

City Council Meeting Transcript – 04/25/2013

Title: ATXN CCTV

Channel: 13 - ATXN

Recorded On: 4/25/2013 6:00:00 AM

Original Air Date: 4/25/2013

Transcript Generated by SnapStream Enterprise TV Server

=====

[04:03:57]

>> Mayor Leffingwell: Good morning, I'm austin mayor lee leffingwell, we'll begin today with the invocation from the reverend charles j lee from the acts fellowship church. Please rise.

>> Let's pray. Dear heavenly father, this is a day that you have made. Help us to rejoice and be glad in it. Thank you for being sovereign and being in control of all things. Do forgive us of our sins and our shortcomings. As you know, this city is constantly faced with many difficult challenges and decisions. Give the leaders wisdom to fear you and the grace to know and do what is right. May this city experience growth and prosperity in christ jesus and it is in his name we pray, amen.

>> Mayor Leffingwell: Thank you, pastor, please be seated. Quorum is present I will call this meeting to order ON APRIL 25th, 2013 AT 10:05 a.M., We are meeting in the council chambers, austin, texas. We will note that

-- that councilmember martinez will be absent for the entire meeting, he's out of town on city business. So we will begin with the changes and corrections to today's agenda. The consent agenda is items

-- oh, let me go back here. First of all, the changes and corrections. Item no.20 is postponed UNTIL MAY 9th, 2013. Item 24, postponed until may 9th, 2013. Item 60, add as a second co-sponsor, councilmember mike martinez. Noting item no.97, which is not on the consent agenda but is withdrawn. Our time

certain items for today at 10:30, I will have the staff briefing on gray water recommendations. And a staff briefing on the affordable housing bond update. At 12 noon, we will have our general citizens communications. At 2:00 p.M. We will take up our zoning matters. At 4:00 p.M., Public hearings. And at 5:30, live music and proclamations. And the music for tonight is by the mccallum chamber guitar ensemble. The consent agenda for today is items 1 through 69. With certain items pulled off, which I'll go through in a minute. But first, I'm going to read into the record our appointments to boards and commissions. And that item will remain on the consent agenda. And I do not have my appointments to the boards and commissions. I can't

-- those are

-- to the arts commission, earnest

[04:07:28]

[indiscernible] is mayor pro tem cole's nominee. To the austin music commission, lindsay social is councilmember riley's nominee. To the commission on veterans affairs, phillip gutierrez is councilmember martinez nominee. To the construction advisory committee, jason kato, councilmember martinez' nominee. To the human rights commission, sarah clark, councilmember martinez' nominee. And to the mexican american cultural center advisory board, anna macile is councilmember martinez' nominee. Those are appointments to our boards and commissions. The following items were pulled off the consent agenda

-- item no.7 is pulled by yours truly, mayor leffingwell, for a few questions. Item no.27, pulled by mayor pro tem cole. Item 34, pulled by myself, mayor leffingwell. Item 54, pulled by councilmember riley. And item 55, pulled by councilmember spelman. And

-- and late arriving news, add to our changes and corrections a postponement of item no.10, by staff, UNTIL MAY 23rd.

>> Mayor?

>> Mayor Leffingwell: Councilmember tovo?

>> Tovo: I have a few questions about item no.2, please?

>> Mayor Leffingwell: Item no.2?

>> Tovo: Uh-huh.

>> Mayor Leffingwell: Okay. We will pull item no.2 from the consent agenda.

>> Tovo: Would you mind just clarifying, is it 54 and 55 pulled

--

>> Mayor Leffingwell: Yes, they have been pulled. There are no items pulled off because of speakers. And we have one speaker signed up to speak on the consent agenda. will McCloud, you have three minutes.

[04:09:36]

>> Cole: Mayor, I have somems to be postponed:

>> Mayor Leffingwell: What are those items?

>> Cole: Items number 84, 85 and 87. 87.

>> So we will pull those items from the consent agenda and we will discuss postponement immediately after the consent agenda.

>> Cole: Mayor, also i need to show myself recused on item 21.

>> Mayor? [Multiple voices]

>> Mayor Leffingwell: I'm reminded that we'll talk about your postponement items later this afternoon, we're not

-- those are not part of the consent agenda. But the clerk will show mayor pro tem cole recused on item 21. And you can also show me voting no on item 61. That will remain on consent, however. SO MR. McCLOUD, YOU HAVE Three minutes.

>> I've got a video about urban rail that I would like to show. Go ahead. Is that they can't profit from it.

>> Makes sense, if you ask people, who built the subways

--

>> I think it was the government.

>> Either president eisenhower or maybe like a mayor.

>> Probably union workers.

>> But actually

--

[🎵 music playing 🎵]

-- built in 1878 before the brooklyn bridge, before the statue of liberty.

>> The original subways in new york were all private.

>> It carried tens of millions of passengers.

>> Then after 50 years the private companies tried to raise the fare to a dime.

>> People didn't like the idea of paying a higher fare and the mayor took advantage of that and said well fine the government will take it over and we won't raise the fare.

>> But of course government did.

[🎵 Music playing 🎵]

>> and now the fare is 2.50. And now the government built subways, construction, takes longer. This subway was supposed to be done in 1938. Then they said 1980. Now they say 2018. It's taken so long that the subway cars built for it, which cost a million dollars each, now won't be used because they no longer fit the tracks. And we no longer need the ultraviolet lights they have to kill polio germs. So private companies did it faster, 150 years ago, without this modern equipment. Why? Because competition. And their own money on the line.

[04:12:19]

>> I want to recognize up front a number of officials, elected officials.

>> Politicians have different incentives, like sucking up to other politicians.

>> Councilmember jessica [indiscernible], councilmember danielle ...

>> And government workers have time to stand around. Yet despite the delays, despite the billions lost, government wants more trains.

>> It's rail, rail, rail, and rail.

>> Stop it.

>> Do you like these

--

>> actually, it is bus, bus, bus. Bus has been moving around for millions of years. Almost. [Laughter] and in my time. [Laughter] and I think it would work better

--

>> Mayor Leffingwell: Some of the buses probably look like it, too. [Laughter]

>> and so

-- so let's

-- let's take urban rail out of the equation because it costs too much and it does too little and I find john stosel to be pretty accurate about urban rail. And let me give two quick, 20 seconds left. Okay

-- ground transportation passenger services

-- I see that it's only going to benefit the cab industry and the unions. And I don't think it's going to benefit me and you and joe and jane citizen. Thank you.

>> Mayor Leffingwell: I will entertain a motion to approve the consent agenda.

>> So move.

>> Mayor Leffingwell: Councilmember spelman so moves. Seconded by councilmember riley.

>> Tovo: Mayor? I would like the record to show me abstaining on 60.

>> Mayor Leffingwell: Show councilmember tovo abstaining on item 60. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0 with councilmember martinez off the dais and for the clerk, councilmember martinez again will be off for all votes today. So now we'll go to item no. 2, pulled by councilmember tovo.

[04:14:35]

>> Tovo: Thanks, I have a couple of quick questions about this item. This is a contract for services for a thermostat, thanks for being here, sorry for the late notice on this. Could you explain a little bit how the rebates will work on this? After getting more information from the esc meeting it sounds like the customer would get an \$85 rebate immediately and then \$25

-- an additional 25 goes to the vendor on the first year, 15 in every subsequent years and the customer receives that 85, but could you just walk us through that a little bit.

>> Sure, I would be happy. My name is debbie kimberly, I'm the haven't of distributed energy service

-- the vice president of distributed energy services for austin energy. Austin energy is very excited about this program because it's more of a bottom up approach to enabling demand response for your customers, so customers actually have the choice of the type of smart thermostat that they can

-- they can small in their home. And it's a very cost effective program. Essentially, councilmember tovo, you

-- you captured the essence of it absolutely correctly. The customer will immediately receive \$85, but they agree to assign a portion of what amounts to roughly \$140 rebate to the vendor. Whether that's echo b energy hub or most recently we're excited to announce the inclusion of [indiscernible] in our program. To \$25 goes to the vendor for the ability to access their portal. So the vendor is able to have our customers go on through their portal and sign up for the demand response offering and another \$15 per year or 30 years over the span of two years goes for the maintenance of the system. We're pursuing a soft launch program right now, we're actually using energy hub, echobee and mist as a means by which to help recruit customers into the program. That's really the reconciliation between the \$85 that goes to the canner that remains with the customer and then the remaining amount is assigned to the vendor for the services they perform. Perform.

[04:16:52]

>> Tovo: Okay, that does clarify it to some extent

-- although I'm not getting 140.

>> What you've got is \$85 to the customer, \$25 a year for the vendor portal, \$15 for two years or \$30 total for the maintenance that is paid to the vendor.

>> Tovo: Okay. That now adds up to 125. And so the point of us assigning some of that rebate to the vendor directly is to help them recoup some of their costs for maintenance and

--

>> absolutely [multiple voices]

>> providing that portal

--

>> we avoid having to set up a call center. We avoid having to go out and install the thermostats ourselves. So this is a new generation of demand response that we're very excited about because it's much more cost effective as opposed to hiring one entity with one thermostat to go out and enter individual's homes, install the thermostat, having to staff a call center to answer questions on how to install the thermostat and then to be able to enable our ability to send a signal via wi-fi enabled through the customer's routing that they have in their home that they use for internet access and all sorts of other applications. To be via wi-fi send a signal a dozen to 15 times a year to cycle hvac units. So it's actually via the thermostat setting. So it's a very cost effective means of pursuing demand response and it puts some control in the hands of customers who are able to take advantage of these new thermostats. Some of which are very costly. The [indiscernible] thermostat, as you probably know, costs about \$250. So we're only paying for a portion of that cost. The customer pays for the remainder.

>> Tovo: That

-- as you said that offer is the option of choosing among the different thermostats

-- [multiple voices]

>> absolutely. We hope to add more thermostats. We have three right now, nest announced on earth day that they would be participating in our program and there's always the opportunity to have other thermostat providers, which is why this rca is for an amount that would include as well other potential providers.

[04:19:07]

>> Tovo: I see. And there aren't any other costs. I mean the costs that austin energy is incurring is just the rebates. There won't be any outside costs with these vendors, that rebate covers them?

>> This is inclusive of all of the vendor costs as well as the rebate to the customer, you are correct.

>> Tovo: Great. Thank you. I think that answers all of the questions that I had about that. I appreciate the additional information.

>> Thank you.

>> Tovo: Mayor, I would like to move approval.

>> Mayor Leffingwell: Councilmember tovo moves approval of item no.2. Seconded by councilmember spelman. Discussion? All in favor say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 6-0. Go to item no.7, which i pulled. And we do have one speaker, we'll hear from the speaker and then I'll ask my questions. Dustin [indiscernible] my name is dustin [indiscernible] I'm one of the founders of the east side compost pedal lone stars, we are a completely bike powered recycling program here in east austin. We've been in operation since january and we do all of our operations using a sweet of cargo bikes, we collect the organics from east austin and deliver them to urban farms and community gardens so that we can grow more local food. And as many of you probably know, this is an important issue because about 30% or more in some cases in the cases of restaurants of our waste is compostable. And so there's an enormous opportunity for our cities to move towards zero waste by taking advantage of finding a better place in the landfill for these resources. So we're in favor of

-- of the ordinance to bring composting to the commercial sector.

>> Mayor Leffingwell: Thank you.

>> Riley: Mayor?

>> Mayor Leffingwell: Councilmember riley may have a question for you.

[04:21:11]

>> Riley: First, I want to thank you for being here and all that you are doing out there. Can you tell us if a restaurant wants to use your services to help with composting its food wastes, is there

-- are there costs involved? Is it expensive for a restaurant to enlist your services in helping with composting?

>> No, we don't believe it's expensive. We estimate between

-- around 20, \$25 a week, but, you know, it depends on the amount that the restaurant is producing. The amount of organics that they are producing and that we're hauling. So it's on a case-by-case basis.

>> Riley: But roughly

-- typical restaurant that you are dealing with would pay 20, \$25 a week for hauling away compost? Right, that's what we are seeing so far.

>> Riley: Great, thanks.

>> Mayor Leffingwell: Thanks.

>> Thank you.

>> Mayor Leffingwell: So a couple of questions. The reason I want to ask these really is to give you the opportunity to do like a thumbnail sketch of what this ordinance does and what it doesn't do. There's a lot of talk about mandatory requirements, et cetera, for restaurants. Tell us a little bit about that.

>> Yes. Bob [indiscernible] director of austin resource recovery. In addressing the restaurant portion of this ordinance, this ordinance expands the recycling requirements of many different buildings and styles of businesses. But I believe the concern is on restaurants itself. And that is

-- that is on page 4 of 9 of the proposed ordinance and it requires compost

-- it requires food waste collection by restaurants that hold a food permit. If they are required to hold a food permit, they would be required to collect food waste. And there are subsequent rules within the ordinance on the collection and transportation off-site of that food waste. But it only affects restaurants and food vendors that are required to carry a food permit.

>> Mayor Leffingwell: I assume that you've had a lot of interaction with the restaurant community.

[04:23:12]

>> Yes.

>> And assuming that since nobody really is here to speak against it, you didn't get any

--

>> I would say we had spirited debate on this issue over 20 months with many restaurants and I thank skeeter miller of the texas restaurant association, he's here in case you desire to speak to him. But he is in support to this ordinance primarily because we've had a very good interaction and we have adopted this ordinance to their needs. We've rolled back the date to 2016, 2017 by his request and the

-- I would add that the following step after approval of this ordinance, there's a rules process and we have committed to adapting some of the rules around restaurants and

-- and this previous speaker with dustin in a addressing some

-- some unintended consequences.

>> Mayor Leffingwell: So will the city take an active part in this or is this done by the people who have contracts with commercial restaurants now?

>> The intent of this composting is to open it up to any

-- any entrepreneur. It's not a restricted list.

>> Mayor Leffingwell: Okay.

>> I would add that through the rules process, we will go through zwac and back through city council on the rules adoption.

>> Mayor Leffingwell: Potentially it would be all of the waste carriers in central texas might be involved in this program, to whatever degree they want to be.

>> That's correct.

>> Mayor Leffingwell: Okay. How about composting for residential, which

-- which is

-- which is exclusively done by austin resource recovery?

>> Yeah, this ordinance doesn't interfere with austin resource recovery collection service and it doesn't interfere with back yard composting. It's the organics portion of this ordinance is strictly related to food permitted restaurants.

>> Mayor Leffingwell: You can have a separate carrier

--

>> yes. I would add that's service by the private sector, not by the city.

[04:25:15]

>> Mayor Leffingwell: Okay. Councilmember riley?

>> Riley: We just heard about from one service er who is currently offering to take compost away from restaurants. Do you expect that through the rules posted process we'll develop rules that would allow operators like that to remain in business, keep doing what that's true doing?

>> Yes, I do. We met with dustin this morning, it was

-- it was a loose end that we hadn't considered and the type of business, the bicycles, so forth. We're going to engage conversation with them in the next few weeks on whether that's the haller vehicle license impact and

-- hauler vehicle license impact and how we can adopt the rules of this ordinance to include that and not exclude it. The intent is to make sure that his business is not harmed by this ordinance.

>> Riley: Great. In terms of the costs imposed on the participating restaurants, obviously we're talking about waste that already exists and

-- and restaurants are incurring some costs in disposing of that. When we look ahead towards this alternative hack of

-- handling of that waste stream, do you expect significant changes in the costs that restaurants will face.

>> That is actually part of the stakeholder conversation. With skeeter miller as well, representing the restaurants, that is a significant concern, whether it will raise rates or not. From our perspective, there's no new waste generated. It's moving waste from a trash can to an organics can prior to hitting the cans, the source separation on site. There is an impact within the restaurant. I'm making sure that the containers appear this goes to organics, this goes to trash, and there's an impact the hauler level on the impact. We are trying to moderate that price impact. Part of the agreement to roll this back to 2016 to 2017 is to work on that issue.

>> Riley: Great. The compost that we're collecting from the astronauts, the food wastes, can you just tell us brief what's going to happen

-- briefly what's going to happen to that food waste?

[04:27:20]

>> Yeah, the food waste can go to a large commercial enterprise where it's mixed with yard waste and wood chips and

-- and fully composted. It could also go to an urban farm, it could go to community garden. There are rules that we need to work with, with tceq about the end use and that's not impacted by this ordinance, but it's

-- it certainly does impact our movement forward on the rules. So we'll be working with tceq on that issue.

>> Riley: And you'll also be keeping zwac in the loop.

>> Yes, absolutely.

>> Riley: Thank you very much for all of your work on this.

>> Mayor Leffingwell: So you don't have a secret plan to establish a compost police that will go and inspect folks garbage to see if they have compost in there.

>> No secret police, no.

>> Mayor Leffingwell: I just wanted to make sure of that. [Laughter] I will entertain a motion on this item.

>> [Indiscernible]

>> Mayor Leffingwell: Was that councilmember riley moved approval. Councilmember spelman seconds. Discussion? All in favor say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 6-0. And

-- we will go to item no.27.

>> Cole: I have some questions of mr. Sadowsky. I'm sorry you're in his place.

>> Yes, mr. Sadowsky isn't here. alice McGee, historic preservation officer.

>> Cole: Thank you, ms. Alice, the rca on this item says it went to the COMMISSION ON APRIL 22nd.

>> Yes, this past monday.

>> Can you tell me the recommendations that came from the historical land commission?

>> Yes, there was an initial list of properties that were

-- staff was recommended for approval to

-- for the commission to recommend to city council that they receive the tax exemption and there was a list of properties that we were recommending for denial. There were two properties that were taken from that initial list as an addendum to be approved because they had been responsive in our concerns about

-- about deficiencies that were found during inspection and then there was a property where the property owner representative attended the commission meeting and pled his case to be considered for that property to receive the tax exemption. Staff

-- I'm sorry?

[04:29:57]

>> Cole: Because that was one of the things that i wanted to be clear on. The correlation if any that existed between a recognition of deficiencies and being allowed or disallowed the exemption.

>> Yes, that was a property, 910 poplar street was found to did have deficiencies, found in the past to have deficiencies and that's why staff was recommending denial. That property owner representative stated they would be repairing any of the deficiencies in a timely manner and would provide a written statement. Ass to their doing so and the commission decided to recommend that they receive the tax exemption.

>> Cole: I was surprised to see the number of properties that were actually denied exemptions. Can you tell us once properties are denied exemption is there a move to receive landmark protection after that.

>> The denial of the tax exemption does not impact the historic zoning of the property. That is a zoning overlay. It just means that they would not receive the tax exemption because that is an exemption that has to be considered on an annual basis. The 10 properties that the historic landmark commission is recommended not approved is for a variety of reasons, either they provided an inadequate statement or no statement about their need for tax relief or they were not responsive to

-- to staff communications about deficiencies. We will notify those property owners and give them an opportunity to appeal that decision. They can come to the may 20th historic landmark commission meeting and the commission can then make further recommendations to council if they feel a need to do that.

>> Cole: All of those 10 are eligible for that procedure?

>> Correct.

>> Cole: Okay. Let me ask you of the lists that were approved anddenied, how many were new this year compared to last year? Are we increasing the number?

[04:31:58]

>> I actually can't recall exactly what the number of approved were last year, but it's very similar. It was 435 I think last year. And it's 448 I believe this year. Very similar number.

>> Cole: Okay. Well, since we made new guidelines, are there any recommendations or tweaking that you think needs to be done based on the work that has happened this year?

>> The only thing that i think we might try to button up is a little bit tighter is our schedule and coordinating with the appraisal district and the other taxing entities to make sure that our staff has adequate time to get responses from property owners and get information out. It's very time intensive process. We inspected all of these properties in person. So

-- so to do that while we're managing our caseload, you know, and getting information out to the property owners if there are deficiencies, we just need to make sure that we have adequate time to do that, but that would be all internal.

>> Cole: I appreciate your work and time on this, thank you. Move approval, mayor.

>> Mayor Leffingwell: Mayor pro tem moves approval seconded mayor, by I do have a question.

>> Mayor Leffingwell: Question for you. 448 are recommended for tax exemption, 10 are not recommended for tax exemption. How many eligible properties did not seek a tax exemption?

>> There are

-- there are 570 some properties that have historic zoning. Many of those are publicly owned or owned by property owners that

-- they are properties that have no taxable value because they are owned by non-profits. And then I would assume there are some property owners who don't apply, it's on the property owner's onus to submit the application.

>> Spelman: Sure. If 570 total, some of them are public, say 20 or 30?

>> I would think more than that. The city owns quite a number of properties, the state, the county, there's a number of public entities, the school district.

[04:34:02]

>> Spelman:50 maybe? I'm trying to get a rough estimate. I

-- [multiple voices]

>> maybe, I'm trying to think of the stack of inspection forms. Might be.

>> Spelman: So we have something like 500 owned properties, something of like 450, 458 sought an exemption, a veryll percentage did not seek an exemption, 90% of the eligible properties were looking for the

--

>> I would say yeah, at least 90%.

>> Spelman: The thing that concerns me, I very much appreciate it, I'm very happy that you actually went out to all of these properties to do the inspection, I think that's extremely useful. If, however, of 458 properties seeking an exemption, only 10 were denied and the 10 were denied because they didn't say why they wanted an exemption, it does raise the issue of how much of an explanation was necessary in order to necessarily get a tax exemption. I wonder if you could walk through that with us.

>> We do require that they complete the statement of why their property is in need of a tax exemption. We have seen a number of responses from the costs for maintenance, these properties are held to a higher standard of maintenance in city code than other properties. Because of the duty to preserve and repair clause. Talked about reduction in development rights for some properties, a number of different reasons. These are things that staff reviewed with legal staff and we determined that they were responsive.

>> Spelman: Okay. Do we have a

-- formal rules on the subject or is this something that you all have reached an oral agreement, you all kind of know what you are looking for.

>> It's the latter. We do not have the

-- we have not adopted rules.

>> Spelman: The legal staff suggest it would be a good idea at some point to have formal rules or do they seem to be comfortable with the oral agreement approach?

>> I think that they are comfortable with how we've been proceeding to date. The only thing we might want to look at is having a more formal process for appealing decisions.

[04:36:05]

>> Spelman: And starting earlier as you were suggesting earlier.

>> Yes.

>> Spelman: Thank you very much.

>> Mayor Leffingwell: All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0. Number 34 I have pulled for discussion, we have one speaker, paul saldana. Let me just say I pulled it because I believed there was a request for postponement.

>> Yes, mayor, good morning, mayor, councilmembers, my name is paul saldana, representing the minority contractors trade association alliance. Earlier we submitted an email asking the council to consider a postponement of the particular item. I wanted to explain the rationale for the postponement request. You may recall that the council's economic incentives committee voted last year to include some proposed amendments to the economic development policy. Among those recommendations were to include a prevailing wage requirement on construction for construction workers, which we believe has an impact on local small businesses, particularly the construction firms that we represent. Part of that

-- part of that direction to staff was also to convene a group of stakeholders to meet about coming up with particular initiatives or programs that help

-- that might help mitigate the impacts of those. Your ergso office recently convened the stakeholder group meetings. We've actually only had one meeting. We're scheduled for our next MEETING ON MAY 1st. We believe that there may be opportunities within your ergso program that might lend itself to help mitigate the potential impacts on small construction firms. It's my understanding that your staff that manages the program has been invited to that m 1st meeting, we would simply like to have a discussion among the task force or group that's been convened and have discussion with your staff about the potential opportunities to mitigate the impacts on our members. We were simply just asking for a postponement on the item.

[04:38:09]

>> Mayor Leffingwell: So MAY 9th?

>> That's fine.

>> Mayor Leffingwell: Could I ask the staff a question. Is there any

-- any problem with postponing this until MAY 9th? Is there any you were against about it?

>> [Indiscernible] human resources.

>> Mayor Leffingwell: We don't have a full council here today.

>> I think it will be okay. It's for projects beginning AFTER MAY THE 1st, I THINK One week of delay of this will

-- will allow us to incorporate all of the projects we intended to and hopefully to achieve the savings. So the delay of one week will not

-- or two weeks will not

--

>> Mayor Leffingwell: Thank you. Any other questions?

>> Cole: Mayor, I'll make a motion to delay this item UNTIL MAY 9th.

>> Mayor Leffingwell: Mayor pro tem moves to POSTPONE UNTIL MAY 9th, I'll second. Is there any further discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0. So ... The hour of 10:30 has come and gone. So we will go ahead and go to our first briefing. Which is the austin water and gray water working group joint briefing. Welcome, mr. Slusher.

>> Thank you. [Multiple voices]

>> mayor and council, daryl slusher with austin water. Last year the

-- instructed staff to look forp and remove impediments to gray water use. Several departments as you will see in a presentation in a moment working together with the citizens. Gray water working group. To try to do to remove the impediments for public health and safety. We think that we've been able to do that and are happy to be here today with members of the graywater working group in a joint presenters. The presenters going The presenters going To be [indiscernible] water conservation division manager for austin water and page hill of the graywater working group. I also want to say we have people here to answer questions. Multi-leann barber, tony canales of our special services division. At this point I'm going to step back and turn it over to paige hill. Thank you.

[04:40:33]

>> Good morning, councilmembers, mayor, thank you very much. As you said, we're very proud to be

-- to be presenting with you jointly with staff today. I want to just emphasize what a pleasure was to work with staff over the last several months over a year now. It was a very collaborative effort and we

come to you together today to present something that staff and stakeholders can agree upon. First of all, what is gray water, the really short answer is really pretty much anything coming from your household water supply that does not include the kitchen sink and the toilet, which have high levels of organics in it. So things like toilet water and kitchen water would still go down the drain to the city's treatment services. The benefits of this are far-reaching across departments. From energy standpoint it takes two watt hours per gallon of water to treat water after it leaves a home and needs to be treated to return to the system. Residences can save anywhere from 40 to 90-gallons per day depending on the household water use and send that to the landscaping. This is a great benefit in our drought times through summer when people are trying to keep trees alive, especially when we are trying to increase our tree canopy and combat heat island effect in the city. It's also a benefit to his folks who are putting in alternative landscaping and a lot of folks in austin are now returning to growing fruit trees and food in small home gardens and this will help them do that without increasing their water consumption. Let's see, we can

-- we can switch to the next slide. Okay, great. So over the course of the year working with staff, we identified about 13 impediments through the current system, both on the staff side and on the resident's side that was keeping folks from permitting systems in the city of austin. To date we've only had one permitted residential graywater system in the city of austin. What we found was most of those impediments were

-- were covered by

-- by adopting the 2012 universal plumbing code, which is coming up for review i believe next week. So as you are looking at the auxiliary water areas of the universal plumbing code, if you simply adopt the natural language of the plumbing code, most of the impediments we discovered- are going to be taken care of. The rest of them simply involve process. There just wasn't a process to handle residents who wanted to permit systems. So by working with staff and I want to

-- I want to especially thank the staff of the conservation department, drema gross and robert stefani who worked with us weekly, also watershed department, pirmitting staff, including plumbing, special thanks to dan mcNabb who I believe is here today too to answer question, mechanical plumbing and solar board and also [indiscernible] who helped us walk through the process of getting over these hurdles so that we can come with you today with a request to support a new graywater policy for residents in austin.

[04:44:05]

[One moment please for change in captioners]

>> why did it exist? And we had subgroups that addressed different permitting, technical design and sort of education components. Internally, we have mentioned several departments but we did want to

emphasize that we had austin energy's green building program, planning, permitting, building, review, watershed protection and sustainability, health and human services and laws to make sure everyone's concerns were addressed on as far as will graywater work on someone else's property, is it safe to discharge graywater from over the property. I want to talk about the wealth of experience that the stakeholder's colleagues have brought to this project as well.

>> Yes, they are doing a good job of playing together a broad spectrum of stakeholders. We work sometimes weekly on reviewing all of the

-- all of the issues that were addressed and then coming up with the staff and responses and a new program that we will explain a little further. The stakeholders group involves two license civil engineers, two licensed architects, a member with a ph.D. In engineering and a ph.D. Candidate in engineering whose research specializes in graywater quality, management and risk. Respective alternate system designers and installers in this community and together this group represents decades of expertise in the field of quality and design and installation of systems.

[04:46:26]

>> So to quickly summarize for council what we found and what we have proposed, the process identified 7 technical impediments. We recommend addressing those through adoption of the 2012 uniform plumbing code and local amendments, that is number 98 on your agenda today but I believe there will be a request for a postal ponement at the 4:00 o'clock public hearing section. Identify 6 process and information related impediments and those include developing a one stop shop permit process for auxiliary water. Previously while you may need a plumbing permit, there was nothing specific to any type of auxiliary graywater/rain water system and it made it difficult for staff to identify what requirements a customer may need to be aware of while getting the initial plumbing permit. We have chosen to coordinate all of this in information through austin waters conservation division. And most people who are interested in a graywater system are doing it to reduce water use and respond to drought conditions and planning to plan for additional education and outreach components so the customers are aware of the types of requirements we have and answer some questions about graywater, what it is, when it is safe and what the benefits can be. In the 2012 uniform plumbing code, they address the design requirements that were highlighted as issues, including previous requirement from multiple zone distribution of a graywater field, the depth of leech field and materials required.

-- P leach field and what is required. There are separate alleviations for gravity base system that are under a certain size so you won't have to have back flip protection at your water utility meter and that reduces the number of annual inspections and allows the homeowners to actually pull the permit. Previously it was not allowed. We also have a laundry to landscape provision that has been written in

the local amendments to the code. What that is just a very, very simple way for someone to take the washing machine, extend the piping beyond the house, and get that out to trees. This is an example from the san francisco design and guidance manual, which we hope to borrow heavily from as we create our own. The auxiliary water permit process has been developed and essentially it is a work type that is a check box form for a plumbing permit, so it does not add any additional cost or procedure, and the components in the man to permitting system are in a testing phase. We anticipate it to be ready by may. It gives the customer a point of contact as a benefit and allows other departments to provide all of the required approvals and be notified when an auxiliary water system receives a permit. As far as outreach and education, our plans going forward, by july, pending adoptionthe plumbing code, we anticipate having a central webpage that other departments can link to, so we have information consistent in one place, as well as a freakily asked questions

-- frequently asked questions documents that will address what types of plants can I use graywater on, what things should I not put down my drain if I am using graywater and we already a conservation division as the contact in the 311 database so if somebody calls in about graywater water reuse they are directed to knowledgeable staff. By december we anticipate having technical guidance document which will give customers more information on how do this themselves if they want to and also provide some of the technical information that is buried in codes. Developing a curriculum for a homeowner installation workshop. We anticipate involving the stakeholders, though we will not be meeting formally, they have offered us their services in helping us review the materials and make sure we are providing the type of information customers will want so we anticipate a continued relationship with this group. Additionally, as a water utility, we are looking at residential graywater as one component of auxiliary water, in meeting our water demands. Council approved last fall a contract to study auxiliary water regulations and we anticipate completing that by the end of the fiscal year. We may have additional recommendations for further plumbing code changes as we see what that study provides, and what we anticipate is to really look at this, not just as one small component but how does this affect larger commercial reuse, how does this affect rain water and other sources of auxiliary water. One of the requests in the original resolution was to evaluate incentives and we anticipate doing that once we have the results of the study and any proposed changes so that we can really look at the consumer cost benefits side as well as potential savings to the utility and determine whether or not incentives may be appropriate or necessary. With that, I would like to thank the stakeholders for expressing their concerns and for all of the staff that worked with us to really make sure that we could come to you today with something we feel is a positive joint effort.

[04:51:40]

>> Mayor leffingwell: So a couple of quick questions. One, have you done any kind of analysis for estimates of how much an average residential customer

-- how much water they can save both in terms of gallons and dollars?

>> There are

-- I don't have financial figures for you. A lot of that will depend on the customer's current water use and where they fall in our billing tiers.

>> Mayor leffingwell: Right, I understand that.

>> Some estimates say it can be 40-90-gallons per day and that's based on average home water use, depending on how many people are in there and assuming 50% of the water that goes down the drain is gray rather than black water. There is a study in california recently that showed a small scale on smaller savings in the order of 15-gallons per day. I think we need further to look into that. Our hope is that we can continue these sorts of studies as people in austin develop graywater systems. Obviously the landscaping needs here are different than in other areas of the country, which can really affect how much water is actually used and how it reduces your potable need. Need.

>> Mayor leffingwell: So you talked about whether to hose from your washing machine out into your backyard?

>> It's a little bit more complicated than that.

>> Mayor leffingwell: I would hope

-- you have to hook it up to an underground system?

>> Yes, all graywater must be subsurface distribution and while the amendments to the local plumbing code reduce where the pipes have to be buried, so it is not so far underground and beyond the root level of a system, it still does need to be a subsurface distribution.

>> Mayor leffingwell: So you kind of alluded to later on incentives or something like this.

>> Yes.

>> Mayor leffingwell: Could this be a form of reduction on your water bill or something like that, based on the amount of diversion?

>> We are open to considering options. As far as incentives go, water conservation rebates are a

-- conservation rebate also a check to the customer. Not all receive the water, some municipalities and districts don't receive a direct bill from us but they are still using water that is supplied by austin. For instance if you are in wells branch m.U.D. But there will be a benefit to the customer in not having to purchase as much water, and if they are using graywater during the winter that will reduce their wastewater average. When the study is complete, we will have a determination of whether or not additional incentives make sense for if customer and utility perspective.

[04:54:19]

>> Mayor leffingwell: It seems like a considerable up run investment to investment in a system like this. You basically have to do a whole lot of plumbing?

>> You could. The laundry to landscape system is much more inexpensive and easily for a homeowner to do themselves. There is a lot of design engineers in the community that are anxious to begin helping people with this. It depend on what you want to hook up. A peer and

-- a pier and beam house is less expensive than showers under a slab. May have more construction and we may see more residential graywater recapture incorporated in these buildings as these codes as council choose to adopt them are enacted.

>> If I may also add to what she said, cost is definitely one of the main concerns of the stakeholders group, and so when we are reviewing any of the new ideas that we are working together on, we want to make sure that folks who want to put in a low cost system and recover that soon could do so, and so some of the impediments included high levels of engineering design that required or plumbing design that was required or extra permits that were going to be required based on some of the old permitting options and the old upc. But now what we are looking at for gravity bed systems is that homeowners can design and install their own and get it reviewed simply, through a simple process. So it really reduces the to to the homeowner to put in a new system and that's what we were aiming at when the stakeholder got together and raised concerns about our previous impediments, so we believe the ability for a owner to install a laundry to landscape or something that doesn't involve extensive complicated plumbing will address that concern.

[04:56:21]

>> Mayor leffingwell: Council member riley.

>> Riley: First I want to thank you and all of these other stakeholders for all of the work that you have invested in this effort. It is very exciting to see how much progress we have made. I know there were a lot of obstacles from the outset and that's why we only have seen one permitted graywater system so far and y'all have come a long, long way in identifying and addressing all of those obstacles and i am very excited about the progress that we are hearing about today and looking forward to getting those amendments in place at our next council meeting so that we can make continued progress. I just want to ask a couple of questions, first, i really appreciate the recommendations about creating a one top

permit process and one webpage, where we gather all of the information and make it available in a clear way to anyone who is interested in doing one of these things, complete with frequently asked questions about graywater. I think that's a helpful idea and I know that san francisco has a page like that, so we won't need to reinvent the wheel on this. And it makes sense to me that that would be in the water utility

-- it would be housed in the water utility and on their website. It also strikes me that some folks participating in the green building program would have an interest in graywater. You mentioned that there are opportunities to promote graywater

-- to make graywater easier through measures taken during new construction and likewise, in the course of any

-- any kind of renovation, graywater would be one option that people can explore so it seems like the green program can be a helpful portal as well. Do you all see. Two questions, one is that cross referencing this program through the green building program, and, secondly offering points in the green building program for graywater systems?

>> Unfortunately I am not able to address the green building points. We can certainly find that information for you at a later date, but as far as having other groups in the city and other programs have access to the information, our intent is once we have everything developed, to send out a link and ask them to put that somewhere on their website where it makes sense and that way we have one source of information that is linked to from green building, office of sustainability, resource recovery, any other place that people interested in things like composting and solar may also be able to come to the one source so we have one voice in the city that is providing information and making sure customers are getting the same level of support throughout the city.

[04:59:04]

>> Riley: It seems like promoting this through the green building program will be consistent with the vision underlying this effort. Isn't that accurate?

>> Yes.

>> Riley: Okay. So someone interested in working with a green building program would see

-- ideally would see the suggestion of green building as part of

-- rather, see the suggestion by graywater as an opportunity to get more green building points. So that may be something that we can have some further discussion about. I know you mentioned the san

francisco example, and in particular, the laundry at a landscape provision, and that's been an exciting example to look to. And when we think about cost, did y'all

-- did y'all look at the cost that the consumer faces with a typical installation of

-- of a laundry landscape system in california?

>> We have not yet looked at that in the staff perspective. One of the issues is that we did look at some costs for pressurized and more expensive systems as they were permitted currently in the city of austin. What would it cost if someone were to put in something based on our current regulations. But we didn't necessarily look specifically or get estimates on what the laundry to landscape system would cost here. We can certainly look into studies and what the costs have been in california. My understanding, not being a plumber, is that you can go to home depot and purchase the necessary components and install something that is very simple and very inexpensive or you can go to an engineer or a plumber/contractor, who can put in something that is much more extensive, maybe reaches further through your yard, but that if you just wanted to water the nearest trees and shrubs, there will be a very low cost way of doing this.

>> Based on the rebate program that san francisco has for their laundry to landscape, they offer customers, utility customers a kit for \$100 and then they rebate it \$95, which is extensive rebate, so that is the example they have, they have a whole system with the tank and certain pipes and certain connectors and stuff you will need for about \$100. Having spent a lot of time in the plumbing department at home depot, I am pretty sure somebody can do it for a lot less if they wanted to do their own.

[05:01:26]

>> Riley: That was my recollection, it was about \$100. And if I am looking at the webpage for sf water now. It has gone up a bit. The graywater kit they offer, they are charging \$117, but they also offer 112-dollar subsidy, so it costs the consumer all of five dollars for the materials necessary to install that graywater system so that their laundry

-- water from their laundry can go towards their landscaping.

>> Yes, one of the things we found encouraging at the outset of this was, you know, there were previously some concerns about health risks or discharge fields and things like that, and we thought really comparing this small footprint of most properties in san francisco to generally large footprint in austin, and then the typical soaping habit of yards in san francisco versus the austin flatter rain in san

francisco, versus the flatter rein in austin, it really gave us a precedent that we could probably put those in herewithout too much worry.

>> Riley: And we aren't talking about systems this necessarily cost thousands of dollars?

>> Right. This discussion and we heard talked about the different auxiliary work was going to be doing in the next few years, this work was done on simple gravity systems for the purpose of out giving them out to someone with who can put them together easily.

>> I know there is a lot of austinites that would do this. I appreciate all of thek that is made in gathering this information, making it available, and clearing away the obstacles of easy and inexpensive installation of graywater systems, so thank again for all of your work on this.

>> Thank you.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Let me follow up for a moment on council council member riley's lead. How long has the laundry to landscape systems been in place in san francisco?

[05:03:33]

>> I can't recall. A few years. It's not brand, brand new. It is not in a pilot season anymore.

>> Spelman: Okay. This net of rebate 5-dollar kit is probably newer than that, then, this is something that they have had fairly recently?

>> They started the program with the rebates. I am actually surprised that they still rebate as much as they do this far into it.

>> Spelman: It's san francisco. I am not at all surprised, actually. How

-- what's the take up rate as interest goes

-- what percentage of

-- how much people have actually bought the kit and installed it?

>> I don't know.

>> I will be happy to reach out to the water utility and give you that information for you.

>> It seems like san francisco represents the best possible case for this thing, if we are going to estimate how many people will be using this in austin, san francisco's water demands have been very close to the margin for years. My entire life we have been

-- growing up in los angeles, we were always talking about eat your vegetables because they are starving and be careful with your water because people in san francisco don't have any. We had been talking about that for years. Everybody in san francisco has internalized the need to conserve water and

-- conserve water and they are a really good rebate program and knowing how many people are taking up on this in san francisco, if that's the best case scenario, that is probably the best case scenario we are looking at even with extensive rebates so I would like to know where we are.

>> Yes, sir.

>> Spelman: Thanks.

>> Mayor leffingwell: Any questions? Thank you.

>> Thank you.

>> Mayor leffingwell: We go to our next briefing which is on affordable housing bonds. I would note the discount went up from 95 to 96 with that new price schedule.

>> Mayor and city council, bert lumbreras, appreciate the opportunity to provide you on the second briefing of affordable housing. The council recalls, this is in response of the january 17, 2013 resolution to provide you as much information as possible in consideration of a future affordable housing bond election. Today what staff is going to do is present to you kind of the input process that we received through the imagine austin and the bond development process and kind of give you a snapshot of the community needs and investment principles, and also we have with us mandy demyo with housing works. Housing works has been an excellent partner with us and has been a strong advocate for affordable housing in the community and she is going to be talking about the return on investment. Also in the presentation staff is going to cover with you some next steps and what we are going to be doing coming back to you in may and june with additional council briefings as requested per the resolution that I just mentioned. In addition, we want to make note of key milestones that are there for your benefit and your information in regards to dates that you might need to look at in case there is a consideration for a november 13 election, and staff will cover those as well for you. So with that, let me turn it over to rebecca gialo and mandy and they will provide the presentation to you this morning.

[05:07:11]

>> Hello, rebecca, with the city of austin housing and community development. It takes for this conversation five of us, and so it will be dynamic but i promise fairly quick. As bert indicated, this is a follow up to a resolution that we received in january and so we have a series of topics that we will be reporting back to council on. One today of course, and then we've got one coming in may and june. The presentation overview today will be, we always start with the definition of affordable housing for the viewers and to help promote our education around that topic. Mike trimble will talk about the bond development process and we will give you a snapshot on community needs. You had some during if financial forecast s not too much there and we will turn it over to housing works for a return on investment presentation.

>> Real quickly, just when we talk about affordable housing, we want to just simply put out there that h.U.D. Defines this as an individual who pays no more than 30% of his or her income for gross housing costs which includes utilities. However, as we have moved further into the discussion around household affordability, really spare headed with imagine austin, this takes into consideration not only household cost such as mortgage, rent and utilities but also embraces the conversation around transportation and access to daily and weekly needs as a central and interrelated components of household affordability. And just real quickly, we have noted the nfis there. One thing we want do is take about a second. We talk about median family income and really translating that into what that means is really important. So pulling real quickly some salary ranges from the national compensation survey. An individuals who making at 30% nfi or below would be fax, for example, man curist, pedicurist, who is making about \$22,000 a year. I thought this one would wake folks up. A s atcic ten and, \$23,000, landscaping and service working at 25,000, and different technicians and the medical industry who make a little under 30,000, so that really humanizes the conversation we talk about when we say 30% nfi and below. I will turn it over to mike trimble and I will be back to follow up with some housing information.

[05:09:48]

>> Good morning, mike trimn't with the capital planning office.

-- Mike trimble

-- a couple about the community engagement and community input related to imagine austin and the 2012 bond development processes. Starting with imagine austin, that process happened over a span of about 3 years, from 2009-2012, there were several different opportunities for community input, namely forum series, working groups and other meetings, meetings in the box, you recall and other forms online and through that process, over 18,000 points of community input were received and early in the process, affordable housing was identified as a priority and that just continued throughout the community input process and as you know affordab housing and liveability is a theme throughout the

imagine austin comprehensive plan that was finally approved. The 2012 bond development process, there were also substantial opportunities for input. As you recall, the process kicked off on October 2011, when council established the bond election advisory task force. The meat of the work happened from February to May 2012 when they received the staff needs assessment. 1.49 billion needs assessment that also included affordable housing in it. Then they deliberated over those months and there were several opportunities along the way. Particularly with the task force, they have had 13 meetings and they talked about affordable housing in their general meetings. They also organized into a subcommittee around affordable housing where staff brought information about the programs and priorities and they also receive community feedback and input at those meetings and then we also had several standalones for community engagement, four workshops held around the city to get goodies perspective of input and task force community forums where the task force met directly with the community to receive input as they were formulating their recommendations more towards the end of the process and we had several other opportunities, websites, speak up austin. We had email and so we received a lot of input online as well. Similar to the imagine austin process, affordable housing was identified as a priority as we got feedback from citizens about their priority projects and programs as identified as a priority pretty much throughout the process and we summarized all of the community input we received through the process for the task force as they were doing their final deliberations towards the end of April, first of May with that process. With that, I will turn it back over to Rebecca.

[05:12:32]

>> Just real quickly, we want to talk just a little bit about some of the pertinent data points. You have seen these slides before from the community action network conversation, but just really showing the number of individuals that continue to increase who are living at or below poverty. This slide really depicts the cost burdened individuals who are living who are deemed cost burdened. Again, the definition of that really

-- the generally accepted definition of affordability cost burden is if a household pays more than 30% of its annual income on housing, so, again, just seeing a steady increase in the individuals who are considered cost burdened, and then this, I believe, again, you talked quite a bit about last week, but showing the increase in rental rates, right now hovering around \$905. I think if we were to pull the most recent data, for example, in austin investment interest and talking to folks that deal with this data on a daily basis, that would look right now around \$1,000. We wanted to touch a little bit on the latest housing market study findings. I want to process this by saying we are actually designing a request for qualifications right now to go out for another comprehensive housing market study. That study should be very leased

-- should be released around January or February 2014, and that sets the stage five year consolidated plan which is five year investment strategy due to H.U.D. As you know a large part of our funds that we administer in the housing department come from the U.S. Department of Urban Development. So we

-- we do have information, however, we anticipate that what you will see in 2014 is that these gaps have widened. In 2009, the gap for affordable rental housing was about 40,000 rental units. What this really translates to is 1 in 6 renters at that time making less than 20,000 could find affordable housing. On the ownership side, renters earning less than 50,000 who wanted to buy a home in Austin had found just 16% of the market at that time affordable to them. Recognizes the complexities around the conversation of affordable housing. We are faced with the complexity of federal funding constraints. So both the community development block grant funds and home investment partnership funds, two key funding sources that have been crucial and investments around affordable housing in Austin have continued to decline for the past 3 years by almost about 40%. So what we had received from H.U.D. Just actually last month is to expect an estimated 5% cut, which would impact our fiscal year 2014. Quickly I want to touch on the investment principles as a segue over to the Housing Works presentation. We do utilize principles in investing our funds, certainly recognizing that maintaining flexibility and adaptability and how we invest the funds is crucial. We utilize partnerships. I can't speak enough about the successful partnerships we have in Austin, both private and the not for profit affordable housing developers, many of whom are here today. Certainly seeking seeking diversified and inclusive community benefits. We do a great deal of discussion about how we invest our funds around the core values, which are how do we ensure deep affordability, long-term affordability and geographically dispersed affordable housing in the investments that we are making not only with local funds but federal dollars. We certainly want to maximize our leverage and we saw the commitment by this council in the funding commitment for potential tax credit leveraging we will know more about late summer and optimizing return on investment. I will turn it over to Housing Works right now who is actually going to present great deal on return on investment and how important the analysis is in terms of the \$55 million that we have spent down, that the voter approved in 2006.

[05:17:15]

>> Mayor, city council, I am with Housing Works house and those not familiar with Housing Works, we are a nonprofit organization, broad based, committed to increasing affordable housing in the city of Austin and we were created in 2006, around the time of the affordable housing go bonds and as such, we have been keenly interested in how the city has invested the 55 million in go bonds and we have been closely monitoring that over the past 6 years. Okay. What we know about the 2006, 55 million in go bonds? We know that a builder preserved more than 3500 homes and apartments for very low income families. Of that, 648 were home repairs for low income homeowners and those are primarily seniors, so enabling the seniors to stay in their own homes. In addition, there were nearly 1400 new rental homes developed

for low income families, individuals and families, 131 new accessible homes for people with disabilities and 108 rental homes for low inc seniors. Another thing that's important to realize is that 55 million, we

-- for every dollar that the city invested, nearly an additional \$4 was brought to the table. So with that 55 million, we leveraged an additional 196 million in outside resources. Now, rebecca previously mentioned the city's core values, which are of course deeper affordability, long term affordability and geographic dispersion. With the 55 million in go bonds, we met or exceeded the city's core values. We are very proud of that. For rental housing with respect to deeper affordability, the requirement for the go bonds was serving people at or below 50% median family income. In fact, nearly 60% of our units are serving folks at 30% or low at family income so we are looking at working the deeper affordability target. With respect to long term affordability; the requirement for go bond investment was minimum of 40 years for rental housing developments and, in fact, a majority of our projects are going to be affordable for 99 years. With respect to geographic dispersion, we are particularly proud of the fact that nearly

-- I am sorry, more than half of the investment in affordable housing actually went west of i-35, which, as you all know is a historic divide in the community. We know anecdotally that the go bonds positively impacted families and individuals across the community. We know that it changed lives, but in addition to that, we knew that the go bonds also had a positive impact and it was a great economic story. We wanted to explore that a little bit further, and so we hired

-- in spring of 2012, we hired civic economics, which is an economic analysis and strategic planning consultant firm. They are based in articulate and chicago. And we hired them to look at the 55 million and determine the full economic impact. They utilized the in plan model which is the industry standard tool for evaluating economic impact. They completed their initial study in may of 2012. At that point only 49 million of the 55 million had been expended. And so their initial study in may only analyzed the data thusfar. They just released. It's hot off the press, in early april, a study showing full impact of the complete 55 million. As you know the 55 million has been completely spent or obligated at this point. What they found

-- the things we wanted them to look at was the number of jobs that were create and the direct, indirect, and induced impact of that 55 million. What they found was that because of the 55 million-dollar investment, more than 2900 jobs were created during construction. As I mentioned before, more than 3500 homes were developed, and the total economic impact of that 55 million investment was 865

-- will be 865 million over ten years. That's divided into construction impact, one-time impact and ongoing impact and I will talk about that for a minute. There we go. Okay. For their analysis, civic economics divided, as i mentioned, divided the impact into two different phases, one is the construction phase which is a one time and then the ongoing economic impact. Looking at the construction phase, they look that 55 million and then, as i mentioned before, it was leveraged with an additional 196 million, so you mix in those two dollar amounts. With those funds, you employ 2,919 workers who buy supplies and they build and rehab the more than 3400 homes. Then workers spend their earnings in the local economy. The construction phase, the impact from construction alone was 362 million, total construction impact. But then of course once the units are developed, they need to be operated and

maintained. So in addition many property owners offer supportive services which require staff in addition to general maintenance staff and management staff. In addition, low income households save money by living in affordable housing, so they are no longer cost burdened and then they increase their disposable income and spend that income in the local economy. So looking at those

-- those cost savings and expenditures in the local economy found that the total 343-point

-- total 373 million-dollar in ten years, the total impact is 865 million, if you look at it in total. One important caveat is this is a conservative number. When they did their analysis, we didn't take into consideration very important cost savings to the public. I will give you two examples. One is housing repair. By keeping

-- the arm housing repair go bond investment was about 7, \$8,000 per home. By keeping a senior in their home, living independently by themselves in a safe and affordable home, you are keeping them out of must be likely supported nursing home. These are all very low income seniors and the estimate for publically supported nursing home is \$30,000 a year so by investing the 7-\$8,000 in critical life safety home repairs you are saving the public \$30,000 a year. That's not taken into consideration in this because it wasn't easily quantifiable. The next example is permanent supportive housing. One thing we know by stabilizing the chronically housing we are avoiding costly public services such as hospitals, EMS driven trips and jails. Now, we haven't done that quantifiable analysis yet and that wasn't included in total 865 million but we know something that has impact and a cost savings to the public

-- \$474 million over ten years. And next I will turn it over to Terry Mitchell who served on the city advisory task force as well as the bond advisory task force committees on affordable housing and transportation and he is going to take a little bit about the return on investment and how well located affordable housing is also a transportation solution.

[05:24:51]

>> Good morning. Two issues that I spend a lot of time working on are both traffic and affordable housing and when you start digging into those two issues, you will find a nexus between the two, and in my world, those are the two biggest issues facing the city and they are related and I will explain how we look at that. This is a crude map of our metropolitan area, and the black circle essentially represents from San Marcos to Georgetown or a little bit beyond that roughly 75 miles in length. The little white oval in the middle generally covers 78701, 78703, 78704 and 78705. My as of 2009, approximately 230,000 jobs which is 30% of our entire workforce in our metropolitan area is located in that little white oval. Our dirty little secret, the thing challenging to us is 92% of the people who have the jobs don't live in those zip codes. Hence they get in their car every day and drive to work. Now we know we have big

-- why we have big traffic and congestion problems and the other thing is

-- I will put on my housing hat

-- most of the new housing

-- and i will get into this

-- most of the new housing is in the periphery of the community. We are doing apartments and things like that in urban core, but, for example, the best selling community right now in terms of new homes is terra vista which is the border between round rock and georgetown, and then the second best selling is in leander. Then you have some of the top ten. They are all in the periphery, and so as we add housing and I will get into this in just a second, we are exacerbating that problem. Let me go to the next slide. Estimates are that we are going to grow 585,000 people over the next ten years

-- 580,000 people over the next ten years and we are presently exceeding that growth rate. The economy was better in 2012 and which don't have those numbers yet and that translates to 223,000 new housing units needed over the next ten years at our average household size of 2.6 people. Where we put them is going to affect our transportation. If we grow based on the same percentage of our downtown population and job growth, we are going to add about 78,000 jobs in our urban core which is great for our tax base, great for vibrancy for urban core but the challenge is we are going to add about 72,000 cars on the road trying to get downtown. That's a challenge, and as we start thinking about how, then, how will we address this, one, we have to think about transit and these other things that we are, but also think about where housing is located, and if you put housing where the people work, at least it's been my experience that a large percentage of those people will self-select close to where they work, assuming other factors are consistent. It needs to be safe, needs to be these other things, but it is a huge issue. So if you think about housing being located near your employment centers, you are in essence making a transportation improvement by doing so. You are taking people off the major thoroughfares which are very burdened right now and improving that situation. This is an example, and it is a rough, this is a mathematical exercise, maybe I do a lot of that because my mother was a math teacher but there is 8 stations near. If we are to put 2,000 residences at each location we would have 16,000 residences, units that would provide somewhere between 24 and 32,000 residents. There are various studies that talk about people self-selecting at TODs. I used a rough number of 8, there are studies that show it to be less and some to be higher. I am picking the number but if you have between 12 and 16,000 residents, then mathematically you should have 22 and 34,000 people riding into the areas of our area

-- 24 to 32,000 residents that would be in the core of that and that would benefit it by getting away.
Thank you.

[05:29:12]

>> And to finish up, we just wanted to tee up what you all have seen in prior presentations, the three potential dates and the legal requirements around all three november 5 being the first, may and november being potential dates for your consideration next year. And the next steps, again, i had referenced at the beginning of the presentation, we will be coming back to you all to complete the assignment and the resolution on a number of other topics to report back to you on may 21st, our national and statewide approaches to affordable housing. We will include in that presentation, tax ratification information and bond elections of other governmental jurisdictions as well as information about other texas cities housing bond elections and then june 18 will be a discussion centered around funding strategies for affordable housing. At this time, I would like to just offer any of the individuals who presented today, should you have questions, and I also want to indicate to you that civics economics report, the full report will be distributed to you later today, both electronically and they have brought hard copies as wellment.

>> Mayor leffingwell: Questions?

>> Mayor.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: First of all I want to thank the neighborhood housing department, rebecca and betsy for all of the work you have put in in response to the resolution and the housing works and board members for their presentation today. I just have a few questions that I want to go through with you, rebecca. One, when we see the definition for h.U.D. For affordable housing, I was surprising it included utilities. Do you have any idea that

-- about what percentage the utilities actually comprised in the 30% number, like when

-- when we look at affordable housing costs, we know that \$5,000 a month for a person that's a 30% nfi level, are utilities running about \$100 of that or \$50 of that?

[05:31:19]

>> Mayor pro tem, I don't have those figures in front of me. One way to answer that would be if there's

-- I don't want to pick on austin energy, anyone in the room who can give me, for example, in a 500 a month rental rate, how much would the utilities be. Of course you are looking at a variety of different housing stock age groups that would impact that. So I can get back with you. I don't have a solid way of giving you that information right now.

>> Cole: Okay. I just want to make sure we aren't giving the

-- the bulk of that cost definitely has to do with the housing and that we weren't giving the impression that the utilities were a large chunk of that.

>> That's correct.

>> Cole: I also wanted to ask you, we talked about the high need between the low income sector of our community. Do we have any way of measuring how many of those are actually women and children.

>> We probably have a breakdown of what the population is. We certainly have a breakdown of what our investments go toward, but as it relates to populations, we could get a little granular in bringing that forward.

>> Okay. I would like to see that because I know that

-- especially in dealing with a lot of the homeless population and children and women we are making last investment in the last bond election with the women and children shelter and I don't know if people know that is a population that we are actively serving. When we talk about imagine austin, remind me of the types of things we were looking at when we said it is a community priority in affordable housing

-- and affordable housing ranked as one of the top 8 priorities.

>> Are you saying what are the 8 priority programs?

>> Cole: No. I am really curious about the criteria. So affordable housing was listed in the imagine housing input and affordability were identified as a community priority early in the process and it said it became one of the 8 priority programs. I am trying to recall what criteria that the community stakeholders would have been looking at. Are they considering the diversity of austin? Are they considering density of austin? Are they considering percentage of household income? What type of things were they looking at to make it end up as a high priority?

[05:33:56]

>> I think everything that you just mentioned and i also would add that all individuals could live in all parts of town. That was a central theme really running through the imagine austin principles in getting to what initially started as the building blocks which later fielded into the priority programs, so it was the ability not only through the integration of our housing stock design as well as embracing all incomes in all parts of austin.

>> Cole: Okay. So we know from that analysis that we already did a deep stakeholder analysis of what we consider as a priority based on a variety of factors?

>> Yes, ma'am. Actually Garner stall, who as you know led

-- spearheaded all of the imagine austin discussions has a great document that pulls out every reference of affordability in the plan and if it's helpful, I can provide that to you. It's about 20 pages where household affordability and/or affordable housing is referenced through the document.

>> Cole: Okay. Because we are continually hearing from constituents that affordability in general is important, but it's nice that we've actually done the work to nail down how important housing affordability is.

>> Yes, ma'am.

>> Cole: We did the needs assessment in february 2012 to the task force of \$1.49 billions. Can you tell me a little bit about what went into that? That might be a trimble question.

>> Okay.

>> As far as the actual needs assessment development, so what we did is we put out a request previously to all of the departments to look at what their capital needs are and so we got back from several departments. We had a lot of things submitted to us. What we did was used the guiding principles that the council approved in december 2011. The 6 guiding principles as the framework on how we identified and prioritized that list and then we provided that prioritized list to the bond election advisory task force in february so the work on that happened about two, two and a half months.

[05:36:14]

>> Cole: Okay. Rebecca, you and mike have to double team this one and I think it's critical, and that is, when we are looking at our police stations or our parks, we are able to tell people northwest station or rosewood park, but it doesn't appear when we are looking at affordable housing, that we are able to nail down with specifics what exactly we are going to use the funding for. Now, can you explain why that is, rebecca, just the whole leveraging process that we go through from

-- from start to finish on a unit? I want to make sure we are clear to the public about how that happens.

>> Okay. Let me understand the spirit of your question first, because I can back into it. I think you are having what goes into the decisions around investments by development?

>> Well, what I am trying to get at is we are not specific when we go out for affordable housing as we are when we go out for, say, parks or police station in locations or how the money will actually be allocated. And I think that one of those reasons is that the whole process of leveraging in getting a unit built does not always allow for that. Is that correct? Or can you explain that?

>> A couple of things that I would respond to, is one of the things that we know we want to get to in the next housing market study is a far more definitive quantification around what the gaps and what the needs are throughout the community by even income level. So we know we've got some due diligence to do in this next housing market study to get to, I think, a more robust analytical way that

-- analytical way, like, for example, we all remember the housing continuum, what would we need to produce at each the continuum stages to keep pace with what the need is? So I would say that. Another thing I would offer you in terms of the analysis that goes into each investment decision around the developments is our application process for rental housing developments as well as acquisition and development so the ownership and the rental. So if you wanted to kind of speak to the detailed version, I might offer my director, Betsy, who can speak to exactly what goes into each component of that, if that could answer your question a little bit more specifically. I know you keep asking about about leveraging.

[05:38:45]

>> Well, I am asking about leveraging because I wanted you to talk a little bit about the process that we go through to actually get a rental unit on the ground, so that

-- and because we have to go through

-- I mean actually a nonprofit or for profit developer actually does the siting. We don't do that.

>> Okay.

>> Cole: And because we do that, we can't put it on a bond package of exactly where it's located.

>> Yes, let me explain that, Betsy Spencer, we have a criteria. Nonprofit or for profit will each apply for funding, whatever is available. There is a threshold they have to meet to establish whether or not they will be available for funds. So a lot of the things that we look at is leveraging. As you know saw earlier, the majority of our applications funding is a lot of leverage outside investment and we have underwriting criteria and it has to be a deal that makes sense and we look at our core criteria as many indicated, we have long term affordability, deep affordability, geographic dispersion, so we take a lot of things into account. We also take a look at, as Rebecca said, the continuum of all of the housing needs.

>> Cole: Let me stop you there. When you say we take into account geographic dispersion but are we able to actually say where a particular unit is going when we initially commit our funding?

>> No, ma'am.

>> Cole: That's what I am trying to get. Because I think that there is some confusion in the public about why we aren't more specific when we ask for their approval of this funding, and I have thought and I want you to correct me if I am wrong, it is because we don't know and it's not part of the process that we do to actually put units on the ground. Is that correct?

[05:40:45]

>> That is correct. A big part of that is because real estate is very fluid. Development takes time and one of the principles that Rebecca talked about earlier was flexibility. So it is incredibly important for us to be able to have flexibility in our funding so when a deal has come together

-- we is talked several months ago about deals being shovel ready. We are often looking to invest our money in projects that are shovel ready, that will produce the most units. We are looking at a lot of different things we are investing in. We are investing in permanent supportive housing. Repairs for seniors, in the creation of new rental units, investing in the creation of new homeownership opportunities. So we try to balance all of the different needs across the continuum and spread our investments that way. Geographic dispersion is just one of the many things we look at.

>> Cole: So what we can't tell people is that we are committed to permanent supportive housing, homeownership, the type of housing we are going to create with this funding, even though we can't tell you the exact location that housing is going to?

>> Absolutely. And there is a difference, I think we are not like public works or some of the other projects where you can target ahead of time. I think it is incredibly important that we maintain the flexibility to accommodate the market. A couple of years homeownership opportunities with a lot easier to invest in and then the market fell apart and we need to be able to maneuver our money and invest our money in more rental units. I think it is incredibly important with this investment, we be able to maintain flexibility, depending on the market and how we invest those funds for affordable housing.

>> Cole: Okay. When we talk about the \$55 million that was approved by the voters in 2006, that is a good barometer of what we would potentially do with other funding. So while we can't tell you what we would do in terms of location, other than types with future funding, knowing what we did with the 55 million is very instructive. So can you

-- I know that you provided an analysis to me of exactly down to the dollar amount of what happened with that 55 million. Can you generally explain that to the public?

[05:43:04]

>> Sure. I will do my best and i might ask mary to come back up. Again, we created about 3200 units total. I believe 2500 were after a fordable, so there were market rate units that were produced. The bond money did not pay for those but they helped leverage those so we created 2500 new units or existing units. One thing that is important to us is preserving what we already have in addition to creating new. We have to get you the population breakdown but it is everywhere from permanent supportive housing all the way up to homeownership and everything along the continuum

-- actually

-- thank you. And so we very successfully deployed the funds, east, west, north and south. I believe we were very specifically in geographically dispersing the projects all across the city of austin, and for a wide variety of subpopulations that benefited from the new units or the retention of units.

>> Cole: T DOCUMENT THAT Shows what we did with the \$55 million, is that available online?

>> We have it on our website. We have it

-- and we can get you that information, but on the neighborhood housing and the austin housing corporation website, we have a return on investment. Each and every project that was funded with general obligation bond funds is on there and it shows the populations that were served, the number of units created, the amount of money leveraged and the amount of public investment spent.

>> Cole: So we have quite a bit of specific information with respect to that 55 million?

>> Yes, ma'am.

>> Cole: Okay. I wanted to ask mr. Mitchell a couple of questions since his presentation was so very interesting.

>> Yes, ma'am.

>> Cole: Do you have any idea how much success we have had with attracting people to our tods?

[05:45:05]

>> I think there is a lot of interest in the tod's, i think what happened when the capital markets phrase in 2008 as part of the housing bubble, no projects, new new budgets were started until 2012, so you are starting to see interest investigation approvals being sought and those sorts of things so there is interest but there was a time when it was a larger overriding factor and that was the unavailability of capital to do projects, so I do think, yes, there is interest. I know there is at least a couple, three, four of the tod's, there is active projects being planned for those areas.

>> Cole: Because I know that there has been a lot of interest and a lot of interest at mueller and crest view and both of those are in the central city and so I was wondering about some of the other ones and any type of

--

>> I think there is activity at lake line and activity at mlk and some places up there.

>> Cole: So they are all doing pretty well?

>> I can't say whether they are all doing well. But I know there is interest there. They see the train line as an asset and they want to take advantage of it.

>> Cole: Having the train line, we can expect more affordable housing there as a policy matter. We should be moving toward that. Okay. I had one other question. When you talked about considering our growth trends and that it means \$78,000

-- 78,000 new jobs downtown, was that in a ten-year period?

>> Yes, all we are doing is saying if there is 580,000 residents coming, then that generally should produce x amount of jobs, I want to say 200 some odd thousand jobs and we

-- and downtown is typically been capturing 30% of those jobs and that gets you to 78,000. The great majority of those people live outside of downtown and, therefore, take an automobile, so rather than look at an exact number, look at the relationship and say, there is going to be somewhere around 70,000 cars getting on the roads if we grow in the same manner we have been growing in the past.

[05:47:09]

>> Cole: When we think about medical school or teaching hospital or waller creek, that's really not even been part of your analysis?

>> No. We are just looking at the expectations of what economists say we would grow the manner of which we are expected to grow as a metropolitan area.

>> Cole: And we are expected to grow. Thank you, mr. Mitchell. Thank you, mayor.

>> Mayor leffingwell: Yes, for a few minutes, I thought you were making a pitch for light rail but I realized that wasn't the subject.

>> It is very well needed.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Thanks. I wanted to make a couple of comments, I am not sure if i have specific questions. I want to thank you all because I think each of the perspectives you brought shows why affordable housing is an important issue for our whole community not just for thousands of our community ebb mes need

-- community members who need affordable housing but the rest of us as well because when we don't have housing close-by, it increases taxes. We have(heard some very good discussion about how permanent supportive housing can reduce our cost in criminal safety, justice, health care cost, and so there is a tremendous financial benefit to the whole community that accrues from providing permanent supportive housing across the spectrum and thank you very much for the specifics about what the financial value is of helping seniors in their home. It has all kinds of social, cultural and I imagine health benefits to those seniors as having, and the community and their neighbors around them as having seniors being able to stay in their homes but the fact you you abable to quantify what the financial value of that is really very persuasive. Recently had a discussion

-- I had a discussion with kevin jarns and ms. Spencer about whether we can use our web loci to find out what the value is, the financial value is of our affordable housing investments and it seems to me that the work

-- civic economics, is tha the name?

>> [Indiscernible]

[05:49:09]

>> Tovo: Thank you, has done really does help us quantify that economic

-- the economic development benefit of our investments in affordable housing, so it is very useful and I really look forward to seeing that. I continue to be curious about web loci can show us. We are used to looking at economic development incentive deals in that format and I wonder what it would look like to look at our affordable housing investments in that similar format so we are keeping a similar framework. If we don't tend to think of affordable housing investments as economic development stimulators but clearly they are and I think we have seen some of that data here today. Again, thanks, and I hope we will continue along this track of looking at the economic benefits, as well as the many others and i appreciate all of the good work you are doing and i hope that the message is also getting out to the public of how they are

-- how they

-- how their investment through past bonds has benefited the community as a whole.

>> Mayor Jeffingwell: Council member Riley.

>> Riley: I presentation the presentation, too, and all of the work that's gone into it. I did want to focus in on one particular subpopulation that has come up a couple of times and that is the chronically homeless population with multiple barriers to housing. A population that is especiallyd to serve for a number of reasons. They may have criminal history, substance abuse issues, mental health issues but we know permanent supportive housing offers an effective way of dealing with at love of thosishes

-- a lot of those issues for many folks in the population. With the data we have, it will be interesting to find out how much of the \$55 million in bonds actually went towards housing members of that

-- of that chronically homeless population with multiple barriers to housing. Do we have a handle on that at this point?

>> We have pipeline information of the units that we have created to date. Breaking it down by subpopulation, we have that as of the last couple of months, and so we have some of that. One of our challenges actually is really targeting how we count folks. So as our definition of chronically homeless, i think that we continue to struggle with how do we actually accurately count that, so we are actively working on being able to work with the health department and utilizing the hnis system which is the data system so we can accurately be able to give out that kind of information. One of the things we are also looking for in the budget next year is to be able to secure the funds to adequately evaluate the cost effectiveness of permanent supportive housing, specifically with the chronically homeless, so we are working towards all of the systems to be able to accurately reflect the number of chronically homeless.

[05:52:09]

>> Riley: At this point we aren't in a position to say how many chronically homeless with multiple barriers were housed with the \$55 million.

>> We can review it but we are still working on that number.

>> Riley: I appreciate your work on this, especially now we have partners like echo that are working hard on this and conducting counts and do assessments of individuals so we know exactly what kinds of conditions we are talking about, as well as the potential cost savings that they be entailed. Mandy mentioned there are very significant potential savings associated with housing, that population in particular. So with that in mind, i wanted to just ask if there are ways

-- that we might consider ways that future bond issues might specifically target that population in particular, and set any kind of goals for

-- for dealing with that population. Have you had any thoughts about that? Based on all of the progress we have been making on permanent supportive housing, would y'all suggest that there might be ways that future bond issues might dedicate a particular amount of the bond to housing that population or other areas of housing needs?

>> It certainly is a conversation we have had a great deal, especially the last year. As I stated earlier, one of the things that concerns me at times is specifically shaving off or targeting an exact amount of money. So what we typically do, as I stated the last couple of months, roughly 70% of the funds go to rental housing, 30% towards homeownership. I think we always want to maintain flexibility on how we administer the funds, depending on the market. We have a real strong commitment to permanent supportive housing and i think it is important that we maintain that commitment of funding. I get a little concerned when we specifically target, but we are acutely aware of the need. What is so important i think, because it is a costly investment compared to the others, it is how do we be equitable in our distribution of funds to be able to accommodate that need along with the other needs.

[05:54:22]

>> Riley: Absolutely. I understand all of that, but in keeping with council member tovo's comments about assessing the full economic impact on of our expenditures, I think it would be helpful to have some extent of how much the future housing investments could be dedicated to this particular population and in addition we can do continued work on the potential savings associated with getting that population housed. I know there is continued work that is ongoing with respect to that. There has been

-- there is new things being written, discussed, all sorts of discussion around all of the savings that could be achieved through permanent supportive housing, and so as

-- for purposes of future voters, assessments of housing bond items, it would be very helpful to have some sense of how much the funds are going to that population and what savings might be entailed to the extent that we are able to get that population housed. So I

-- I know this will be an ongoing conversation. I appreciate all of the work you have been putting in it and I look forward to continued work on honing any future bond package to make sure voters have a clear picture of exactly what populations will be serving and what savings might be achieved through

-- through

-- through providing that housing.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Let me see if i can put it on a bumper sticker. If we spend mores money on housing, we will be leveraging money that otherwise would have been spend somewhere else. We would be creating jobs for people who otherwise would not have them. We would be avoiding costs that we otherwise would be incurring and we will solve problems we cannot otherwise solve.

>> I think that would be a lovely bumper sticker, yes, sir. [Laughter]

>> okay. Our best guess is the number for every dollar we are spending on housing, we are getting something back like \$15 in problem solve costs avoided leveraging and so on. Okay. That sounds like

-- it is a long bumper sticker but it's

--

[05:56:23]

>> maybe a t-shirt.

>> Spelman: Maybe it is a t-shirt. Let me ask you

-- let me play devil's advocate for a moment. I promise this is the last time I will play devil's advocate on a housing issue, at least today. Somebody is going to come back and say, yes, it is all true, council member, but you are also spending money on a government program which could be spent on stuff I

want myself. We are taking money out of taxpayer pockets, and the argument they then use is some of this multiplier effect, there might be leveraging, some of it will happen anyway if I go to target and buy more stuff. Is there a way of netting out the multiplier effect of

-- of housing construction and all the stuff that coming along behind that, the civic economics I think ably put together this use to figure out and net that

-- netting out of that what would happen if I just kept the money myself, didn't spend it on housing bonds and went to target and did whatever I usually do with my money?

>> I am going to defer to civic economics on that.

>> Hi, dan houston with civic economics. Yes, I mean, you could

-- economic impact is fun because you could take a \$55 million and set it on the curve and people will pick it up and do stuff with it and it will create economic activity.

>> Spelman: I don't think it will be anywhere the activity with the housing bonds.

>> We started with 196 or 200 million extra with mobile investment that could have gone anywhere and it could have gone to austin, so, yes, the 55 million, yes, you could leave it to

-- on the streets of austin and it would stop at starbucks and target and create some jobs, undoubtedly but with any economic impact that y'all get

-- and I know you probably see far more than you would like in here

-- you are starting with

-- you could do something else with that first dollar.

[05:58:25]

>> Spelman: Right. I am trying to get an assessment for how strong the argument is that somebody is going to put up. You leave it in taxpayer hands, you are still going to get a lot of economic impact anyway. Why do you need economic impact associated with housing when you could get economic impact associated with my spending the money on myself. How big is the difference between those two?

>> It starts off, again, with the

-- there is almost 4 times as much money that was brought in from outside. So you are beginning with that gap there.

>> Spelman: Okay.

>> And in this case we were doing

-- we quantified construction and rehabilitation is slightly different and rehab creates more jobs.@

>> Spelman: Right.

>> So when you are building things, you create a lot of jobs with that

-- that wouldn't happen if I walked down to the record store and spent \$10, right. And actual it gets

-- it goes to what council member tovo brought up earlier, is when we were asked to do this, civic economics, we said, all right, our thing, we are conservative with these things, we aren't going to try to just put numbers

-- you can pull numbers out of the air for economic impact study. I know you see them all the time here. Big, big, numbers if we can't quantify, if we can't put dollars to it that are pretty concrete, we aren't going to use it. But there are a lot of things, as mandy pointed out, that we didn't put in our study, that it would be very educational and very useful if perhaps city staff worked with web loci and came up with some other estimates on top of that because those are things that wouldn't happen if you just left the \$55 million whatever it is today.

>> Spelman: At a minimum, though, we aren't getting leveraging. If you lay it on the curb and let people keep it or whatever it is, you aren't getting the leveraging and that is what, 4-1 or 5-1? Four-1.

>> Close to four.

>> So minimal, we can say we are getting four time it is economic impact by spending on housing because of the leveraging and the multipliers associated with that and then not doing the housing bonds because we aren't getting the leveraging out of it.

[06:00:33]

[One moment, please, for change in captioners]

>> Mayor Leffingwell: The story was you take money and put it in metal pots and bury it around town and that way people would have to go out and they'd buy shovels, stimulate the economy and things like that. But I think web loci would probably be something that would be more interesting and concrete. Thank you. Thank you very much.

>> Morrison: Mayor, I'm sorry.

>> Mayor Leffingwell: Okay.

>> Morrison: I realize we're at 12:00. I have two quick comments or questions.

>> Mayor Leffingwell: That was my question. If we need to come back to it, we can.

>> Morrison: I think it can be very quick. The first is on slide number 9, I appreciate all the work that's been done. I think it's very interesting and I appreciate my colleague's comments. But on slide number 9

-- slide #, 10 and 11 are three charts. And that the 10 and 11 clearly show that the number of households

-- the percent of households that are housing cost burden is increasing and that rents are going up, and I just wanted to point out number nine and ask you to point to comment on it. It shows 200 percent is of individuals living below the federal poverty line in the city of austin, that it's gone down. And I wonder if you could comment

-- I think you could look that the two different ways. One, you could say hey, people are being more prosperous here, the people that are here. On the other hand, you could also look at it that lower income folks are being driven out of the city and only the higher income folks are being able to move in to the city. I wonder if you could comment on that because i don't want us to get off track and lose the real arguments.

[06:03:03]

>> It's interesting that you mention that because i placed a call to ryan robinson and asked that exact same question. He indicated that there is a lag in data, of course, so it will be interesting to see what the next set of data reflects. But he also indicated that it is likely indicative of the positive upswing that we saw in

-- well, it is exactly what you just said with folks moving out as well, but it is also just the uptick in the economy. So he didn't have any real specifics about that, he just referenced exactly what you had mentioned.

>> Great. I appreciate that. I think it may look like those charts don't work together, but they really do work together. Thank you for that. And my second comment and question is really for betsy to go back to the issue of permanent supportive housing and our commitment to it versus actually the idea of actually carving out a particular dollar amount for it in a bond. We do have a very specific goal of 350 units, and is there a timeline for that goal? I'm not sure I remember that.

>> Yes, ma'am. It was a four-year goal. The resolution was march 2009 so our commitment is to create 350 units by next year.

>> Okay. Great. I think that one of the issues for me in terms of trying to wrestle with that issue of do you carve certain funds out within a bond package, it's my understanding and I'd like you to speak to this, that there's lots of

-- there are lots of sources

-- not as many as we wish, but there are different sources for serving our housing needs, not just the bond. And so is it accurate to say that with supportive housing, we can't predict the future necessarily of where other funds might come from to support affordable housing so that committing a certain amount of money overall or more againstly committing to a certain number is perhaps more comprehensive approach than actually saying, well, this pot of money we are going to use this amount, which would close off options from other sources. Am I making my question

--

[06:05:26]

>> I think so. We'll provide to you in june is a long-term financial strategy which will include other funding source options. The housing trust fund as most of you know is expected to grow in the next five to 10 years. And other strategic things that the department can do and the city can do to help try to finance affordable housing. I think it would be remiss for any of us to want to rely on any one source of funds. We've seen the decline of federal funds in the last couple of years, so we need to be looking at long-term strategic ways to deal with all of our money and also using our policies, the tod's, the muds, the different mechanisms we have for affordable housing. So we'll be providing for you in june hopefully a long-term strategic model that will show a variety of funding options as well as policy options for us to be able to achieve our goals.

>> Morrison: And that will be very helpful information. And to me especially since we're getting to the end of that four-year period, maybe what would be helpful to the community is for us to set a new goal for the next six years or four years on permanent supportive housing in terms of numbers and that way we can look at the bonds as one part of that, but not be so specific about what actual dollar number would go in it.

>> The original report on the supportive housing actually showed a need of permanent supportive housing. This council had a goal of 350. We all know, I believe, that it's a long-term issue that we'll want to have some resolution to or some more goals to in the future.

>> And I agree. And it sounds like the strategic vision that you're putting together will actually help us set goals in different areas in addition to permanent supportive housing.

>> Yes, ma'am.

>> Morrison: Thank you very much.

>> Cole: Mayor, I have a follow-up direction.

>> Mayor Leffingwell: Mayor pro tem, if it's quick

--

[06:07:27]

>> Cole: It's really quick. Betsy, we talked about putting online the list of what we did from the \$55 million from 2006. Can you also put examples or photos, just one maybe each of permanent supportive housing, home repair housing that we did just so that the public gets a sense of what it looks like.

>> The pictures are already there.

>> Cole: Are the pictures there. Thank you.

>> You're welcome.

>> Mayor Leffingwell: Okay. Thank you, betsy. We'll go to our speakers. First is rae nadler-olenick. On water fluoridation.

>> Good afternoon, mayor and councilmembers. Nowadays when people everywhere are struggling to shake off the burden of water fluoridation inflict odd them by others I like to refer to current events. In utah earlier this month the legislature passed a law which will effectively put an end to fluoridation in that state. Their safe drinking water disclosure act requires abatch specific certificate of analysis by weight or percentage for all components including impurities of every shipment of fluoridation chemicals bound for public drinking water supplies. That's something they'll never get. Fluoride suppliers frequently refuse such goods for information. Activists and government officials alike in florida, arkansas, washington and other states have tried in vain. One florida councilmember wrote to 30-plus vendors and received not a single response. Now utah is saying no info, no sale. It's obvious why the vendors don't want their product information getting out. If it did, the criminality of selling the stuff for human assumption would emerge. However, they can't entirely prevent leaks. We have this document from the direct predecessor of mosaic company, austin's current fluoride supplier, same operation, same product, different name. It's exactly the kind of analysis utah now demands and it bears the

caution, do not send out. Well, indeed. To take just the most obvious example of why they might not want it sent out, here's arsenic, a deadly poison we're all familiar with. It says you can typically .0035% arts in their witch's brew of

[06:10:16]

(indiscernible). Using a handy online convertor you can see that 35,000

-- that .0035% converts to 35,000 parts per billion. That's 3,500 times what the e.P.A. Allows. Of course, it's not drinking water yet, it has to be diluted. If anyone poured it directly into lake travis they would be arrested. Yet the austin water utility daily dumps this into our drinking water supply where it's diluted to about 0.3 parts per billion. That might not sound like much, however.P.A.'S maximum contaminant law

-- max numb contaminant level goal is zero. In other words, there's no safe level for arsenic and yet here you are adding it day in and day out.

[Buzzer sounds] so people who are aware of this are understandably unhappy.

>> Cole: Thank you.

>> That's all for now. I'll return to the subject at a future date. Thank you. [Applause].

>> Cole: Thank you. Next we have carlos leon.

>> Good afternoon. Thank you, mayor pro tem cole. My name is carlosly on and I'm here to speak for what's right. Chem trails are a major problem not just here in austin, but around the country and the world. Capital one of the key problems is it's all about control, controlling our air space, controlling the oxygen we breathe, controlling the weather as part after larger geo engineering program. Controlling our food mood when they put up those chem trails and cut off our blue skies. It's really part of a larger bullying program. Well, that bullying goes on with human beings too. For example, the case of ireland who had to get a straining order against her parents because they wouldn't leave her alone and let her grow up and live her own life. You have to understand this bullying is a larger societal problem that many of us are experiencing professionally and personally. Some of the bullies will go to extreme length to control their targets. Luckily for (indiscernible) ireland it seems like the restraining order served its purpose, but some criminals go even furtherh and actually get court transcripts changed of a fact. They do all kinds of tore tore yows things, the real criminal bully. Look at how our country bullies other countries and people around the world as well as our own citizens, whether it's the n.B.A. Or infringing on our institutional rights. This has got to stop both here in our country and around the world because people have to remember the ultimate power is god, not the government, not a president of the united states. Thank you.

[06:13:18]

[Applause]. And this affects all of us. Let's go back to proverbs 14, verse 34. Righteousness exalts a nation, but sin is reapproach to any people. We have to remember that god not only is the ultimate power, but he has the ultimate word. Ecclesiastes chapter 12 versus 13 and 14, the end of the matter all has been heard. Fear god and keep his commandments for this is the whole duty of man, for god will bring every deed into judgment with every secret thing, whether good or evil. Now, governor rick perry when he was running for president called for a national day of prayer and now (indiscernible) has called for a national day of PRAYER SEPTEMBER 11th, 2013. Folks, we can't wait until then. We need to get right with god now. Each individual has that choice guaranteed under our constitution by the freedom of religion. I beg of you to please get right with god, make the right choice. Think it through. Without god's help we are not going to overcome all the problems in our country and that going around the world. Thank you.

>> Cole: Thank you. Tom present advertise. Prentise.

>> I'd like to talk to the council and to the public today about socialism that works. We have been indoctrinated since birth to hate and fear socialism, but what is it? Are there examples of socialism that works? Social security is one. Medicare is one. Medicaid and food stamps are examples of socialism that works. Unemployment compensation. The bergstrom international airport and the u.S. Navy are all examples of socialism that works. The local parks, the national parks, the streets, highways and byways, the first responders all examples of socialism that work. And the austin electric utility owned by the people of austin is also an example of socialism that works. As former assistant governor bill hobby once said, if it ain't broke, don't fix it. The austin electric utility ain't broke, so don't fix it. Leave it alone. Please, mayor leffingwell thatcher and councilmember spelman thatcher. The late wicked witch of the west just hated socialism at work. She ruined britain. She inflicted

[06:16:42]

(indiscernible) and she was the exemplar of capitalism. Certainly not authentic adam smith capital I am, but she was the exemplar of capitalism. And her wicked, evil, satanic witchcraft has made it to the united states of america. Thatcherites in washington want to eliminate medicaid and food stamps and medicare. And here at the state capitol, medicaid and continued defunding of public schools is on the agenda. The thatcherite agenda. And we seem to have some thatcherites around here who do not like socialism that works. The electric utility being one of them.

[Buzzer sounds] councilmember spelman thatcher.

>> Cole: Thank you, mr. Prentice. Next we have anthony walker.

>> Thank you, it's prentice.

>> Cole: I'm sorry.

>> I'll start off by saying greetings to mayor pro tem, councilmember, (indiscernible) wallace the grandmother of byron carter and the great leader and president of the naacp, my grandfather, nelson linder. I applause and applaud the austin police association and the city of austin negotiation team in being able to come up with good ideas for our transparency in the police monitor in the future and the way they will handle future investigations. You know, if I draw an imaginary line and I put community on one side and put the police department and our government on the other side, the only thing we want to do is find common ground to work together. I think in community what we want to instill in them under no circumstance don't evade from the police department. Always obey word. We want the police to understand when you come to the community no racial profile and treat everyone with respect. Right now we're at a stand still. We want to move forward, but to move forward we have to address the byron carter shooting because in community there is something that is holding us back from continuing to move forward. In reality, if a person put their finger, their hand, their feet on a police officer, they're going to be indicted on a charge, on assaulting a public servant. You mean to tell me an individual hit a police officer with their vehicle, is not indicted? It just don't add up. I think you have to start asking the right question to your legal department. I don't know if the city is trying to prove a point and trying to fight this thing, but you're taking a big risk, a biggam bell and what will happen in the end is you will give yourself a mark that will forever last in the community. So we need to be trying to find closure so we can move forward. It was wrong, it was a tragedy, however you look at it there's no winner and no loser, but we have to be able to find common ground and move forward and not allow this to happen again. We want to work with the city and work with the police department and work with the community to we can address issues to avoid a situation like this, but we have to first address this issue. This is a chapter that we need to close, bite ron carter shooting. Because in the community's eyes that death was unjustifiable. We want to work with the city, we want to work with you, but this is something right here that is not going anywhere. Next week we're going to have an event in the commy called the community fair where we invite the police department, we invite the police monitor. Also we have a great police chief. We have a great city monitor. They're coming to an convenient so we can start engaging them in community. We want that. We have that with open arms. But this is not going nowhere until we address that byron carter. We have to have a discussion, put closure to this here before we can move closure. So we ask you to look at your legal department and come forward, ask the right questions. You have to can ask the rye questions. Some may tell you what you want to hear, but in reality we feel like you're going down the wrong road. Need better respect for the community. You're our leader and elected officials. You are the government by the people, for the people. When you start making decisions don't make it because of a personal thing but in the best interest of the people. Thank you very much and have a great day.

[06:21:28]

[Applause].

>> Cole: Thank you, mr. Walker. Next we have james gribble. Mr. James gribble on the limited district.

>> Good afternoon, councilmembers. I'm jim gribble, a long time (indiscernible) resident since 1983 and I'm coming to talk to you today about the annexation of our neighborhood, which is scheduled for december the 15th of 2015. More importantly I'm here to talk about the proposal that's before us and will be voted on on may the 11th of this year regarding the limited district creation and those implications thereof. As you may recall the spa, the strategic partnership agreement that we created jointly, was amended in january or february of this year. And in that amendment it allows for the creation of limited district, which we did not have in the spa prior to that. Do we need a limited district? The answer is there's some residents of our neighborhood that feel very strongly that austin and specificalhe department of parks, will not maintain our parks, greenbelts and our municipal community building after we're annexed. I on the other hand and the people that I align with, are in opposition to that thought. I find that austin is a very green, ecological and environmentally friendly city. You have the infrastructure to maintain those facilities better than a limited district has, and furthermore you've got a vested interest in all the annexed properties that you take over to ensure that the property v don't go down, that they stay up or go up because your property revenue is derived from the taxes that we pay on our property. In addition to that, the limited district, if it's approved, will come to pass on the full annexation date, which is again december the 15th of 2015, and our m.U.D. Will cease exist. The problem as we see it is limited district is a new taxing authority. We're going from one, lost creek m.U.D., To now two. We'll have a limited district and we'll have the city of austin. In addition, there's another aspect that was not well-known, and it's just being disseminated throughout the community, and that is that there is an acceleration of the transfer of the water wastewater process one year in advance of what it was scheduled for full annexation. What does that mean to the cents of lost creek? We'll see our water, wastewater rates go up about 92% for that first year. In addition to that, the taxes, the water and the wastewater rate that we will enjoy as a community collectively is about 1-\$3 million for that first year advance. So it's significant. The limited district will also identify and protect austin, and we have to list you as an insured on our general liability policy, for anything that we do as a limited district as far as maintenance and operation on that property. What's that mean to us? As you know, lost creek residents are really underwriting the limited district. We're going to be the back stop for it. So I would conclude by saying that we urge all our residents of lost creek to vote against this proposition. We think there's a better way. We are annexed by you. We want to be part of the austin community now

--

[06:25:04]

>> Cole: Thank you.

>> Thank you very much.

>> Cole: Karrie mannella.

>> Hi, I'm representing university hills optimist club located at 401 st. Johns also known as the state champs for kick ball in 2011. Very proud of that. Also you guys should have received, orf not you will eventually, a little information about us, background history and that way you can have some leisure reading. Since its beginning as a single club in 1911, optimists international has become a worldwide organization, empowering youth to see, be the best they can. As a local tax-based branch, university hills optimist club of austin, texas located at 401 west st. Johns, known as uho, has carried forth this cause for 40 years in the north central austin area through the implementation of high quality, volunteer driven sports programs. Uho offers programs in baseball, soccer and kick ball to youth within the austin community. We at uho serve a variety of youth in varying socioeconomic circumstances and have countless stories of lives that have been changed for positive. However, a threat has come to silence our youth opportunities of a years of piece of the co-existing. Some members of the highland university neighborhood think turning our program into something for the city than youth when learn social development, respect for authority and drive for excellence. We don't think 40 years can be easily deleted and are dismissed. We feel our program should continue, especially since there are other alternatives that can satisfy both the neighborhood association and the desire of the city to provide quality outdoor environment and experiences for its residents. We ask that the city support the development of the proposed crestview public park at 6909 ryan drive. Its proximity to our fields will readily serve the needs of highland cents while allowing us to continue to serve, mentor and develop austin's greatest resource of the future, its youth. And I have a picture I left sitting over there of the kids. So I just wanted to kind of let you guys know it's a great park. We service over 400 kids a season. And we actually, going to be having a state kick ball tournament here in austin and it will bring over 3,000 people here this summer. And besides kick ball we have soccer, baseball. And we also offer

-- I am so sorry. We offer a community easter egg hunt for everybody in austin. It's free. So we do other things besides sports programs. We are working on a junior optimist for youth ages 13 to 19 to come in and help out with the community. There's a lot out there and it's a great opportunity.

[06:28:21]

[Buzzer sounds] I thank you for your time.

>> Cole: Thank you. Cynthia valdez?

>> Tovo: Mayor pro tem? I want to make a quick comment. First thank you very much for being here and for all the work that you do with youth in our community. I think the optimists have had lots of very successful youth programs for years and certainly want to see you continue to remain active. I want to offer a very quick comment about this site. This is close to the 6909 ryan drive which the council initiated a planning process to look at the future of that what is now an austin energy tract. This site is quite close and we also have heard from the neighborhood that they would like a comprehensive look to be taken at the use of that site and we have lots of different

-- the optimists have been doing sports activities on that site for sometime. Storm water. There's currently underway some planning to do storm water, some additional storm water protections on that site, and that's kind of raised the issue. So what

-- as I understand the process now, that will be sort of folded into the broader look at 6909 and this site together and staff are looking at all of the possibilities for that and no changes will happen to either of those tracts without a full community discussion about it. I just want to commit to you that there will be plenty of opportunities for the public to come together and talk about both of those sites and the potential future of them.

>> Cole: Thank you. Next we have cynthia valdez.

>> Good afternoon. I'm here representing league of latin americans district 7. Cynthia valdez. The city council has a major role in overseeing health care improvements and the health care improvements that are going to be made in the latino community and other communities of poverty through the following,s: The city council makes 4.5 appointments to central health. We expect the newest appointments be responsive to community concerns about serving medically underserved populations. You have one appointment pending and others will be renewing next year. It's incumbent upon you to vet your appointees to make sure they're engaged fully and take into account unity concerns about things like clinic closings, lack of adequate service delivery, poor consumer service, etcetera. The city of austin is also a performing provider in the medicaid waiver program. The city's hhs department has created six major products for funding, however it did not provide for any real citizen input on the community health care needs for this medicaid waiver process. The hhs department relied on central health to do this knowing that our community and the public has been highly critical about its lack of transparency. As a result the city is only relying on statistical data without requiring any community input or context. One particular project in the 1115 medicaid waiver program is focused on prenatal and post natal activities to improve birth and post natal outcomes. Although both the african-american and latino population are targeted in the scope of this project, the focus will only be on african-american families. We want to make sure that both populations actually benefit from this project. We ask that there be a funding commitment equal to our demographic population. Included in this project scope of work and the outcomes show quantifiable results completed for both populations. It is necessary for you to include this language that requires that the project not only benefit african-americans, but also latin@s who suffer from gestational diabetes disproportionately. Research has proven that latin@s have a

greater disposition to all types of diabetes and have about a 53% risk of developing diabetes throughout their lifetime. They also have a genetic predisposition for diabetes and a higher risk for developing gestational diabetes due to their lack of prenatal and postnatal care most don't even know that they have diabetes during pregnancy. In addition, research has shown that children born to latinas with gestational diabetes have the greatest risk of becoming obese and diabetic. There's no real program to address teenage pregnancies in our community other than temporary contraception, and this population appears to be growing exponentially, we ask that you implement this language as soon as possible. Finally

--

[06:33:03]

[buzzer sounds]

-- we must insist that you please oversee the ccc, the collaborative care

--

>> Cole: Finish up, ms. Valdez.

>> And make sure that they include transparency language since they are operating as a private nonprofit. They are administering over \$600 million of our public dollars.

>> Cole: Thank you. Next we have paul robbins for city issues.

>> Good afternoon. On march 1st council passed a settlement in austin energy's rate case that gave discounts to people living outside the city limits of austin. Since this settlement was passed, I've been trying to determine what the financial effects really are and I've made several open records requests, not all of which have been answered. But this is what I know so far. First, the rate increase amounted to a 4.2% across the board discount on gross bills to customers outside the city limits. Second, about 29% of this revenue from outside of austin comes from the six cities to which austin pays an additional 3% franchise fee, that is three% of gross revenues. So for these cities this is a 7.2% gross reduction in bills. Third thing I found is it is probably even higher for cities with higher than average use, such as westlake hills, however, long pending information requests remain unanswered on this question, so I can't yet prove it definitively. Since the general fund was estimated to be 8.3% of gross revenues this year, these cities, the ratepayers in these cities are getting their electricity at almost no cost and probably at under cost, but again i cannot prove that last statement yet. Fourth thing I have observed is because of this settlement, austin loses at least nine million over the next two years, presumably from its general fund budget. It might be as high as 11 million. If you look at it a certain way it is certainly close to nine million.

So this brings up several questions, council policy level decisions. Certainly not something for a utility board. One, why wasn't this information that I gave you today presented march 1st at the settlement vote? Two, since you are losing this revenue from the general fund, does this mean you're going to have to claw back most of the surplus from this year's budget that you spent in mid february? And third, can the council revise the franchise agreements for these six cities now that they've already gotten a substantial rate break?

[06:36:39]

[Buzzer sounds] I mean, isn't this double dipping? Thank you.

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

>> All right. Thank you. Yes, I am ronnie reeferseed, reyou'venated in celebrating the rapid fire tyranny in austin. Austin voters, beginning the big flush out of criminals, wisely replaced jd the clown, with ms. Tovo, but sadly she needs improvement. So then austin voters wisely passed the 10-1 plan, which when allowed to take place will have better representation from 10 different neighborhoods. Then travis county voters tossed out ms. Huber with part time pseudo (indiscernible) daugherty who sadly now also needs to be replaced. But why? It's all taking no action even along with the hog wash and biscoe's break down and that's really what I'm here to talk about. We have a strong community of enthusiasts not to be ignored and biscoe went haywire. I was addressing an admittedly complicated issue with a 25-million-dollar tax boondoggle that they were going to just pass on to everybody when judge biscoe asked me and only me a badgering, mindlessly harass, insulting question. Before I even said my name he scowled, is your question at all in any way relevant to the business at hand!!?? A side node, people, I have better attendance over the last four years record at travis county commissioners' court than anyone there including the judge probably. So anyway

--

[06:38:41]

[applause]. It's true once again judge biscoe proved he is

-- he also never bothered to read our precious u.S. Constitution. The supreme law of the land. Even here in austin, texas it applies. After exclusively suffering through biscoe's insulting questions having to beg information to express my political belief and response to his question to me, I kindly, gently asked the

judge, please stop insulting me with that question. I've been dutifully participating here and in city politics whenever allowed for well over five years now and I've been taking notes today before my allotted time to speak came up. I've patiently waited my turn. I wasn't yelling cuss words, I was just answering biscoe's question. He said

-- he first said you're out for two months. I said what? Huh? He said three months! And I objected to that. And he said four months, you're out! That's 16 weeks, people. All of you tyrants, all of you tyrants

-- hello, mr. Mayor, who is hiding. Ill win against this blatant tear any and I need lawyers to help me, but visit online info wars online. Lew rock well.Com, campaign for liberty.Com. American free press.Net. Great newspaper. Read infowars.Com magazine. It's available here in the area.

[Buzzer sounds]

>> Cole: Thank you, ronnie. Next we have clay dafoe. I'm sorry

-- clay dafoe, have mayor lee leffingwell interrupts citizens, breaches decorum, violates civil rights and throws temper tantrum as presiding officer of the austin city council.

>> This is about the actions perpetrated against me and others by mayor lee leffingwell at public meetings. I cannot stand idly by as mine as many other individuals' civil rights are violated by you all. Among others violating include john bush, carolyn anne rose kennedy, ronnie reeferseed and most likely others. Title 2523 rules of order of the austin city code says a person should not speak out of turn during a meeting. Each person and councilmember should observe decorum and the presiding officer should exercise authority impartially. These are all sections of the code which mayor leffingwell and all of you members of the city council violated. Video, please. This is from march 7th, 2013, when I spoke to you.

[06:41:30]

>> So it's your recommendation that you're considering the vote on right now? (Indiscernible). And also your recommendation you talked about there being a public meeting. But you don't let people speak about the issue at hand. I find that ironic on august 25th, 2011 (indiscernible). This has been a two-year process of shutting down (indiscernible). This is supposed to be about water quality. Supposed to be about the salamander. [Overlapping speakers]

>> do not interrupt me, sir. [Overlapping speakers]

>> you're asking for a lawsuit. I have a right to speak. I'm talking about what you're considering right now. (Indiscernible). Sir, I have three minutes. Please give me the legal authority that says I'm not allowed to speak about this?

>> You're to leave the chamber right now.

>> You're violating my civil rights. You're asking for a federal lawsuit.

>> Can we get some assistance?

>> Because my rights have been violated today, stens citizens of austin, do something. I am

-- I have three minutes --.

>> Cut the video, please. I was then assaulted by undercover a.P.D. Officer (indiscernible), which i later found out in 1871 the u.S. Federal government passed the civil rights act. I hope you know it. Also referred to as the klan act to stop members of the ku klux klan from horsing african-american citizens. In 1983 has a violations for depriving people of civil rights. Broad remedies for persons deprived of their constitutional rights under the state law and that's what's happening. It could also be because mrs. Cole involved in this two weeks ago in interrupting me and violating decorum, a potential conspiracy to interfere with my civil rights. And that's under 42 usc 1985, which is another civil action I can take. Under criminal 18 section u.S.41 it is a federal crime for two or more persons to conspire to injure a person or

--

[06:43:41]

>> Cole: Thank you, clay.

>> Thank you very much for your time. Have a great day. Cole co-thank you, mr. Dafoe. Okay, council, the city council will now go into closed session to take up two items, pursuant to section 551.071 of the government code. The city council will consult with legal counsel regarding the following items: Item 54, legal issues related to ground transportation. Item 80, legal issues related to the austin fire department cadet hiring process. Item 78 is withdrawn and item 79 is withdrawn. Without objection, we will now go into executive session on the items announced.

[07:58:19]

[08:32:00]

>> mayor leffingwell

>> mayor leffingwell: We are out of closed session. In closed session we took up and discussed legal issues related to items 54 and 80, noting that item 78 and 79 were withdrawn. Yes. So we've got five now. So we will go now to our consent zoning cases. After that, we will go back to our morning agenda with items 54 and 55.

>> Thank you, mayor and council, my name is greg guernsey and the planning review and development department and I can offer consent and postponement, the events, number 81 is the first one

[reading number 81] for property located at 301 and 311 colorado street and 114 west third street. This is a request for applicant postponement to may 9. Item number 82 is case c14280159rca for property located at 301 and 311 colorado street and 114 west third street. Applicant questions postponement of this item to may 9th agenda. Item number 83 is case npa, 2012, 0023.01 for the property located at 1504 east 51st street. The staff requesting postponement of this item to your june 6 agenda. Item number 84, case c1420120079 for property at 1218 west avenue. The applicant has requested an indefinite postponement of this item and it will require renotification before this item comes back. Item number 85 is case c14-2012-0080 for the property located at 1204 west avenue. Applicant is requesting indefinite postponement of this item. Item number 86 is case c14-2012-0081, for the property located at 1212 rio grande street. The applicant had requested an indefinite postponement of this item, item number 86. Item number 87, c14-2012-0082, for the property located at 1209 rio grande street. The applicant has requested indefinite postponement of this item, and item number 87. Item number 88 is case c14-2012-0083 for the property located at 800 west 6 street and 602 to 702 west avenue. This is to rezone the property downtown mixed use central redevelopment or dmu cure redistrict zoning for tract one and downtown mixed use or dmu zoning for tract two. Planning commission's recommendation was to grant downtown central overlay district or cure district zoning for tract one and downtown mixed use redeem use zoning for tract 2 and that is only ready for consent approval on first reading only. That's item 88, 89 is c1420120100 for the property located at 1640 south ih-35. Staff is requesting a postponement of this item to your may 23rd agenda. Item number 90 is case c8-14-2012-0160 for the property located at 211 south lamar boulevard. The staff is requesting a postponement of this item. To your may 23rd agenda. Item number 91 is case c814s-86-030.03, for the property located at 1601 west stassney lane. This is a rezoning request to plan a new redevelopment or pud district zoning to change district zoning and the commission's recommendation was to grant the zoning to change the condition of zoning. The applicant has agreed to an additional condition, which I would like to read into the record on item number 91, is that the use of the existing water well on lot 2 will seeings and the

-- will cease and the historic pumping permit will be retired when the cite is no longer being used for soccer fields and that's item number 91. And with that additional condition, we can also move for that for consent approval on all three readings and finally, item number 92,2 is case c14-2009-0151, this is for the property located at 836 west sixth street. This is to do a zoning

-- excuse me a restrictive covenant amendment that relates to open space and shoal creek improvements. It was recommended to you by the planning commission and the owner has agreed to an additional condition, and i will read that additional condition into the record. And that's the property owner shall maintain and clean on a weekly basis the surface of the walkway and porching of the west bank of shoal creek that abuts the property between the bridges at fifth and sixth streets. And with that additional condition as I read into the record, we can offer that for consent approval.

[08:38:04]

>> Mayor leffingwell: So the consent agenda for zoning cases is to postpone items 81 and 82 until may 9th, to postpone item 83 until june 6, to postpone indefinitely items 84, 85, 86, and 87. To close the public hearing and approve on the first reading only item 88. Postpone items 89 and 90 until may 23rd, close the public hearing and approve on all three readings item 91 with the additional condition that the water well

-- water well use will cease except for

-- and the permit will expire except for uses on the soccer field, so to speak.

>> Guernsey: And mayor, i will give that more specific language to the clerk and into the record earlier.

>> Mayor leffingwell: And to close the public hearing and approve number 92 with the strange additional condition that the

-- will be required to maintain and clean the walkway on the west side on a weekly basis.

>> That's correct. And the applicant is here. That is just a restrictive covenant amendment so there is not multiple readings.

>> Mayor leffingwell: Restrictive covenant.

>> Guernsey: Public restrictive covenant. The owners want to acknowledge their acceptance of that conditional offer.

>> Mayor leffingwell: Did you have something, council member spelman?

>> Spelman: It says to approve apordin. I department realize ordinance is under restrictive covenants and only need one reading? I thought it needed three readings like all other ordinances do? Or is it not an ordinance?

>> Guernsey: I am sorry, a amendment to restrictive covenant so not an ordinance, noting that correction.

>> Spelman: Another example of misleading posting language. Good to know, thank you.

[08:40:07]

>> Mayor leffingwell: Yes, very confusing.

>> Tovo: Mayor.

>> Mayor leffingwell: Would you like to say something before the applicant makes

-- says something.

>>

>> Female student: I would like to pull this from the consent agenda item and we can discuss it.

>> Mayor leffingwell: Then the item will be pulled from the consent agenda and we will discuss it later. It will probably be several hours.

>> Tovo: And mayor, I do have a quick question for staff about 91. Mr. Guernsey, can you just talk a little bit about the pud note and the strength of a pud note? Does that stand as strongly as any other requirement on zoning that's placed on a zoning?

>> Guernsey: Yes. The note that I read earlier regarding the existing mall that would cease and basically retiring pumping permit would actually be written on the face of the exhibit attached to the ordinance so it would have that power and strength if they did abandon the field and they did give up the right to use that historic well, for the soccer field.

>> Tovo: So that would be the requirement that the city would have to enforce if it appears as a pud note?

>> Guernsey: That's correct.

>> Tovo: Thanks, and thanks to applicant for approving that.

>> Mayor leffingwell: Council member riley.

>> Riley: I would like to ask the applicant a quick question on 88 if we want to pull that.

>> Mayor leffingwell: Why don't we pull it off of consent then. We will pull 88 off of consent, too. And so entertain a motion to approve the modified consent agenda? Council member spelman so moves. Second by mayor pro tem. All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 6-0.

[08:42:12]

>> Guernsey: Thank you.

>> Mayor leffingwell: Thank you. Go to item 54 which was pulled by council member riley and we have several people signed up to speak. Do you want to comment before we hear speakers or

--

>> Riley: I will comment very briefly, if I may. This is the ride sharing item that we've discussed at length previously. The only

-- at the work session on tuesday, we briefly discussed postponing this to allow for some consideration of the item by the urban transportation commission. They are meeting on may 14, I believe, and so my suggestion would be that we postpone until may 23rd so that we can consider whatever action they may take at their next meeting.

>> Mayor leffingwell: Motion by council member riley most poned until may

-- postponed until may 23rd. Second by mayor pro tem. So if this motion passes, if it does not pass, I should say, we will hear the speakers. Otherwise, you can sign up and speak when we actually hear the item. All those in favor, say "aye." Aye.

>> Tovo: Mayor, I would like to speak to the motion first.

>> Mayor leffingwell: Council member tovo.

>> Tovo: I think there is substantial good to be gained in defining

-- in offering definitions for these terms and while i appreciate the urban transportation commission willingness to engage in these issues and it sounds like they want to have a broad discussion about the larger issue of technology and how it may play into ground transportation services, I think the good that we would do by clarifying these terms today outweighs the discussion at urban transportation. They can still have the discussion they want because it is more broad and more

-- more far reaching, really, than what we are contemplating today but i think that for the sake of people who want to continue car pooling and want some clarity around car pooling and the fact that it is a legal

-- a legal thing to do here in the city of austin under these terms and these terms only, then I think that we oughting to ahead and hear this today and pass the ordinance so that it can take effect and offer clarity to the situation that is before us. I will not support the motion. Indeed I will support a substitute motion. Maybe I will make one

-- a substitute motion that we go ahead and hear it today.

[08:44:33]

>> Mayor leffingwell: Well, council member, if the motion fails, we will hear it today.

>> Tovo: That's fine. We can do it by a substitute motion, too.

>> Mayor leffingwell: You want to make a substitute motion we approve?

>> Tovo: Yes.

>> Mayor leffingwell: That kind of complicates things because we haven't heard the speakers yet.

>> Tovo: Then I will simply vote against this one and encourage my colleagues to do sos we can hear it today and get definitions on the books which we think of is value.

>> Mayor leffingwell: Mayor pro tem, did you

-- was it you?

>> Morrison: I gave yes.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Yes, I think also it would behoove us to hear this today because i think that while there is going to need to be a lot of discussion about how to manage this kind of situation, a lot of mine is, it clearly identifies the clear zone, if you will, of where we know for a fact that no regulation is needed and that is when you are really doing just car pooling. So I think that's good to get on the books and would certainly look toward getting the utc involved as additional information comes forward that the staff is working on, so I also am not going to support this motion.

>> Mayor leffingwell: I am going to support the motion to postpone. It's only for a couple of weeks. I don't think it's going to hurt anything and I would also

-- it would also have the advantage of giving more people a chance to speak, both on the urban transportation commission and otherwise, to talk about this issue before it's passed. So I am going to

support that. So all in favor of the motion to postpone say aye. Aye. Postponed say no. Motion passes on a vote of 4-2, so postponed until may 28. And this brings us to item number 55, and let me see

-- number 55 was pulled by council member spelman. We have a number of speakers. If you want to say something before we begin ...

[08:46:44]

>> [Indiscernible]

>> mayor leffingwell: Okay, so the first speaker is scott morris. Is scott morris here? Okay. Carson jones. Carson jones here. John lawler, will mcloud. We are on a roll here. Jeb boyd. Greg weaver. Okay.

>> I just want to make sure one speaker shows up today. Good afternoon, I am going to be quick. Greg weaver with katell's development, the developer at the airport and I want to congratulate you and entuse you to pass the mlu, urban rails, a long time coming for austin, texas. This is a great thing and a great next step to get this done so I fully support it and excited about moving forward. Thank y'all and congratulations.

>> Mayor leffingwell: Thank you, greg. Jim adams.

>> Mayor leffingwell: Jim, also is going to try to talk us out of it. He is in favor.

>> Thank you, my name is jim adams just also want to reiterate what greg said. I have been involved since '97 with the planning of miller. Urban rail has been a vision that the community has had formyler since

-- for miller since that time and we think that the decision you are making today to form the interlocal agreement with lone star rail and capital metro will be a great kickoff for creating a robust transit system that will realize the vision not only formyler but our entire community and we strongly endorse that and are very excited about the opportunity that this will bring to our community. Thank you.

>> Mayor leffingwell: Thank you. Andrew clements. Andrew is neutral, I should add.

[08:48:53]

>> Mayor, mayor pro tem, council members. I am very much in favor of the interlocal agreement. I think we need to encourage participation between the agencies planning for urban rail and all of the regional rail. I do want to urge you

-- this is [indiscernible] and three agencies to consider adding citizens advisory resource committee to the organizational chart. I believe the public participation processes that required by the environmental impact statement is pretty much recognized as dead in the water because nothing has occurred for 18 months and the interlocal agreement calls for a robust public participation cost and so i would call on if process to be

-- the process to be memorialized by creating a citizens advisory resource committee to work with the lead urban rail manager to get the public participation and the participation required by the fda to set our funding. Thank you very much.

>> Mayor leffingwell: Thanks, andrew, and the public participation is going to be led by the transit working group, which is a campo committee and we will take a lot of public input there and also there will be off site public hearings held to gather public input throughout the summer. So council member spe

>> Spelman: Thank you, mayor. I have a question of staff and a request of our staff. Here comes our staff. To accept them both.

>> Yes, council member, this is rob spiller, department of transportation.

>> Spelman: Rob spiller from department of transportation. I have been getting a whole bunch of calls and emails from folks who say you cannot accept this in its current form. You need to make some technical changes to the ila because if you send this ila forward, you are endorsing a particular route. Have

-- is that true from your point of view?

>> I do not believe that this ila discusses routes or anything. It simply talks about us working collabratively with our other two partners to further the next phases of high capacity transit, specifically urban rail but it does not lock us into a corridor.

[08:51:14]

>> Spelman: Okay. Have we, so far as you know, have we done whatever we needed to do in order to will be lock ourselves into a corridor?

>> That process is still in process. Sorry for lack of a better word. Our new rail lead is currently ehaving waiting what the

-- is evaluating what the gaps are and so forth so when he looks at other corridors, he is further looking to do further analysis to determine whether we are in the right corridor or not.

>> Spelman: Who will make a decision on the final corridor and what the final corridor is going to be?

>> As I said, I think we are looking for the new rail lead to give his opinion in terms of gaps or whatever and I would just assume that would come back to the governing bodies and the partnering agencies.

>> Spelman: That was a question and now I've got a request. There are

-- this is an ila among three groups and we are in a very peculiar position because two of us are on the cap metro board, two of us are on the lone star board, two of us are on the twig, which will be looking over all of of this us and we are all members of the city council so we have a lot of different roots on to this stuff. I think we need an opportunity to discuss progress on rail among one another, but if we do not have this brought up in an open session, we are only going to be talking as the two of us on the twig and two of us on cap metro and two of us on lone star board and I think we need all of us to talk about this stuff. I have a request for you, that is that every couple of months that you or someone else that is a representative of

-- well, who can speak to what is going on in the ila would come back and give us an oral briefing, not a written briefing, an oral briefing so we will have an opportunity to talk amongst ourselves, if necessary, about progress and what

-- what we believe is going to be in the best interest of the city to pursue to move this thing forward.

[08:53:15]

>> Council member, we would look forward to those opportunities in the agreement we specifically identify the requirement for the managing partner to provide a base report for each of the agency executives to bring back to their organizations, and so the intent there was that we are all, if you will, singing off the same written song sheet, if it's a presentation that's preferred, we certainly would do that.

>> Spelman: It would be nice for us all to or mannize it with ourselves when we go back to the other board we are on,

-- to harmonize it with ourselves, so that will be good andother part, around I think I mentioned this on tuesday. It is too soon to have a schedule, even a rough cut schedule but my understanding as soon as

the ila is drafted, the first thing you will do is come up with a rough timeline and that will take two or three weeks?

>> I would hope, yes, sir. We actually have a schedule built and ready

-- it scheduled, built and ready that once we determine the starting line, if you will, that will populate the rest of the schedule and we should be able to give you a very detailed schedule from how to get through here for the next 18-24 months.

>> Spelman: When do you think that schedule is going to be completed?

>> I would hope we would know that as the next 2-3 weeks as you indicated.

>> Spelman: If you would be so good to give us our first oral briefing after that schedule has been done and highlight what the schedule looks like and what we can look forward to as benchmarks over the next 18-24 months, I would eciate it.

>> I will be happy to, sir.

>> Spelman: Thank you, sir. I move approval.

>> Mayor leffingwell: Council member spelman moves approval. I will second. Before you leave, rob, i want to add on just a little bit. We talked about this in the work session and I just want to get it on the record, even though the managing partner is linda watson ceo cap metro, the decisions with regard to alignment, funding, itself, will still be given to the different jurisdictions that are affected. So, for example, with regard to urban rail, what that alignment looks like and the money that's to be spent on it, et cetera, that decision be made by the austin city council. The portion of the rail line that goes through round rock, how to pay for that, routing, alignment, all of this

-- the alignment of that of course has to line up with everybody else. But that's basically

-- these are basically a whole bunch of local decisions that are made in concert. So I just want to clarify that, that the city of austin is not giving up any authority in this ila, and then, just to comment about the timetable, I was doing a little rapid mental math in my head and you said 18-24 months. It has to be a lot sooner than that. So I think the goal that i laid out for ms. Watson and the rail lead is that we should have our work completed, our target should be to have that completed by february 14th. February 15th of next year.

[08:56:28]

>> Yes, sir, we made sure that's communicated. When I say 18-24 months, of course we will schedule beyond the potential election as well so we are thinking all the way to project development.

>> Mayor leffingwell: That's good, but as far as having funding place, the governance model, the alignment of the initial routes of phase one, that will be the target date for that is february 15, 2014.

>> Yes, sir, that's what we have heard.

>> Mayor leffingwell: All those in favor, say "aye." Aye. Opposed say no. That passes on a vote of 6-0.

>> Thank you.

>> Mayor leffingwell: Thank you. I believe that brings us to the non-consent items, which have to do

-- items 70-75 and I am assuming we all have this motion sheet. The public hearing has been closed.

>> My name is eric calique in the

-- kalik in the planning department and as you know this meeting was held back in november and council took action on first reading march 7th so we are back here today potentially for second and third readings and I don't have a presentation so much as just visual aids to help you lead you through this process, since it obviously is a motion sheet. So today you will be considering adopting the erc regulating plan, neighborhood plan amendments and rezoning cases that go along with that regulating plan. So your backup should include the motion sheet, which is the large 11 by 17 sheet, the second page of that is the list of contested properties, and i wanted to point out that there is actually a new contested property, which is motion 17, the last one on that sheet, a property owner of 5602penick has requested that their property have the neighborhood mixed use subdistrict rather than the neighborhood residential subdistrict as shown in the draft regulating plan. Then there is also a list of the motions that were made at the march 7th first reading. So we will start with motion number 1, which is the regulating plan at south, and I suppose maybe the best way to go about this is if any

-- if there are any proposed changes to note those initially, maybe using the abcd item numbers, if that makes sense to people.

[09:00:03]

>> Mayor leffingwell: You mean the items on the summary sheet, abcd?

>> Yes, and so the

-- the longer version of those starts on the second page of the yellow sheet.

>> Mayor leffingwell: Yes. And all of these items, 1 through 17 are for second and third reading?

>> Correct. Yes. They are ready.

>> Mayor leffingwell: Assuming there are no complicated changes?

>> Correct.

>> Mayor leffingwell: They are already right now for second and third?

>> They are already.

>> Mayor leffingwell: To presumably there won't be any changes, but we will see. I will entertain a motion on item number 1. Motion number 1, which is agenda item number 70. Council member spelman.

>> Spelman: Mayor, I have a question and I susp ms. Leek is the best person to address it to. I have an address from some property owners of this district for 6 lots to be

-- never mind. I will pull it up later on.

>> Okay.

>> Mayor leffingwell: Okay.

>> Spelman: I move approval of item 1

-- motion one, thank you.

>> Mayor leffingwell: Council member spelman moves approval on second and third reading for motion number 1. Second by mayor pro tem. Is that correct?

>> Cole: That's correct.

>> Mayor leffingwell: Okay. Any discussion?

>> Morrison: Yes, mayor.

>> Mayor leffingwell: Council member morrison.

>> Morrison: As I mentioned at work session, I was interested in proposing an amendment to number 1, which is the regulating plan, item number 70, is the regulating plan, and that motion addresses the issue of drive throughs and how we are handling it in the regulating plan, existing drive throughs. I think

-- I appreciate staff for providing that backup information to all of the council that actually had a map of where the

-- the drive throughs are and the hub map because that really accentuates that there are many concentrates in the hubs that we are looking toward really densifying and becoming centers of activity

for the east riverside corridor, and as I have stated before, the concern is about what our maintaining drive throughs going to

-- what the impact is going to be in terms of walkability, safety, you know, frankly air quality and just generally the appeal of the area. I also wanted to comment that I think that we are

-- we are investing taxpayer

-- we are going to be investing taxpayer dollars in the area in terms of upgrading infrastructure to really achieve the vision, potentially rail in the area, the boardwalk, for instance, connecting east and west. But I

-- and as I mentioned previously, one of the main concerns as we spent years coming together as a community to come up with this vision, and it involved difficult compromises on all sides, and for us to back off on our vision, which I believe this does, it really calls into question, I believe, our commitment. I know that there has been discussions that there is a need for drive through services, that people need to be able to have the option to pick up their dry cleaning and drive through, and to that point, I just want to stress that we are not talking about banning drive throughs throughout the city. We are talking about crafting this particular area to achieve our vision, and, in fact, if you have a car and you want to go through a drive through to pick up your dry cleaning, since you have a car, you can actually drive to another neighboring area that does have drive throughs. I did have the opportunity to do a little bit of, you know, looking around at

-- of course CNU, Congress of New Urbanism is very much supportive of banning drive throughs to proceed with the vision. And I came across a nice article where they were citing of course Jane Jacobs and

-- Jane Jacobs in the death and life of an American city talking about autocentric sprawl and she said that she thought one of the parts of the problem in terms of moving towards this vision is, quote, many people had never enjoyed the sidewalk ballet so perhaps the important problem that we had was not only the physical problem but also educating people that their city, and I quote here, can be built to standards, and I think we

-- that they also quoted the mayor of Atlanta working on that very issue, stating, quote, imagine right now we are laying the foundation for the next 100 years of the city, so with that, I do want to

-- I will pass this language out, but it would essentially allow drive throughs to continue for five years and then after that, they would be in

-- in the state of nonconformance per our code. So I would like to make a motion. I am just going to ahead and make this as a formal motion, that we amend

-- and this is under the amendments group B, that we had already amended to allow drive throughs, to be maintained. I would like to

-- passing this paper out, the

-- the shaded here is what I would add to that, the shaded, and I hope you can see it all right. It is a little light, so the language I would be adding would be five years after. Insert the regulating planning adoption date

-- all existing drive through facilities would be subject to article 8 noncompliance structures in the land development code sections 25-2-961 through 25-2-964 with existing drive through

-- and existing drive through facilities will no longer be able to be replaced. So mayor, that's my motion, that we amend the regulating plan with that

-- oh, excuse me. It also has to be

-- we also need language included in subsection 4.5, the same language added there. That's my motion.

[09:06:50]

>> Mayor leffingwell: Motion by council member morrison for an amendment to the motion number 1 to expire grandfathering in five years for drive throughs in two different places. Second by council member tovo.

>> Cole: I have a question for council member morrison.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: You are making this as an individual motion

--

>> mayorfingwell: It is an amendment to the motion.

>> Cole: An amendment. Thank you.

>> Mayor leffingwell: We will vote on the amendment and if it's adopted, it will be included in the main motion. If it's not adopted, it won't be.

>> Tovo: Mayor.

>> Mayor leffingwell: Let me just say I am not going to support the amendment. I mean, we

-- we discussed this at length during the initial hearing in november and actually adopted not only a grandfathering of existing drive throughs but a way to allow for additional drive throughs or increasing the number of driveways in existing through a conditional use personal, which as we discussed at the

time would be a way of making sure that these improvements were made in a way that was a compliment to the neighborhood and was a way to make improvements through that conditional use process. Council member tovo.

>> Tovo: Yes, we did talk about this in the past and i think I oftended my opinion

-- I offered my opinion then and I agree with my colleague, council member morrison, that there are lots of discussions that have been had about this issue. That took place as part of the riverside plan dating back, and there are very good urban design reasons, i think, for keeping to the original discussion about

-- about sunseting the drive throughs and I want to call everyone's event to the letter we got from sid galindo, from the conference of central urbanism in texas and he attached a letter dated november 30th, the letter and also asked, just summarizes that in that letter they expressed their concern of the elimination of prohibition on drive through facilities would be detrimental to the regulating plan's overall objective of transforming the corridor to auto dominance sprawl into a walkable urbanism, and so it is reiterating their support for that prohibition, in addition to their support for the proposal to impose a five year limit on conforming use status for existing drive through, so i know we all know of

-- of the congress on urbanism and the good work they do in central texas and I want to make sure that everybody got a chance to see their opinion.

[09:09:43]

>> Mayor leffingwell: Any comments? All in favor of the morrison amendment, say aye. Opposed say no. No. Council member riley. Are you an aye? Okay, so the amendment fails on a vote of 3-3. With council member riley, tovo, and morrison voting i. Voting. Voting aye. So that brings us to the main motion.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: As we have been noting all day, council member martinez is not here today but he asked that i put forward an amendment that he would have been putting forward at this moment, so I am going to do that. This was an amendment to permit service stations that are currently in existence, but to not permit service stations that are not yet in existence. Throughout the riverside plan. It would establish two new uses. The first use would be service station existing prior to may 1st, 2013 and these would be permitted in cmu, mmu and imu and establish use number 2, service station not existing prior to may 1, 2013, and use number 2 would only be permitted in industrial mixed use zones.

>> Mayor leffingwell: Motion for an amendment by council member spelman.

>> Spelman: Yes.

>> Mayor leffingwell: Is there any question about what it does? Okay. Council member morrison has a question

-- wants you to explain it again, I guess.

>> Morrison: Is this opening up a new kind of service station in the industrial?

>> Spetman: No, it would not.

>> Morrison: Maybe you can say it again.

>> Spelman: The service is, service station, is that nonconforming use and the substantial changes made in the building surrounding the service station, and it would presumably no longer be nonconforming use. It would simply be a

-- you would have to go out of business. If it were abandoned more than 30 days, it would not longer be able to open up again as a service station. Some service station owners are, I think understandably concerned about this and be allowed permitted uses under certain circumstances. On the other hand, part of what we are trying to accomplish this is at least reduce number of drive through uses, like service stations, drive through dry cleaners and fast food and one way to handle this, establish two new uses, one for current station currently in operation that would simply be continued to permitted to continue operation. Second use would be established, simplest way to do this was establish use number 2, service stations not existing prior to may 1st, 2013 meeting a

-- meaning a new one, these would be permitted in industrial mixed use, a small section of imu in this plan but not be permitted anywhere else in the corridor, either the corridor or the other neighborhood areas of the plan.

[09:12:44]

>> Cole: Mayor, I will second that for discussion but I have

--

>> mayor leffingwell: Motion by council member spelman for that amendment. Second by the mayor pro tem.

>> Cole: For discussion only.

>> Mayor leffingwell: Okay.

>> Spelman: Well, let me add one last thing. This is not in any way wave design criteria. Wave design criteria would continue to apply to the gas stations but they will be able to continue to be gas stations.

>> Mayor leffingwell: I understand.

>> Cole: I have a question.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: Council member spelman, it really does sound like we are opening up service stations in the same manner as we opened up drive throughs.

>> Spelman: Open up in what sense?

>> Cole: That we are making a more sweeping exception for service stations. Is that true?

>> Mayor leffingwell: Actually, it is less sweeping because as i understand it, council member spelman, you are only basically grandfathering the existing service stations in certain uses, cmu, nmu around imu and allowing new stations only in imu, which is a very small part of this plan.

>> Spelman: I was trying to avoid use of the g word, mayor, but, yes, that's exactly correct.

>> Mayor leffingwell: So there only would be

-- as compared to the other amendment, the drive throughs could be permitted throughout

-- through the conditional use permit process.

>> Spelman: This would not be conditional use. It would not be a permitted use.

>> Mayor leffingwell: I was comparing to it the other.

>> Spelman: Yes. Yes.

>> Mayor leffingwell: Any other questions? Council member tovo?

>> Tovo: This is a question for ms. Leak. I think I remembered this discussion coming up as part of

-- as part of some of the probably much earlier discussion about the east riverside plan. Can you give us some sense of the history of this particular discussion with regard to service stations? My guess is it was an intentional choice on the part of the stakeholders that participated and there was good reason for being where we are now with regard to the disposition of service stations in this plan.

[09:14:57]

>> Right. So the current draft regulating plan would have service stations be a conditional use in the industrial mixed use and the neighborhood mixed use subdistricts but they would be prohibited in the other subdistricts, therefore, existing service stations would become noncomplying and my understanding of the amendment forward, they would get grandfathered. Similar to the drive throughs.

>> Tovo: Conditional uses would allow for service stations, for new ones to open up as

-- with

-- if they receive a conditional use permit within certain zoning categories. Can you remind me which those were?

>> Yes, the industrial mixed use and neighborhood mixed use, so the concept there the again to try and get news service stations out of the hub, the most dense hub areas so those could be reserved for more pedestrian friendly denser uses,.

>> Tovo: So I guess extrapolate what you said, the part of the rationale is locating those in the area proposed for mori defense development may prevent some of that dense development of occurring in those areas

-- dense development.

>> Correct.

>> Tovo: If there is a service station located in one of those hubs where it's no longer

-- where you can no longer locate a new service station, they can still remain there, remain in operation, but we can't have new ones.

>> Right, but they would also become non

--

>> mayor leffingwell: Nonconforming if only as little as 30 days.

[09:17:02]

>> Well, I think

--

>> mayor leffingwell: They are nonconforming but they would lose nonconforming privilege after not being used for 30 days, is that correct?

>> I think it would be 90 days but, generally, that philosophy, if they are abandoned.

>> Greg guernsey, usually 90 days is what it currently calls out and prescribes and they would have to actually abandon their use, so simply if they were to put the business up for sale and as long as the pumps were there and the building was there, it could actually continue more than 90 days. It when you start pulling electric meters or pulling the pumps up, that would be an abandonment of the use that would constitute that. We have had this come up in condemnation cases where we have had businesses close since construction is going on. The business is not deemed to be abandoned unless the certificate of occupancy has really changed or they indeed abandoned use by

-- abandon use by pulling out electric meter and vacating the site. So as long as the pumps remain there, the meters and the buildings remain there, it could be up for sale for more than 90 days and the use technically has not been abandoned because it is just not a tenant in there, but the facility is still there.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: What governs the rules of interpretation here? Is that a state law? Is it a local rule? How does it work?

>> Guernsey: It has been done by my predecessors and myself through time.

>> Spelman: Okay, so this is

-- this is english common-law and orally passed from generation to generation?

>> Guernsey: From planner to planner, yes.

>> Mayor leffingwell:

>> Spelman: Okay. Thanks.

>> Mayor leffingwell: So since we are talking about the philosophy here of zoning, normally

-- this is in essence a down zoning, if you take someone who has the appropriate zoning for a gas station and now you say, all right, in the future we are rezoning your property so now you are nonconforming use, we are down zoning his property. Is that correct?

[09:19:20]

>> Guernsey: Yes, in lay terms, that's correct. You are rezoning property and, right, you may have had yesterday is not the same that you would enjoy today if

--

>> mayor leffingwell: So normally that

-- wouldn't that trigger the valid petition process? Forget about the

-- forget about the corridor transportation corridor, but if you are down zoning an individual's lot.

>> Guernsey: If you are down zoning in accordance with the context of a larger area, which we are talking about now, it is not a particular property as much as you are talking about the entire district that you might be discussing. If you are rezoning the entire city and you were changing a district requirement in sf2 or gr or something like that, then you are really affecting all of those properties. Not necessarily individual property, and so in that

-- in that sense, it's not an individual rezoning in the sense

--

>> mayor leffingwell: But nobody talked about rezoning the entire city yet but what we have talked about is doing rezoning through plans, through transportation plans and so forth. And then I remember when we had this discussion when we adopted this and I didn't like it then and I don't like it now, because we are basically subverting the basic valid petition process by down zoning someone's property without going through the traditional super majority voting.

>> Guernsey: There is that possible process in place right now. If the 20% of the owners are affected with a similar requirement throughout that whole district or within 250 of that feet

-- 250 feet of that district would have opposition to that. They do have the right to petition that. It would still exist, but it is much more difficult because you are talking about a lot more properties and not an individual property.

>> Mayor leffingwell: Thank you, mr. Guernsey. I thought I understood it until you explained it to me. [Laughter] council member morrison.

[09:21:24]

>> Morrison: First a couple of things, this conversation brings to mind the vmu process because that was also similar, where people didn't have

-- the petition rights sort of were different than what one might have expected. I know that nearby neighbors thought property being zoned were unh with it and they didn't have their petition rights there. They were essentially being up zoned and so it works both ways. I want to point that out. Erica, maybe you can help me, at least with part of this. I am looking at currently what is in our regulating plan, that's on the table, and this amendment

-- back to the amendments. And I think

-- I might need some help from you, too, council member spelman, i think I might understand it, and that is if we are talking about industrial zoned property, currently gas stations are conditional use and amendment suggests them to be permitted. If we are talking about nmu, currently they are conditional use and this will make them grandfathered.

>> Grandfathered but not permitted for new uses.

>> Morrison: Grandfathered but not permitted. Okay. But not new. And then if we are talking about everything else, we are

-- they would go from prohibited and current ones being nonconforming to grandfathered but not new. So if your

-- so in the industrial

-- it's pretty easy to say, it is relaxing the ability to allow service stations. In nmu, it's in some ways relaxing them because existing ones are grandfathered, but in some ways, making it more restrictive because the new ones are going from conditional to prohibited.

[09:23:32]

>> Right.

>> Morrison: And in the other areas, they are going from

-- let's see. In some ways relaxing because existing ones are going from nonconforming to grandfathered, and so that's relaxing, and then the new ones are going from prohibited to prohibited?

>> Right.

>> Morrison: So there is a relaxing

-- a relaxation, there is a relaxation and a constraining and there is a relaxation. So three

-- okay. Thank you, that helps me.

>> Okay.

>> Mayor leffingwell: Council member spelman has achieved the perfe compromise here, relaxation and constraining.

>> Morrison: Mayor, if I can respond to that, there is three relaxations and one constraint so I wouldn't necessarily call that a perfect compromise.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Ms. Leak, just back to this discussion, was this a suggestion that came up during the stakeholder process or at planning commission? Again, my vague memory of this is there abhave been several efforts to try to get

-- there have been several efforts to try to shift things with regards to service stations.

>> This issue definitely came up when the regulating plan was getting close to coming to council with stakeholders who chimed in and wanted to provide input at that point and so we had numerous discussions over the course of numerous months about it. And

-- and staff did not

-- actually

-- I was going to say staff did not end up recommending any changes on that, but I think we actually may have. Hold on just one moment. Actually we didn't change anything relative to service stations. We did make some other auto oriented uses conditional in one subdistrict.

[09:25:56]

>> Tovo: So did the planning commission have an opportunity to evaluate this request?

>> No, I don't believe so. I think it was made later.

>> Tovo: Can you tell us why the staff did not recommend making changes to the plan that's currently before us?

>> It generally goes back to trying to ensure that we could eventually have turnover of some of the existing automobile-oriented uses to become more dense, walkable places so that more people can live within walking distance of various services, potential future enhanced bus service, rail, et cetera.

>> Tovo: Thanks. Those were kind of key goals of the whole process and the whole plan, so I think it's important that we continue to support them. I appreciate the effort to look at this issue again. I am not going to support the amendment. I think that we've got

-- we've got the ability for people to locate new service stations and if they go through a conditional use process and we have the ability for existing service stations to remain there. So I think we've assured that there will be service stations there and don't need to

-- don't need to contemplate doing things that will further erode what I see as the main goal which is what ms. League summarized, create a dense urban corridor where people live close to services and they have varying options of services to support them in their daily lives.

>> Mayor Jefferingwell: Council member Riley.

>> Riley: I would like to visit briefly about one aspect of this issue that may separate it from the drive throughs and that is the design standards that would govern any remodels of existing service stations. With drive throughs, we had some hope that future remodels would be done in

-- in

-- under the new design standards and, in fact, we might be able to get some improvements and that's one reason we approved the allowance of additional drive through lanes on a conditional use basis, because

-- because those remodels would require coming in compliance with the design standards. You would provide like a carrot, an incentive for someone to remodel their building in a way that would

-- while it might add a lane to a drive through, at the same time, it might actually result in a better overall building because they come into compliance with design standards. I am trying to anticipate what

-- what we could

-- what we will be able to see with respect to gas stations and any models. In the past, we have tried to apply design standards with gas stations but very little success. In fact, my understanding is under the commercial design standards, just the mere fact that a site is occupied by a service station is

-- is considered the basis for alternative compliance, because we just assume that, well, the service station can't come in compliance with the commercial design standard so that's

-- so we will allow alternative compliance on that basis alone. Does the

-- do the design standards before us and the regulating plan, do they

-- do they contemplate applications to service stations? Would we foresee some remodeling o service stations under some different design standards that would be more pedestrian oriented?

[09:29:28]

[One moment, please, for change in captioners]

>> ... That would look significantly different in terms of their

-- their orientation toward cars versus pedestrians.

>> I've been told it can be done. But, you know, we haven't seen it much here, and i guess the additional point to be made is that, you know, you can have restaurants, even potentially restaurants with drive throughs in a mixed use building with residential above. I think the likelihood that you get a mixed-use building with a gas station is lower. Even lower.

>> Okay. Counselor morrison.

>> Morrison: I want to comment that I'm not going to be able to support this motion because I do think what it does is the constraint that it puts in the one area of nmu where

-- where the current proposal on the table is

-- has said, okay, it's all right in nmu but not in the other areas. I think that's particularly important because, again, going to the hubs where we're going to be expecting the

-- and depending on the increased density to make the rail work. So I think that

-- I think it's preferable, my view, to stick with the compromises that had been reached after the significant discussions.

[09:31:51]

>> Okay. So the motion is to

-- the amendment by councilmember spelman with regard to gas stations, that will be an amendment to the main motion number one. All in favor of that say aye. Aye. Opposed say no. That amendment fails on a vote of 3-3 with councilmember riley, tovo and morrison voting no. All right. So we at this point

have an unamended motion number one. And so there are no more amendments, we'll call that up. All in favor of the motion say aye. Aye. Opposed say no. So that passes on a vote of 4-2 with councilmember tovo and morrison voting no, so that passes on second reading only.

>> And so I'd like to note the remainder of the items are sort of contingent on having item 70 passed, so the remainder of the items should only go on second reading.

>> Leffingwell: So noted. I entertain a motion on 71 which is motion number 2.

>> Move approval.

>> Leffingwell: Mayor pro tem moves approval. Second by councilmen spelman. Councilmember tovo.

>> Please note me as recused on this item.

>> Leffingwell: All right. Further discussion. All in favor say aye. Aye. Opposed say no. Passes on second reading of 57600H6QH5%(AA2? 90Pç#TfA3"VVCLw wÑ>qjblpm6YYX!0bdóo[éNeXvM3 X.5jH8W3 6"JJ+< WooJa6XwlAhNRLZ(E>taDaa9Tz--hCO:BBILa&4fsíAi L

[09:36:45]

>> second by the mayor pro tem, dssion. All in favor say aye. Aye. Opposed say no. Passes on a vote of 6-0 on l>,3l>,3l>,3l>b)1rr these are all on the same ITEM NUMBERS BUT CONTESTEDW/vcc

[09:39:08]

>> Riley and spelman voting no, correct, son second reading. Okay. Item number 11. Councilmember spelman moves approval. Seconded by councilmember morrison. Any discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 6-0. Item 12, motion number 12, agenda item 75. Councilmember morrison moves approval. Is there a second? Second by councilmember spelman, discussion. All in favor say aye. Aye. Opposed say no. Passes on a vote of 6-0. Motion 13, item 75. Councilmember spelman?

>> Spelman: On the first reading I move staff recommendation for cmu, i changed my mind because i have new information and i would like to instead move on second reading that we allow these last to remain with the current cv zoning, that would be the owner's request.

>> Okay, councilmember spelman moves to approve motion

-- in motion 13, the properties name in item 75 would be zoned new orleans with the owner oh in accordance with zoners request of cs. Is there a second for that? Thank you. All right. Is there any discussion.

>> I have an argument for if anybody wants to hear it.

>> Sure.

>> These are six lots located on riverside, at the corner of ben white and riverside. These are lots primarily for the purpose of servicing airport traffic. They're not actually on riverside and there is a large elevation change between the lots facing ben white and the lots along riverside drive itself. Not amenable to pedestrian traffic. State highway 71 which is the name of ben white locally has 75,000 vehicles itself, it's not amenable to pedestrian traffic. The lots are long, narrow lots and therefore would have to be reconfigured in order to meet requirements for multistory buildings for example. They were originally set up for exactly what they're planned currently being used for which is for better or worse, a strip center servicing automobile traffic, not pedestrian traffic, on the other hand as I mentioned before, we're not going to get much pedestrian traffic on ben white. The austin-bergstrom strom airport, the fact they're on a heavily trafficked street and the fact that they are sufficiently different in elevation from the riverside drive itself suggests that although it makes sense to keep them in the plan, we should not feel the need, i think, to extend the same design guidelines, the same mixed use requirements for these lots that we do to those directly on riverside drive. I don't think we're doing any harm to the plan by exempting these lots and we are allowing airport traffic to make use of these lots in a more commercially viable way. My apologies for not knowing this on first reading but now I do.

[09:42:39]

>> Leffingwell: Councilmember tovo?

>> Tovo: Thanks. Seems like we did hear some testimony about this at first reading and I know that I certainly have heard from some of the property owners about it. Ms. Leak, am I remembering this correctly, that part of the intent here was to make sure that those lots at the edge served as a gate waive waive

-- gateway to this corridor, is that part of the rationale in including them in the corridor plan?

>> It was. It obviously will be a significant

-- it will be property that people coming from the airport will see kind of first as they're coming into downtown if they come the riverside way. There was also the discussion that that would be an appropriate place for a rail stop eventually, and so it could end up being a park and ride, but, again, if those lots are developed with low intensity uses, it limits the number of people who can live or work in that area.

>> Tovo: And so am I right in remembering that this is not a new request, that this is an issue that did come up earlier but the staff did choose not to recommend that's correct.

>> Tovo: That they would be removed from the plan.

>> I would like to note there are design standards that apply, because we realize that pedestrians

-- pedestrians are unlikely on ben white boulevard, so there isn't a requirement for those buildings to be built up to ben white, highway 71, so you are correct, that the two story minimum would still apply but the frontage standards would not.

>> Thank you. Mayor?

>> Leffingwell: Mayor pro tem?

>> I see this is not discuss business district at this planning commission at all.

>> The request was made after planning commission

-- after this whole plan went to the planning commission so, yes.

[09:44:43]

>> Okay, but you met with the stakeholders and it was not a part of your recommendations?

>> Correct.

>> Leffingwell: Further discussion? All in favor of the motion say aye. Aye. Opposed say no.

>> No.

>> Leffingwell: Okay. That motion fails on a vote of 3-3 with councilmember tovo, morrison and mayor pro tem voting no. So that

-- you voted no as well? Okay. So it still fails on a vote of 4-2. So is there another motion on item 13?

>> Move approval.

>> Leffingwell: Mayor pro tem cole moves approval, second by councilmember morrison. Discussion? All in favor say aye. Opposed say no. No. Councilmember spelman, how did you vote? All right, so it's 5-1 with myself voting no at second reading only anyway. Item 14, which is agenda item number 73, or parts of it. Councilmember morson moves approval. Is there a second? Second by councilmember riley. Discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 6-0 on second reading. Motion 15, item 73. Councilmember spelman moves approval. Second by councilmember riley. Discussion. All in favor say aye. Aye. Opposed say no. Passes on a vote of 6-0. Second reading. Item 16, motion

-- agenda item 75, councilmember riley moves approval. Seconded by councilmember spelman. All in favor say aye. Aye. Opposed say no. That passes on a vote of 6-0, second reading. Item 17

--

[09:47:03]

>> and this is the new one so there have been no readings on it as of yet.

>> Leffingwell: So we could do first and second? We could do first and second that way, all be aligned up for

-- so I'll entertain a motion on item number 17. Councilmember morrison.

>> Morrison: Do you happen to have a map so you could show us specifically which one it is.

>> I do. So it's actually at the corner of penek. Again, this is hard to see, this is a property that does have a single family residence on it at present. It's zoned sf3, but the property owner made the request to have it changed to neighborhood mixed use rather than neighborhood residential as it's currently shown.

>> Morrison: I just found my closeup.

>> Did the owner offer a justification or classification or just ask for it.

>> He basically said that the property is on riverside drive, and that obviously having a different sub district would provide different options for the property in the future.

>> Mayor?

>> Leffingwell: Councilmember tovo?

>> Tovo: So I'm looking at my map and I'm trying to remember from visiting that area, is this the

-- is this the lot that is really almost maybe two lots and it extends from riverside

-- it does have frontage on riverside, but it extends, you know, two lots into peneck in effect.

>> It does, so it's

-- it's basically across from property that it

-- that has a proposed neighborhood mixed use sub district about the same depth.

[09:49:09]

>> But it's adjacent to the properties that we've

-- we have now as neighborhood residential?

>> It wouldat the sort of end of that string, yes.

>> Tovo: Thank you.

>> This is on the southwest corner of peneck and riverside?

>> Well, it's kind of the

--

>> west side.

>> West side, yes. North side of riverside on the northside of the street, got it, thank you.

>> Leffingwell: Councilmember r?

>> Riley: Mayor, I move that we approve the request of mixed use.

>> Leffingwell: Councilmember riley moves that we pass owner's request on first and second readings. Second by councilmember spelman. Councilmember morrison.

>> Morrison: Erica, i wonder is there some way to split that property because it is such a deep property, there's a lot of

-- the staff had recommended residential on there, is that correct?

>> We had, because it currently has a single family home on it. I don't

-- I'd have to go back and look to see where the house is relative

-- i mean it's a double size lot,% but it's actually it's

-- i mean it is a single lot. It's a single tax parcel.

>> Morrison: I believe it's 200 feet deep, though.

>> It could be. I'm not sure where the actual house is.

>> Morrison: It's a very huge lot.

>> It is.

>> Morrison: It's probably about 400 by 200.

>> It is.

>> Morrison: Could you remind us, under nr, it's residential, not mixed use.

>> Right. So neighborhood residential allows single family detached, attached town homes, small scale multifamily, and the neighborhood mixed use would allow a mix

-- a mix of uses.

[09:51:19]

>> Morrison: Yes. I guess what is

-- what is striking to me is that while they're

-- while it might make sense to have some retail facing riverside to actually go all

-- be able to stretch all the way back 200 feet to reach the sf-1 property, that's an uncomfortable transition. Are there ever instances where you actually like zone the front half of the property nmu and the back half nr?

>> We do have some split zoned properties, but again, this is

-- this property, its entire frontage is fronting something that has the neighborhood mixed use subdistrict, and then there's actually

-- I don't know if anyone can pull up an aerial, but it's kind

-- the border actually does kind of a strange thing there, so I don't

-- there may not

-- the other single family houses may be kind of around the corner but

--

>> Morrison: But we're leaving 5617, 5701, 5709 and 5717 which actually abutt this property at sf-1.

>> That's correct, though i think they kind of abutt it at a corner to corner type of arrangement.

>> Morrison: That's

-- this isd for me because that's not what my map is showing.

>> Okay. Well, I may be wrong and i don't

-- I actually don't have a close-up here. So...

>> So it's right there.

>> Morrison: Okay. Actually, are we

-- i believe we might be confused

-- I might be confused about which property. Are we talking about property that is to the left of 5600 riverside? We are, because we're talking about 5602. So councilmember spelman just put a little x on the property to the east.

[09:53:24]

>> To the north actually.

>> Morrison: This. I think we're talking about this property and you think we're talking about the other property.

>> Oh, I'm sorry, I thought we were talking about the property that had a single family house on it.

>> It does.

>> Morrison: So could i hand you this and ask you to just correct me, because i think I'm thinking about the wrong one. So I was wrong.

>> Spelman: I was right.

>> Morrison: Councilmember spelman was correct. I was incorrect, let the record reflect.

>> Spelman: There's a first time for everything.

>> Morrison: Okay. Now I have to start thinking about it all over again. Thank you.

>> Leffingwell: A motion and a second on the table to approve the

-- on first and second reading, the owner request. All in favor say aye. Aye. Opposed say no. That passes on first reading only on a vote 4-2 with councilmember tovo and morrison voting no. So I'm assuming that you can bring this back so that we can address item 17 at the same time with all these others even though it's only on first reading.

>> Yes.

>> Leffingwell: Passed on first reading.

>> Mayor?

>> Leffingwell: Unless

-- I guess on last motion number one only passes by the 4-2 vote then

-- well, never mind, I'll think about that later too.

>> Mayor?

>> Leffingwell: Councilmember tovo?

>> Tovo: Could I just ask that when this comes back if there is a possibility for splitting the tract in terms of its zoning zoning that that be something we have an opportunity to consider as well.

>> Okay, I'll bring a close-up of it in the presentation next time so we can have a better look at it.

>> Tovo: Okay. Thanks, my memory of being out there is one part really feels like the residential houses that are next to it, and then the other piece, you know, if it could be separated off might make

-- it might make sense and that would address some of the concerns or some of the interest of the property owner.

[09:55:38]

>> Leffingwell: So when do you plan to bring this back?

>> Do we have one next week? Or not until

--

>> Leffingwell: No, two weeks.

>> Okay. Two weeks.

>> Leffingwell: All right. Councilmember morrison?

>> Morrison: I wonder if you would be able to provide us with a closeup map of that peneck area and identify 5602 and also what are the zonings we have on either side of it, because I'm wondering about the other side on them.

>> The current zoning or the proposed sub districts?

>> The current

--

>> the current and proposed, okay.

>> Morrison: Thank you.

>> Leffingwell: Okay. Thank you. So mr. Guernsey, do you want to go back to zoning cases, discussion zoning cases? And I believe we had

-- i believe we had 91

-- 88 is the first one, I believe, that didn't pass on consent, is that correct? 88 was the one that i think pulled along with item number 92, and I can go through those now, if you'd like.

>> Leffingwell: Start with item 88.

>> Very glad, mayor. Meric, greg guernsey, planning and redevelopment department. For the property located at 602 to 702 west avenue, and 800 west 6th street. This is a rezoning request to the property for both tracts, downtown mixed use, central district for tract 1, lo and go, for tract 2 to dmucure. The planning commission's recommendation was to approve the staff recommendation for dmucure on tract one and dmucure for tract 2. I'll note that the correct vote was a 5-2 with one abstention, and that would be to eliminate the tia limitation on tract 1 to allow for a building highlight

-- height up to 90 feet on tract 2. I think there was also some

-- a list of additional prohibited uses that counted up to 18. This is located in the downtown

-- the austin downtown plan, this tract was originally, for tract 2 is designated about 60 feet. It was, as I mentioned, recommended too by the commission and by staff. The downtown commission did review this, they did agree to delete the trip limit and they were undecided on two different motions with regard to height, they voted the first time on a 4-6 vote to raise the height to 90 feet and then 2-8 to have the height set at 60 feet on this property.

[09:59:05]

(One moment, please, for change in captioners...)

>> so I am trying to find out a little bit more by that there is a condominium and under our code you are required to have a signature, whether by the board or whether by individual property owners. I was busily emailing back and forth and trying to find that out. However, it is ready only for first reading today, anyway. I will pause if you have any questions. Mr. Richardson is here, the agent for the property owner, I believe we have at least maybe one other

-- two other here to speak to this item, ioses.

>> Mayor Jeffingwell: All right. Any questions for staff? We will hear from the applicant, 5 min mr. Suttle. Five, please.

>> I am Richard Suttle on behalf of Sears Logic today. We have a zoning case for you. All said and done, it is fairly simple zoning case. It encompasses their whole company. Sears Logic, as you know, moved their headquarters from the banks of Barton Creek there at Loop 360 and Mopac downtown. They bought a piece of property that was originally slated to be condos but because of the zoning, they were able to do their office. They built their office, coincidentally, by the way, they won the Austin Business Journal award last night for best office building downtown, new project downtown. But the building was built in hopes of

-- they built it with basically 52% of the parking requirement on site now and they are finding that that doesn't work. They currently shuttle folks in from a south satellite portion where they shuttle a lot of people in from there. They also run shuttles from the light rail station downtown here. Even with all of that going on, they are short of parking. They own the piece of property just to the north of the building and the zoning case before you today

[10:01:50]

does two things: One, there is a 2000 trip limitation on the existing building. In the existing building, they have two restaurants. The restaurants would like to be able to utilize the outdoor patios for seating but under our code calculations, if you use those outdoor seating areas then you will bust the 2,000 trip limitation so they would first like to lift the 2,000 trip limitation on that. That doesn't seem to be picking up any opposition along the way. The second one is if you are looking at the picture in front of you, on the far right of the building, you see an addition which is essentially an extension of the existing building. It's 90 feet tall. It shows occupied space on the ground floor, parking in the middle, occupied space at the top. It basically provides additional 150 parking spaces to the project plus office on top and the proposal has been either pedestrian uses or some uses that would be available to the community on the bottom. We have staff recommendation and planning commission recommendation. We have been having lots of meetings with owana and they recently written us a better or you may have gotten them in core response, several conditions, all of which are agreed upon. Several of which have agreements with further need for discussion. For instance, one of the things, the neighborhood had us to screen both the existing and the new parking garage exactly the same way, all the way around the back to the creek as the same way it is screened on the eastside, facing west avenue. As you can imagine, the architects get involved. They can make things more complicated than lawyers sometimes. There is a calculation of how much space has to be open to be a nonventilated garage and so we've asked the neighborhood to sit down and talk to us about the type of screening, maybe a green screen, as opposed to the type of screen and that type of thing. And additionally, we provide the use of the parking garage for third parties for parking. We offered that as a valet operation with discussion of maybe keeping a portion of the garage available exclusively to employees for all times but a valet type operation so that other people could use this garage when the off peak is not

-- it is not being used on peak for sears. Other than that, I think we agreed on everything else. So I will give you back my time and be happy to answer any questions. We are unaware of the petition that came up today but we will be happy to look at it. We are only asking for first reading today so that we can have time to go back and talk to the neighborhood about these issues. Thank you.

[10:04:32]

>> Mayor Ieffingwell: Council member riley.

>> Riley: I appreciate all of your efforts to work with the neighborhood on this, the neighborhood, I might note, is the original austin neighborhood association, the other oana, not to be confused with owaana.

>> Sorry.

>> Riley: A couple of questions about that. You said the neighborhood asked for ten ctions to be met. Would you expect that those

-- the discussions about those conditions would culminate in some sort of written agreements or covenants?

>> Yes.

>> Riley: How would you expect thos memmized

-- memorialized?

>> That is one of the reasons we are asking for first reading tonight. We want to look back to see what is appropriate, i recommend to put in public covenant or zoning ordinance with that or a private with oana and we don't have the documents yet. We agreed in concept on the items but I agree, for both parties they need to be written down and precise.

>> Riley: Those conditions do not

-- one other element of ongoing discussions that I want to ask you about now, and that is the other buildings that

-- that

-- that sears owns, that have the address on rio grande, known as the aquarell restaurant and those buildings blind it, i understand that sears has a demolition permit and that that site would provide an opportunity for sears to meet parking needs, but i have heard hope expressed by some of the neighborhood that the garage that is part of this zoning case could address those nods, and people have been asking, well, is sears going to take those buildings down right away? Are we going to have a vacant lot for the foreseeable future? Can you provide any assurances about those buildings staying in place for any length of time?

[10:06:37]

>> Yes. I have asked sears logic and they have authorized me to tell you that because of the issues related to folks maybe wanting to move the buildings

-- by the way, let me give a little bit of background on that. Sears is in the expansion mode and they have bought a portion of the block to the east of them. It has an old house, an old garage apartment on it, to which did go through the landmark commission and we do have approval for the demolition permitting. In response to the request by the neighbors to possibly find a home for one or more of those

structures. Sears authorized me to tell you on the record, we won't exercise under those demo permits for at least six months, to dovetail those conversations with the neighbors about maybe finding a home for those houses.

>> Riley: Great. I appreciate that.

>> Mayor leffingwell: Any other questions? We do have two speakers against. And we will go to those. Blake tilette. Joe bryson. You have 3 minutes.

>> Thank you. Thank you for hearing our side of the story. My name is joe bryson. I am a neighbor immediately to the north of these lots, and we've submitted a petition that we believe has 20% of the ownership representation of the area in opposition. It was signed by all of the neighbors, by all of the owners. My question is how many spaces does sears logic really need? They've got 500 employees. They have 350 spaces in their garage. They have at least 40 spaces in that surface lot, which they are talking about building an additional 150 spaces, so they are really gaining 100 additional spaces, is all, and i believe that they are

-- they are overparked, is what is starting to happen here and with this sons change

-- zoning change, this is the most exped quantity way

-- expedient way to get the parking spaces. However, they do own two additional parcels of land across the street that, given time, I think it would be a better

-- it would be a better plan for their parking for their office, because once

-- once this zoning change has gone through and you allow a 90-foot parking garage to be built on shoal creek, that is it, you have another parking garage on shoal creek. It would be my opinion a better thing to have more as an officer building of shoal creek looking over shoal creek instead of another parking garage. There is a parking garage and an old office building that is not

-- officer building that is not aesthetically appealing that would be a much more suitable place for this extra parking. The downtown plan was really a hard fought plan and for you to going against this and approve this change, which was originally granted

-- I mean, it was originally granted in the downtown plan, this would be I think bad policy, is what I think it would be, and i think they are just wanting to have the most expedient way to get this extra parking, but I think if they step back and look at the three parcels of land they own, there is a better way and a better thing for austin, for shoal creek, for the neighborhood to have better office, better parking, better traffic flow, and I think they are trying to do this too quickly. That's my comment.

[10:10:31]

>> Mayor leffingwell: Okay. Blake tilette.

>> Good afternoon, mayor, mayor pro tem, members of the council. Before I begin, I want to say that I am representing myself. I am not talking on behalf of the organization that I am a member of down there at oama

-- I just wanted to

-- I sound opposition

-- I was hoping the neighbor's

-- neighbors' petition would have been turned in in a timely manner you have before you. I was going to come to support them. I would ask that you though you are

-- you know you are supposed to look at zoning cases also individually and also ask you to take notice of what's going on around it. They do own the aziz property right now across the street. It is on cs use right now and it is supposed to be rolled back to dmu60 when they get the testing ability, the use. They own the arc well property. My understanding is there is a restrictive covenant on that property that requires 51% residential. It

-- I think if you

-- if you would today say, no, we are not going to give you beyond what the downtown austin allows which is dmu60, dmu 40, I think what the neighbors would appreciate is having a campus plan in front of them. We would need

-- every time I have come in here on zoning cases and I have been down here a little bit, you always

-- one of the things people say is don't bring things to us piecemeal. They are bringing this to you piecemeal. It

-- they are good neighbors. They are a good employer. I don't understand

-- it makes no real logic to me. They own the properties. They can come out and say, okay

-- as joe pointed out. They have sufficient parking right now, it seems to me. He said 350 on site. I think it is more like 300 but they lease spaces across, mixed use dum and they have surface parking over here at our club. I don't see the real rush to go beyond what the downtown austin plan has already done, has already been argued out for this property at this point. They can always come back. They can say, okay, if we lose here, then we can hold off a little bit and come back with a campus

-- that would be my hope that y'all would look at it that way, that there is an ability here to do a campus plan. If we are going to do it right, as they point out, I mean, this is shoal creek. This is the northwest district. These are all things that are supposed to be important to this city and we are doing this very

-- they are asking you to do this on a piece meal basis. Anyway, thank you very much and hopefully

-- yes, that's enough. Thank you.

[10:13:32]

[Applause]

>> mayor leffingwell: Ronnie reeferseed. I am putting you with those signed up against but you are signed up neutral.

>> Well, I did have questions I didn't want to speak out of term, per se, and of course I am ronnie reeferseed, and I wanted to echo, though, the concerns of the previous speaker, and I can answer his question. He asked why are we in such a rush on this, and this has to do with what I already written up and that is this

-- to actually follow up on mr. Riley's concern, that

-- with these more slimy, special interest

-- special deals laden with bribes, kickbacks, loan guarantees, et cetera, when I saw the king lobbyist, mr. Suttle or shuttle, whatever his name is and i was going to say something, he agrees with everything, he agrees with everything, mr. Shuttle agrees with. It makes me worried, please protect taxpayers from special interest slimy deals and special grease interest groups. They stink to high heaven and why the rush? Why, because we passed the 10-1 plan, and so all you are trying to

-- you are trying to squeeze in the slimy garbage while you still can. Citizens pay attention. That's why the rush is on. We don't need to rush through all of this. We still have a lot of time to get a lot of information. There is valid questions and valid information from knowledgeable citizens. Again, I agr with my previous speaker. Don't rush it. Give us a chance to get all of the info and you guys i bet will make a better decision than usual, if that's plausible. I lie, but let's hope and pray. Bless you. Bless the city of austin.

[10:15:35]

>> Mayor leffingwell: Mr. Suttle, you have 3 minutes, rebuttal.

>> I will try to keep it brief. My client said they do need more parking. They are going to try to invite downtown employers. This is an employer that was in the suburb and have plenty of parking and they have moved downtown now. They don't have as much as they had. They don't have as much as they need, and even after this, they may not have as much as they really need. I don't know that, but we are not trying to rush anything by. This zoning case has been a while. It is merely an extension of an existing building. It provides both office space and parking. It is an area that the downtown plan calls for yesterday mu60 but if you read the downtown plan carefully, it is because it is currently zoned as go and lo and what happened with the downtown plan in the series, saying we are trying to keep the entitlements basically the same that it is, they are also in a niche that is eligible for density bonus if we were wanting to increase the f or whatever, we could then have that conversation about community benefits, which we are doing community benefits along the lines of great streets and all but that is something we can be discussed for second and reading, first, second, third reading. Today we are asking for first reading on whether sears logic should be able to expand this building as requested at 90 feet and should we go back to the drawing board and build a 60-foot tall garage and be done with it? So I will be happy to answer any questions you might have.

>> Cole: Mayor.

>> Mayor leffingwell: Mayor pro tem cole.

>> Cole: Mr. Suttle, we received

-- or I received a letter from the original austin neighborhood association and one of the things that they were requesting in it is a part of the conditions was screening on the parking garages. Have you had a chance to talk to them about that or made any decisions about that?

[10:17:41]

>> You will see the response in our letter, we want to have further discussions, because their letter was very specific. It said the same screening on the old and new garage, all the way around the back that they currently have on the old garage on the front. So imagine on the front of the garage facing west street, there are no walls to block light, it is basically a screening mechanism to screen the visibility of cars. On the back there, they don't have the screening but they have the knee walls which block the headlights. What happens when you build the wall up 3 feet or so, that takes up the space that you are required to have as open space to have an open air garage. We can't just go slap more screening on to that, because then the amount of open airspace required goes down and all of a sudden you have a mechanically

-- it requires a mechanically ventilated garage which is a big retrofit which you can't do. So all we have asked to do is talk to them about either we run the numbers and see if we can actually screen it like they've asked or is- there another alternative that meets the same goal as screening it along shoal creek but enables us to keep it as a nonmechanically ventilated garage.

>> Cole: So you are in discussions about the details of that but you in good faith are negotiating with them on the screening issue?

>> Correct.

>> Cole: Okay.

>> Mayor leffingwell: Okay. This is ready for first reading only. And council member tovo, are you

--

>> Tovo: I have a couple of questions for staff.

>> Mayor leffingwell: Okay.

>> Tovo: If now is a good time.

>> Mayor leffingwell: Fire away.

>> Tovo: Okay. Thanks. Mr. Guernsey, I believe i heard mr. Suttle just say this but I wanted to verify it, the downtown plan which council adopted but has not yet been codified calls for 60 feet

-- a 60-foot limit on these tracts?

[10:19:42]

>> Tract 2, the dmu would be dmu 60, that's correct.

>> Tovo: Thank you. Can you explain the density bonuses as contemplated in the downtown plans with regard to this tract? I heard mr. Suttle refer to them but I wasn't sure whether it covered the whole tract or

--

>> well, I think the portion, they are asking for the height is just tract 2 and that's the northern portion

-- I don't know if you've got the exhibit

--

>> Tovo: I do.

>> Guernsey: The two lots that are north of west seventh street, so it's not the entire property that we are talking about. I think mr. Suttle indicated they were already providing great streets, which is one of the things@ that could be used towards assisting with that. They are not providing i think any requests for additional far on this property, so that is not part of their request. Their only request is additional height from above, but the 40-foot and the 60-foot heights that are in lo and go.

>> Okay. But it is not

-- it does not accord with the downtown plan.

>> Guernsey: It is not in accord with the downtown plan. The petition I mentioned earlier, the reason for their objection is it did not comply with the height requirement.

>> Tovo: And then I have another question for you. It is my understanding there is a residential on the adjacent lot

-- residential use on the adjacent lot.

>> It gives you an exception from a compatibility start, unlike cbd.

>> Tovo: Did you say it does not.

>> Guernsey: It does not. So it would still have to be built in accordance with that. If there is indeed a freestanding single family residence or a duplex or two family renaissance use, if there are more than three units on the property, then that would constitute a multifamily or

-- type of development and that would not trigger compatibility standards.

>> Tovo: I guess I would like to a clear answer on that certainly before our next reading. It sounds like that the planning commission was told compatibility didn't comply because the adjacent property wasn't zoned renaissance but there is compatibility

-- if

--

[10:21:59]

>> four or more units it would not trigger compatibility. If the zoning or the use of budding that were in sf, like

-- nsf, like I said, 501 restricted, would trigger. Just having a house maybe zoned go but not budding, with the compatibility distance of 540 feet, that would not be enough to trigger compatibility. It would have to be the zoning within that distance.

>> Tovo: So there is residential use adjacent but it does not trigger compatibility?

>> Guernsey: That is my understanding, yes.

>> Tovo: All right. Thank you.

>> Mayor leffingwell: Council member morrison, mr. Guernsey.

>> Morrison: I have one question. The properties that ila right now,

-- lo right now does it contain in density area in the downtown plan?

>> I believe it is. I can certainly confirm that before it comes back for second and third reading. As I understand, they would have to go through that program which does not yet exist today.

>> Morrison: I think

-- okay. Okay.

>> Guernsey: We can clarify for that before this getting approval.

>> Morrison: I thought it was not the ll portion and it sounds like

--

>> mayor leffingwell: Do you want to ask mr. Suttle that question.

>> Morrison: Mr. Suttle, can you point to the map?

>> Go one more. Another one.

>> Morrison: Because i thought I had looked at this and it actually was not but you are saying it's in the red.

>> Okay. I am sitting here looking

-- so if you look west avenue, you see the

-- you see the little red outline at the very top? And you see 3-1 or 90 feet, that district, it jumps across the creek and catches this and goes back.

[10:24:04]

>> Morrison: And then the red, is that outlining both the tracts that we are talking about?

>> It's just

-- it's just the one

-- it's the end cap.

>> Morrison: It is the lo

--

>> tract 2, yes.

>> Morrison: And then tract one

--

>> is in the 400-foot height limitation area.

>> Morrison: Right.

>> So we jump down to 400 feet to 90 feet.

>> Morrison: But I see a little bit of a line from the red line down to the northern boundary of the 400-foot. I mean, I see a little bit of area.

>> We could get that for you between now and second reading. I think that's the existing building in there.

>> Morrison: Is it part of what we are rezoning here? S.

>> The 2,000 trip part but not the one we are attempting to bump up in height.

>> Mayor leffingwell: Entertain a motion on this item.

>> Cole: Second.

>> Mayor leffingwell: Council member spelman moves to close public hearing and approve reading. Second by mayor pro tem. Discussion? All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 5-1, with council member tovo voting no. I think that takes us to 92.

>> Mayor and council, item number 92 is restricted covenant amendment for case c14-2009-0151 property located at 835

-- I will note there is a correction on your agenda that's 835 west sixth street, we did properly notice newspaper and mail on this item. The planning commission recommendation was to grant restricted covenant amendment as it relates to open space in the shoal creek improvements. The applicant, as i mentioned earlier, had agreed to an additional condition, which they have spoke to on the record, that the property owner shall maintain and clean on weekly basis the surface of the walkway and the portion of the western bank of shoal creek that abuts the property between the bridges at fifth street and sixth street. There has been a change in the flood plain in this area, which raise the elevation of the flood plain such that they cannot build the improvements that they contemplated originally back in 2006-2007, and so they've come back in to modify the request to reduce the total development on the property that shall be providing green and/or rescue hard scape or landscape accessible for public use and they have deleted item number 6 of the original covenant that speaks to the shoal creek improvements and indicated that the development under the site plan sp20120036 are a successor type plan released and approved for release of property shown in connection to the shoal creek hike and bike trail during the maintenance and construction of the trail between west fifth and west sixth street, signs shall be provided to pedestrian and bike traffic to alternate routes. There has been some conversation with our parks department. They are supportive with the additional item condition that we put into the covenant that was read into this earlier, as i understand it and now I am aware of

-- not aware of opposition to this particular covenant amendment. It was recommended to you by the commission on a unanimous vote of 9-0. The applicant's agent, alice classo if you have questions or questions for me.

[10:28:23]

>> Mayor leffingwell: Council member tovo.

>> Tovo: Has it gone to the parks board since it is amending restricted covenant or attempting to opposing restricted covenant related to open space as i understand would have been public open space, did this go to the parks board for their recommendation?

>> Guernsey: I am not aware of it going to the parks board. Although the parks board will now have the ability to alter the flood plain issue, I think it presented this case to the applicant, but i am not aware of it going to the park support.

>> I don't know what you mean by the park support not having the ability to alter the flood plain.

>> I am saying if the parks board were presented this case, if there were certain improvement that is the applicant had originally asked for, the parks board would not have the authority to grant any waivers from the flood plain. They would have to actually come to this body if they were making improvements in that area that were intruding in the 100 year flood plain.

>> I see your point now. Yes, I guess I would be interested on their feedback on whether

-- whether it's appropriate to lower

-- you know, to make an amendment that, in fact, lowers the required open space.

>> Mayor leffingwell: Council member morrison.

>> Tovo: That's okay, I do have a couple of questions i will try to run through quickly. The restricted covenant was 2010 but they were operating under older site plan and that's the reason they didn't need to do great streets at that time?

>> Guernsey: That's correct. Although they are willing to do it. I think under this proposal great streets were the newer sites.

>> Tovo: Right, but part of the argument that we are being presented with is that they would like to lower

-- that they have less available land because of the flood plain changes and also because they are doing great streets but when they came through the zoning in 2010, great streets was a requirement by that point. It is just they were operating under an older site plan that didn't require it?

[10:30:26]

>> Guernsey: Yes, it was actually approved previously, back when it was approved previously, that's correct.

>> Tovo: Okay. I have more questions but i think I can leave it for the moment.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you. Greg, when was this property zoned? It was some time ago, i think 2010

-- there was site plans and covenants in 2010.

>> Guernsey: The seening case I think is actually labeled 2009.

>> Morrison: I bet ms. Glasco could tell us off the top of her head.

>> Guernsey: Yes,

-- one was in 2009 and I think they have a presentation they want to present to you that explains that a bit further.

>> Morrison: Okay. I don't necessarily need the presentation. If they would like to, that's fine.

>> Mayor leffingwell: We will go through the presentation.

>> Morrison: I guess the point is

-- before they do, the point I would like to make is that, especially considering the points that council member tovo brought up is that, as I understand it, this is changing the approach to dealing with the interface of creek and channelized approach to actually opening it up to a natural treatment of the creek so I see that as a huge improvement and i believe that I haven't supported the restrictive covenants and the zoning cases on this property before, but with the amendment that we had mentioned before, in terms of the commitment on a weekly basis that they had made to actually be maintaining the creek, that I thought that was

-- that appears to me to be a big improvement, even though i might not have supported what was done, it does appear to be an improvement to me, so I will be glad to hear from the applicant.

>> Mayor leffingwell: Okay. Mr. Duggin, are you the applicant?

[10:32:26]

>> Yes.

>> Mayor leffingwell: You have donating time to you alic Glasco, so you have a total of 8 minutes if you need it.

>> Thank you, mayor, members of the council. My name is richard duggin and I represent shoal creek walk. I am at 601 north lamar boulevard and I have about a 7 minute presentation that i can reduce to 70 seconds, i believe. We have been involved with this property since the late '90s. We have had two site plans expire. We have submitted a third one and withdrawn it. The dmuc zoning was approved in april of 2010 and at that time during our discussions we agreed to a number of both private and public restrictive covenants, and at that time we did, in fact agree to voluntarily 30,000 square feet of open space. There is no requirement for open space. There is a 60-foot setback from the creek. There is a park zone off our property on the creek side of the

-- outside of our property. Yes, we did know about great streets at the time that we committed to the 30,000 square feet. We have a slightly different plan, but the key thing that has changed is that the flood plain modeling has altered the footprint that we are allowed to touch the ground by about 7600 feet. It has raised our finish floor elevation to a point where we are suffering under the compressing capital view corridor, if you will, so we've lost a bit of density volume that's available to us. We do have, as I think i have explained and you are mostly familiar with, we do have 20,000 square feet available within our property lines. However, there is 10,800 square feet of great streets improvements that we are building in the rights of way that are outboard of our property lines. There is 2800 square feet of park land that we are now maintaining on a weekly basis and when you add those in, we get quite a bit beyond 20, all the way to 30. I didn't want to be teichoicly out of

-- technically out of compliance

-- will you go back to the last one. I didn't want to be technically out of compliance by having area outside, a even though improving and maintaining it, the property lines being looked at beyond the 30,000 square feet. Since our first site plan, the waters have come up more than 4 feet since the 2007 and actually since the

-- since the 2007 issuance of the site plan and the rezoning, the waters have come up another almost 2 feet. It's a very difficult site. We have lost a l ground. The slide on the right is what we thought we were going to build in 2010. We had open space available to offer. We are now

-- go forward one, please, alice. We are now limited to what you see there. It has been shaped by the expansions of coefficient and contraction of flowing waters over and around our site. As council member morrison pointed out, we are no longer rechannellizing the creek. We are leaving it natural. We are leaving trees since 2000 have grown to a much more mature and important level. We are maintaining the vertical connection between sixth street and the hike and bike trail, and we are here requesting your approval of the amendments. We believe that they are all in good faith and in the interest of the community, there is a slide that shows how the waters have come up. All the other elements of our covenants, both public and private are in place. If there are any questions, I am happy to answer them.

[10:36:34]

>> Mayor leffingwell: Any questions? Council member tovo.

>> Tovo: Yes. Thank you for the additional detail. I just want to go over the numbers that you mentioned. I have the 7600 square feet that you lost with the flood plain changes and those flood plain changes were post 2010?

>> They were post 2010. There is a new flood plain model. It has eliminated our ability to do both the shoal creek improvements, the channelization, which is, as it turns out a good change, and has limited what portion or volume of building we can put in if flood water path. So as water turns a corner around a building, it contracts or e and it has reshaped our building for a loss as I said, about 7600 feet of what

-- where we can back up on, where we can touch the ground.

>> Tovo: And what is the square footage that you said you would be maintaining in the creek? 2800 strip of park land that is the hike and bike trail and a piece of the bank that we are now

-- and actually, we had always intended to, maintain. As well as the path down to the creek that we are building.

>> Tovo: Right and some of that, though, was in the earlier restrictive covenants. I mean, the change from the amendment with regard to number 6, the provision that is changing with regard to the creek, can you describe that change.

>> Two things. Having been through now four site plan numbers, it is to correct the site plan number and allow for subsequent site plan numbers. And the second thing is, in that site plan ann referenced in the language of the covenant, it spoke to shoal creek improvements, at that time they were rechannellizing

-- the improvements were rechannellization, we were going to completely tear down the bank on our side of shoal creek around rebuild it with gabions and large boulders. The modeling that is in place now does not allow that. We cannot touch the creek in any way. So we are leaving it at its natural state. We are leaving the mature trees. There are pecans,ycamore and others and they asked us to take on a few china berries but we are connecting from sixth street to the trail anyway. We are leaving it natural. We aren't touching it, other than that.

[10:39:17]

>> Tovo: And there is not a way for you to get beyond 20,000 square feet up a little bit closer to 30,000 in terms of open space?

>> At this time, I am unable to commit to it. The trigger for that actually kicks in above an overall density of 482,000 square feet. My current site plan is at 475. I have other interested ten nafnts that

-- tenants that I add another floor to my building, and the arc that is along the creek is not mine to control. It is under a ground lease to a tenant. They will be building what they are able to there and i cannot speak on their behalf but I

-- I trust that there will be some additional open space. I am just unable to commit to it. What I am able to commit to what is on the plan there, which is the 174 and the 3400, within my property lines, the 10,008

-- I think I said something else before but the 10,000 square feet beyond my property lines and plus the park area.

>> Tovo: And the park area, just to be very clear is public access?

>> Yes, and the

-- and everything outside of the property like is and everything I have shown in green within the property line is, as well as the coral areas, and great streets, of course, are rights of way.

>> Tovo: Okay. Thank you. Thank you, I appreciate the additional information. I want to also point out that one of the redescrivingtive covenants you

-- the restrictive covenants you did in 2010 had to do with affordable housing contribution and it is kind of interesting story because I believe when you came to council, council didn't feel that it was something that could be contained within a public restrictive covenant but i learned after the fact that you went ahead and filed it anyway, and so I think you are to be commended for doing that, for going ahead and filing a restrictive covenant, that it wasn't any specific party.

[10:41:18]

>> And it remains in effect. We aren't asking for adjustments there.

>> Tovo: Right. Right. I thought you should be commended to that because it is a follow-up to the story that a lot of people probably didn't know if you didn't watch that council hearing.

>> Mayor leffingwell: Council member riley.

>> Riley: I want to thank you for your work on this project. I know it has had a lot of challenges and I appreciate your persistence. Just a few questions. First about the shoal creek trail. I am glad to see that there will be a new connection to the shoal creek trail through your lot coming through sixth street down to the trail. One issue that I had some concerns about is access to that access point, that will be the only convenient access point in the immediate area, and so for someone, for instance, exiting whole foods or

-- or the new building at the corner of 6 and bowie or anybody in the marketplace area, if they want to get there, 6 street of course is one way westbound and so there is not an obvious way for bikes,

pedestrians to get down to that access point, except using sidewalk and for bikes, that would mean going the wrong way on the sidewalk along sixth street and I understand the bike ped program would be interested in taking a look at the configuration of the great streets improvements, just see if there would be a way of providing some accommodation for bikes from bowie street over to that access point. Would

-- would you be open to

-- to some sort of improvements there, that would allow two-way access between bowie and that access point?

>> We are

-- the short answer is yes, but we almost have it in place now. We have an internal street that takes us from bowie over to sixth street and puts us within 75 or 80 feet of the sidewalk connection. And that is publically open. It's a private street but it's

-- it's a drive through the center of the site.

[10:43:27]

>> Riley: And could you show us on your map here how that would work?

>> Right there. First on bowie street, as part as our site plan, we are building a 5-foot wide integral bike creek lane as part of the current configuration and in fact given up several feet of our property right-of-way to creek create that right-of-way. From bowie, there is a street that passes through the property that connects over to the sixth street sidewalk. From that point over to the top of the ramp is

-- I said 80. It is probably 100 feet. I don't know what else to do there to provide that access. If there is an opportunity to

-- if the tenant who is in place there allows it when they design their building, I certainly encourage them. If there is certainly great streets wishes to tell us to do within the great streets component, we will be happy to do it there as well.

>> Riley: Great, so we would be talking about the 100 feet or so between the new curve roved and the access point but see if we can provide some way of accommodating bikes and peds, two-way traffic for that 100-foot segment.

>> Yes.

>> Riley: Great. [One moment, please, for change in captioners] >>... Higher floodplain standard that causes the top of our bollard fence which is technically a floating car fence, we will increase the height of that as well. Those are the two constraints on that, no overnight parking, we evacuate it in times of high water.

[10:45:53]

>> Riley: Do you expect you would be under construction within the next year.

>> My fondest hope.

>> With regard to the structured parking that we expect, can you briefly tell us what the plan is, how many spaces you expect to provide, whether any of it would be underground?

>> Current site plan has

-- has five levels below ground and none above ground in the northwest tower. We will very likely modify that to three levels below ground and bring some parking up into the tower. Unt for those will be generally per code, no surface parking. We have retail on the ground floor which may be restaurant, we have office use above and we will park it to meet those requirements.

>> Riley: When you say per code, which code requirements?

>> General dmu zoning calls for 2.89, 2.87 cars per thousand.

>> That's because you are subject to requirements tt were in place at the time you filed the application?

>> Yes.

>> Riley: So the

-- so you are expecting I think the diagram we're seeing now looks like about seven levels above grade.

>> Approximately seven above and three below and that is a conceptual massing diagram, it's advanced from that but effectively in that same arena.

>> Riley: This diagram shows those floors as horizontal, is that your expectation.

>> There will be ramps at either end but horizontal sections in them, yes.

>> Riley: Then what ceiling heights would you expect? 10-foot deck to deck loaded for automobiles, 50-pound per square foot.

>> Riley: When you say loaded for automobiles, the reason I ask the design commission raised the issue ideally garages would be designed some of the garage space could one day be converted to other uses, would the space that you are designing for these parking spaces be amenable for future conversion?

[10:48:12]

>> It is very difficult to convert a parking floor, 10-foot deck to deck height, 50-pound per square foot loading to office use which is more typically 14-foot deck to deck and 100 pounds per square foot loading. Counter intuitively cars weigh less than people in a building. It, too, as the last case looked at, we will have an open garage above, a percentage of free air. It will be screened. I will say that the architects and we are now looking at the top floor having some additional capacity for floor loading. Not necessarily to be converted later. But to be used on an interim basis ascertain times for a gathering space. Some of the difficulties there are elevator access and exiting. When you add an assembly load your stairs get much wider than you need for just a garage. It's quite an imposition to plan for office on a parking level.

>> Riley: The total number of spaces you are showing here is 1,240.

>> That's plus or minus, correct. Yes.

>> Riley: That was based on the code, so if we had, you know, we recently eliminated largely eliminated the dmU parking requirement. If you were proceeding in a world with no parking requirements for the site, do you have any idea how many parking spaces you would have provided?

>> In addition to complying with code, we're working within a marketplace for downtown high tech users that they want 7 per thousand.

>> All right. So if we had no requirements in place you would have provided no parking?

>> If there were no requirements, we would probably be close to or a little less than what we are showing.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: Any other comments? Councilmember morrison.

>> Morrison: I was ready to make a motion.

>> Mayor Leffingwell: I was just going to say, before you do that, there are no more speakers in favor. There are no speakers against. No need for rebuttal. Now, councilmember morrison?

[10:50:24]

>> Morrison: [Indiscernible] approve and with the additional language that I think mr. Guernsey read into the record before, and that is the property owner shall

-- this is just a

-- formalize the point that they are going to be maintaining the trail, the property owner shall maintain and clean on a weekly basis the surface of the walkway and the portion of the western bank of shoal creek that abuts the property between the bridges at fifth and sixth street.

>> Mayor Leffingwell: Motion by councilmember morrison to close the public hearing and approve the amendment to the restrictive covenant. As you just stated. Seconded by councilmember spelman. Is there any discussion? Councilmember tovo?

>> Tovo: Yeah. I just wanted to say it's in my nine no small matter to change a restrictive covenant to decrease open space in an area where we rely need good open space in the downtown a. But I think the applicant has convinced me that there were various mitigating circumstances and that there will be adequate open space on site so I am going to support the motion.

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

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0.

>> Thank you mayor and council. I'm going to let jerry rest hoven come up, he's going to go through a whole slew of postponements and then i think he has the first of several public hearings set up at 4:00 that he would be the first presenter of those, I'm going to turn it over to him.

>> Try to get us out of here before dinner. The first items that I offer for postponement are 93. Conduct a public hearing and consider an ordinance amending city code chapter 25-2 (zoning) to create the central austin - university area zoning overlay district in which a group residential land use is a conditional use in the multi-family residence moderate-high density (mf-4) base zoning district. Staff is suggesting a postponement to june 6th for this item. 94. Conduct a public hearing and consider an ordinance amending city code chapter 25-2, subchapter c, article 3, division 9 (university neighborhood overlay district requirements) relating to affordable housing regulations in the university neighborhood overlay (uno) district. Staff is also requesting a postponement on this item to JUNE 6th. Will be

-- 95. A discussion item. 96. Conduct a public hearing and consider an ordinance amending city code chapter 25-2, subchapter e, relating to design standards and mixed use for development projects. Staff

is requesting a postponement of this item to MAY 9th. Item 97. Conduct a public hearing to consider an ordinance amending titles 25 and 8 of the city code. Staff is requesting a postponement of this item to JUNE 6th. Item 98, conduct a public hearing to consider an ordinance repealing and replacing article 6 of city code chapter 25-12 to adopt the 2012 uniform plumbing code and local amendments. We have a postponement request from the electrical

[10:53:27]

[indiscernible] to postpone TO MAY 9th. Item 99. Conduct a public hearing to consider an ordinance repealing and replacing article 5 of city code chapter 25-12 to adopt the 2012 uniform mechanical code and local amendments. Again, we have a postponement request from the electrical union to POSTPONE THIS TO MAY 9th. Item 100. Conduct a public hearing to consider an ordinance amending article 4 of city code chapter 25-12 (the electric code) to correct typographical errors and clarify certain provisions. Again, we have a postponement request on this item to may 9th by ibw. Item 101. Conduct a public hearing to consider an ordinance repealing and replacing article 9 of city code chapter 25-12 to adopt the 2012 international property maintenance code and local amendments. Again, this one we have a postponement by ibw to may 9th request. Item 102 a discussion item. Item 1034 a

-- item 103, 104 will be a discussion item, as well as 105, 106 and 107.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thanks, jerry, on number 97, that one that needs better posting language, you said we can just reset it for JUNE 6th. Is there a need to send out public notice again, how does that work.

>> We're going to go ahead and withdraw that, we were intending to renote it to make the posting be a little more clear.

>> Morrison: We'll actually see an item to set the public hearing and then go through that whole process.

>> Yes.

>> Morrison: Thank you.

>> Mayor Leffingwell: So we'll call it the consent agenda for the public hearings. Postpone item 93 until june 6th, ITEM 94 POSTPONE UNTIL JUNE 6th, POSTPONE ITEMS 96, UNTIL MAY 9th, Item no.97 withdrawn, postpone item 98ntil may 9th, POSTPONE ITEMS 99, 100, 101 UNTIL MAY 9th. Is there a motion? Councilmember spelman moves approval. Mayor pro tem cole seconds. And all in favor of that say aye.

[10:55:35]

>> Aye.

>> Opposed say no. That passes on a vote of 5-0 with councilmember morrison off the dais.

>> Mayor, that will take us to item no.95. 95. Conduct a public hearing and consider an ordinance amending city code chapter 25-2 relating to the issuance of temporary use permits for outdoor assembly. If the council will recall last year, mr. Gavino fernandez came and spoke to you about a code violation issued to his church, the dolores catholic church in the montopolis neighborhood. They were having their annual carnival or fair, they were issued a citation by code compliance. As it turns out temporary use permit is required for any type of outdoor gathering of this nature and in single family zoning, which many churches and schools are, you cannot apply for a temporary use permit that exceeds 49 people. If you have a higher zoning, you would be allowed to do that, but if you had single family zoning you could not. So the city council passed a resolution issue nateing a code amendment to correct the situation. The staff has brought forward an amendment that would clarify any property whose principle designated use is religious assembly, private primary educational, private secondary education ... Public second ...O include

-- which includes city rec centers to allow them to apply for a temporary use permit for outdoor assembly irregardless of the zoning district. We have had some discussions [indiscernible] subcommittee and the planning commission with folks who were concerned about this. We as staff agreed to put a limitation on here, that would limit these type of events to no more than four times per year. I believe that was what the austin neighborhood's council supported in their resolution, I know that we have a member on the dais who would like to speak in support of this item. I think there are some folks to speak as well.

[10:57:39]

>> Mayor Leffingwe Okay. So we will go ahead and go to the public hearing. We have about 20 plus minutes of testimony. First is gavino fernandez. Gavino is not here. So we will go to those in favor. Zaloma armentrout, are you here? Mike conner here and amanda lavin. Is amanda here? She is here. So you have up to nine minutes.

>> Thank you, I'm here on behalf of the covered bridge and hill country estates neighborhood to speak against the amendment as written, the temporary use permit. I'm asking that you not take action on this

tonight, that you not approve it because it is not ready. The issues are complex and we ask that you perhaps defer more input to a stakeholder process. Covered bridge and hill country requested a postponement in march and gave questions to staff as mr. Rusthoven referred to. I wondered if all of the council had seen the staff answers. I have the email if anybody hasn't seen it. Anybody need a copy? You do? The current amendment as offered by staff is very broad. It opens the door to unintended event as it's written it allows four 30-day events per year. The amendment as written also lacks certain definitions or clarity of definition, outdoor is ill defined and interpretations of outdoor under the zoning and sound permit codes vary. So there's a lot of wiggle room in there that could better define. Also the number of events per year needs to be defined. It would probably be better for the city to track by calendar year. The neighborhoods would also request that permitting be handled by the special events office. Special events has the experience and the sophistication to look at events particularly large he events in the context of the site and also in terms of scale. The number of attendees. So

-- so just to wrap this up, we ask that you not make a decision tonight on this, that you not approve it, that you defer to a stakeholder process. Thank you. Just your information, this is an ordinance which potentially could require three readings, so another alternative would be

-- would be to take it piece by piece. Next speaker is

-- is kim butler.

[11:01:00]

>> Deloma was kind enough to cover most of the comments that I have in regards to this issue. I do want to amplify one of them, however. Our desire to see a stakeholder process written into the ordinance. If the intent of the ordinance is to provide schools and churches with the process, by which they can acquire approval to hold benign activities and events there's little to no likelihood for stakeholder opposition to that. But if the intent is to provide schools and churches with the process by which they can acquire approval for invasive events, and activities, then stakeholders deserve the right, they deserve the opportunity to make their concerns known to staff. And so that's the only application that I wanted to add to deloma's comments. Thank you.

>> Mayor Leffingwell: Thank you, robert kleman. I'm residents of hill country estates, I just join my neighbors in asking you all to not take action on this today. There's a lot of issues that I have raised in the meetings with you that are serious, no doubt that we're all supportive of the idea that the benign events that I think the church and schools are looking for, are fine. But this opens the door wide open for very large different types of events and that's just not addressed here. We think the council needs to provide some

-- some context and contours to staff discretion. Thank you attention.

>> Again, gavino fernandez is still not here. Ronnie reeferseed. Mr. Reeferseed, I want to appeal to your sense of civility and proper discourse and try to avoid name calling in your little talk coming up here. I think that's a simple request.

[11:03:15]

>> Well, I'll accept it on that spirit. Of course, my name which you have a problem with is ronnie [inhale] reeferseed, which is a pun, I'm trying to help save our world. We're talking about topsoil to help feed the future and if we would just get past this idiotic war on pot smokers and

-- and legalize family farms to have yet another cash crop so we can put an end to monsatanos taking over our world, that's what I'm trying to do, that's what my name is about. Anyway, on this issue, I'm concerned that

-- that I disagree with the previous speaker who says it's so complex, it's not complex at all from my feeble understanding: That is the U.S. Constitution, it says you, nobody, anybody, doesn't have anybody

-- zero rights to tell churches or political speakers what they can do! What they can say! How loud they speak. I mean, you know, within reason. And so

-- so a bunch of

-- even the idea of having to have a temporary use permit, who thought that up? I mean it's obviously never gone by the constitutionally aware lawyers that you all pay high dollar for. So that's

-- that's very

-- dis-- disagreeable to me personally and again a permit should never be used, required in my mind for political activities, religious activities, which let me remind you all, both religious and political speech are contained in what? The first amendment! You get it? Political. Religious. It's kind of one and the same. They have gone together over the centuries. They are hand in hand. You step on one, you are stepping on the other one. So

-- so any church, I don't

-- I personally don't believe they have

-- we're under the

-- they should be under the requirement of jumping through any hoops. This is a

-- religious event and/or like I said a political event should be open. Without any special permits or outdoor assembly again. The first amendment points that out. That

-- that the right for political groups and/or religious groups have peaceful assemblies, that's a guarantee, it's not up to you guys, it's not up to you to make up your own little rules about how big or anything else. Another example of the nanny state creeping in wherever we can

-- making up rules that are in this case unconstitutional and

-- and again don't each and every one of you swear to uphold defend and protect our sacred constitution. That's what I thought.

[11:06:23]

>> Mayor Leffingwell: Thank you, ronnie, that was much better. Not quite there, but we're getting there.

>> [Indiscernible]

>> gavino fernandez.

>> I'm gavino fernandez here to speak to you about the neighborhood of el concilio, and the montopolis association wherein dolores catholic church lies and you would ask

-- we were asked by members where this issue came across, code enforcement by a call, complaint, then code enforcement went out to the church. Basically this whole idea or this whole amendment is really to address so that

-- so that these activities who have become in compliance, because these are activities that happen ongoing year round, specifically at your schools, you know, you have your carnivals. So another thing that's also intended for those small scale events. Even at churches where they have festivals or events on their church grounds, so it's not really

-- it does not really speak to a large massive event that brings in thousands of people. These are pretty much little small events that

-- that the schools already do perform and the churches around the city already conduct. So

-- but, you know, I do feel that it is important that those that do share some concerns that they be fully vested and informed that

-- that this particular amendment will do no harm and if there are some concerns about parking or whatnot, that they be addressed through the city staff, but I hope you will act on this and support it

because like I say, you know, they are happening already. They will continue to happen. It's basically a cleanup, if you will, within our city permitting process and to make sure that these events are in compliance and again I ask you for your support and approval of this and the

-- to continue the dialogue with other neighborhood associations or groups that feel that

-- that it is too general, that they be given a thorough explanation of what this

-- what this full intent was initially enacted for. And I thank you for your consideration.

[11:08:53]

>> Mayor Leffingwell: Okay. That's all of the speakers that we have. So

-- so I'll entertain a motion to close the public hearing. And whatever action you wish. Councilmember spelman?

>> Spelman: Mayor, I move to close the public hearing and approve on first reading only. I believe the staff has a little bit of work to do and we should give them some time to do it.

>> Mayor Leffingwell: Councilmember spelman moves to close the public hearing and approve on first reading only with the direction to staff to go back and work harder and better. Or whatever. Any further discussion? Councilmember morrison?

>> Morrison: A couple of things. I guess I can support this but I would like to be a little more specific about some of the areas that I think need to be addressed. And then I'm also going to ask that we not close the public hearing if we approve it on first reading because who knows what's going to come back and I would like to hear what folks have to say about it. The issues that I have are first of all

--

>> Mayoreffingwell: Did we get a second on that motion? Seconded by the mayor pro tem. Okay. So go ahead.

>> Morrison: I would like to make sure that we can address the fact that a large cumulative number of days would not be appropriate. So look at somehow limiting the duration of

-- if there are going to be four allowed, that the duration be limited so that

-- so that it's a reasonable expectation of how many days the event would

-- would actually be going on. Does that make sense to you? So whether it's cumulative number of days is no more than, you know, 15 or each one can only be a certain number of days.

>> Mayor Leffingwell: Okay.

>> Morrison: Also one of the things that I'm concerned about is some of these events might be wanting to get temporary music permits. Outdoor sound permits. And those

-- can you remind me how long are those temporary outdoor sound permits?

[11:10:59]

>> Separate process.

>> Morrison: I know it is, but what I want to make sure is that we don't have a 10-day event and they're going to have outdoor sound the whole time but we know they can only have outdoor sound for two days.

>> Religious assembly use can certainly get a one-day or multi-day permit they can apply for an annual permit [multiple voices]

>> Morrison: Multi-day, how many of those, how many days can those be for.

>> I think four days over a certain period, 45 days or something like that, I would have to go back and look myself on that.

>> Morrison: I think it would make sense to have a consideration of somehow synching up those processes because if

-- I'm sorry synching up the time allowances in those processes or at least give some thought to that because the problem that I see is if you are planning

-- if you are planning an event and you know that you have a

-- an outdoor sound permit requirement, we better not be bettering that event for longer than an outdoor sound permit would allow, otherwise we are ensuring non-compliance.

>> We understand that.

>> Morrison: Okay.

>> Basically you could get ... Sound amplification permit

-- one might be limited for a shorter period of time because of the sound application permit than actually an outdoor or temporary use permit.

>> Morrison: Okay. If we could just give that some thought. The other thing is I know in our outdoor sound permitting process if you are a bad actor, you can go ahead and always get a permit. If you are a bad actor that means that subsequently when you are asking for a permit we can impose limitations and denials and things like that and I think there's a concern about what happens if there's an unpermitted event. Is that in any way going to be impacting their ability to do more permitted events. Let's say for instance there's a 10-day unpermitted event. Subsequently

-- we limit the total a year to 10 days, subsequently they ask for five more days, that needs to somehow be lined up and count against them.

[11:13:25]

>> Yes, the temporary use permit is issued as the discretion of the director. If we found somebody who was holding events without a permit to try to get around the cap, we could withhold for the new temporary use permit.

>> Morrison: You could?

>> Yes.

>> Morrison: I want to just note that the response that the neighbors received about that very issue that an unpermitted activity could not count towards a cap. If an unpermitted activity occurred it would be

--

>> it would not count towards the cap because the cap limits the number of permits that you can get. If we find you are holding unpermitted events to get around the cap, we would not issue permits as of owe as a penalty if you will because you circumstance venting the ordinance circumventing the ...

>> My experience is these are just typically one day event. Every elementary school school, every church has on a typically saturday afternoon many of them do not run into multiple tell days if they do. I can't imagine it would be much more than the weekend.

>> I agree. That's wonderful that we have those events. They draw the community together. But the fact of the matter is we're looking at a new phenomenon. We need to put this in place to control the new phenomenon where people want to have a nine day event and invite 20,000 people. We need to be able to control that. That is not an exaggeration as I understand it. It might be. I think it was 20,000 easter eggs, I'm sorry. You would assume more than one easter egg per child.

>> [Indiscernible]

>> that's a good alternative. Maybe bring that as an alternative. So those are the main issues, if you could work with the folks that have been raising the concerns about this I think those are reasonable things to address.

>>

[11:15:35]

>> Spelman: Mayor, the motion on the table has us closing the public hearing. I would like to be sure if we do close the public hearing we retain the capacity to open it back up or ask direct questions of members of the public when this does come back to us rather than just leaving it open. That way we have control over how long it takes. If you don't mind my being blunt. I was asking if that is

-- if legal staff would probably be in the best position to answer my question. If we close the public hearing on an item, does that give us the capacity to open it back up

--

>> Mayor Leffingwell: I can answer that, yes, we can open it back up again. Without opening it you can ask questions to specific individuals.

>> Morrison: Mayor, if I could, I would just like to point out that I think that we had probably a total of about eight minutes of testimony.

>> Spelman: Councilmember, I would love to just keep it that way.

>> Morrison: Hopefully everybody can be terrific

-- everything can be terrific.

>> Spelman: I agree. That would be great.

>> Mayor Leffingwell: I think councilmember Spelman does not accept that as a friendly amendment.

>> Morrison: I gathered.

>> Mayor Leffingwell: All right. So the motion is to close the public hearing and approve on first reading only with specific direction for stakeholder work in the interim. All in favor of that say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0.

>> Thank you.

>> Mayor Leffingwell: So this brings us to 102. No speakers signed up for this.

>> Good evening, councilmembers, my name is christine [indiscernible] am a planner in the

-- I'm a planner in the development review department. 102. Conduct a public hearing and consider an ordinance amending city code chapter 25-2 which established the north burnet/gateway zoning district and adopted the regulating plan, to include the north burnet/gateway zoning district subdistrict map, which will allow the regulating plan to be updated in accordance with zoning procedures. 104 is also north burnet gateway. To give a little bit of background, north burnet gateway was adopted in 2009. So we've had about three years implementing development under these codes, these items are really maintenance item that we've found as site plans and development has come in. This particular item, the subdistrict map is included in the regulating plan document. But it was not included as an exhibit in the adopting ordinance, which makes it difficult for staff to update the subdistrict map as zoning items come in. This would give us a mechanism to update the map in other words with the zoning

-- in accordance with the zoning procedure rather than a code amendment. Item no.104, can I move forward, am I allowed to do more than one at a time.

[11:18:47]

>> Mayor Leffingwell: Explain to me what you are saying?

>> I'm sorry. I was saying if I could go ahead to 104 as well and talk about those or if i needed to go item by item.

>> Mayor Leffingwell: We will have to consider them separately. They are two different ordinances, we have some people signed up to speak in 104.

>> Okay. Uh-huh. So.

>> Mayor Leffingwell: I tell what we could do, we could have your explanation of both of them as long as we vote on them separately. So go ahead and finish what you were going to say about 104.

>> Item 104 is to conduct a public hearing and consider an ordinance amending

-- amending ordinance no. 20090312-035 concerning the north burnet gateway district sign regulations, adding a section related to building stories, defining two-story minimum, and correcting the reference

to urban watersheds. These are actually three items rolled into 104. The first is in regards to the sign ordinance currently north burnet gateway references the uno sign regulations, university neighborhood overlay. These sign regulations are applied based on specific roadways, ie rio grande and guadalupe. These road names obviously are not consistent with roadways that are in north burnet gateway. This amendment would take into consideration transit corridors that we do have in north burnet gateway, mainly burnet and braker which have higher capacity speeds and larger setbacks than any of the roadways that we have currently in uno, it would provide more specific regulations for these types of corridors taking into considerations the speeds and capacities. Additionally, the two story minimum requirement, the regulating plan as it's written now within two to 300 feet of the kramer station, there is a two story minimum requirement. We hope to provide some flexibility and clarification with this amendment. It will allow 50% of the building

-- it will only require 50% of the building to be a full two stories and will allow for certain features such as mezzanines and atriums which are pretty consistent with development and then the third item is the creek setback and when the code was original adopted this was a correct reference. Since then the watershed ordinance has been updated so this would make the north burnet gateway consistent with the current land development code section numbers.

[11:21:40]

>> Spelman: Mayor?

>> Mayor Leffingwell: Any questions on 102 or 104.

>> Spelman: There being no speakers on item 102 I move to close the public hearing and adopt 102 on all three reading.

>> Mayor Leffingwell: Motion

-- [multiple voices]

>> Cole: Second. I also also have a quick question. It was my understanding with 102 that you were trying to better define two stories in connection with the north burnet

--

>> actually 104 is the two story.

>> Cole: Okay, thank you.

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

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 6-0 all three readings. Now we are open for a motion on 104.

>> Cole: Move approval.

>> Mayor Leffingwell: Mayor pro tem moves to close the public hearing and approve item 104 on all three readings.

>> Spelman: We have a speaker on 104. Thank you, we do. So we will let you make that motion in just a minute. Again speaker is will McCLOUD.

>> From what I'm understanding is that people, builders in the north burnet gateway district, are required to build no less than two stories. Why build at all? I think too much regulation hurts, doesn't really help much. I mean, therefore, I'm against item 104. I'm also against it because sign regulations, what do you mean by sign regulations, are the sign regulations going to prohibit my friend mr. Reeferseed over here from walking over there with a ron paul sign? I mean that concerns me. I mean there's a lot of questions that need to be addressed and used to be back in the day, in the '50s, a lot of houses were like built one story. It wasn't until like the late '60s, I believe, we have a whole lot of two story development. I think two story development also kind of

--

[11:24:13]

[indiscernible] with the americans with disabilities act. Won't be able to have people have equal access. And if we're going to put on our electric bill a false misleading statement saying the city is complying with the americans with disabilities act, let's try to make it just a little bit truthful by making two, you know, by removing the two story minimum requirement. From this ordinance. I think this ordinance is anti- business by you doing that. I think we need to have accessible areas and paths and signs, come on, now. What sign regulations? Let's be more specific. I didn't find anything about sign regulations in backup material that I got from the city clerk earlier today. If you all would clarify that for us, that would be great. Thank you. >>or Leffingwell: Okay, those are all of the speakers that we have. Mayor pro tem coal moves to close the public hearing and approve item 104 on all three readings. Seconded by councilmember spelman. Discussion? All in favor say aye.

>> Aye.

>> Opposed say no. That passes on a vote of 6-0. Without objection, we're in recess until approximately 7:00 p.M.

[11:32:54]

>> Mayor Leffingwell: Are we just about ready. Welcome to live music at austin city council in austin, texas, a tradition that we've had since i believe the 1990s. And we're very pleased today to have the mccallum chamber guitar ensemble. I was talking to them out in the hall. Telling them even though I'm an alumnus of travis high school, I now live in the mccallum neighborhood, so I'm on your side, too. I also want to mention that mayor pro tem cole is here with me to welcome you to

-- to city hall for live music and

-- and she's going to say a couple of words, you i think she especially wants to mention that she has two sons that are mccallum high school graduates. Would you like to say a word?

>> Cole: Yes, I would. I actually have three sons that were

-- well, one still at mccallum, two have graduated from mccallum. I am a big fan, glad that you are here today and very proud of you and congratulations on being named one of the best high schools in the country.

[Applause]

>> Mayor Leffingwell: So did you want to go ahead and we'll hear from you, after you get through playing, we're going to do a couple of things, we're going to present you with a proclamation and we're going to take pictures. So

-- so you have the stage. 🎵🎵🎵

[11:41:55]

[applause]

>> Mayor Leffingwell: Thank you very much, you guys just brought a little class to this place and i thank you for that [laughter] it was great. So

-- so you want to

-- are you near a microphone? I guess you're the director, you speak for the group.

>> We have two seniors here, k katie sanchez speak.

>> Mayor Leffingwell: I want to give you a chance to promote yourselves a little bit, tell us a little bit about how you came to this, what mccallum does with respect to the fine arts and where people can see you perform in the near future.

>> Well, I started playing classical guitar in 7th grade at lamar m school. And I just thought it would be something fun to try out and then I came to mccallum and that's when it really, you know, I really got into it and started, you know, really learning how to play and, you know, it was fun getting to play around at different places, mccallum has been

-- has a great guitar program, one of the best in the nation.

>> Mayor Leffingwell: I agree. Did you have something to say

--

>> well, we do have a concert coming up on the 22nd at the mccallum art center, everyone should come out and see

--

>> Mayor Leffingwell: What was the date again.

>> Mccallum fine arts center.

>> Mayor Leffingwell: What date.

>> May 22nd sorry.

>> Mayor Leffingwell: May 22. Most of the groups that we have come down and play for us do their performances in bars, I didn't figure that you did [laughter] that you did that. So I'm

-- I'm sure that a lot of folks will get the word about this and come out AND VISIT YOU ON MAY 22nd. Because I think I recommend it, I think it will be very worthwhile. So we have an official proclamation for you.

[11:44:11]

And it reads: Be it known that whereas the city of austin, texas is blessed with many creative musicians, whose talent extends to virtually every musical genre, whereas our music scene thrives because austin audiences support good music provided by legends, local favorites, newcomers alike, that would be you,

and whereas we are pleased to showcase and support our local artists, now therefore I lee leffingwell
mayor of the music

-- live music capital of the world do hereby PROCLAIM APRIL 25th, 2013, As mccallum chamber guitar
ensemble day in austin, texas, congratulations.

[Applause] I guess we should take a picture with all of you, can we do it with all of you the way you are
now. Sheryl and I will stand in back, that will be good.

[11:47:42]

>> Mayor Leffingwell: It's my honor this evening to present a proclamation in honor of

-- of national infant immunization month. It's a very important thing that often strangely is controversial.
But to me it's not controversial at all. This is about saving people's lives in too many instances and we
should all be very serious about it, we should all promote it, urge everyone that you know who has
custody of an infant to take advantage of this

-- of this opportunity to get immunizations for everything you can. I strongly urge you to do that. And
hope that you will follow through. And so I'm going to read this proclamation and then give kirk a
chance to tell us a little bit more about his program. It reads be known that whereas giving babies the
recommendationed immunizations by age 2 is the best way to protect them from 14 serious childhood
diseases; and whereas currently the united states has the safest, most effective vaccine supply in
history; and whereas vaccine preventable diseases still circulate here and around the world, so continued
vaccination is necessary to protect everyone from potential outbreaks. When people are unvaccinated,
outbreaks of diseases like whooping cough and measles can and do return and whereas during national
infant immunization week, we encourage parents to make vaccinating their children a priority and talk
to friends and family about protecting their children with vaccines. Now, there ever, I lee leffingwell,
mayor of the city of austin, texas, do hereby proclaim april the 20th through the 27th, 2013 as infant
immunizatio awareness week in austin, texas. So congratulations, kirk. This is yours and the podium is
yours, too.

[11:49:52]

>> Thank you as well.

[Applause]

>> good afternoon, everyone. Thank you, mayor leffingwell. My name is kirk becker, I'm the program manager for the austin travis county health and human services department's immunization program. And we really just wanted to take a minute today to rend parents and to remind families the importance of childhood immunizations. And this is a great time for families and parents to review your immunization records, make sure your kids are up to date. This is also a great time to avoid the back to school rush, which will happen this summer and in late august to get your kids and to get all of their shots. We have two clinics. In the health department for shots for tots. One north and one south called shots for tots. We accept children that are enrolled in medicaid. We serve underinsured and uninsured children. And the phone number to contact our

-- for an appointment is 972-5520, and we can usually see children and adults within three business days. Lastly, I want to thank the staff that we have. We have an amazing staff of 30 ftes in the immunization program. We actually do a lot more than just provide immunizations, but in particular I want to recognize our nurses on the front lines who have to vaccinate these frequently frightened and reluctant children every day. And the adults, too. Y'all aren't so good sometimes. [Laughter] and they do an amazing job at putting the children and the parents at ease, it's really an art. The they do just an amazing job and I want to thank them and recognize them. Again, our phone number is 972-5520 and you can find all of our information on the city website for the immunization program. Thank you again for the proclamation. We really appreciate it.

[11:52:02]

>> Mayor Leffingwell: Thank you.

[Applause]

>> Mayor Leffingwell: Municipal court folks, come on down. ,.

>> Mayor Leffingwell: That

-- that bittersweet moment again that happens so often down here at city hall where we honor someone who has served the city of austin for decades. And is now

-- is now having the opportunity to retire and live the good life, but at the same time, at the same time, I know that you will miss us as we'll miss you. So

-- so I'm going to read this distinguished service award, for more than 26 years of extraordinary public service, to the citizens of austin and the customers of the municipal court as an outstanding city

employee, kitzy daniels is deserving of public acclaim and recognition. From her start as a part-time clerk to her most recent position as assistant director, ms. Daniels ability to move forward through obstacles to achieve cohesion among diverse groups and to communicate clearly with all levels has earned her the admire rehabilitation of her peers. Kitzy has provided exceptional leadership and made noteworthy contributionhe success of the municipal court, making it a respected entity throughout the state for its excellence. This certificate is presented in acknowledgment and appreciation of her public service, this 25th day of april, in the year 2013. By the city council of austin, signed by myself, mayor lee leffingwell, congratulations to you.

[11:54:53]

>> Thank you.

[Applause]

>> Mayor Leffingwell: Did you want to say

-- [indiscernible] okay. Okay.

>> Well, mayor, I would just like to thank the citizens of austin for allowing me to serve 26 years. It was a pleasure. And it was a pleasure working with the municipal court employees. I have gained a lot of experience and knowledge and I hope to take it with me into my retirement. Thank you.

>> Thank you, kitzy.

[Applause]

>> as kitzy's director for i guess the last 13 years, we understand that coming to the court isn't always what everyone aspires to. But if you do have to come see us, we want it to be the best experience that you can possibly have. This lady who has worked there for so long has been the heart and soul of the municipal court. Everyone that comes pretty much, we always have a few, but almost everyone that comes really congratulated us on being one of the most efficient and effective courts around and that it was something they were scared to do, turned out to be an experience that they didn't enjoy, but worked really well for them. Again, kitzy was the driving force, the heart and soul of the court. We'll miss her. She's not going very far, she's here. She can come visit. Kitzy congratulations and thank you for all of your years.

>> Thank you.

[Applause]

>> Mayor Leffingwell: Take a fix?

>> I am evelyn mckee, the presiding judge of municipal court. Just today I had a situation arise, I couldn't figure it out and dealing with our records system. And ours is all electronic now. I turned to dial 44651. And I thought oh, kitzy is gone, she's not here. [Laughter] she has been a problem solver that we can depend on and she really helped the judiciary quite a bit and i am here on behalf of the 20 judges at municipal court to say thank you, kitzy. Give me a hug.

[11:57:08]

[Applause]

>> thank you. [One moment please for change in captioners]

>> Mayor Leffingwell: Okay. Just a few moments ago we had the mccallum guitar ensemble playing and our live music opportunity here at city council. And I usually ask them when they get through playing, where can we go to see your next performance? And I was kind of at a loss because most of the performers that we have come down here do play in bars. And I had a feeling that they didn't, so I had to phrase it in a slightly different way. But we do have someone here who does play in bars now. So we're back on track here and so this is an honor of a great austin place that's been around so long. I even remember it when i was a kid. So that

-- that's a long time. Shady grove. Everybody knows about shady grove in austin. It's an austin institution and I'm very pleased here today to issue a proclamation in honor of your 20 years of unplugged at the grove.

[11:59:14]

So it reads as follows: Be it known that whereas shady grove on barton springs road has been serving up austin-inspired home cooking since 1992 and serving the city's live music appetite with unplugged at the grove since 1993 and whereas this month unplugged at the grove kicks off 24 consecutive weeks of concerts for its 20th anniversary summer series making it one of austin's longest running free concert series. And whereas past performers have been local favorites like the dixie chicks, asleep at the wheel, gary clarke junior and the monty montgomery. And whereas during 2013 fans can look forward to performances by bob schneider, he will happen death row he is da say dough, band of heathens and more special guests to be announced. That's almost everybody, isn't it? Now therefore i, lee leffingwell,

mayor of the city council, texas, do here by proclaim summer 2013 as 20 years of unplugged at the grove in austin, texas. So rusty, congratulations to you. This is yours to keep with the official seal on it here and I'll give you opportunity to say a couple of words. [Applause].

>> Thank you very much. We really appreciate this honor. First I'd like to recognize some folks that

-- and their vision, marcia milam and ted zap and jodi denburg so many years ago for their vision for this concert series, a free music series featuring local and regional artists in a family friendly atmosphere, and also wanted to thank the

-- our community, the barton springs neighborhood, the zilker neighborhood for all of their cooperation over the years and their support of our music series as well. As kgsr and their partnership throughout for the last 20 years. And I want to say what an honor it is for doing something that we enjoy doing so much week of a week. Thank you very much.

[12:01:41]

[Applause].

>> I'm chris riley and I'm here to present an exciting time for bicyclists in austin. We are one week away from bike month here in austin and bike month is something that goes on across the country and has for other half a century now. It was 1956 when the league of american bicyclists designated may as national bike month. Biking is becoming a bigger and bigger thing and this country and around the world and here in austin we have been setting a pace that's remarkable for progress and bicycle. In fact, just this year we just found out that we're just over two percent of commutes citywide being done by bicycling, which is significant process and puts us well ahead. There is no u.S. City that is bigger than us that actually has that share of bicycling. We are the tops for the city our size in terms of the percentage of folks who are bicycling to work. And that's citywide. That includes a lot of places that are more or less oriented towards cycling. In some parts of town we actually have more than 12 percent of commutes being done by bicycling and that's thanks to a lot of collaborative efforts on the part of many people who have been working hard on bicycling for a long time now. And I want to note especially some of the staff that we have here, our own bike staff, annick and many others, and it is a chance to recognize their work and bicycling in all its forms. We'll be doing a couple of things to recognize it. At this point we're especially going to call out a few of the events going on early in the month. And the first one would be the

-- starting there on may 1st to may 5 we'll be recognizing bike to eat week where folks that ride, participate in eateries between may 1st and may 5th will get 10% off their meal. A list of participating restaurants is on the website. And we'll be hearing a little more about that in a moment. And then bike to school day is a great time every year and this year it's on may eighth, nearly 950 schools across the country participated in the inaugural bike to school event last year and we're hoping to see a lot of

participation here locally this year at austin schools. So I want to recognize the folks that we have here. We've got annick with the city's bike ped program. We have chris moore with the child safety program that's working so hard on providing safe routes to school. We've got mary stanton with the (indiscernible) foundation, and mitchell kelly also with the

[12:05:26]

(indiscernible) foundation. And I'm going to ask them to say a word in a few minutes, but first I want to read the proclamation that we have for them. It reads as follows: Be it known that whereas the imagine austin plan recognizes the contribution of bicycling to austin's quality of life and whereas the city of austin's bicycle commuting share is three times the national average. And whereas bicycling activities and attractions stimulate economic development by making the city attractive to businesses and citizens and whereas the city of austin encourages more people to bicycle as a viable and environmentally sound form of transportation and exercise. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim may 2013 as national bicycling month. May 1st through 5th 2013 as bike to eat week. May eighth, 2013 as bike to school day. And may 17th, 2013 as bike to workday. And we'll be hearing more about that later. But first let me see if i can get some folks to come up to speak. Annick, do you want to lead off?

>> Thank you, mayor and council for the proclamation. We really appreciate it. I guess th one thing i would like to say is it's working. We are building safe and attractive facilities everyday for safe cycling. Not only to work, but for other trips, to the movies, to restaurants, for bike to eat. And more and more people are bicycling and that's a great thing. We released a press release this morning or yesterday looking at our safety record. And crash rates are actually going down. More and more people are cycling and the crash rates are going down and that's really great news because we want to provide safe transportation options across the board, motor vehicle, bicycle, pedestrian, transit and speaking for the bicycle component it's working and we're doing our job. So thank you for the proclamation and again, friday, may 17th is bike to work day. A great time to try out riding to our office if you've ever wanted to. We have a map of bicycle routes on our website, city of austin.Org/bicycle. And you can look for routes, you can test them out maybe the weekend before, see how long it takes. You might be surprised that it takes you shorter than

-- shorter time than in your car. That's always a big epiphany for folks who start commuting that they get quicker than in their car sometimes. So I will have chris moore now talk about bike to school day. Thank you so much.

[12:08:07]

>> Bike to school day is may eighth and you will have so much fun riding your children to school that the following week you will ride to work. That's how we do it in austin. We want the kids to be fit, have higher test scores, and when they ride their bicycles to school they do just that. So there are physical reasons why they should ride to school and there's academic reasons why they should ride to school. We've got the school zones in place, we have the crossing guards in place. We'll even provide you with a helmet for your child if you need one. We want you on may eighth to take some flex time and ride your children to and from school that day. Thank you.

>> And then lastly bike to eat week.

>> We'd like to thank the city of austin for recognizing the second bike to eat week. Last year the (indiscernible) foundation sponsored the website and found sponsorship among restaurants here in town to encourage people to ride and do it with a chance to get 10% off of your bill at the restaurant. What the restaurant is going to ask is to prove that you cycled there with your helmet, key to your lock or showing that you're lock locking your bike up outside. This year's bike to eat week information is on the website, bike to eat week.Org and there's an integration of the restaurants that have signed on. It allows you to put in your current address and it will come out with the route to bike there safely. It has a drawing that is going to be a raffle for boxes of kind bars if you take a picture and post it on instagram or other things. So I urge you to take a look at our website and to get on your bike and go enjoy some great austin food. Thank you very much for the proclamation. [Applause].

[12:10:58]

>> Good evening, I'm councilmember tovo and it's my pleasure to present this proclamation to the pebble project. I would like to invite all of you who are here to support the pebble project and are involved as staff members or volunteers. So just a few months ago i had a chance to see the pebble project in action at dawson elementary and it was a very powerful experience to watch the staff in that classroom talking about what might otherwise be really difficult subjects, but doing so in such an approachable way and in such an engaging way. There is no doubt in my mind that the children who left that classroom did so really armed and empowered to keep themselves safe in their families and in their communities. So this is a program doing tremendous work in our community and helping keep the children safe and we should be so grateful that programs of this sort have existed for 30 years. This is the 30-year anniversary of the pebble project. So thank you for being here today, all of you, and for all the important work that you do in this community. It is

-- there is no doubt in my mind that the pebble project has improved the lives of children in our community. So I'd like to present the following proclamation: Be it known that whereas efforts began 30

years ago to prevent child abuse in our community. Efforts begun 30 years ago to prevent child abuse in our community have sent ripples throughout the community and have had a positive effect of protecting today's students through the pebble project. And whereas the pebble project helps prevent child abuse and neglect through recognizing abusive or dangerous situations, resisting abuse and telling a trusted adult if they have been abused. And whereas the project is carried out by presentation education specialists who train more than 5,000 children per year on 40 elementary school campuses and more than 600 adults per year at community workshops. And whereas we're pleased to congratulate communities and schools on the success of the pebble project in increasing awareness of child abuse among adults and in protecting our children from harm. Now therefore I, Lee Ieffingwell, mayor of the city of Austin, Texas, do hereby proclaim April 2013 as the pebble project's 30th anniversary. Congratulations.

[12:13:20]

[Applause]. Now I'd like to invite Ukie Steinhouser to say a few words about the project.

>> Well, thank you so much for being here to celebrate with us. We just had a little reunion of some people who have been with the pebble project for as long as 30 years and it's great to be able to celebrate in city hall with our fellow citizens. We really appreciate the mayor and council for supporting the pebble project to do great work through the community and schools, especially councilmember Tovo for actually coming out and spending time on a school campus and seeing what it's like to effectively educate kids to be safe. If 20 million people were infected by a virus that caused anxiety, aggression, depression, respiratory and heart problems, substance abuse, anti-social and criminal behavior and school failure, we would consider it an urgent public health crisis. Yet in the United States alone there are more than 20 million abused, neglected children vulnerable to these problems. We are proud to have the pebble project as part of our array of services serving kids in public school. The pebble project brings drama based programs into elementary schools across Austin. We address three important safety issues for kids. Bullying, stranger abduction and unwanted touch. Our talented pebble team, some of whom are here today, staff, these are amazing individuals. They work to give the kids three things. First the ability to recognize danger from bullies, strangers and abuse. Second, the life skills and tools to assertively and safely resist those dangers. And third, the ability to identify trusted adults who can help them if they find themselves in a dangerous situation. Last year pebble project served 5800 kids and trained over 600 adults who worked with children to be able to help them. So on behalf of our board, our staff, our volunteers, past and present for 30 years and over 100,000 children in that time period, I thank the city of Austin for funding and for recognition of all those years of

-- y'all are going to help me? For keeping kids safe and strong and free. This is child abuse prevention month. If you have a blue ribbon, wear it. I have some for the council. And really we appreciate all that you do. And for this being such a caring community. Thanks.

[12:16:07]

[Applause].

>> Tovo: Now I'd like to invite eric kaufman and his colleagues up so that he can be honored. I know you have some other fans in the audience as well. It's a real privilege to be able to present this next award to mr. Eric kaufman who began work for the city of austin and the city of austin's response team with the environmental and conservation services department almost 20 years AGO ON NOVEMBER 21st, 1994. And for those of you who are not familiar with this program, this is something that we are really fortunate to have here in austin because if there is a spill of any sort or another kind of environmental hazard, these are the scientists from the city of austin who get out there and address the issue quickly and efficiently. I've had a chance to observe it myself in action several times and it really is

-- we are so fortunate and mr. Kaufman has had a major role in making sure that we develop that program. He began

-- he's a geologist and began as I said in 1994. Over that time he became team leader of the spills and complaints response program, and in the words of his manager, he inspired a team with his vast knowledge of environmental rules and regulations. And over the years he's helped austin become a national leader in emergency spill response and pollution preservation, prevention and reduction efforts. So we are very thankful to you for all of your work. You've dedicated your career to protecting the environment from polluting discharges that can pose a threat to public health and safety and our creeks and bodies of water and our other environmental features in austin have benefitted from that expertise. So without further adieu i would like to present this distinguished service award for your devoted service and commitment to our citizens during his 18 year tenure as an employee of the city of austin. Eric kaufman is deserving of public acclaim and recognition. Since his start in november 1994, eric has investigated more than 5,000 spills and pollution complaints through the city's 24 hour pollution hotline. In 1997 he earned the prestigious hazardous materials manager certification and two years later became the team leader for the spills and complaints response program. Eric has dedicated his career to protecting the environment from polluting discharges that can pose a threat to public health, safety and property. From helping develop important programs, plans and agreements to developing the civil enforcement curriculum for the regional environmental taskforces, environmental law courses and serving as a voting member of the travis county committee, he has helped austin to become a national leader in spill response and pollution reduction efforts. This certificate is presented this acknowledgment and appreciation of his career this 25th day of april in the year 2013. And this is signed by the entire

-- by mayor leffingwell on behalf of the entire city council. So thank you and I'd like to welcome mr. Kaufman up. Perhaps you would like to say a few remarks.

>>

[12:20:55]

>> thank you, councilmember tovo and. It's been an awesome time and one of the best things about it is the teamwork. There are a bunch of you sitting down there who are part of this team too. I just want to stress that austin is incredibly fortunate to have people that are as devoted as the workforce that tries to protect the environment in this city. From the fire department to the austin water utility to all the people of watershed protection, the safety groups in all of our service departments, everybody has worked together as a team and none of this could happen without it. And I am leaving, I'm sad to leave in some ways, but I'm very, very confident that austin will continue to get better in this area. Thank you. [Applause].

>> Tovo: Have one more special presentation and that is a city of austin pin. I'd like to present that to you. Congratulations again. [Applause]. You will of the auditorium shores district of the waterfront loaf 88. And there's a property owner on this tract has a bicycle shop and it came to their attention that they were in the waterfront overlay district and they were greatly limited on what they could do as far as uses. They were actually lying in the secondary set back of the subdistrict, which really limited their ability to do any uses

-- only a handful of civic uses. They brought that to the attention of the city and. This item has gone before the waterfront overlay

-- waterfront planning advisory board and they made some recommendations on basically a five-two vote

-- five-0 vote to basically instead of changing the boundary of the district between the auditorium shores district and the butler shores district to actually just amend the existing district. The planning commission unanimously voted in march to approve the change and the change has really the effect of doing two things. It's removes the secondary set back restrictions on use and basically allowed them to utilize the base zoning of the cs uses to do a rest aunt or other type of uses. And it removes the 30% impervious cover cap that is limited in that secondary set back. The staff gets to the goal of what was originally intended when brought forward. It's brought to you by the waterfront overly advisory board and also the commission. Mr. Ron thrower is here and I think he represents the property owner. He told me earlier that he welcomes an affirmative vote and unless you have questions he will remain silent. He just gave me two thumbs up from the back.

[12:56:31]

>> Mayor Leffingwell: So this has got to be south of barton springs road?

>> This is right across the street from mcdonald's on (indiscernible) road and south lamar, one street over from south lamar. It's right across from the hut-- pitch and putt right there by the round rock railroad

-- the railroad trestle crossing right there.

>> Mayor Leffingwell: So one speaker who doesn't want to speak, ron thrower, is shown as being for this. If there are no questions I'll entertain a motion on item 103. Councilmember tovo?

>> Tovo: There's a lot of references in the backup material to the similarly treating this property like the similarly situated

-- treating it in a similar fashion to adjacent commercial properties in the auditorium shores subdistrict. Remind me what properties are adjacent to this bike shop? Because one is as you mentioned the pitch and putt, which is

--

>> I've got an exhibit I can give you and put up. Across the street would be the mini putt-putt golf course and the

-- there's a jack in the box. If you go directly to the west of this property, so this is for whatever reason in 1986 the boundary came in and I think this used to be a kentucky fried chicken restaurant. For quite awhile. This was included and treated in a manner similar to the other civic-owned properties that are surrounding it. So you have some city-owned tracts that are nearby to the north and east on the other side of the railroad track. On barton lee to the west is, I believe, the jack in the box. To the south is the

-- a little miniature golf course. And on the corner, although it's not a very clear picture, is the mcdonald's. The old treehouse restaurant is diagonal on the other side of the railroad track to the southeast. The advisory board and waterfront overly talked about moving the boundary. In lieu of moving the boundary, which caused some concern, they were going to relax some of the standards for this particular tract which will allow the redevelopment of the property.

[12:59:27]

>> Tovo: I guess what I'm struggling to understand about that argument is why we should treat a property that is on the northside of barton springs that is, as you said, surrounded by civic uses, the same way we treat the commercial properties across barton springs, which are clearly a further distance from the lake and are just of a very different character to them. It seems to me that

-- I'm just not following that as a rationale for adjusting this. The standard for this property. [One moment, please, for change in captioners] overlay.

>> ... Which are all commercial, restaurants, recreational, the tree houses, it's not open right now obviously but you get a series of restaurants that pick up by dawson and going further to the east. This would bring it in line being the only commercial tract, privately owned tract, as you go from the railroad tracks going east is all, city land, to the west being commercial and treating that in a similar manner to those uses that are commercial and privately owned on the south side of the street.

>> Tovo: Can you remind me what the water fronts commissions suggestions were?

>> Guernsey: The waterfront overlay, they made a motion to revise existing boundary line

-- sorry, not to revise existing boundary line between boulder shores and lee, lee is the boundary and shores to the east and they said leaf thendary alone and allowed the uses of expandable uses on this property to allow all of the cs based district uses which is a base district zoning of cs which is more intensive commercial district. Hey voted to limit the impervious cover to 50%, i think right now it is 80% impervious code, but the commission did go back in and say the uses were fine and allowing the impervious cover limitation of 30%, which would be unique to the north side being the secondary setback to be reduced and that 30% would be removed from that northern side.

[13:02:23]

>> Tovo: And so

-- and as i understand it, it would then be allowed to be 95% impervious cover?

>> That's correct. Under cs, base zoning is at 85%.

>> Tovo: Currently at 85%, our water front overlay commission recommended 60. You said the waterfront was not unanimously, it was 5-2.

>> Guernsey: Five-0-2.

>> Tovo: So two recusals.

>> Guernsey: Yes, I don't have the names of the people who recused themselves. The planning commission did vote 9-0 to recommend the change, so ...

>> Tovo: What was their argument? Did they have a vote about the 60% impervious cover?

>> Guernsey: I don't have any detail on that discussion. I know mr. Thrillers is here. He was probably present at both of the meetings and will probably have more detail than I have information on.

>> Tovo: Thanks. Mr. Thrower, do you know if they took a vote on 60% of impervious cover at the land commission.

>> Representing the landowner and they did not because this is a code amendment that is specific to just shifting some boundaries around and like mr. Guernsey said and I am going to ask for some little indulgence here. I offered not to speak but now I feel like I have to. Like we said, this property is the only private property inside auditorium shore that is located north of Barton Springs and I know there could be certainties about impervious cover but what is missing from all of this discussion is this property is in a flood plain and it is a back water condition caused by the railroad. It is not a flowing type of flood condition. And so the current property owner would like to enhance the uses that are available to provide for an opportunity of a development of economic size to get it up out of the flood plain, because what is there today is not only an illegal use, even though it was fully permitted by the city of Austin, the only five uses that can go on that property today, because in the secondary setback are day-care, park, cultural facilities, restaurant without drive through, and

-- and a

-- one other minor use, which is gross land adequate for redevelopment. And so the existing building that's there today is so hampered by the flood plain regulations you can only renovate up to 50% value of the building, so only \$40,000 can go in renovation of the building. So, again, we are looking at something that can be an economic engine and make for a good quality development to get it up and out of the flood plain and by doing so, by creating a volume and a flood plain, we've got to leave green space in the

-- or in the flood plain so we aren't going to get 90% impervious cover here or get 85% back on the property that is there today. I think all likelihood it will be somewhere around 70%. But, again, we are just asking for what we think is a reasonable change to a request to modify just the secondary setback. We were very supportive originally from modifying the Butler Auditorium shores setback to the railroad because that seemed logical. There was no support for it because, for whatever reason, this fence that was put in place 30 years ago and nobody knows why, nobody wants to move it today, so, again, we are just trying to modify

-- we are asking to modify the secondary setback so that these uses can be available for this property.

[13:06:02]

>> Tovo: Did I read somewhere that the property owner is interested in selling?

>> He is. The property owner, Jack Murry, Jack of the Jack's bicycles, bought the property, bought the property for high dollar amount before purchasing it, he went through the full city of Austin vetting of the entitlements for the property and was told by the city it's okay. You can put your bicycle shop here. You can do your retail. You can do exactly what you want here. Then the city issues permit after permit after permit after permit and then he finds out no, he should never have been allowed to have those permits. The city was in error, and so the current owner does have a desire to sell the property. He's outgrown this shop and wants to move to a different location, but when you are stuck with a piece of property where you can put a park, a cultural service, a restaurant without a drive through, food sales, and another innocuous use that doesn't really fit on this site because of the flood plain conditions. You know, right now is he

-- he is severely hamstrung.

>> Tovo: Okay. Thank you.

>> Mayor Leffingwell: He could put a KFC there, so ...

>> Without a drive through.

>> Mayor Leffingwell: No drive through?

>> It is not allowed and it is specific in the water front

--

>> Mayor Leffingwell: Right across the street you can put a drive through.

>> That one is existing.

>> Mayor Leffingwell: Uh-huh. Oh, in the waterfront, okay.

>> But KFC had a drive through.

>> They did

--

>> Mayor Leffingwell: There is no KFC close to here.

>> Would you like one? [Laughter]

>> mayor leffingwell: All right. Okay so no speakers. Entertain a motion on item 103.

>> [Indiscernible - no mic].

[13:08:04]

>> Council member spelman moves to close the public hearing and approve on all three readings. Is there a second? Second by council member morrison. All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 6-0. 105.

>> Guernsey: Thank you mayor and council, number 105 is conduct a public hearing consider an ordinance amending city code chapter 25-2, subchapter f relating to the maximum ceiling height, this deals with our residential design and compatibility standards. After about three

-- a series of three amendments that occurred in 2006-2008, I think one of the last amendments that was made to the mcmansion re inadvertently removed this provision. It came to the residential design commission, rdcc, they made that known to the planning commission and went through codes and ordinances and this would put back a provision that was described to me as being inadvertently deleted. Basically the area that exceeds the

-- an area where the ceiling heights are greater than 15 feet is counted twice towards the gross square footage, is what would be restored so the ordinance is very short. It is recommended to you by the subcommittee and the full planning commission on this vote of 8-0 on those members that were present. We would offer this for your consent approval. There would be no impact according to our affordable impact statement from neighborhood housing community development regarding impacts on affordable housing and that's also attached in your backup.

>> Mayor leffingwell: Okay. We have two folks signed up to speak. Ronnie reeferseed is not here. Will mccloud. Will mccloud is not here. That's all of the speakers so council member morrison.

[13:10:16]

>> Morrison: Thank you. I am glad to see this finally get corrected. I move we close the public hearing and approve on all three readings.

>> Second.

>> Mayor leffingwell: Second by council member morrison to close the public hearing and close on all three readings by mayor pro second. Any discussion? All those in favor, say "aye." Opposed say no. Passes 6-0.

>> The next is 106 to conduct a public hearing and consider an ordinance amending ordinance number 281211-082 and the regulating plan to make indoor entertainment a conditional use in the tod mixed use seening category in the plaza saltilolo. Recently a resident was approached who owns that who owns a large type building and he wants to turn it into an entertainment center and within the building would be a restaurant use, cocktail lounge use, theater use and he also would like to be able to use it for weddings and such, to rent out the property for people who have events in. The code considers that to be the indoor theater use which is not permitted in the subdistrict at this time so this code amendment would allow this since cocktails and lounges are permitted in permitted use and no harm in permitting indoor entertainment as well. I am available for any questions.

>> Mayor leffingwell: Thank you. One speaker. Will mccloud. Will mccloud is not here. So we have no more speakers. Entertain a motion.

>> Move approval.

>> Mayor leffingwell: Mayor pro tem moves to close the public hearing and approve this item on all three readings. Second by council member morrison. Council member morrison.

>> Morrison: I just want to mention, in fact, the reason this came to light is because it came to us from argso, they were doing

-- ergso, they were doing a family business thing with this so this will allow them to move forward with that.

>> Mayor leffingwell: Okay. All in favor say aye, aye,. Opposed say no. Passes on a vote 6-0. 107.

[13:12:24]

>> Finally, mayor, 107 to conduct a public hearing and consider an ordinance amending city code chapter 25-2 to readopt the conservation single family use, not one of our prouder moments. This past december we made amendments to the open space requirements and inadvertently used the same code number with the conservation single family use which you discredited a couple of years ago so when the code

--

>> Mayor Leffingwell: You should have caught it, right, when it came through, we should have?

>> You should have been on your toes, yes, sir. [Laughter]

>> so anyway the code people replaced the open space on top of this

-- this inadvertently went away. This will simply bring it back on all three readings and we ask for recommendation.

>> Mayor Leffingwell: Let's see what happens in

-- this happens in the Texas legislature so don't feel so bad about it. Okay. We have no speakers.

>> I move to close the public hearing and adopt on all three readings.

>> Second.

>> Mayor Leffingwell: Motion to close the public hearing and second. All those in favor, say "aye." Passes on a vote of 6-0. By my calculations, city clerk, that completes our agenda for tonight. So without objection, we stand adjourned at 7:13 p.m.