

City Council Meeting Transcript – 01/23/2014

Title: ATXN2

Channel: 6 - ATXN

Recorded On: 1/23/2014 6:00:00 AM

Original Air Date: 1/23/2014

Transcript Generated by SnapStream Enterprise TV Server

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[04:04:46]

>> cole: Good morning. I'm mayor pro tem sheryl cole. We will begin today with the invocation from executive director simone flowers, from the interfaith a of ?Elz. Please

-- of central texas. Please rise.

>> As we start the first regular meeting of the austin city council for 2014, let us take a moment forgive thanks and ask for guidance. Thank you, god, for life in this new day. On this new beginning thank you for cleansing the hearts and minds of our mayor, mayor pro tem, each member of our austin city council, and our city staff as they start this new session refreshed and renewed in spirit. Thank you for giving each member the ability to listen with openness, to hear with clarity, and the wisdom for discernment as they gather to work for the progression of the city of austin. Thank you for guiding each member to make decisions that are for the growth and advancement of all members of our community. Thank you for giving each member the courage to stand for fairness and what is right for the good of this community. On this new day, dear god, we pray for you to continue to guide our mayor, mayor pro tem, and council members to give them the strength and wisdom to lead and to give us the ability to support them in their leadership. Dear god, we ask you to guide us through this meeting today and all our meetings for the rest of this year. In this we ask, amen.

>> Cole: Thank you, pastor. Please be seated. A quorum is present so I will call this meeting of the austin city council to order on thursday, january 23, 2014. We're meeting in council chambers, austin city hall, 301 west 2nd street, austin, texas. The time is 10:07 a.M. The mayor is traveling on city business and will not be in attendance today. I will not be announcing his absence on each vote. I want to remind everyone that if you are parked in the garage at city hall, to have the parking stub validated or you will be required to pay for parking upon exiting the garage. There is a desk outside the atrium set up to validate the parking stub. Before we begin, the following are the changes and corrections to today's agenda. Item no.7 is postponed to march of, 2014. Item 51 and 68 are withdrawn. Item 65 and 70 are postponed to january 30. Item 69 is postponed to february 13, 2014. Item no.94 at its 4:00 p.M. Time certain, a postponement of no.97 will be requested. Item 98 and 100 at 4:00, a postponement will be requested to january 30. We have time certain briefings. The briefing on the social service request for application process is at 10:30. Also the briefing on staff presentation regarding a proposal to create an economic development program for athenahealth. At 12:00 we will have our general citizens

communications. At 2:00 we will have zoning matters. At 3:00 we will have austin housing finance corporation board meeting. At 4:00 we will have public hearings, and at 5:30 we will have live music and proclamations by lavita bueno. The consent idea is 1 through 67 with several exceptions that are pulled off the agenda. I will go through those in a moment. But first I want to read our appointments to the board and commissions. The asian american quality of life advisory commission, sonia catatek, mayor pro tem sheryl cole, the asian quality of life advisory commission, leslie vargas, council member tovo, commission on seniors and

-- council member tovo, environmental board brian smith, council member spelman. Hispanic latino quality of life resource advisory commission, emilio zamaro, council member mike martinez.

Intergovernmental bodies, the capital area council of government clean air coalition, council member riley. The housing authority of the city of austin, charles bailey and carl richie. Those were made by mayor leffingwell. And the lone star rail district board of directors, mayor pro tem sheryl cole. That was a universal

-- I mean, a council appointment. The following items have been pulled from the consent agenda, first by council members. That's item no.31, and that's right now the only item that I have pulled, by council member riley. The items that have been pulled for speakers are items 28, 29 and 30. And the other items that have been pulled for speakers for sandra moreno or no.20 and jimmy flanagan for no.61. Additionally we have two waivers. We're approving a waiver of the attendance requirement in section 2-1-26 for the city code for the service of gary mender on the commission on veterans affairs. The waiver includes

[04:10:49]

[inaudible] through today's date. We're also approving a waiver of the attendance requirement in section 2-126 of the city code for the service of stanton tusela on the urban transportation commission. The waiver includes absences through today's date. Council members, first let's take the speakers on our consent agenda, unless there's any other comments about those items. Council member morrison?

>> Morrison: Did you say that item 61 is actually pulled off consent for speakers or if we just have one speaker wouldn't that be left on consent

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>> cole: It's on consent. It's on consent. Both sandra moreno for no.20 and jimmy flanagan on 61.

>> Morrison: Okay.

>> Cole: Okay. Now we have the speakers on item no.28.

>> Cole: Okay. First we will hear from sandra moreno on item no. 20. We want to hear the speakers on the consent agenda only first. Thank you, sandra.

>> Good morning, mayor pro tem, council members. I'm a native austinite but I've never been to a council meeting. If you'll excuse me I'm a little nervous here. My comment is neutral on the contingency -- additional contingency for contract with central road and utility. I'm an attorney representing a and j paving, they perform paving work on this project. And the prime central road and utility is refusing to pay my client for its work, and while I realize that these additional contingency that is being requested does not directly affect my client, I am hear today on behalf of my client just to go on record for saying that before all funds are distributed on this project, I would like for my clients to be paid. We have filed

all necessary claims with the bond, but it's hard to get anyone to hear you sometimes when you represent just a small minority contractor. And that's the extent of my comments.

[04:13:25]

>> Cole: So you simply have comments. Council member tovo, did you have a question?

>> Tovo: I just want to be sure I understand. You represent

--

>> a subon this project.

>> Tovo:

-- A contractor who has not been paid.

>> Not been paid. He performed the work he was asked to do. He did what he was asked to perform, and the prime has said he will not pay him.

>> Tovo: Thank you.

>> Thank you.

>> Do you have we have any staff here who might be able to address that concern? I see ms. Latta.

>> Ms. Latta?

>> Good morning, veronica latta, director of small business resources.

>> Thank you for being here. I wonder if you might address whether you're aware of the situation and if so what steps the city has taken or could take to ensure that the subcontractor receives payment?

>> I am not aware of the specific details of the situation. I am aware that my staff that is assigned to this project is aware of the situation and has been working with the prime and the sub. What I will do is go back and see what we can do, see what the latest step is and schedule a meeting so we can attempt to resolve the issue.

>> Tovo: Thank you very much.

>> Thank you.

>> Cole: Thank you, ms. Latta. Council member martinez?

>> Mt. Latta, when you look into this can you also provide us any additional information as to whether this prime has had previous incidents before and whether or not they have had any violation notices issued, things of that nature?

>> Yes, we will report back to council that information also.

>> Thank you, ms. Latta. Next we have mr. Jimmy flanagan on item no.6.

>> Good morning, council members. I'm actually signed up for 67 so I'll speak about that, which is the economic development agreement with athenahealth. If that's okay.

[04:15:34]

>> Cole: Yes, I want to make sure I correctly. You are signed up to speak on item no.67?

>> That's right.

>> Cole: And I think we were wrong in having you for 61.

>> Do you want me to come back?

>> Cole: No, you can still speak. It's on consent.

>> Okay. Great. I just wanted to support

-- my name is jimmy flanagan. I'm the president of the gay and lesbian chamber of commerce. I had the pleasure of meeting with the athena folks two days ago and it's a fantastic deal for the city. I have one concern. In the paperwork they submitted to the city. Their nondiscrimination policy specifically says legally protected classes. In their home state of massachusetts that covers the bases but obviously here it would not. And their document repeatedly says legally protected, and then defines that as state and federal. So it would not cover sexual orientation or gender identity. Even as they go on to describe what legally protected includes, they leave out gender identity. And I think in the city of austin we are looking to have our economic incentives do sexual orientation or gender identity. In my conversations with athenahealth they said they were completely supportive of that as an idea but I want to make sure that gets documented before the deal is agreed to.

>> Cole: Okay. I want to explain to you that item no.67 is simply setting the public hearing for next week, and then we will have another item no. 72, which is the briefing, but on neither one of those do we take public comments so you will have another opportunity to address those issues on the 30th.

>> Right.

>> Cole: The public hearing.

>> I'm here because I can't come on the 30th. So I wanted to make sure that as early as possible council was aware of this issue so it could be corrected in time.

>> Cole: Okay. Thank you.

>> Thank you.

>> Cole: Okay, council, those are all the speakers I have on the consent agenda. Any further comments, motions? Council member spelman moves approval of the consent agenda, that has been seconded by council member morrison.

[04:17:34]

>> Tovo: Mayor pro tem? I need to recuse myself from item 25.

>> Cole: We need to show council member tovo recused on item 25. We have a motion and a second on the consent agenda. All those in favor say aye.

>> Aye.

>> Cole: Aye. Those opposed say no. That passes on a vote of 6-0. We have one item pulled from the consent agenda by council member riley, and we also have speakers on item no.28, 29 and 30. So can -- let me get the speaker on item no.28 and 29. Gus pena. Gus, are you here?

>> I'm here.

>> Cole: All right. Where.

>> Mayor pro tem, council members, mr. City manager and

-- I tend to forget our city attorney, karen. Thank you for the hard work you do, karen. Gus pena, native east austin and proud united states marine corps veteran. I'm here to speak on item 28, 29 and 30, having to do with the housing bonds. Ladies and gentlemen, we worked hard for many years on affordable housing. I came here and not only here but when mayor bruce todd was the mayor, I brought forth a definition of affordable housing and how we can transition homeless people and families into housing and mid-level affordable housing, apartments and units. Now, these have to do

-- this appropriation also includes support for local application replying for low-income housing issue tax credits for developing proposed rental housing to be located in austin. Please, pro tem and council members, and I'm going to say it as respectfully as I can, we're pretty intelligent in the community. Now, this is a broad statement, but when you

-- we're going to allocate, I say we, the taxpayers voted for this funding of this affordable housing bond proposal last year, we want true blue affordable units that people can apply and also can be approved for rental assistance also. What I'm looking at right now, and this is a true statement, 47.9 million americans are under the poverty level. We can count thousands here in austin that are homeless and in poverty, making less th 7.50 an hour. We need true blue affordable house, good people who are working people are homeless also. So this funding we the taxpayers approved, and I don't know if these documents reflect that funding in the bond proposal last year. Please show us your leadership and make sure that if we allocate funding to developers or whatever, it's true blue affordable housing, and you may rebut. You may say anything you want to, mayor pro tem, but people are angry out there and we're waiting to see what we're going to do with that money that was approved by affordable housing bond proposal. I'll leave it at that. But please, renewed affordable housing. Too many people are homeless. We have a lot of single women with families that are homeless, and veterans that are homeless. Thank you. Happy year and keep up the good work.

[04:20:52]

>> Cole: Thank you, gus. John ruiz? John ruiz? Okay. That was all the speakers on item 28. We'll go to -- gus, you spoke on items 28 and 29.

>> Yes, ma'am.

>> Cole: And john ruiz is signed up on both of those, so I believe that is all the speakers that we have on 28, 29 and 30. Okay. Now, council member riley, you are

-- let's take

--

>> spelman: Mayor pro tem, would you like a motion on 28, 29 and 30 first?

>> Cole: Yes. Council member.

>> I have some questions of our staff, but I'll

-- to put it in play I'll move to approve items 28, 29 and 30.

>> Second.

>> Cole: Council member speaks man has made a motion to approve 28, 29 and 30 and councilman tovo has seconded that motion. So any further comments?

>> Spelman: I have a question for our staff.

>> Cole: Council member spelman.

>> Spelman: You've covered most of the things I want to talk about in a private memo to my staff, but it's not on the record so I'd like to get some stuff on the record if I could. This is the first year we'll be spending money that was raised by the housing bonds. Is that right?

>> Yes, sir.

>> Spelman: It was recently approved by the public, and we're allocating \$15 million to be spent over the course of the next year.

>> Yes, sir.

>> Spelman: Four and a half million is reserved for

--

>> tax credits.

>> Spelman: Tax credits. Explain to me what's going to happen, that 4.5 million? We can't be sure we're going to have \$4.5 million to spend on tax credits because we don't know which tax credits are going to qualify yet. They have to be inside the city of austin. Would you talk about that for a second?

[04:23:02]

>> Sure. We'll do it like we did last year, and our tax credit is currently under way. Preapplications have been submitted to the state. We have received ten submissions for applicants that are

-- that have applied to the state for the tax credits. We will be bringing forward conditional commitment requests in february. The

-- for this region, this state allocates \$3.6 million of tax credits. That usually shakes out to two projects within the region. The city of austin is only one entity within the region, so we may or may not

-- the conditional commitments will

-- we won't know until july who makes it all the way through. So we set aside up to 4.5 million, which is the most we could contribute to two projects until that time so that we do have the funds. To mr. Pena's point the benefit of the tax credit program is it leverages a great of private equity and investment and targets folks at very low incomes. So that's why we feel it's incredibly important for us to set aside these funds to make sure we've got it available, should we have two projects successfully be awarded in the city of austin.

>> Spelman: Two is the maximum we could get, and we'll have money available to pay for both of them if they do become available?

>> Yes.

>> Spelman: If none becomes available or only one does and we can't spend up to 4.5 million what happens to the rest of the money?

>> Then we would utilize

-- those funds are in a rental housing bucket per se, so we would just invest the funds in another eligible project. We've got quite a few pending right now, so we would invest in another worthwhile project.

>> Spelman: That would be the rental housing developer assistance and the acquisition and development line items. Is that right?

>> Yes, sir.

>> Spelman: Tell us a little bit more about the content of those.

>> Sure. The rent housing development assistance program is any

-- it's funds for any rental housing project. Could be single-family, could be multifamily. This last year we just revised our scoring criteria based on feedback from the community and from developers and nonprofits. So we have some additional categories. We have highlighted housing, housing first model. We've given additional points for that. We've also added self-rental to include things like alley flaps, because we hadn't done that as well. And then also we've given some additional points for extra units for persons with disabilities. So all of those will be eligible categories under the rental housing.

Acquisition and development is our investment in home ownership opportunities. Often it's either the acquisition of land and/or contributions towards home ownership.

[04:25:41]

>> Spelman: I also noticed you're giving extra points for projects that are located close to transit stops too.

>> Yes, sir.

>> Spelman: Which I think was a very good idea. I appreciate your doing that. You've also got \$2.25 million allocated for home repair and for the austin board of realtors, renters program. Would you describe those bre for us?

>> The go repair program is a sg program started

-- successful program starpted with the lat

-- it's minor home repair for homeowners and rent also and/or disabled individuals. We do minor home owner repair for those folks. It's been a successful program. It helps keep people in their home for a minimal amount. And we have five nonprofits we partner with to do the program. The other is we have an abr, architectural barrier removal program. Cdbg found for homeowners. We can't for rent else so we need local funds to be able to repair homes for local folks.

>> We've never spent as much as \$2 million on go repair before. Do we have projects and do we have the capacity to actually spend that kind of money?

>> Absolutely. The first year I believe we spent 1.7 million and we've averaged about 1.5, down to 1 when funds were getting tight. The five nonprofits all have built up their capacity and they all have a waiting list. So I definitely feel confident that they can extend funds quickly.

>> Spelman: Terrific. Given that we're actually getting more units per dollar with the go repair program, first it sounds like a good idea to increase that at least to the maximum are partners' capacity. Is there any capacity for us to

-- would it be good in future years to spend more money on the go repair program? Why are we capping it at 2 million? Is that because of the capacity of our partners or is there more to it?

>> It's really just trying to make sure that we invest in all the different programs that we have. We have a huge need all across the spectrum, so in an effort to try to provide equity across all the different programs, that's

-- we've landed at 2 manage right now.

>> Spelman: Are there any important differences between our allocation of dollars among all of these boxes for this year than there were two years ago, the last year we were spending off of the previous housing bond program?

[04:27:51]

>> I apologize, could you say that to me again?

>> Spelman: Sure. Are there any important differences in emphasis now than there were the last year we were spending money off the housing bond program? Have we changed direction in any important way?

>> Not particularly. We've really tried

-- again, like I said, on the permanent supportive housing, we haven't shifted because we've had that mission for a while. But we're really focusing on the housing first, has been very clear to us. We're working very hard, as always, just to really keep everything across the spectrum, all the way from homeless all the way up to home ownership and the very tight market. So our focus has remained the same. We're just trying to probably get a little better at what we're doing, investing some more. I can't think where it's changed drastically.

>> Spelman: Okay. It didn't seem on the record that it looked like it was changing drastically. I wanted to give you an opportunity to identify some if there were any.

>> Okay.

>> Thank you very much, betsy.

>> Sure.

>> Cole: Betsy, I have a couple questions for you.

>> Yes, ma'am.

>> Cole: How was the budget developed and how does it compare to previous year?

>> So this year we front-loaded a little bit, so in the past

-- so the previous allocation of 55, we averaged investment of \$10 million a year. This year we have 65 million. So we did actually drew down

-- we're requesting to draw down 15 million this first year. Part of it is because we have several important projects that are possibly pending. We also want to make sure we've got funds available for land acquisition, if that opportunity presents itself. And so we went ahead and requested additional funds this first year so that we've got it in the pipeline since we are midyear right now. So normally we would

-- we would

-- during the budget process in august, budget for the year, but now that we're in january, this way we're jump-starting and so we'll be able to

-- I'm sorry, I'm not answering your question very well. We just wanted to be able to have enough funds to be able to invest in all the applications that we have. Typically what we do, first we take off the go repair investment, so that was the 2 million. Then the rest we split 75% for rental housing, 25% for home ownership. That's the way we invested the funds the last five years.

[04:30:06]

>> Cole: And that's what we did with the 55 million in 2006, 75/25 split?

>> Basically that's the way it ended up being invested.

>> Cole: Well, tell me what is

-- what are you contemplating in terms of land acquisition?

>> We have

-- there's always been a desire to do land ACQUISITION NEAR TODs, Things like that, trans-ent oriented development. So I don't have a specific project right now but we wanted to have the availability should a project come about or someone should apply for a land acquisition near a tod

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>> cole: So you're keeping that within the 75/25% split?

>> Oh, yes, ma'am. That would come out of the rental development housing assistance project.

>> Cole: And so we're doing this budget early because you have some projects actually in mind, an application that you've received, so you want to get this before council at an earlier date?

>> I apologize. I shouldn't make it sound like it was early. It's because of the tax credits.

>> Cole: Okay.

>> I apologize. We just received the election in november, so we needed to get this going as quickly as possible. And then this is actually great timing for us. In my saying that it was early, it's just because outside of the normal budget process, but we feel strongly that we needed to get this started right away.

>> Cole: Well, the 2 million that was allocated midyear during the budget process, not the normal budget process but the midyear budget process, has all that been spent?

>> Yes, ma'am, and/or committed.

>> Cole: Or committed. Okay. Any further comments? Council member morrison?

>> Morrison: Thanks for being here, betsy. I guess I'm a little confused about what exactly we're approving. We're approving the use of 15 million, but are we also approving the allocation that council member spelman was sharing with us?

>> All this is is the drawing down

-- you're approving the \$15 million for us to be able to process applications. We're not at an application specific process here at all today. This is just the budget amendment to provide the 15 million to the department, which we then allocated to the finance corporation. That's all it is.

[04:32:17]

>> Morrison: Okay, so we're not

-- so that breakdown that you talked about, clearly we know that we need the 4.5 million for the tax credits, and that's why we really need to make sure the drawdown happens now, but the whole breakdown, is that still open for discussion? I guess I haven't seen that anywhere, and I'd like to make sure we have an opportunity to discuss it overall.

>> The fiscal note to the item, that's where you've got the break-out, it's probably

-- it might be the finance corporation.

>> Morrison: Okay. So I guess

--

>> but yes, there's

-- it shows the 2 million for go repair.

>> Morrison: Okay, so just a second. Which exactly

-- is it the

-- okay. It's the one for the housing finance. Okay. It shows 2 million for go repair. I'm sorry, I did miss this. So

-- I mean, the reason this came to light is because we had one of the home repair folks suggest that the cbc had recommended 3 million for home repair. I didn't see that recommendation anywhere in backup. Did I miss that too?

>> No, that letter probably would have come out last YEAR, THE CBCs Recommendation. That would have been during the budget process. We've not brought this item to the cbc anytime recently.

>> Morrison: What I understood is they recommended 3 million next year from within the bond. So I would have expected to see that here. I guess that's

-- that's my discomfort here, is that we are making big decisions and there does seem to be a disagreement about how much should be in home repair. There was some question about capacity. Do you think

-- as far as you know, do the home repair organizations have the capacity to

-- to do \$3 million versus 2 million?

[04:34:19]

>> I'm not sure. I don't have a

-- I don't have

-- I don't have the information in front of me to be able to determine that for sure.

>> Morrison: Okay. So I guess

-- I'm a little uncomfortable going

-- I'm fully comfortable getting the allocation in the budget changed. I just wonder if there's a way to hold open the discussion about the details beyond the tax credit, if you would be comfortable with that.

>> Cole: Council member morrison, I think council member spelman has something to say on that and I do too.

>> Spelman: Items 28 through 30. I was jumping the gun a little by engaging in the capital budget which doesn't come up until we have the housing finance corporation meeting this afternoon at 3:00. But I figure we're in a hurry today. Everybody wants to leave early. I figure we may as well

-- we had the item in front of us so we may as well take care of it. But we'll have the item again at 3:00 this afternoon when actually it will be more on point to discuss the allocation of \$15 million. That might be a better time for us to bring it up.

>> Morrison: Okay. Right.

>> Cole: Okay, so it's my understanding that this is just moving the money, but we'll have a detailed discussion about the allocations at 3:00 this evening. Is everybody clear, so we're not making that decision right now.

>> Yes.

>> Cole: Okay.

>> And if I may, we do have the ability within the budget to move the money around within the programs. So what you've got before you is a recommended schedule. But we can move money around between the different programs.

>> Cole: Okay, because I do think we need to have a discussion about the allocation among the programs, and we have not done that and we have contemplated doing that as a council. Okay. So council member spelman has a motion on the floor for approval of 28, 29 and 30, and that has been seconded by council member tovo. All those in favor say aye.

>> Aye.

>> Cole: Aye. Those opposed say no. That passes on a vote of 6-0. So now we have council member riley

with item no. 31.

[04:36:19]

>> Riley: Thanks mayor pro tem. Item 31 is an item authorizing the city owned land on winnebago lane to dedicated parkland. Some of you may not be familiar with winnebago lane. It's a rather obscure street. It's in southeast austin, runs

-- the short road running east-west south of burleson road south of ben white, and this is a 9.4-acre parcel, which is part of the missouri-pacific industrial park. And I just wanted to ask a few questions about it. Is there some

-- somebody from parks here who could help me with this? I see ricardo approaching. I notice in the backup that there is

-- that the staff does mention that this is

-- that the southeast portion of the city contains one of the highest densities in the city, with more multi-family residential developments being planned in the future, which makes it sound like a great place for a park. Unfortunately, though, this park is one that won't really be very accessible to most of those residents. In fact, when you look at the map it's hard to find a way that anybody would actually get to this park within

-- at least for those south of ben white. Even for those homes that back up to the park, those folks would need to

-- would not have access to the park because access would be strictly off of winnebago lane, and actually getting up to the park would entail going down to

-- taking a rather circuitous route, to st. Elmo, to t todd lane, to

-- it's a couple miles even for the neighbors that are adjacent. There are no

-- first I want to applaud staff for their continuing efforts to identity good spots for parks. We especially need that especially in southeast austin, and we also have a particular need for dog parks, and I understand there's been some discussion about placing a dog park in this location, but I just have some questions about placing this park in a heavily industrial area at this time. First thing I want to ask about that

-- well, ricardo, have you

-- are there residents

-- the memo mentions that there are multi-family residential developments being planned in the future.

Are you saying that there are multi-family residential developments within this immediate area, right around the park that have

-- that would have direct access to the park?

[04:38:56]

>> Council member, to the south there's multi-family development.

>> Riley: How far

--

>> along pleasant valley, oh, not even an eighth of the mile to the south. I can show you that here.

>> Riley: Yeah, could you?

>> Just to orient the council, ben white is

-- 71 is here. St. Elmo is here. Pleasant valley hits todd lane just about

-- just about right

-- right here. So st. Elmo has multi-family development along

-- along

-- on the southern side of st. Elmo. Pleasant valley has multi-family along

--

>> riley: On that map could you show me how a resident in one of those multi-family developments would access this park?

>> Certainly. Right now I think you're correct that this

-- the plan for

-- to use this property is landlocked from the south. One opportunity that we would want to look at in a future acquisition of this piece of property here that abuts st. Elmo, and we'd like to pursue this with recreational easement along this tract here that we could

-- we could access the property on the southern end.

>> Riley: So when I asked the original question of where this park

-- where the access to this park would be, the written answer I got from staff was that the access would be off of winnebago lane. Is that accurate?

[04:41:00]

>> Today that would be correct. I think this would be something that we would like to pursue in the future, to have better access from the south and from the multi-family developments.

>> Riley: And so have we looked at the costs for acquiring that land?

>> We're doing that right now, council member. One of the

-- one of the challenges that we h with

-- share, as you know, we've had our experience in trying to locate an [inaudible] sharing an existing park and that has caused quite a bit of discussion, quite a bit of problems in trying to do that. This particular location, we were really looking at an off-leash area that will be regional-based where we could look at a variety of amenities that we could put on the property that would attract people from five miles away as well as neighborhoods from the north, along mabel davis area and along pleasant valley to the south.

>> Riley: Thinking in terms of a regional park, so not necessarily just to serve the area to the south. And by the way, I would note that the neighborhood to the south does have a neighborhood park already, franklin park, just

-- just south of here. Did we look at the possibility of placing a dog park in franklin park?

>> That's always a possibility for us to take a look at that. For that neighborhood itself. This one in particular we were looking at a more regional type of attraction.

>> Riley: What is the zoning on that tract?

>> It's li today.

>> Is a park a permitted use in li zoning?

>> We would

-- we would have to come back with a plan amendment and a rezoning for this piece of property as we move forward with development.

>> Riley: Is that a no?

[04:43:00]

>> No -- that would be a no.

>> Riley: So we would not be able to use this as a park currently?

>> Today, right, we would come back with a zoning

--

>> Riley: Rezoning process is typically a decision-making process. When we go through that process, having already dedicated it as parkland, won't the decision already be made? I mean, it's very difficult once land is dedicated as parkland, the only way that can be undone is by vote of the citizens of Austin; isn't that correct?

>> That's correct. It would be used

-- it would be used as a park

-- I mean, it would be in our inventory for a park once it gets dedicated.

>> Riley: But if for instance we were

-- if we decided for some reason, as a rezoning process, suppose we were to decide not to allow that, then it would just

-- what would happen then? It would be dedicated parkland, cannot be used for anything else and yet that use wouldn't be allowed.

>> That's correct.

>> Riley: So why wouldn't we do the zoning process prior to our

-- or at the same time as dedicating it as parkland?

>> Actually, you know, we could come back and do the rezoning and the plan amendment. One of the reasons behind this is that in applying for zoning, we wanted to be the managers of the property, so we could work with the planning commission on SPECIFIC COs OR Conditions, and we wanted to really be the managers of that property. So that's one of the reasons why we would come to the council today to have that authority to do that.

>> Riley: Has this been presented to the parks board?

>> No, sir, we've

-- we've talked about

-- we're looking at possibilities near Mabel Davis for future off-leash areas but not this piece of property.

>> That has been the subject of

-- I suspect the parks board would be interested in it. I did speak with my own parks board appointee and he said, yes, they're very interested in this issue and would be

-- would love to have the opportunity to discuss this acquisition, which, as I've noted, would be a permanent acquisition. I mean

-- well, not an

-- once it's dedicated as parkland, it is done. It is
-- it is not only expenditure of \$225,000, but it is an ongoing commitment to maintain that as a parkland, and obviously as you mentioned there would be additional costs in the event that we wanted to acquire additional lands to the south to allow access from those neighborhoods. So with all that said, council, I would move that we ask that it be
-- that we postpone this item and ask that it be presented to the parks board before it comes back to us.

[04:45:49]

>> Cole: I'll second that motion. I'll ask mr.-- Council member riley, if he saw that mr. Guernsey was standing up here. I don't know if you had questions or comments. Did you have a comment, mr. Guernsey? Okay. I'll second that motion. Any further comments? Council

-- spelman?

>> I'm unfamiliar with the legalities of that, but we'd be authorizing the conversion to parkland of this property. Authorizing a conversion does not necessarily mean it is going to be converted. I presume that the conversion would actually require some work on your part; is that right?

>> That's correct.

>> Spelman: Would it be possible for us to authorize the conversion through some action now but the conversion actually not take place until we know we can get the zoning for it? Would that give you a measure of certainty that we're okay with the idea provided that you can actually get the zoning and the zoning is going to be a separate key that has to be turned?

>> That would be really, really helpful, yes.

>> Spelman: In what ways would that be helpful rather than just waiting till we've actually got the zoning in place?

>> As we move forward to the planning commission and discussions with the parks board, we could
-- we could at least say that we have the endorsement of the council for us to be looking at an off-leash park on this piece of property, and that we would be going back to the council with a rezoning and more specifics on what

-- what the park could look like.

>> Spelman: Okay. I'm personally okay with giving you that kind of endorsement so long as it is not a final endorsement, that therefore there will be an off leash area at this location, without any further action on your part, without anything in particular to make it accessible, without having to drive around robin hood's barn to get there. Thanks.

[04:47:52]

>> Cole: Council member riley?

>> Riley: My only response, if I may, is that dedicating this tract as parkland is a major policy decision that will affect the citizens of austin permanently. I think that is a significant position that this council needs to make, and when we give that authorization it ought to be we want to dedicate it as parkland. And I think it would be valuable to go through some additional process before we take that step since this is a significant change from prior planning. If you look at the future land use map for this area it

shows this

-- this tract and all the surrounding tracts in purple, indicating industrial use. And to up and just dedicate that as parkland without having gone through a plan amendment process or even a discussion at the parks board seems a little premature at this point.

>> Cole: Any further comments? Council member riley has made a motion to postpone item no.31 and I have seconded that motion. Council member toaf office has a comment

-- tovo has a comment.

>> Tovo: I actually have a couple additional questions. I just want to make sure that I'm recollecting the situation properly. There was a move to create off leash in mabel davis park and it was very controversial. We had lots of feedback from community members who were very concerned about that use in the site. And as I recall they actually suggested to the park

-- to pard that they seek out some additional sites and offered some suggestions about where they might be. Was this one that they actually identified?

>> Yes, council member. This was

-- this was one that was brought to our attention.

>> Tovo: So in my mind I think this is a very good example of the way in which we work really collaboratively with the community. There was a concern about putting a dog park in mabel davis park. They proactively looked for a site to suggest to pard and pard has moved forward with making that happen. So I

-- I'll support the postponement, but I would just say that I really appreciate pard's work on this. I think this is really a success story in trying to create the use that we know many dog owners in the city want to have

-- they want to have access to off-leash dog areas. You've accommodated the community's desires to identify another site, and I'm reluctant to see this drag on much, much longer. I think one of my first meetings when I got on council in july 2011 was about the mabel davis dog park, so we have lots of process around the mabel davis dog park idea, and it would be nice to be moving forward with this option. What is

-- what would be a timeline that would be practical for the zoning

-- when

-- if we postpone it here today and wait for the zoning process, I wonder if one of our planning staff could tell us what we'd be looking at as our best-case scenario, knowing that lots of people in our community would like to have access to that off-leash dog area.

[04:50:56]

>> Well, if a case was I guess initiated by austin resource recovery could initiate the case, pard could be the agent and go through our process. Probably looking at about three months before it would actually get back before the council, after doing notice and going to commission. We'd probably also want to bring a form amendment at the same time so they would be brought in tandem, so the community, the commission and council would have the benefit of reviewing both the neighborhood plan amendment and change to the future land use map and the

--

>> council can initiate a zoning change as well, right?

>> Yes.

>> Can we initiate that with action here today? We're not posted for that, apparently. Does it speed up at all if council initiates the action?

>> We could actually work with austin resource recovery and pard and they could initiate the case by filing an application before your next meeting.

>> Great. And then once

-- assuming

-- well, if the council approves the zoning change, what would

-- what is the timeline from that

-- from that point forward in actually getting that off-leash dog

-- in getting that park redeveloped and open?

>> Realistically, council, I'm looking at about a year from now that we could get the design going for construction to happen, and so I would say within a year we could have this park open.

>> Tovo: So one year post all decision-making processes?

>> Certainly.

>> Tovo: Well, thank you. I appreciate the planning staff willingness to work to move forward with the zoning case as soon as possible. Again, this has been a long

-- a long need in the community and I'd like to see us moving forward on it as soon as possible. And thanks again for the creativity and working so closely with the community.

>> Cole: Council member riley?

>> Riley: I also want to add another note of thanks to staff for all their hard work in identifying good park locations. And I totally understand the difficulties of placing a dog park in a neighborhood. We've seen some real anxiety in some locations. But one reason why some of the dog parks that we do have have been so treasured is that they are visible and convenient and readily accessible. I know for instance over here at auditorium shores I've heard from many folks who enjoy walking to the dog park with their dogs. This particular dog park is in a location where it's unlikely that you would see anybody walking there. It would be a couple miles from

-- in an area with no sidewalks, and so I hope that as we continue our effort to identify additional dog park areas, we're not going to be

-- we're not going to be seeing a pattern of

-- seeing a pattern where they're in an industrial area where everybody has to drive for miles to get there. In addition to thanking you, I'd like to challenge staff to continuing trying to identify places within neighborhoods where

-- where you could have a true neighborhood park that is convenient, accessible, a place where families could walk together to get to the park, including with their dogs on occasion, and that really ought to be the kind of vision

-- we ought to maintain that vision and I hope we're not giving up on that idea and just expecting everybody to drive to an area when they want to take their dog to the park.

[04:54:27]

>> Council member morrison?

>> Morrison: Thank you. Council member tovo did a good job about the processes we've been through.

A couple things I want to mention

-- and I appreciate the staff and parks working with the folks that were really looking for options, and a couple things I want to mention. One is I fully support, you know, being able to have the broader conversation about this, whether this is the right place, but I also want to reflect on the fact that the process before, when there were folks that didn't like the idea

-- didn't think that mabel davis was appropriate, they came to the table and brought options. And so we need to have people working with the park staff bringing options. So I hope that if there are folks that don't think this is the right place, that they will, you know, step out and find some of those options too for all of us to consider. And because

-- and I guess I do support the broader discussion about whether this is the right place, because while we did have members of the community that didn't think mabel davis was the right place involved in this, that's not the whole community. And so I think it makes sense to open it up but to try and move it forward as quickly as possible, of course. So thanks for your work on this.

>> Thank you.

>> Cole: Again, I want to echo the work you've done thus far. I am supporting the motion because I do think the conversation would be well-served to be at the parks board with the broader discussion of the community and not just the interested stakeholders but also with the consideration of the policy implications that you've heard here today. We have a motion and a second. All those in favor say aye.

>> Aye.

>> Cole: Aye those opposed say no. That motion passes on a vote of 6-0. Now we will go to our morning briefings, item no. 71, a briefing on the social service request for application process.

>> Mayor pro tem, city council members. Bert lumbreras, community services. Staff is preparing

-- what they'll be discussing with you this morning is the social services request for applications process. As you recall, we've got the process coming up this fall, and what staff will be talking about today is to provide an update on the established structure for the rfa. If you recall, we just recently, some meetings back, I think it was at the last council meeting, we provided an update about the framework and the timeline for the process. What we're going to be talking about this morning is the structure for the rfa, including a dialogue about the funding and where the areas of

-- categories are going to be competing within that continuum, in addition to the life goals, the funding options that will be discussed, and then staff will have some recommendations for you to think about, and also give you some feedback that we received from our public health & human services subcommittee members, which, you know, the members are here as well. So with that I'm going to turn it over to staff and turn it over specifically to mr. Carlos rivera, our director of health & human services, and then stephanie hayden, our assistant director has been doing the bulk of the work and a fabulous job, will be presenting as well. Carlos?

[04:57:44]

>> Good morning, carlos rivera, director of health & human services. See if I can get this thing. We've reviewed a number of plans and also engaged with a number of partners in order to arrive where we are

today and I want to give special thanks to ken, early childhood members, st. David's, one voice ready by '21. Travis county davis and united way, they've been instrumental in helping us shape the rfa to what you see today. For this process we have

-- I'm sorry, I'm Steve Nif Hayden, assistant director, health & human services. Stephanie Hayden. For this process we work with the public health & human services to come up with the established structure, so currently this is going to be an rfa. The anti-lobbying ordinance won't be in effect. The contract standards, we will have a minimum of a \$50,000 proposal from the applicants. The page limit, the specific font size. There will be an evaluation process where a tool will be used, and it's going to be a two-part process. This will be the self-sufficiency continuum, and the timeline that we provided before at our last presentation. When we looked at the funding structure, we determined that there were some areas where the funding would not be competed. Our administrative

-- administration and planning dollars include agencies such as Echo, which provide stability for our homeless services. We have an interlocal agreement with Austin/Travis County Integral Care. Our HIV social service contracts are exempt from this process and will be competed at a later date and time. Our homeless services at The Arch, we just did a process for that. There are some matching funds for direct child care and child care quality. And those funds are matching funds that we partner with Travis County as well as Workforce Commission for those child care slots, and a permanent supportive housing dollars, our sickle cell contracts, which are public health contracts and those are dollars from the county. And our women and children's shelter due to our burn project that's well under way. So as a part of this conversation there is going to be an economic development process as well, so there's about \$9 million that's not going to be competed. Our economic development process will basically take shape and we will release an rfa for that in May of this year. And so we are in the process of working with the economic development staff members as well as we've met with chambers and nonprofits to develop the scope of work, and we're going to present that information to the subcommittee in February.

[05:01:17]

>> So this particular -- this particular phase being called the self-sufficiency and life continuum rfa, it's a follow-up to our rfa that was released three and a half years ago, and certainly a lot of progress was made through that process and we want to make sure that we don't lose any of that progress, especially around the area of self-sufficiency and basic needs. So what we've done is combined the elements of the original RFP, again, which was based on basic needs, into this life continuum framework, and we believe that we've covered not only what's been invested

-- the core investments that we've made in the past, but we also have allowed ourselves opportunities for future key investments.

>> So the

-- so the categories for the competition will be early childhood, youth development, adult and family stability, and senior/persons with disabilities. We're looking at competing \$13 million for this process. The next few slides will cover

-- go into the actual life continuum goals. These goals have been developed with our community partners, including One Voice, and basically if you look at the early childhood goal, those goals have been developed and pulled from the school readiness action plan. And so with each of these goals we've

looked at community plans, which have been approved, and worked with those various groups in order to pull these goals and put these goals together. For youth development, ready by '21 coalition has some performance measures

-- performance measures, and so we've worked with that

-- with them to address the youth development area. With adult and family stability, because it's such a diverse area, it includes a vast amount of things, as you can see. It's safe and affordable housing, emergency shelter, adequate health care, education, training, public benefits. So that area has a focus of self-sufficiency. So we've worked with several partners to come up with this goal, and then our seniors and persons with disabilities, working with the staff as well as community members who were on the mayor's task force on aging, and then persons with disabilities to develop this goal.

[05:03:57]

>> We created two funding options. The first funding option is pretty straightforward. We take the money that's invested in these core areas and leave it as is, compete it out but leave it within those categories, the categories being early childhood, youth development, adults and family stability and seniors and people with disabilities. The second option would be to use 80% of the funding within the categories, leave 80% in there and leave the remaining 20% flexible to cover needs as seen by the city.

>> The rfa process will be a two-part process. There will be a prequalification process where all agencies' information is reviewed. We are going to ensure that all agencies are able to have a contract with the city of austin and meet all contract compliance and purchasing laws. And in addition to that we're going -- we currently have an administrative and fiscal review documentation, which looks at the infrastructure of the organization as well as their demonstrated experience to ensure that the agencies are qualified to have a contract with the city.

>> We have two scoring options for your consideration, scoring a is a scoring system in which we rank in each category straight scoring. We evaluate the application, give it a number score, and they will be connected to the self-sufficiency goals, and I believe the total score

-- maximum score is 60? For that goal. With a total score for the process is 100 points. It's on a 100 point scale.

>> And it's been recommended that we also have some qualitative backup, some notes regarding the capacity of the agencies to support the score that's been given. Option b is a check system in which each category

-- if the agency were eligible or meets the baseline criteria, they would receive a check, and in the background there would be some scoring available should the city council desire to see those. And again, this proposal is connected to the self-sufficiency goals.

[05:06:39]

>> The next slide just goes into what the scoring tool would cover for both parts of this process. Part 1 would be the connection to the goals. So during this part the applicant would need to describe their program and talk about the implementation of that program. If the program is the best practice or a promising practice or evidence-based practice. At this time during this section we will be looking at their

performance measures as well as their connection to the goals that we have presented earlier and the connection to all of the plans that are in the

-- in the rfa, as well as looking at their connection to imagine austin. Part 2 would be the cost-effectiveness. We will be looking at the cost per client, trying to determine if the implementation of the program, you know, will have a return on investment, whether it's a social impact, as well as a fiscal impact. And we want to make sure that the services are reasonable and necessary.

>> Our next steps, we would like to release the rfa february 25, 2014. Complete the evaluation of proposals by june of this year. Extend current contracts from october 1, 2014 to september 30, 2015, which would make the new contracts awardable on october 2015. And present hhds/phhs recommendations to council, obtain authorization to negotiate and execute contracts in october. And that concludes our presentation. We'll take any questions.

>> Cole: Thank you for this work. I know that there has always been some

-- a lot of discussion about the social service request for application process. So thank you for laying this out for us. Questions, colleagues? Councilman morrison?

[05:08:48]

>> Morrison: Thanks, guys. I have a

-- we've heard this several times and talked about it a lot in health & human services so I appreciate your working with us. Right now I'm feeling a little confused, even though I thought I understood everything earlier this week. So if we could look at slide no.13, because really you all need some direction, which we're not posted for today on scoring, and also sort of an embracing of the idea of looking at both life continuum and self-sufficiency continuum. Life continuum would be new, as a way to categorize

-- way to categorize things, self-sufficiency is what we did before. And I think for people that are looking at the slides, sort of the layout of that, those differences on slide 6. You can see the self-sufficiency down the vertical and that safety net, transition out of poverty, and then life continuum is the ones across the top. So I got a little confused, and maybe I just didn't notice this last time, on slide no.13, or maybe it's new. Now I'm making you jump back and forth. Option a says, going system and rank in each category, connection to self-sufficiency goals could be up to 60 points. But there's a total of a hundred, so where did the other 40 come from?

>> So it's going to be 100 point scale, and what we did was this was just an example. So we just listed up a portion of it. So basically connection to self-sufficiency goals would be your 60%, but then

-- 60 points, but then the other 40 points would be

-- would be spread out over the other areas that we will be evaluating. So, for example, if you take a look at slide no.14, how it just takes you into

-- and this is high-level as well and it's not comprehensive. And so basically what staff would be doing is, is that part 1 would be 60 points, and then part 2 would be your other part of the points.

[05:11:03]

>> Morrison: Okay, that's what I was missing.

>> Yes.

>> Morrison: Those others. Okay, and then where does the life continuum come in?

>> The life continuum actually comes in throughout the process, because it basically overlaps. So if we go back and look at the slide where it kind of shows how everything overlaps. So I'll give you an example, and then

--

>> morrison: That would be slide 6, you're talking about that matrix?

>> Yes, the matrix.

>> Morrison: Okay.

>> So say if an applicant would like to put a proposal in for safety net and infrastructure services, and the target population is going to be adults and families, and, you know, focusing in on adult and family stability, but they also want to pick up something with early childhood, because they want to see it across the continuum. So that applicant could proposal that they're going to provide a service that might be workforce development for the parents, and then it could be child care for the child.

>> Morrison: Right.

>> And so in that application, the individual would talk about the demonstrated need in the community, and basically lay their case out and show how they would implement this program that would be workforce development and early childhood. And so that's where the proposal will pull all of that information together.

>> Morrison: Right. And one of the things that we wanted to make sure of is that we don't leave holes in the life continuum this time around, which is sort of what happened last time. So how

-- if we don't score

-- if our scoring reflects that, which may well be appropriate, and we just get a list of programs ranked by score, highest to lowest, is there anything in the scoring, then, that will keep us from having a hole in the life continuum? My guess is no, but that's our job to analyze it and move things around afterwards.

[05:13:14]

>> Yeah, well, the 80/20 setup allows us to take 20% of the funding and allocate it where it's most needed, so that would be one way of addressing that need.

>> Morrison: And would that come with a recommendation from staff, I presume?

>> Yes.

>> Morrison: Okay. Okay. So you'll be taking that 20

-- so you'll basically be taking maybe the top scoring, using up the 80%, and filling in that matrix?

>> Yes.

>> Morrison: And then you'll see where the holes are where we don't have very much

--

>> yeah, an example of it would be during the last rfp process, we ended up divesting in early childhood services. It was unintentional. This new system would allow us to see that we didn't put enough funding in that and we would still have 20% of the funding available to plug that gap.

>> Morrison: And that will come with staff recommendations?

>> Yes.

>> Morrison: It's also possible that if we just take the top scoring and end up with
-- and using up 80% of the funds, I mean, just in the extreme, it could be that
-- and I know this won't happen but I'm just making a point
-- they could all end up in only one block there, in which case we'd have
-- right? Because there's nothing we're doing that says they have to be spread out, based on our scoring.
So there has to be even
-- there has to be more flexibility than just filling in with the 20%, because we might need to level it out.
>> Cole: Yeah, the way we envisioned the 80% working, it would be 80% in each category, each life
continuum category, not 80% across all of them. So 80% of the funding would be available for early
childhood, 80% at youth development, 80% at adult and family stability and 80% in adult
--
>> 80% of what?
>> Of the prior investment.
>> Morrison: Gotcha. Okay, I think that's an important point. So we're going to basically start where we
are today
--

[05:15:18]

>> yes.
>> Morrison: Based on the life continuum categories.
>> Yes.
>> Morrison: Okay.
>> So we don't lose the progress we've made, which has been a priority of council.
>> Morrison: Okay. Great. And that assumes
-- and your two
-- so that all makes a lot more sense with the bigger picture there. I appreciate it. And that assumes
option 1. What would it look like if it was option b
-- I mean, option a
-- what would it look like if it was option b? You're still scoring them. How do you
-- how would staff
-- what would it look like in terms of what staff would bring us?
>> So if we
-- if we were to go with option b, the major difference between option a and option b would be the top
sheet that council receives
-- if you recall with the last process, we provided a staff recommendation, and it included all of the
scores from the agencies, the agency name, the amount the agency was requested, and the amount
staff was recommending, and that had the scores, from the highest score to the lowest score. So this
particular
-- the difference between this process, because it would still have numerical backing, but the top sheet
that you receive will have a check instead of a number score.
>> Morrison: All right.

>> So that's the difference between these two options.

>> Morrison: And I guess two important points here are, one, one voice who has been at the table with you all working really hard has sent us a letter, and I'm sure you saw it, asking us to go with option a.

>> Yes, ma'am.

>> Morrison: And the second point is we're doing an rfa, so the staff recommendation can be adjusted, modified per council as we wish. It doesn't

-- it's not a hard-core procurement in terms of, well, this one scored higher than this one, so we have to go with that. So we have much more flexibility than we did last time around. So we'll be able to massage it as we see fit, if the

-- if sort of the numbers and the

-- you know, the mechanics of it get us a little out of whack, we'll be able to massage it, which I think is very important. And last question, if we're using 60 points for connection to self-sufficiency, last time around we had a

-- a system that gave you a whole bunch more appoints if you were connected to two

-- points if you were connected to two, and essentially pretty much put any program that only focused on one category out of the running, and there's much to be said for addressing many elements. I'm not saying anything against that. Are you expecting that that would happen again this time?

[05:18:17]

>> No, we're not expecting that to happen, because the difference between that process and this process is we did at the life continuum, and we've been able to pick up all populations. In addition, this connection to self-sufficiency is the overall title of the rfa, whereas with that one, safety net was given additional points.

>> Morrison: Got it.

>> So we're not giving additional points for a category called self-sufficiency. The rfa itself is the self-sufficiency life continuum rfa. So we're not pulling out those safety net, problem prevention, giving additional points.

>> Morrison: Got it. So we've spoken about this so many times, and I'm still getting informed, and I think things are just getting, you know, maybe a little more concrete. So I appreciate that, and I know we have one question at the end of our health & human services, because we haven't been posted for or taken any kind of action on a formal recommendation. And I don't know if our chair

-- the chair of health & human services has thought about that? But I'm just wondering your thoughts on the matter. Would this come for formal action to the council to sort of adopt this approach or you're just letting us know this is what you're doing and taking input?

>> Council member morrison, bert lumbreras. As staff we would prefer

-- because we're

-- staff I think is very clear about the recommendations. We really do recommend as far as the funding allocation, the 80%, because we believe that gives us the flexibility to scan the whole process and see where we have needs. It could be 80%. It could be 120%

-- if you see a 120% need in some area you may need to move the money around. The other one is on scoring options, when it comes down to it, you know, the ranking by numerical order really is the best fit

in terms of truly identifying where the organizations really have, you know, put their best foot forward in terms of the recommendations. So that's what we recommend. We certainly would be willing to go back to the public health & human services subcommittee. My concern with that as the city manager is the timing of this. We really are on a timeline here where we want to bring these recommendations to you in the fall to go ahead and give that one-year notice that we believe from the feedback we've gotten from the organizations, it's invaluable. The ones that are going to get funded, they know. The ones that are not, they can look for other options and other alternatives, and this gives them plenty of time to work through that. So that's what staff was recommending. I think some other follow-up, you know, if the council is good with that, we can follow up with the public health & human services subcommittee, but for the subject of this, those are two solid recommendations we made and we're comfortable moving forward.

[05:21:19]

>> And you're recommending option a at this point?

>> Yes.

>> Morrison: Okay. Good. And just to let you know I'm comfortable with it. I know there have been a lot of adjustments through our conversations and it's evolved and I'm not in any way really asking for anything more. I think that it's been a really good process for trying to evolve our process and make it more sophisticated and address more. So just to let you know, I'm good with all of it.

>> Cole: Council member spelman?

>> Spelman: Thank you, mayor pro tem. Like council member morrison, I both understand the process better now than I did a few minutes ago and am very much happier with this process than the ones we have used in the past. I think we were very much lacking in flexibility in the last few years and getting that flexibility to make equitable decisions is something we've desperately needed and I think will be very valuable to our citizens. I have a couple more questions along the same lines as council member morrison was asking. On 7, you have taken \$13 million and divvied it up among five categories -- four categories. This seems like a not unreasonable way of dividing up the numbers, but I wonder if you could tell me just a little bit more about why early childhood gets 1.2, youth development 2.3 and so on. What was it you were trying to accomplish by putting the money in each of these categories in this way?

>> Well, again, this wasn't an unintended consequence of the prior rfp. This is what we ended up with, and this is what we're trying to adjust.

>> Spelman: Okay, so this is the starting point.

>> Yes.

>> Spelman: And this is not necessarily a hard-and-fast. We're going to spend 1.2 for early childhood because we did it last year. We might end you have spending considerably more, or less. Depending what kind of proposals come through.

>> Exactly.

>> Spelman: Can I reasonably expect that we're going to spend something like 8 times as much on adult and family stability as we do on early childhood or could those ratios really move around a lot?

[05:23:22]

>> We need to -- I would say we need to make a greater investment in early childhood, not to say that the issues in adult and family stability aren't important, but we get the best bang out of our dollars when we invest in children and families.

>> Spelman: Sir, you took the words right out of my mouth. Thank you. So basically, when we looked at the proposals last year, this is how they sorted themselves out. Going forward you have a suspicion we're going to have to spend a little bit more in some categories than we have in the past, and you will be looking for good proposals in, for example, early childhood because it's such an important need.

>> Absolutely.

>> Wonderful. I feel much better. Like council member morrison, I'm much more comfortable with 80% in option 2, and I believe, bert, I heard you say a few minutes ago, that 80% is just a rough cut, and the actual number may be a little lower or a little bit higher. The basic idea here is most of the money would be allocated on the basis of

-- allocated on the basis of some scoring mechanism but you'll hold some back and exactly how much you hold back is contingent on how the course scores are.

>> I think that's where the flexibility comes in. Because you have the ability to look at the applicants and look at where the demonstrated need is, which is a key component of the application, and then you could scan to see what has fallen off and what isn't surfacing up to a funding level area. And like I said, 80% may be the starting point. It could be 120% and you could pull funds from one area or another. At the end of the day, as I've said before, you're going to have way more need than what you're going to have funding. We had this happen last time when we had the 13 million. We had probably in excess of more than twice this amount in applicants. But at least you have the ability to see what you can impact within those needs.

>> We've got a lot of needs and we have a lot of very good agencies that didn't know how to use money intelligently to be able to serve those needs. I wouldn't be surprised if we ended up with two or three times as much useful proposals as we have the money to spend. But with 80% or the 120%, the understanding I'll get is we'll get a list at the end of your process that adds up to \$13.8 million. Is that right?

[05:25:44]

>> Yes. Staff will be making our recommendation about overall, so

--

>> spelman: Gotcha. The prequalification

-- I particularly like what I think is going on with the

-- the difference between the prequalification process and the scoring process, and let me read it back to you as I understand it. Correct me if I get it wrong. You get a stack of proposals. You go through each of them and you're looking for

-- you're doing the administrative and fiscal review. Are these guys capable of using our money intelligently or not? Do they have the organizational capacity, do they have the accounting systems and things like that. Yes, no, yes, no. The ones that don't we don't consider further. The ones that we do,

then we score on separate criteria on the basis not of organizational capacity. They're already passed that test

-- it's a pass fail test. All of rest of them that get through that, we're now scoring on the basis of cost-effectiveness and effectiveness. Is that right?

>> Yeah, that speaks to the prequalification process. Yes.

>> Spelman: With the prequalification, it's just an on/off switch and that's a marked difference from the way we actually do most of OUR RFPs, WHERE Organizational qualifications are actually a scoring item and you can get up to 15 or 20 or 25% of the entire 100% on the basis of just having a good team or having really good procedures. That's not going to be an issue here. It's an on/off switch.

>> So with our last process everything was included in the tool. It was just a one-part process. So we decided that it would make more sense to have the two-part process and not evaluate the proposals that do not have the ability to contract with the city.

>> Spelman: Yeah.

>> So your description of the process is correct, and then the second part of it, that is when the evaluators will look at that and then do the evaluation of the contractors that are able to have -- you know, proposals that are able to have a contract with the city.

[05:27:48]

>> Spelman: I am much happier with that process than with processes that we have -- over the usually rfp process, we'd be doing a disservice to our clients. I think this is a much better way of handling it. Let me ask you about the scoring tool. I very much appreciate your use of best practice evidence-based approaches and promising practices. Who determines what's best practice, evidence-based and promising? Is this going to be something we're going to tease out of each of the proposals or is this something we know in advance?

>> So basically our staff started doing research right after the last one ended. So between the research and attending the planning meetings and just working with community partners over the last three to four years, staff has developed the backup documentation work sheets, and within these work sheets we are going to train the evaluators and kind of bring them up to speed and ensure that they are familiar with the research that we have, which, you know, demonstrates, you know, what's the best practice, what's been noted as an evidence-based practice, what is a promising practice, and so in addition to that we have gotten feedback from our community partners on our backup documentation as well. So basically, you know, we just pulled it all in together, and that is how we have determined from the staff research and working with our community partners on the process, and the university.

>> Spelman: Okay. So based on a lot of work that's been done by a whole lot of people, we've pooled our efforts. We know what we're looking for. At least we know what is very likely to work, and what might work and is worth an investment, just to see whether it works here or not.

>> Yes.

>> Spelman: And that's all

-- is that all determined in advance? If I've got an interesting idea, which I think you missed the boat, and I think this is really evidence-based practice, I could make a pitch in my proposal. There's reason for believing this is a really good idea that just wasn't on your list before. Is this something you can

consider?

[05:30:00]

>> Absolutely. It's not exhaustive. It's not an exhaustive list, because we do know that there could be some new promising practice that, you know, we know anything about. So if an individual agency decides to pitch a particular proposal, an idea, we will evaluate it using the same criteria and ensure that that is a program that can be implemented, cost-effective and just, you know, is reasonable and makes sense.

>> While we appreciate emerging trends, we'd prefer to rely on the literature rather than anecdotes. So for all the work that we do there's tons of literature across the nation of what works and what doesn't work in our environments. So I think we have more than enough information from which to make decisions. [One moment, please, for change in captioners.] .

>> So we don't want to put that out in the public because that's going to be our evaluation, evaluators will be trained in those particular areas.

>> Okay. Well, I'm

-- I'm a non-profit agency and I'm trying to pitch an idea. I've got people, I've got capacity, I have to get through the qualification process and I'm trying to figure out the right set of

-- of services to provide. You have an idea, based on previous research, based on your work, as to what it is that's going to work. I may have a different idea. I may have the same idea. I don't know what ideas you've got. Is there any way I can have a sense for what it is that you are looking for in deciding among all of the services that may agency is capable of providing, which ones you're most looking for.

[05:32:31]

>> We are going to have a -- we're going to have some presolicitation meetings. Purchasing is going to facilitate those and we are going to have available our draft scope of work and those presolicitation meetings are next week, monday and friday. During that time we'll be able to receive feedback on our draft scope of work and incorporate that into the process. We have publicized that, you know, in a -- an assessment of various publications, like [indiscernible], but we've really got the word out on our website. Our distribution list. And so we're going to use that for additional feedback. So that's -- that's one kind of outlet where we could see that feedback. The other thing is, is before the rfa hits the streets, applicants can schedule an appointment with myself or myself or one of my staff members, if they want to talk about their proposal and kind of any ideas that they may have. We can't, you know, just go into a lot of it because we are going to go into a competitive process. But we can let them know if they are able to have a contract with the city and kind of go over the basics with them as far as the afr and everything like that. The bottom line is is that when the applicant submits their proposal, if they have shown the connection and goals and laid out their program, described how they would implement it and just kind of present their case and it's scored and if it is a new, you know, promising practice and the score is high enough, then they will be

-- we will move into negotiations with them about their request for funding. So it's not like it's a closed door. We are open.

[05:34:36]

>> Spelman: Okay. Well, let me be a little more specific to see how this would work. I'm providing youth development services. I got a wide variety of services that my people know how to provide. You look to the evidence-based practices and concluded that for kids at risk of delinquency, anger management programs are a really good idea, which is true, because you probably know better than I do. I don't know that you know that. And I'm looking at this

-- at the list of things that I could be doing, I may not hit on anger management for a whole bunch of reasons, you are looking for one and you really want somebody to provide it. Is there some way of providing me with the information that you think anger management is a really good idea, you would really like somebody to be able to do that with our clients or not?

>> We're not going to be that specific.

>> Okay.

>> We're not saying, you know, we want a person, let's take youth development. We're not saying we want a person that's going to provide anger management, leadership, out of school time programming, we're not laying out the specific service. We are

-- we are expecting the proposer in their application to lay out why they feel like this is a service that should

-- that the city should pay for. Looking at the demographic information and then providing their research that they have conducted and they would lay that out in their proposal. Then from there, then we would evaluate.

>> Beyond that, if we had a strong application that we were very interested in, we thought would benefit our on playing, we do provide technical assistance after the fact, so we would work with that agency to make sure that they strengthen their approach where necessary.

>> And your best practices worksheets were developed after a lot of conversation with st. David's, one voice,

[05:36:37]

[indiscernible], so on. Presumably people in those agencies that I talked to in my agency all of the time because I get money from those guys, too, they are all on the same page as to what counts in best practice in their mind. So I would have people that I could talk to to get a better sense of what it is that you are looking for.

>> That's true.

>> Spelman: But we purchase a list of things that we know these are best practices, have at it, guys.

>> That's true. We haven't published a list, but the majority of the applicants have been at any one of those settings, whether they have been at one voice, whether they have been at c.A.N. Meetings, even the subcommittee meetings that c.A.N. Had, they used to have the issue area groups in the past, behavior health, they may have been in an echo meeting. There's so many planning meetings that happen that are connected to issue areas. Most likely there's been someone

-- because most of the city staff are involved in planning meeting, work on particular issue areas, so

there's a chance of most people have been in those meetings at some points or another.

>> We all talk to the same people, we're all getting the same kind of information. It's out there in the ether and I can pull it down. That's good enough, I think, thank you very much.

>> Thank you.

>> Cole: I have a quick question for you, you mentioned earlier that the anti-lobbying provisions were not in effect. I know that we've had a considerable amount of discussion about that in the past. Can you enlighten me on exactly why that is?

>> With the last process, the anti-lobbying ordinance was changed after that process. Our assistant city attorney can probably talk about that better than I can. Basically the anti-lobbying ordinance was changed. With the new anti-lobbying ordinance it specifically states that social service contracts are exempt from the process unless council chooses to invoke the process. And so the public health and human services committee decided that they did not want to invoke the process. So therefore the anti-lobbying

-- they

-- the agencies will be able to lobby councilmembers.

[05:39:00]

>> We just wanted to have the opportunity to provide as much discussion and conversation within the legal means as possible.

>> Cole: I'm assuming that's because they bring a certain level of expertise to the process that you rely upon, the social service contract providers, is that the idea?

>> Well, a few things. Unfortunately, on one occasion, one agency was disqualified because they asked us a question that was not allowed under the anti-lobbying. We would like to try to avoid that as much as possible.

>> During the last process, I'll give you the specifics, but basically during the last process one of the criterion was use of public facilities. One of the applicants reached out to one of the city departments and received a letter of support saying that they would be able to provide services at that facility. And because they did, they contacted a city partner in a specific

-- and specifically said that you couldn't contact that person. I mean, knowingly, they did it with good intentions. They just wanted to show that they had made a connection with the city department and they were going to be able to provide services in the facility. But at the end of the day, that

-- that left for them to be removed from the process.

>> Cole: I see. Any further comments, discussions, colleagues? Councilmember morrison?

>> Morrison: I also want to add that I knew with regard to anti-lobbying we had that. But we also, as some might say, had mass confusion. Because there was

-- it was unclear when somebody

-- whether somebody was

-- when they were coming in to talk to us about how important a particular program might be, what their connection to that program was. Like if they ever in any way supported it, anywhere from t to being on the board. It was very difficult. We never really got that sorted out. But it caused a lot of confusion, hopefully we'll be able to do this with a lot of integrity without the anti-lobbying.

[05:41:04]

>> Cole: Thank you. I appreciate those comments. And I do remember that there was a lot of difficulty and confusion, but I'm glad that hopefully we have instructed our staff to get a good middle ground there where we're getting the information that we need and not still standing on high ethical standards. Any further comments, discussions? Thank you for your wonderful presentations.

>> Thank you.

>> Thank you.

>> Cole: Our next briefing is on the economic development proposal with athena health. I want to make clear that council has special rules on citizen speakers for economic development agreements. Speakers can comment on the briefing and the actual item, which will be heard on JANUARY THE 30th. And if you are unable to make it on january the 30th, YOU CAN PROVIDE Written comments. So the speaker that we had earlier today that spoke as to the setting of the public HEARING FOR THE 30th, Could also have spoken now on this item. Okay. Mr. Kevin Johns. Good morning, happy new year, Kevin Johns, director of economic development. We're pleased to present a proposal from athenahealth, which we believe will anchor our life science and health care industry cluster, especially given the fact that we have a new teaching hospital and medical school coming through the pipeline. The actual presentation will be presented by Natalie Benson, of our office, we have staff here to answer any questions that you may have. A.T.S.

>> Good morning, Mayor Pro Tem and Council, Natalie Benson [indiscernible] economic development department. The briefing will be present the following an overview of athenahealth and the economic development matrix score

-- [reading graphic] some background on the company, hasn't was founded in 1997, originally starting as a birthing center, but the founders of the company became frustrated with the paperwork and billing systems involved in running a medical practice and started looking for a solution to that. So athenahealth as we know it came to be today a publicly traded leading provider of cloud based health services including health records, care coordination, patient communication, medical billing and practice management, analytics cool for health care networks and other cloud based intelligence tools. One the mobile application called bugs and drugs that provides to clinicians timely bacterial resistance data. According to the company the average family practice increases their bottom line by about \$40,000 by using one of athenahealth's tools, their patient communication software. They currently employ 36 individuals in Austin at a location in the domain and they are considering Austin for a 607 employee expansion of their research and development functions.

[05:44:20]

[Reading graphic] although named Forbes Fastest 25, fastest growing technology company in the country. [Reading graphic] we used two criteria and analysis tools for analyzing these projects. The first is the economic development matrix. That uses five categories of criteria to score companies -- the five categories are overall economic and fiscal impact, linkages to the local economy, infrastructure impact, character of jobs and labor force practices and quality of life and cultural vitality.

We also want this project through the webloci fiscal analysis tool. This company scored 90 out of 100 on our economic development matrix. That score reflects the facts that the company will be investing 7.75 million in business and personal property. [Reading graphic]

>> it also reflects that they will be locating

-- if they choose to locate in austin at the seaholm redevelopment in the central business district. Plan to higher 90% of their new employees locally. They also have several corporate citizenship initiatives.

[05:46:36]

[Reading graphic]

>> this next slide shows the project's location and it's connectivity to alternative forms of transportation. The ping thumb tack in the center of the map shows the project location and green lines represent bicycle infrastructure. The close location to lady bird lake obviously provides very good pedestrian and bike infrastructure connectivity. They also are within a half mile walk of 14 different bus routes, a metro rapid stop will be installed later this year in front of the adjacent property which is the green water treatment plant and project connect proposes a connection to urban rail and lone star rail later at sea comb. A summary of the web loci fiscal impact shows the following. [Reading graphic] the contractual obligations that athenahealth will be required to perform under this contract are listed on this next slide. [Reading graphic] the city under this proposed agreement would be required to provide a 10-year performance based economic development grant on an annual basis. Again the estimated total value of this grant is \$679,500 but the city is not obligated to make a grant payment for any year that the city determined that the company has failed to meet one of their obligations or conditions. The next step for this project, on the consent agenda, was setting the public hearing for january 30th. We are currently taking online comments at our website, those will be provided to the city council ON JANUARY 27th. And then lastly, a council public hearing will be conducted and a council vote ON JANUARY 30th. So that concludes the presentation. As kevin said, we do have staff here available to answer questions after any public comments are made, we also have a representative from the company and a representative from seaholm power as the developer of the plant.

[05:49:35]

>> Currently, council, we do not have any citizens signed up to speak on this item. So we can go ahead and begin our questioning. We will break at 12:00 for citizens communication. But then we will take this item up again if we're not completed with it before we go into executive session. Councilmember spelman? .

>> Somebody has got to be first, may as well be me. We are

-- had we used the old scoring criteria, instead of the new, which of course we don't have to do, had we done that would you come up with any important differences between how you came out and how they would have?

>> We haven't scored this according to the new matrix. As I understand the new policy, we would not be able to offer the \$250 incentive because our cap under the new policy is \$200 per job. So that's one difference that I know would be the case.

>> Spelman: Okay. So this is a little richer than it would otherwise be under our current policy. Are there any other standards that you know of which were established by our

-- by the council a few months ago, which these guys are not able to meet.

>> The three minimum requirements that were established that they are meeting are the

-- that they are providing health insurance benefits to their employees, that they are extending benefits to domestic partners and they are paying all of their employees at least \$11 an hour, the other requirements were not included in this contract.

>> They are not building a building. So the prevailing wage requirement that we established a few weeks ago would not apply in any case.

>> I

-- I'm not sure about that actually. I believe any construction funded by the firm would be required to meet any construction under the new policy.

>> Spelman: Okay. Who would be funding reconstruction of the seaholm power plant? Would that be done by the firm or done by somebody else? The landlord would be us, I assume.

[05:51:44]

>> Sure, rodney gonzalez, it's a mutual funding because the developer, john risotto has an allowance in his budget that would be used for this. But as well the company would have some tenant allowance, or tenant improvements of their own.

>> Spelman: Okay. If this were done under current criteria, then their portion at least of the tenant improvements would have to be under prevailing wage regime.

>> Yes.

>> Okay. Do we have any similar restrictions with mr. Rositto? Do we have any similar restrictions on prevailing wage with mr. Rositto.

>> No. Seaholm master plan agreement was approved in 2008 well before the council changes with regard to prevailing wage.

>> Let me also ask the jimmy [indiscernible] question. The company doesn't have a policy of providing all benefits to same sex couples. Do they also have an anti-discrimination policy on the basis of sexual orientation and gender identification?

>> We spoke with the company about jimmy flannigan's question which is a very good question. The company is prepared to make a statement. We have dan haley here from athenahealth and he can best speak to their company policy with regard to non-discrimination.

>> Spelman: Thanks, rodney.

>> Good morning, council, thank you for having me, I'm dan haley from athenahealth, I've had the pleasure of meeting you over the last couple of days, we spoke with jimmy, mr. Flannigan two days ago. His concern is from the specific wording of our company policy that says we will not discriminate on the basis of any legally protected status under state or federal law. His concern is that

--

>> Spelman: You're not in massachusetts anymore.

>> Under texas laws they are not protected. The wording I talked with our internal compliance department and with our

-- with our employment law specialist internally, the wording was intended, perhaps that's not quite as clear as it could be, to

-- to hold the company's internal policy to the standard of the most restrictive or most

-- most restrictive is the wrong word. The highest standard of any state that we do business in. We are a massachusetts based company and I think everyone is aware massachusetts sets the standard on these issues for the nation. So our internal policy across all of our jurisdictions and all of our employees is the

-- to comply with the standards of massachusetts and little we have a facility in california which also is very specific, very high standard on these issues. So we hold ourselves and our policies then to reflect that we hold ourselves to those standards across all of our geographies, including texas and that would obviously apply to any new employees in texas. But I've spoken with mr. Flannigan and talked to him a little bit via email yesterday about possibly changing the wording of our corporate policy to make sure that in the future there's no such confusion.

[05:54:51]

>> Spelman: Okay. Well, one benefit of writing it the way that you did is standards change as they have several times over the last 17 years.

>> That's right.

>> Spelman: Then your policies will change with those, texas as well as massachusetts and then the extremely off chance that texas becomes sufficiently advanced that our standards exceed those of massachusetts, massachusetts is going to have to follow suit.

>> That's right, yes, sir.

>> Spelman: Thank you, appreciate your help. I have got one more question, rodney. Usually when we consider an economic development agreement, we have lots more backup than we have right now. That backup available now online or will we get it sometime in the next next week. We will be thinking about the very specific analysis that comes out of the web loci program.

>> Posted last wednesday.

>> Spelman: I will go take a look for it. Thank you.

>> Cole: Councilmember morrison.

>> Morrison: Thank you guys, I appreciate everyone coming down and helping to get word out about what

-- about athenahealth and all and it does seem like a fine company. It is an exciting arena. You know, mixing the idea of health and technology with innovative solutions is definitely something that looks like a great growth area and a great fit for the city of austin. I do have concerns, you know, each time we look at one of these, we have to

-- I think everybody has to take

-- takes a look, steps back, says, you know, two things. Do we need to be doing this to really promote our economy. Is it the time to do this? And then does it match up with our values. We've had lots and lots of discussions about that recently. And there are, I would say, three things that raise concerns for me that I just want to lay out on the table for discussion and thought. The first thing is, you know, one of the things we look at and have talked about is local hiring because we want to make sure that there's jobs for people that live here. And so that's great, 90%. They are

-- they are saying that they would be looking to hire 90% locally. When I looked at that, that in fact raises a concern for me because of the dynamics that we have in our community right now. They're talking about 600 some. I looked at the non--- so for entry level, in the backup, there was a discussion about, you know, going to universities, going to job fairs so that they would be able to offer some of these jobs presumably to the folks that are graduating in our region, locally doesn't necessarily mean city of austin as I understand it. It would probably just mean the area. Which is fine. Because the point that I wanted to make is that I'm concerned about

-- about the folks that are not entry level. Because if you look at

-- I looked at the number, I

-- hopefully I added them up right. The non-entry level, which would be the university and the job fair come out to be I added just 374. If 90% of those are just roughly are hiring locally, we're talking about 336 people. We have a shortage in this town of software developers and people in the

-- people in that experience. So those 336 people, those are not unemployed people here. When I walk through where they

-- the scenario of what we might experience is that those 336 people are gainfully employed at other companies that have already established here. So I'm concerned about the effect of

-- of us having to go out

-- folks going out and, you know, plucking people for other companies, those people are going to need obviously we have a shortage, so we're going to be bringing more people in. And really it's sort of a disadvantage, I hate to use the word poaching, but I did hear a software company executive use that word, of, you know, ending up just having this sort of musical chairs thing of our software talent. So I just think that we need to keep that in mind. While it's great that the company is looking to hire locally, we don't have 336 software people that are unemployed right now. That's not a target area. And it could be an onus on companies that we already have here existing in the city of austin. Do you want to comment on that, rodney?

[05:59:16]

>> I sure do. We share every one of your concerns, councilmember. As you know, there are a finite number of graduates coming out of u.T. And the other fine institutions in austin. What alleviates some of our concern is that those 336 employees would be spread out over 10 years. So, for example, the first year athena hopes to have 29 locally ... So the hiring is anticipated to be spread out over a 10 year person. We have spoken with local institutions they understand the talent that is here, they understand on the horizon the need for engaging locally to increase that local talent here.

>> Morrison: Right. We should mention that the austin technology council and the austin

-- greater austin chamber all have efforts trying to build the tech talent that we have here that it's something that's just on the table as one of the things that's getting in the way. That's why it's so exciting to see programs that

-- that

-- where folks are looking for tech talent that maybe need a college degree or maybe not even a college degree and have very specific tech skills that are needed and a.C.C. Steps up to the plate, provides that and that way we can actually get jobs for un or under employed folks, that's a really great thing. But this

is going to be needing college degrees

--

>> absolutely. Long-term what we're trying to do, also, is encourage stem education from as early as third grade. Working with a lot of the local school districts here, working with austin energy, their regional science festival, making sure that the kids that are in third grade, not just any kid, but especially kids of color, making sure that they're educated in science, technology, energy and math. We are pursuing that for a long-term goal as well.

>> Right. And girls.

>> And girls, especially girls.

>> Girl scouts [multiple voices] yeah, looking in other areas, I know it's noon, I'm going to be quick and mention the other two concerns that I have about this. One is you know seaholm is one of the coolest buildings in this city, I agree, it is with some disappointment but facing the reality of the situation, even so we originally envisioned it as a retailer open of the public space, because of the market they asked us to change that so that office would be allowed. So we did sort of have to back off our goals and dreams because I love the idea of this community being able to be in that space because it's just inspiring. So one of the things that I find real challenging here is not only did we have to back off of that dream and vision for seaholm, but now we're being asked to subsidize that office use on top of it. And on top of the tif that we have. So it's a lot of layers of the city having to come in and support that. And I thought that we changed it to office because that's what the market supported. So I hope that the market supports the office even without

-- even without subsidies. Then lastly, this is really

-- my biggest general concern, as I mentioned, I think athenahealth is a great company, great fit for the city of austin. If we look back to the original generation of this corporation, when the city was in big trouble and really needed to be promoting bringing companies to town, we are in a different world today. And what really

-- what really stood up and caught my eye was a december 26th article from forbes, you probably saw it, you probably know what I'm going to talk about and that is they did an article on the metro areas with the most economic momentum going into 2014. Number one on that list, austin, texas. I don't see how it makes sense for us to be having to subsidize companies to come into town, at this point, when we have the most economic momentum in the city of austin

-- in the united states. So just to lay out a few concerns. I know that I'm still going to be meeting with folks with the athenahealth folks, looking forward to that. I'm looking forward to the public input. But I do think that this might be the time

-- I've supported almost all of the economic incentive deals that we have looked at, what roles they play, this may well be the time for me to draw a line in the sand.

[06:03:51]

>> Cole: Thank you, councilmember morrison. It is 12 noon. I think this is a good breaking point and we'll follow up with

-- we'll follow up this discussion with more questions after citizens communication. Our first citizen signed up to speak is nicholas lucier on water fluoridization. It doesn't matter.

>> Bonjour. [Speaking french]. I'm currently studying commercial music management at austin community college while completing my final language requirements for my degree at the university of texas. In government. With minors in business and premed. We have a tower on campus you might be familiar with. I walked by, into, through and sat upon the steps of this tower over a span of four years and still frequent it occasionally. What you all might know now is etched into that stone on the face is a phrase passed down from antiquity, ye shall know the truth, the truth shall set you free. For the solace found in not knowing, for the truth I have found has been neither liberating nor come without cost. We have another more recent motto, the school's marketing team no doubt deposited into your memory banks, what starts here changes the world. Now, unfortunately, for you, in my mind, what starts here meant my life and changes the world meant me, my life, changing the world. At least that is the pressure being applied to the subconscious of texas students. Perhaps I'm making what changes the world out to be larger than it is. Perhaps what changes the world is as simple as taking the initiative to speak out at a city council meeting. Perhaps that's what I have learned throughout all of my studies, that nothing gets done until someone does it. Potential energy is bound up until someone drops the ball. A public at rest will remain at rest until an outside force is applied. Equally harmful a tyrannical government remains out of control until an outside force is applied. Voila. I have more bad news. I met an amazing american on a boat in a fishing village in croatia at a music festival in 2009. I expressed my feelings of hopelessness, guilty as an america for the acts perpetrated by my own government, and anger at members of my family that I thought was taken advantage of for their service. She said to me something I will remember to this day, think global, act local. I for example on geo politics since high school in wichita falls, reading journals like u.S. News and world report before they sold out, foreign affairs, council on foreign relations and the economist. Continuing on through my studies at the university of texas, I know following orders and shirking personal awareness of one's actions is not a criminal defense. A philosophy that should not be left to history. I'm aware that involving an individual let alone an entire population in the scientific experiment without their knowledge or consent is a crime against humanity.

[06:07:26]

[Buzzer sounding]

>> Cole: Thank you, your time is up.

[Applause]

>> stephanie nasr.

>> Hi. Just to make sure, how much time do I have?

>> Three minutes.

>> Three minutes. All right. I might have to change this up a bit. Councilmembers, thank you guys for being here today. I feel like we've been needing to talk. Let me start by introducing myself. My name is stephanie nasr, I just completed my bachelor's degree in international business from st. Edward's university. I was drawn to st. Edward's for a number of reasons. But ultimately what I admired most about my formal education there was the emphasis on global social responsibility with a model like take on your world, st. Edward's instilled in me a sense of responsibility to not only make a positive change in the world around me, but to do so while thinking critically. So when I first heard about the artificial

fluoridization issue I reacted with a natural amount of cognitive dissonance, this is hippie water, they would never get away with doing that. Of course all of this is common legitimate skepticism. But I respected my friends and professors who were voicing their concerns about the issue so I decided to do my research. I used the st. Edward's database, I sifted through hundreds of scholarly articles, I gathered facts and information from both sides of the issue and I was attempt active to biases

-- attentive to biases, I think critically about the issue. It's a multi-faceted problem. The first thing that caught my attention is the fact that [indiscernible] percent of europe, all of japan and china ban water fluorideization. They

-- the precautionary principle states if an action or policy has a suspected risk of causing harm to the public, and the absence of scientific consensus that the action or policy is harmful, the burden of proof falls on proving that it is not harmful. So in other words the burden of proof should fall on you who are fluoridating the water. Instead here I am nevertheless presenting to you, trying to get you to please stop fluoridating our water. In 2010 there was a report by environmental science and policy journal, they published a cost benefit analysis comparing fluoridating agents. In this scientific journal, they said that hydro flouric acid, that is put into our water, that we pay \$800,000 to put into the water. They say it contains significant amounts of arsenic, as well as causes lead to leech from our piping system into the water. They then reminded us that the epa safe drinking water standards for arsenic and lead are in fact zero. I'll let that sink in. We have arsenic and lead in our water and we are weighing to put it

-- paying to put it there. At first I was torn in deciding how much research to present to you guys today

[06:10:47]

[buzzer sounding] but I don't want to insult you. I know the extent of your knowledge through this. I have watched the presentations presented to you. So I'm here speaking as a person rather than an expert

--

>> Cole: Your time is up, thank you.

>> Asking why you won't protect us.

[Applause]

>> thank you. Jason needham. Jason?

>> Good afternoon. My name is jason needham, I've been on fluoride therapy for 24 years. As civilization advances, we continuously prove ourselves wrong. The earth is not flat. We revolve around the sun. Witches are not real, et cetera. There are also relatively available examples of doctors and dentists advocating and promoting the use of cigarettes. You may argue that we were unaware of the negative effects of smoking, but that is not the case presently with fluoride. A growing number of evidence from doctors, taxologists, ively league schools have shown adverse hide effects, councilmember riley stated that the harvard study wasn't relatability to austin's, it does indicate fluoride levels higher than what we already have and it did show that fluoride is capable of lowering iq and to claim that the study is not relevant suggests the fact that a dosage has been documented and studied, which is impossible because fluoride comes from a multitude of sources. Including canned soup, juice from concentrate, beer, wine, seafood, gatorade, processed food, deboned beef, fluoride kills bugs instantaneously. One strip of fluoridated toothpaste contains between 1.75 and [indiscernible] grams of

fluoride. The f.D.A. Refused to accept on two different occasions ingestible fluoride supplements mandates all fluoridated toothpaste has a warning label stating if more than what is used for brushing is ingested to contact a poison control center immediately. Doctors recommend that for my body and my weight that I drink 90 ounces of water daily. That is 2.66 liters of water. Multiplied at the .8 level that we are fluoridating at, means that I consume daily from tap water alone, not including all other sources, the bare minimum of 2.08 milligrams, which I retain in my body daily 1.04 milligrams, which is roughly half. So multiply that by 365 days, so in a year from tap water alone, not including showers or dietary fluoride sources, I retain 379.6 million-grams a year. So that is the only relatively documentable amount that you can calculate.

[06:14:19]

[Buzzer sounding]. Thank you.

>> Cole: Thank you, jason.

[Applause]. Emilio chronis. Emilio chronis.

>> [Speaking in spanish]. During my time in the military, I got a unique perspective on how our military and federal government are involved in fraud, waste, abuse, and negligence. So it came as no surprise to me that our local government, state and city governments are involved in fraud, waste, abuse and negligence. Ladies and gentlemen, I'm here today to speak briefly about the artificial fluorideization of austin's municipal water supply. A few years ago, it was brought to my attention that fluoride was being added to the top water and I was outraged. Because I knew it was toxic. The back of a fluoride toothpaste bottle states: If swallowed, contact poison control center. Which raises an interesting question, who knows the safe daily dosage of fluoride? The truth is, no one really knows. However, more and more people are starting to realize, it's not safe at all. The very first people to oppose water fluoridization were biochemists, logically they knew it was toxic because they used it to poison enzymes in their laboratories.

[06:16:21]

Another question: Who is regulating the ingestion of fluoride? No one. How responsible is that? To administer a drug into a water supply and not know how much any one person is ingesting, let alone hundreds of thousands of people. Is that responsible? Earl baldwin, a member of the british house of lords stated: What physician do you know who is in his or her right mind would treat someone he does not know and has never met with a substance that's meant to do in their bodies with this advice, take as much or as little as you like, but take it for a lifetime because it may help your teeth. Unquote. Everyone has different thresholds before they start to develop fluoride toxicity and serious long-term health problems. Just to name a few: Gastrointestinal disorders, irritable bowel syndrome, weakening of bones, increasing hip and wrist fractures, skull tell and dental f their

-- [buzzer sounding] kidney disruption, disruption of the endocrine system

--

>> Cole: Thank you. Angelica noyola. Angelica noyola.

>> Good afternoon, I'm angelica noyola the vice president of the montopolis neighborhood association

and the contact team. In september of 2010 poder and the montopolis neighborhood association began holding focus group meetings with montopolis residents concerning issues and needs for the community. These preparations were made to prepare for city manager marc ott's visit to the montopolis community. On december 7th he met with the parents, residents and community leaders at alison elementary school. City manager ott visited the montopolis recreation center and agreed with residents that we needed a new recreation center. In 2011 the montopolis neighborhood association embarked on a campaign to include bond funding for a new montopolis recreation center. The austin city council approved its inclusion for the november 2012 bond election. In 2013 the montopolis neighborhood association as well as with the montopolis ponca, the vasquez fields: Poder's young scholars for justice began

[06:19:02]

[indiscernible] they would like to see at the new montopolis rec center. Numerous discussions were held in order to develop the survey. It included four categories, health and wellness, sports, educational programs and community needs. The top seven priority recommendations under each categories were placed on the survey and residents were given the opportunity to then vote for their recommendations under each category, with number one being the most important and seven being the least important. The following are the results of over 150 surveys. I would only mention the top three priorities under each category due to time. I also wanted to make sure that the communities recommendations are the one that gets implemented and not just staff recommendation. Already staff is calling the montopolis recreation center the montopolis community center. Without our input, and we have heard that they are meeting and making design decisions without us. That is not an inclusive process. We are the community

-- here are the community's recommendations, under the health and wellness you will see in pamphlets number one gym and exercise considers, two, senior lunch, three swimming. Under the sports section, you will find softball, baseball, were a tie, soccer, basketball, karate. Educational computer classes, g.E.D. Classes were number two, and reading classes was number 3. Under the community needs section, you will find that number 1 was a food pantry needed in the area. Number 2 was a need for inside and outside swimming pool. And in regards to the swimming pool being incited, it's because of our children need to learn how to swim not just during the summer but winter, and then elderly activity center so elderly can have activities outside of the home.

>> Cole: Thank you, cody huffman.

[06:21:14]

>> City council, thank you for having me. My name is cody huffman. I own a home at 7200 ladybug near the onion creek flood. I've had a special relationship with you for the past five years and now, well, we still have a special relationship. I'm asking you to complete the onion creek floodplain buyout. Five years ago, I received a DECEMBER 18th, 2008 LATER. Five years ago this past week I received an onion creek priorities map which you have in front of you from elaine berber for the onion creek buyout program. Five years ago you announced to my world that my property and all of the other properties were at risk

of flooding, were at risk of severe property loss, were at risk of loss of life. Only one person died in my neighborhood in the great flood. Edward Jackson, 72 years old, may he rest in peace. He was a minister and was swept away by the flood in the 6900 block of Onion Crossing Drive where you knew there would be flooding and only one block away from my home. You should be ashamed. I'm not going to argue whether this announcement was a police power or a taking. I don't have to. The city council was scared enough to place an encumbrance on my title, a cloud that prevented me from selling or refinancing. In fact you did the same thing to several hundred property owners who all seemed to be similarly situated. I'm not a lawyer, but I think that's called a class or class action lawsuit. I wonder what a judge or a jury would think a five year cloud is worth or better yet it would be considered a complete taking as of the date I received the first announcement from the city. I strongly urge you to get this Onion Creek buyout finished right now before any more lives are sacrificed. Thank you.

>> Cole: Thank you, Cody. I don't know if there's anyone on staff who could answer questions about the buyout program or the status of it. But if you would give my office a call, we can get that information to you.

[06:23:17]

>> Okay.

>> Tovo: If we have a staff member who could speak to it, I think it would be useful for anybody watching to understand the history of the city money allocated toward the Onion Creek funding -- Onion Creek buyout but also the extent to which we are dependent upon actions that the federal government takes to supply the rest of that money.

>> Cole: Let me caution that we aren't posted for anything but factual information at this time.

>> Thank you.

>> Kevin Shunk from the Watershed Protection Department. The status of the buyout program in the neighborhood as a whole, we've got 323 properties in the core buyout area. Soon after the Halloween flood, we

-- we announced that we were buying 116 additional properties and we're in the process of going through that process of appraisals and making offers to those properties as well. And for the remaining properties, the department is still looking at funding sources and ways where we can find money and then to prioritize and phase out buyouts for other properties in the neighborhood. So we're continuing that process and as soon as we have more answers, obviously, we'll go to the community to -- to tell them what our process is. But we've got the core buyout area, we have the 116 properties that we're working on, we're looking for other funding sources for additional buyouts beyond that.

>> Councilmember Tovo.

>> Tovo: Could you explain where the funding came from for the buyouts that happened several years ago as well as the recent buyouts? And whether we are waiting for action from the federal government?

>> The core buyout area, the 323 we have already purchased, some of that money came from bond funds. Some of it came from FEMA hazard mitigation grants that we got from FEMA and some came from drainage utility funds. The 116 buyout that we're pursuing now came from reallocation of resources within the department itself so that's

-- those are drainage utility funds. We are continuing to apply to FEMA for grants due to the disaster

declaration, there's a pot of money that opens up under the hazardous mitigation grant program. We are applying for those grants to get additional funding from fema. Shared funding from fema for additional buyouts and looking at other areas as well.

[06:25:43]

>> Go ahead.

>> Several times when this has come up at a council meeting, I know the mayor has spoken about what a high legislative priority it's been in previous years. And that we have staff from the city who have gone and spoken and met with our federal legislators to advocate for it. I wonder if there's anybody on the dais who might

-- who might just

--

>> Cole: Well, I can say for the entire time that I've been on the dais, the

-- the floodplain problem in onion creek has been a very high priority. And we've actually received federal money, substantial amounts of federal money and actually had to go back and forth lots and lots of times to actually make that

-- make that grant complete. And actually congressman doggett has really led the efforts on us having received funding that oftentimes we couldn't actually buyout fast enough. But I am not sure why this letter dated 2008 is out there and this

-- this has not occurred, but I think we probably need to discuss that specific case and look

-- look that up with

-- with mr. Huffman. In detail specifically. Councilmember martinez.

>> Martinez: Let me ask one more question. You said that after the floods in

-- in october, that we identified 1

-- we found enough funds to acquire. 116.

>> Martinez: 116. So this map, I don't know if you've seen this map, if

-- if the city clerk has a copy, it's

-- it's watershed protection map can you tell us does that cover all of this priority 1 area, how far do we get into two and three?

[06:27:47]

>> This map is essentially, it just

-- this map is the core buyout area. We have purchased almost all of the homes in priority 1, where the 323 came from. We have much purchased all in priority 2, 3, 4. The 116 is mostly made up of this priority 5 area. There

-- there was some additional ones, those red ones that are in priority 1 and some other spotty ones in 2, 3, 4, the majority of the 116 were priority 5.

>> Do you see mr. Huffman's address at 7200

--

>> ladybug.

>> Ladybug. If we bought priority 4, seems like he would have been a part of that priority 4 acquisition.

>> I can't speak exactly to why his particular property has not been purchased. It's my understanding that his property is in the 116 buyout portion.

>> Okay. If you will just follow up to make sure.

>> Cole: Please do. Next

--

>> Spelman: If you could help us with the status of the army corps of engineers program, which I think is what councilmember tovo was referring to.

>> It was a partnership between the city and the corps to do federal buyouts. The city of austin through a variety of funding sources has spent our matching money for that grant and bought the houses that we were agreeing to buy out to do that program. We have not received the core money as the match yet. To this point. But we have continued to do buyouts nonetheless. The core lobbying on behalf of the core program has been our top legislative priority for at least the last four years. And this

-- this particular buyout program was listed for most of that time, perhaps all of that as the number one priority for the army corps as a new start. However, the army corps of engineers has not received any additional money from congress to support any new starts. If they got any money from congress, we would be number 1 and we bought out twice as many of these properties as we've been able to afford to do. But since there has been no starts for the army corps of engineers for the last four years, we haven't had a chance to be able to go any further with this program. Is that an accurate statement, sir? It would be approximately twice as many properties bought out had the army corps of engineers program become available.

[06:30:21]

>> They would have been more, I'm not sure

--

>> Cole: Not sure exactly the

--

>> Spelman: Not sure exactly the amount.

>> Probably all of the core buyout area. The issue here is

-- army corps of engineers has been constrained by congress, we're the best program in the country as far as the army corps of engineers is concerned and we will be able to continue that as soon as we get it.

>> Cole: Next we have mary krenek.

>> Good afternoon, fellow citizens, my name is mary krenek, is that the

-- is that the person that you are calling? Okay.

>> Cole: It is you, mary krenek, I'm sorry.

>> That's okay.

>> So I have such a wonderful time meeting nicholas and jason. I know fluoride free austin has tried to talk to y'all about our concern with clean water. They are admirable young men. Jason is a wonderful musician. Nicholas going to u.T. These are very committed people, very committed citizens. And I was happy to become a part of their work. I have to say mike martinez and chris riley, I was really upset, did not see you all watch stephanie, or nicholas. These men spent 24 days on a hunger strike out here

because they're concerned about the quality of the water. I would admonish you two individuals for not at least giving

-- for not at least giving them three minutes of your time. I was concerned for their safety. I would advise drop a petition which we will be starting should they choose to lead it. World issues, world military issues, I think the city of Austin has the ability and the need to make opinions about those. So please look at these things that look like Ron Paul issues or conspiracy theory issues, please look at these things. I know friends that are facing issues like this and it's really hard when you've got the media going against you, you've got your politicians ignoring you, and there's a lot of people doing good work. I used to do environmental work here with S.O.S. Before they were S.O.S. We were ignored and made fun of. The favorite name of environmentalists was long hairs. If you buy [indiscernible] on the roads in Austin, you get beer bottles thrown at the back of your neck. People drive by you and say pay your taxes all kind of stuff. I think everybody here from a specific race remembers these times in their own individual basis. I know the Latin community does. So when we're talking about police abuse, we're talking about clean water, please show some respect. These are very intelligent young men. These are our future and we'll be coming back with a petition. Thank you.

[06:33:23]

>> Cole: Thank you.

[Applause]

>> Robert Murray.

>> Good afternoon, councilmembers. The only

-- I'm not used to speaking three minutes, so I will have to use some notes this time. You will remember that I've been here before. I'm going to speak to you about the climate protection plan, the need to put some teeth in it and the need to live by it and the need to make that the overarching policy guideline for the city across anything that could possibly have to do with climate. Virtually there's nothing that does not. Austin was the first city to receive the E.P.A. Organizational leadership award in response to climate change. This was announced last year. At the awards ceremony, the city manager speaking for the entire community said since 2007 the city of Austin

-- this is a quote, since 2007 the city of Austin stayed the course of strong climate action through financial downturns, budget cuts and transitions in leadership. He went on to say carbon neutrality is treated as core to Austin's mission to be the most liveable city in the country and I would add to be responsible city within the

-- within the constellation of cities around the world. I want to make a note here, carbon neutrality means that our community captures or offsets at least as much carbon each year as we emit. That's a tough standard. But it does not mean, as apparently some think, that we emit no more this year than we did last year. You see the difference? That is stabilization of carbon emission rates, but it is nowhere near carbon neutral. Right now we are currently a big carbon emitter, stabilization at that level, would just mean that we lock in being big carbon emitters. We are way over even the national standard as far as per capita carbon emissions. It's important to understand that's an easy mistake to make because it sounds like it's just, you know, wordsmithing but it really it is not. What I'm asking you to do is to add teeth to the climate protection plan. To remove ambiguities so it guides all policies and decisions.

Remember this is a community climate protection plan, not simply the municipal operations of the city of austin. We need to strengthen it so we ensure that it's interpreted as applying to all residential, commercial, industrial and transportation policies as well as water, waste management and other related strategies, but at least those all would come under that umbrella and all would be impacted and only you can do it. Only the city council can do that, can strengthen the plan and then say we will live by it. We will live by it. Currently, however, here's the relevancy to what's coming up in my favorite issue, austin's energy resource generation plan ignores the core requirement for carbon neutrality. Ignores it. And anything that I have seen mentioned is also ignored.

[06:36:41]

[Buzzer sounding] so we need to change that to live up to the reputation we earned and if we can't, let's give the trophy back.

>> Cole: Thank you. Alan roddy. Alan roddy. My allergies are bothering me today. Good afternoon, I'm alan roddy, I want to thank the city council for creating the lake austin task force. It was an important first step to discuss some of the serious problems that we have on lake austin. We brought up several of the ongoing issues that are damaging and destroying the lake, but unfortunately we didn't really solve any of the problems. Boat traffic increases each year, but texas water laws are not being enforced on lake austin, pollution from urban runoff is choking the lake. Shoreline erosion is responsible for the loss of hundreds of trees each year. Unpermitted and oversized development projects are destroying the natural beauty and the scenic vistas of the colorado river valley. Long before austin called itself the live music capitol of the world, austin called itself the river city. It's time to put the river back into the river city. If it wasn't for the colorado river, we wouldn't be here today. The state capitol wouldn't be here. U.T. Wouldn't be here. The companies that make computer chips or corn chips wouldn't be here. There's nothing more important or valuable to austin and central texas than our water supply. There is no one person, no group of people, or any commercial development that is more important than the policy river. I worked at the waller creek building for 14 years, day after day, I saw how much trash and pollution flowed down waller creek into the river. Lake austin is being turned into waller creek because of all of the urban trash that flows into it. Please don be so naive to think what is helping to the elc river in charleston west virginia can't happen to austin's water supply. The city needs to remember what happened to the colorado here in 1960. I'm sure the city's downstream of austin still remembers what happened to their water supply because of the poison that was dumped into the river. In some ways the task force is more about updating the land development code for the bureaucrats at city hall than it was for protecting the colorado river. From mansfield dam to the bastrop county line the city of austin is responsible for over 60 miles of the colorado river. Task force members were told several times that the city is not interested in creating any more boards or commissions, but if the city can create the music commission to oversee the various music issues in our city, why doesn't austin's most important asset have anyone overseeing its well-being. At the first public hearing a man from australia told us that they have a river keeper program for each of their rivers. I believe the city should create a river keeper program not only for lake austin but for the entire 60 miles of the colorado river that flows through our city. The task force learned the city doesn't have any idea how many commercial boats are using lake austin. The city doesn't have a list of the boats that are supposed to have state certificates for their

marine toilets. What happens to the full septic tanks, while landing pump station is not working? Just remember what happens on lake austin today will flow into town lake tomorrow. The biggest public safety issue for lake residents is becoming

-- the coming wildfire. The city should ensure all of the streets along lake austin have fire hydrants and water system infrastructures to provide the fire flow needed to fight the wildfire. On a personal note I have to ask you why edge water drive doesn't have the necessary fire hydrants to protect our homes.

[06:40:15]

>> Cole: Thank you.

>> Are there any questions?

>> Cole: Thank you.

>> Have a good day. Raymond weyandt. Raymond?

>> Good afternoon, councilmembers, mayor pro tem. I would like to share an image with the councilmembers.

>> Why don't you give it right here.

>> I wish that I could share that image with everybody. What you will find there is my home, waste deep in water, swallowed by a creek. That's usually dry. That's swole up in october destroying 95% of everything that my family has. Destroying everything that my neighbors have. If you guessed which creek that was, which day in october that was, it might be easy to guess it was onion creek on halloween. Unfortunately, onion creek is not the only creek during october and october 31st is not the only day during october when massive flooding destroyed over 100 structures across austin. We live on williamson creek. Our flood area was not visited by fema. When fema returned to the city, to reassess the damage, fema did not come to our neighborhood. The only government assistance that we have received is a large trash can. Which was eventually hauled away, that we could throw our belongings in as we cleaned up our property with our own hands. We had to throw out anything that was porous because the level of toxicity in the water meant those things would develop mold which can cause disease would cause death. We thought fluoride was dangerous. I'm here today to ask you to do two things. I'm asking you to go back to fema, reassess the situation, include our neighborhood, include our time period. There's precedence for this. Fema has declared disasters in texas, in 2007, 2006, and IN THE '90s, PERIODS Longer than two weeks, longer than three weeks. Areas larger than one neighborhood. I'm so happy that mr. Huff huff

-- mr. Huffman was here today to talk about onion creek. There's more than onion creek that was damaged in october. I have spoken with congressman doggett. He is pushing. I ask you to push, too, I ask you to push on the county, our local officials, our state officials and our federal officials to give more hazard mitigation funds, to get more individual funds so that folks like me and my wife and my army veteran neighbor can cover some of the costs that we had to foot out of our own pockets. There's a very slow flood insurance program that is reimbursing us, but as a student at u.T., Forking over 5,000 to \$10,000 for mitigation in the first three days you can imagine was very, very troubling. So again, I'm asking you today, I know that you have tried to get these funds from the army corps, I know that you have tried before. I know it's happened in the past in texas. That we can expand the time period and we can expand the region covered by fema's support. I know it can happen. And I know that you can play a

part in that. So I ask you to go back

[06:43:34]

[buzzer sounding] ask again, push harder, help all of us, counts all of us so we can get the funds we need to put our neighborhoods back together. Thank you so much for your time. I would love to speak with any of you further about this. If you have questions, more photos, we are a cover story in the austin american-statesman, whatever you need. Ask me, I have it for you.

>> Cole: Raymond, specifically you are asking us to expand the letter that we have written to include additional dates for williamson creek? I'm trying to make sure that I understand your ask.

>> As far as I understand the fema, please correct me if I'm wrong, fema has come out and said the onion creek area specifically related to the halloween flooding. Our flood was octo 14th. Many homes were damaged, many uninhabitable. I have been out of my home for four months, almost four months. We're representing an apartment. We're paying for that. Renting an apartment, we're paying for that. Yes, we're not included in that assessment as far as I understand, ma'am.

>> Cole: Okay, we had an individual from staff that came up earlier. You are still here. Will you come to the microphone and shed a little insight?

>> Kevin shunk. There was a flood in williamson creek on october 13th, THEN THE ONION CREEK ON OCTOBER 31st. The package comes through the homeland security emergency management department. They through otis latin there, then through pete baldwin at the county. They put that package together. I don't have all of the details on that right at the moment. But I can certainly communicate with them and ask them the status of that process.

>> Cole: Will you do that and communicate that to mr. Raymond?

>> Sure.

[06:45:35]

>> Cole: Okay. Council, that is the end of our citizens communication, before we went into citizens communication we were discussing the economic development briefing. And I believe

-- councilmember morrison had

-- has completed her questions. And staff was present at the microphone. Is there further questioning?

The plan is because we have some delay with lawyers in executive session, so go ahead and finish the briefing before we go into executive session. Go ahead, councilmember riley?

>> Riley: Do I have to go first? Just a few questions, first I want to make sure we're all on the same page and

-- in regard to the timing. Of the benefits. And that we expect to be providing to athenahealth. And exactly what

-- what conditions are attached to those benefits. When we look at

-- I appreciate staff providing

-- its timeline online. That

-- that lays that out. It's apparent based on that, each of the 10 years property tax revenues are coming out are actually greater than the amount that we will be paying out in benefits. So [indiscernible] that

sense it's cash positive. As we make those payments each year, I wanted to make sure what
-- what verification mechanism do we have to make sure that the jobs really are in place, so that we are not providing a lot of benefits that
-- that
-- for jobs that aren't actually provided. Could you just elaborate on that?
>> Yeah. Every economic development incentive agreement that we have goes through an annual performance review before any payment is made. And that is conducted by our staff and there's also a third party independent audit that takes place in both of those
-- both of those have to verify that the jobs that we're promised were created, that the wages that we're promised were paid and that the investment that
-- that was made as well as all of the other conditions of the contract were met before the pavement was made.

[06:48:00]

>> Riley: For instance in your three, at this time we are expecting that there will be 100 jobs in place, we are expecting to pay \$25,000 that year for those 100 jobs that have accumulated. But in the event that those jobs have not actually materialized, that payment will not be in that amount.
>> That's correct. Yeah. No payment is made unless the full jobs are created for that year. The
-- the company can
-- can continue in the agreement and make up the
-- up any deficit in the following years. But they would not receive payment for any year that they don't completely
-- complete their requirements.
>> Did you want to add to that is that let me add one more thing, specific in the agreement, on page 2 of the agreement. The other piece that we had, because this is a jobs based incentive is that we have the company commit to their average annual wage that they have told us. Because the computation is based on the number of jobs created but it's also based on the average annual wage. We have them commit to and we check every year that they have hit that target of average annual wage. So there are multiple things that we're checking for and if they don't meet them, then they don't get their performance incentive for that year.
>> Riley: Okay.
>> John rositto is here to answer questions specific to the power plantsite itself.
>> Riley: One of my colleagues mentioned this is a very significant building and a lot of public interest it. We have talked about maintaining some level of public access to the building even when it has
-- is occupied with the private use. So I just wanted to
-- to learn more about the what the expectation is in terms of what
-- what
-- about that public access. Will the public still be able to get into the building. What would they see if they are able to do that. And how will that be coordinated with athenahealth?

[06:50:09]

>> Thank you, councilmember. The

-- as everyone probably remembers, the mda was modified first amendment in 2012 and it clearly stated what the expectations were for public access on the [indiscernible] floor of the building. From very first meeting that we had actually with anybody interesting in the building we tell them about those expectations so they know it up front. Athena has been aware of it since they first toured the building. I'm happy to say they enthusiastically embrace that idea, corporate culture that they have is much

-- community oriented. So I

-- I have no doubt that

-- that we'll be able to meet the expectations of that amendment to the mda.

>> Riley: What would that mean for an average citizen who wants to be sure they will still be able to get into the building. What will that experience be like.

>> That hasn't been determined yet. But in the

-- but in the mda amendment, it's stated that there would be certain areas that the public would have access to come into the building and to experience the whole turn ban hall level, that was an important issue. That we may have a coffee shop there. There was a request that

-- that the

-- that the office of sustainability would have a kiosk, talking about green building. We would also do

-- do display of the history of the seaholm power plant. And then I believe the city also said they may want to put some city art into that the area that the public may want to come into. There's different ways of accomplishing that. It's really clear what the expectation is and we'll be able to do that.

>> Kevin, did you want to add to that.

>> A little color commentation. There's 7,000 square feet that's required and it includes on the ground level, at least a thousand gross square feet with view areas into the turban hall volume so that people can see the power plant property is

-- that would contain a

-- a coffee and/or juice bar or comparable type of public space. It's also a

-- space for a public restaurant, retail, other public use at least 5,000 square feet facing the plaza, containing at least a thousand square feet of public dining, retail, other use space overlooking the turban hall from the ground level or mezzanine area. The third is the ground level would include a public space of at least a thousand gross square feet as john indicated. At the main entry of the improvements to the power plant providing views to the turban hall, volume containing public art displays. Three major areas and a minimum of 7,000 square feet.

[06:53:15]

>> Related question. For you, john. The reason there's so much public interest in this building is because it's a fabulous building. That main chamber is especially impressive. Some folks have asked why would we

-- this building is such a jewel and a treasure, there's so many companies that would love to be in that kind of a setting. Why do we

-- why should we need to incentivize, provide incentives, why couldn't the private sector jump in and do

this without any public support. Could you address that?

>> Well, I'm not the person to be answering that question. I think that

-- that, you know, that's a philosophy of whether the city is going to have an incentive program or not. It's not related to this particular building.

>> Well, but there is a

-- there is a

-- there are certain challenges associated with occupying that building, I gather. Have you had private sector interests, if

-- if incentives were off the table for this building, and this were just out there for available to the public sector, with the understanding that occupying it would entail some expense that would need to be born by the tenant, do you see any challenges with that? Would there be any significant interest and would we get a tenant there without providing incentives?

>> That's a good question. We've been marketing the building for three years at this point in time, we have a very interested attempt right now that we would like to be able to respond to.

>> Riley: Different than athenahealth? You are saying you had a tenant other than athenahealth?

>> At this point in time athena is interested in this building, after trying to market for three years this is --

>> Riley: You are referring to athena now.

[06:55:18]

[Indiscernible]. To occupy it. In addition to trying to occupy, tenant will have certain needs. One is parking. That is a matter of some interest for the city. [One moment please for change in captioners]

>> have you assessed how many parking spaces we're talking about, how that will be handled?

>> The parking for the building, the parking lot for the building has been sized to exceed city standards for parking ratio for square foot of building now. Not just for this building, but also for the low rise and retail. Parking that we are providing pretty much meets or exceeds any downtown office building.

Tenants have a

-- have a right to lease a certain number of parking spaces. I think there is an expectation, a growing expectation that a high number of employees

-- of downtown buildings will be living downtown. So the demand on the parking for every employee is not hopefully is mitigated by that. We are also, I'm glad to say in a lot of really productive discussions with the car share and the bike share program, a lot of alternatives rather than one employee, a single occupancy, you know, vehicle, every day. So I think that's how most buildings downtown handle it, that's the same way we will.

>> Riley: Okay. And

-- and but I think what I hear you saying, is that those spaces will be available for lease to athenahealth and we will receive

--

[06:57:21]

>> the parking structure is open to the public as a paid parking garage.

>> Riley: Great. I will already raised the subject with representatives the athenahealth a parking policy has been a lot of discussions, city of austin and others have been looking at parking policies to make sure that we are attaching the right price to that, I know that will be an ongoing situation, I appreciate athenahealth's willingness to discuss that and I appreciate the discussion for ongoing

-- that's all that I have got for right now.

>> Tovo: I have a few questions, probably directed to different people. I have one, I'll start with the one that I have for mr. Rositto. Since you were the last up to the mic. Feel free not to answer this if is not a question that you would like to answer. But at the time that you came to council to request the amendment to the mda, I believe you had an office tenant in mind. And that was part of the reason why we contemplated a use that wasn't the preferred use for that property. Are you at liberty to say whether or not it was athenahealth or was it a different potential office tenant? Again, if it's

-- if it's

-- if your business relationships with various potential lessees would make it awkward for you to to answer that, I understand.

>> Yeah. You are asking specifically whether that particular tenant was this tenant?

>> Tovo: Yes, I'll provide the rationale for it. In trying to weigh this, one of the considerations for me is looking at the project, the seaholm project itself and at the very significant public investment we've already made and that we will continue to make. So

-- so

-- so I would like to assess how viable seaholm is to office potential

-- employers. For an office use. And so if you did have somebody in mind, when we considered that a year or so ago, and they went away for some reason, I'm trying to see whether it's a viable space, how viable of a space it is for office users.

[06:59:40]

>> I think you are touching on the

-- on the

-- on the specific nature of seaholm that makes it a challenge. A specific number of challenges that -- a specific number of companies that can, architect tall challenges, what makes it special is the open nature of it. There's only a certain sector of companies that would find that usable. And so

-- so it has been a challenge and, you know, that was

-- that was a similar challenge to the idea of

-- you know, retailers not wanting to go into buildings, the same kind of reasons. So

-- so it has been a challenge, but also is a marvelous building that

-- that people like athena has really appreciate historic buildings and kind of the character of those buildings would put up with some of the shortcomings of those buildings. So we're real pleased that

-- that, you know, we're here today, you know, with the company I think would be a great tenant for -- for them.

>> Tovo: Well, I concur, I think it's an absolutely fabulous building and I think that you probably remember we had a lot of discussions at the time before we approved the mda because I really wanted

to see a much more public use on that site and it would seem to me an extraordinary place to have retail and other kinds of uses that rely on

- on traffic from the public. And so at that time the content of our discussion was about
- about, you know, a particular tenant had stepped forward to have an office use in that site and because
- because it was a good prospect for
- for you as the developers, you know, we were asked to make that amendment. So I'm
- I guess that is really why I'm so curious to know whether it's the same tenant or a different one. But
- but I'll
- I'll leave that for now and assume that it's
- that it's an issue that you would rather not address, but thank you very much for the information. And I think my next questions are probably directed toward our staff. So these really get to some of the investments that we already have in the seaholm power plant development. If we need to ask those through the q and a process, I would be happy to do that. But the one thing that I would like to just clarify is what our lease arrangement is with the developers of seaholm. I believe it is a 99 year lease at one dollar.

[07:02:05]

>> Yes. The lease arrangement that we have

- well, the overall arrangement that we have with mr. Risotto is the two properties to the north of the power plant would be sold fee simple to mr. Risotto and the lease on the power plant itself is a 99 year lease, the lease amount is \$1 per year. Councilmember your question of mr. Risotto earlier as to whether or not this was the same tenant he was speaking about last year. Last year the amendment council approved it in june of 2012. Athenahealth filed their application with us september of this year. And I understand from the chamber, their first contact with hasn't was november of last
- athenahealth was november of last year. I don't know if that helps resolving your question, but athenahealth applied to us well before the june 2012 amendment.

>> Tovo: That is helpful, that answers another question that I had for you, which is when they applied. Just to be sure I got those dates right athenahealth filed

--

>> SEPTEMBER 6th 2013.

>> Their first contact with the chamber of commerce was the prior year, november

--

>> november 2012, I believe.

>> Tovo: And so

- so I assume that you may have had conversations with athenahealth care about some of the changes that we were in the process of making to our economic
-
- >> absolutely. Not just athenahealth but all of the companies that had been grandfathered if you will. We have mentioned
- we have made them aware of the council policy changes.

>> Tovo: Great, because those had been in discussion and in fact in draft form really for about a year.

>> Oh, yes.

>> Prior to our adoption of those this fall.

>> Yes, when council made the policy changes on october 24th of last year, we informed every one of those projects of the policy changes.

>> Tovo: Did you have a direct question? Did you ask athenahealth if they were willing to comply with the additional requirements. Sound like there are several

-- several diverges from our current policy.

>> We have certainly engaged with them in those discussions, we have asked them if they would voluntarily elect to do those changes. As natalie mentioned in their presentation what they have done with three of those mandatory requirements with the exception of prevailing wage.

[07:04:17]

>> Prevailing wage, okay. That is the one requirement where they are not in compliance but also providing more of an incentive than would be allocated or eligible under the current policy, is that the first point I think that I heard?

>> Yes, as natalie mentioned the \$250 per job incentive under the new policy we wouldn't hit that amount. Again. Given the lower threshold per job incentive that the council has put into policy.

>> Tovo: Do you have a total dollar amount? Difference?

>> No, I don't think so.

>> I believe the maximum under the new policy is \$200 per job.

>> Tovo: Thank you, I can calculate that. Then I have a suggestion and a question for the applicant, please. My suggestion was there was a question earlier about the backup materials. I think it would be useful to members of the public if the backup information which is really helpfully displayed on the city website, if we could at least provide a link from our council agenda back to those materials of people who are trying to follow the issue would know. Would be able to link from our briefing. Right to those documents or next week from the public hearing right to those documents.

>> We can certainly talk to the agenda office about providing that link.

>> I think that would be helpful. I think a lot of people who follow these know to go to the economic development agreement site. Again just for members of the public who aren't as familiar for the process that would be really helpful, thanks for looking into that.

>> Thank you.

>> Tovo: Then my question to athena, could you provide some additional description of those entry level positions, I know we addressed them a little bit earlier. Can you tell a little bit about what those positions would be and what you would be looking for in terms of qualifications and applicants.

>> This would be our [indiscernible] facility which means programmers and developers. These are the people that allow us to do what we do. Allow us to continue to be on the cutting edge of our industry. Which

-- which I can say with a straight face and without fear of

-- of learned contradiction, we are. These are the people who write our code. For lack of a better description and I can

-- and I can say to you that I have no comprehension whatsoever of what they do. Personally. What they do is

-- it's

-- it's greek to me. It's more than greek to me. But they are

-- they are very smart tech, obviously, tech savvy people. They are people we compete with in each of our

-- of our geographies, we compete with the big names that you hear all the time. We compete with the googles, with apple, with facebook. The other members of that aztec 25 on the forbes list are competing with us for these people. That's why

-- why the jobs that are created are such high quality jobs with very competitive salaries. Excellent benefits. We are

-- we provide those at that level, salary at that level of benefits because that is what the market demands for those positions. I heard the council's questions earlier about whether there are enough people to

-- I appreciated staff's response acknowledging that the rampup over time, 607 people

[07:07:54]

[indiscernible] -- going out to look for immediately. I also

-- the people at skill point that talked about that they have to not just fill the pipeline at the undergrad level, but fill the pipeline much earlier and get

-- make sure that as the future moves forward, community like austin, one of the reasons we

-- we come to community like austin is because there is a culture that produces those

-- those types of job candidates, this is a place where

-- where people involved in the tech culture want to live and want to stay, want to first be educated and then want to build their lives. So I'm sorry I might have strayed a little afield from your question. But I hope that was helpful.

>> Tovo: That was very helpful, thank you, thank you for being here today. It's been very interesting meeting with you earlier this week and learning more about athena. We appreciate you considering austin.

>> Thank you.

>> Cole: I have a couple of questions of mr. Risotto then I will ask a couple of questions of the representatives from athena. Can you tell us a little bit about what you envision for this space? I know councilmember riley talked about just how important this facility is to the public because it was a public facility. If we were to grant this deal, if athena was to move in, there's still unleased space under your mda, how do you see that interrelating with these space? That is leased?

>> A couple of different things. And again I go back to what was negotiated in 2012. There's an area that there was a request for restaurant retail in 5,000 square feet that would face the plaza, that is boiler nine. We are very close to completing a lease on that space. Interior to the power plant there was

-- there was

-- there was a requirement for about 2,000 square feet, it could be divided up or together. That

-- that allowed public access to the space and being able to view the

-- the turban hall level and experience that volume. It may play out at 2,000 feet, may be more, we know there's a minimum requirement. We're going to do our best to exceed that. In that space, not only for the public to be able to come in like someone mentioned about a coffee shop and a juice bar or something. But also to have information about the green building program, about the history of seaholm, so that there's more of an interest for the public to actually come into the space and draw them into the space so then they can experience the full volume of the turban hall. Obviously, the thing for those people who have been in the space, the thing that's dramatic about it, is that main turban hall floor and the large volume and kind of the art deco nature of the building. Whatever we set up, the public will definitely be able to experience that.

[07:11:02]

>> Cole: I know you --

>> the openness of it will remain.

>> The openness will remain. You talked a lot about the challenge of actually having retail space there and actually opening it up to the public. But it looks like boiler nine, as you call it, has some contemplation of that and you're working on that now and are you saying that you are pretty close to having a deal to be able to make that happen?

>> Yes, yes.

>> Cole: Okay.

>> We're very excited about that.

>> Cole: Okay. And

-- and that would be consistent with the amendments that we made to your mda.

>> Correct.

>> Cole: Okay. I would like to ask staff a quick question about the roi. Sisters from the webloci. I understand the positive roi that you have done from the webloci, makes it very clear what the citizens get from the agreement and that it's very consistent with our values. But I think councilmember spelman asked you a question earlier about how

-- what are we not doing now, because this is grandfathered that we would have had to do if it was not grandfathered. I wanted to be clear on that answer.

>> The loci analysis that we do would be the same for a grandfathered project or a project under the new policy. So that roi figure of 1.67 million would be the same.

>> Cole: Okay. That's the same. So the difference in the 200 and \$250. How does that play out?

>> So I guess that's a good point. So we would not be able to offer \$250 per job under the new policy. So the maximum we could offer is

-- would be \$200 a job so that would affect the 1.67 million somewhat because the incentive amount would change.

>> Cole: Okay. And we talked about

-- about the prevailing wage. What is the implications on the prevailing wage.

[07:13:11]

>> With regard to the weblci analysis?

>> Well, what I'm trying to figure out is I think that you said that they were definitely going to pay the \$11 an hour. They were definitely going to comply with our w.B.E. Standards. They were definitely going to comply with the

-- with our value statement in terms of hiring not being discriminatory and actually trying to amend that to be consistent with what happens in massachusetts or as far as we could stretch the law in texas. But

-- but I also thought that there

-- there was something else that

-- that they were not going to be able to do that we were requiring

-- would be requiring of later applicants. Is there

-- can you think of what that is? Are we totally consistent? I don't know.

>> To our knowledge it's the prevailing wage that the company is unable to meet. With regard to our analysis, you know, it doesn't change the revenues to the city. With regard to whether or not the company is able to provide a prevailing wage. It does impact the finances of the company itself and it's our understanding from the company that if they were to apply prevailing wage to this agreement, that would erode the value of the local incentive that is being offered. [One moment please for change in captioners]

[07:18:18]

>> okay, council, items number 73 and 74 have been withdrawn. The city council will go into closed session to take up four items, pursuant to 551.071 of the government code, the city council will consult with legal council regarding the following items. Item 75, legal issues related to the july 26, 2013 officer-involved shooting. Item 76, legal issues related to mike benavidez, versus the city of austin in the united states district court, western district of texas, austin division. Item number 93, and 94, legal issues related to canyons at rob roy rezoning. Is there any objection going into executive session on these items? Hearing none the council will now go into executive session. Test test test

[09:27:19]

>> we are out of closed session. In closed session we took up and discussed legal issues related to items 75, 76, 93 and 94. I will now recess this meeting of the austin city council and call to order a meeting of the austin housing finance corporation board of directors. We have three items to consider. Ms. Spencer, will you brief us on these items?

[09:47:17]

>> Good afternoon, board of directors, betsy spencer, treasurer of austin housing finance corporation. We do have three items for you today. One is the minutes of the last meeting. Second item is an amendment to the service agreement, and the third is the budget amendment. I did want to note for you as you see on the budget amendment, staff is recommending that the funding be put into two different areas: Home repair and housing developer assistance program. Home repair includes funding

for the go repair program and also for the architectural barrier removal program for renters. Housing developer assistance for the rental housing developer assistance program acquisition and development. If you look at the budget the homeowners activities is 25% of the budget. Rental projects are 75% of the project. This is consistent with our funding of the 2006

-- our spending pattern for the 2006 allocation. So we're staying in line with the way we've spent the money in the past. I did also want to note one item from this morning that was a question. We are in the process of executing contracts with the go repair folks in the amount of a million dollars right now, and then this \$2 million puts us at \$3 million for go repair this fiscal year. So with that I offer these on consent unless you have questions.

>> Cole: Thank you. I do have questions about item no.3 that we discussed this morning. We had some comments about kind of what we're

-- we're going to have a robust discussion about how we spend the money that is in connection with the recent bond passage, and I really do think that we should do that and we should think about prioritizing permanent supportive housing and should we go

-- how should we go about, for qualifications in that for housing first. So I want to suggest to my colleagues that maybe we could take up just no.3, the budget item, and audit and finance, and have a little bit more time to think about the budget and receive some input from stakeholders. Council member morrison?

[09:49:29]

>> Morrison: I think that sort of took some people by surprise, including me, and I understand from some of the community folks that it was the same way. And so that when I mentioned the 3 million as

-- for the home repair, in fact, that's what is going to be happening. What

-- what I might suggest is an alternative, and that is if we're talking about like how much it's going to be for permanent supportive housing and other things, maybe that's really a deeper dive into that, like, 11 million and 1.75 million. And so maybe what we could do

-- the alternative would be to pass this if we're comfortable with the allocation between rental and development, and then make sure that we have a good in depth discussion about how we're going to allocate this money within these big buckets. Because these are sort of the big buckets, as I understand it.

>> Cole: Yes, that's correct.

>> Morrison: So I guess what I'd like to say is I might be comfortable with that if there are needs to move forward from staff's perspective.

>> Cole: Betsy, let me be clear. We're not spending any money now.

>> That is correct.

>> Cole: We need the money, a million dollars for the geo repair needs to be done relatively quickly. Is that

--

>> actually, all of it does need to occur in the sense we would be bringing forward to you next month conditional commitments for the tax credits. That comes out of the 11 million. And so I need to have the money in the budget to be able to bring forward to you action for conditional commitments on those

projects.

>> Cole: Okay, but we've put the money in the budget when we approve the items earlier this morning.

>> So the way that goes is

-- so we take it from the neighborhood housing and community development office and then we transfer it. So now the finance corporation is accepting the funds, and then we have to do the capital budget. And so then the finance corporation is what I'll be bringing forward to you next month on the conditional commitments for the tax credit projects. So if I don't have the budget amendment, and maybe law can help me with this if I'm not doing this correctly

-- if I don't have the budget

-- the capital budget on the finance corporation side I don't believe I can bring forward to you the request for commitments on the tax credit projects.

[09:51:53]

>> Cole: Councilwoman morrison?

>> Morrison: So betsy, could you tell us what you would foresee if we were to pass this, how would you foresee us having the deeper discussion about

-- within these buckets, how we spend the money?

>> You know, I appreciate that. You've just

-- this has just come up. We do have our normal application process, and as I detailed this morning, we did make some changes to the scoring criteria based on the feedback that we received from the community two months ago. So we have increased the points for housing for permanent supportive housing, which was a huge need. We have increased points for units that are closer to transit oriented development, also for units for persons with disabilities. So we've modified our scoring criteria for some things. Now, remember every investment that we make, that exceeds \$300,000, comes back to this board that you have to approve all of those, but if you're looking for an opportunity to weigh in before we bring them to you, hmmm

-- I apologize, you've caught me off guard. I would like to be able to

-- I would like to be able to do that. Can I

-- can I have a little time to think

-- or you can answer that

--

>> morrison: Trustee assistant director

--

>> charged with ensuring community outreach reaches beyond. A couple of thoughts I have. I want you to know the housing bond review committee will remain intact, and so we will have a community-based review oversight board that serves as an advisory board to you will a of the development opportunities

-- to all of the development opportunities we'll bring to you. So that's one thing we just want you to know about. Mayor pro tem, what you had indicated related to automatic and finance, I believe we can give you analysis and a presentation that could get you comfortable with how we've allocated in those large buckets, because we have a needs assessment that is a very data driven process. We do that every year with the action plan. And so I think it does support where those funds have been allocated, as we

look at housing first and look at different things that we know are council priorities, we can talk to you a little bit about that. We know that there is a need for geographic dispersion. We know that there is a need to marry affordability with transit. We know housing first is going to be a significant partnership that may require that we compete funds. So I think that there are different things that we can talk about in that context, but like betsy said, we would definitely want to go ahead and move with the more general action today, and then I think that what you had indicated is absolutely correct, we can have those more detailed discussions. That would be our recommendation.

[09:54:45]

>> Cole: So am I to understand that if we postpone item 3, simply postpone it to the next meeting, and actually hear the presentation that you're contemplating about the allocation of the dollars in audit and finance, we could still act on this item in three weeks and not run afoul of housing tax credit implications? I'm just simply trying to get some of the council members, especially those that have been dealt with

-- dealt with the bonds and housing issues, an opportunity in committee to hear your presentation and have some input on it before we approve the item.

>> Any presentation that we would prepare in the next few weeks to audit and finance would not necessarily be

-- we're not recommending funding for

-- we've not made final decisions on applications. We are currently receiving applications. What we are going to make recommendations on is the conditional investment for the tax credits so that they can meet their deadlines. There's a lot of

--

>> cole: And when are you doing that. That.

>>

-- That are pending that we have not finalized, a than so for me to bring something to you in just a few weeks, we may

-- I don't know if it would be comprehensive enough to help you with that. We have several permanent supportive housing projects that are all in the works right now. There is just a lot of other stuff. There's some senior projects and other things. So I don't have applications complete to bring forward to you have in the next three weeks. I am concerned about postponing this item for

-- if you're wanting information on all of our applications we'd be investing in. I won't have that in a couple weeks.

>> Let me suggest another resolution of the issue. If we were to pass the capital budget in its current form right now, that would get

-- well, first we've got

-- the first two items on home repair services don't seem to be at issue, so we could deal with that. If we pass the last two items and allocated them as they have been recommended by staff, that would give betsy the 4 1/2 million she needs for the back allocated property for the tax credit funds. If we then chose after an audit and finance meeting to reallocate the remaining money around be rental housing developer assistance and acquisition and development, that's something we could do.

[09:57:13]

>> Yes, sir.

>> Spelman: But that would not give in the way of staff's ability to do the things they need to do right away. We still have something very useful to talk about.

>> Cole: Okay. So I'm understanding council member spelman to say that we could approve all the items, still discuss the capital budget in audit and finance, and then we could make any subsequent recommendations to council if we decided to do that, and mostly I think that discuss in audit and finance will be policy-driven. And

--

>> and we would welcome that input, absolutely.

>> Cole: So you have

-- so I'll entertain a motion on the

--

>> second.

>> Cole: Council member spelman moves consent consent agenda, seconded by council member morrison. You have a comment?

>> Morrison: We mentioned the action plan and the needs assessment and all that, and you're already working on that for next year too. So I guess what we would be

-- what we're responding to now is the action plan we adopted in august.

>> Correct.

>> Morrison: Right? Okay. So that's really what we're talking about, is that action plan. And we're trying to fold new things in like preservation of affordable housing and things like that. So I think that this makes a lot of sense. We can course correct if we need to afterwards, but this will allow us in audit and finance to pay a little more attention to what we get to in the action plan.

>> And remember that we will be

-- we'll be in the process of a market study the next couple months, and we'll have a draft of that in june. And then that will have updated data.

>> Cole: I'm glad you mentioned that market study. Council member tovo?

>> Tovo: I look forward to that conversation because I

-- and for all the reasons that have been suggested, I do think we need

-- we need to take a little time to really understand that suggested allocation and hear community feedback. So I hope we can get the word out to those who might be interested in participating and providing our automatic and finance committee with feedback that we're

-- when we're going to schedule that discussion. And council member morrison talked about affordable housing, preservation, and we are, I believe, going to hear back from housing if in february with some response back about preservation strategy, so hopefully that will give us time to really fold some of those priorities into our allocation decisions as well.

[09:59:32]

>> Yes, ma'am, that's correct.

>> Tovo: Thank you.

>> Cole: Okay, we have a motion and a second on the floor. All those in favor say aye.

>> Aye.

>> Cole: Aye. Opposed say no. That passes on a vote of 6-0.

>> Thank you.

>> Cole: Mr. Guernsey.

>> Mayor pro tem, counsel, greg guernsey, planning and development review department. I'll go through the 2:00 neighborhood items. Public hearings are open and there's possible action. I'll go through the consent items. First offer is item 77, this is case npa-2013-0019.01. This is for the property located at 710 east 41st street. This is to approve second and third readings of an ordinance amending the central austin combined neighborhood plan area, imagine austin comprehensive plan, to amend the future land use map for that from civic to mixed land use. Staff would offer this for second reading only on item 72. Item 78 c14-2013-0040. To approve second and third reading of an ordinance for the property at 710 east 41st street, and this would be to zone the property to community commercial-mixed use conditional overlay, neighborhood plan or gr-mu-co-np, combining district zoning for tracts 1 and 2, and community commercial-mixed use, conditional overlay historic landmark neighborhood plan or gr

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>> cole: Mr. Guernsey, I need to stop you a moment. I need to adjourn the meeting of the austin housing and finance corporation meeting and call to order this meeting of the city council. That being said, mr. Guernsey, you may continue.

>> Guernsey: Thank you. And that would be to community commercial-mixed use conditional overlay historic landmark neighborhood plan or gr-mu-co-h-np, combining district zoning for tract 1 a, with conditions. Staff [inaudible] for second reading only. Also I understand a council member may want to add or clarify some additional conditions for this item 78.

[10:02:00]

>> Cole: Would you like to do that now?

>> Morrison: Sure, I'd be very happy to.

>> Cole: We do not have to complete the consent agenda and you can do that right now. You can do that because the mayor is not here. [Laughter]

>> morrison: Thank you. Stepping out. Okay. And I want to let my colleagues know that you all have on a yellow sheet what I'm

-- the details of what I was going

-- what I'm going to motion, and we've had some really productive dialogue, council member tovo, myself have hosted dialogues between the applicant, clark lyda and his representatives, and the neighbors that were nearby that were still in opposition still have concerns, and we've come to a really good compromise, and what you'll see here is there are three items in the motion, and I'm not going to read the details of them. I'm just going to explain to you what they are. One is that on tract 2, which is that tract not on red river but the one to the west of that, the number of hotel limits on that tract will be

limited to 20 hotel units, and then under no.2, what we're really doing is making sure that if there are -- for those hotel units on tract 2, they will be no closer than 175 feet from the -- they will be much farther separated from the northern boundary, 175 feet from the northern zoning boundary line, and that is 50 feet or 25 feet, whatever. So it takes it about halfway. It will -- the hotels will only be in the southern half. And then the third part is to prohibit -- to only allow type 1 short-term rentals, which are owner occupied, as opposed to the more commercial nonowner occupied. And I do want to just briefly mention that in addition to that there have been lots and lots of conversations and great agreement. Everybody has been very open to adjusting to make additional agreements that will go into a private restrictive covenant to address -- and I'll just briefly mention -- restrictions on time shares, additional specifications about how amplified sound will be managed. There's going to be a limit to surface parking lots, which I think should be good. There will be some very specific capacities on seating, restaurant seating, both indoor and outdoor, and that's come to a good conclusion, as well as restaurant location. There are going to be some specifications about exactly how many events, what the capacity of the events are and when those events will occur, and then, let's see, the interior wall will be preserved as much as possible, and there are actually also a few restrictions on tract 3, which is no longer part of this zoning case, which is how many residential units there will eventually be. So I just want to thank everyone involved. It's really been a model of how people, even though perhaps the applicant could have gone forward and gotten four votes, gotten six votes, whatever, they were willing to really try and address the issue that the neighbors still have and I believe that this is going to bring everybody to the table without any opposition. So my motion is to adopt these very specific three things I mentioned in the beginning on second reading -- adopt the ordinance with these amendments on second reading to bring it back for third and final reading next week on January 30, and also to keep the public hearing open. We don't necessarily expect we'll have to have that but just so people can be comfortable.

[10:05:54]

>> Tovo: I'd like to second that and just add my thanks to everybody who's participated, as council member Morrison said. There's been, really, a lot of effort on all sides and the result is very -- is very good and very positive, and so I really applaud all the individuals from the neighborhood, representing the developer, and all the city staff who have worked on this as well. I think we're going to have a very good result and it's a very exciting project.

>> Cole: Thank both of you guys for your work. Council member Morrison, it was my understanding that you made a motion for item 77 and 78. Is that correct?

>> Morrison: Yeah

-- well, I think actually

-- so 77 is still on consent. Remember we were still on consent. So 78, let's leave it on consent but with my amendment.

>> Cole: With your amendment.

>> Morrison: And also planning

-- excuse me, public hearing stays open and it's only second reading.

>> Cole: And we're coming back the 30th.

>> Morrison: On the 30th. Did I forget something?

>> Cole: No, I think that's everything. Council member tovo?

>> Tovo: When you read it into the record did you say 77 was on second reading only?

>> Cole: Yes.

>> Tovo: Thank you.

>> Cole: So that's 77 and 78 with council member morrison's additional comments as part of the consent agenda. Do you want to continue?

>> Guernsey: Yes, I'm going to skip 79 and 80. It's a request

-- neighborhood request for postponement to february 13, and the applicant is agreeable only to a postponement of the 30th. So it will be a discussion postponement on item 79. And 80. 81 I understand we have one speaker in opposition, so 81 is now pulled for discussion and let me just continue with 82. 82 is case c14-2013-0104. Property located at 1700 west avenue. This case has been withdrawn. No action is required of the city council for this item. Item no.83 is case c14-2013-0119, for the property located at 4429 duval street. This is a zoning change request to commercial liquor sales, mixed use vertical, mixed use building, conditional overlay, neighborhood plan or cs-1-mu-v-co-np, combining district zoning. The planning commission recommendation was to grant the cs-1-mu-v-co-np combining district zoning and that is ready for approval on all three readings. Item no. C14-2013-0121, for the property located at 946 east 51st street. This is to zone the property to community commercial neighborhood plan or gr-np combining district zoning. The planning commission's recommendation was to grant community commercial conditional overlay neighborhood plan, or gr-co-np, combining district zoning, and this is ready for consent and approval on all three readings. Item no.85 is case c14-2013-0126, for the property located at 11914, 11915, and 11919 archhill drive. The applicant has requested indefinite postponement of this case. Prior to this case being rescheduled for your agenda, staff will have to repost the appropriate public notices and mail public notices. Item no.86 is case c14-2013-0133 for the property located at 920 east 53rd street. This is to zone the property to single-family residence, small lot, neighborhood plan, or sf-4a-np combining district zoning. The planning commission's recommendation was to grant the sf-4a-np combining district zoning, and this is ready for consent approval on all three readings. Item no.87 is case c14-2013-0138, for the property located at 1401 west 6th street. This is to zone the property to community commercial vertical mixed use building, neighborhood plan or gr-v-np combining district zoning. The planning commission's recommendation was to grant community commercial neighborhood plan combining, or gr-co-np district zoning. This is ready for consent approval only on first reading. Item no.88 is case c14-2013-0142 for the property located at 2207 west parmer lane, to zone the property to neighborhood commercial-mixed use, or lr-mu combining district zoning. The planning and zoning commission recommendation was to grant neighborhood commercial-mixed use can't overlay or lr-mu-co combining district zoning. And this is ready for consent approval on all three readings. Item no.89 is case c14-2013-0143, for the property located at 3103 and 3105 west slaughter lane. This is to zone the property to limited office-conditional overlay or lo-co combining district zoning. The planning commission recommendation was to grant the lo-co combining district zoning. This is ready for consent, approval on all three readings. Item no.90 is case c14-2013-0145, for the property located at 2416 cardinal loop to zonal the property to general commercial services or cs district zoning. The zoning and planning commission's recommendation was to

grant general commercial services, conditional overlay or cs-co combining district zoning. This is ready for consent approval on all three readings. Item no.91 is case c14-2013-0146, for the property located at 11901 anderson mill road. The applicant requested postponement of this case for one week to your january 30 meeting. Item no.92 is case c14-2013-0138 rct. This is a restrictive covenant termination for the property at 1120 tillery street. The applicant has requested a one week postponement of this case to your january 30 meeting. Item no.93 and 94, we have several people that have signed up for these items. I'll just let council know that there's some
-- a lawsuit that was filed against the city related to one of these items that is brought before you. If you want to give staff any guidance at this time regarding these two items
--

[10:12:45]

>> cole: Let's go ahead and leave them off of consent and then we'll just

--

>> guernsey: Very good. So those are the items that I can offer for consent. Oh, 95, pardon me. One marry in here. Case

-- c14-2013-0

-- c814-88-001.10, located at state highway 35 south and fm 1327 or pure year road. Staff is requesting a postponement of this item to your march 20 agenda. That's item no.95.

>> Cole: We'll go back to the consent agenda. I do want to point out that my

-- I'm showing a speaker signed up on item no.78, which was a consent second reading on the perry estate. Do you
--

>> guernsey: I understand that the citizen does not wish to speak.

>> Cole: Okay.

>> Guernsey:

-- On that item.

>> Cole: Terry o'connell? Okay, not here. Okay. Let's go to the consent agenda. Greg, I have 77 consent, second reading, 78 consent second reading, 79 is for a potential postponement. The next consent item I have is 82, withdrawn. 83 consent, all three readings. 84 consent all three readings. 85
--

>> guernsey: Mayor pro tem, this

-- just so I'm clear, 77 and 78, I think the public hearings were to remain open for third reading, and then on 83 and 84 I believe that's where we start where the public hearings are closed and then approving those.

[10:14:49]

>> Cole: Okay. Let's do it one at a time. Let's go back to 77 and 78 and make clear that the public hearings are open but they're remaining on consent. Council member morrison?

>> Morrison: And that they will be back in front of us for third reading on january 20.

>> Cole: And they will be back in front of us

--

>> next week.

>> Cole: Next week. Okay. And greg, you were saying

--

>> guernsey: Going back to item 83.

>> Mayor pro tem, excuse me to breaking in but we were going to be passing 72 on second reading as amended by council member morrison.

>> Cole:70

--

>> spelman:78.

>> Cole:78.

>> Morrison: As amended.

>> Spelman: As amended.

>> Cole: As amended. So greg, you were

--

>> guernsey: I think back to 83, that's where

-- close the public hearing and approve on all three readings. Item 83, and then 84

--

>> cole: Consent, close the public hearing all three readings. 85, an indefinite postponement, 86 consent, all three readings and close the public hearing. 87 consent, first reading only. 88, consent all three readings, 89 consent all three readings. 90 consent, all three readings. 91 a postponement. 92 also a postponement. 93 and 94 we are

-- are not on consent. We're going to discuss those, and 95 is a postponement from staff. Is that correct?

>> Council member spelman?

>> Spelman: Might I add that 91 and 92 will be postponed until the 30th of january and 91

-- until the 20th of march.

>> And that we were closing the public hearings approving first reading on 87 and closing the public hearings also on 88, 89 and 90.

[10:16:53]

>> Cole: Okay. So the public hearing was closed on all the ones that went consent, all three. Is the clerk clear?

>> Yes.

>> Cole: Okay. We have a motion to approve the consent agenda, seconded by council member morrison. All those in favor say aye.

>> Cole: Aye.

>> Aye.

>> Cole: Those opposed say no, that passes on a vote of 6-0. Okay, council, let's first take up a discussion about items no.93 and 94, the canyons at rob roy. First I'd like to ask someone in legal to advise us about what has occurred thus far.

>> Good afternoon, nick with the city law department. This morning a petition was filed by russ harris and terry harris against the city and brandywine acquisition partners, and in that petition the plaintiff asked for some relief from the court and they asked for a temporary injunction and a permanent injunction preventing the city from amending the restrictions in connection with this agenda item.

>> Cole: Okay, we did that this morning?

>> We did.

>> Cole: Is there any

-- [inaudible] the attorney about that? Council member morrison?

>> Morrison: Can you give us any ballpark figures when that might get resolved?

>> We anticipate that the temporary injunction will take some time to process and we would think that within a month at the earliest we would hear back on the temporary injunction portion of it. The permanent injunction would go through a longer process.

[10:19:04]

>> Morrison: And the permanent enjunction then would come out with

-- injunction would come out with a court ruling; is that correct?

>> That's correct.

>> Morrison: About how the restrictive covenant needs to be read as to who needs to sign on?

>> Exactly. There would be a reading

-- there would be a ruling on the merits with respect to what parties are directly affected by the restrictions that would require their consent to amend the restrictive covenant.

>> Morrison: Okay. And I guess another question would be right now the way the pd is crafted it limits the use in this one tract to

--

>> it does. It's limited to limited office use, 88,800 square feet of office space on that site. And I think there's been a request for multi-family use at the site.

>> Morrison: Right. So it's important

-- if anyone ever wants to develop something it's important that the restrictive covenant and the pud be in alignment.

>> Absolutely, council member morrison. They both have to be in alignment with the restrictive covenant and the zoning for the site need to [inaudible] up.

>> Cole: Council member spelman?

>> Spelman: I want to be sure I understand what they are and are not asking for. The question is whether or not a directly affected party is defined as only the owners of the tract in question or other owners of tracts adjacent to or nearby the tract in question, whether those nearby tracts are directly affected or only the owner is directly affected. Is that right?

>> Absolutely, council member spelman. The way that the restrictive covenant is set up, it requires -- it requires approval by a majority of the council to amend and also approval of those parties directly affected

-- the property owners directly affected as it's set out in this document and really what this petition goes to is it asks a court to determine who is directly affected.

[10:21:11]

>> Spelman: Whether the meaning of directly affected is only the tract in question or could include nearby tracts

--

>> exactly.

>> Spelman:

-- That would have no bearing whatever on the city's decisions with respect to our part of that restrictive covenant; is that correct?

>> That is the law department's position, yes, that

-- our determination is separate and apart from

-- council member

-- the council decision is one component of it, and that's sort of separate from who's directly affected.

>> Spelman: The covenants between two-party. One party is clearly the city, and

-- two parties. One party is clearing the city, one party we have heretofore interpreted as being the owner of the tract and adjacent property owner believes they should be counted as directly affected and therefore they should be included in the other party to the restrictive covenant. But that's the other party, not us.

>> Exactly.

>> Spelman: Okay. So from a legal point of view, the court would not be in a position to tell us we cannot offer to change a restrictive covenant at all. We could offer to change it. We could pass a change on it on our end but it would not take effect until the other party, whoever that turns out to be, made a similar change in the restrictive covenant on their end. Is that right?

>> That's correct.

>> Okay. So from a legal point of view, the fact that there's been notice served and there's going to be a judge hearing a case has nothing from a legal point of view to do with what we decide we want to do with respect to the restrictive covenant, it just cannot take effect until we know who the other party is?

>> Absolutely.

>> Spelman: Okay. Is it

-- it's typical, as I understand it, for us to make any changes in a restrictive covenant that is tied to a zoning case on the last day of the zoning case.

>> That is traditionally how we handle it, for the simple fact that you do have, as council member morrison suggested, you have a situation where you could have multi-family zoning and a restrictive covenant that says office use

-- and have

-- you can't develop that property.

>> Spelman: Sure, and the worst case snare wrote from the applicant's point of view is we change the zoning, meaning, okay, you can develop multi-family but not office, the restrictive covenant doesn't change and you could only develop office and the two conflict one one another and they can't develop anything.

[10:23:26]

>> Right.

>> Spelman: But that's their risk, not our risk. It is also common practice on the city council for us not to hear cases involving valid petitions until all members of the council are on the dais. Is that accurate?

>> That's accurate.

>> Spelman: We're missing a council member.

>> We are.

>> Spelman: As was noted earlier and has been cleared, anyone who has been sitting here for the last few hours, so it seems to me it would make more sense, particularly since there's going to be a lot of testimony among both the applicant and the neighbors for us to wait on hearing the zoning case until we've got a full council to hear it. Otherwise, that lucky member of the council who is not here with us today would just have to go back and hear it all over again and we'd also have to hear it all over again. It would a, you know, the neighbors and a, you know, us and wouldn't do anybody any good. So toa. The best thing is to put off both the zoning case and the restrictive covenant until we have a full council, and I understand we're going to have a full council next week. The earliest time we could hear the zoning part of the case or the restrictive covenant part of the case, the whole thing, would be on the 30th of january. So mayor pro tem, I'd like to put in place

-- put in play a motion to postpone action on both ends of this case until next week.

>> Cole: Council member spelman, let me ask you, are you giving any consideration to the timetable for dealing with the lawsuit or because you decided that we can move forward anyway, you're not considering that in terms of your timing?

>> Spelman: Well, I'm thinking in terms

-- there's two pieces to this. Neither piece realistically

-- the lawsuit has no bearing on either piece from our point of view. We have the zoning case and we have a restrictive covenant. If we decide, for example, we don't like the zoning case or the restrictive covenant, we turn it down, but it doesn't matter what the judge does much the judge doesn't even have to hear the case. It's moot. If we decide we like both the zoning case and the restrictive covenant, then the judge has a case to hear, and the judge has a ruling to make, but that's somebody else's problem and would take a month, two months, as long as it took for the judge to hear it, but at least it would be off of our plate.

[10:25:36]

>> Cole: Okay. So you'd like

--

>> spelman: Getting this off our plate and getting this on to somebody else's would be in our best interest.

>> Cole: And taking action next week would not interfere with that?

>> Spelman: At the point where we actually had a

-- when we had a full council, if we chose as a full council that we did not want to hear the whole case until we had actually heard a judge ruling, we could make that decision at that point. Buff the soonest

we could hear this and dispense with our end of this issue would be next week, and I would prefer to deal with it and move on to other issues.

>> Cole: I'll second that motion. I was simply raising it to see if you wanted to postpone it for longer. Okay. Any further comments and discussions? Okay. There's a motion and a second on the table. All those in favor say aye.

>> Aye.

>> Cole: Aye. That motion passes, so there's no opposed. Okay. That motion passes on a vote of 6-0.

>> Guernsey: And staff staffunderstands that

--

>> could we ask that it be ready for all three readings for next week? I understand you all's desire to push it off. Could we have some instruction that if you all do vote on it, it could be ready? Otherwise it could languish forever, and we've been in the process for a long time. Doesn't mean you have to, but if you're ready it would be great.

>> Cole: Is there any reason, mr. Guernsey or mr. Rusthoven we can't be ready next week for all three readings?

>> Guernsey: We'll do whatever you suggest us to do. I think it is a difficult case. This isn't a simple straight-up, you know, one or two condition case. But with your direction we'll do

-- we'll do

-- we'll work with the law department to accomplish whatever it is your desires are.

>> Cole: Okay. So that motion is already passed to postpone item 93 and 94 to january the 30th when we have full council and we'll deal with the legal issues and update us appropriately. Okay. Council, next we'll hear item no.79. It is a request for postponement.

[10:27:54]

>> Guernsey: And mayor pro tem, also no.80 is a related item, and those are the cases dealing with -- item 79 npa-2013-001.02 for the property located at 4914 bennett avenue and that's a neighborhood plan amendment in the north loop planning area. There is a related zoning case is item no.80, c14-2013-0021, for the property located at 4914 bennett avenue. That's the zoning case. And the neighborhood has requested a postponement of both of those items to your february 13 meeting. The applicant is represented by mr. Ron thrower, is in agreement to postpone but only would consent to a postponement to the 30th in both cases.

>> Cole: Let's hear from the neighborhood, mr. Thrower, ms. Penelope dougherty? And you're speaking only to the issue of postponement?

>> Yes, correct. Thank you. Good afternoon, council, my name is penelope dougherty. I'm the president of ridgetop neighborhood association which is the neighborhood in which this parcel is involved. Ridgetop neighborhood association requests postponement of this idea to the february 13 council agenda. This is our first postponement request. This item was discussed at the 11/23 planning commission at which time we believed we had reached a compromise. Two days before this was originally scheduled for you in december, we noticed that the draft ordinance did not align with our agreement or expectations from that discussion. We contacted mr. Rusthoven, who indicated there may be some question, but because the staff who prepared the draft had retired directly after that, jerry

northeast to review the tape and get back to me. I repeated several portions of that night's conversation to help him in his review that directly supported our position. We requested and he agreed that if after review of the tape there was any question or discrepancy, the neighborhood would be contacted, allowed to review the tape with staff and be engaged in discussions regarding resolution of the issue. We were not contacted. We were not engaged in discussions. Our phone calls clearly seeking information and status from staff were not returned until Friday night at 6:00 p.m. Before a long weekend and only after we made a last-ditch call to a council member staff for assistance. It was only then that we were informed that there was any ambiguity regarding this application and regarding our agreement and discussion from the 23rd.

[10:30:35]

[One moment, please, for change in captioners.] to expect us to review this tape and all of this to be accomplished by next week, along with potentially preparation again of full opposition to this application, places undue hardship on neighborhood residents. In addition, it's in direct conflict with the posted quarterly neighborhood association meeting, of significant importance. The staff is coming to talk to us about how we convert our consensus into their thing. Therefore neighbors should not have to choose between

-- and officers should not have to choose between these two important issues because of staff's failure to act.

>> Cole: Mr. Thrower, there you are.

>> Ron thrower. I think staff should be up here behind the postponement because it's nothing directly related to our position on this. We would like to move forward for just one week of postponement. We think that what's of concern here is perhaps 20 or 30 seconds of the videotape and it's been readily available since the hearing date. We're ready to move forward. Like was stated, the case was filed in February. We've been at it this in almost a year. We're ready to get it going and we're looking for just a one week postponement on this.

[10:33:01]

>> Cole: Thank you, Mr. Thrower. Questions, comments? Councilmember Tovo?

>> Tovo: I guess I have two questions. First one for Mr. Thrower. Do you agree with the neighborhood's assessment of the condition that planning commission placed on it?

>> I do not. My understanding of the situation was that site development regulations is what commissioner Oliver's motion was, but capability knocked it down even further. The no, sir, most that can be done on this

-- the most that can be done on this property is two stories.

>> Tovo: So there is a dispute about what the planning commission action

--

>> not in my mind and not in Mr. Oliver's mind.

>> Tovo: There is a dispute, though, among those of you who were present. You don't agree with what

--

>> I can't argue that people are questioning what happened. I'm not. Commissioner oliver's not.

>> Tovo: Okay. Thank you. I appreciate that information. And then I have a question. I believe I heard you say that your neighborhood association meets quarterly?

>> That's correct.

>> Tovo: So you have a scheduled meeting next week.

>> Schedule and posted.

>> Tovo: With our city staff to talk about the code next process.

>> Correct. And election of officers.

>> Tovo: Okay. Thank you. I would say I appreciate mr. Thrower's point that it's been in the process a long time, but I think given that they do have

-- that the neighborhood association has another meeting scheduled next week and the other conflicts, and it is a city

-- it is a meeting that's largely featuring city issues, and likely the same participants are going to want to be involved in both, I would move that we postpone this until our february 13th meeting.

>> Cole: Councilmember tovo moves that we postpone item 79 and 80 to our february 13th meeting. And councilmember morrison actually made the second. All those in favor of the motion say aye. Those opposed say no? That motion passes on a vote of six to zero. Now we will consider item number 81.

[10:35:25]

>> Thank you, mayor and council. Item number 81 is case county attorney-82-0092 for the property located at 2915 and 3013 east cesar chavez. This property is made up of two tracts, one being .793 acres and one being 1.121 acres. The first tract to be zoned from sf-3 mp to cs-mu-co-mp and the other tract, tract two, the larger tract, currently zoned [indiscernible] to be down zoned to sf-3-mp. The planning commission's recommendation did recommend the staff recommendation with one change, and I'll note what that is in a second. The staff recommendation would be to approve the general commercial services mixed use conditional overlay or the cs-mu-co combined district zonings for that .793 tract. And then rural residence zoning for the other tract being the 1.121 tract. The applicant is in agreement with the further downzoning of that tract to the rr-mp. The following uses would be prohibited. Adult oriented businesses, automotive rentals, automotive repair services, automotive washing of any type, campground, convenience storage, equipment rental services, equipment sales, kennels, laundry services, pawn shop services, residential treatment and vehicle storage. Other uses were offered as conditional and those would include commercial off street parking, custom manufacturing, limited warehouse distribution, service station, transportation terminal and drive-in services associated as an accessory use to a commercial use. And staff also included a recommendation that the development be limited to a conditional overlay to not less than two thousand vehicle trips per day. The planning commission in addition to the staff recommendation added an additional condition that three feet along the eastern edge of tract 2 remain sf-3-mp, and that was recommended by the commission. The site is currently undeveloped. Has some parking in it to the north, has construction sales and service use. Food sales, equipment repair having zoning of cs-mu-co-mp and gr-mu-mp. The south is lady bird lake, unzoned tract of loaned zoned sf-3. To the east is sf-3

[10:38:28]

[indiscernible], there's some residential, retail and more undeveloped tracts. To the west is zoned ct-mu-co-mp and pnp which contains construction sales and service, parkland. The applicant plans to really expand into the

-- that smaller tract, the tract 1, which is currently zoned sf-3-mp. And as I mentioned before, he's agreeable to the further downzoning to the rr-mp beyond what was requested for the other tract. There is opposition and the applicant is here, and I would offer probably the applicant coming forward to present his case and the neighborhood can come forward and express their opposition to the case.

>> Cole: Thank you, mr. Guernsey. The applicant is coming forward.

>> Hello mayor pro tem and councilmembers. I'm jim whitliff for randy meek, the owner of east side lumber, which is the two properties shown in yellow on this map. This is

-- he purchased two lots in 1997. They were platted and approved by the city of austin as two residential

-- I'm sorry, two commercial lots, lots two and three, and as you can see, the rear lot, the one that's closest to the river, is a flag lot. It's got 50-foot wide access on cesar chavez and then a flag that goes back to access the property. Could you put the next exhibit up, please? So here's the same kind of picture over laid with the zoning map. And you can see kind of what the problem is, is that on the rear lot especially you come in on a little strip of land that's gr-mu-co for the first 100 feet of depth from cesar chavez. Then you enter into a strip that's sf-3 and then it swings around and becomes cs-mu-mp. If we tried to get even a commercial driveway through the sf-3 with a site plan the city would deny it. You have to have commercial zoning. So I think it's untunable to have one platted lot with three different zoning categories on it. So what we greed do is the land closest to the river, there are some fragile characteristics down there. There's a wet lands down on the river that's been established. There's a spring on this property. So we voluntarily agreed to down zone that to sf-3. Staff says rr. I said I'm fine with that. And we're asking that the land to the east, as mr. Guernsey said, it's 35,000 square feet, 'unzoned to cs-mu-mp. This shows more graphically the rear lot the zoning categories. You come in on the gr zoning, you cross into the blue, the sf-3 and you hit the pink, which is the cs. And could I have the next one. And these are a couple of pictures. This property was actually

-- the zoning tract, the 34,000 square foot zoning tract was leased by the city of austin for the last 15 years. These are some photos I took last spring of the sf-3 property. It has not historically, at least for the last 15 years, been used as an sf-3 tract, but been used as a heavy commercial kind of equipment storage yard. The city used it for wastewater line repairs and some other city business and that lease is now up. The property owner has now revegetated this property and mr. Guernsey said he would like to have a site plan to pave the new cs portion and just put lumber pallets down temporarily. My meeting with the govalle, johnson terrace folks is they're happy with the lumberyard but want it to revert back to cs 3 after that and we think after that this property will probably become a vertical mixed use development with apartments, four stories of apartments and with retail along cesar chavez, kind of like what you see on south lamar or burnt road or even owe burnet road or even east riverside drive. If you have any questions I'm happy to answer them.

[10:43:07]

>> Cole: Thank you. We'll hear from mr. Daniel yanez next unless there is a question. Councilmember tovo has a question.

>> Tovo: The photos that you're showing us here, this is the tract as it looked when it was rented by the city of austin?

>> This was the sf-3 tract last spring, last march. I took these pictures.

>> Tovo: Thank you.

>> Cole: Thank you.

>> Good yanez. Mr. Yanez.

>> Good even, mayor pro tem and council. I'm [indiscernible] and I chair the neighborhood contact team and I am also the chair of the river bluff neighborhood association. And this is in our neighborhood as well. We are opposed to the changing of that tract 1 to sf-3 because we are loathe to lose any potential housing in the neighborhood. And also because the lots directly east of there are also sf-3 and if we let one go we're concerned that a domino effect would start. And it was not the planning commission that suggested the three foot strip, it was the applicant that suggested the three foot strip and the planning commission went along with it. I would say what could you build on a three foot strip? Nothing. So if you put a three foot strip there to protect the domino effect, the next person is going to come and say what can you build on a three foot strip. Although it sounds like a good device to help us mitigate the loss of housing potential in govalle johnston terrace, the only thing that

-- position we can take is to oppose this for that tract. I will say that we appreciate that he wants to roll back to rr along the river because we are all protective of the river. So that's our position. We really oppose the planning commission recommendation and we'd like to see it remain as sf-3. If there's a mechanism that

-- a creative mechanism. Because we met with staff to try and see if they could use the sf-3 lot for the lumberyard business, we don't want to impede that. If there's a mechanism if we could somehow put some kind of document together, something like that, that would be workable. But they also said to us that they have

-- they may sell it at a future date, so that's what concerns us is the future. So that's, like I say, if the council and staff can find a way for east side lumber to be able to use the sf three lot for their business while they're doing it that would be terrific. We would love that. We'd all win. But short of that we have to oppose it. If you have any questions I'd love to answer them.

[10:46:05]

>> Cole: Councilmember morrison.

>> Morrison: Daniel, do you know right off what the neighborhood plan says about this area? I know that there's not a neighborhood plan amendment along with this. What does it foresee in the flum?

>> What you see in the flum is like the sf 3, that includes that along the river. This whole area as we changed it and down zoned it during the neighborhood plan, a lot of different things

-- a lot of uses remain the same, but the zoning changed. And there's a lot of grandfathering in the neighborhood. So when you ask me

-- I'm not exactly sure

--

>> that's all right. Maybe I'll ask staff or maybe jim knows. I'm wondering what the future land use says about this area of your neighborhood.

>> Oh, I see. Well, what it speaks to is a mixture, single-family, mixed use and that kind of thing.

>> Morrison: I think jerry might be able to answer that. Mixed use. Okay. And then let's see, jerry, maybe you could help me with this question. How is it the city was allowed to use it for sort of an industrial use, but it was zoned single-family?

>> Do as we say, not as we do? [Laughter]

>> Morrison: So I was thinking

-- daniel is saying is there a way we could figure out how to use it and not rezone it.

>> They did it.

>> It's done as a temporary use. It's rather common for the city to acquire short term leases for temporary construction staging on single-family properties.

>> Morrison: Okay. And then I guess another question I have is having that single-family to the south and having no access to the single-family because you have that strip of gr, what do you really envision happening there?

>> Years ago

[10:48:07]

[indiscernible], who was also a developer, govalle, johnston terrace contact team, worked with him for almost two years and we created a beautiful design for this that included some single-family, some multi-family, residential, business and stuff. Worked on it for so long and we were all so hopeful for it, but the numbers didn't work. This was prebank collapse when interest rates

-- when everyone was speculating and all that. So the numbers didn't work. So for us now it's happening piecemeal. The bank went in. East side lumber relocated from east fifth street. They've been on the east side for years and years. We think they're great neighbors.

>> Morrison: So you would foresee some apartments along cesar chavez and single-family houses facing -- why do you need the single-family zoning if you do that?

>> Because when we were looking at the nine acres, the single-family portion of it was part of a configuration that included other uses. So here if you look at that along the street, it's got to be perfect for retail. There could be a street or drive, has some houses and also some multi-family too.

>> Morrison: That would require rezoning if there's some multi-family too

--

>> also, you mean? Well, when we were

-- before east side lumber was there and before the bank was there, our projection from our neighborhood plan was that part would have some houses, but other parts would also have apartments.

>> Morrison: I got it.

>> It still has that potential because one day if east side lumber leaves there there's a lot of potential for mixed use. Beautiful mixed use.

>> Morrison: I have a question for mr. Whit cleave, maybe for both of you. Has anybody talked about having a private restrictive covenant that says that you, the owner, would not object to a

downzoning if the use continues or something like that?

[10:50:07]

>> What we talked about on a restrictive covenant, first of all, mr. Yanez and I have met several times and I do appreciate the other time that he's put in. He's met me out on the site and we've had a lot of discussions on this. Hit common ground. He has a concern and I understand that concern that he doesn't want to lose housing stock in his neighborhood association. I did the math on this tract. It's 34,000 square feet and some change. You could under sf 3, assuming it had street frontage, which it it doesn't, you could get three duplex lots and one single-family lots. That's nine units. I went to city staff and said can I do a restrictive covenant because the govalle, johnston terrace neighborhood said any restrictive covenant we want the city to be a party to because we want the city to help us to enforce that covenant. So I said can we do a restrictive covenant that says that when this site redevelops with vertical mixed use that there's a minimum of nine residential units on tract number one? Staff told me we can't do a restrictive covenant with a minimum number of units, we can only do a restrictive covenant with a maximum number of units. So that didn't work. And mr. Yanez is correct that while we waited four hours for the planning commission action, he and I sat and talked and it was my idea to offer the three foot strip to kind of prevent the domino effect. Afterwards staff told me they don't think a three foot strip does anything. I talked to the property owner. He says I'd rather -- I'm trying to clean up the zoning, so if it doesn't do any good we're not interested in the three foot strip.

>> Morrison: Can you remind me, you said that what you offered for a restrictive covenant

-- tell me the first part again. If it ever reverts from commercial?

>> No. What we said was

-- I don't ever see this area as being an sf 3. There is no frontage for residential lots and I don't think it's feasible to put a road in for single. This tract one and the area to the east as mixed use, not as single-family. I think it will be apartments or townhomes, something mixed use of that sort where you have the retail on cesar chavez and apartments behind it. Much like you see in so much of the city these days.

[10:52:42]

>> Morrison: My question was the restrictive covenant that you offered, could you

-- could you tell me briefly what that was?

>> We offered the covenant that would say to protect the housing stock that there's the potential for nine houses on this property that there would be a minimum of nine residences on any vertical mixed use redevelopment of the site.

>> Morrison: Was that something that you were interested in if the city were part of it, mr. Yanez?

>> Well, we would be except that we haven't

-- we would need to come back to the contact team. I can't make that change here. I can only say that we're opposing this. But we would certainly want to go back. Mr. Whitliff and I met with staff. Exactly what you're trying to do, that's what we've been trying to do, find a way to make it work.

>> Morrison: I guess I want to throw out another thing. If the concern is about the city being a party

-- being a public restrictive covenant, and it sounds like that's not a problem, I'd be glad to work with you all to talk about ways where you might have an option for a private restrictive covenant with mechanisms that would allow the neighborhood to enforce it if needed so that you don't have that burden. So maybe what we could do would be to pass it on first reading and I'm committed to work with you to try and see if there aren't some options.

>> Rather than passing it how about postponing it and then we can come back to you on and on?

>> Would you mind that, mr. Whitliff?

>> I would prefer to move ahead with first reading and get the public hearing closed. We're clear on what we want to do which is, private restrictive covenant. We've had two postponements before the planning commission and I think the property owner would just as soon move ahead if possible.

>> Morrison: Has there been a request from the postponement from the neighborhood?

>> We've had postponements because mr. Woodliff failed to appear to the contact team. That's why.

[10:54:47]

>> Well, I guess I'm certainly happy to work with both parties and I'm open to either way. So I'm going to support whatever

-- if there's

-- if there's a motion for a first or a postponement, I'm completely open.

>> Cole: I'll say that I am very appreciative of the sides having worked together this far so well and that y'all are trying to achieve the same objective. I would prefer that we keep the case moving and we go ahead and close the public hearing, but only here it on first reading and understanding that councilmember morrison is going to work with you in addition to try to come up with some more creative solutions. Councilmember spelman, you had a comment? Councilmember spelman has made a motion that we hear this case on first reading only and councilmember morrison has seconded that. Any other comments? Councilmember morrison?

>> Morrison: I do want to make one other comment and that's something that I would like to discuss with the applicants and staff after whatever happens. And that is that I'm concerned about the fact that if we're doing pallets for lumber storage on something that's so close to the water, I wonder if we might want to be careful about runoff if there's rain into the river so maybe there could be some environmental protections that we get as an conditional overlay that we could also talk about.

>> Did you have a comment, and then councilmember tovo?

>> Riley: I wanted to make sure I understand, which is to approve zoning on first reading?

>> Cole: Yes. Councilmember tovo.

>> Tovo: I have a question. Maybe you can answer it. Was the problem with the public restrictive covenant the minimum number or was it with

--

[10:56:47]

>> it was with the minimum because the way the covenant would be worded if the use were to cease, let's say the lumberyard went out of business next year, the city would be in a hard spot to call them up

and say okay, your lumberyard has ceased. You now have to build seven houses. He could say well, we're not interested in building seven houses. The property is for sale and another restrictive covenant would say you have to build seven houses. It seems clear to us because the uses we've restricted on, we had meetings with both sides at the same time. We restricted it to lumberyard or future residential uses. That may be condos, apartments, could be a single-family house under the mu zoning. So there was an agreement that the lumberyard is okay for today. In the future it will be some sort of residential. Jim was

-- mr. Whitliff was trying to offer up an assuery that would be essential, but the city can't force anyone to build something if their business stops. If I could ask for a clarification on the motion. I think is it okay if we say staff recommendation as opposed to planning commission recommendation? Because I think everyone is in agreement that the three foot strip accomplishes nothing and that was the only difference between the staff and the planning commission recommendation.

>> Cole: Councilmember spelman, are you okay with that? Okay. If I understand your point, mr. Rusthoven

-- you've answered my question. Basically it can only be a lumberyard or residential?

>> Cole: All in favor? Those opposed say no. That passes on a vote of six to zero. Mr. Guernsey, I believe I have come to the end of my zoning cases, is that correct?

>> Yes. That concludes the zoning cases however I can offer several postponements regarding 4:00 and others as well if you would like to broken entertain them.

[10:58:49]

>> Cole: We will sprain them now.

>> On your 4:00 public hearings and possible action, staff would offer items 97, which is to conduct a public hearing and consider an ordinance to amend title 25 of the city code to allow placement of accessible ramps in required yards setbacks. Staff would request a postponement of this item to your february 13th agenda. Item number

-- do you want to take action collectively or would you like me to read them you will on or take one time?

>> Cole: Collectively.

>> Item number 98 is to conduct a public hearing and consider an ordinance for approve consent for the cascade municipal utility district number one mud subject to adoption of the ordinance approving a strategic partnership agreement between the city and the mud. Staff would request a postponement of this item for one week to the 30th. Item number 99 is to conduct a public hearing and consider an ordinance amending chapter 25-10 to establish regulations for special event signs. Staff is requesting a postponement of this item to february 13th. We've had two different stakeholders that have come forward. One asking changes to the ordinance and one making legal inquiries regarding the ordinance and that's why staff is requesting a postponement of item number 99. Item number 100 is to conduct a public hearing and consider an appeal by co-applicants rick engel, joseph longaro and jimmy nassour regarding the planning commission's denial of a conditional use permit for waiver for little woodrow's located on 5425 burnt road. Applicant and staff are requesting a postponement to your january 30th agenda next week.

>> Cole: Thank you, mr. Guernsey. So mr. Guernsey has recommended a postponement of item number 97 to february 13th to item number 98 to january the 30th and item number 100 to january the 30th. Can I entertain a motion? That has been moved by councilmember morrison. And seconded by councilmember spelman.

[11:00:59]

>> Morrison: Question? I'm sorry. A very quick question.

>> Tovo: I wonder, mr. Guernsey if you could tell us the staff basis for the postponement request for item number 100?

>> Item number 100 dealing with I think

-- on that particular dumb, first we are without one member of your council on board. We have the applicant's first request as well in regards to this item.

>> Tovo: I understand the staff

-- I understand the applicant's request for a postponement and we typically grant those. I'm struggling to understand the staff's.

>> We're simply in support of that request. You do not have a full council. It is a very controversial case on this item.

>> Tovo: Is it typical that the staff offer a recommendation for a postponement if they're merely agreeing with

-- I don't recall another case where an applicant has requested or a neighborhood association for that matter has requested a postponement and the staff have forwarded a postponement request as well.

>> I don't think it's unusual for staff to support the first request of either party coming before the council. I think there may be sometimes where staff may actually object to the length of a postponement. Again, this is only that

-- this is at the applicant's request of one week. We're not with a full council this evening. We have no objection and would support that request.

>> Tovo: Okay. Thank you. We're not getting anywhere. But it strikes me that the language is a little bit different between supporting, not objecting, and actually forwarding a request. And

--

>> I understand what you're saying.

>> Tovo: It's not always handled quite that way. Thank you very much. I certainly don't object to the postponement.

>> Cole: There's a motion and a second on the table. All in favor? Those opposed say no. That passes on a vote of six to zero.

>> Mayor pro tem, I could offer you two other postponements from your 10:00 agenda if you would like to entertain them.

[11:03:00]

>> Cole: I would like that.

>> Item number 69 is to approve third reading of an ordinance to approve the city code chapter 25-2

subchapter article c division nine, university overall district requirements relating to affordable housing regulations and the university neighborhood area. Stakeholders still asking for a postponement. A little bit longer on this item to the 13th of february. And I don't know if all the stakeholders are still in the audience. They were here earlier that were making the requests.

>> Cole: Councilmember morrison and then councilmember spelman.

>> Morrison: This is an action based on a resolution we did in, was it 2009? It's ridiculous. So what possibly still needs to be discussed with stakeholders? There has been such a thorough discussion and it's been through boards and commissions and it's been adjusted several times. I'm just confused and I would like to say also to note that the recommendation in here is to change the fee in lieu from 50 cents to one dollar and then to adjust it annually based on the cpi or something. And I am going to make a request that we get information about what that one dollar adjusted for cpi for five years would be and see about actually resetting it to that higher level to start because we've been waiting and waiting and waiting. So okay, that was all sort of a rhetorical rant. Mr. Guernsey, do you have any idea what still needs to be discussed?

>> No, I don't. The stakeholders that were here earlier this evening have appeared to have all left the chamber. And my co-staff with neighborhood housing that was working with them does not appear to be here either. But I know neighborhood housing staff and the stakeholders that have been involved, mr. Hersh, mr. Mchone, were okay with the postponement.

[11:05:10]

>> Morrison: Is there even any more land in the uno area to develop with density bonuses at this point.

>> I don't know, mayor

--

>> that would be councilmember.

>> But I can get back to you certainly before the next meeting and see how many tracts are left to be redeveloped. There's certainly more land, whether there are more projects that have vacant land or land that has been subject to demolition permit and waiting a new application to be filed, I could not tell you.

>> Morrison: So I would like to share with my colleagues that I will not support one more postponement of this after this. Clearly we have to postpone now because the stakeholders that still want to talk about it aren't even here, but after this we really need to get on with it.

>> Spelman: Mayor pro tem? Councilmember cole is councilmember morrison finished with her rant?

[Laughter] councilmember spelman.

>> Spelman: The answer to councilmember morrison's question is 1.09. I'm with you.

>> Cole: Orange. I think mr. Guernsey ideas we want to move on this item.

>> I'll pass that word on to the stakeholders.

>> Cole: I'll entertain a motion to go ahead and postpone this item. Councilmember spelman moves to postpone and I'll second. All in favor say aye? Those opposed say nay. It passes on a vote of six to zero. What other item do you have?

>> That was the postpone the item to date before valentine's day on the 13th. Item number 70 is to approve third reading of an ordinance amending article 11 of the city code on chapter 25-12 residential

code to require additional accessible or visibility standards for residential single-family and duplex construction. Staff would offer this for one week only postponement to the 30th.

>> Cole: Any comments, council? I'll entertain a motion. There's been a motion to postpone to january 30th. Seconded by councilmember martinez. All in favor? Those aped say no? That passes on a vote of six to zero.

[11:07:20]

>> That's all that I can offer you this evening in the way of postponements.

>> Cole: Thank you, mr. Guernsey. We have one item left, council. Item number 99, to conduct a public hearing in considering an ordinance amending chapter 25-10 to establish regulations for a special events signs. Is there any staff presentation?

>> Spelman: I believe that 99 was recommended for postponement, but we didn't list that in your recounting.

>> Cole: Okay. So it was postponed.

>> Spelman: It needs to be postponed. I move postpone item number 99 per mr. Guernsey's suggestion until the 13th of february.

>> Cole: Okay. Councilmember spelman moves to postpone item number 99 to the 13th of february. That was seconded by councilmember morrison. All in favor? Those opposed say no. That passes on a vote of six to zero. Council, there is no further business before the city council. We still have live music and proclamations, but I believe that I can adjourn the meeting without objection and we don't need a motion to go past 10.

[11:32:15]

[🎵 Music playing 🎵]

[11:35:35]

>> thank you. [Applause]

>> cole: Okay, and we have a proclamation for you. Be it known that whereas the city of austin, texas is blessed with many creative musicians, whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike. And whereas we're pleased to showcase annual support our local artists. Now, therefore, I lee leffingwell, mayor of the live music capital, do hereby proclaim january 23, 2014, as la vida buena day. [Cheers and applause] so let me ask you a couple of questions. Where can we buy your music?

>> That's a great question. We just had an ep release last friday, you can find it us on our we had, la vida buena.Com. Also itunes and pick up a copy

-- we signed the first hundred.

>> Cole: And where are you appearing next?

>> Our next show is february 8 at bonita cantina on sixth street. We have a romantic show on valentine

february 14.

>> Cole: Very good. Thank you guys. Here's your proclamation. [Applause] [applause]

>> cole: We have a community service award to the hispanic bar association. Do you guys want to come down? I'm very familiar with the hispanic bar association and the good work that it does in the community. I was very involved at one point in my career with the austin black lawyers association and we did many things together. So I'm pleased to have the honor of reading you the proclamation. The community service award through 15 years of support for the south austin neighborhood center thanksgiving basket project, the hispanic bar association of austin has rendered valuable and distinguished services to the citizens of austin. The hispanic bar association of austin has worked side by side with the south austin neighborhood center every november for a decade and a half to provide families with turkeys and fresh canned foods for their thanksgiving meals. 60 families enjoyed a bountiful thanksgiving as a result of their efforts this year. Besides supplying the manpower to prepare and distribute the baskets, hvaa members raised funds to purchase canned goods for the center -- when the center pantry ran short. The long-standing project has been particularly beneficial as more and more families face difficult times. We are pleased to recognize hbaa and the -- pleased to recognize hbaa and the hispanic law association for their worthwhile contribution on behalf of the austin citizens, presented the 23rd day of january in the 2014, the city council of austin, texas. Mayor lee leffingwell, mayor pro tem sheryl cole, council members chris riley, mike martinez, kathie tovo, laura morrison and bill spelman.

[11:39:22]

[Applause] do you want to make a comment?

>> Yes, I'm evonne meyer, with the south austin neighborhood center, which is under the auspices of the health and human service department, and I just wanted to say this is a wonderful opportunity to thank the hispanic bar association and ms. Lulu flores, one of the attorneys here in austin, and also all of the support systems that help them each year to help our families in need. For the last 15 years they have been dedicated to helping our most needy families in south austin to have a thanksgiving. So I just want to go thank you for this opportunity to award you this service.

>> I'll just speak on behalf of the hispanic bar association of austin, who we have members here joining us, and it's been our pleasure

-- this is one of our more important projects every year that we've done for over 15 years, and when we started partnering with the south austin neighborhood center it made our project a lot easier and it's actually been a great partnership and we're very happy to

-- because they assist us a lot in helping us locate the families and provide food. And so we are

-- we're pleased and very thankful to have them partner with, and we really appreciate being recognized for this. It's a great honor. Thank you. [Applause]

>> my name is michael ma rina, I'm a past president of the organization and I wanted to recognize lulu because lulu has really been the leader behind the hispanic bar supporting this effort for many, many years, but really what I want to do is say hi to my son and daughter who are watching on the internet.

[Laughter]

[11:41:58]

>> cole: Kathy gray? There you are. All friends and supporters of kathy please come down to help her receive her award. How are you? You're nervous. I'm just going to say your name about 50 times. In the city of austin we have the great pleasure of having many wonderful employees work for us, and then there are those that work for a very long time for us and do an amazing job, and for that we like to present a distinguished service award to ms. Kathy gray, for her untiring service and commitment to our citizens during her 37th career

-- 37-year career as a dedicated employee as the city of

-- of the city of austin. Kathy gray is deserving of public acclaim and recognition. Over the course of her career kathy worked with austin energy, fleet services, the controller's office, and finally for the past 15 years with ctm at the radio shop. Kathy was recognized several times over the years for her accuracy and speed in processing payments. She often ranked first in the city in accounts payable. We thank kathy for her dedication and her valued service and wish her all the best in her well-deserved retirement. This certificate is presented the 23rd day of january in the year 2014. The city council of austin, texas, mayor lee leffingwell, mayor pro tem sheryl cole, council members chris riley, mike martinez, kathie tovo, morrison and bill spelman.

>> Thank you. [Applause]

>> first of all I'd like to say thank god for all my years, thank my family, my friends, my coworkers, my bosses, my ex-bosses and everybody. Thank you so much.

[11:44:01]

[Applause]

>> cole: Next we have a distinguished service award for garner stobe of the planning and development review department. I would like to say that I have known garner from being chair of the comprehensive planning and transportation committee and the work that he consistently did with the comprehensive plan, and I've been most pleased with that for the time that I've had direct contact with him. I'm going to read your award. The city of austin distinguished service award for his 38-year commitment to making cities a better place to live, work and play, and his dedication to the city of austin for leading the pack to the creation of imagine austin. Garner stole is deserving of public acclaim and recognition. During his career mr. Stowe was a visionary leader in several midwest cities before coming to austin. He endeavored to make those communities better places and to improve the quality of life for their residents. Highlights of his interesting life as a planner include fighting to preserve a historic main street in lawrence, kansas, laying the groundwork for a city-wide trail system in lincoln, nebraska, ensuring that streets were safe for pedestrians, bicyclists and motorists in parker, colorado, as well as leading redevelopment efforts in oklahoma city following the tragedy of the muray federal building bombing. Since his arrival in austin, he gathered his staff in crafting a sustainable long-range vision for our city, imagine austin. By laying the groundwork for implementation to transform the vision into reality, he has set us on a course to sustain and improve those things that make austin special in the face of inevitable change. This certificate is presented in acknowledgment and appreciation of his service to our city and its citizens, the 23rd day of january in the year 2014. The city council of austin, texas, mayor lee

leffingwell, mayor pro tem sheryl cole, council members chris riley, mike martinez, kathie tovo, laura morrison and bill spelman. Here you go.

[11:47:12]

[Applause]

>> thank you so much. This was entirely unexpected. I found out about it yesterday, but it's very much appreciated. As you can see by taking a brief look at my biography, my life and career is entirely improbable. How did that happen? Dr. Wong asked me that a few minutes ago. It happened through the help of so many people in all the communities that I worked for. And I worked for some really special places. I had some tremendous opportunities, but everything that I was attributed to happened because others helped me, and if I wanted to name all of th, even in austin, we'd be here all evening. So I can't do that. I would like to name a few people that are here. Greg guernsey. Greg guernsey gave me the opportunity to come to austin. This is such a special place, and through thick and thin greg always smiled. So that was great. Sheryl haywood is here, don ner, jerry rusthoven, dr. Wong. Somebody else is here, my special other, jane hanson, who we've been married for 29 years, and she really deserves a lot of the thanks. I don't know how many meetings during imagine austin I was going in the evening. We had two teenage sons in high school, and I didn't have to worry about that because I knew jane was at home. So thanks to everybody, marc ott and former manager toby futrell, laura morrison, everybody that worked on the plans so diligently.

[11:49:34]

[Applause]

>> I can't let garner just get away saying just a few words. I was blessed to have worked with garner, have him as a friend, as a mentor. He's mentored many young planners within the department and really let them blossom and grow, and I think that's one of garner's gifts. I asked him when he came to austin

-- he's been so plane places. You heard, lawrence, kansas, and boulder, colorado, kansas city. He also had been

-- what was the other one?

>> Oklahoma city.

>> Oklahoma city, all these big 12 places. He'll be in austin for a while, and then he'll go visit some other big 12 college campus city. But I asked him, why did he want to come to austin? And he said, you know, greg, because I get to do something fun. I get to work on the comprehensive plan. And I thought that was very good. That was a very telling statement. The next thing he said, he said the target is on your back, so I don't have to worry about all those other things, because I get to do what I want to do and you still have to do all the other things. [Laughter] I thought that was very interesting too. But garner, I'll miss you, and I'll miss your leadership and your compassion for the profession and everybody in the city of austin. It took him a while to understand that austin is a unique place, that we are in a very engaged community that likes to embrace its politics and its passions, more so than he said the other places he ever worked in. And I'm thankful that he's going to stay in austin and be one of the citizens. Maybe we'll

see him on a board of commissions someday. I don't think he really retires. He'll be working.

[11:51:37]

[Laughter] pigs do fly in austin. So it could happen. You never really know. Anyway, garner, I wanted to thank you on behalf of everybody at the city. [Applause] [applause]