainty as they age with retirement benefits. I call on

city council to ensure that texas dollars from our citizens not be -- tax dollars from our citizens not be used to subsidize poverty for our citizens citizens. I call on our city leaders to pass an ordinance that ensures that whenever tax funded financial incentives are given to corporations, these corporations agree to support workers employed on these projects by paying the city-county wage floor or the prevailing wage if higher, requiring worker's compensation insurance, continuing emphasis on hiring to reemploy workers. Require safety training, encouraging workforce development, ensuring taxpayer return on investment. And allowing for reasonable exceptions. As one who also must live within a budget, I understand the importance of great stewardship, but the common good of our city requires that its workers be compensated so that they provide for themselves and their families. I call on our city leaders to do what is right and just. Vote yes on this item 56. Reverend joe vasquez from the catholic diocese of austin. And the clerk has been given copies of this letter and you can pass it out to all the council persons. Thank you.

[14:08:36]

>> Cole: Thank you very much. [Applause]. Angela baker? Oh, I'm sorry. Robin drake.

>> Good evening, mayor pro tem, council women, council men, city manager. My name is robin drake. I'm with the [indiscernible] local union here in austin, texas. I represent over 200 members. I just want to give you my little take on prevailing wages. Prevailing wages benefit not just the hard working men and women who earn them, but community as a whole benefits as well. Often saving tax dollars in the process. Public work process paying prevailing wages attract quality construction workers who develop high quality work on time and on budget. Professional trades people tend to be better trained, highly productive and more safety conscious and create a safer working environment for everyone on the site. Projects paying prevailing wages directly support apprenticeship programs that provide opportunity for members of a city's workforce serving as an escalator to the middle class. Prevailing wages support middle class incomes that produce consumer spending. Families supported by prevailing wage incomes often own their own homes that provide businesses with a stable, long-term customer base. Projects built with prevailing wages laws can save taxpayers millions of dollars because they're more likely to come in on time and on budget. Companies with low wage [indiscernible] hire low skilled workers and it can be a lower reliability on the ability to catch errors and emissions before roads, buildings and bridges get built, when companies are not required to pay prevailing wages, more people are paid very low or even poverty level wages. This often forces them on to welfare, food stamps or other government services, hurting taxpayers and hurting community's quality of life. Prevailing wage does not raise overall cost since higher construction wages are usually offset by greater productivity, better technologies and other employer savings. Skilled workers are 20% more productive than unskilled workers. Prevailing wage increases the supply of apprenticeships and worker skills. It raises health coverage for construction workers. Prevailing wages prevents the shifting of health costs to taxpayers and other workers. Prevailing wage improves wage and economic opportunities for the less educated workers. I hope that you will see there are more pros when dealing with the prevailing wages that would protect the hard working construction workers of austin. In conclusion please help me help the construction workers of austin who built this great city by including prevailing wages in these tax incentive deals. Please vote yes. Thank you.

[14:11:56]

[Applause].

>> Juan garza, is [indiscernible] here. I don't see joshua. All right. John gonzalez. Is john here? So one you have up to three minutes. The folks donating time are not here.

>> Thank you mr. Mayor, members of council. My voice is a little hoarse, so if you can hear me. First I am juan garza, a resident of austin. I'm here in my capacity as chairman of capital idea. Capital idea is a workforce development program that

-- whose mission is to lift people out of poverty through education. We have a very, very good success rate in helping people to get through college and to get themselves from low paying jobs on to much better jobs. People who are poor aren't poor because they're lazy. I know from personal experience that it just isn't the case. Most of you that know me know that I come from a family of migrant farm workers. My earliest memories are of working the field of illinois, texas, mexico and arizona. And wherever they took us. Breaking that cycle of poverty is almost impossible because those kids don't have access to a quality education with people who are stationary do have the idea of capital idea is for those who can get themselves successfully through this program the most wonderful thing happens. They get better paying jobs and their children do better in school. And the cycle of poverty is broken. And so I'm here to ask you to vote favorably with respect to the provision that deal with providing incentives for those companies that help

[14:14:11]

[indiscernible]. They are critical in lifting people out of poverty. I think it bears repeating that the job of creating jobs for your community is among the most important functions that you have, and I thank you for the attention that you've given to this matter. And I think it bears repeating for the audience that nobody likes to use tax dollars that go to corporate benefactors, but let me tell you, you're competing not just with other cities in america, you're competing with other countries in the world. It's a very tough competition out there. I don't envy you your job, but I would value your support for incentives to work on the program. Thank you.

>> Mayor Leffingwell: Michael cunningham.

>> Good evening, mayor, mayor pro tem, councilmembers. My name is michael cunningham, I'm the executive director of the texas building trades council in austin. We have nine local councils. The president of our local council here wouldn't be here this evening so I'm here speaking on his behalf also for the local trades council. I would like to thank the committee, councilmember martinez, tovo and morrison. Thank you for your hard work on this. I know everybody is tired and weary. There's been a lot of great comments here tonight on why we need to support this thing, and get this done and put this to bed so we can move forward in the city. We wholeheartedly ask you to support this resolution. The stakeholders, we've all been part of this thing of trying to

-- I think it's a good resolve to come to. Couple of comments made awhile ago about prevailing wages and how to add to the cost and their studies. I tell you, councilmember spelman, dr. Peter phillips and dr. Bill bellman on good studies out there on PREVAILING WAGES, Ph.D'S That have the effects on that.



One thing they talk about in this thing too is not just about living wage and prevailing wages, it's also about the benefit to community. One of the things we hadn't talked about was registered apprenticeship. I've been in organized labor and the trades for 42 years. So I've been around it awhile I'm also had the pleasure of being an instructor in an apprenticeship program for 19 years. So I know the benefit of a professional training program and what it puts in the community. I'd like to ask all the apprentices here tonight in the registered program to please raise your hand so the councilmembers can see who you are.

[14:16:59]

[Applause]. We had probably over 120 apprentices out front and in here to support this. What that does and what it puts into the community: If the unions weren't competitive how do we keep getting work? And how do we not run the costs up on the job? It's because we're more productive, better trained. We have a great training program. All of our programs. I would say just in austin itself our training program probably put in an estimated two million dollars a year in the community from training joint labor management programs with our contractors. That's one of the things that it puts in the community of getting young men and women on a good career path of learning a trade and learning all the facet of the trade, not just one version of a trade where you're stuck in that one version all the time. So if you look at that and look at the support of what this is going to do and benefit for the apprentices, the apprentices don't make the journeymen wage. We always talk about the high wage they make and davis bacon being a high wage, but when you mix the apprentice ratios in there, some of our ratios are very one to one, two to one. Things like that to try to go out there and try to bring our wages up.

[ Buzzer sounds ] we ask y'all to please pass this.

>> Mayor Leffingwell: Next speaker is lee shed. [Applause]. Councilmember morrison.

>> Morrison: Sir, I wonder if I could ask you, we're talking about prevailing wages and I appreciate you adding

-- shedding some light on that. It's my understanding and I wonder if you could speak to this, that the prevailing wages, sometimes we think of them as high wages, but they're functionally the average wage, the prevailing wages wage paid in the area. Is that correct?

>> If you look at how davis bacon is structured they usually do a wage survey. They're fixing to publish the new wage determination. There hasn't been one done here in many, many years. When the union prevails and the department of labor does for bacon davis purposes, those contracts and subsequent modifications are updated every contract change. This has been going on ever since davis bacon has been enacted. We thank the council for using davis-bacon, but it's the fair way of apples to apples on how the determinations are done. There will be different people that have different remarks that they're not done on a fair level. It's on the data submitted. And the unions have 50% plus one on the [indiscernible]. If they don't, then they're a weighted average and that never changes. If you look at the davis-bacon survey, it's been quite a few years here, 1991, so those wages have not been updated since then. But we hope the new determination coming out will bring a lot of the levels up. Most of the trade, the union trade we know start out at about 50% of a journeyman's wage. If you take a 30-dollar wage, most first year apprentices are making

[14:20:27]

[indiscernible]. That's putting into the community and investing in community and our programs are investing in the community.

>> And if I could just read to you what I'm seeing here is a quote that says the prevailing wage somebody

-- I realize it needs to be updated. Shall be the wage paid to the majority of the laborers or mechanics in the classification. So if you have people some people who pay lower and some people who pay higher.

>> When the federal government does their surveys under [indiscernible], what they do is go in there and they survey only journey persons. And if you count all your jobs that you turn in and they take the number of workers. Say there's 100 workers turned in for a pipe fitter classification. If 51 one of those were union and made that wage, then the wage and fringes prevail and are upgradeable every year until the federal government does another survey. But let's say that you had the 100 and only 49. They would take that 100 and they would average it out and divide it by 100 and come up with an average wage and the ones that had fringes they would do a weighted average on the fringes also by the ones that would have fringe benefits.

>> Morrison: Thank you very much.

>> Martinez: I think that's an excellent point and what most folks hone in on when they see that classification for prevailing wage at 25 to \$30 an hour. And the assumption is everyone that works on the electrical site after project that's making 25 bucks an hour. Is it in your experience that there are fewer journeymen than there are apprentices and other classifications that help that injury any man cleat that project.

>> Yes. You will see that in the ratios. All the apprentice programs have a ratio that they use on the job. They have it in their collective bargaining agreements. Even if it's not a union, there are non-union programs that have registered programs. They have standards that go by and have ratios to work also. A lot of companies choose not to have apprenticeship programs. This it for companies to use the apprenticeship programs programs for your future. A lot of guys are where we're at retirement age and we have to replace the people that come behind us.

[14:22:50]

>> Martinez: If prevailing wages says that a journeyman's hourly rate is \$25 an hour, the actual average wage of the electrical worker on a project is much, much less than that in the 17, 15-dollar an hour range.

>> If you use apprentices to mix the rate, if you have a classification that does not prevail, that is on the -- say you have a 12-dollar wage. Well, they have a registered apprenticeship program, that wage is a wage and they can pay that worker less than 12, but they have to be in a registered program to make less than the journeyman's scale. That's a lot of the miss gnomers that the highest paid crafts is the elevator instructors but they have the highest market square. It's a 60-dollar wage but the apprentices usually start off at \$25 an hour.

>> Martinez: And one of the provisions that we've

-- I want to speak to this briefly, mayor, is exactly that. That a company would qualify for an additional

10% tax incentive by using employers that are in apprenticeship and training programs registered with department of labor because we know that that is going to benefit the workforce later on. They will eventually rise to that level of the journeyman classification or whatever trade they're in.

>> Your future tax base in the city here and taxpayers and homeowners.

>> Mayor Leffingwell: Lee shed.

>> Mayor, mayor pro tem and city council, my name is lee shed. I'm also part of the labor union. I agree with jeff [indiscernible] first of all, living wages says it all. That's

-- it says it all right there. But I'm here to support the economic incentive policy. If we are going to provide economic, let's make sure incentives

-- let's make sure that the jobs we create are good jobs, jobs that provide a living and prevailing wage. Prevailing wage is not a bad word. It's nothing bad. It's a good thing. And we also need to ensure safety and provide a minimum training provision, training that is available to ensure productivity safety and a path to a career in the construction industry. We don't need anymore low wage jobs. We need good paying jobs. Thank you.

[14:25:37]

>> Mayor Leffingwell: Jim o'quinn. Carlotta garcia. I said jim o'quinn, yeah.

>> My name is jim o'quinn, a leader in austin interfaith and a small business owner. No study can justifiably argue using the taxpayers money to create jobs that pay poverty wages. Especially when both the council and the chamber share the common goal of reducing poverty in austin. It has been five years since our organization began fighting for a living wage. It has been one year since your colleagues on the special committee on economic incentives put together the proposal before you. And while the city waited countless slid into poverty. The number of poor increased from 42,000 in the year to 103,000 in year 2011. That is a 77% increase. 77% increase. In austin right now one in five adults live in poverty, one in four children live in poverty. They do not require that the jobs that are created to pay a decent wage. Is the city we want one where the austin subsidizes full time jobs that do not pay enough to keep families above the federal poverty line. Austin interfaith stands with workers and families. We not only stand at city hall, we not only stand serving at food pantries. We walk, we talk, we knock on doors. We speak to voters as neighbors and we inform these neighbors about how the city will respond to this tonight. So as parishoners, we connect the dots between moral values and the issues that influence our votes. We want to report good news to the voters that our city council cares about workers and is willing to invest in the city's children by subsidizing jobs that pay a decent wage. And our organization is growing. We welcome you to ask you to support the proposal put forth by your colleagues as a practical way to balance the demands of capital and the interests of our city. Thank you.

[14:28:42]

>> Carlotta garcia. Carlotta garcia.

>> Good evening. My name is carlotta garcia. I'm with our lady of guadalupe catholic church and austin interfaith, which is a broad-based organization of 35 institutions, churches, schools, nonprofit associations, and workers groups. And you can see us here. We're diverse in interest, we're diverse in

what we look like, we're diverse in what we come from and what we represent. But we are united on this issue. I'm here to say that my family caught the tail end of the american dream because of a living wage. When my father came to this country he came with a second grade education. An inability to speak or read in english. He was a construction worker in the 70's and the 80's. And back then he earned 18 to \$22 an hour consistently. That's not inflation adjusted. That was my father's wage. 18 to \$22 an hour meant that my mom was free to invest in my sister and me. She took me to the public library for story time. She traveled with me to the capitol. She was room mother at my school and led the local brownies too. The fact that my father could earn a living wage meant as a family we could trade tiny luxuries for education, books, enrichment. The living wage from my family meant that with a lot of hard work and sacrifices, the daughter of a construction worker could graduate from the university of princeton with a master's degree in public affairs. The catholic -- the catholic tradition calls on us as a city to ensure that workers earn enough for families to live in frugal comfort. Those were the words of pope leo the 13th. Adam smith the father of our market economy was similarly concerned about wages and he said that those who feed, cloth and lodge the whole body of the people should have such a share of the produce of the labor to be themselves well fed, clothed and lodged. Not just for them, but for their families. And he said this not out of concern of physical privation, but also because he wanted workers, quote unquote, to be able to appear in public without shame. In our own recent history as a nation the productivity of labor was more evenly shared with workers. When the tide rose in the 60's and the 70's, most folks did rise. My family's did. Don't city council has the opportunity to vote on the american dream. A yes vote signals to incoming and growing corporations that if we want our tax dollars, if they want our tax dollars, we expect them to pay workers enough so that the next generation has a crack at the american dream. We ask that you support the special economic incentives tonight in support of the city of austin living wage and prevailing wage, which is really just the average. Thank you.

[14:32:02]

>> Mayor Leffingwell: [Indiscernible]. Joe Deshaatell. Shaleen Walker is here? Goodish Shaleen is next. So Joe if you want to come close you can speak on this podium over here when she gets through.

>> Hi, Mayor and Council. My name is Shaleen Walker, I'm a director of the Sierra Club, a statewide chapter. We have about 21,000 dues paying members throughout the state. More than 4500 of those workers are here in Austin. In February of this year, 2013, the executive committee of the Austin regional group voted to support a living wage in Austin and strong safety standards for the men and women who build any project that benefits from economic incentives. The Sierra Club supporting this and similar provisions nationwide with enthusiasm because the essence of environmental, social, racial and economic justice can tell this to. We live in an ecosystem. The Sierra Club has long advocated that all construction projects supported by public funds be built to use energy and water resources efficiently. We now understand that they must also pay men and women who build and maintain them a living wage. And ensure their safety on the job. This last point is even more important considering the public health impacts of climate disruption on those who work outside. We appreciate all the work that has been done and we have not been intimately involved in it, but we believe that this is very important issue and we believe in justice. That's why we are supporting both a living wage and the prevailing wage

in our city. Thank you.

[14:34:11]

>> Mayor Leffingwell: After joe will be michael king. If you want to plan on speaking from that podium right after joe finishes.

>> Thank you, mayor pro tem and council. Thanks for having me. My name joe and I represent the travis county democratic party as communications director and I'm here to stand on behalf of my brothers and sisters of labor. Our friends at austin interfaith and the workers defense project in support of a prevailing wage for the people who build our city. To that effect I'd like to read a resolution that our committee passed this year in support of such a measure. Whereas the city of austin has done an admirable job in building one of the strongest councilmember martinez in the nation. Autopsy is the envy of the nation and we need to create good jobs for all workers in austin. The travis county democratic party executive committee inches the city council to make sure all workers benefit from the economic development incentives used to spur construction of many new corporate facilities in austin. To do so we urge you to require that all projects receiving these incentives provide the following. A living and prevailing wage so companies who build these facilities do not under/bid/( ed)by and drive down wages and pay enough so at a minimum a working adult can support his or herself. Safety training and worker's compensation insurance for construction workers and opportunities for local disadvantaged workers to find employment on these projects and to get the training they need to do so. Adopted the 30th day of january, 2013, signed executive committee, travis county democratic party. Thank you for category 4 time and we appreciate your consideration of this important issue. Thank you.

>> Following michael king at the other podium will be christina [indiscernible]. You have several donors. We'll call those out. Go ahead, michael.

[14:36:20]

>> Thank you, mayor, city councilmembers, thank you for considering this. I don't have all the studies. I'm not highly educated. I'm an electrician and I work with my and. I've worked in this city for over 30 years on all the major projects, the airport, the federal courthouse, amd's, motorolas, all these big buildings we worked on and I received a prevailing wage while I was working on them. Prior to that -- I'm going to go back. My study is my history in life. When my daughter was born I didn't get a prevailing wage. I was an electrician. I worked all day, I worked every evening when I could get a side job. I worked every weekend and we still couldn't make it. We were going to food banks. We were getting food stamps. I had a family of four, two girls and my wife, and it was a struggle. It wasn't easy, but we made it. My stepdaughter graduated from texas women's college with a master's. [Applause]. She's teaching

-- she teaches up in round rock right now. Couldn't have done that without the prevailing wage. It wouldn't have happened. My youngest daughter is 23. She

-- we have spent a lot of money at acc and she's in a four-year college now. Would not have happened without a prevailing wage. That's what it does for a person. It brings them up out of poverty and gives them a chance to make it for them and their family. There's so many out there working right now that

they can't do that. They have no hope. One illness, a car break, anything happens to them and it will devastate their lives. You can fix this for thousands of people in this town. You can rise them up out of poverty. There's a couple of questions here. Should working people get a living wage? Yeah. And should the should contractors come here with their handout wanting money from the city should they require that these people get paid a living wage? That's a really a no brainer to me. All the other things I think you can work out. You are smart people. You can figure out how to make it happen and make it work for the small businessmen and the contractors. That's going to happen. But what are we going to do with our citizens. It's our tax money, my tax money that goes into these 70 packages for these multibillion dollar companies that come in here wanting corporate welfare from us,ing it from us by threatening to go somewhere else. Let 'em go!

[14:39:02]

[Applause]. This town has plenty of stuff to offer. Terry going to come here anyway. This town is going to come here anyway. The marriott is going to get built because they will make money off of it. They will make money off of it. The infrastructure is here, the weather, the people. Say yes on this bill. Thank you.

>> Cole: Christina? Several people have donated time to you. I need to make sure that you're here.

>> I need no more than a minute half.

>> Cole: Vick core I can't [indiscernible] donated time to you. [Indiscernible]. I have to read it for record. Jennifer scott donated time to you and marissa o'campa has donated time to you and you just want a minute and a half.

>> I appreciate their generosity, but I don't need it. I want to thank you for sitting and listening to the testimony of many people. We know this is an issue that you have looked at for a long time. But more than anything it means so much to us that you're listening to the people like michael king, an electrician. We know I've been coming to city council almost eight years along with my co-workers and no issue brings [indiscernible] like the issues that you guys are looking at right now. Those are the voices that are most important in our democracy and often times the ones that get frequently ignored. Thank you for taking the time to listen to their voices and taking them seriously. We really, really appreciate that. In honor of them coming and participating, about 50 people said I've never even been to city council, but I'm really glad I got to come on this issue. And in honor of the construction men and women that work so hard in our city I want to ask that you honor that difficult and dangerous work. They risk their lives unfortunately to build our city and ensure on these projects we give the construction workers a prevailing wages and living wage so we can protect the good jobs in the city and remain and try to lift up all the standards for the workers. For every job created on tax incentives, our tax dollars, the construction workers who build this city ensure they are safe, good jobs. We don't think that that's a lot that we're asking for. These are basic things that everyone should have. Unfortunately not everyone has them, but you have an opportunity to help raise the standards for the construction workers in our city and what you're doing here is leading an example not just for texas, but the nation because people are looking at the work you all are doing here and talking to us from across the country to say how can we be more of an example like austin is being? We hope you will continue to have that leadership and vision for our city that includes everyone and not just a portion of the workforce. Thank you.

>>

[14:42:05]

>> Cole: Phillip lawhon. And david martin has donated time to you. David, are you here? I don't see david. You have three minutes. Next we have thomas d.O.D., who is here.

>> First off, I want to thank councilmember martinez and tovo and morrison for serving on the subcommittee and bringing this forward to the council. I want to thank the rest of the councilmembers for hearing me out this evening. What I'm passing out here is just a little breakdown on a prevailing wage composite crew rate. If you notice on the dol wage determination it says [indiscernible]. That is for a journeyman electrician. That is for a journeyman electrician that went through a five-year apprentice program who went to school four or five nights a week away from his family to get a good education to become a good crafts man in the electrical career. If you take -- mike talked about apprentice ratios. If you have one journeyman electrician making 26.18 an hour you add three apprentice electricians with them, two first years and a third year, your average rate is \$17..35 an hour. That's the wage burden on the contractor. It's not what you see specifically as what the wage rates are so r. Set for the top level trades man in that classification. That's what you see on the prevailing wages package. So it can kind of be misleading if you really don't understand it all the way. I've sat through all the stakeholder committee meetings except for the one that the staff held because they did not invite any of the workers to that stakeholders meeting. The recommendations that they gave to you guys for not going the recommendation from the subcommittee. I just want you to know that we've worked with capital ideas, skill point alliance to bring disadvantaged workers, people who might have criminal backgrounds. Might not be able to afford to go to college due to their financial situation with their parents. And we get them into skill point alliance, capital idea, get them high school diplomas, get them educated to get into the construction industry and at that point in time they get into our apprentices, not just the union ones, but also the non-union ones. This is a worker related issue and getting them the training to where they can become a good skilled crafts men and make the \$25 an hour. Once they get into the apprentice programs they have access to benefits and retirement and this is all provided through the prevailing wages that are implemented on these projects.

[14:45:23]

[ Buzzer sounds ] we hope tonight that you guys vote keep the area standards intact. Vote for prevailing wages and the wage floor and keep them as a standard. Don't take down the area standards and leave the workers at the bottom. Thank you.

>> [Indiscernible].

>> Mayor pro tem, councilmembers, thank y'all. We appreciate all the work you've put into this project. I represent local union 286, plumbers and pipe fitters here in austin. We have about 1165 members and roughly 20 percent of those were apprentices. We talked about apprentice quite a bit. One part that we haven't talked about is that we take these young men and women that don't want to go to college or can't afford to go to college and we bring them through a five-year college of our own, teach them a trade with very well paying wages and benefits. And that being said we're about 20% of them, but this year alone and local 286 we interviewed 200, right at 200 applicants to accept 60. So there's 140 people

that we had to turn away because when we accept these guys we do a projection of how many workers we'll be able to work, and this bill

-- this program through the prevailing wage part will help expand that and allow us to start accepting a few more. We hate turning people away. These are people that want to make a good wage here in austin, and they

-- it's terrible that we can't train them all, but we don't have places to put them to work. I beg y'all to help us push this through. Thank you for your time.

[14:47:28]

>> Cole: Thank you. Next we have edward lowenberg and then we have greg cesaro.

>> Thank you, mayor pro tem and councilmembers. My name is ed lowenberg and I'm the chair of the m.B.E., w.B.E., Small business advisory committee. I'd like to state first just a few facts of what our committee found and what we had passed as a resolution. We took three months of

-- of comments from the community and what we finally came up with is that in those three months we never had anybody come before us. We had basically small business owners, minority business centers and women owned business owners come before us and tell us that the 11-dollar minimum wage would hurt them. Would hurt them if they

-- in administrative costs, in jumping from jobs that were \$11 minimum to out in the public where there was not a minimum wage. We finally came to a resolution and we supported the prevailing wage. And I think that's where we should be. It's not we're opposed to having both of them apply, they just do not mix. On a personal note I started 36 years

-- 36 years ago in construction. I've been in construction all my life. I started as a laborer making two dollars an hour. I had

-- I was incentivized to work my butt off to get into a higher classification. I got into the carpenters, I started working as a carpenter versus a carpenter's assistant and a carpenter. I didn't want to stay in the entry jobs. Entry jobs are just that, they're entry jobs. I see that there are a lot of union representatives here talking in favor of the lower

-- of phasing the minimum wage to \$11. I would implore them to accept everybody that comes to them and have them in the unions. I tried to get into the unions when I first got in construction. It was very restrictive at the time. 38 years ago it was extremely revictim active. But I would implore that all the unions accept more members, accept these entry level people and train 'em. That's how I think they will advance. Thank you.

[14:50:38]

>> Cole: Greg. A lot of people have donated time to you. Amy price, are you here, amy? Bowman mcmahon. Greg, where is here? Page McKeen. [Indiscernible]. If I want somebody else to donate time to you, I could not locate bowman.

>> I think I can make it. A lot of folks before me and after me

-- first my name is [indiscernible] and I am the political director at the workers defense project. So a lot of people before me and after me, we'll talk about why pa ising this policy is the right thing to do. And I



don't mean to disappoint anybody, but most of my testimony right now is going to be about math. And so I know this excites councilmember morrison, speakingman. So most of this is just going to be math. I know that studies got cited by mr. Ford

-- or mentioned some sort of studies. There have been a large number of studies about the impact of prevailing wage because prevailing wage got repealed in several states throughout the 80's and 90's. There's a long list of them, but the ones I've read are by bellman and [indiscernible] in 1995 from 1995. A 2006 study by the fiscal policy institute and an expensive study by industrial relations across 50 states from 1991 to 1999 of school construction projects and states with and without prevailing wages laws. And all thee of those studies basically found that prevailing wages didn't necessarily cost any more or any less than contractors who undercut the local market. What reason is there for that? I forgot to mention one more study from the economics department at the university of missouri. And the missouri study looked at kansas city because it borders

-- it sits on the border of kansas and missouri. And the missouri prevailing wages was required in kansas, it wasn't. And missouri had some very far right leaning groups that were taking over the missouri legislature who wanted to get rid of prevailing wages saying it would bring costs down. So they did the study of kansas city and across the great plains. And what they found was that projects didn't cost any more or any less in either state. What they found was that workers made less in kansas and made significantly more in missouri, but business models were shaped differently in different places. In kansas, contractors found the easy way out. They treated people lining tools. They didn't train them. They paid them less and made their frosts off of the back of kansas people. But in missouri the playing field was level. Wages were maintained the 20 years african can had gotten rid of their prevailing wage law and businesses had to find a different way to make money like productivity, efficiency, getting the project done, training people and retraining employees instead of just picking people up, throwing them on to the job whether they know how to do it or not, not caring whether they get hurt or not because they're not paying much for their wage. And that is what the unions who have spoken here do. And the reason they don't take very many members is because the business models are being built especially in the state of texas against workers where they just treat workers like a tool. Instead of what mayor pro tem cole saw with this last night which is young men and women who sometimes have faced seriously difficulty getting trained and therefore being able to move up into higher wage jobs. So there's all those studies and I know that everybody has got studies on their side. I do know there are some studies saying this costs 10% and the reason that maybe he didn't cite the study is because it's being debunked because what they compare is public projects and private projects. They'll compare a school and then something the same size as a school and say look at how much more the school cost. It's because we build our schools for kids. We build our schools because we're going to keep 'em. We're not going to sell them. So when people study public projects, they cost more in prevailing wage states than non-prevailing wages states by the same proportion because you guys build a good building. Thank you.

[14:55:09]

>> Cole: I have a question

--

>> I'm not done, but you can ask me a question.

>> Cole: I'll remember.

>> But like I said, everybody has got their studies on either side. But I do have one more math problem that isn't across 50 states, it's just here in the last year. And the key number is the number two. How many economic incentive deals have we passed since the special committee took a vote showing the construction workers matter in incentive deals? We passed two deals, visa and national instruments. And the mayor in the work session, and I respect his opinion, thought that this policy if it passed would be a job killer. It would end deals. Let's imagine as a hypothetical that we passed this deal a year ago. Let's say the mayor voted for it a year ago in special committee. That's a quorum basically and we would have passed it. Let's say we passed it a year ago. Would we have passed those two deals? The news is we actually have a hypothetical we can prove. National instruments and visa both had construction processes and accepted living and prevailing wages without batting an eye, they brought it forward themselves. [Applause]. The difference between having this policy and not having this policy is that construction workers got treated better. They got osha [indiscernible], worker's comp, a living wage and pathway upward and some hope. And we incentivized responsible business practices that invest in human capital instead of business practices that just don't care about folks, they just care about making some money. We need to incentivize the latter kind of business

-- sorry, [indiscernible]. But seriously, we can

-- I'm very supportive of the affordable housing bonds. Our organization was phone banking to bring people here. We're telling people to go vote and then come here. And we can pass affordable housing bonds every year and we won't find enough housing for people. The legacy had just opened yesterday. 10 times more people applying than they can house there. The root problem has to be addressed that we aren't making jobs that take care of people and we need to push for those business models. And what better place to do that than in the economic development policy. It isn't just about making more jobs, it's about making jobs that take care of people and making sure that companies do it. Now, peers and colleagues at the chamber might say I'm cherry picking these last two deals. I don't think I am because other companies said to you we were blindsided. We didn't know that construction mattered to you guys. So we didn't know. We sent somebody here who didn't know anything about construction. Hiv global came and said we don't know about construction. When councilmember morrison asked them for the construction, they sent us two sentences saying we don't know. But once people knew they brought it. Hiv global didn't want to pay prevailing wage. Guess what? They are. They found out that it's not so expensive and it gives them good work. They got the lowest bid from the electrical workers,, from [indiscernible] who is working on it. Apple has the iron workers getting paid prevailing wages and the plumbers and pipe fitters. Apple is not only paying 11, but they're paying 12 just because we asked. How could it be so expensive? The fact of the matter is it's not. Let's say, for example, that national instruments it costs them two percent. That would have been the incentive. So why would they have taken the incentive and expanded in austin? The fact of the matter is they can

-- if they calculate it out, they can get those companies to bid on it that treat their workers here and those companies can thrive and other companies can aspire to be with those sorts of companies that take care of austin construction workers and make sure there's real working class jobs in the city instead of poverty wage jobs, [indiscernible] jobs and people with great tech jobs because a lot of unemployment in the city has to do with people not wanting to go lift tile for 50, 60 or 70 hours a week for eight dollars an hour without overtime, without rest breaks, which is what's happening all over the

city. You guys know it just from the people who are here can tell you. The marriott, they didn't do it. You can look at them, hundreds of contracts. They said nothing about prevailing wage. They want to go and pay lawyers on top of lawyers who are suing you. Paying lawyers to go and rewrite over 100 construction contracts, maybe hundreds of rooms when they're selling rooms already for south by southwest. They're not going to do it. And they just got local incentives. If you were doing a math problem you need to include the state incentives that are getting poured into this as well. Nine million dollars to apple meant 21 more from the state. The cost of prevailing wage and living wage is negligible because  
-- and people are doing it.

[15:00:06]

[One moment, please, for change in captioners]

>> ... This client proposal balances business and workers fairly well. I will argue it still gives more to businesses

>> if you move the wages to the private section, it will go to 90% bonus. It will locate

-- that located near transit center, they obtain leed certification. They got the high score

-- I want to see what this is. I wrote this out while we were singing outside. And they are located in a regional summer, lead, silver and met a second threshold. They pay prevailing wage to safety and workers comp for the 1 point 7 million-dollar incentive, with this one they would have gone to 3, almost doubled their incentive. They did living and prevailing wage for 1.7 million but under this policy, they would have gotten it to 3. If you move it to the bonus section, you are giving more away and we are getting less than we would under the old policy. We will continue coming back and asking for living and prevailing wage and get it with less incentives. But this current policy we will get a living and prevailing wage on every deal and create a pathway as well as a floor and safety and workers comp and if businesses can't make ends meet for them, they can give a few more community benefits, debt for tax rebate and they are doing economic redevelopment for construction workerses. If they still can't do it, they can fill out exception form and explain to us. Give transparency instead of sending us a little two sentence note. Why should wages and things for construction workerses be a requirement? Because the economic inequality in this city, the growing between the haves and the have nots will only be filled if we have the jobs and that's for economic development. It is so hard to address this problem. This is a way to do it. I know you are trying every day. So please, please, vote yes on this bill or if you have to change something, allow exceptions for prevailing wage but at least ask for it because we will get it.

[15:03:22]

[Buzzer alarming] if you don't ask for it, then they will keep doing on the high-rises and not paying people every time.

>> Mayor Leffingwell: Your time expired.

>> Thank you so much. [Applause].

>> Cole: Mayor

-- mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Greg, I wanted to understand a little bit more about what you were saying about the business model of what you have seen from the studies. On the one hand I hear the studies that do not support paying prevailing wages and that's because of the construction costs, running anywhere from 4-10%. But it was interesting. What you were saying was the way they view their business model is different. Can you explain that a little more?

>> Sure. So I will give you an example. Apple, you did not require a prevailing wage from apple. Why did they choose to pay prevailing wage to all of the electrical workers? Because they worked with a company that saw investing in people, like phillip said, at their first year at 12 bucks an hour. After they go to school every night, getting them up to 14 bucks, and then two years, moving them up towards the change of the dream and level. That's the kind of business who delta sometimes is way cheaper than other business models but sometimes it gets

--

>> Cole: You are saying it is in the training?

>> Yes, because they invest in human capital. That's the idea of having wage protections is you can have businesses that make money and in a different way than lowering wages and just relying on social safety net to sort of keep our austin the way it is, so if

-- we either want businesses to take care of folks or it's going to end up being all of us here who take care of folks. There is no such thing as a free lunch, at least for the city council.

>> Cole: Thank you.

>> Spelman: Mayor, quick follow up.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Greg, you mentioned apple is paying prevailing wage for electrical workers. Are they paying prevailing wage for all of the other classes of workers on their job?

[15:05:23]

>> When apple came here they agreed to 12 hour minimum and we have been visiting the site and making sure it is met and we mostly talking to those folks but I think other people can speak to it. Ironworkers, insulators and electrical workers are getting prevailing wage and the idea is that prevailing wage doesn't have to cost more. Why would they go and do that if it costs more if they needed it.

>> Spelman: To answer my question, are they paying prevailing wage for all classes of workers on their job?

>> I

-- I don't know because they don't commit to it and they have over 1,500 workers there so we haven't interviewed each one but the classifications on the sheets, they are paying prevailing wage to them, probably not because they want to invest in hew can capital themselves but probably because there are some businesses that invest in human capital that can compete and what we want do on future deals is to help those businesses compete. And I think if we ask for it, we will get it, and that's what we saw with national instruments. In fact, we hardly asked for it. They just watched.

>> Spelman: Thanks.

>> Can I ask you one more question briefly? If

--

>> Spelman: Under the rules, you can't ask me

-- would you like to ask me a question, greg? [Laughter].

>> If

-- if living and prevailing wage costs so much and national instruments and these have had plenty of time to look at this before approaching us, why would they take the incentive and voluntarily bring this forward if it wasn't something that they could quite easily do, even if it was (indiscernible).

>> Spelman: I can think of a lot of reasons for doing living wage and several reasons but fewer on prevailing wage and I am still working on it.

>> Thank you. [Applause].

>> Mayor Leffingwell: And one quick comment. To put all of this in perspective. In the last ten years, since the city of austin has had an economic incentive program, we have entered into agreements with 15 companies. So what we are talking about is a very small percentage of the construction work that goes on in this city. So, you know, if

-- if you want to say that you are able to achieve these kinds of wages and these kinds of deals and companies will still accept these agreements, and that happens, you still, bring it back to earth, have only made a small dent in it, very small. Just to manage expectations. Mike robins. After mike will be brandon teeman on the other side.

[15:08:14]

>> Mayor, mayor pro tem, members of city council. Thank you first for allowing me to come and speak. I am mike rollins and represent the austin chamber of commerce and opportunity austin. As you know, we have been a strong partner with the city for the last ten years. Ten years ago we were here talking about how many tens of thousands of jobs that this city had lost and how much billion dollars in payroll we had lost in three short years during a recession. As we all know, we, as a community survived the last recession, 2008-2009 recession, as one of the strongest economies of the large cities in the united states, and I think that is a credit to the policies that were put in place in 2004 and it had been administered through 2012 and the discussion tonight. I think the heart of this, we were looking for ourselves and continue to be competitive. I will tell you as the revisions are being put forth on this, we are opposed to that. Now, we believe that we can get to some strong amendments that we can all work together on and be very positive and continue to be very competitive for jobs for families of austinites. So we are here tonight to thank you for your efforts to review. We have been having a strong policy for the last ten years. We urge you to continue to be competitive and that we will be glad to work with you on key amendments and move forward in a good pace for our economy here. Thank you. I am happy to answer any questions.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Thanks, mike, and I truly do appreciate all of the time the chamber has spent with me, my staff. I think we've done everything we can to incorporate many of the suggestions, not all of them. I think there are still some differences of opinion on some of the proposal. I wanted to ask you what specific amendments would you like to see in this so the chamber can get on board and we can move forward?

[15:10:26]

>> Thank you, council member. I think the one we would most specifically like to see as a bonus, we would like to see as

-- I think earlier stated this evening, that it is an incentive for more business to come here as bonuses and that would be the prevailing wage. We would like to see that in there. We believe you have addressed the \$11 by making it an exception on that, as it was one of our initial concerns, is you may well be aware of.

>> Martinez: And so putting the prevailing wage in the exceptions process, you believe, would still be a hinderance to potential companies?

>> Yes.

>> Martinez: The contemplation of the bonus section of this policy was specific to having prevailing wage and \$11 an hour in the gateway requirements to seeking an incentive. It was a means to treating those companies with, I guess, additional respect to giving them options to achieve a higher threshold that staph give them as an incentive, as mentioned in the national instrument case, even with the staff recommendation and even applying living wage, they only received 50% abatement under this policy as it is drafted, national instruments would qualify 90% and more than likely gone for the additional 10% through another bonus provision to receive 100% tax abatement. So I want to be real clear, by moving to bonus section, you will give every company the ability to achieve 100% and they will more than likely never pick the prevailing wage which means we've got a worse policy in my opinion because of what we have in place because its gives more incentives away and does less for the workers but we will take that up later and take that into consideration.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: While mr. Rollins is here, I would like to

-- you were talking about amendments. I want to be sure you are on board with the vast majority of the provisions which are new in this matrix and there is a nice list diocese, and I want to work through this and see if you agree. Paying the city/county wage 4. Agree with that?

[15:12:49]

>> That is the exception that was recommended

--

>> Spelman: Mr. Vasquez mentioned, requirement of workers compensation insurance, continuing emphasis on hiring hard to employ workers.

>> I am sorry, I could not hear you.

>> Continuing emphasis on employing hard to employ workers. Chamber okay with that?

>> I think we are feign with that as a bonus in it, yes, sir.

>> Spelman: That's where it is. That's what I think we are talking about. Requiring safety training.

>> Yes.

>> Spelman: Encouraging workforce development?

>> Yes.

>> Spelman: Ensuring tax payer return on investment. That is the loci analysis.

>> Yes.

>> Spelman: And applying for reasonable exceptions.

>> Yes.

>> Spelman: So the difference between the chamber position and the position here is on the prevailing wage. Is that right?

>> That's correct.

>> Spelman: Okay. I just wanted to narrow it down. I have one other question on the prevailing wage issue. Mr. Kasar mentioned a few minutes ago, well, why not try it out and experiment with it and see what happens. If it turns out it doesn't go well and nobody shows up on your front door, why can't you just take it out. Is there a problem with that from your point of view?

>> We support that it be in the bonus section as suggested. We believe that is the approach best at it. Up to us, a lot of it is we don't know what we might be losing because of it.

>> Why wouldn't we know what we would be losing?

>> Because many businesses make a determination prior to coming to our community on whether or not they believe that this would be a community that would best bit with their business. So they never do contact us and never move forward in the process to understand maybe some of the exceptions or the bonuses.

>> Spelman: So the fact that we would be requiring prevailing wage possibly with an exception would be a kill shot for some?

>> It would be a deterrent for some businesses.

>> Spelman: Okay. Could you characterize what kind of businesses would be particularly put off by this? Look at that

--

[15:14:50]

>> I think --

>> Spelman: The national instruments and visa seem to be okay with it. Why would a business look at prevailing wage and say, I can't go there?

>> Well, I think there is a lot of reasons that drive a business on a decision like that, council member. I think it has to do with the overall costs it may be for them to construct

-- because this applies as you know, to ground-up construction and I have again heard tonight various amounts that the increase is, whether it's on the 5% or someone said earlier 10%, you are on a 300 million-dollar project or a 500 million-dollar project becomes significant dollars. I believe if we went back over the last 10 years and looked at the average incentive that has been provided by the city of austin, it's well below a half a million dollars on average, which remains to be \$50,000 a year over the ten years of the common practice of the agreements here. So those dollars, not necessarily, offset the increased cost to it.

>> Spelman: So particularly with dealing with a big project, the people who with doing ground-up construction would work at air policy and say when we talk to austin, there is no point?

>> It may be that way, yes, sir.

>> Spelman: Thank you, sir.

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Mr. Rollins, you talk about the fact companies make their determination on whether they are coming here based on basically what we do tonight and what we put out in the criteria. We have to be careful in that they would have some concerns about prevailing wage not being in a bonus section. I want to know what you can tell us about some of the cities that you compete with and how they handle prevailing wage.

>> You know, I could turn to some of my colleagues here to answer specifically about the communities, but there are communities in the united states that have required prevailing wages for sure, and there are other communities who have not. I think you can track a lot of those to see who has had more prosperity through the citizens through the jobs and it would probably be the ones that are those not on the requirement side for businesses coming in but would be able to look at it more as incentive basis. If you do good practices, this is what our community values are, and we place a higher value on that.

[15:17:10]

>> Cole: Okay. Thank you, mr. Rollins. I will ask more questions later when we get to deliberations. I know there are speakers waiting.

>> Mayor Leffingwell: Looks like mr. Porter may have something to adhere.

>> Regard

-- I am dave porter with the austin chamber. Regarding the prevailing wage, our research shows that no other city in the state of texas requires for construction workers prevailing wage in their incentive agreements. We also, our peer cities of nashville, raully, duringham or phoenix neither have a prevailing wage component. The closest it ever came to, somebody was mentioning kansas, greg, thank you. That's my home state, but lawrence, kansas once considered that and they decided not do that. It would, to them, it would be

-- make them less competitive to attract jobs so we are the only city we know of that has a prevailing wage construction tied to incentive deal for firm-based projects. I am not talking about the w marriotts. I am talking about the firm base for this. We are the only city considering doing this.

>> Cole: Thank you.

>> Mayor Leffingwell: Brandon teeman. Fernando rios. Okay. And after fernando will be emily tim. Emily if you are here, you might want to get ready on the other side.

[15:19:20]

>> Ing good evening, council. My name is fernando rios and I'm a student at the university of texas at austin. I am here to support the policy and the advancement for working conditions in the state of austin. As we know working conditions for the workers in state of texas are the most difficult and dangerous in the nation. Prior to attending u.T., I worked summers as a construction worker, I came to realize the danger that I faced when my coworker was rushed to the er after he misfired a nail into his



head. Unfortunately thousands of men and women continue to face these dangers. Not only do workers experience physical harm, but after seeing injuries on the job, many may be damaged psychologically. High temperature conditions in our state make it extremely dangerous for construction workers to go long hours without rest, increase the risk for accidents and lead to hundreds of deaths. It is my experience that leads me to understand why families and workers seek your support to improve working conditions. With proper regulation, we can ensure that both employees and employers can work together to provide job safety. As supporter of this city ordinance, I believe we can take that step by passing item 56, which will ensure that all developers who receive incentives from the city will provide osha training, safety procedures for all construction workers, a fair minimum wage, a safe workplace, and workers compensation. Our city owes it to its workers to provide living wages and safety at work. This ordinance is not a luxury but rather a necessity that will ensure that construction workers are treated fairly. The workers defense project, students at u.T. And families in our city is for your support to pass item 56. Thank you.

[15:21:29]

[Applause].

>> Mayor Leffingwell: Okay. Next speaker is emily tim. Donating time is bridgette hall. Bridgette here.

Blake pyland. Blake, are you here? Not here. You should pass

-- give me all of those and I will pass them down. Jose rocha. Soon garcia, soon garcia. So several of your donors are not here. You have up to 6 minutes.

>> Great. Plenty. Good evening, mayor and members of council. My name is emily tim and I am the deputy director of workers defense project. I had the opportunity the last five years to work with all of you to make austin a safer, more prosperous place to live that works for all members of our community. I want to thank you for the support in the past, that required forest break for workers and being a leader and requiring safety standard training and requiring decent wages and training on developments receiving public tax dollars. These initiatives were the first steps in setting off another growth pattern that benefits not just the well off members of our community and the businesses who come to this city but the working families who make such important contributions to our city. Your vote tonight in favor of an incentive policy that requires a fair wage, safe working conditions, and benefits for families is the next step in ensuring austin embarks on a pathway to shared prosperity, not deepening inequality. Not only do workers and their families support this initiative, but a broad base of communities allies and community organizations support it as well. I'd like to mention a few of those. You have been handed a packet with several letters of support. Travis county democratic party. Austin tejano democrats, slack austin democrats, austin young democrats. Sen central austin democrats, texas league of latin-american citizens, liberal austin democrats, sierra club, livable city, former commissioner, sarah eckhardt, county commissioner and margaret gomez and more among them. In addition to the letters of support, more than 60 community organizations, state institutions and labor groups have signed on to build a better texas support with the standards being proposed, decent wages, safe working conditions and benefits for working families, and not to mention the hundreds of austinites who came out tonight to speak on this issue and to find out how you were going to vote on this issue. Can everyone here who is in support of this policy raise your hand right now. Tonight, austinites are asking for your vote in favor of our shared

values, and let me be clear. The question of moving the prevailing wage into if bonus section does not fulfill our values of ensuring decent wages for working families, wages that allow them to get by and prosper. We need incentive policy to ensure economic development doesn't similarly mean tax rebates for corporations but truly results for shared prosperity for all austin residents. I ask you to vote to require wages as part of incentive agreement to ensure for the future development of austin. Thank you.

[15:25:11]

[Applause].

>> Mayor Leffingwell: Royce hall. Is royce hall here?

>> Yes.

>> Mayor Leffingwell: Do you want to speak? Donating time is kevin ashcraft. Not here so you have 3 minutes. Next speaker is robin guzman. Is robin here? You have 3 minutes.

>> I am a native of the capital city and here to speak about item 56. I am also representing the workers defense project and I am a committee member of

-- for workers rights. Please vote for the living wage, osha training, workers comp and safe working environment. Unnecessary deaths and injuries are high in the capital city. However, by providing safety measures like workers comp insurance and safer working environments, the capital city can bring down these negative statistics of death and injury to a minimum. Speaking of minimum, if you don't like the minimum wage, the people of austin was r wouldn't mind

-- the people of austin wouldn't mind if you voted for the maximum living wage. For those of you for the four strongly concepts, please raise your hand so we can see you. By recognizing the important -- capital city would serve as a worker friendly city. These are important items. I am sorry, and will lead the rest of texas in slowing down the deaths and injuries of disadvantaged workers in making the capital city more safe construction employee friendly city. Thank you.

[15:27:18]

[Applause]

>> Mayor Leffingwell: Robin guzman is not here. Zachary.

>> Right here.

>> Mayor Leffingwell: Robin. Okay. I called you before and you didn't respond. Is zachary wheeland here? Not here so you have 3 minutes.

>> Okay. [Speaking spanish].

>> Good evening, council. My name is guzman and I'm here with workers deference project which is a group that works with workers through workers rights. And the real reason why we are here is to

-- is to ask you to please give workers good jobs. I know personally I have experienced wage theft. I have experienced low wages and not

-- and not respect on the job and I know that we really need your support as

-- you as powerful people can give us this

-- these better jobs. Please vote yes tonight and thank you so much for your attention.

[15:29:18]

[Applause].

>> Mayor Leffingwell: Jacob ben. Jacob ben.

>> Here.

>> Mayor Leffingwell: All right. Come on down. After jacob is philimon salis. You will be the next. You have 3 minutes.

>> All righty. Hello beautiful city council members, mayor pro tem and mayor. You beautiful people are here because we believe in you to spread fairness and unity throughout the city of austin with humane decisions. This may found redundant but I think it speaks to the belief of the amazing people of austin. We want to be treated fairly and respected and this is the power of democracy. The power of people demonstrating what we want and as representative of us, this should be an easy decision. I heard a gentleman state that the economic attractiveness of austin should be at risk. I don't think people should suffer for the economic attractiveness of austin. People's lives should not be sacrificed for the economy because the people are the economy. We must

-- we must live and govern ourselves from a place of love and compassion. I think austin shows respect for its workers and people. They may offer people well-being. When you support higher wages, you support people. When you support people, you support community and you support love. Thank you very much. [Applause].

>> Mayor Leffingwell: Philimons salis.

[15:31:26]

>> My name is phillip gonzales and I am here with workers defense project. And the reason we are here is to ask for more support from you, for better wages for all workers and for safer jobs for all workers.

[Speaking spanish].

>> And we want your support because we don't want to continue suffering the abuses that we suffer in our jobs. I see many accidents because of lack of safety. Like the one that happened here at 21 rio about two or three years ago. Three of my best friends died there and that's something that we can't forget. What we want is more support for workers. Pay attention to these issues. And higher wages because what we are earning now isn't enough to provide for our families to really provide a home. That's all for now. Thank you.

[15:33:37]

[Applause].

>> Mayor Leffingwell: Okay. Next speaker is geovani mandragon. [Applause] and after geovani, we go back to roberto mario is here now.

>> (Indiscernible).

>> You will be next after geovani.

>> Hello, council members. My name is geovani and I am a concerned consist of this city and although I

am young, I care about this city, the city I was born in. The construction industry is dangerous and it is only fair for construction workers to get their medical bills paid for if they get hurt on the job. Also, every citizen of this city should not have to work long hours and still worry whether there will be enough to provide for themselves and their families. City, council members, please support item 56 and thank you for your time. [Applause].

>> Mayor Leffingwell: Okay. Humberto. How about Juan Cardoza. Okay. You have up to 6 minutes.

[Speaking Spanish]. How are you, how are you council members and everybody present here. I don't need notes to tell you what happens. What we see every day we already have it engraved like a sun in our hearts. We are asking for the people who want to build here, yes, we want them to build here, but don't build here at the expense of

-- of deconstructing, of destroying the lives of workers who build. I have been a witness to this for many years at workers defense project. We see accidents every day and it's

-- it's time

-- it's enough. We can't provide. And it's time for developers who receive incentives to

-- to work for the good of workers. I hope that you garner a deep consciousness of these issues and that you support us in our demands. Our voices are being heard. We are making known our needs. Lastly, we ask that companies who want to build here, that they build, but not at the expense of debuilding the lives of workers. We want a good wage, a wage that allows us to take care of all of our expenses. And we ask you also that you don't take out the prevailing wage provision because it is really important to us. It is critical to us. Thank you very much and I hope you make the right decision, council members. I do have a question for you, could you make it known publically how many people signed up on the record for this proposal, for this item?

[15:39:42]

>> Mayor Leffingwell: We will figure that out. [Speaking Spanish]. Thanks so much.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member Martinez.

>> Martinez: I believe it was 250 in favor and four against. [Applause]. One neutral, three against.

[Applause]

>> Mayor Leffingwell: Around that's of approximately 852,000. Manuel Rod. Ma Rodriguez.

>> He is here.

>> Okay. You have three minutes. [Speaking Spanish].

>> Good evening, my name is Manuel Rodriguez. I work in construction. In the last ten years, I've worked in different kinds of construction. I have done this because I want to earn a higher wage. I have moved companies. However, when one achieves 50-cents more in their wage, that increase doesn't last much because of life expenses. I am remembering ten years ago, gas was around 1.30, 1.50. However, wages have remained the same. We as workers, we want to improve our lives. We want to earn more to be able to provide for ourselves and for our families but sometimes the costs are too high and it tips the balance. When I ask you, council members, it's time to look at the working class. We want to improve our quality of lives. Not for ourselves but for our family. And in this way, we can make sure our children have a good future. For these reasons, we ask you to make a decision that will allow us this dream.

That's all. Thank you.

[15:43:35]

[Applause]

>> Mayor Leffingwell: Oscar leva. Three minutes.

>> Thank you. My name is oscar leva. I am the new intake coordinator with the workers defense project and a student at u.T. At the cost of most likely not losing my job, I hope that one day will ever have to walk into our offices to tell me that they have not eaten in the last week. To tell me that they can't afford food for their children, that they haven't gotten paid, that they lost a finger, that their leg is broken, that their arm is slit open. I hope never have to be there my whole life to sit there in front of them and watch grown men cry at the stress and pressure of an inability, a lack of will and power to say I can't even maintain myself. I haven't even

-- I can't even go to work or I can't even work because I am injured, and it saddens me and it makes my blood drop and I am an immigrant and I am a dual citizen. And in mexico I have seen how everything is and why they wish to leave that country, my home country and a country for a better life an saddens me to see them lose a better life, lose the ability to survive and feed themselves. It just breaks my heart. I wish that this could pass. I wish the people couldn't have to starve and I wish that it would be possible for one day, for all of us just to see each other as people, not as profit, not as a tax burden but as people because deep done inside, we are all the same. We are no different. You sitting behind the desk. We behind the podium and people sitting and standing behind me. We aren't different and I truly hope you vote yes on this bill. Thank you.

[15:46:06]

[Applause].

>> Cole: Arash varistat.

>> Good evening, council. Mayor pro tem. I was born and raised in austin and most of my life, I watched the city grow and I was gone 8 years and seen it go back and continue to build a base built by the very people that this law will help. This is the first I ever spoken in a public forum, but it wasn't until I was (indiscernible) less than the living wage that I realized that all workers need to stand up and speak up. All citizens need to stand up and speak up for what's right and I encourage you to vote yes on this item in its entirety, all of you. Thank you.

>> Thank you. Brian mcguess ervin.

>> Brian mcervin

>> we are standing at a cross odes in our lives and in this city and in this room. Although we know that this city in our lifetimes is going to grow significantly in size and in wealth, what we don't know is when everyone's ship is going to rise together or if that gain is going to benefit a few privileged people among us. I really like it when people talk about economics, because it makes me think about harry truman and how he kept saying he wanted a one armed economist because he was tired of them saying on one hand this, on the other hand that. For one study out there, there is another study that says the opposite thing. Economists cannot tell us the future because they don't know. But I will tell you what we do

know. We know that more construction workers die in texas than in any other state in this country. We know that one in five people in austin lives in poverty and we know to a certainty that minimum wage is not a living wage, that people in this city are crippling poverty. The other thing is you have the power to improve people's lives. You have the power to improve people's lives. Do it.

[15:49:16]

>> Thank you, brian. [Applause]

>> Cole: Colleagues, that is the conclusion of the speakers.

>> Four more.

>> Cole: Four more. I am refreshing. Al valencia.

>> Alberto waley, (indiscernible) and dave porter.

>> Okay. Alberto, are you here? Roy waley.

>> Howdy, y'all, my name is roy waley. I am the conservation chair of the austin regional group of the sierra club, our state director, charlene walker spoke earlier. We are the subgroup of the texas sierra shrub and just like we are, texas is a subgroup of the national sierra club and for those that may not know, the sierra club is the oldest environmental organization in the world. So we have a very clear policy position of our green alliance. Sierra club stands with workers. Let me say that again. Sierra club stands with workers, so everything we have heard here this evening, we are with you. [Applause] we stand with you, and I am not going to repeat all of that. I am going to address something that was said earlier by one of the chamber representatives when he was listing all of the different cities. I am going to address the issue about denver. Denver has a superior mass transit system. They have superior social services. They have great medical care. They have all sorts of things that they do for their citizens that we do not do here in austin, texas, and it is paid for by the businesses that work in denver. It's paid for through the taxes on business, and that's how they do that. So you pay a little bit more. That's the way it should be. Now, then, we have heard about all of the different good, moral solid reasons you should support this. Let me talk a little bit about the environmental reasons you should support this. The people that build the city should be able to live in the city that they build. They should be able to live in the city that they build. This puts fewer cars on the road, fewer vehicle miles traveled. We always talk about this, let's have the people that build the city be able to live here, less time on the road, more time with their family, all sorts of good things come from it, sierra club stands with the workers who have spoken tonight and we really will appreciate your vote and we are expecting your vote. To approve this tonight. Thank you very much.

[15:52:31]

[Applause]

>> Cole: Thank you, roy. Thank you, roy. Kayvon suporian.

>> Yes, you got the name right. I am kayvon and I represent the low wage workers of texas from the equal justice for texans and it is too late to talk about the statistics or legalese of this so I will talk about what I see and I trust that these are things that you can see for yourself. When I walk or any you walk or any other citizen walks along red bud trail, they look upstream, they seem the tom miller dam of 1940,

but not just that, the remnants of other dams that were constructed but not constructed well enough, and the difference between the tom miller dam of 1940 and all other dams that came before it, including one that almost bankrupt this city, is one main thing, it was built in 1940, nine years after the davis bacon act of 1931 required federal projects to pay their workers prevailing wage. So when we talk about prevailing wage, we are not just asking you to lift the wages so that people get paid a little bit more money. We are also asking you to ensure the construction of the city is of a quality that will last, that will protect us, not just my

-- not just me, but my children into the future as they live here. The other thing I want to tell you about that I see, over two years ago when I came here and I asked the council and council member martinez to require white lodging to pay the prevailing wage. First of all, I was a lot lonelier at that time, there is a lot more people now. But the second thing is, when we were having that conversation, we were talking about the difference between money going in and money going out. I want to commend the -- commend the council for getting really deep into this issue and seeing the value for economic incentives for the community, all of the things that can be helping a community and all of the other cities around this country who have used economic incentives to help workers, to help transportation issues, to help members of our community who have a harder time getting a job and I just -- again, I want to commend you and I also want to commend austin interfaith who has done a great job in educating our community, especially the leader, bob batlin, and those who have met with the city council and meeting and educating them. I want to make sure that we use all of the work that has been done in a positive fashion. The reason is, because the other thing that I see is when I go back to my office tonight, there is going to be a lawyer sitting in his office that has two young children, who has to take to school in the morning and he will be sitting in his office trying to recover wages for low wage workers and not for the first time, trying to recover the wages from a company that has gotten economic incentives from a central texas city. And that's not a little bit of money that workers are not getting.

[15:55:47]

[Buzzer alarming] that is a lot of money. So I support this item and I hope that you guys can see that you should, too. Thank you. [Applause].

>> Mayor Leffingwell: Dave porter.

>> Last but not least, dave porter with the austin chamber, 30 years ago I began my career in the economic development working with the council in wichita, kansas and spent 6 years visiting local companies trying to get them to hire economically disadvantaged workers, the federal government provided a 3500 tax credit through the job training partnership act. I spent since years doing that. My passion over the last 30 years has been about helping economically disadvantaged individuals find good paying jobs. This policy that you are considering tonight will do nothing but hurt our effort, to create good paying jobs in this community. We will not be competitive. It will continue to

-- we will continue to have a policy of the haves and the have nots. Greg mentioned visa and -- and

-- and I coming here and these are 60,000-dollar jobs and visa is \$112,000. What is the down side of that? Most of the focus has been on construction. And, again, we are the only city adding construction

to the economic development. What about the real jobs

-- not the real jobs but the jobs that are coming with the company that are coming here that by 62,000 or 112,000 a year. I apologize for my mistake there. But I am very passionate about the economically disadvantaged, finding jobs for them. Visa are perfect examples of companies we need here and going through an exceptions process is not going to work. They will go elsewhere. Thank you.

[15:58:00]

>> Mayor Leffingwell: Thank you. Those are all of the speakers that we have signed up to speak. Without objection, we will lay this item on the table for the purpose of entertaining a motion to extend the meeting past 10:00 p.M.

>> Martinez: So moved.

>> Mayor Leffingwell: Council member spelman so moves. Council member martinez seconds. All those in favor, say aye. Aye. Oppose say no. Passes on a 7-0 vote. And we will take this item back off the table, recognize council member martinez.

>> Martinez: Thank you, mayor. I am going to make a few comments, not a whole lot. I am going to make a motion if I get a second and then I would like to make those brief comments and then we will move into further discussion so I want to move to approve the item as posted on the agenda.

>> Mayor Leffingwell: Council member martinez to approve item 56. Seconded by council member tovo. Go ahead.

>> Martinez: Thank you. First of all, I just want to start out by saying a huge thank you to some very key people, starting with my own aide, laura williamson, who has worked so hard on this. [Applause]. You know, unlike many of the stories, laura's isn't much different. She didn't have this easy access and this path to where she is today, and I won't tell her personal story but I can tell you, it is pretty amazing, what she has been able to accomplish and what she's accomplishing. She's currently enrolled in her master's degree program and this is her passion, public policy, and I think this being her first significant major public policy piece, I just want to acknowledge her efforts. I think it's pretty spectacular. Secondly -- secondly, I want to thank the rest of my staff because it's not any one of us in that office that gets anything done. It's all of us so andy and shelby and my former chief of staff, bobby, who now has moved into the private sector, they all worked on this with me. I couldn't do it without them so I want to thank them. I want to thank the chamber as I already have. Believe it or not, they had some great suggestions that are incorporated into this policy. We may not agree in totality in the end, but I am a firm believer that as proposed, it is a better policy. I understand the concerns about making us less competitive. I understand the concerns about companies may not seek the exceptions process. We are just going to have to see if that's

-- you know, if that's what bears out. And if it does, I promise you, we will all be back to work on monday and working on this thing to make it a better policy for all of austin.

[16:00:56]

[One moment, please, for change in captioners] >>. As well as austin interfaith, workers defense, the local unions that were involved. And just the citizens in general. This has been a long, long process. The



contractors were involved. I know we're still at odds with some of the contractors on this. But they did help and they did participate all the way. So

-- so

-- so what I think has happened is we have these 11 agreements right now that are in place. They're working. At least they're in compliance with what we asked them to be in compliance with. But I think what we have done over time is created economic incentives almost as a right and not as a privilege. We need to get it back to being a privilege. We need to understand with that privilege comes responsibility. It's not just about creating a job. It's creating a certain kind of job. As most policies, you start somewhere and over time you improve it. We have amended this policy once before and we heard during that process that it was going to hurt the economy. That it was going to hurt creating jobs. We amended the policy in 2009 and we are still one of the best economies in the country, we are still one of the most competitive markets in the country for job creation.

[16:03:08]

[Applause]. This is

-- this is another revision to that. This is 3.0. That was 2.0. We are just moving to a different level with the same policy, adding more values and

-- and as I said, hopefully improving the policy. One of the things that was mentioned, and I just want to briefly go back to this, because I actually got on to their website. While I would like to say that we're the first at doing this, we won't be. There's another city in Texas, I'm looking at their website, they explicitly require that all wages, including benefits, shall be in accordance with those established in the Davis Bacon Act, apprentices registered with the U.S. Department of Labor Bureau and Apprenticeship Training and they shall receive wages as established by the Bureau of Apprenticeship Training. So somebody is already doing. I have been sitting here reading their policy, there's other good stuff, I'm going to leave it alone for now. So, you know, we'll be the second. But I dare say we'll be the most competitive city in trying to take this next step forward. I want to thank my co-sponsors and all of the members of the economic subcommittee. We did have some healthy debate, healthy public input. I believe it's time to move forward. I think we have a policy before us that is a drastic improvement and I look forward to continuing to work with all of you. Today is not the end. We don't stop here. Today we just move forward with what this council adopts and tomorrow we wake up and we all go right back to work trying to make the city, the city that we want for everyone who he is a part of the city. So thank you all for being here tonight, for your testimony and thank you for being a part of this process. [Applause].

>> Mayor Leffingwell: Okay first, I would like to ask the staff if they know the name of that city? I don't believe I ever heard the name of that city.

[16:05:14]

>> Martinez: Texas city, Texas, down on the coast.

>> Mayor Leffingwell: Texas city. Okay.

>> Martinez: Strong labor city.

>> Mayor Leffingwell: I would like to offer, I have got several amendments lined up, I would like to go

through them one at a time. It's probably best that we vote on each of these amendments or most of them, I guess, we can decide at the time. The first one is I want to move that we amend it to take prevailing wage out of the core requirement section and move it to section 3, subsection b, line item no. 9, which is the additional bonus section. And that's my proposed amendment, if I could get a second?

>> Spelman: Second.

>> Mayor Leffingwell: Seconded by councilmember spelman. Councilmember spelman?

>> Spelman: Sorry, my aide was whispering in my ear, I didn't hear where we are. He moved and I seconded. You are asking me to speak on your

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>> Mayor Leffingwell: I thought you wanted to speak. Go ahead.

>> Spelman: I may as well start now. Before I start talking about the substance of this, which I think is the most important single amendment that we are will considering, whether it goes up or down, I think this is the big, the only major deviation. I want to emphasize how important that is. As mike mentioned a few moments ago, this is version 3.0, when I was first on the council in the late 1990s we didn't have any rules, no conditions, if you wanted to get an incentive from the city of austin to do business here, it was come one, come all, there are no rules, it was a agree for fall. We developed some rules and the most important single rule we developed was the use of web loci and the idea that there needs to be a taxpayer return on investment. If you show up here and we're going to pay you an incentive, we have to be sure we're not giving you money to line your pockets, that not only will the city's economy improve, we knew that, that's the whole point behind incentives from the first place, but the city as a corporation will actually make money off of the deal. What that means is under version 2.0, not this version which is an improvement. Under version 2.0 what that means is if we provide the incentive to a corporation to do business in the city of austin, we know in advance, at least fairly certain in advance through the use of this web loci tool, that either your tax rate will go down as a result or our taxes will increase because this business is here and therefore will have more money to spend on parks and libraries and public safety and all of the other things that our general fund provides for us. So as a city, we make money off of incentives. If we don't make money off of a particular incentive we don't make that deal. Nobody in this room has been mentioning this, I'm very happy about that. I hear a lot of other people saying why are you giving stuff away to corporations just to show up here. It reduces your taxes and improves your services, that's why we are doing this, as well as improving economy, as well as reducing unemployment as well as providing jobs for a whole bunch of people who hasn't got them. A bunch of reasons for doing it. But what we have to have happen is that the city cannot lose money on the deal, that has not happened since at least the early parts of this millennium. Let me give congratulations to the three sponsors of what's before us version 3.0 because almost everything in this I support and more important than I support it, I'm just one vote, more important than that is the vast majority of version 3.0 is also supported by the people who give us opportunity austin and the chamber of commerce. That is huge. If you had asked the chamber of commerce do you support things like workers' compensation insurance, emphasis on hiring hard to employ workers, requiring safety training, encouraging workforce development, ensuring a taxpayer return on investment and can you live with a living wage, if we asked them that 10 years ago, they would have looked at us like we were out of our minds. But well I'm not sure support may be a little strong word but they can live with all of that right now. That's not at issue right now. And this is largely because of the work that you guys have been doing and very much due to

the work that mike martinez and kathy tovo and laura morrison have been doing to push this thing forward. Only a couple points at issue, a tremendous gain over where we were five years ago, where we were 10 or 15 years ago. That said, there's still a couple of things which the chamber wants adjustments to. And I'm going to off load this partly on them because I think it is extremely important that the chamber and opportunity austin agree with what it is that we're doing here. I'll tell you why. It's because they are representatives of the people that really need to believe that we are playing fair with them, if this incentive program is supposed to work. If we offer incentives and the hooks on those incentives are widely believed by the business community to be deal killers, regardless of whether it's true or not, they are going to be deal killers. I have read a bunch of studies, mr. Cunningham suggested that I needed to read some stuff by peter phillips, I have actually read a couple of peter phillips' studies. I also read one of the studies that david ford was suggesting, which suggested prevailing wage increases costs by 10 to 20%, I have read studies that say increases by 4.47% more or less exactly, one said 6.1%. They thought it wasn't significant. One guy said it was 26%. He didn't really believe it. I don't believe it either. Then of course greg suggests that in fact if you require prevailing wage their costs will go down. I don't know quite what to believe. It doesn't matter what I believe what matters is what the business community believes. They believe rightly or wrongly that it's going to increase their costs by five or 10%. That's what they believe. Almost all of them seem to believe that. Then they are going to look at our requirement for prevailing wage and say we can't do business with the city of austin, they are making a requirement on us that we can't possibly pay. I think they probably could, I don't think it probably is 10%, probably closer to five, might be less, maybe that's the calculation that national instruments did or visa did and caused them to believe they could live with this. But I believe dave porter and mike rawlings when they say the people they talk to every day don't believe they can work in a prevailing wage world. If we require them to do a

-- work in a prevailing wage world, a lot of them I think will turn around and walk off. Now, some people don't mind that. And I

-- I have to say I have some conflict about this, too. There's enough people walking through or door, I don't know that we need every single one of them to be interested in getting an incentive. But I don't want to turn down some

-- some people. If samsung comes back here with a good idea, I don't want samsung to locate its next fab in some other city. Samsung has been very, very important to this city's success. One of the reasons why we're still a tech capital after all of this tomb, after all of the movement there's been over the last 10 years, it's because samsung is still here. I want them to build their next fab right here. There's a bunch of other cases like this and I don't want them to turn away because we're going to build an enormous factory using prevailing wage. Maybe they will end up doing it anyway. You hope we can persuade them to. If we try to make them do it I'm very concerned they are going to turn around and say I'm going to nashville instead. Someplace else. Maybe not texas city, but almost anyplace else in the country. I think it's interesting that the only place that mike could find that is requiring prevailing wage in order to get an incentive is texas city, which I think is a suburb of galveston this is a long ways away, I think a long ways away from our situation. I have a mathematical proof about this. I won't belabor the point any longer than to say this: If the actual cost of prevailing wage is really 5%, which seems to be the median number that is bandied around locally, if in fact that's true, then it wouldn't have made sense for any of the five cities that

-- that actually built a building from scratch and accepted our incentives to have accepted our incentives. One of them did. National instruments did accept incentives and they built a building or they are building from the ground up under prevailing wage. They thought they could make it work. If the number is really 5% it doesn't make sense for any of them to have accepted it. The dispositive issue is not whether 5% is accurate but whether the business community believes it. If they believe 5% is the right number they are not showing up. I would like them to show up and I would like to be able to rule on whether to give these guys an incentive or not. I can't make that decision and they can't come

[16:14:42]

[indiscernible] and they can't provide the jobs if they are not actually showing up in the city of Austin and playing the game. I want them to play the game. I want them to show up and I think that the deal killer for some of these guys is going to be prevailing wage requirement. So, mayor, I'm in favor of making prevailing wage a bonus, what's the word we're using? Putting it in the bonus section, but not making it a requirement.

>> Mayor Leffingwell: Additional bonus section, yeah. I'm going to say we've heard a lot of folks here speak very passionately. Emotionally in some cases. Pleading their cases and virtually none of these speakers will be affected by this change. Because they will be covered in most cases by the part that is staying in the core requirement section, which is the \$11 minimum wage. That part is subject to an exception, but I think the

-- the general expectation from the people who deal with these kinds of things all of the time is that in most cases companies won't seek an exception because of the way the process is scheduled to work, they won't have any

-- any degree of assurance until they get to the last day of the process where the council, that's a week after they've gone public and the council has been briefed on you the. At that time they will find out if they are going to get the exception or not, which as written in this matrix requires a two-thirds vote of council. That means five councilmembers have to vote for it. So

-- so as councilmember Spelman so eloquently said, I do believe this is going to cost jobs. We may not know how many it costs because a lot of them will just take a look and never bother even to make an application. But we have a pretty good assurance that some very good opportunities will be lost if this is passed without this specific change. If that's the case, then most of the folks in this room are going to be worse off, not better. They are going to be worse off because they won't have any job at all. Much less have an opportunity to make at least \$11 an hour. So this whole program, Austin adopted its incentive program, the basic one that we're working with, a few modifications along the way back in 2003. Under the leadership of Mayor Pro Tem Betty Dunkerly and Mayor Will Wynn at the time. Under the circumstances been very successful

-- it's been very successful but sparingly used. Over the course the last 10 years the council has actually approved 15 agreements, that's 1 point good agreements a year. But what has

-- agreements a year. What has happened with these agreements, the number of new businesses and jobs created in Austin is many, many times that. So what has happened is the selectivity of the process has been such that other businesses are incentivized just by the presence of the companies we've recruited to come here with incentives. So the leverage factor is very great indeed. So I think if we

-- if we include and we've heard from the people who are experts in this, our own economic development office believes it, too, that if the prevailing wage part stays in as a core requirement, we will lose jobs. There are jobs that we will not get. And so that's why I'm putting this forward. I believe that most of the people in this room will be better off as a result of this change and that's why I'm proposing it. Mayor pro tem?

[16:18:31]

>> Cole: I want to point out that we are approximately 99% there from the union's perspective and the business community's perspective and that is largely because of the work of councilmember martinez, kathy tovo and laura morrison and all of the work that they did. I want to congratulate them on that. Because we have been previously looking at economic incentives, deals, one by one and making decisions on the dais, oftentimes doing it in a very messy, sloppy fashion. I, too, am concerned but for some different reasons. We are presuming that -- that having jobs is always a good thing. And that we want to always go after those jobs. And I heard many of you say, well, some companies we might not want. Some companies that won't do what we want to do they just shouldn't be here. And so I'm not an economist, but I am going to put that on one hand because I do think there is some truth to that. But I also know that I heard many of you talk today about the american dream. And that was possible, mostly because of the union and the work that they did in training. But it's also just from having a job. And there's a large segment of this community that needs jobs. We are rapidly becoming two austin, a very highly employed very highly paid austin and then a very lowly employed or not paid at all austin. I'm sensitive to that because I know how much it affects the african-american community especially african-american males. So I err on this side, it may be an error on wanting to bring jobs here that will create opportunities, especially at an \$11 floor. I'm concerned when we hear from the business community that the prevailing wage may hinder that, but mostly because they are saying it is in foresight, not hindsight. So the exceptions that we heard about national instruments and apple could have been made because they've already made the investment. They've made the commitment to austin. They are willing to go the extra mile and we hope that the companies that come here will not only embrace the values that we are adopting today, but will take additional steps so that we become one austin. But I am concerned that if we put the prevailing wage as a core requirement, and not in the bonus section, that people that have opportunities for austin for austinites who need that opportunity will make a decision not to come, so I will be supporting the mayor's amendment.

[16:21:45]

>> Mayor Leffingwell: Just country quick sentence and then councilmember riley. I want to point out that I come from labor background myself. My entire professional life, career, my previous life before I got into this part of it I was a member of the flcio airline pilots association for 31 years, and I was a loyal dues paying member for all of those years and I believe in unions and I believe in what they do. I just wanted to state that for the record. A lot of people know it, but some of you out there obviously don't. Councilmember riley. Councilmember martinez?

>> Martinez: Thanks, mayor. I just want to speak on the amendment. I want to go back to a point that was made about councilmember spelman you made a point about a 5% increase in prevailing wage. I think that that example that you cite could bear true if we were under the old policy. But the new policy contemplates the bonus provisions and all of those companies that you cited, any previous agreement that you have cited did not have the advantage of the bonus provision, which would in my opinion easily make up the additional 5%, if a company was rated by staff to only receive a 30% incentive and they jump to 100% through the bonus provisions, it could make up any difference on a construction cost because that agreement would be over 10 years of 100% abatement. So I'm just saying all I'm pointing out is those previous deals did not have the advantage of that bonus provision and that is really why we put it in. Because we knew that adding prevailing wage as a gateway requirement and adding \$11 an hour as a gateway requirement would cost additional funds for construction. We know that. Nobody is trying to hide from that. But what we wanted to do was create a policy that allowed them to attain a higher tax incentive rebate to cover and ameliorate some of those effects in the gateway requirements. The other point about, you know, this being a job killer and, you know, I can't argue that point. If someone believes that, you are going to believe that. And if someone keeps saying it, especially in the leaders of this community keep saying it, it's a self fulfilling prophesy, with a welcome like that, who would want to come to austin? But if it does kill any jobs, here's the jobs that it's going to kill. It's going to kill jobs that pay a poverty wage. It's going to kill jobs that require folks

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[16:24:20]

[applause]. -- Hang on -- it's going to kill jobs that require folks to be on other government assistance, therefore costing all of us. And I dare say every single person in this room will benefit from this policy, whether you get \$11 an hour or not because the rising tide lifts all boats and we're all affected by this as a community. So I won't support this amendment. But I will throw this out there. Because

-- because I'm

-- you know, I'm a negotiating kind of guy. If we did want to move it

-- because it currently isn't in the exceptions process, \$11 an hour is, prevailing wage is not. If we moved prevailing wage into the exceptions process, that is something that I would be willing to support moving forward. It would give those companies that same ability to come in and demonstrate to us why prevailing wage would be detrimental to what they're trying to impart on austin. As we've seen in other cases where we talked to them about \$11 an hour minimum wage, we went ahead and agreed with those companies because of the workforce development program they had in place for hard to employ, underemployed and former convicted felons. I think in those rare instances I could see myself actually supporting that exception because it's a greater value to the workforce that they are trying to move into an upward mobile position.

>> Riley: Mayor? I share the concerns behind this amendment. I do think there might well be times when we would be in danger of losing jobs that would be valuable to this community, if we maintained a rigid expectation of

-- of prevailing wage in all cases. What we've seen in situations like u.S. Farathane, there may well be good reasons why a firm may need to pay something less than a prevailing wage or even a living wage

in some situations. But the proposal already has an exception for a  
-- for a living wage, but not for a prevailing wage. So I would offer a substitute amendment that we  
-- that we instead of putting this into the bonus column, that we simply add an exception process for the  
prevailing wage requirement. And I would also suggest that we apply  
-- in consideration of the projects that are already in the pipeline, applications that have already been  
filed, that we apply current rules and not expect those projects to conform with this new system that's  
being applied today. That's just a matter of respecting our traditional practice of not changing the rules  
on people mid stream. If someone has already filed an application, we stick with the current rules. If  
they have not  
-- any new application, I think it's fair to put them on notice that the community has a basic expectation  
of a prevailing wage. What we have found is that that expectation manifests regardless. I expect that it  
would know matter what we decide today that companies would find when they come here that there is  
a strong expectation of a prevailing wage and I it's  
-- we would be well served by making that clear up front that that is a basic expectation. There may be  
situations where we provide an exception to it. But it's  
-- but it's a basic expectation of our community. I think we should just be open about that. I offer that as  
a substitute.

[16:28:04]

[Applause].

>> I will second that mayor for discussion.

>> Mayor Leffingwell: Just a minute. Councilmember riley has offered a substitute amendment and  
seconded by councilmember martinez.

>> Cole: I was seconding

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>> Mayor Leffingwell: Before, I would lake to ask a question. Is mr. Rawlings still here? Frank? I would  
lake to ask you the question. You've been asked before, but I want to reiterate. When I spoke just a  
minute ago, I made kind of a big point I thought out of the fact that I didn't think the exception process  
was going to be effective. In that companies would not be willing to go through it, would not be willing  
to wait until the last hour, final hour if they were going to get an exception or not, so they just wouldn't  
bother to do it. I thought that's what you said when you came up here and spoke. Do you agree with  
that statement that the exception process is not going to be effective?

>> I do, mayor. I do agree with that comment. As I understand it, it would be going in as a requirement  
with an opportunity to take it out as an exception, if I understood the amendment. So that

-- that again is where

-- where our concern is, we won't get the opportunity to speak to the business to explain that there's a  
policy that will maybe give them an exception.

>> Mayor Leffingwell: So basically we're going to assume, I'm going to assume, I think that you were  
going to assume from what you said that everything in that core section where there's an exception  
process or not is basically going to be a threshold and we will never enter into that dialogue to find out if  
that exception is going to be approved or not. Just not going to progress beyond that point. And that's

my concern. That's why I offered the  
-- the amendment as I did. Instead of  
-- instead of proposing it as  
-- as an exception process. I just don't think that it's going to work. We've heard from  
-- we've heard from the experts who have been very successful at working this process for 10 years and  
as a matter of fact made austin the economic success story of the entire country. And so I think that we  
have to respect that kind of experience and expertise. Councilmember morrison?

[16:30:36]

>> Morrison: Thank you. I just want to take a minute to, I know that a lot of people have been thanked  
but I especially want to thank councilmember martinez for his leadership on this and really obviously  
councilmember tovo and I co-sponsored this, but he really took the ball with this. And I just have to give  
a shout out to laura williamson, too, because she was incredible on all of this. This is a  
-- this is definitely a  
-- an amendment that I can live with. I'm concerned that putting it in the bonus section would just  
change the whole framework of what we're talking about. There's already a concern that water going to  
have to be  
-- we're going to have to be very careful and that we are not giving more incentives as rewell should as  
councilmember martinez mentioned more than once, this theoretically could be up to 100% of a tax  
incentive and we need to make sure that we're doing the right thing and not offering incentives that  
really aren't critical to the deal in the first place, to making the deal in the first place. The bonus section  
has a lot of really good values built into it. I think it's going to be really valuable to be able to work with  
companies. I do just want to make one point about concern about the exception process and all. We  
need to remember, there is no degree of insurance that any deal is going to go through before it gets to  
the city council. It is the city council's job  
-- [applause].  
-- And authority to make the decision about whether or not there should be an incentive and how big  
that incentive should be. And I am fully behind making sure that we are inviting companies and offering  
incentives to companies that fit the values of this community and the way we have the framework right  
now does I believe fit the values of the community.

[16:32:40]

>> Mayor Leffingwell: I would point out there's one big difference. If you are applying for an exception,  
you have a definite unknown there. In the other cases the company can come in knowing they have  
satisfied all of the basic requirements. The council still has the option not to approve it. But there is a  
definite unknown as opposed to an unknown unknown.  
>> Morrison: I guess that I would like to just disagree and call it all a definite unknown. That goes to the  
point of that councilmember martinez made earlier that the concern that incentives are getting to be  
considered something that's sort of by right or an entitlement that's not what this is. There is no  
entitlement to any incentive. [Applause].



>> Cole: I have some questions of first our economic development staff.

>> Good evening, Kevin Johns, director of economic development.

>> Cole: Thank you, Mr. Johns, we have been discussing the mayor making the prevailing wage an exception versus a bonus criteria. So what does that mean on a practical level when you are recruiting?

>> Well, as you will recall, our recommendation from staff was as a co-requirement either the living wage or the prevailing wage. Because we felt it was very important to have certainty. As you know, our focus is on recruiting hard to employ companies, manager companies and distribution companies that create jobs for the hard to employ. The chamber of commerce in the new opportunity Austin 3.0 has a focus on manufacturing companies and has, I think, 50 such companies kind of in the

-- in their marketing strategy and so we felt that giving the option to the company to either do liveable wage or prevailing wage would allow the chamber to still recruit these manufacturing companies, which would bring in large numbers of jobs for the hard to employ. So the exception process we did not apply to either one of those.

[16:35:08]

>> Cole: So what we are talking about applying an exception process, what does that mean?

>> Well, the

-- an exception process would mean that you would have to demonstrate in some way, shape or form, that you couldn't perform the payments on either one of those categories. So prevailing wage they would have to show why they couldn't pay the prevailing wage or why they didn't want to pay the prevailing wage. They would have to either do that financially or they would have to

-- well, they would have to do that financially.

>> Cole: Okay. Maybe this is a follow-up question for Rodney. Because something that I've been concerned with is council or at least staff preferably council being able to know that prevailing wage or some other criteria earlier in the process is the reason for the company deciding not to come here. We might say well too bad, we want prevailing wage or oh, you're going to do all of these other things with hard to employ, LEED certification, all of these other values so we still want you to come. So where -- is it possible for us to see the potential I'm going to call it ROI, return on the investment earlier in the -- in one of these processes?

>> Sure. Mayor and council, Rodney Gonzalez, deputy director for economic development. The question really revolves around the certainty aspect of it. As you know, we work with these companies the minute that they file their business information form. We collect a lot of data through that business information form and we advise these companies of everything that's on the table with regard to requirements, either through the matrix or through resolutions such as third party resolutions. Those are certain. They all have copies because they are made public. Previous agreements that we've made with other companies. So they know what's on the table. And to the point of certainty then, what will happen is when we tell them that prevailing wage is a requirement, what the mayor is saying and what Kevin is saying is that they will look at that and they may think of it as a non-starter. And so they won't then give us additional information, they won't go through the process, continuing through the process because in their mind it's just a non-starter because there is no certainty. There's no certainty for them that that can be waived, that they would have to then unveil in a public setting their request for that

waiver. So I think that's what Kevin is referring to is the matter of certainty. I know that what you are trying to get to is there a point that council can see that financial impact.

[16:38:12]

>> Cole: Right. Exactly. I'm trying to blend councilmember Riley's motion with an ability for us to -- they are applying for an exception, that's public. I'm trying to figure out if we can get that information from staff before then or is there some language for us to be able to do that?

>> Yes, exactly. What's involved as we see it in the exception application, if this were moved to the exception portion, is there is an exception application that a firm would have to fill out, I think it's four boxes. There is no certainty that that exception would be granted. And along with the lifting of the veil, it is a lifting of a veil with a company wanting to move forward with this incentives process, remember it's competitive process. At that point we are in competition with two or three other cities

--

>> Cole: Could we have a confidential exception, I guess you can't have a confidential exception process that actually comes to council because then it becomes public and that's what

--

>> at that point once the veil is unlifted, these are some serious projects that also involve headquarters relocations. These are serious considerations for companies. When they don't have that certainty that a waiver is going to be granted, that

-- therein lies the issue with them. Is that they will choose not to go through that process, we believe, probably in most cases. When that piece is there.

>> Cole: Okay. Okay. Let me ask a question of Mr. Porter and then I'm done. Mr. Porter, I'm simply wanting to confirm what I think that I understand from our economic development staff and that's that there is

-- you the would

-- we can't apparently have a confidential exception process or process where we get to look at the ROI to the company or they get to make that case before they make that public.

[16:40:31]

>> Well, when you are in a competitive situation with other cities, it just adds another layer on top of what's already required by city council. So to fill out a form to go before you, whether it's confidential, where they don't have to do that in other cities, it's just going to eliminate us. Especially the manufacturers. We're going to be targeting manufacturing companies in a big way going forward in 2014 through 18. Our goal is to reduce poverty rate by 7%, child poverty rate by 7% and overall poverty rate by 6.3%. And the more things that you hang on the branch, the branch is going to fall. And adding those

-- exceptions process is just not going to help make us competitive. They're going to look and go to San Antonio.

>> Cole: Okay. So if you are not getting the bonus criteria, the exception process, you are saying

--

>> the exception process is a very challenging

-- you know, putting the things over in the bonus and let them pick and choose, start out at 30%, let them get up to a maximum of 80, if they don't want to do prevailing wage, cut it off at 80%, don't let them get to 100%. There's all sorts of ways that you can do this. You have every authority and -- and I discussed this with councilmember martinez, I still think that you're going to be here, even with this new policy at midnight, discussing these issues. This policy is not going to change the fact that somebody is going to want something else added on. And the exceptions rule that you asked me about, it's just going to be a deal killer to ask a company to go through this when we're competing with three or four other cities.

[16:42:45]

>> Cole: Okay. Greg, can I ask you a question real quick? Where did he go? So what do you think of this bonus requirement versus the exception and how it would work?

>> Like I said, I think we all think that economic development means developing our people. And if it is in the bonus section, then what we are doing is just giving out more incentives without necessarily developing those construction workers. If we have it in the exceptions process I think most folks are going to just do prevailing wage. Just going to do it. And we'll still get the same number of deals and those hard to employ iron workers, more than 2,000 of them out there, way more than u.S. Farathane are going to have a chance to move up and get a job on those projects. I think if somebody wants to explain to us why they can't do that and what the compensating benefits is. We will look closely at what their reasons are. I have met a lot of creative lobbyists in my short time here. I'm sure they can come up with good creative reasons. You guys like you passed that u.S. Farathane I think

--

>> 5-2.

>> Well, you still would have passed it. Excuse me.

>> Cole: So your argument is really in favor of transparency.

>> It's just transparency, exactly.

>> Cole: That's what we are struggling with, it is idea that transparency kills the deal, does it or does it not.

>> Remember on hid global when you were trying to get hard figures, they said no, because. In this case they have to fill out two pieces of paper. Sounds to me like if companies are scared or embarrassed to explain why they don't pay their workers very well, then maybe they aren't the company for austin. But I think there's going to be plenty of companies that can make a good explanation and you can pass those and we won't be here at 11:00 at night.

[16:44:51]

[Applause]. It is the standard wage, what is getting done here and that's why it was a requirement. But if it's going to be an exceptions process, I think that we can live with it. I think most folks will do it. I think it's fair what councilmember riley added about not changing the rules on anybody that has already applied. Thank you for that amendment.

>> Cole: I have one last question, mayor. For rodney, I know that there was a section when you are going through the exception process to explain I don't know financial hardship, is that it? I just want to make sure on the exception process the way that it would work.

>> The way that I have read that form, I'm trying to find it, it is the form that is also part of the motion, it's

-- I think it's the second box. That deals with financial impact. I can't find my form, but the second box on the exception application that talks about financial impact. I don't have the form in front of me.

>> Mayor Leffingwell: I've got it.

>> Cole: Mayor, would you read that to me or to us.

>> Mayor Leffingwell: Provide the financial impact to the company to comply with the minimum project requirements without the waiver and the cost difference expected if the waiver is approved if applicable. Please provide any additional details regarding the non-financial hardships that would be remedied with the approval of the waiver.

>> Cole: Okay. That's basically what they would have to tell us.

>> This is what they would have to tell us the financial impact. The third box is describe

-- [multiple voices]

>> I'm sorry, that's where the assertion that prevailing wage is causing the deal to go upside-down, that's where they would explain it

--

>> conceivably, yes, that's where they would explain it. Yes.

>> Mayor Leffingwell: And I would like to read the language for that provision. In the exception request.

[16:46:52]

It reads: If requesting a waiver for wages, please provide information regarding how many positions this waiver will apply to, the wages these positions will be paid, and the local median wage for that job classification. Please also describe any plans for the workforce development services that will be available to employees. And while I still have the floor, you are still up here, rodney, I'm looking at a memo from your office actually from your director dated today, because councilmember riley's motion also included a provision that any projects already in the pipeline would not be subject to this agreement at all, but would be subject to the existing matrix that we have. There are 10 projects.

>> That's correct.

>> Mayor Leffingwell: The way I read it. 10. The next 10 projects would be exempted from this process. Entirely. Correct?

>> Yes, there are 10 projects, yes.

>> Cole: I want to follow-up on that.

>> Mayor Leffingwell: Councilmember martinez is next and then you.

>> Martinez: I just wanted to add some context to the exceptions for remain that you were just reading from. The reason we asked for the jobs that will be affected rates paid and what the average rate is in the market so we can truly weigh whether or not to grant that exception. Because if the market says that that particular job classification in austin is earning \$10 an hour, but yet they want to pay \$8, we would need to factor that into our decision on whether or not we grant them an exception. It really isn't

trying to make it, you know, very onerous, but it is trying to get council the decisions or the information they need to make those exceptional decisions. And so we believed that if you can't meet the living wage requirement or prevailing wage requirement, at least let us see what you're going to pay them and then show us what the average market rate is so that we can have that information to determine whether or not to accept the exception.

[16:49:12]

[Applause].

>> Mayor Leffingwell: I think it's fair to speculate that based on this document, this memo that we got today, none of us will be dealing with this proposed ordinance because as I said we've done 15 projects in the last 10 years. Unless that process, the rate of that rate is increased by an order of magnitude, we won't get through 10 projects in the time that those of us who are on the council now will

-- we will all be gone before that new ordinance is applicable. Or maybe all except one of us.

>> Cole: Mayor you cleared it up. I just wanted to follow-up on the clarification of the items that were being grandfathered. You cleared up my question about the items in the pipeline that would be excluded.

>> Mayor Leffingwell: Okay. Any or discussion on this? I think we need to vote on the substitute amendment by councilmember riley which I will not support because even though I think it's a good thing and I appreciate you adding in the so-called grandfathering clause, I think that will be enormously helpful. But at some point somebody is going to have to deal with the adverse effects of this. I don't think it's a good provision with that

-- with the prevailing wage in as a core requirement. Even with the exception. So

-- I may be the only one, but I'm going to vote against it. All in favor say aye.

>> Aye.

>> Opposed say no.

>> No.

>> No.

>> Passes on a vote of 5-2 with myself and councilmember spelman voting no. So I had a list of other amendments here, four others, which I am now not going to propose because I don't believe in proposing amendments when I know that I'm not going to support the main motion. So I will leave those in the dust bin.

[16:51:24]

>> Cole: I have a potentially friendly amendment. We talked about this a little bit at work session, designed to clarify the fact at how the m.B.E. W.B.E. Ordinance will be applied. It says that the firm will provide a suppliers diversity commitment approved by the director of small and minority business resources and comply with the city of austin's m.B.E./W.B.E. Ordinance for construction related services and construction related professional services.

>> Mayor Leffingwell: Motion by the mayor pro tem. Seconded by councilmember spelman. Councilmember martinez?

>> Martinez: Again, I'll just say that, you know, we did talk about this in  
-- in work session on tuesday. After that work session, I had  
-- I had the ability to meet with chamber staff and with our smbr staff and while the work session you felt like that there could be some things that we could look at in terms of relaxing our m.B.E./W.B.E. Standards and our ordinance, actually, it's an ordinance that we have in place that applies to these agreements, based on that meeting and what staff was relaying to me, and the work that staff goes through that  
-- to help these companies comply with our minority and women participation ordinance, I won't be able to support this amendment. I think that staff clearly goes above and beyond to try to help these companies comply with our ordinance providing them every possible resource and some companies literally the one repeated reason, I'll say reason, because that's what I think they believed it was, the one repeated reason for not wanting to comply with our m.B.E./W.B.E. Ordinance was they just don't like all of the paperwork, it's tough to get through the paperwork. I found that not to be a justifiable reason to relax those standards so I won't be supporting it.

[16:53:25]

>> Cole: Mayor? I would be happy to amend this language to say that the firm will provide a suppliers diversity commitment not only approved by assisted by the director of small and minority business just taking into consideration that we really do want them to comply and if we have to add city resources of our staff to make them comply with the ordinances that we are willing to do that.

>> Mayor Leffingwell: You are changing  
-- you are amending your motion.

>> Cole: I'm amending my motion to say approve and assisted by.

>> Mayor Leffingwell: You have to get your second's permission to do that or else councilmember spelman do you approve of that change.

>> Speel what you are saying is smbr will help them come up with a suppliers diversity commitment which will pass the spirit of our procedures but not necessarily be the same as our procedures.

>> Cole: Well, it's just saying that

-- as councilmember martinez was saying, the number one complaint that companies are making about being able to comply with the m.B.E./W.B.E. Ordinance is the paperwork. Not understanding what they are doing. So I'm trying to change this amendment to say that dsmbrr will actually assist with that process. For a few companies. I mean, we only have 15 in the last 10 years, so some particular company he is having trouble with the paperwork, I think we should help them to comply with the ordinance. The goal is for them to comply with the ordinance, not to let them get out of it.

>> Spelman: I have

-- I'm not sure how to deal with this. It was my understanding that your amendment, mayor pro tem, was to give them an alternative means of complying with spirit of the ordinance without requiring actual compliance in every respect with the procedures of the city of austin has itself adopted.

[16:55:28]

>> Cole: That is true. We might have to call ms. Lara up for questions.

>> Cole: That's a good idea. Hi, ms. Veronica, it's getting late I'm going to call you veronica. It's my understanding that we already contemplate a supplier's diversity commitment because that is not approved by the director of dsmb, is that correct?

>> Veronica lara, director of dsmb, that is correct.

>> Cole: So what I'm trying to do with this amendment is to make a company that comes through our incentive process have to do that compliance and also receive assistance from you so that they are able to get it right. So tell me what impact making a change to this would have for you if you are required to assist a company?

>> I think that I would need some clarification on the type of assistance that we would be asking to provide, if it would be to develop the plan or to also facilitate with you implementing the plan as well -- implementing the map as well.

>> Cole: When companies are telling us that they are having trouble complying with our ordinance, what are they having trouble with? Is it the implementation of the plan?

>> You believe the discussion that you heard is correct that there is concerns from the companies with the amount of

-- with the work of complying with or

-- with implementing their complaints with the m.B.E./W.B.E. Program.

>> Cole: So if I were to ask you to assist with the implementation of the diversity commitment plan, what would that mean to you?

[16:57:35]

>> What I hear you saying is that you would like for us to assist with developing a plan, for example, we could provide examples of other diversity commitment plans that we've received from other companies, perhaps look for a template of sorts that a company could look to for diversity commitment plan.

>> Cole: Yeah.

>> Spelman: If that is the meaning for you, veronica, of what it is that the mr. Mauro is suggesting then I am all for it. What I am not all for, this is

-- has been referred to informally as the pencil policy. I think the genesis of this is that, I can't remember which of the companies we gave incentives to, but there was one of them that found you the very difficult to follow our procedures in all of the their details for buying pencils or buying some supplies and I think every one of the companies that we provided incentive to need to abide by the spirit of our policy, which is they have a commitment to diversity of suppliers in all respects. But I do not believe we should enforce our procedures in all of those details upon them. There's a lot of ways they can get it right. One which benefits the culture and the structure of the company that we are working with, they ought to be able to do it for themselves and find a way to accomplish the same objective. I think that's what you are getting at, how you will be interpreting it.

>> That's how I interpret it.

>> Thank you.

>> Mayor Leffingwell: City manager did you have a comment?

>> [Indiscernible]. [One moment please for change in captioners]

[17:00:27]

>> Cole: It's starting to be semantics to me in terms of the process of approving the plan. I would think if they brought you a plan, and they said I don't understand what you mean by this or how did they do it in other cities, how did other firms do it, that the staff would be able to answer those questions.

>> Ott: Which is what we would do anyway.

>> Cole: Right.

>> Point of information, mayor.

>> Mayor Leffingwell: Council member spelman was next, and then council member martinez. Council member martinez.

>> Martinez: Our mbe/wbe ordinance is explicit in the third party agreement that it will apply to the part 80 agreements so how can we relax the mbe/wbe ordinance without amending the third party agreement ordinance which applies to 380 agreements?

>> Mayor Leffingwell: City attorney can answer that.

>> Thank you, council member is correct, I believe you have to be able amend the third party agreement rather than do it this way.

>> Cole: Mayor, I simply

-- mayor pro tem.

>> Cole: I understood council member martinez to be fine with this at the work session based on his comments. I was trying to clarify it for all of us. It's

-- you don't think this is going to actually do that for staff, I am happy to withdraw it.

>> Mayor Leffingwell: Council member spelman. So that

-- that is withdrawn.

>> Spelman: Up second and I am am persuaded this is not a sufficient instrument to be able to accomplish its objective. If we change the matrix but we don't change the ordinance that enables it then we haven't accomplished it, but is it legally permissible for us to change the matrix with the intention of then changing the ordinance, which would make it law? Can we put this amendment and then go back and say we need to make a change and then the ordinance, we will go and change the ordinance to allow us do this.

[17:02:35]

>> Do it the other way. I think you would wait and change the ordinance if you were going to do it.

>> Spelman: Here we are talking about

-- we have this in front of us right now. We don't have that ordinance in front of us right now. We aren't posted to make that changement it seems to me that

-- it seems to me I would really

-- you all are lovely people but I don't need to have you back next week. It seems to me if we can kind a way of getting closure on this issue this week

-- right now, then that would be

-- that would be a better situation.



>> We will get help for the that question.

>> Assistant city attorney, mayor and council, I want to correct that it is the third party resolution that imposes the mbe ordinance on chapter 380 companies and other third party eligible agreements so it is a separate resolution that addresses and incorporates of the four chapters of the mbe ordinance as a requirement on chapter 380 companies.

>> Spelman: If I wanted to soften that requirement so they were following the spirit of our ordinance but not necessarily the letter of it and I believed that this language would accomplish that, what else would need to be done in order to enact this language?

>> Ideally, because the two resolutions would be in conflict, the third party resolution would come back to council for cleanup. It is my understanding that the third party resolution was slated to come back to the council and the mbe advisory committee after the disparity study was completed because there was a variety of changes for the ordinance and the program rules.

>> Spelman: When would that be?

[17:04:35]

>> Disparity study sewed for a year from august or september. It already been started by the consultant and then it will require several public hearings and discussion by council and advisory groups.

>> Spelman: Okay. I suspect waiting a year before we fix this anomaly is not appropriate. If I really wanted to do this, in your opinion, would it be permissible for me to vote on this amendment now just to get closure on our incentives policy and then make that one small change in the third party agreement in the council meeting and then make the whole changes that are necessary are a year from now after the disparity study is completed.

>> It could be done but, again, it would be in conflict and the third party resolution could come back and far posting purposes, you may want to post this item again in case there are changes and you can reconcile the both of them.

>> Okay. That's

-- what happens when you cross

-- cross the godfather with a lawyer? You get someone who makes you an offer you can't understand?

[Laughter]. I think I understand what we can do here. We can pass this and soon we can bring that other thing back up again and we probably ought to have this reposted in case we have to fix this, too, is that what you are getting at.

>> Yes.

>> Mayor Leffingwell: I think it is a safe interpretation, correct me if I am wrong, to pass that but it won't have any effect until the other change is made. Is that correct?

>> Sorry, sir?

>> Mayor Leffingwell: If we pass this

-- if we pass this, it won't have any effect until after the ordinance is changed

-- or after the other resolution

-- third party agreement is changed?

>> Well, I think staff would be in limbo of discussion as to what would be in agreement with the council.

>> Spelman: Welcome to the club.

[17:06:36]

[Laughter]

>> Mayor Leffingwell: I am basically echoing what council member spelman said, to get past the expectation. I personally don't care one way or the other. I just want to understand what we are doing. Council member morrison.

>> Morrison: Thank you. So basically all we put in here was what we've already adopted, and I do remember the work that was done on that third party resolution, and there was a lot of input and a lot of discussion and a lot of compromise that went on so I think the idea of actually building something into this that conflicts with that with some kind of intention that we are going to go back and fix that is really not the right way to go. I feel like it is a very important topic to a lot of people and it is only fair to discuss it in and of itself, on its own like we've done before.

>> Cole: I have withdrawn it. You can stop looking at me. [Laughter].

>> Morrison: I was really, really pointing it at council member spelman. But anyway, I think it is a bad idea to do it this way, and if someone wants to open up that topic again, then that can be done and let it stand on its own.

>> Mayor Leffingwell: Mayor pro tem, are you withdrawing your.

>> Yes.

>> Mayor Leffingwell: So that's withdrawn. Anything else?

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I had envisioned three motions, one of which has already gone down but while I am on a role, let's consider two others to see if whether or not anybody is interested. Motion a on this sheet is the motion which you made a few moments ago

-- a few

-- maybe an hour ago, that is no longer a live motion but motion b, I think may be, and the idea here is that if we have

-- we have a series of thresholds to qualify for the bonus section in the matrix. Somewhere I have a copy of the matrix in front of me and I can remind myself what they are. The critical issue is that you can't even get considered for a bonus unless you are in a targeted industry, you are involved in leading edge technology, state economic funds are available or the firm will generate 500 jobs or more. That's something you have to do before you can even be considered for a bonus. Amend it seems to me that if a firm meets several of those thresholds is actually meeting on all of those cylinders, each of which by themselves would be sufficient, then it makes sense to me

-- my fuzzy thing fell off

-- it seems to me if we meet three of the thresholds, then we ought to consider you for a further bonus. So motion b is add another section, subsection 3, to say if three or more thresholds of section 3, subsection a, then we should consider them for a slightly higher percentage.

[17:09:46]

>> Mayor Leffingwell: That's your motion, b?

>> Spelman: That's my motion and I offer it as a potential friendly amendment.

>> Mayor Leffingwell: Motion b.

>> Spelman: Motion b.

>> Mayor Leffingwell: Friendly? Council member martinez.

>> Martinez: I won't accept it as friendly because I think what the current policy does is exactly what he is proposing in that if you only meet two of them, you do qualify for the bonus provisions which is an additional tax rebate incentive.

>> Spelman: It gives you more if you get three.

>> Martinez: How does it give you more?

>> Spelman: Well it would give you

-- two or more of the thresholds, then you get 10%. If it meets 3 or more of the thresholds, you get another 10%.

>> Mayor Leffingwell: Not friendly.

>> Spelman: All right.

>> Morrison: Mayor.

>> Mayor Leffingwell: I am going to ask council member spelman if he wants to offer that as a formal amendment.

>> Spelman: Sure.

>> Mayor Leffingwell: Amendment proposed, it's motion b on the sheet just handed out by council member spelman. Is there a second for that?

>> Cole: Second.

>> Mayor Leffingwell: Second by the mayor pro tem.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I just want to make one clarifying comment, and that is that we are talking about these bonus considerations as earning 10%. It allows you get up to 10%.

>> Yes. I am not talking about entitlements. I am talking about opportunities, council member.

>> Morrison: That's it but I heard you say

-- the language that was used suggested to me that it was an automatic 10%, it is up to 10% and I think that's important because we haven't been very specific or clear on these so it will be up to us to decide whether it is worth 1% or 10%.

>> Spelman: If I in this room thought there was anything automatic about this process, you have done a wonderful job of devowing us of that information.

>> Morrison: Thank you. I don't think I will support this motion.

[17:11:48]

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I won't be able to support this amendment, either. I think the bonus provisions now recognize meeting two or more and providing additional points for that and we do have some very other

community benefits for companies that want to bump their percentage on what they qualify for by meeting the basic requirements an threshold. So I think the bonus provisions as we have them provide a really good balance.

>> Mayor Leffingwell: Any other comments? Council member riley.

>> Riley: I just want to make sure that I

-- right now we need to meet

-- you need to meet two of the requirements for the additional gateway bonus. You are suggesting additional beau thus for meeting three?

>> Spelman: That's right.

>> Riley: It seems like there should be a spectrum where you get more if you get four. Some amount you get to, you get more if you get four.

>> Spelman: It isn't really polite but allow me to point out that the firm is involved in leading edge technology is such an open ended grab bag, almost everybody is involved in some kind of leading edge technology. I think almost everybody gets that. I am not sure I would take that one very seriously. What I am most interested in here is the target industry and a very large form that will generate 500 jobs or more. It seems to me to be a big deal.

>> Mayor Leffingwell: Council member riley.

>> Riley: I could ask

-- my understanding once you qualify for for the additional criteria, there is not a fixed amount you automatically get. There is some

-- there will be eligible for some point, more or less.

>> Yes.

>> Riley: And I assume based on what is in there, you would get more for hitting three of the targets.

Can someone clarify whether

-- see

-- it looks to me like the current proposal already achieves what this amendment seeks to achieve but if I am mistaken about that

-- I totally support the spirit of the amendment. I just wonder if it isn't already covered by the proposal before us. Could someone speak the that?

[17:14:03]

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Thank you, mayor. Section 3, subsection a, by complying with 2, you get to move to the bonus. Section

-- section 3, subsection a does not give you a certain percentage of incentives. It allows you to move forward.

>> Right.

>> Martinez: Under bonus provisions f the firm meets two or more, meaning three, they can qualify up to 10 percentage points. So it is already corn templated.

>> Spelman: Two or more already contemplated. All I am doing is suggestioning to provide a provision if three or more, it gets provision of ten more points.

>> Martinez: You would add tenth criteria point to add up to ten

--

>> Spelman: Them, then I have to qualify for all of them and we certainly aren't going over 100%. What I am suggesting the three thresholds for important impact are important to us and we want you to hit on all and if you hit on two, you will get points and if you have 3, we will consider you for ten more points. These are our criteria. We take them seriously.

>> Mayor Leffingwell: Council member riley.

>> Riley: Under what circumstances would you get 10 points for hitting two of the criteria?

>> Spelman: Well, that's the way it is written right now under subsection b, .9, the firm meets two or more of the thresholds. We will consider

--

>> Riley: You are saying automatically 10

--

>> Spelman: Don't automatically get anything. Council member morrison on the

-- [laughter]

>> Riley: I would have thought it was already built in because if you are unlikely to get 10 points, under this category, 10 points would be rewarded if you actually hit 3 or 4. That's

-- that is what I was getting

-- assuming with the way it would work.

[17:16:03]

>> Spelman: Yeah.

>> Riley: So in that case, we already would be rewarding an applicant that hits three or four of the criteria. Because that would get if full ten points as on opposed to a lower amount.

>> Spelman: Perhaps we can ask rodney or kevin how this is scored in practice.

>> Mayor Leffingwell: Probably should have done that about 15 minutes ago. [Laughter].

>> My apologies. What was the question now? [Laughter]. We knew we were going to get called up. We just didn't know when.

>> Spelman: I understand. I will keep it really short because I am going down in flames but if I am going to go down on flames I want to understand what is going on, section 3, subsection of section 3, says in order to qualify for additional bonus consideration, u you have to hit one thing, targeting industry, leading edge technology, so on, you have one of those, you are eligible to walk in the gate and be considered for the bonus considerations.

>> Yes.

>> Spelman: I am talking about adding a tenth potential bonus consideration, which is if you hit three of these four thresholds, we will consider you for more importants. How would you score this in practice? How do you envision scoring the bonus considerations in practice?

>> Well, first off, we have to flip to section 4, which is the, let's pursue 80 points or more, and this is what council member martinez was referring to. If a firm scored 80 points or more, they would be eligible for up to 50%. If the firm, however, also scored, as you mentioned one of those thresholds from section 3, subsection a, they would then be eligible for the bonus round, you can call it.

>> Spelman: Let's make a deal.

[17:18:04]

>> The bonus round. And then the firm could do one of those nine things that are currently on the table to get an additional 10 points each

-- up to an additional 10%, 10 points each and there is another item that they can do. What you are referring to is adding a fifth'm they can get up to another 10% and we all understand they can't get more than 100% and the question at hand is how many additional items do you want to give them to get additional bonus points and I think that is the question.

>> Spelman: Let me ask you another

-- from your point of view, if you were given this matrix and said, rodney, score this for some and something firm, and they hit two of the three qualifying considerations just to be considered for bonus round, would you give them 10 points? Would you give them 8 points because they were close?

>> You know, what we would do and typically

-- if you look at the matrix as it is structured right now, it says up to 50% and then it says if you hit one of those, you qualify for up to 100%. A lot of times, and we certainly provided the information as far as what we have provided in the past. We have provided in some cases, 80%. In some cases, we have provided 50%, so on and so forth. You know, it really just depends. This is the part of the competitive process. You know, we have to figure out what is it going to take to make austin competitive in this deal. So I don't think you see us go with like a 1% here or a 2% there. The competition really then comes into play and do we then give them the 10%, up to 10% for that current number 9 or as you are proposing, if they scored 3, then give them 1509%, so it real

-- another 10%, so it is case specifically, unfortunately, based on the competition at hand. I can't say we would give them 1% or 3% or 4%. It really is case specific and I think the question at happened is how much of the bonus criteria do you want to put forward.

[17:20:26]

>> Spelman: Okay.

>> Mayor pro tem.

>> Cole: Council member martinez.

>> Martinez: I appreciate the concept. The reason I can't support this is because you are going to be taking two major criteria points and counting them twice in bonus number 9 and now in bonus number 10. So you are taking two things they have already done and adding them to eligibility requirement to give them an additional 10% which we already given them 10% for.

>> Spelman: Well, it is not double counting because three is bigger than 2. If you hit on three cylinders you are doing better than two.

>> But if it takes two to get get to 10% and one to get an additional 10% more, you are diluting, you are not adding, you are diluting.

>> Spelman: I am not sure I follow.

>> Martinez: You are making the requirement less, because in provision 9, two or more to get to 10%

and in provision 10 you are proposing, 10 more so in essence it would take one more to get an additional 10%.

>> Spelman: Okay. Would you be more comfortable if we went to 4? It doesn't matter. I can see this is not going anywhere. I will withdraw the motion.

>> Cole: Council member spelman withdraws his motion. Let me

-- I know you want to go home, too, I don't blame you. Let me make a modified motion to see if anybody is interested. The original motion c is to add two other bonus criteria, one if minimum investment is more than \$100 million, one if the minimum investment is more than \$200 million. I can see that there is considerable reluctance to add to the bonus criteria so let me go for the last one. Of the two motions here under c, I am only considering the second one. If you are talking about a firm which is going to be investing \$200 million or more in our economy and on our tax base, it seems to me that that edifice is going to be here for a lot longer than any property tax abatements we are talking about. This is only a ten-year agreement. After ten years, it's gone, that 200 or more million or set of buildings will be there still producing property taxes for us and it seems to me that is something that we would like to provide an incentive for businesses to want to spend money on building the buildings which will be providing money into our tax base for years to come. Again, I think splitting it into pieces is probably a little too acute but it seems to me 200 million-dollar investment is worthy of additional incentive.

[17:23:06]

>> Cole: Council member morrison.

>> Morrison: What I would like to do is point you to item number

-- bonus number 6, (reading bonus 6) that benefit is based on the size of the property investment, I would assume, or related to it.

>> Spelman: It is based on the size of the total economic impact of the city of austin.

>> Morrison: I know but one of the main parameters is the amount of property tax they are going to be generating, and so if they are going to be investing a whole lot of money into their property, that value is going to go up which means the net value of the web loci is going to be high, so all to say that I think this is already accounting for some kind of extraordinary impact like that.

>> Spelman: Mayor pro tem.

>> Cole: Council member spelman.

>> Spelman: Council member morrison, that can't be true. And the reason it can't is because we have very large increases to the city

-- revenue increases with some firms who are getting property tax abatement. So we are forgiving them the property tax and allowing them to claw back the property taxes but still providing value to the city of austin. If they are doing that, it can't be through building a building which is generating property taxes.

>> Morrison: But it can be, because all other things being equal, the property tax line that goes into that calculation in the matrix is bigger, if there is a bigger investment.

>> Spelman: If we are giving them 100% of property taxes, it's 0.

>> Morrison: No, that line of the property tax they are generating is still there, it's just we then will subtract it off but there are other ways to add to it.

>> Spelman: Right.

>> Morrison: With all things being equal

--

>> Cole: We currently don't have a motion on the table.

>> Spelman: I believe, I thought I made a motion.

[17:25:07]

>> Cole: You have not.

>> Spelman: I move second section of c? It will probably die because of lack of second.

>> Mayor Leffingwell: Restate the motion.

>> Spelman: Yes, on the motion c I handed out, under motion c, second section, the only thing I am suggesting which would be to add a new item, section 3, subsection b that the value of property shows minimum investment of \$200 million. They are conceptually separate of what council member morrison is talking about and would be generating revenue for the city of austin and allowing us to raise taxes or increase services after the ten year period even after 100% abatement.

>> Mayor Leffingwell: Right. So second for that proposed amendment. Are you proposing it as friendly?

>> Spelman: At this point I think there is no point but I would like to propose as an amendment.

>> Mayor Leffingwell: All right. Is there a second? Council member martinez.

>> Martinez: I would support this as friendly and let me explain why.

>> Mayor Leffingwell: Okay.

>> Martinez: This is one of the provisions in the texas city economic incentive policy and I realize that it's used in the web loci calculation and that we have a bonus provision with the web loci scores with a net benefit of \$500 million or more. What this incentivizes is new construction where living wage and prevailing wage would apply and so that's why I am supporting this as friendly. If it's not friendly to council member morrison, I will vote in favor of.

>> Mayor Leffingwell: Okay. I will be more like texas city, too. Council member morrison. Council member morrison. [Laughter]

>> Martinez: I would say you already are.

>> Mayor Leffingwell: You didn't accept it?

>> Morrison: I am not the second.

>> Cole: I will second.

>> Mayor Leffingwell: Who is the second of the main motion?

>> Council member tovo.

>> Tovo: I would prefer us go to a vote. I understand your point, council member martinez, and respect -- respect your point as well as council member spelman, but i, too, feel that it does get factored into the matrix in a way that makes it double counting.

[17:27:19]

>> Mayor Leffingwell: You do not accept it.

>> Tovo: Don't accept it as friendly.

>> Mayor Leffingwell: Council member spelman do you want to propose it or withdraw it.



>> Spelman: If council member martinez will second it,.

>> Mayor Leffingwell: Okay, motion by council member spelman, seconded by council member martinez. Further discussion? All those in favor, say aye. Opposed say no. So that passes on a vote of 4-2, with council member tovo and morrison voting no and I abstain. Next. Council member riley.

>> Spelman: I am done.

>> Riley: Mayor, I handed out yellow sheet addressing one of the bonus criteria in section 3, subsection b, item 4 and we talked about this at work session the other day

-- work session the other day and this is the one relating to transit. The current proposal offers bonus points if the firm would locate regional center, town center or neighborhood center in the growth concept map in imagine austin program or within a half mile of a rail stop or public transit center. I question that because I don't know what a public transit center is and what I heard from staff is they originally recommended some other language, so then I looked at staff's language and I actually like what staff had suggested, so I am proposing some

-- a slight modification of the staff language. What was

-- what jumped out at me was that staff had actually identified two ways of approaching this. One is that there is value in low locating near a transit center

-- well, near a

-- on a transit corridor or near a rail or bus stop that is available by safe pedestrian or bicycle route and staff recognized there is independent value in a firm developing a program to encourage employees to use alternative transportation modes. And so I have split those out as two items. Since this was originally proposed to be valued at 10, I would suggest that we attach some value to each that adds up to 10. I would propose that we award 7 for the first item and three for the second item. The first item would read, the firm will locate in high frequency corridor, tod or regional center, neighborhood center or town center identified in the the imagine austin plan or located within a half mile of a rail or bus stop that is within safe pedestrian or bicycle routes. I am suggesting that ought to be worth 7 points. The second item will be the firm will develop a program to encourage employees to use alternative transportation modes through transportation demand management strategies such as car pooling, flex time work schedules and subsidizing transit costs for employees and I would suggest that would be worth three points and this is simply based on the recognition that for many austinites, another firm coming in town is just more cars on the road and for many people, that's not a very welcome thing so this rewards those firms that are actually locating, either locating close to transit or are encouraging their employees to use alternative transportation modes, which is valuable whether they are located near transit or not and so those should be independent criteria that each earns some amount of points and I am suggesting we break it down to 7 and 3.

[17:30:51]

>> Mayor Leffingwell: Is that a friendly

-- proposed for friendly or are you making an amendment out of it.

>> Riley: I would be glad to offer it as friendly.

>> Mayor Leffingwell: Council member martinez and tovo, do you accept that.

>> Martinez: I will.

>> Tovo: Yes.

>> Mayor Leffingwell: That's accepted.

>> Tovo: I have a question.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I just want to follow up on one of the points that was made at the work

-- the work session on tuesday and that is council member martinez said we have how many bus stops in the city?

>> Martinez:2900.

>> Tovo:2900, so are you envisioning that the emphasis in terms of assigning up to 7 points would be

-- would be

-- that bus stops would factor in there but not necessarily be the highest ranking?

>> Riley: Well, if I

-- I think there is real value in locating near one of our existing bus lines and so that would give us just as much points as locating in a high frequency transit corridor. If you have another suggestion as to how to approach that, I would be fine with it but to me it would be locating in a way that would be accessible in our transit network and I am in the real troubled

-- I am not real troubled by the prospect of a firm locating near one of the bus stops and the fact that we have many bus stops. I don't really see that

-- I don't see how that's a problem. In fact, I see that as a way the policy could be more flexible, that

-- that the

-- that when the firm is choosing where to locate, they would have many selections based on the breadth of our transit network. I would add that our transit network is not

-- yes, we do have many of them but those

-- those stops are frequently reviewed. We change them out three times a year to sure we are maintaining highly sufficient service throughout the network so we aren't talking about stops that are just

-- that really don't get any service because if the stop doesn't get any service at all, it doesn't last very long.

[17:33:07]

>> Tovo: Okay. Thank you, I appreciate that explanation. I think the addition of transportation demand management program is a good one.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Also want to just

-- the reason I am supporting this as friendly is because it is up to a certain percentage point and it is ultimately council's decision. I have concerns about the language in your second portion that says

encourage. Any time we put something in a policy that says "encourage," that's very subjective. What does it mean? Send an email to your workers, tell them where the bus stop is. That's encouraging.

Again, as it comes back to council, that level of specificity I think will take into consideration in granting up to the full 10% so I am okay with the language for that reason.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I want to echo that point but with respect to the first one because I think that if we have a company that comes and locates in a virgin regional center that we are trying to develop, that is much more significant than if they locate on a bus line that guess only one place and you have to travel for an hour before you can even transfer the bus but that's all going to be part of a deliberation so I think it's reasonable and I do like the demand management part of it, too. I think it is a really good addition.

>> Mayor Leffingwell: All right. That motion is adopted. Anything further? Council member martinez.

>> Martinez: I think law has one cleanup item they would like to suggest and I will happily make as an amendment and hope that it's friendly.

>> Mayor and couple, cindy crosby again. In reference to section 1, subsection d, the matrix refers to compliance with the mbe ordinance and in that section it refers to construction work funded only by the firm. However, similar to the conversation held earlier, the third party resolution requires companies to hold their landlords to complying with the mbe ordinance, and so this would also be in conflict with the resolution and recommend it be deleted.

[17:35:24]

>> Martinez: You are recommending what exact language be removed from that provision?

>> The last sentence which reads in regard to construction work, the ordinance will only apply to costs funded by the firm, will be deleted from subsection d.

>> Martinez: I will make that amendment.

>> Mayor Leffingwell: Council member tovo. All right. That's part of the -- that's apart of the motion.

>> Martinez: Thank you, mayor.

>> Mayor Leffingwell: Anything else? Brings us to the main motion. And all in favor of the main motion, say aye.

>> Tovo: I would like to say something.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I haven't had a chance to speak for the whole resolution before us and I want to thank, too, council member martinez on his leadership on the economic incentives issue and also council member morrison and she has been thanked but laura williamson does deserve additional thanks because she worked tremendously hard on this. [Applause]. I want to thank our other city staff and I also want to thank everyone who has provided input on this, really not just over the last 18 months but the last several years we have been debating this issue. That includes the chamber of commerce, labor groups, austin interfaith and workers defense and so many community members. I think we have a much better process moving forward. It doesn't look entirely like the one I would have designed if I had been left on my own. A few of the things that are now exceptionable, I would have liked as requirements but I think in the main, it is a very good balance of allowing us to have a robust policy that will attract companies to our town and still making sure that

-- that we do have a taxpayer return on investment. I really like that phrase and I am glad it came up several times tonight, because it reminds us the dollars we are investing in this are taxpayer dollars and we have a responsibility to make sure taxpayers get a good return on the investment and they deserve

it. We need to be sure that the jobs are good jobs and have a prevailing wage and I am glad that the resolutions we are adopting includes those as important community expectations. Thanks everybody for their work and my colleagues for the back and forth that is allowing us to move forward on this tonight.

[17:37:48]

>> Mayor Leffingwell: I will add that taxpayers have gotten a return on their investment in every agreement we have done for the last ten years, so that does not change. All those in favor, say aye. Opposed say no. No. That passes on a vote of 6-1. I voted no. (Cheering and applause). (Cheering and applause). The meeting is adjourned at 11:37.