

City Council Regular Meeting Transcript – 02/27/2014

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City council meeting will begin momentarily. Brushy,.

[04:01:31]

>> Mayor Leffingwell: Good morning. I am austin mayor lee leffingwell. We will begin today with the invocation from reverend cynthia kepler-karrer who is the senior pastor at memorial united methodist church. Please rise.

>> Let us pray. Jesus, when you were with us, you made wise pronouncements from a hilltop from the wide open stretch of the plain and from beside the sea, but you also healed and fed and walked and told stories. Today's business in these chambers will require wisdom and intelligent pronouncements and idealistic decisions but you remind us that it will also require of all gathered a remembrance that no one is above another. We all need healing and feeding and someone to walk with and someone to tell our story to. May the words spoken in this chamber as well as the actions, countenance here today help us to blend our lives and stories together in the kind of hope and harmony that you envision and call your kingdom. Save us from selfish thinking and help us not to walk alone. In your name we pray. Amen.

>> Mayor Leffingwell: Amen.

>> Mayor Leffingwell: Quorum is present so I will call this meeting of the austin city council to order, on thursday, february 27, 2014. The time is 10:02 a.M. Could I ask you to please take your conversations outside? We are meeting in the council chambers austin city hall 301 west second street, austin, texas, we will begin with the changes and corrections to today's agenda. Items 2, 29, and 30 add the phrase "recommend and by the electric utility commission on a vote of 7-0". Item number 3 is withdrawn. Item number 4 is postponed until march 6, 2014. Item 11 is withdrawn. Item 12 is postponed to march 6, 2014. Item number 20, add the phrase "february 25, 2014, unanimously approved by the parks and recreation board." Item number 72, add the phrase "february 25, 2014, approved by the parks and recreation board on a 5-0 vote with the

-- with board members abel and osgood absent. Item 75, 4:00 p.M. Time certain will be a request to postpone this item until march 6, 2014. Time certain items for today at 10:30 will have our human capital management briefing and also austin's urban forestry plan briefing. 12 noon we will take up citizens communications. 2:00 p.M., Our zoning matters. 4, public hearings and 5:30, live music and proclamations. The musician for today is ruby d. And the snake handlers. It should be interesting. I hope

they are not real snakes.

[04:05:08]

[Laughter] the consent agenda for today is items 1 through 52, with several items pulled off which I will read off in a minute, but first item number 34, which will remain on consent, I will read into the record. These are our board and commissions nominations and waivers. First, to the asian american quality of life advisory commission, gwynn is council member spelman's nominee and commission on seniors, tom coopwood is mayor leffingwell's nominee to the hispanic quality of life resource advisory commission, diego mancodo is leffingwell's nominee. To sustainable food policy board, al alexandria sandra evans is council member morrison ice nominee and herring is council member riley's nominee. The following items were pulled off the consent agenda. Item number 8, pulled by council member morrison, items -- item number 15, which is related to item number 73 is pulled off consent and will be heard concurrently with item number 73 after 4:00 p.m. Items 38, 39, 40, are pulled off by council member morrison and items 44, 45, and 50 pulled by council member spelman. The following items were pulled off consent due to speakers. Items 13, 14, 19, 43, and 46. We have three speakers on the consent agenda, the first is cyrus reed.

>> Mayor.

>> Spelman: Mayor.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I move to have item number 54 pulled off the consent agenda.

[04:07:15]

>> (Indiscernible).

>> Cole: It is not at consent. We stopped at number 52. That's right.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I believe you read item number 45, you said that I pulled item 45. I actually pulled item 49, not item 45.

>> Mayor Leffingwell: Note that correction, item 45 remains on the consent agenda. Item 49 is pulled from the consent agenda by council member spelman. It did read 45 on my script, so ...

>> Spelman: Oh.

>> Mayor Leffingwell: Mr. Reed, you have 3 minutes.

>> Knew, I will be very brief. I am here in support of item number 2 which is proposed contract for 300-megawatts of wind power from the little county of carson county near lubbock. It has about 8,000 people. My wikipedia told me, about half live in demit, they have sheet, grain, and great wind resources. I see this as a win win win. It is a win for ratepayers. The proposed contract is somewhere in the neighborhood of 26 to \$36 per megawatt hour. That's over 18 years. That's established prices that are, you know, equivalent or less than a gas plant and nearing the cost of the coal plant for 18 years. And if it breaks, we are not responsible. We don't pay for that maintenance. That eat great for ratepayers and the environment, no water, no emissions. It will allow us to further cycle down fayette and some of our

gas plants. And it's great for the vision you guys had in 2011, when you approved the generation plan and said we can get to 35 percent renewables because if we go ahead with the contract, we should meet the 35% renewable contract in 2016. It is a good thing. We had a vision and it looks like we are going to meet it. I am going to say this, I think we can go higher. We can continue to look at the 35% goal and go higher. Part of the reason that this contract is so attractive is because of the ptc, because of the federal government incentive for wind that did expire in 2013. However, any project that began construction in 2013 still qualifies. I just checked the system planning report by ERCOT. There are approximately 8,000-megawatts of wind that have entered connection contracts with transmission utilities, which means many of those would qualify for the ptc, depending on whether they would actually be in production, so I think there are

-- for construction, I think there are further contracts to look at. Much smaller numbers for solar but there are some solar projects out there that would also qualify for similar tax credit that goes out in 2016. I am encouraging you as we look at the next phase of the generation plan, to set higher goals and other opportunities for a win win win like this one is. Those are my comments.

[04:10:18]

>> Mayor Leffingwell: Thank you. The next speaker is David King.

>> Thank you Mayor Pro Tem, Mayor, and Council members. Can I ask if item 44 was also pulled from consent.

>> Mayor Leffingwell: Yes.

>> I am here to speak number 10, the \$300,000 for Long Center and cooperative scheduled agreement. I am a supporter of Long Center. It is a great organization for this community. However, I am worried about the taxpayers chipping in another \$300,000 for this. I have questions that need to be answered. Will the Long Center or Palmer Event Center be allowed to use Auditorium Shores or Butler Park because of the agreement. Will those count for 25 day event limit at Auditorium Shores will cooperative scheduling agreement between the Long and Palmer Event Center result in large and bigger events that will impact residents and park users. Will free low cost events such as city wide garage sale be moved out of the Palmer Center to make room for more profitable events. The referendum was to allow to take over the old center, in order for the taxpayers not to support operations of the Long Center. Low and moderate income families can't afford to pay for the tickets at Long Center so why should their money be used to subsidize events there. A lot of people have benefited from our growth and great economic success in Austin and I hope they will step up to the plate and help fund this great organization. Thank you.

>> Mayor Leffingwell: Next speaker is Fred Smith.

[04:12:28]

>> My name was misspelled so I wasn't sure that it was me.

>> Mayor Leffingwell: Okay. Did I not say it right, Fred Smith?

>> It's Schmidt.

>> Schmidt.

>> Mayor Leffingwell: Okay. Got you.

>> I also have a presentation if this is my slot that I think is coming up here. Thank you. Good morning, mr. Mayor, council members. Ours is the story of the power of connected cities. Austin, texas, and the london bureau of headache acme, two communities that cannot be more different than history, geography, demography and resources and yet we have a zeal for other talents, united in capital of technology, creativity, research, entrepreneurship and innovation. So where is this place. Hacme, home for first performance of shakespeare romeo and juliette, alfred hitchcock first film studio job and the poet edgar allen poe, it sits in east london, above the london financial district and east of the soho theater around entertainment district. It is one of 32 burrows that make up greater london, the whole scheme created in 1965. It is the only borrow besides the

-- bureau besides city of london do to have a mayor, pike, and our austin journey in austin begin with a trade mission organized by trade and investment and austin's economic development led by mayor leffingwell, there were many of us, mostly with execs with local tech startups who considered expansion into the european market. In january 25, 2012. The mayors gathered in a conference room called mother london, a creative agency located in tm biscuit building with us and the hacme buildings and the austin friendship cities agreement was signed and that would have been it, another forgotten certificate laying on two walls, 2,013-miles apart. But not in this case. During my brief hackney stay, I met a chap named rey who is a creative type who showed me around the local streets for a few days more as the austin team headed home. We hit it off right away. Six weeks later, I spoke to british consulate houston to bring duncun to austin to drink by the fountain we call sxsw, in short we blew his mind, exactly as intended. Followed by two months later by your an participa heading to hackney for a conference conference and then my son brandon schmidt at saint edwards worked at sxsw as internship of the digital media manager for a cultural festival in conjunction with the olympics. Just like that, we were off to the races. Next they employed brandon for their trade mission at sxsw last year. Hackney with the british embassy brought over 11 dozen london tech companies to show their stuff. Alarming]

[04:15:51]

>> I have longer.

>> Mayor Leffingwell: We normally don't let anybody go past 3 minutes but without objection, council, since this is a special sister city arrangement, continue for another minute.

>> Okay. Thank you. I wasn't aware where I was going to get slid in the speaking order here, so thank you. So it was opened by our fearless leader, mayor leffingwell, seen here wearing bright eyed glasses, a product in one of the companies with a photo that went globally. I.

>> Mayor Leffingwell: I want to be sure to get that in. [Laughter]

>> it was so noticeable that they had keynote speaker bruce sterling who proclaimed hackney is a force to be reckoned with. That now is the new branding statement of the bureau of hackney and then I led another austin trade mission to hackney where I was asked to keynote on this growing austin hackney relationship. By now, a year later, I realized the opportunity at hand, to partner up start austin with one of the oldest, most established, most powerful cities in the planet, london. We had a chance to couple the fastest growing economies in the u.S. And u.K., Austin and tech cities. That brings us forward to today as we assemble here on the eve of another sxsw festival when the world comes to austin this

building on congress avenue with boarded up windows is about to be transformed into hackney house 2014 by our hackney friends at the architects and they open march 7, at 5:00 p.M. With mayor leffingwell doing the honors, you are all invited. Over 30 companies and 100 people are preparing to head this way and we can't wait to welcome them to their second home. Looking forward, our austin group is engaged in this hackney relationship numbering almost 200 strong now and planning its next mission to london this summer with a full compliment of austin talent that includes techies, entrepreneurs, big established companies, filmmakers, visual artists, students, chefs and dub makers, we dubbed it austin fest hackney. Today's fully grounded in three strong areas of focus, exploding world of technology where our digital trade mission first sowed its seeds and secondly in the creative industries because both communities know it's not just all about the dollars and data. We have got to have some fun along the way in a live work balance that is healthy, sustainable and also nurtures the soul and the third, very, very important leg is lifelong learning and skills development. We have been working tirelessly to build connections between the universities in both austin and london, because let's face it. Tech and music trends come and go in regular cycles and so do a lot of people dabbling in those areas but academic partnerships if done right become a year round machine of faculty and student exchanges and collaborations. Well, that is background and understanding of our goals and purpose and as we stand here at the start of british week austin, kicking off this weekend with celebration of british airways inaugural direct flights between austin and london and the music embassy of sxsw I hereby request for your approval to have the austin hackney relationship as full sister status and the meropic did it there and we are hoping to see the signing of the new agreements in person of hackney next week with the reunion of mayors and advancements of additional economic opportunities understood way. Thank you.

[04:19:42]

>> Mayor Leffingwell: Thank you, mr. Schmidt. [Laughter]. Next speaker is scott johnson.

>> Good morning, council members, city manager and staff. Item 45, I am in strong support of and I want to thank the sponsors of that, council member martinez, morrison and spelman, the issue of distracted driving and aggressive driving is a challenge that we have that seems to be growing day by day as we are driving and biking and walking within the city. One opportunity that hasn't been fleshed out and perhaps can be more just from commonsense or through direction from the department directors or direction from the city manager or the council is to ask that during the workday, when those folks are coming into work, staff were leaving work or we know that they are at lunch, to have the staff in the office not call them, unless it's an emergency. Conversely, those folks that are in the field, unless it's an emergency, while they are coming into work or leaving work, or at lunch, they don't necessarily need to call using a city issued mobile phone. They don't need to be texting, which is already illegal. They don't need to be surfing. There is this kind of activity going on. As well, it would be important to try to eliminate personal calls from the personal mobile phones of the field staff and the city employees during the day while they are working, even though they are their own phones. And, also, to try to eliminate personal calls in general during the day. These are some opportunities that aren't necessarily contained within the direction from this resolution but hopefully can be gleaned from commonsense from direction from someone within the city and the study group might come up with some creative

recommendations or some people from hackney may come up with creative recommendations on this and also how we engage our community on climate change to a higher level than we are currently doing through our city. Thank you very much.

[04:22:01]

>> Mayor Leffingwell: Thank you. That's all the speakers I have on the content agenda. Council member morrison.

>> Morrison: Mayor, I pulled 38, 39, 40, the one about waiving notification, and I just was made aware that we got a memo at 9:15 this morning explaining it so I will be glad to put them back on concept. My concern is there might have been some people that didn't speak about them because they might have thought they were being pulled. And so

--

>> Mayor Leffingwell: Do you want to put those back on the consent agenda.

>> Morrison: If we can just make

-- unless somebody else wants to

-- disagrees.

>> Tovo: Well, mayor I was intending to

--

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I was intending to pull 38, so if we could leave that one off the consent agenda.

>> Mayor Leffingwell: All right. So council member tovo now pulls item 38. So david king has already spoken on the consent agenda. So we don't have any speakers on 39 and 40.

>> (Indiscernible).

>> Mayor Leffingwell: Mr. King.

>> Had I known it would have been back r put back on consent, I would have spoken about that.

>> Morrison: That's my fear so I guess we can leave them off consent.

>> Mayor Leffingwell: We will leave them off consent.

>> Thank you.

>> Mayor Leffingwell: They are off the consent agenda.

>> Morrison: Thank you.

>> Mayor Leffingwell: So entertain a motion on the consent agenda. Council member spelman moves approval, second by council member morrison. In favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. So maybe we can get in one item before we go to our briefings. Item number 8 was pulled by council member morrison.

>> Thank you, mayor, this is an item to do some work to award a contract to do some work on the naming which I think is very exciting and I wonder if staff is here so I can ask questions on this project. Back in 2010, we had a lot of discussion about concerns about the wall at the main museum they be preserved, a lot of discussion about that and then also about the crape myrtles and we passed a resolution mayor leffingwell and possibly others asking that staff go forward and find some ways to preserve the wall and the crape myrtles, subsequently we had a presentation at our cpt council committee and ours came back a few things and a memo, saying for the foreseeable future we would be

preserving the wall and the crape myrtles, and then, additionally, it is my understanding out of that discussion, there was an agreement to add some information to the master plan, so I guess my question now is, this contract that was recommended with o'connell hudson, which seems great, it actually mentions site improvements and I want to get confirmation that they will not be removing the wall, nor the crape myrtles.

[04:25:31]

>> Good morning, assistant director for the parks department. I am here to confirm that the issue around the wall, we will ensure that in the long run, that wall will remain. We received confirmation that it is historically significant and so to that extent we are committed to ensure that the wall will remain. The item before you today is really more about hvac systems and the building, et cetera. But this has been an issue that has been important to the community as well as the parks department and with the confirmation by report

-- the bush report that it is historically significant, it will remain.

>> That's very good news. I am glad to hear that. And then as a follow up, did we get the bush report attached to the master plan?

>> Yes, we have.

>> Morrison: Okay. Would you be able

-- just because this is sump a long running scenario,

-- such a long running scenario, I wonder if you can send us a memo to the effect the wall will be preserved and that the bush report habitat tached.

>> We will be hppy to.

>> Morrison: What about the crepe creditor myrtles?

>> The crape myrtles will remain, also, because they are historically significant. They are in need of care but they will remain.

>> Morrison: Great. I hope this closes the discussion. I look forward to the memo so we can have it in the file and close the file.

>> Thank you.

>> Morrison: Thank you. Mayor, I move approval.

>> Spelman: Sec.

>> Mayor Leffingwell: Council member morrison moves approval. Seconded by council member spelman. Comments? All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 7-0. So let's go to our first briefing at staff request, the first briefing will be by the urban forestry

-- on the urban forestry plan.

[04:27:47]

>> Good morning, mayor, council members, deputy city manager mcdonald. I am angela hanson and the city of austin urban forester and I am here with chris kite who is part of the board and I am here to talk about a topic near and dear of the future of our urban forests and the urban forest plan. So what is the urban forest? First and foremost, we are talking about trees and vegetation on public property. Current

estimates we have around 7 million trees on public property. About 300,000 of those are on active use areas such as streets, parks, public facilities. The structural value or the replacement value of those public trees is estimated at \$4 billion. For every dollar we put into austin public trees, we receive at least \$9 in benefits, so that's social, economic, environmental benefits. The net annual urban forest benefit is around 10 million

-- \$11 million, so we are talking about asset that provides a lot of good to our community and one that provides more value over time. Okay. So what is the urban forester? These are the items in chapter 6-3 of city code that are part of my duties. Oversee city departments involved in urban forest management, grants or denies administrative approval, develops standards which trees and vegetation are cared for. And in this case administer the comprehensive urban forest plan once it is adopted. Some of the drivers for this plan include drought. 2011 was a wake-up call. Urban forests in austin is tough, like many austin residents, but it is not immune. We need to be planning for the future of given climate trends and we need to be looking forward to the next 20 years and make sure that generations to come receive the same urban forest benefits that we do. Growth, of course, is related to many items that come before this council, directly or indirectly. The city is growing very rapidly and as I see people coming into the city, the way I look at it is those are a lot more people that are going to need the benefits of a resilient urban forest. Finally, the comprehensive urban forest plan has been in city council

-- I am sorry, in the city code for over 20 years. So it's long overdue. There have been at least three attempts to date to get a plan adopted, and hopefully this one is in the final stretch. Imagine austin has given all city staff a new drum beat to march by and the comprehensive urban forest plan is certainly apart of that. There are 20 imagine austin priority actions that relate to urban forest management, including one that specifically identifies the need for an urban forest plan. The urban forest plan, like many land management plans, including the invasive species management plan, the community wildfire protection plan, and many others are all part of one of these priority programs, number 4, green is the structure. If we want urban forestry and green infrastructure to be at the forefront of city business, it needs a plan. Green infrastructure.

[04:31:47]

>> And to put it lightly, we absolutely could not imagine the city of austin without its trees. It is so easily to take the urban forest for granted but we would notice the trees and canopy so much if they weren't there. Which is one of the reasons why I am very proud to serve on the board.

>> Again, if we want green infrastructure in the urban forest to be at the forefront of sustainable city and treated as another piece of infrastructure, we need a plan. Any other city infrastructure that has a value of \$4 billion have had a plan for a long time. So we started out with an inventory. What is the state of our urban forests as we go into this planning process? And although many foresters career trajectories take them far away from people and into the forests, where they, you know, don't have to talk to anyone, urban forestry, on the other hand, is

-- air ban forestry is the nexus between trees and vegetation and the community

-- urban forestry

-- and is we need to take into account the factors that help urban forest be successful or not, not just resource itself, trees, vegetation, how does it look, how tall are they, how many do we have but how is

the community integrated into decision making, how is the community involved and how is the city resource to provide for future urban forests.

>> The plan we are here presenting today, it is in its early formative stages starting in 2011. So one idea is let's just get a draft out and take a long time to get a draft and then get public input. The decision was, no, very early in the process before we get to the next step, why don't we get public input early and to angela's effort, she worked in the forest department at the time, she did excellent job for online survey that was done. It was to get early public view feelings, what do you really value about the urban canopy. What is more important? Is it shade, environmental benefits? Beauty, et cetera, wildlife and prioritized that and that was an online survey that yielded a lot of early information that guided us through the draft development. We also had public workshop and the timing april 2012 to solicit more of the solid input.

[04:34:23]

>> This slide is not intended for you to be able to read, and there is a point here. [Laughter]. If you want to look more closely, if you have a copy of the plan in front of you, on page 55, this is showing the universe of all the different departments in the city that have some kind of urban forest involvement, whether it be educational, regulatory, care and maintenance, et cetera. So a plan that is intended to be a city wide plan need to take into account the unique missions and business of 14 different departments that have some kind of involvement in urban forestry. And as we

-- as we started digging into the existing plans, and

-- and other things going on related to green infrastructure, we realized there is a lot of great work going on within the city. It's just not necessarily coordinated and guided by one strategic vision. So that is -- that's the purpose of this plan.

>> I think many of you in the room probably have had the experience of getting a lot of people in one room to come up with a mission statement or vision plan and y'all know it can take many, many hours an lots of opinions and I can't count them all but we are very proud we came up with as the overall vision for the urban forest in austin in this plan. Austin's urban forest is a healthy and sustainable mix of trees, vegetation, and other components that compromise continuous and thriving ecosystem value protected and cared for by the city and all of its citizens in the central economic and environment am and community asset.

>> All right. So how do we get there? On page 71, if you want to look at all 59 of these policy elements, this is the comprehensive part of the comprehensive urban forest plan. These are the seeds of city policy. They are divided up into these categories, protection, preservation, sustainable urban forests, how well are we using the resources to manage the urban forests. Plants and care maintenance, which is typically what people think first when they think about urban forestry. The city's framework for managing the urban forests, planning and design for trees and vegetation, and finally education and outreach.

[04:36:55]

>> And these -- the way these policy elements are ranked is based on a lot of the public input we

received. We really want to commend one of the great ideas staff had in one of our workshops. If you tell people, what should we do. They say pull everything. There is never infinite resources, so they are given \$1,000 of monopoly money and in these six boxes and they say you can put all \$1,000 in one box or spread it evenly, tell us how you would prioritize limited resources, so that's the ranking that came out with that in combination with all of the other public input we received.

>> So I wanted to give a few examples of what those policy elements are. They don't say how a department shall address each of them but it says what, what needs to change, what needs to happen, and the next step will be departments, how will you accomplish this, given your unique mission and constraints. Protection of trees during development. Again, this is protection of public trees, and certainly public trees are affected, maybe not so much as private trees, but they are affected. So departments, how will you address this? In your own way? Tree canopy cover. Certainly we can't tell some departments, you need to have 40% canopy cover on your property. The airport would not find that very feasible. Some other department that is work under federal permits may not find that feasible if they are managing habitats for certain species, so we want to be able to identify canopy goals according to site, land use, and ecosystem capacity, and develop a plan to achieve them. So that's what we are asking departments to do. Urban wood utilization is another example. Different departments create some amount of urban woody waste, and we want to be able to ask them to recycle that or use it to the best and highest purpose. So here is just some
-- some of the examples of the 59 policy elements included in the plan.

[04:39:13]

>> Around talking about the urban forestry level, basically the last three years in combination of regular and special called meetings, there was a total of 31 involved planning development, plan review, receipt of comments and so forth, collectively through many avenues, over 2100 public comments were received and out of that, you probably have all seen many of the letters of support to city council from the Texas A&M Forest Service, Shoal Creek Conservancy, Peace Park Conservancy, Peace Park Coalition, Wildflower Center and Tree Folks as well and I will talk a little more in a minute

-- Peace Park

-- and I will talk about the public meetings, online surveys and it is a way to provide as many possible avenues as possible and make it easy to the public and get as wide range and diverse view because sometimes you can have a meeting and online survey and you have the true believers that come and do that, and we will talk more about

-- from the city staff level there were many interdepartmental meetings from various departments and ten of those total.

>> Yes, in fact, because this is a plan that will affect all of their business in some way, it was important to get them in at the forefront. So we had 23 interdepartmental meetings where the subject matter experts related to tree and vegetation from each of the departments helped shape what this plan looked like.

>> And one of my favorite parts of the public engagement process is that if you happen to be at the Austin Farmers Market a few blocks away on the last Saturday of July, you can come pretty loud expressive individual, but this person there was telling people, hey, gives your ideas, put them on a

sticky and put them on this tree. As I mentioned earlier, a lot of people won't go to the trouble of having online survey or attending a workshop but we wanted to get diverse a range as possible and this is one of the funnest opportunities. We had total of 70, each board member in conjunction with staff was able to get out there and we kind of went to these high volume areas to get as many people as possible to show and all of these comments have been documented, put in spreadsheet, available online, and we are just going to keep them there forever and each time I have gone to review the plan, try to add to it, improve it and I go back and look at the comments to try to review and digest them to inform how the plan could be made better.

[04:41:52]

>> In fact, many of these comments were very operational in nature, which isn't surprising. That's a lot of people live and work on that level, and so each of the comments is categorized according to the section of the plan it related to and when we bring this plan to the departments to implement, those comments will be readily available to inform their decisions -- their management decisions. The time frame for this plan is 20 years, with 5-year revisions. At any point, the urban forestry board may choose to revise the plan if it's not meeting something that's changed drastically. We hope that the broad framework of this plan will be relevant for at least 20 years. On an annual basis, there will be state of the urban forest reporting, performance measures, which relate to that state of the urban forest categories that I mentioned earlier. And departmental operational plans will be presented through the urban forestry board for later implementation at the department level.

>> And I should add even though there is a mandated urban forest board review at the five year increment, we as a board, as angela mentioned, can vote to initiate another one on interim basis and three straight years of development, I am not interested on voting on sump a thing in three years but five years would be the upper limit.

>> On page 67 of the plan, you will see the implementation actions, and while most of the work will go into implementing this plan will happen at the department level, these are tools that are intended to guide the development of those plans. Data collection reporting matrix, departmental operation of plans, standards of care for trees and plants on public property, interdepartmental cooperation and kinder benchmarking and further strategy development. These are the performance net tricks that I had -- metrics th I referenced. There are 30 overall and this is the outcome of the plan. In 20 years in we look at these

-- this will tell us whether we met the vision or not and to what extent. If you want to look at these in more detail, they are in appendix a. So what we have before us is a strategic plan that will set in motion cycle for continuous improvement in the way we manage our urban forests and our green infrastructure. We have a status, state of the urban forest. We set a vision for the next 20 years. We've got policy elements that will tell us how to get there. And we've got reporting and performance metrics that will tell us how we are doing along the way.

[04:45:17]

[One moment, please, for change in captioners] .

>> What I really like about this website, it's easy to remember, austin urban forestry.Org. Those 2100 comments that we received and a spreadsheet you can download, read, word search, et cetera. We plan to not only keep up the site, but keep adding to it, so the documents are always there for review. And so with that, I believe in July would be very happy to answer any questions.

[04:47:40]

>> Mayor Leffingwell: Any questions? Councilmember Tovo.

>> Tovo: Just a couple of quick ones. First of all I want to thank you, I know this has been a long time in progress, thank you for all of your work, echo thanks to all of the staff and community members so involved in this. I think I was actually at the farmers market that last Saturday in July and saw you. I did want to ask a couple of questions that have arisen, I believe it was Dr. Hays and others have raised, asked about the data collection portion of this. I wonder if you could provide us with some time table of when that data collection is taking place. When we can expect to see it as an appendix to the plan.

>> Data collection is part of the implementation of this plan. In fact, it is

-- it is the first implementation action listed on page 67 of the plan. With the timeline of

-- pardon me, length find it. I believe it's

-- 18 months following adoption of the plan. It's a very long action, I won't read the whole thing. But it's

-- but it's basically saying that the urban forest will obtain and utilize additional data for making management decisions at the department level.

>> Tovo: So the time frame, though, for collection is over the next 18 months.

>> Correct.

>> It was my understanding that some of it might become part of the plan sooner than that, but I guess

-- I guess that's not the

--

>> it certainly could. There is some existing data that can be utilized at the forefront to make some of those initial management decisions. But there's certainly a lot of data that would need to be collected at the department level to make management or operational decisions. And that data would be to be suited to that specific department's needs and mission.

>> Tovo: And that departmental level data collection will begin immediately after adoption?

[04:49:44]

>> I hope so. Yes. [Laughter].

>> Tovo: Okay. Thanks. And the plan that we have before us talks about public trees. What is the plan going forward for

-- for collecting information about private trees? I know that's been a

-- been a conversation and it does appear in the plan that that's a goal to go forward and do a private plan as well or a plan of

-- of trees on private property.

>> Yeah, in fact this plan's scope is public trees, with the urban forestry board at the current time. There

was a lot of discussion about private trees. A lot of the urban forest does occur on private property. Certainly a lot of conflicts occur with trees on private property. It was identified in this plan that the appropriate entity develop a strategy to address private trees. And it my understanding that the environmental board developed a subcommittee to address what the next steps would be. Although it's out of the current scope of

-- of this plan, of the urban forest or in the urban forestry board.

>> So the urban forestry, that would be outside of the scope of the urban forestry board because they deal strictly with public trees? So even though it is very intensely focused on trees, it would shift to the environmental board from the urban forestry board.

>> That is a potential option. It may be a decision that's brought forward to

-- to this body, which is the appropriate entity to develop the private tree plan.

>> Tovo: All right. Thank you very much.

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

>> Mayor Leffingwell: I have one quick one. What about trees that are located on private property but in the city's right-of-way? Along streets? Who has the responsibility for that?

>> That would be the

-- the urban forester's responsibility, that's the city's responsibility if they exist within the city right-of-way.

[04:51:47]

>> Mayor Leffingwell: What about maintenance?

>> Maintenance is a combination at this point between the parks and recreation department and the public works department.

>> But a private property owner is not responsible to properly maintain, feed, nourish, prune trees that are in the city's right-of-way?

>> They are not obligated to. If they are within the city's public right-of-way. They may

-- they may ask for permission to do so and on some of them just do so on their own. And certainly we thank them for that. But there's no obligation to maintain the trees that are in the public right-of-way. By the adjacent property owner.

>> Mayor Leffingwell: Do we have some kind of program for doing that, that kind of work? Maintaining trees that are on private property but in the right-of-way? Because that's a parks department responsibility, I assume.

>> The question is is there a program that addresses private

--

>> Mayor Leffingwell: Is there a scheduled maintenance type of program or anything like that?

>> At this time, most of that maintenance occurs on a reactionary basis. There's a few instances of proactive maintenance, but it's primarily request driven.

>> Mayor Leffingwell: Okay. Thank you. Mayor pro tem?

>> Cole: Yes, I noticed that you talked about the urban forest plan drivers and one of those major drivers being the drought. And I know that there is increasing concern that the drought is going to have an impact on our trees. Can you tell me what work you've done to

-- to alleviate that or investigate that?

>> Yeah. There's tens of thousands of trees that have been severely affected by drought and the effects of drought can be seen in trees seven years beyond a severe drought. It's just trees are long-lived organisms and they are affected for a long time. Again, a lot maintenance is on a reactive basis, so we have done inspection sweeps to look for trees that may have been affected to a point where they have died and are now more of a liability than an asset. To the urban forest. We encourage partnerships with the community to provide tree care. This Saturday, for instance, it's

-- it's my park day, involves over 40 tree mulching projects and we facilitate projects such as those to help get our trees through our summers, whether or not they're in drought or not.

[04:54:29]

>> Cole: What I'm wondering is we have very strict water conservation rules in place and I'm assuming that the city follows those rules the same as we ask residential customers to do. And you just said that there can be a seven-year lag before you actually see the impact of drought or even just lack of adequate watering on a tree. Is any of that information

-- has any of that information been scientifically documented so that we

-- we are just

-- we could move from being in a reactionary mode to actually being in a preventive mode?

>> With respect to our water resources, that's something that we've made management shifts. Primarily in planting. So we're

-- we're no longer planting trees that are, you know, not able to tolerate drought. We're looking at what trees are going to be successful in the next 20 years. Not necessarily the past 20 years. We're planting smaller tree stock when appropriate. Smaller trees need less water to become established. We're also utilizing the city's reclaimed water infrastructure. 90% of the water that we use from our watering trucks are from reclaimed sources. So we are reducing the amount of potable water that is used to establish the urban forests.

>> Cole: So I guess I'm concerned because I'm hearing more and more from people that our conservation levels is

-- that's fine and good and I want to comply with it, I'm okay with losing my grass, but I'm not okay with losing my trees. To what extent we are in collaboration with the Austin water utility to give people an opportunity to at least make the case that

-- that they can be

-- some of the restrictions could potentially be lifted because of the trees that they have. Or is that part of the plan. It seems like it should be with respect to the private trees and what you guys are doing to try to maintain the forests both publicly and privately.

[04:56:43]

>> In fact that was a comment that was made by the environmental board, that they wanted to see more about tree watering. There was a policy element that relates to wise use of water resources. But they had mentioned, you know, we need to be also focusing on

-- on watering trees versus other types of vegetation because they are so long lived. So that watering of trees was inserted into several different places in the plan. In response to the environmental board's concerns. As I understand, there are several exemptions for tree bubblers as part of the watering restrictions. Hand watering

--

>> Cole: Tree what, bubblers.

>> I'm sorry, tree irrigation infrastructure.

>> Cole: Okay. Thank you, mayor.

>> Mayor Leffingwell: So you can put in a special irrigation system for trees and you can also stand there with a hose and water at any time as long as you want.

>> Exactly.

>> As long as you are watering a tree, is that correct?

>> Mayor Leffingwell: You can water anything as long as you want with a hose.

>> Hose.

>> As long as you are standing there with the hose, yes.

>> Cole: Okay.

>> We have also partnered with the water conservation unit of austin water utility to give away tree watering bags. So they release water more slowly, give trees the water that

-- instead of it running off on dry compacted soil, it will release water slowly to newly planted trees, that's another way of watering.

>> Cole: Okay. Thank you.

>> Mayor Leffingwell: Obviously, this is something we need a little more education on out there in the public. Councilmember riley.

>> Riley: I want to join my colleagues in thanking for all of your work on this, also thanking all of the board and commission members and members of the public who participated in the planning process.

This is a very significant achievement to be able to have a plan for dealing with the trees on public property. It is extremely important and I'm so grateful for all of the work that has been invested into getting as far as we've gotten. I also recognize that there is some more work to do, especially as we think about the rest of what really is the true urban forest, that is all of the trees that

-- within the city limits that contribute to the con nope canopy for the whole city. When we think about the state of the urban forest and our canopy, there is a strong case to be made in terms of thinking globally in terms of the canopy that we see across the city on private property as well as public property. I know that's been discussed and acknowledged and I'm glad to see on page 70 of the plan there is a paragraph saying while this plan only addresses trees on public property, it is recommended that a strategy be developed by city council adopted designees within two years after adoption of this plan to address the urban forest on private property. I want to make sure we're all on the same page about how we're expecting that to unfold over the next two years. I heard you say there some decisions to be made, but I just want to get a good handle on the next steps that you see. Who is

-- whose court is the ball in now in terms of moving us forward to getting to those recommendations that we expect within two years?

[05:00:07]

>> It's my understanding that city council would be the appropriate body to make the decision on who is -- who is the most appropriate party to be making those decisions about the private tree strategy. It was simply added in here, because it was not part of the current scope, but it was recognized as something that was very important. And while this plan doesn't cover private property, and does cover public property. That is the area that we do have the most influence over and I'm hoping that this plan will help -- help guide private tree management as well.

>> I was going to go ahead and add so yes, the scope or purview of the urban forest board now is public trees only. I hope that I have this correct, of course the planning commission deals with private tree issue and I think the zoning commission, too, then the environmental board can make recommendations to those when they are making their planning decisions about private trees. That I think is the kind of current private tree scope at least among boards and commissions.

>> Riley: As you noted there are a number of city departments involved in tree issues on private property as well as public property. But in terms of getting to recommendations within two years for a plan to address the urban forest that exists on

-- throughout the city, including private property, we really need some very focused action and what I hear you saying is that the ball is in our court, it is up to council at this point to provide some direction about how we see this process unfolding over the next two years to get to the point where we will have recommendations to address the urban forest across the whole city. Great. Thanks again for all of your work on this.

>> Other questions? Thank you very much. Appreciate your report. Go to our next briefing on human capital management.

[05:02:30]

>> Good morning, mayor and council, it's my pleasure to introduce this topic to you this morning. With me our human resources director mark washington as well as susan bostick, information technology and research advisory firm. What we would like to do today is provide you an update on the human resources human assessment project, started in march of 2014 for the which the city engaged gardner to conduct the assessment. As a result of their work we will be initiating an effort to improve the human resources department capabilities and will support the department's ability to effectively operate in municipal civil service environment as the council and citizens have approved. To give you some context, our current payroll system, went live in 1997, over time additional processing capabilities were linked to the payroll system to assist the human resources department in supporting the rest of the city in managing its workforce. I don't think you will find gartner's assessment results surprising. From a staff perspective it has been long overdue. With that let me turn it over to mark washington.

>> Thank you, ray, good morning, mayor, council, deputy city manager. Employees are, as you are aware, one of the greatest assets that we have in the workforce with over a billion dollars in terms of costs invested in our personnel and which represents about three-quarters of the general fund requirements and because we make that kind of investment in our workforce, it's important to ensure that we manage the most important resources that we have. Efficiently. And what we have found as austin continues to grow, both as a city and an employer, becoming the 11th largest city in the country,

our supporting technology for our workforce is not advancing in the same manner as size of our workforce. And when we compared our technology to other municipalities, both larger and quite frankly some smaller, we find that we have inferior technology to manage the human capital in our workforce. We have many manual processes, which creates difficulties when there needs to be information for business intelligence and data tracking and reporting. And we also identified inefficiencies and risk and I will share some of those with you shortly, as a result of our many manual processes. These are just a few. I could go on forever. But because of the many decentralized processes that we have, that's not integrated into our main payroll system, hrs payroll system in banner. The departments have a lot of work around and manual processes where information is kept on individual's databases, excel spreadsheets for important processes. We have risks in terms of rehiring employees because information is not centrally electronically captured. Departments may have information about an employee work history in their department, but another department may not have it. And if there's not that

-- that communication with the person that maintained that history at the time, there's a possibility that we could be at risk rehiring people without opportunity to

-- to review the history that they had while they were employed here at the city. We also found out from several audits, both external and internal, department of homeland security audited the city of austin and found that our onboarding process when we hire employees, there's a requirement that within three days of hire there is certain documentation that has to be submitted and

-- in order to verify an employees right to work. Because of the many manual processes that occur in the departments, we cannot centrally monitor that from the corporate resource function and there have been occasions when the city has not been in compliance. But with the i-9 process. We go back to reaudit that compliance, but to reaudit manual it takes us about seven months, we had to dedicate two temporary employees full-time to go back and reprocess. A process that should have simply been able to done with an electronic system. Also several reports pointed out from our internal auditor addressing the issues that result from a lack of automation in terms of managing information, both in our criminal background investigation audit, our drug testing audit and most recently the personal identifiable information audit. And because of the many manual processes and information mained outside of the system, there's risks for information to be

-- to be compromised if you don't have secured protection on all of the manual processes and different folders that

-- that resided in the department. So we think for those reasons, the information is best kept in a central warehouse electronically where we can track the usage of that throughout the organization. We've also experienced some challenges in reporting information because of the decentralized fragmented nature, it's difficult to report it. If you recall, when we were implementing our most recent benefit, not the parental leave bank, but the

-- but the lead bank implementation that we could not frequently solicit donations for leave and have those credited to the lead bank every pay period because that in itself was a manual process that required a lot of automation. So as mr. Arreano indicated earlier, we've had banner since 1997. 17 years. There have been updates to banner, but what we found is that it has been a technology primarily used in higher education. You will see shortly before ms. Bossick which she presents that, other cities with emerging technology, we have not found larger cities that use banner. We have developed some

functionality around banner over time in a very ad hoc manner. Because of that we recognize, particularly as we move towards municipal civil service, it's very important for us to be consistent because that's a framework of civil service is consistency and in doing that, I think the city manager recognized that back in 2012 sharing the information to council on some of the technology needs that we needed to really have a robust system to manage some of the information for municipal civil service. But we also engaged gartner in march of 2013 to conduct an independent assessment on what's needed in terms of our human resources technology and capability. We've partnered with financial services departments since there is a payroll function that

-- that is part of banner and ctm has also been a partner in evaluating the needs and it's been a very collaborative effort with many other departments involved. And as you will hear shortly, the result is not surprising, as mr. Arreano said, our technology does not best support our current practices and best practices in the human capital management. So high level what is human capital management? It is a delivery of support systems for the workforce that has three core areas. Three areas, there's a core area for basic human resources function, there's a workforce management component and talent management component. In the core functionality, the basic on boarding, hiring, set up an employee, address information, personnel information, payroll, getting employee paid on time and allowing for -- for an employee to have some kind of self service. Similar to what you will see at the bank, online banking, have the ability to look up a basic information, their employee history, more of an electronic file, if you will. And all of their work history, it manages to do it likewise. There's also a workforce management component that allows the labor in the

-- in the departments to be scheduled, time keeping to occur. And electronic time keeping, which right now we have a very manual process of time keeping and time sheets are submitted every pay period and I saw lucia earlier, she continues to remind us how that works again for our sustainability value as -- as a city. As well as lead management. Finally the third layer of human capital management system would be talent management. That would allow for employees to plan career development training knowing what kind of skills that we would need in the organization. We get inquiries, how many phds do we have with an engineering background or electric engineering and background and we would have to spend an email to someone else to someone else that would come back to us and it's only as good as it is at the time it's received. Whereas if we had this capability at the point someone made application, we would be able to track their knowledge, skills and ability from that time and any changes in their -- in their skill level ongoing and knowing what kind of deficiencies or skills or assets that we have within the workforce. This also would allow us to have better succession planning and it will also in this component have an electronic performance appraisal system which all of that is done manually right now. So our current state, I'll just

-- I showed you in an ideal world what a human capital management system would entail. Currently the areas in blue is what we have with existing functionality. Yellow is partial functionality and white we have no functionality in terms of integration with our banner payroll system. So we have limited integration on our benefits administration, much of that is maintained outside of payroll by united health care or any third party administrator, we really don't allow the data to integrate with our payroll system. But as you can see, the other excepts we don't have functionality on an enterprise basis that integrates with our payroll system. Hence the reasons why we have a lot of manual work around processes and some of the risks that I talked about earlier. So with that, I will turn it over to susan

bostick, who is the sr. Director for gartner consulting.

[05:14:00]

>> Thank you, my name is susan bostick, I'm with gartner consulting. Just a little bit about gartner. We are a consulting and research firm. We are completely independent and objective, so we don't have any, you know, relationship with software vendors or any relationship with any of the integrates that implement software. We come into states, local governments, cities, counties, we help them make this decision. What we have seen going on in the industry around human capital management is that many organizations in the public sector have found a need to consolidate all of the information that they have regarding their workforce and have that available for the departments and managers that are making decisions. They want to implement, you know, policies and procedures in a very comprehensive manner and make sure that they are consistent across the organization. And they want to treat their employees fairly. They don't want to see, you know, perhaps one employee is treated one way in one organization and another way in a different part of the organization. So they want to see consistency. And they want to get away from paper. Frankly. Where you see a lot of this is around time cards and the maintenance of leave information. So people enter their time cards on a piece of paper. That piece of paper is approved through the management organization. Then it's moved over to a different, you know, group, maybe payroll, maybe a group in front of payroll that actually key that information into some kind of an automated system. But what we are seeing is that employees throughout the organization as their jobs are very, very complex, maybe they don't even actually sit at a desk, they are out in the field doing work-related to, you know, maintaining trees or maintaining roads. They want some way to enter that information in an automated fashion. That's

-- we're seeing a lot of not just from an organizational standpoint, but we're seeing it from the employee standpoint. They want ease of use. They don't want to have to go back to their office and fill out a piece of paper and get their manager to approve it. Then we see, you know, organizations that want to see an employee from the time that they apply for a position and all of the information that they provide us upon application, they want that information to follow all the way through their employment history with the city. That means for every job they hold, for each salary that they receive. For each performance evaluation, all of that information people want to have available online. So essentially what they are saying is that there's a single source of truth of the information about an employee and that we all share that with appropriate security. And I think that that's an important component, also. As people maintain these records, in a decentralized fashion and folks have their social security numbers out there in these decentralized systems and they don't have appropriate security wrapped around them, that becomes available to others that, you know, may be using it inappropriately. So what we see is that there has been a move to go to more integrated systems. Systems that have the core personnel function, they have the core workforce functions which includes time collection, it includes leave or absence management and it also allows you scheduling, especially for your 7 by 24 operation such as public safety. Basically you want to know how are you going to, you know, perform performance appraisals, do succession planning, all of those things, so those are the systems that a lot of people want to see from an organizational standpoint around human capital management. These are the top 10 cities in the united states. Some of them much, much larger than the city of austin. They have human capital

management systems. But I can say after working with some of these organizations that this has been a journey. This is not something that you decide today you're going to do this and suddenly, you know, 18 months, two years from now we suddenly have a human capital management system. They have done this over time, the larger the organization, the longer the time it takes them to do this. But they have at least started on the journey. They have certain levels of functionality and that varies departmenting upon the organization. When we came in in early 2013, we performed a needs assessment for the city and we looked at areas where we thought that there could be improvements. We were, you know -- I don't think that this was any great surprise to any of the people that we interviewed or talked to. We found that there were risk issues that we wanted to address. Quality issues with the data. There were some direct savings that the city could recognize as a result of the human capital management system and there were a number of efficiencies. And so we looked at all of these and we estimated the benefits associated with these. You know, by either decreasing the likelihood of errors occurring or by the quality of the data, improving the quality of the decisions that are made, decreasing costs related to printing, storage, and, you know, because all of your storage right now or a great majority of that information is stored in paper forms in, you know -- in a library of information. It's something to see. Then there's the decreasing, the level of effort to actually from the time the employee enters a time card, manager approving it, moving it over to the payroll so they can actually pay the employee. And then providing -- you know, the management staff greater visibility into the actions that they need to take about their employees. Whether that's performance appraisals, whether or not it's a compensation study that needs to be performed, but it's essentially giving managers online access to the actions that they need to take to manage the employees that report to them. And then integrating these systems so that you don't have, you know, a system that performs payroll and all of these systems out here that rely on the information but they don't have access to that information. In terms of current findings, personnel records, this is really a detail or some of the detail that we found related to personnel records. That they are basically like I said paper based. They are housed in -- in, you know, like these offices with paper stacked from floor to ceiling. You know, it's -- there's control over those paper documents, but essentially you don't have online access to them. You know, so when you ask questions about information that's contained in those documents, it's in -- it's a manual effort to actually go through them and to pull that information out of that storage facility. There's -- when it comes to recruiting, you do have an online recruiting application. I've looked at it. It's -- it's not the easiest thing that I have ever used. But it allows you to apply online, but when it comes to actually collecting all of those applications and then turning them over to the hiring manager and scoring them and coming up with questions around that scoring, that's a manual process, that's not an automated process. For every recruitment that you perform in the city, that's how it's conducted. The other thing that during a hiring process, much like Mr. Washington alluded to, you don't have access to any prior employment information regarding an employee. So if there was a reason that an employee may have terminated the city's -- the city's employment, but it was in lieu of termination, you wouldn't have access to that information. Unless you knew that they worked for another organization and you called that manager. And again we've talked a lot about a paper time sheets and having limited online access to benefits information so

that an employee can enter their time card, they don't
-- they can't go online and change like their beneficiaries or change their deductions. Things like that that they want to be able to do 7 by 24 essentially. So when it comes to technology to enforce compliance, we have, you know, there are numerous processes in which we would like to see technology improve those business processes. As it comes to family medical leave, there's certain functions around family medical leave that are currently tracked within your payroll system. But it doesn't do the entire end to end business process. It doesn't perform all of the functions that we would want it to perform. Around family medical leave. In materials of the personnel action form, we are
-- we would want to see an online personnel action form. That when you wanted to hire an employee, when you wanted to change their status or if you wanted to terminate an employee, all of those actions could occur online. You wouldn't have to be responsible for filling out a form, you would go online and there would be a work flow, or the
-- or the system would have knowledge of the next person in that line that would need to approve it and it would route that document electronically to the next approver. Same way with performance approved reviews. These are things that we would want to see online to decrease, you know, the ability to
-- to manage or increase the ability to manage your
-- your workforce.

[05:26:09]

>> I mentioned earlier that we had a group of departments, stakeholders, a group of executives across the city to provide feedback and insight and they should all be back there nodding as we're speaking. Concurrent with some of the issues that we have. Concurrent. They concluded again that there was a strong business case for pursuing an e system and that this would help us not only to do the work, but to reduce the amount of administrative tasks that staff are burdened with and focus on some of the core services that their departments are charged with delivering. And the committee is in support of pursuing an rfp to evaluate the possibility of having the integrated system and not necessarily to replace the current system, but to allow banner to also be a
-- be a bidder, to see if they have an improved solution that would meet our needs. We believe as Susan alluded to earlier, this is not an overnight process. It will take a year just for the procurement process to occur and after a decision, if a decision were made to procure, a solution, we recommend implementation in phases. The first two years will be for example cowed on implementing the
-- focused on implementing the core functionality that will be needed in a capital management system and the third and fourth year, the last two years would be implementing those two additional modules that I spoke to earlier. I will turn it over to Mr. Arreano to close the presentation.
>> Thank you, Mark. With this slide I would like to cover what will ensure the success of this project. Consisting of best practices with business projects involving projects of this magnitude let me identify three critical aspects, executive sponsorship, an integrated city management team and an independent oversight. Executive sponsor is important because it demonstrates it's a high priority through the assignment of resources and the decision making capability to ensure that the job gets done right. The city manager assigned me as the executive sponsor for this project and I bring experience in overseeing projects of similar magnitude. That experience aside, I would like to let you know that we have an

experienced and dedicated team of professional staff who will be involved with the project. This includes a steering committee made up of senior managers from the primary departments affected by the project including human resources department, finance and the communications and technology management department. This committee will be responsible for direct oversight of the project and resolution of issues as they occur. And although the org chart shows the executive sponsor is a separate entity from the steering committee, I intend to participate with the committee to lend my experience and guidance. Second, the project organization is set up so there is a partnership between the systems integrator project team and our staff. Each role of the project will have both a city and integrator representative which facilitates knowledge transfer to our staff and improve probability that we will be prepared to operate the system once the project is completed. Lastly it's important for a project of this significant to engage a consultant who will be reporting to me to serve as an independent oversight function to ensure quality deliverables for this team. The project chosen will be valuable in spotting issues early so we can get them addressed before the end of the project. In summary, this is a project whose time has come. It will enable human resources department staff to carry out their role more effectively and efficiently and will enable our employees to focus on the activities that directly serve our constituents. This project moves the organization forward in striving to be a best managed organization. It improves or ability to consistently manage and develop other employees based on merit, which is a goal of civil service. This project lowers the risk of not meeting our local, state and federal requirements given the status of our couldn't system and it improves our ability to respond to council requests and other stakeholders in alignment with the city's open government directives. Finally through a combination of talented staff, consultants, processes and past experience our goal is for this project to be an example of a best managed project bringing it in with the capabilities we desire, on time and on budget. So in terms of next steps, we intend to release a competitive request for proposal to vendors this coming spring, provide a proposed solution to the council in the spring of 2015 so over a year's period. And then provide along the way periodic updates to the council. So subject to your questions, that concludes our brief.

[05:31:06]

>> Mayor Leffingwell: Questions?

>> Ready for questions.

>> Mayor Leffingwell: Yes, all right. Councilmember morrison.

>> Morrison: Thank you. No doubt this is a system whose time has come. I have no problem with that. I understand it. I think that you have made a very good case for that. There's one piece of the

-- of the discussion and maybe you discussed it already and I missed it and if so, if you could just reiterate, but what I haven't heard is how this is integrated into the work that you are probably doing on records retention. Because hopefully unless you have already completely satisfied the 10-step program for recovery and records retention, it seems like this is a system that we hopefully that will

-- there will be a

-- requirements for managing retention time and automatically purging and things like that and that the -- that the clerk has been involved or would be involved potentially in the definition of the rfp as well as the evaluation. [One moment please for change in captioners]

>> I have no idea how long the personnel requirement is, maybe it's forever but it's important to be able to manage that properly.

>> I'm being told, that yes, the office has been involved and I guess there's a very long retention requirement on the personnel records. [Laughter]

>> morrison: All right. Thank you.

>> Mm-hmm.

>> Mayor leffingwell: Other questions? Council member riley.

[05:33:08]

>> Riley: Yeah, thanks for the presentation. It is a very important subject and like council member morrison I'm persuaded the time has come. How it's going to arrive. On the next steps you say -- you propose we'll release an rfp this spring and a proposed solution spring of 2015. That's a little unusual seeing that period of time pass between the time the rfp goes out and when the council acts on it. What's the story on that? Why do we need to allow that year between the time we issue the rfp and the time we actually act on a sol

>> there's a number of steps we have to go to to produce the proposed rfp given the size and magnitude of what we're putting together. Let me turn it over to our consultant here, mark, whoever wants to address particulars that go into that, what we want to be able to do is create the competitive environment to get the best solution for the city and again recognizing the fiscal situation that we have in terms of the city manager's goal to produce a budget going forward that has no property tax rate increase, and limited increase in utility rates. We want to be very thoughtful about how we produce that rfp so that we can best phase an implementation that meets our needs.

>> So we put together a project schedule laying out what steps need to occur between now and the time that we could actually bring back a, you know, proposed contract for the new system. And the long poles in the tent, if you will, is not necessarily the preparation of the rfp, because we have many of those components that we develop during our assessment. But we have to give the vendors adequate time to actually respond to all of those requirements, and once the proposals come back in and, you know, they come back in in volumes, you know. So we evaluate those and then we would probably want to do, you know, not only a smaller group of people or a smaller group of vendors where we would look at all of those solutions in detail. So we would ask them to do

-- participate in orals as well as scripted demonstrations of the functionality that they're proposing for the city. And that for each of the vendors would take a great deal

-- not a great deal of time but actually lengthens the amount of time that it would take us to perform a selection. So it's

-- it's giving them enough time to respond to all of our requirements and then adequately evaluating those proposals when they come back.

[05:36:03]

>> Riley: And that evaluation would include some discussion about phasing that would mitigate the hit to our general fund when we have to pay the tab for this; is that

-- is that what I heard?

>> It would, and we may

-- I might ask diane or elaine to come and speak to some of the potential strategies for cost avoidance in the general funds. But one of the things that susan alluded to earlier in terms of the

-- is when they're on-site, we are going to dedicate the full week or two weeks, one vendor for that demonstration. So all of the hr staff, the functional users, and we really want to make sure we vet it carefully, because this is

-- if not done carefully, it is a high-risk kind of project, because we're dealing with pay and we've seen systems when they've rushed them in implementation, they did it too quickly, and both procurement and implementation, and an event issues ensuring that employees were actually paid correctly and since this is something that affects all of our workforce we want to make sure we give the careful time that's needed.

>> Riley: I totally understand the need to proceed carefully and not rush through this. I'm just trying to get a sense of what we should be expecting in terms of the financial implications for the city and how

-- first, do you have any sense of the scale of the cost that we're talking about for comparable systems? And secondly, how should we expect that that cost will be absorbed?

>> So in terms of the cost, what

-- if you'll allow me, one of the things I think it's safe to say that it's somewhat premature to talk about what it might cost the city, and there are a number of reasons for that. First, in terms of the competitive environment we want to drive, if we were to set a range at this point, might then we proposers to say, well, they're going to charge us

-- they see the range as high as x, and so they might tend to submit proposals at that high end, notwithstanding the fact that we may, in fact, through a phasing process for an initial phase go way lower than that. And then too, in looking at comparisons of how other organizations have done this, each organization has done it in terms of different objectives, different scopes, different times and market conditions where proposers are competing for work, and so in trying to get an apples to apples comparison about what other organizations have done and what we might expect, certainly there is information like that, but we would be hesitant to start pegging on those numbers, if you will. So we want to be very careful about how we proceed in terms of what are potential costs and certainly wouldn't want to set expectations on the part of the council without doing some due diligence and really testing the market there. So we have some thoughts about what it might cost, but again, what we want to do is be very thoughtful about what that might be, how we might phrase it appropriately for the council and what it might be in terms of the budget coming up.

[05:39:18]

>> Riley: And I understand your comments about avoiding

-- talking about the specific costs. I guess what would be helpful is to have some sense of what we should anticipate from a financial standpoint. Are we talking about one up front lump sum? Are we talking about periodic payments out of the general fund over some

-- some period of time? And how will we manage the expense?

>> I'm elaine hart, the city's cfo. Council member, we would look toward a combination of allocations to

all the departments citywide that would benefit from a new human capital system as well as looking towards what kind of software/hardware we purchase. To the extent that we could purchase software instead of leasing it or having a service from the cloud, we could certainly debt finance it over a shorter period, not issue go bonds but contractualable obligations which are only -- obligations which are a 5 to seven-year life which match that type of software better. So until we get further into the process we won't know exactly how much we could debt finance but we are looking at building in a bit of an allocation to you will all departments this year in our administrative support transfer to begin accumulating that money. Our initial look at the project, estimates did show that in order to be able to issue a contract there would be a significant up front appropriation needed and to have that appropriation you would have to have a funding source available. That could be that allocation plan over years, but we're still looking at those kinds of details, and we'll be having representatives on the evaluation committee and involved in the details and know the financial impact early on. So we don't have a definite answer now, but we're building it into our plans over time, but I just want to emphasize, this is a system that benefits all city departments. It will not be borne solely by the general fund.

[05:41:27]

>> Riley: Understood, and what

-- and one implication of that is that as we

-- as the budget takes shape, that we will be considering this this summer and fall, we should expect to see some amount within the budget for each department attributed to the expense of the system that we expect to be approving in spring of 2015.

>> That's correct.

>> Riley: Okay. Thanks.

>> Mayor Jeffingwell: Council member Martinez.

>> Martinez: I appreciate the sensitivity of wanting to put numbers out there. I totally get that, and I agree with my colleagues that it's probably time to move forward with a more sophisticated system to handle all of our needs, but in the presentation you actually have a slide that shows where cities have gone to the new system. Can we at least get what it costs those cities to implement as an idea? I realize it may not be an apples to apples comparison, because as you mentioned, the starting point for every city is probably vastly different, and then what we might end up purchasing could be different as well. But at least it's some anecdotal evidence of

-- you know, we use San Diego and San Antonio and Dallas and San Jose sometimes as comparable cities when we talk about other issues. If we could get data from those cities as to what it would cost and the timeline for implementation and maybe even improvement outcomes to demonstrate the value of what we're actually getting as opposed to just the outgoing cost.

>> We would be very happy to go back and see if we can't find the data about the cost that each of those organizations dedicated to their projects.

>> Martinez: Thank you.

>> Spelman: Mayor?

>> Mayor Jeffingwell: Council member Spelman.

>> I agree completely with councilman martinez that it's a good idea to look at comparable cities, even though the status of our market and everything else are not quite comparable but just to get a rough sense of where we are. Along the same way, since you'll have to talk to some of these comparable cities anyway, it might be helpful

-- I know it will be helpful

-- it would be helpful to us, not just to you, to get a sense for the implementation difficulties that each of those cities ran into as they moved from a system more or less like ours to a city more or less like the one we're talking about getting into. I think it would help this council get a better sense for what I guess the next five years are going to look like from your point of view and sort of the pitfalls that we can reasonably avoid.

[05:43:50]

>> Yes, and one of the benefits of having somebody like a gartner with us is their experience with other organizations in implementing systems like this, and I think susan mentioned that a few

-- one or two of those cities listed on the slide are their clients. They have many other clients as well. So they have a repository of information of lessons learned from similar implementation. So that's the value they bring to this project.

>> Spelman: Wonderful. Gartner then will be the independent oversight consultant, is that right?

>> I'm sorry?

>> Spelman: You've got our slide 14 independent oversight. Would that be gartner?

>> If I'm not mistaken, that's a separate rfp that we're going to be putting out in order to engage that particular function.

>> Spelman: Okay. So could it be gartner or

--

>> it could be.

>> Spelman: It could be. Okay. When will we see that rfp?

>> I'll have to get back to you on that. We do have a timeline laid out. This was one of our critical milestones in terms of briefing the council of our intent. Gartner will be involved in the creation of the rfp for the systems integration piece, so we'll get back to you in terms of the timelines in the next six to 12 months.

>> Spelman: Okay. Help me understand the timeline here. In the spring of '14, meaning sometime in the next two or three months, you'll be putting out the big rfp.

>> Yes.

>> Spelman: Sometime, again, in the next three months, six months, 12 months, you'll be putting out the small rfp for oversight.

>> Yes.

>> Spelman: In the meantime gartner is on-line and available to help you prepare the big rfp?

>> That's correct. I'm sorry.

>> Spelman: Okay. Got it. I've got a bazillion questions but they can all wait. If there's a way you can get into our hands sometime relatively soon at least some information about the important pitfalls, things to worry about, a sense for whether the

-- the extent to which implementation worked as expected or not in other cities which are in roughly our position and want
-- want to go to our position five years from now it would be extremely helpful.

[05:46:02]

>> We'll do that. Thank you.

>> Mayor leffingwell: And I'll just say, I agree with council members martinez and spelman, that taking a look at peer cities is very important, but at the same time there is

-- you've got to make sure that we're comparing apples to apples in the situation. There are important differences between cities, even right here in texas. As an example, I was watching a tv news report last night which was kind of a

-- you know, an investigation-type thing that said, the city of spends more money. Its budget is bigger than dallas's budget. Well, dallas doesn't own an electric utility, doesn't own and operate an airport. So we have to make sure that we're truly comparing apples to apples when we do this.

>> We'll do that.

>> Mayor leffingwell: Thank you.

>> Thank you.

>> Mayor leffingwell: So we just have a few minutes. Maybe we can work in 30

-- I think the issues have been resolved and take up 38, 39 and 40 together. There are a couple of speakers signed up to speak and these items were pulled by council member morrison. Do you want to hear the speakers first?

>> David king?

>> Thank you, mayor, mayor pro tem and council members. My name is david king and I live in the zilker neighborhood and I'm a member of the zilker neighborhood association. The zilker neighborhood association executive committee urges the city council to vote against these three resolutions to waive the required notification and right to object processes for the austin urban music festivals, the austin reggae festival and fun fun fun festival. If these three resolutions are approved, affected neighborhoods, civic groups and businesses will have no leverage to mitigate traffic, parking and other impacts from these events. Waiving the notification and right to object processes for these events will upset the balance of power between affected neighborhoods and event producers that has worked for hundreds of events throughout the city. At the february 13, 2014 council meeting the representative for the fun fun fun fest indicated that event sponsors are concerned that the right to object process creates uncertainty. Passage of these resolutions will set precedence for other event producers to use the same justification to request waivers to the processes for their events. Certainty is something that all
-- everyone wants, but to change the balance of power to give certainty to one group over another is not the right thing to do. The notification and right to object process has encouraged event producers to work with neighborhoods, to minimize the impact from these events. These processes promote an environment in which the event producers work together for the mutual benefit. Please preserve the balance of power. Please keep things as they are. Do not pass these resolutions. Thank you.

[05:49:17]

>> Mayor Ieffingwell: Next speaker is gus

-- gus pena.

>> Good morning, mayor, council members, and city attorney karen, I'm not going to forget you this time. Lovely karen. Mayor and council members, among other things I have been a former federal investigator with the irs but I'm also a united states department of treasury discriminating complaints investigator, also have collateral duties with justice. I will tell you one thing about the rights, the privileges

-- the right to be able to speak your opinion. The right to be able to represent your neighborhood association area, and I feel, item no.38, 39 and 40, in my opinion

-- in my opinion, is discriminatory. People should have the right to speak, to say no, we don't want this to happen in our neighborhoods. I grew up in east austin. We didn't have the right to speak about it. That was a very discriminatory process in the '40s, '50s and '60s. I object. Excuse me, we object to item no.38, 49 and 40. The neighborhood should have a process in any issue that is going to involve either compromising the safety, health or well-being of the neighborhoods, but they should have the process instead of saying, wait a minute, city of austin, we can do whatever you want to to the neighborhood without your input, without your complaints. No, that's not right. And I know children and students are listening to me right now, because they watch me on television. I'm kind of keeping

-- kind of more respectful, kind of calm. Not gus pena, but I'll try anyway. But anyway, I just feel that

-- thank you, bill, I needed that laugh. I just think we

-- we just object to that, and I hope these items do not pass. Rethink, please, for the best interest of not only our community but for the youth that will be our future leaders and want a process to be able to say, I object to this, this is not right. These are the neighborhoods, please. And mr. King is right, I echo his comments. Thank you very much.

[05:51:47]

>> Mayor Ieffingwell: Those are all the speakers that we have. Council member morrison.

>> Morrison: Thank you. Just as a reminder, we had heard these items earlier and we asked staff to go back and see if we couldn't get everything resolved so we would know there wasn't sort of a virtual appeal process, and I wonder if staff could come down. We got a memo just this morning giving us an update, and it sounds like there are a lot of things that have been settled and maybe just a few outstanding items. Before you go on, though, I just want to make one comment, and that is that this is a special situation because we had so much adjustment to the auditorium shores schedule because of the work that's going on there. So the special situation to me is not in any way setting a precedent because we are just trying to adjust to the impacts from the city schedule. And hopefully we will have been able to address all the items. Thank you.

>> Gordon, director of austin transportation department. There have been meetings with the parks and recreation department, with the transportation department, with neighborhood representatives from the area on all three of the events that have been held within the last

-- some of them actually preceded the discussion two weeks ago. There was a list of things to be done that the event promoters and the parks and recreation department have agreed to. , For all three of

these events. So I think those

-- we've got those pretty settled. In fact, in the meetings with mr. King and other

-- the main issue of contention was just the precedent-setting that this not be a regular process going through here. There are events at the long center which are at the same time as some of these events. There's been further discussion about how to move people in and out to those other events for the ballet and the opera and good friday services, and I think we're pretty far along on finding ways to get those people into the events while still holding the events in the adjacent park area.

[05:54:05]

>> Morrison: Great. And do those stakeholders, the long center and the event promoters

-- did they have any problem, well, long center and all of those that are having events at the same time

-- do they have any problem with us moving forward as far as you understand it? Because we haven't heard from them asking us not to move forward with these waivers. We've heard

--

>> again, my understanding is the main issue is the issue that mr. King spoke to is just we

-- the neighbors don't want this to set a precedent.

>> Morrison: Okay. Thank you.

>> Mayor leffingwell: We can take a motion on all three items together, if that's

-- council member tovo?

>> Tovo: I have some questions about 38. And I did receive some email and a very lengthy detailed one from the long center outlining the agreements for each festival, so it sounds like there's a lot of concerns, at least, of the long center and ballet austin have been resolved. We did receive an email this morning, or at least some of us received an email this morning from the bouldin creek neighborhood association requesting

-- requesting a postponement on 38. And so I wonder if we might hear from the promoter, from someone from transmission events. I see mr. Garza back there.

>> Hi. I'm bobby garza from the transmission events, former city employee. How can I help?

>> Tovo: Hi, bobby. Can you tell me a little bit

-- it sounds like you've been meeting with the long center, you've been meeting with ballet austin, you've been meeting with some of the other stakeholders. Have you met with the bouldin creek neighborhood association?

>> I had a lengthy conversation with mr. Lewis yesterday and my commitment to him in an email last night I sent to him was we're ready and willing to start a series of ongoing dialogue to make sure that as we start spending money for our production, that we take as many of their concerns into consideration as possible. I felt like it was a really good conversation. I felt like it was pretty constructive. We have a difference of opinion on whether this should happen now or later, but I think in terms of us making sure that the effects of our festival impact the neighborhood as little as possible, that's something that we share. So we talked a little bit about what we historically do closing bouldin and dobson, placing officers there to make sure people don't park in the neighborhood and a little about the traffic plans we talked about with respect to the lyric opera and making sure their patrons can get in and out at the peak time they need. We had a good conversation and I have committed to him and I'll commit to everybody here

publicly that we're willing to have those ongoing conversations to make sure we take everybody's concerns into account as we develop our transportation plan with the transportation department who's going to work with us on our traffic control plan.

[05:57:03]

>> Tovo: Thanks. And I did have a discussion also with Kevin Lewis of the BCNA along the same lines and he indicated that you had made that commitment. And so your commitment is to meet with them between now and the festival to address

-- address concerns related to parking, traffic, noise?

>> Absolutely.

>> Tovo: I appreciate that. And I guess this is more or less a question for our staff, and maybe you have the answer to it too because I have another question for you, Bobby. It sounds like, so in the memo we received from staff it talks about area representatives, neighborhood and staff discussions, and then it refers to area representatives but it sounds as if the BCNA was not an area representative included in at least the fun fun fun festival meetings. Is that

--

>> part of our initial meeting but my offer to Mr. Lewis was to pull them into all of our subsequent meetings as we start to develop our traffic control plan and make sure all their concerns are addressed.

>> Tovo: Thank you: So the memo we all received today talking about neighborhood and staff discussions, I would say at least for fun fun fun festival was not a neighborhood discussion. It was really staff and other area representatives, like the Long Center. I see Mr.--

>> good morning, Jason Murray, Austin Parks. /In December on the construction item, we had a series of meetings and the Bouldin neighborhood was there along with Zilker and Barton Hills. We started a discussion and we intend to continue those so they were represented in earlier December meetings.

>> But they were not represented in the very focused discussion business these events that have taken place since our last meeting?

>> We have not had an additional meeting since December when we got that first direction to go start working out the general scopes, so now we will continue that traffic planning through to November for this event.

>> Tovo: But in the time since we postponed these items on our council agenda and today, there were a couple weeks, and I sense that the event promoters have been having meetings with area representatives to try to work out as many of those issues as they could before coming back here today.

[05:59:09]

>> That's correct. We drilled down specifically on the Riverside closure issue, so we did include the Long Center as part of that because it directly affects their operation along with Palmer. There was not evolved into additional neighborhood discussions, which we will continue to have.

>> Tovo: Okay. Thank you. I guess I have a last question for Mr. Garza. Or last couple questions for Mr. Garza. So as I mentioned, the neighborhood association, which was not part of the discussions we have just talked about, did request a postponement allowing them to review your site

-- your finalized site plan. Do you have a sense of when your finalized site plan would be available?

>> I think that the site plan that we submitted and that we worked out with the city and that the neighborhood had a chance to look at is pretty final. I mean, as we start building out our production I think we're going to get into some smaller elements where we may need to tweak some things, which I'm happy to take to the neighborhoods as they evolve, which is why I suggested some monthly meetings so we can make sure and say, here's what it is, here's what we had to change and here's why. But in terms of the overall site map, that was what council saw. That's what we worked out with staff as being the best configuration for our events, so that's kind of how we're moving forward.

>> Tovo: Okay, and they did request a view that you postpone the item, I assume, based on some of your other comments that that's not

-- that would not be your desire.

>> Sure. I think respectfully we have a difference of opinion about how the order it needs to follow. I think we can continue to have conversations with the neighborhoods and it's less about leverage and more about us really establishing a dialogue in earnest, which I think that we need to do. That's kind of a no-brainer for me. So my intention is to make sure we keep that dialogue going.

>> Tovo: Well, thanks again for your commitment to doing that.

>> Sure.

>> Spelman: Mayor?

>> Mayor Ieffingwell: Council member

-- council member spelman.

>> Spelman: Irlings it's spelman.

[06:01:14]

>> Spelman: It's 12:00 but I have one question for mr. Garza. How many years has transmission or somebody else been putting on festivals like this?

>> We are in our eighth year, which is our last year. This will be our ninth year for fun festival, fourth for auditorium shores.

>> Do you expect to do fun fest again?

>> Yes.

>> Spelman: And you realize that if signature waivers are not, if you piss off the neighborhood at the long center you might not be back.

>> Absolutely. That's the big picture. We're sensitive to that.

>> Spelman: Sounds reasonable to me. Mayor, sounds to me that the balance of power is maintained primarily not through the formality of a signature agreement but through the long-term relationship between the event promoters and the users of the long center so I don't think we're doing anything in this case to alter that balance of power. Maybe, I move approval of items 38, 39 and 40.

>> Mayor Ieffingwell: Motion by council member spelman for approval of 38, 39 and 40. Is there a second? Second by council member martinez. Council member tovo?

>> Tovo: I would like the record to reflect my approval on 39 and 40, but I really do appreciate mr. Garza and believe that he is sincerely committed and will carry through on his plan to work with the neighborhood on their issues between now and the fall but I'm not comfortable waiving the process

that we have in place for allowing those dialogues to happen. I think the process we've got has worked really, really successfully. We've had lots of successful events in this city. I don't know of any that have not been able to move forward with this process in place, and I think it really does

-- goes a long way to resolving any concerns that the various stakeholders have, be they businesses, faith communities or adjacent neighbors. So I'm very uncomfortable waiving the process for an event that will not take place for many months from here, but I am comfortable

-- I'm comfortable both because I've heard from the stakeholders and they feel that their concerns have been resolved on the other two festivals. I'm happy to support

-- or agree to support those other two waivers but not the third. I would add

-- questi questi on the clerk to show you voting no on 38.

[06:03:29]

>> On 38. I would ask staff as we continue to move forward in this process, when we're convening meetings of area representatives, I would like to see those neighborhoods represented as much as possible too. I know that you typically do and have and will continue to do so, and I just want to add that I believe that's very, very important because, you know, many people live nearby our events and have their weekends impacted on a very regular basis and it's really important that they continue to be involved in these discussions in a very significant way.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I apologize, I have another question for mr. Garza, if you wouldn't mind. I'm trying to understand how this year is different than next year. What would the timing

-- how will the timing be different? When will you be able to close your appeal period using the standard that we have currently and do it early enough?

>> We closed this street this past year, and it was primarily based on recommendations from the city about safety reasons. You know, a festival in proximity with cars going by on the street. So it wasn't necessary for us to try to waive that. This year is different in that we're spanning the street so we're taking auditorium shores and we're taking butler and from a safety perspective there's no reliable way for us to get people across the street unless we reasonably close

--

>> morrison: So next year you don't expect to even have to go through this process.

>> Right.

>> Morrison: Great. I just wanted to make sure that it wasn't

--

>> mayor leffingwell: All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0 with council member tovo shown voting no on 38. Okay. So that brings us to citizens communication. The first speaker is emilio carnas. Topic is hydrofluorosilicic acid.

[06:05:38]

>> Council members, council, good afternoon. My name is emilio cronez. I'm a current acc student. I am a former army veteran. I'm an army veteran. Human resources, military intelligence. I'm here speaking on behalf of well-informed austinites. Excess fluorosilicic acid also known as fluorosilicic acid, we tend to call it fluoride. Fluorosilicic acid is corrosive and contact can irritate and burn skin and eyes involving possible eye damage, concentrated solutions can irritate and burn the nose throat and lungs, coughing, wheezing, shortness of breath. Hydrogen fluoride present as an impurity. Inhalation or ingestion of high concentrations can cause nausea and vomiting, long-term exposure to lower concentrations can cause fluoride poisoning, with stomach pain, weakness, convulsions. It can cause deposits of fluoride in bones and teeth. This can cause pain, disability and discoloration of teeth. This was a solution by solvay chemical company. What does mosaic crop have to say about fluorosilicic decided. It may cause fluorosis. Fluorosis is characterized by skeletal changes consisting of osteo sclerosis, and dorm density of bone and osteomalacia, softening of bones and mold of enamel and teeth, bone and joint pain and limited range of motions. Conditions aggravated by exposure may include skin and respiratory asthma-like disorders. Now, how is fluorosilicic acid created? According to mosaic crop nutrition's web site, fluorosilicic acid is produced in an evaporation process. The vapor stream from the reaction is scrubbed with water to form fluoro slid I can acid from naturally occurring silica and fluorine in the acid. See, that's a misstatement. It should be phosphate rock. The phosphate acid is applied to the phosphate rock. Phosphate rock is what contains the silica so they need to fix that on the web site. That's misinformation. The final product is collected, stored and tested prior to the release for shipment. Now, the reason it scrubs with water is because decades ago it used to be released into the atmosphere, and it caused a very negative environmental impact. You all know this. So it's a pollutant.

[06:08:43]

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

>> next we have allegra kao. No. Linda greene?

>> You should read the title of my speech, please, mayor pro tem, what's up with.

>> Cole: City council waste of \$1 million annually to add fluoride waste to our water. That's from linda greene.

>> Thank you. So what's up with city council's willful waste? Of more than half a million dollars a year annually to add thousands of tons of hazardous fluoride waste to our water. And I can justify saying thousands of tons of fluoride waste because the city council back in the early '70s voted to add fluoride to our water. But you have followed in their footsteps and perpetuated the myth that the fluoride you add to our water is safe. It is not safe, it is not naturally occurring calcium fluoride and you've been given files of information over and a half years personally, cds, had experts come, speakers, and still you perpetuate the myth, that fluoridating our water with fluorosilicic acid is beneficial. I'm going to ask for the help of McHot mcghandi in my speech. He said the world has enough for everyone's need but not enough for everyone's greed. And fluoridation is all about corporate greed. Big agribusiness produces waste product to which they add sulfuric acid and then sell it back to us at the same time that the epa mandates that florida, from which we import this fluorosilicic acid waste, must not put it in the air, rivers, oceans, city dumps or landfills. Another teacher I respect, maria montessori, who says a place for everything and everything in its place. The place for hexo fluorosilicic acid, which you call fluoride, is a

hazardous waste and it is not a place for people, plants or animals. It's a place to be put in a toxic waste facility. You medicate us without our consent, that one size dose fits all. One size dose for your pets, who now have thyroid disease. Our plants don't need fluorosilicic acid, and even though you've been given all this data for the last five and a half years of side effects like dental fluorosis, which is not debatable, skeletal fluorosis, crippling arthritis, thyroid disease, exasperates diabetes, you still persist in medicating us without our consent that one size dose fits all, when at the same time the world health organization has a project all over the third-world countries to put special filters on wells where even naturally occurring fluoride in their water produces crippling arthritis and horrible dental fluorosis. So city council, do the right thing.

[06:12:33]

[Applause]

>> cole: Thank you, ms. Green. Ronnie reeferseed? Ronnie? Ronnie reeferseed? [Applause]

>> yes, I am ronnie reeferseed speaking for the children, the babies, everybody here in this room and even all of you people. It's not doing any of us any good to soak all the fluoride, actually hydrofluoride silicic acid, which was so nobly pointed out taxpayers have to pay for. So we're paying for our own poisoning. Who thought that up? Nobody good. I mean, it's not a good thing unless you're a psychopath. You want to kill everybody. And I don't want to be killed. I'm not suicidal in any way, and I think that all of us who care about the future and care about those babies who gets the same dosage as was pointed out as our pets, our football players. We all get the same dosage of magical medicine that doesn't do our teeth any good. And better dental care is just brushing your teeth, flossing, but you can't put that in the water. You just tell people what to do. And it's

-- if we want to be healthy we can take care of ourselves. We don't need to be mass medicated at the same dosage by you people. And so who's pushing it? I'm theorizing there's maybe a bribery situation going on here. Because you've heard from us over and over and over again, for how many years now? We've been begging you to wake up, stop poisoning us. Stop poisoning those babies. Stop poisoning our gardens or our pets, all of us. We don't need it. The information is out there. We've had an award-winning author here, and when I was here, again, I recall the neighborhood just got

-- the mayor just got up and walked out, didn't want to hear/. He

-- hear him. He came from england to tell us about this, and he had written a best-selling book about it. So the information is out there, people. If you're at all curious, if you think that we kooks who come in here and talk to you and are making it up, the facts are there. Fluoride, so-called fluoride, hydrofluorosilicic acid, specifically sunny skies named in this thing, is bad news for

-- as named in this thing, is bad news for you and everybody else out there. This is your chance to earn your keep as elected officials here, to do what's right, do what's right for the kids. Do what's right for the babies, do what's right for our pets, our gardens. We don't need hydrofluorosilicic acid to be poisoning all of us. It's really a psychopath I cation by you guys to say, we'll just go along with t keep making the citizens pay for it. Why do we have to pay for poisoning ourselves? It's because of you, because of you people who just ignore this information and keep buying this toxic waste, shoving it down our throats and we're upset about it.

[06:15:51]

>> Cole: Thank you --

>> say no to fluoride.

>> Cole: Thank you, mr. Reeferseed. [Applause] allen roddey? Allen roddey?

>> Good afternoon. I'm allen roddey. I've been a proud austinite for 54 years. I grew up in austin. I have lived here and worked here most of my life. I plan on living here until I die. I was a city employee for almost 14 years so I know that city employees do not make policy for the city. For the last nine years I've been coming to council and faulting about how important the colorado river is to the city of austin. Several times I would tell you that there's no one person or group of people that are more important than our colorado river. I'm here today to discuss the 1979 rob roy restrictive covenant that was required by the city of austin in exchange for six variances granted to the subdivision. The two important parts are on page 3, article 2.04, lake austin bluff line, which states, there shall be no development, improvement, structure, temporary or permanent, below the line shown on the plat as designating the lake austin bluff line. Such areas are to be totally

-- are to be left totally and completely in their natural state. All activity improvement, including but not limited to ladders, elevators, stairs, walkways, et cetera, are expressly prohibited. Those three sentences are very explicit and leave no doubt to their meanings, but more important is 3.01, modifications. The restrictions of this restrictive covenant are derived from the city of austin, texas ordinance 780105-c. It goes on to say, this covenant may be modified, amended and terminated only by a majority vote of a quorum of the members of the city council of the city of austin or such other governing body that may succeed the city council of the city of austin and joined by the undersigned declare ant. I know of no vote by this city council to modify, amend or terminate this restrictive covenant that's been in place for 35 years. I do not know of any governing body that has succeeded this city council. For greg guernsey to say that the si is not a sitting to this document, the private restrictive covenant will not be enforced by the city of austin, close quote, is ridiculous. The citizens of austin elected this city council to represent us and to run the city. Unless the city council has advocated your

-- abdicated your offices and appointed mr. Guernsey to office, I have to question why he told staff and boards and commissions that this restrictive covenant has been terminated. Having been involved with this issue for the past couple months I get the impression that city staff does not respect or recognize the authority of the city council. Mayor leffingwell, members of the council, who runs the city? Are you willing to stand up and defend the authority of the city council or is this council just a figurehead? Mr. Guernsey has not only disrespected the city council but he's also disrespected the citizens of austin that you represent. Out of respect for the 1979 city council, the 2014 city council should uphold this restrictive covenant.

[06:19:13]

>> Cole: Thank you, mr. Roddey.

>> Are there any questions?

>> Cole: Council member tovo?

>> Tovo: I have a question. Mr. Roddey, we've got a couple issues related to rob roy working their way

through the process, and I think that

-- are you talking about the proposal regarding a boat dock?

>> A boat dock and a trail cut down into the club.

>> Tovo: Thank you. That hasn't quite hit our agenda yet, but we do, as I mentioned, have another robbery issue and I wanted to be very certain that would what you're talking

-- what you're talking about here relates to the Humboldt Lane.

>> Several issues.

>> Tovo: Not to the

-- thank you very much.

>> Cole: Mark

-- council member Morrison has a question for you, Mr. Roddy.

>> Morrison: It's not a question for you. I wonder if we could get a response from staff. I don't know if you want to do that now or send us a memo but to understand the difference between terminating this restrictive covenant by council approval or not?

>> Cole: Mrs. Edwards

-- did you

-- Brent.

>> Brent Lloyd, assistant city attorney. There are situations where restrictive covenants or state law requires the city in the event of a conflict between a restrictive covenant that was required by the city and the current regulations applicable to the property where state law requires that the landowner have the choice to go under current code. And based on our review of this project and the relevant portions of the lawsuit and the terms of that covenant, on our advice Director Guernsey determined that in this case the applicant had a right to have an application processed under current city regulations, and that the planning commission's covenant, which wasn't

-- a council required covenant, it was a planning commission required covenant, had to bow to current code. So the applicants in this case submitted a variance application under current environmental regulations and staffs heard by the planning commission

-- that was heard by the planning commission earlier this week.

[06:21:23]

>> Morrison: Thank you. I wonder if maybe just as a follow-up you could put some of that explanation in writing and especially the reference to when we have conflicts and things like that and how we have to

-- how we have to

-- if we are obligated to follow

-- how we are obligated to follow the other rules.

>> Certainly I'd be happy to do that.

>> Cole: Thank you, Mr. Lloyd. Thank you Mr. Roddy. Mark Camon? Paul Robbins? Paul Robbins? Pat Johnson. There you are, Pat.

>> [Inaudible] yesterday.

>> Cole: Go ahead.

>> [Inaudible]

>> I was up here yesterday visiting you all and I collapsed because of a medical issue and they had to take me to the hospital by EMS out of city hall. All right, council. My name is Pat Johnson. You all know me. I operate an organization called Texas Towing Compliance. I take calls from victims of illegal towing all over the state 24/7. Today we're going to talk about predatory towing. It's hurting

-- bribery, distortion and corruption within the police department that's supposed to be regulating it.

>> Which way?

>> Predatory towing hurts our city image. People get burned when they come to our city for events, or whatever and they are forced to pay \$200, a cab for \$80 and then go suffer a lot of abuse. Predatory towing of private parking lots are baited traps, a cash cow for the towing companies at all hours. The lack of enforcement by APD wrecker enforcement has led to a decade of consumer abuses by towing companies. Due to lack of an ordinance we don't have an ordinance on the books that regulates booting. We have a company coming out of Round Rock booting cars in our city with people in the car and charging them \$150. Why is the wrecker enforcement allowing people to engage in illegal activity against citizens with zero interference. The same criminal behavior that other law enforcement arrest people involved. Council member Martinez knows about illegal towing when he was towed off on West Avenue which he never got back his money. The lack of enforcement by APD's wrecker enforcement unit

-- next page

-- pardon me. This is one of our contractors on the city contract

-- under 35 bridges. This company here says on their advertisement that they provide free legal representation. That's providing something of value and the towing company and the parking

[06:24:28]

[inaudible] can't accept anything of value. Stay right there. The police department, those two detectives, and I'll give you a handout, three

-- you all a handout, a three-page handout on an article I wrote in October. Nothing changed since that letter. Victims say they can't prove it but they have taped recordings and ask the simple question, did you notify a towing company in writing that you put up those signs? And when they say no, that is a statutory violation which carries a criminal penalty. And on the second offense is a class B misdemeanor but the same offense as a first time DWI so why aren't the police upholding the law and protecting our citizens? All right. Here's another scam that's been going on for five years. Has said

--

>> Cole: Your time is up. Will you please complete your thought? Please complete your thought but your time has expired.

>> This is another violation right here, the detectives in the wrecker enforcement unit state, over at 32nd and Red River they've towed thousands of cars off that, parking lot, and the one on the left is a legal sign and the other one that's still posted today, that Detective Ballard said wasn't a violation, there's two statutory violations on that sign. And every car that's been towed from that parking lot has been illegally towed and the police won't do

-- towed and the police won't do anything about it.

>> Cole: Thank you, Mr. Johnson. That's the end of your time. [Applause] Council member Spelman?

>> Spelman: Mr. Johnson, you have one more slide, I don't want to take too much time, but if you could

spend just another minute explaining very, very briefly what you think we ought to do about this.

>> I can't hear a word you're saying.

>> Spelman: I wonder if you could explain very briefly, in a minute or less, what it is you think we ought to do about this. Your last slide, how to address problems.

>> All right. This page right here talks about how we can address this problem. We need to replace the detectives and the sergeant over the wrecker enforcement unit and the vehicle abatement unit, and send those officers and those detectives to san antonio's vehicle crimes unit to be trained so they know what to do, because there's too much influence peddling within the police department and the towing companies, all leading to towing

[06:26:54]

[inaudible]. I get calls from people all the time from out of state that get in a wreck on 35, never been to austin and the police officers recommended south side, because it's

-- it's just bs. Why should we have to keep making news millionaires? Update the court record. David douglas told me the police department hadn't said they need to do anything. We can't expect the police department to do anything to protect the citizens on this issue, because of the ties of south side wrecker, former and current police officers that are members of that family. So you all have to step forward and update that ordinance. All right. Another issue that we have, according to the wrecker enforcement unit

--

>> mayor leffingwell: Answer the question, mr. Johnson. Council member spelman, is he

-- go ahead. Go ahead.

>> Spelman: Although he is answering the question, keep it very brief

--

>> sir?

>> Spelman: Although you're answering the question please keep your answer very brief if you can.

>> All right. I'm hard of hearing. Sir. The current wrecker ordinance is outdated. It was written in 2006. It doesn't even conform to the changes in the towing statute that passed in 2012. We need to require that the bill of rights are given in english and spanish, because if you don't know your rights, you ain't got no rights. It's impossible for someone with chinese to read english. Another thing that people are getting burned on, you should require

-- you have the authority to not allow a vehicle storage facility on a private property impound that's towed all of our jurisdiction to charge the \$50 notification fee until after the vehicle has been in the storage facility for 36 hours. That's common sense. Because at one minute after 24 hours you get hit with a \$50 notification fee, and then the tow bill goes up from \$193.30 to close to \$300. And a lot of people are losing their vehicles. So I would ask you to follow suit, you can google on-line predatory towing, and see how provo, utah handled this issue. And if we do the same thing, just like san antonio, they have a revised ordinance, because it puts the enforcement tool in the ordinance. Of course the detectives want to fall back, well, the ordinance only says this, this, this, but state law says, the second offense is a class b misdemeanor, and when you tow 200 cars off a property over the course of two years and the police don't do anything, that's aiding, abetting a criminal enterprise which is violation of

the hobbs act and the f.B.I. Has a mechanism to root out corruption. So I'm just saying, our citizens are getting burned left and right. Now, sxsw is fixed

-- it's probably going to be several hundred cars towed because the car has facing you when you turn into a parking lot. If it's this way, they don't see the sign, they get towed, it leaves a bad taste in people's mind and they won't come back to our city. The college students are targeted around ut. A lady called me the other day, she stopped to drop off brownies to her sick son, gone less than 5 minutes and j and j snagged her car. So you all got to do something. This council, you know, if we're going to have a new council soon, let's make an effort, mayor, you're just like

-- you know when gary black was still alive, we were fighting this issue with these towing companies coming into town and stealing people's accounts. We have one tow company located outside the city that admits on youtube to bribing police officers with cash. So how the hell is the public supposed to --

[06:30:48]

>> spelman: Thank you, mr. Johnson. I appreciate your help. [Applause]

>> mayor leffingwell: The council will now go into closed session to take up one item, pursuant to section 551.071 of the government code, the council will consult with legal counsel regarding item 59, legal issues related to the austin fire department hiring process. Note that items 57 and 58 have been withdrawn. If there's no objection to going into executive session, we'll now do so.

[07:54:46]

>> The neighborhood would like to see a 40-foot height lits. In discussions with the neighborhood representatives mr. Stole indicated he wished to keep the 50-foot height but was open to design modifications such as a staggered step-down approach with the single-family homes adjoining the tracts. We are satisfied mr. Stole will make a good faith effort to integrate his buildings with the character of our single-family community. Owner opened versus rental units. The neighborhood would like to see the butler development moved from

-- by the building occupants. Mr. Stole indicated that he has some flexibility there and agreed to discuss it further. Number of units. Mr. Stole has proposed 48 units for tract 5 and 36 for tract 3. We would like to see a more conservative amount of units in the butler development for both tracts. Lighting. We would like to make sure the lighting fixtures and strength of loom mens is conducive and that light fixtures are shielded to protect the neighborhood from light glare or horizontal lighting. Parking concerns. We have concerns about the potential for further parking encroachments into the neighborhood caused by the large number of tenant and proposed shoppers. Sweet hill is overrun with university of texas sports fans during every sports season. Uil attendees and brackenridge hospital employees. And the construction crews that will need a place to park beginning this year. We are concerned that our neighborhood is becoming a downtown parking lot. We would like to avoid applying for residential parking permits as this is a rather unfriendly move for our family, friends and guests and we have discussed this issue with mr. Stole in light of the number of units. Mr. Stole attests his proposal does not equal for the entire 20% reduction allowed meaning there will be a minimum of parking

encroachment into the neighborhood. We have asked he follow up with proper signage for his tenants, guests and shoppers indicating they should park inside the building and avoid entering the neighborhood park. I was going to go on about traffic calming but I'm afraid that doesn't -- I should speak to city engineers about those issues so I'll skype that part. We do have issues about traffic coming. I'll move on to one of the best benefits of this proposal we think is the grocery store and I don't have my notes with me. I'm sorry. Swede hill neighborhood is located in a neighborhood with close grocery stores h.E.B. On i-35 or on east 7th and pleasant valley. We are eager for a fresh food grocer in our neighborhood and look forward to it being located as close as the one at angelina on tract 5. We are very excited about this particular part of his proposal. It is the gift to the neighborhood we're hoping for particularly in the dense area of the nccd on east 12th street where compatibility standards are waived. We consider the dense development one of the -- one of the aspects of this if we get a gift in return, we're able to accept density. So a 12,000 square foot grocery store being proposed here would enable our residents to walk to their fresh food grocer and purchase food in our neighborhood and I think it would benefit all the neighborhoods around swede hill and not just swede hill. We are very encouraged by this developer's willingness to meet with us and we look forward to having a good relationship with him in the future. Thank you.

[07:58:54]

>> Mayor Leffingwell: Thank you. Next speaker is rick McGee. Signed up neutral. You have three minutes.

>> Mr. Mayor, let me put on record you look pretty good in those hackney glasses.

>> Mayor Leffingwell: I'm looking for a repeat.

>> Thank you for allowing me to speak a couple weeks ago. I live two blocks from tract 3 and four blocks from tract 5 so I've got a lot invested in the outcome here. I'm new to the neighborhood. I'm working as fast and hard to work up with what's going on. It would be easy for me and maybe all the stakeholders to criticize the process. I don't think it's been a clean process. But we did that two weeks ago. And I think you guys made the right decision to delay for two weeks. A lot happened in that two weeks. Some of it was a little messy, but a lot of it was pretty productive. Louisa just took you through the productive part. The neighborhood coming up with a set of development guidelines, writing them down and coming to near complete agreement on those is a significant milestone. So I'm here today is not to beat you guys up on the process, I'm here to encourage you to get to a good outcome and I'm not here to support any particular developer, I'm here to ask you to ask you what you can do as a city council, as stewards of our city to ensure the winning bidder takes the heart and good faith to work with the neighborhood to make sure these development guidelines are indeed put into their final plan. Around height, density, owner occupancy, parking restrictions, grocery store, other commercial services, those are all pretty important to the swede hill neighborhood association. So I ask you what can you do to influence that. Thanks very much for your time.

[08:01:07]

>> Mayor Leffingwell: Thank you. Austin stole. Austin stole. Okay, there he is.

>> Good afternoon. My name is Austin Stole. I'm a local real estate broker here in town, a developer as well. I own and operate Keep Investment Group and will be working in partnership with Butler Equity Holdings to develop the sites on these agenda items. I appreciate the opportunity to speak on the two sites on East 12th Street. As you know, Butler Equity Holdings and our team were named the successful bidders. The urban renewal board was based on a sealed bid process. The system was made publicly available to stakeholders and bidders alike. I'm here today to ask the council affirm the decision made by the urban renewal board as their established purpose is to be effective stewards of the implementation of the urban renewal plan. As the winning bidder is not a responsibility we take lightly. We already have one project out of the ground on East 12th Street, another former city-owned site that is incredible and receiving praise by buyers and community members. Blighted lots will soon be home to new community members, myself will be moving to the site and will be the foundation from the vibrant corridor. We look forward to working closely with the community of stakeholders in ensuing months on design of our projects. We've met with concerned stakeholders to seek input on design process and ensure we can deliver a successful grocery store concept to help address the food desert in the area. We look forward to working with other landowners to assure our projects contribute to the larger goal of having East 12th Street being the well-designed and bike-friendly corridor. We look for the benefit of the opportunity to turn those visions into reality and to do so in an expeditious fashion. I appreciate your time and I'm open to any questions you may have at this point.

[08:03:27]

>> Mayor Leffingwell: Councilmember Martinez.

>> Martinez: Are all of these units going to be market rate or

--

>> 10% will be at

-- when we originally had presented this, it was going to be mostly rentals. The neighborhood has been they would prefer to see single-family residences. Either way 10% of the residences will be on delivered that leaves 80% of mfi for if they were for sale but 60% if they are going to be leased.

>> Martinez: Is this project being conducted under smart housing or is it just

-- I'm kind of looking toward staff.

>> We qualify under smart housing for some of the discounted permit fees based on meeting those metrics.

>> Martinez: Will you be marketing one of those units?

>> I will.

>> Martinez: Is there anything you can help me with in terms of how do you plan to market this and I guess attract a diverse mix of folks. You know, this is largely a single-family neighborhood.

>> Right.

>> Martinez: And obviously one of the issues we face is more families moving out of the urban core and I see this as an opportunity hopefully to bring in, you know, families as well as a mix of diversity, but I wanted to get your thoughts.

>> One way we plan to do that, and originally as we presented the process these were going to be multi-family leased units. Having listened to the neighborhood we are obviously open to changing that metric

and because of that the dynamics of leasing versus sales. Regardless of the or neighborhood attractions that already are bringing people to the corridor, I think one of the biggest benefits is the presence of a grocery store. I think that's a huge benefit. And for residents to actually have the access to fresh food within their neighborhood they can bike and walk to. And just based on the sales volume of our current project, I'm fully confident we can attract a diverse group of buyers, that we can attract a diverse group of price ranges as we intend to try and deliver

-- we were very limited on our current project based on lot size, et cetera. The pricing on those has been there's not much of a variance on the price point but we would like to manipulate unit size so we can attract a diverse group to the area.

[08:06:03]

>> Martinez: And I appreciate you willing to keep an open mind with the immediate neighbors that have expressed interest to you. The only thing I'll add also to keep in mind this historically is an african-american neighborhood and that you also reach out to specifically to african-american community members who have been a long part of this corridor and the entire area redevelopment region. But equally important to access to food, I just wanted to finish by saying, affordability is important when you talk about a grocery store. Some folks have tried it and we have rosewood community market on rosewood avenue, but it's still about the price points that come in to fresh, locally source 9 products. So I would just ask that you also keep that in mind.

>> We think

-- a number of other bidders had suggested grocery stores of various sizes and we felt in order to attract a grocer that is

-- that can deliver the price points that we're looking for, we don't necessarily want people to pay \$10 for a box of cheerios in order for the store to survive. We think delivering the necessary volume will be there so where we can find that happy ground. In reference to you referencing the african-american community stakeholders, we had originally sought out multiple letters from african-american community stakeholders in the area as part of our original proposal and their letters of support are a matter of record.

>> Martinez: Thank you so much.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I have a quick question. You've mentioned the importance of a grocery store and we've heard a number of people testify about that. Can you explain a little more detail what you plan to do to try to attract a grocery store that offers a good price point on food products?

>> Again, I think a lot of that comes down to square footage, and if you look at other successful local grocery retailers, most of them operate on a smaller price point. We've looked at a number of successful concepts both in city, out of state trying to establish that and I think it comes to what sales volume can you generate. And in order to bring the price down I think the store has to be bigger and that's why we dedicated the entire space of tract 5.

[08:08:33]

>> Cole: So you are also looking at proximity to other stores.

>> Correct.

>> Cole: And whether it's going to attract people from outside the neighborhood.

>> That is one of the other important reasons why we engaged as best we could with the community because we need to make sure that they are happy with what is delivered because ultimately they are going to be the main patrons of this grocery store. And if it is something that they were not a part of to begin with, I think that is one of the biggest risks to the business model. The last thing we want to do is establish a grocery store that can't survive.

>> Cole: Thank you.

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: Every time you've said you want to make the neighborhood happy that's a good thing.

Because in these two particular tracts, 3 and 5, you are working primarily with urban renewal board who made the decision to choose your firm and not somebody else's, but you are working under a somewhat better position than other developers might in similar circumstances. Your height limit is a little higher than it ordinarily would be butting up against single-family houses on the back lot line, you are not subject to compatibility standards, things like that. And that's under a nccd which is passed by city council. If you

-- you are accountable on this one project, but you are also setting a standard for future developments on 12th which is relatively undeveloped and the next developer is going to look and see what did Butler do and I bet I can get away with that. If you do it well, you get along with the neighbors, listen to them on the step backs from the back lot line, then you are setting a standard for other developers to want to do it the way you did it and we'll all get along just fine. If you make the neighbors unhappy with whatever you do, then there's a good chance the neighbors are going to come back to city council and ask us to change the rules for the next developers and the next tracts and make it a lot more difficult for other folks to do the sorts of things you might be able to do by getting along. Does that make sense?

[08:10:52]

>> Absolutely. The responsibility that comes along with being one of the first developers taking this from paper to reality is not something we take lightly. I think there's an inherent distrust amongst community stakeholders and developers and what I've really tried to work with is to engender a sense of trust that has not been there previously and I hope you see that today in the sense we've met with them twice at this point and have built in six months feasibility for us to try and really listen to what they want but also deliver an effective project because we really do want to build a legacy property because I think those types of properties are what really anchor commercial corridors and set the example of future development that is supposed to follow behind. And recognizing there are multiple other large tracts over there that we want to deliver something that will be a good example for what we all want east 12th and east 11th corridors to be.

>> Spelman: That is music to my ears. I believe the neighborhood is happy to hear you say that too and remember where great power comes great responsibility.

>> Mayor Leffingwell: That's the green lantern, isn't it? I think so.

>> Spiderman.

>> Mayor Leffingwell: Spiderman. Okay.

>> The mayor doesn't look like uncle ben.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Tell me about the bedrooms.

>> What we delivered as part of our bid was developed in collaboration with our architect for a brief period of time. The requirements of the bid package were very specific. We had -- had delivered a total and I've got my notes here on tract 3, we had delivered 36 units and 48 units on adjacent site surrounding an interior courtyard. That is a starting point and ultimately we had to have a specific plan as part of our bid package, but when we were meeting with the neighborhood, that is what we continued to say is that this doesn't have to be set in stone. Ultimately the square footage on plates 3 through 5 can be varied in multiple ways both from an architectural standpoint to make it easier on the single-family residences that are behind where we terrace them and not necessarily doing a number of three bedroom, 1600 square foot unit so we want to break up the size the best we can.

[08:13:49]

>> Tovo: That brings me back to my second question, but the second question, I think I may have heard you say you were going to try to create more opportunity for purchase and rent there by scaling back on the size. Is that correct? Is that how you hope to achieve affordability by scaling back on the size of the unit?

>> You are talking about on square footage, yes.

>> Tovo: That brings me back to my first question. Do you have a sense these are going to be two bedroom, three bedroom in the 36 unit/48 unit?

>> Our original concept most would be one bedroom units with a few two bedroom units and we're open to manipulating that process and depending on the input from the neighborhood group that will lead the discussion on how we break up our individual floor plates and deliver the unit mix.

>> Tovo: Thanks. And I look forward to hearing more about that going on as it continues. You know, it's been

-- dialogue as it continues. It's been an interest of city council and recommendation that came out of the families and children's task force to really encourage developers to try to create more family friendly housing in our central city because we have a situation where many families with children are moving out of the central city and so it's

-- I guess I would encourage to you really consider whether you can create units with multiple bedrooms because the more one bedroom

-- a lot of the new product being constructed is

-- tends to be one bedroom and two bedroom and that doesn't serve families with children. And I think in neighborhoods like the one you are developing that have traditionally been home to many families with children, you know, we really want to preserve that, those opportunities for housing within those areas. And likewise, as you consider how to make those units affordable, I would encourage you to look and to consider whether as you

-- if you do need to reduce the square footage whether you can still maintain multiple bedrooms. And

some of the research that's being done in this area suggests families with children will live in smaller spaces if it's really designed with their needs in mind. But I think the tendency to just to pull back on the square footage rather than try to keep multiple bedrooms.

[08:16:12]

>> And I absolutely respect that concept and I'm sure you can take a look at our current project that we're doing at 12th and waller. These are free-standing homes and we took advantage of the fact we have parcels there to deliver a two bedroom, two story traditional house arrangement as part of our affordability package.

>> Tovo:. Great. It's a really important goal and I would be refist if I didn't encourage to you at least contemplate it as you move forward. Thank you.

>> Mayor Leffingwell: I'll entertain a motion on both of these items together or slightly, your choice?

>> Spelman: We have another speaker.

>> Mayor Leffingwell: Thank you. Kind of get lost in the woods here. Harris block.

>> Good afternoon. Thank you, mayor, city council. Here again after

-- two weeks passed. The r.F.P. Is very specific. Here's a copy of it. You have to retain the property and interest of the urban renewal plan. Urban renewal plan doesn't necessarily call for a residential corridor on east 12th, IT'S A COMMERCIAL Corridor. The r.F.P. Also states the urban renewal agency may accept the highest score as well as the highest price. Our firm also bid on both tracts. I'm sort of focusing on tract 3. The comments can be for both. We, our price was higher. The urban renewal plan also suggested that on tract 3 that the sale of the property go to

-- because it's such a small tract, 13,200 square feet, that it be given

-- perhaps given to an adjacent landowner of which my firm is the adjacent landowner. We own the entire block next to tract 3 even except the bibles believers church. We own 30,000 square feet, an additional 12,000 would give us roughly an acre to do a meaningful development, which we proposed in the form of a small boutique hotel. The hotel would only comprise 40% of the lot coverage. It would be four informations in height. Unfortunately

-- four stories in height. Unfortunately city council was never given an opportunity to view that. The r.F.P. Also goes on to state that the agency may not sell the property until the conditions of the sale are approved by the governing body in the municipality. That's the city council. So you are really voting on a proposal where you never saw what else was proposed. So here I am the adjacent, the immediate adjacent landowner to a proposed 36-unit building on 13,000 feet, which is the equivalent of 127 units an acre. Not sure that's what the urban renewal plan asked for is 127 units

-- equivalent of 127 units to the acre. We did also propose development on tract 5, a pure commercial development, mixed use. Our grocery store wasn't as big as the butler. We proposed something we felt like would be economically viable from day one leaving ourself space to expand if necessary. Also point out that the r.F.P. Is very specific that what you bid you have to build. There are covenants. It doesn't say you are going to win the bid and then start amending it.

[08:20:19]

[Buzzer sounding] I actually have a presentation.

>> Mayor Leffingwell: Sir, your time has expired. Thank you.

>> So on tract 3, I respectfully request

--

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I want to hear more about that final point you just made regarding an amendment to the nccd. You were

-- you were saying that the recommended proposal by staff is going to require them to come in for an amendment to the nccd?

>> No, what I'm saying is the r.F.P. Stated that you have to build what you bid. And what I'm hearing there's already modifications in discussion to alter what was bid. That's not really a very fair playing field.

>> Martinez: Betsy, can you come up and address those points? Is there a amend to the nccd with this particular project?

>> No, there's not. I believe what mr. Block is explaining is that the conversation that we all just witnessed and the conversations that we've had with the neighborhood to make some of the accommodations, I believe that's what you are referring to, there is no required amendment to the plan currently.

>> Martinez: But is there a requirement as he is stating to build what you proposed?

>> I'm going to defer to lorraine on the r.F.P.

>> Martinez: Thank you.

>> I'm trying to see how I can say that where I'm not breaking any of the rules. Basically they

-- they proposed in general, in other words, so many square foot retail, so much square foot mixed use development with residential. That is the way

-- that was what we were looking for in the proposal. Does that make sense?

[08:22:31]

>> Martinez: It certainly does that they made a proposal that contained certain things. The question I'm asking, based on their proposal, if they proposed it at rental at 10% admfi does it have to remain that or can they switch to a floor ownership model or can they change the percentages of retail versus residential, things of that nature?

>> I believe the way it was proposed was mixed use retail and residential, but I would need to look to see how they proposed it.

>> Martinez: And so under the term of residential it can be rental or ownership?

>> That would be correct.

>> Martinez: Okay. All right. Thank you.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Since you are here, I have a followup. Because this is an urban renewal project, I just feel like I need to ask this to be certain about this, but in the future with any kind much r.F.P. Of this sort could we have some specifications regarding the issue I was talking about before about bedroom count, requesting a certain number of them be two, three bedroom units?

>> Are you talking about for the urban renewal board itself?

>> Tovo: Is that a recommendation we could make to the board that when we ISSUE R.F.P.s THEY CONSIDER That or make certain requirements?

>> We could ask them to consider that. They would need to determine the matrix and what they are looking for with that, but we could definitely convey the message.

>> Tovo: But we as a council cannot ask them to require that in their r.F.P.?

>> I don't believe so. That might be a betsy question.

>> Tovo: That's okay. We can sort this out after that, but thank you for that information.

>> May I petition for two more minutes, one more minute?

>> Mayor Leffingwell: Sorry, your time is up. That would be unfair to other speakers. I'll entertain a motion.

[08:24:33]

>> Spelman: Mayor, I have another question of lorraine. I'll be very brief. Lorraine, thank you for answering our implicit questions that came up in the work session. Be sure I understand this, if this were entirely city process and the urban renewal board were not involved, the process would be similar in that we might be rating the proposals on basis of matrix, the matrix would be developed no private, not in public as it was here. The difference is that the city council -- would the city councilmembers all receive a copy of that matrix in advance of taking a vote if this were an entirely c process?

>> They could yes.

>> Spelman: They could, and we would know in advance if we wanted to see it, we would sign the nda and get a copy.

>> Yes.

>> Spelman: And at closing, but not before that matrix and all the other materials that are --

>> after closing, yes.

>> Spelman: Will these materials be available to the public after closing?

>> Everything that's not confidential or proprietary. The majority of it would be their private financial information.

>> Spelman: Sure, I understand.

>> That's the proprietary information in this says.

>> Spelman: And that makes sense to state proprietary. I can't imagine why we would want to make that public, but the fact this is an urban renewal run process, not really a city run process, is not going to change the fact all that information is going to be available to the public after closing.

>> Exactly. You are correct.

>> Spelman: Move approval.

>> Mayor Leffingwell: Councilman spelman moves approval. Favor favor. Passes on a vote of 7-0. Mr. Guernsey. Take us through the consent agenda of our 2:00 items.

[08:26:42]

>> Thank you, mayor and council. Greg guernsey. Our 2:00 perform hearings that are closed and 2:00 p.M. Neighborhood plan where hearings are open I'll go through the consent items. Item 60, c 14-2013-0083, this is for the property at 2416 east sixth street. The applicant is requesting an a POSTPONEMENT TO MARCH 6th. This is their first request. They are finishing up a restrictive covenant. Item 61 and 62 are related. This is case ca 14-88-001.01 for the 800 block on north capital of texas highway. Item 62, for that same address which involves a restrictive covenant. I understand there's a council member that may wish to give staff some direction with regards to both of these items.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you, yes. I would like to direct staff to bring this back for a third reading next week. But with some language that requires compliance with the current watershed protection ordinance and as it's amended from time to time. Except for the net site impervious cover regulations for a multi-family residential project. So basically so that we can be prepared to incorporated that it follow npo except for the impervious cover. And so that's

--

>> Mayor Leffingwell: That's on item 61 and 62.

>> Morrison: Item

-- [inaudible]

>> Mayor Leffingwell: Is there any objection from any other councilmember on let's deal with item 61 first since it's in a different category. Postponing this item until march 6th with the direction just spelled out by councilmember morrison. We could leave it on consent. Is there any objection? There is objection. Take that off consent.

[08:28:49]

>> Tovo: I don't have objection but I have additional direction.

>> Mayor Leffingwell: Go ahead.

>> Tovo: And I would like to also direct staff to bring back some additional language at third reading and this would be to require 5% of the residential units for sale or rent to be affordable to a household whose income is 60% or below the median family

>> Tovo: Why don't I do this a different way. This a proposal the developer representative did.

[08:30:53]

>> Mayor Leffingwell: I will pull items 61 and 62 off consent and let's go ahead with the rest of the consent agenda.

>> Thank you, mayor of item 63, case c 14230081. Applicant postponement of this case at 517 east oltorf street to your march 20th agenda. Item 64, case c-14-2013149 for the property located at 7900 old manor road to zone the property limited industrial service. The zoning and platting commission's recommendation was to grant limited industrial service, conditional overlay zoning and this is ready for consent approval on all three readings. Item 65, c-14-2013-0152 for the property at 4020 airport boulevard, this is to zone the property to neighborhood commercial, vertical mixed used neighborhood

plan, combined district zone to go change the conditional loaning. To change condition of zoning was recommended by the planning commission and this is ready for consent on all three readings. Item 66, case c-14-2013-0155 for the property at 1301 palm springs road to gr-co. The zoning and platting commission recommendation was grand the combined district zoning, ready for consent on all three readings. Item 67, c-14-2013-0157, south congress avenue to zone the property to limited office mixed use combined district zoning. The zoning and platting commission was grant lo-mu and this is ready for consent approval on all three readings.

[08:32:56]

>> Mayor Leffingwell: So the consent agenda for zoning cases is to postpone item 60 UNTIL MARCH 6th, TO POSTPONE ITEM 63 UNTIL MARCH 20th, TO Close the public hearing and approve on all three readings items 64, 65, 66, and 67. So that's consent agenda. Councilmember spelman moves approval seconded by the mayor pro tem. All in favor? Opposed say no. Passes on a vote of 7-0. I think we can quickly deal with item 61 and 62 and we've already discussed a postponement of both these items to march 6th is the proposal with direction from councilmember morrison and now councilmember tovo.

>> Cole: I have a question.

>> Mayor Leffingwell: Councilmember tovo has the floor now.

>> Tovo: I would like to invite either the developer or the developer's representative up to explain the proposal that they have been discussing. They have an interest in providing affordable housing on this site and intend to

-- it's my understanding, intend to wrap it into the p.U.D. Zoning as an element of superiority and you've considered various options.

>> We did. Jail gayogos, the developer on this tract. Yes, we've discussed affordable housing components to this and looking at everything from what we discussed a few weeks ago of the 10% of the 80% of mfi or median family income and have come to what we looked at as far as being able to really help this project serve a need by

-- by I guess, you know, offering 5% of the units at 60% of the mfi for the terms that you just stated earlier during the consent agenda.

>> Tovo: Thank you very much. And we have

-- so the terms I read were those developed by the developer's attorney and I would be happy to read them in again, but I think staff probably have a good sense of that and I just want to thank the developer for his consideration of that as making that a component of the p.U.D. Zoning as an element of superiority. Mr. Guernsey, do you need me to read that in again or you have a sense of the terms?

[08:35:25]

>> Yes, staff understands what has been presented by councilmember morrison and you, councilmember tovo.

>> Tovo: Thank you.

>> Martinez: Mayor, I have additional direction.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Thank you, mayor. The debate between the neighbors and the developers between multi-family and what's currently on site as an entitlement and what I want to do is add direction to come back on third reading since this is a p.U.D. To add some form of either mu or mf-2 into this so they can continue their conversation, it can be, you know, if council approves on third reading it can be developed as multi-family or converted back to I.O. If that's something that comes to fruition between negotiating parties.

>> I understand what you are saying. We are certainly posted to allow something like that to occur so we would add the multi-family uses under mf-2 so when it's a condo or something like that that's still part of the discussion. I understand.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I have a question with respect to councilmember morrison's direction. I believe she said to bring back on third reading the ordinance with compliance with the watershed protection ordinance and except impervious cover and I didn't understand what direction we were giving in connection with with that statement.

>> Morrison: Mayor, if I may.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: The idea would be to leave the impervious cover allowance as it is currently stated in the p.U.D. So I apologize for not making that clear.

>> Cole: Thank you.

>> Morrison: And I said in accordance with the watershed protection ordinance which we have as a name of something, but really I meant with the current watershed protection ordinances. Whether they have that name or not.

[08:37:26]

>> Mayor Leffingwell: The current code.

>> Morrison: Yes.

>> Mayor Leffingwell: Okay, so, I'll entertain a motion to postpone items 61 and 62 until march 6th with additional direction. Councilmember spelman so moved, seconded by the mayor pro tem. All in favor say aye. Opposed say no. Passes on a vote of 7-0.

>> Mayor and council, that concludes your zoning map changes for today.

>> Mayor Leffingwell: That's the total. That's all of it, isn't it?

>> That's all your zoning map changes for today, yes.

>> Mayor Leffingwell: So we will go back to our morning agenda. And item number 15

--

>> Cole: At 4:00.

>> Mayor Leffingwell: Item 15 is 4:00, so item

-- give me just a second. Item number 19. 19 was pulled for speakers. We have a number of speakers signed up, approximately one and a half hours of testimony. Council, knowing that we have dealt with this issue over a long period of time, received a lot of information, committee hearings from a council subcommittee, I would

-- it's within our authority to limit testimony to any amount that we would choose so I'll entertain a

suggestion along that lines and otherwise we'll proceed through the hearing. Councilmember spelman.

>> Spelman: Mayor, it seems to me that 45 minutes should be enough time for people to make all the points they need to make. If they need a little bit of time to figure how to organize themselves, I think they could have the same effect on us and make exactly the same points they would like to but not take quite so much of the public's time.

[08:39:33]

>> Mayor Leffingwell: Is there any objection to limiting testimony to 45 minutes total? Hearing none, we will now go into recess for five minutes to allow the speakers to organize their order and their time.

>> Mayor Leffingwell: Discussion? All in favor? Opposed say no. Passes on a vote of 7-0. Item number 44 pulled by councilmember spelman has one speaker. I don't think he's here though. Yes, he is. David king.

>> Thank you, mayor, mayor pro tem, councilmembers. And city manager or assistant city manager. My name is david king and I live in the zilker neighborhood and I'm here to speak on item 44 which is requesting \$200,000 in taxpayer funding for the south central shore development. And most of that property is private property, privately owned. As I understand only one lot is owned by the public. And so since most of this property is privately owned and we're talking about redevelopment of that property, it would seem to me that those investors and property owners who are going to benefit from this plan directly and most

-- derive the most benefit of it they should pay for this \$200,000, not the taxpayers. So you know, I believe your responsibility is first and foremost to the taxpayers. And you are asking the waterfront advisory board to push through density bonuses for this same area to give entitlements for those developers and property owners to make even more profit to redevelop that in the interest of density. They should step up to the plate and pay for this \$200,000, not the taxpayers. So I urge you to please do right by the taxpayers and ask those who are going to make the most off of this and benefit the most off of this to pay this 200 enthusiasm \$200,000. Thank you.

[08:43:01]

[Applause]

>> Mayor Leffingwell: All the speakers that we have, councilmember spelman.

>> Spelman: Thank you, mayor. I'm persuaded that it's a good idea for us to develop a small area plan for the south shore central area. I am not yet persuaded it's a good idea to spend \$200,000 on it, but I do not need to be persuaded yet because we're not promising to spend \$200,000 on it or nor are we asking staff to prepare a budget amendment and identify funding sources and take a look at the costs. With that in mind, I am happy with voting for this. I just wanted to mention, though, that I am concerned about the prospect of having budget amendments adding up to hundreds of thousands or millions of dollars in the middle of the year. Last year we had a situation which we may refer to as an emergency when we had several providers of affordable housing wanting to qualify for 9% tax credits and not be able to without a match from the city and we needed a budget amendment to provide that matching fund so they could go to the tdhca and qualify for those tax credits. We do not have that same kind of combination so far as I can tell between a vital public interest and the need for speed in any of

the

-- in this item or in a couple of items which we'll be taking up in just a few minutes. Absent that, I would need a little bit more persuasion that a budget amendment in the middle of the year is a good idea. That said, this is not a budget amendment, this is only leading up to one. This is only asking staff to do the background work to give us a clear sense for what would be involved, how much it would cost. We would make the situation on the budget later on and I'm happy voting for this one. I have similar comments on 49 and 50. Same issue applies. I think it would be a very good idea for the asian-american resource center to have a full service kitchen. I think it would be a very good idea to consider an annual agreement with the austin technology council. I'm not sure it's a very good idea for us to make decisions of hundreds of thousands of dollars in the middle of the year. We'll have a chance to talk about that at a work session later on.

[08:45:14]

>> Mayor Leffingwell: Let me just say that I completely agree

-- almost completely agree with councilmember spelman. On the face of it, it doesn't qualify as a screaming emergency to approve this money. I don't think it's appropriate to consider budget amendments in the middle of the year otherwise unless they are an emergency. Where I disagree is I frankly don't see the point because I think it leads us down the slippery slope towards suggesting that the manager go ahead and prepare an amendment. If we're going to have the debate, let's have it now, but I'm not going to be supporting a budget amendment in midyear. The projects are good. I will eventually support both of them if we can find ways outside a budget amendment to do it. I would certainly support direction to the manager to try to find a way to include these kinds of items in next year's budget, which is not that far away, it's coming up pretty soon, but I will not

-- I will not support proposals that

-- for a budget amendment in the middle of the year, again, that are not an emergency. Councilmember martinez.

>> Martinez: Thank you, mayor. You know, I think I certainly agree with those sentiments from the mayor and councilmember spelman. We just received a memo literally minutes ago from staff regarding an update with the dove springs flood area. And based on the current homes that we've been able to get into the buyout program and the remaining programs that are available at an estimate of 200,000 per home, we're over \$100 million short. There's people that are, you know, in dire straits in southeast austin and that are in harm's way and we

-- you know, so if we're going to start talking about priorities moving forward, this is going to be one I hope we would keep as an extremely high priority for funding allocations, you know, leading into the budget conversation.

[08:47:18]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I passed out a proposed amendment to this. There's been a lot of discussion and back and forth over the past few days about the waterfront overlay advisory board because they have a special

called meeting to address this

-- in which they addressed the resolution. And they did address it and support it with a

-- with an interest in actually focusing on a few things. And I see that

-- so I passed out a motion sheet. Councilmember riley just passed out a motion sheet and it looks like they are very close and what I would like to suggest is

-- my concern was making sure that we take into account the things that the waterfront overlay wanted which was to have regular review and

-- that they actually be engaged in the process. And then a few things about focuses. And I instruct toured mine a little differently than councilmember riley. So I would be happy to turn this over to councilmember riley for his motion, but I'm going to make

-- I would like his motion to be clearer. My suggestion is going to be that it be a little bit clearer, not just that at the end it go to the waterfront overlay board for approval, recommendation and approval, but they actually be engaged in the process. With that, mayor, I'd like to turn the floor over.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Mayor, yes, we did get the resolution yesterday from the waterfront planning advisory board and we have worked to integrate their language into the resolution and that is the yellow copy that you have in front of you. There was one phrase that we were not able to integrate that is in councilmember morrison's proposal and that is that the reference to final review and approval by the waterfront planning advisory board. We were advised by city legal that this council doesn't have the authority to confer final approval on the waterfront planning advisory board since this council ultimately will be responsible for final approval. So at the advice of city legal, we did not include that phrase, but we've included everything else from their recommendations.

[08:49:33]

>> Morrison: Mayor, if I may.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I wonder, it was my understanding that they were interested in not just having a presentation after it's done and providing a recommendation, but if there could be some language you might be able to suggest that indicates that they will be engaged in an ongoing basis. Or maybe there already is.

>> Riley: If I may, mayor, that was certainly my expectations that the waterfront planning advisory board would be fully engaged throughout this process. In fact, this effort has been based partly on their recommendation. And I don't know if we have any staff here currently who

-- we do have some staff who have been involved in this. And alan, if you could just approach and speak to that. My expectation in preparing the resolution was that as the planning process went forward that the waterfront planning advisory board would continue to be involved. Throughout the process in both the beginning and the middle and at the end.

>> Absolutely. And counselor, the resolution that the council passed last august did state that in staff moving forward to create this plan by the end of this year, so there is some emergency there, that the waterfront planning advisory board be engaged. They are being engaged every other week. The council passed a resolution to allow them additional special meetings in this new year for two reasons. One of

those reasons was specifically so that they can be as engaged as often as they could be on any kind of activities. We've had three public activities. They've been engaged in the planning and execution and participation of those activities. They have acquainted their own stakeholder outreach committee, and I spend, you know, three hours every monday night with them. So they are extremely engaged right now and staff over the last two years and moving forward has every intention to take to heart the council resolution of august 2013 which said engage the waterfront planning advisory board in moving forward with this project.

[08:51:58]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I appreciate that, and just in an effort

-- I'm going to make a proposal that we add a little bit of language so my suggested amendment would be in the last whereas that

-- because I think that's so important.

>> Mayor Leffingwell: Do we have a motion?

>> Morrison: My motion would be to approve as amended by

-- as suggested by councilmember riley with the addition of the last whereas, I would add a phrase, it would say: Whereas as the planning process moves forward, the wpab would be engaged in an ongoing basis and the small area plan would be presented for recommendation before approval for city council just to ensure we don't lose that.

>> Mayor Leffingwell: A motion by councilmember morrison to approve this item. And you second.

>> Riley: Yes.

>> Mayor Leffingwell: Seconded by councilmember riley.

>> Morrison: Mayor, just to continue, I wanted to make sure that this accurately reflected what I think should have should it be funded, but for myself I can't see this raising up to the level of priority that would suggest funding for in a midyear budget amendment. So I won't be supporting this. I do think it's going to be important, there might be some that we do need to support, but for me this is not

-- would not rise to the level of emergency as the mayor mentioned. But I am supporting this motion.

>> Mayor Leffingwell: All right. Any further discussion? Councilmember riley.

>> Riley: I would like to speak to two points. First we had a speaker question why the public would have an interest paying for this rather than private property owners. The purpose of this effort is not to serve the interest of the private property owners, although I expected there would be some benefits for them as well as the rest of the community. The land is perfectly developable as it is. And that is what we have seen in the discussions that we've had so far. We have every reason to expect that the property will develop. In fact, if you look across the river right now, you will see multiple that are developing over there. They won't have any problem developing this property. If they develop under current regulations, the public runs the risk of losing very significant community assets. Assets that we have been concerned about ever since

-- at least the time of the corridor study in the mid 1980s. For instance, it is very likely in the absence of a plan private develop will result in buildings that completely block out any view of the waterfront for those in south austin. That is what we can expect. That is not something that hurts the property owners

there. That is something that hurts the members of the public. We have the public interest in maintaining visual access to the waterfront and to having an appealing environment in that area. That is a public interest and I think it's very important that the public preserve those interests by getting a planning process in place. And secondly, with respect to timing, I spoke to two aspects of the timing concerns at the work session on tuesday and I'll just underscore those now since the issue has been raised again. Obviously with multiple cranes already over there doing development, there is every reason to expect that we will lose out on the opportunity to secure those very important public interests if we don't act sooner than later. That alone to me is a very compelling reason to act immediately. But secondly, there is also the issue of high capacity transit which is expected to be planned to go right through this area. That issue came up in the work session on tuesday. We have since gotten a memo from our transportation director who confirms that new funding for this plan would augment and not duplicate the work being done by the corridor planning. The transit planning does not include scope for land use planning, but land use planning is something that is critical to the whole transit effort. In fact, the memo goes on to explain the continued

[08:56:15]

[inaudible] planning efforts can significantly benefit an eventual high capacity transit corridor by supporting land use plan. Transit supported land use plans and policies are vital to the success of the project, the transit project, and are part of the federal transit administration new starts funding program evaluation criteria. From the standpoint of doing appropriate planning for transit in this area including planning that would improve our prospects for securing federal funding, we need to get going on this sooner rather than later. With all that said, I will obviously support the motion.

>> Mayor Leffingwell: Any other comments? All in favor of the motion say aye. Opposed say no. Passes on a vote of 6-1 with myself voting no. So we'll go to item number 46. Has two speakers. Gus pena. Gus pena. Joe payne. Is joe payne here? Item number 46 was pulled for speakers. Neither of the speakers is here. I'll entertain a motion.

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

>> Cole: Second.

>> Mayor Leffingwell: All in favor say aye. Aye. Opposed say no. That passes on a vote of 7-0. That brings us to item number 49. 49 is pulled by councilmember spelman. There are no speakers.

>> Spelman: I pulled 49, same comment with 44. I'm not sure it's an emergency item but I'm happy to bring it forward and consider it further. Move approval.

[08:58:24]

>> Mayor Leffingwell: Councilmember spelman moves approval. Is there a second?

>> Second.

>> Mayor Leffingwell: Seconded by councilmember morrison. I will pose it for the same reasons I stated before. That passes on a vote of 7-0. Myself voting no. Now that brings us to item number 50. Item number 50 has one speaker. Shebata saxina.

>> Hi, I want to thank you for this opportunity. My name is shebata saxina. We're an organization that

promotes quality of life for south asian seniors and our seniors are prominently hindu who are isolated at home because of limited english and lack of transportation. The asian-american elderly have the highest rate of depression, suicide and isolation among all the minorities in the u.S. I just want to tell you a personal story and a professional story. Professional story, in 2008 I took our seniors to a baptist church designated as a congregate meal site by the city of austin. Senior transportation to these park facilities in austin is contingent on the eating of these foods and participating in these meals. So we were excited to have the transportation and the activities, but all of a sudden because of city budget cuts that got stopped. Since the food stopped, we were not able to get the transportation to the site either and I had to move my program somewhere else because we weren't able to accommodate it at any other site because we didn't want the food. So our hindu members could not eat the food because of the meat on the plate so that's a big concern for us. Anyway, we've been waiting since for -- for this and we were so excited that the asian-american resource center was designated as a congregate meal sight and we were hoping the group will get some food that is appropriate for them. My organization is taking the seniors to the aarc now and the seniors are going back hungry right now. Because they don't have any food because the kitchen is not geared up to serve the food -- any food at all at this time. We are a volunteer group. Our seniors prepare meals for such as students, u.T. Students during exam times or other places when we can offer the foods because that's a resource and skill they can give back and have a meaningful life by giving back in the city of austin. A commercial kitchen would allow this activity and they would also be able to give food -- possibly make food for others because of their religious concerns they generally don't go to other places or reject even the home delivered meals because they don't eat that food. We appreciate the council's leadership in allocating the \$70,000 to designate the aarc as a meal site but we would like to you support the kitchen otherwise that allocation would go to waste. I'm an engineer by background and I've been working in it more than two years. My mother-in-law who is a doctor and moved here suffered from dementia due to the loneliness. I left my job and I was primary caregiver, unfortunately she passed in 2012 so I wanted to point out these seniors are not going to be here forever. I also want to point out

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[09:02:20]

[buzzer sounding]

-- please understand this is not just about kitchen, but

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>> Mayor Leffingwell: That was your time. Thank you. Councilmember tovo.

>> Tovo: It is a matter of some urgency because we did allocate the money last budget cycle and we have many people in the community waiting for the program to start and I believe the activities at the asian-american resource center are going to be hampered by lack of a kitchen and standard and present in most of them and really is a matter of equity and I believe that we had a discussion on tuesday about why it is important to move forward midyear rather than wait for next year's budget cycle and part of that has to do with escalating construction costs. There are many programs that go on there, it's a popular venue and I believe we will minimize the disruption if this happens as soon as possible and some

of it occurs over the summer when there may be
-- it may be less likely to be used for different events.

>> Mayor Leffingwell: Motion by councilmember tovo. Seconded by councilmember morrison. I'll just say again I'll be voting no. You know, a worthy cause, I would love to be able to support it. I would love to find a way to support it without going into the budget, considering a budget amendment in midyear. I would like for a priority to be given to using these funds perhaps next year so that we don't have to consider maybe not have to consider tax increase. We don't even have the preliminary budget estimate. That will come sometime in april from the city manager. We don't know where we stand. We may need that money. We saw what happened last year. We had about this same situation and, of course, spent every last dime of it. Then when we got the budget season we found we really needed it. We had to fight very hard, make some tough priority decisions in order to hold the line on taxes even then. So as difficult as it is, I will also be voting no on this item even though I would like to be able to support it because of the money. All in favor say aye.

[09:04:43]

>> Aye.

>> Mayor Leffingwell: Opposed say no. No. So that passes on a vote of 6-1 with myself voting no. So that brings us back to item 29. I haven't received any indication of a preferred order so the council has decided to limit discussion, public comment to 45 minutes total. I'll just go through the list until we reach 45 minutes.

>> [Inaudible]

>> Mayor Leffingwell: Yes. 19 is what I'm talking about. If you want to come forward, and do you have a listing? 45 minutes

-- we're going to go three minutes at a time, depends on what the list says. I haven't seen anything.

>> Cat bush is coming first and john bush second and then ray ole nick.

>> Mayor Leffingwell: You have to make me a list at some point. I'll let the first speaker start and somebody make me a list and pass it to mayor pro tem cole so we can get it up here. The first speaker is who?

>> My name is katherine bleish.

>> Mayor Leffingwell: So you are taking three minutes, correct?

>> Yes, sir.

>> Mayor Leffingwell: All right.

>> All right, well, hi, I'm here today with my children. I appreciate you, you know, dealing with the noises that come with them. I'm here because I am concerned about this issue of fluoride this the water. I've testified before you once before, it was four years ago, it was about fusion centers. Unfortunately all the things I predicted are happening here in austin with our own local occupy movement. Your fusion center infiltrated and set people up which is a disaster. I hope you are willing to take a deep breath and listen today because this is really personal to my family. When I got pregnant with my daughter in 2011, my husband john and I decided to move to creedmoor to get away from 2 fluoride in the water. When my daughter was three months old our party came back 1.1 parts per million. This is much higher than austin fluoridates. We called creedmoor and they told us the state had restricted them digging or

pumping water from their own wells and they were buying water from austin. Even though I tried to get away from your toxic dump of a water supply it followed me and it haunted me and my daughter's teeth came in with fluorosis because I drank your toxic water with no one letting me know while I was pregnant with fluoride filters sitting in my closet because I believed I was drinking clean water. He feel betrayed and believe each and every one of you owe my daughter an apology. I hope you think long and hard about the actions you are taking today and at least consider postponing this. If you don't have the cajones to say no, let's wait and make sure we're not destroying the teeth and bones of others in the community. My husband was born with it and my daughter. That is wrong and cruel and you have a moral duty to stop poisoning your community. I beg of you, do it now, do it today. Stand up for humanity and do what is right. Stop bowing down to cdc grants or whatever it is that makes you think you need to poison our water because it is unacceptable and intolerable and not everyone knows the damage it is doing. If I had the choice, I would have not had to buy a fluoride filter in the first place and I would not have had a daughter born with fluorosis but I did. Stop now thank you.

[09:09:08]

[Applause]

>> Mayor Leffingwell: Next speaker is neal carmen. I don't have a list. John bleish and I need a list otherwise we're going to need to go back to the order. John, you have three minutes.

>> Good afternoon, council. It's been a while since I addressed this body. The last time I was here I spoke about how displeased I was that I was threatened with arrest should I grace this body with my presence again. It was awhile ago. Since then I've grown more displeased with politics as a whole with the idea that in order to solve our common problems we ought to rely on a coercive institution like the city of austin or state of texas or united states of america. Since then I've launched a nonprofit called the center for natural living to demonstratist value of voluntary cooperation and natural living in the areas of sustainability and family and health by creating educational media and helping families fulfill basic needs. Because I grew tired of waiting for you to do the right thing we launched the austin safe water initiative and we're purchasing 100 fluoride water filters and giving them to low-income families who would prefer not to drink austin fluoridated water. A lot of people believe that we ought to fluoridate the water because there's low-income families that can't afford proper dental care. On that same token, there's low-income families that can't afford water filtration. I talked to the mayor before out in the hallway and he indicated that he uses the fluoride for his water. I remember ray asking the entire body if they use water filters. I think most people either didn't respond in the negative or responded in the affirmative. There's a lot of people that can't afford it. I think it's ron. Ronnie reeferseed

-- excuse me, ronnie reeferseed referenced earlier that he thought perhaps you guys were taking bribes. You know, I think that's a little bit of a stretch. People are looking for answers after to why after five years of concrete evidence, harvard coming out with studies saying it reduces iq, why would our calls fall on deaf ears. I think the bright thing may not be that far off base but it's coming in the form of federal grants for the centers for disease control. We tried to fight against the scanner. The mayor said we could lose f.A.A. Grants. We fought against the fusion center. You could lose department of homeland security grants. My hypothesis is because you are afraid if you shake up the boat, if you -- if you buck the status quo, that the city will lose out on what you see as much needed federal grants.

Is that the case? Does anybody want to be frank with me? Because I know you all are intelligent people. I don't think you are as corrupt as some people think. At least most of you all. And it's my belief it's because you believe we'll lose out on cdc grants. Can somebody give me feedback because we're looking for answers here. And that bottom left picture is my daughter. She has dental fluorosis. That's the visual demonstration of what be a deeper rooted problem in her bones, increasing

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[09:12:35]

[buzzer sounding]

>> Mayor Leffingwell: Time is up. Time is up, john. And by the way, you're not signed up on the list, but you have your

-- had your three minutes anyway.

>> If it is, please reconsider, guys. [Applause]

>> 15 minutes.

>> Mayor Leffingwell: All right, next is ray nadler-olenick and donating time is walt ole nick. Is walt here? Chris, what's your last name?

>> [Inaudible]

>> Mayor Leffingwell: They are on the list here.

>> [Inaudible]

>> Mayor Leffingwell: Rightment I'm calling off the names now. Christa clark.

>> I'm donating my tame to rae.

>> Mayor Leffingwell: Stephanie acosta. Cairo deangeles is here. So rae, you now have 15 minutes.

>> [Inaudible]

>> Mayor Leffingwell: You are on the list. Down the way. You've got 15 minutes here.

>> Good afternoon. I'm going to do something unusual. I'm going to play a video clip. It's actually the water and wastewater meeting of the 12th of this month and afterwards time permitting I'm going to show a few slides I wasn't able to show at that time. Thank you.

>> That takes us to item d-4. Recommend approval to award and execute a 24 missouri requirement supply contract with mosaic corp for the purpose of [inaudible]. In amount not to exceed

[09:14:51]

[inaudible]. [One moment, please, for change in captioners]

>> people know we're saturated with fluoride from your environment, toothpaste, processed foods, non-stick cookware, farm execute kels and

-- pharmaceuticals and so on and people don't see a reason to spend thousands on more. Whatever their concern they're certainly worth serious consideration. Over five years concerned citizens here have been regularly speaking before the city council in an effort to educate them about the down side of water fluoridation. The president's council has adamantly refused to listen. Come november austin city government will have a whole new look and at least part of the reason for that hard won change in government was the present and recent council's unwillingness to listen to ordinary citizens to the

concerns of everyday citizens and opposed to political insiders. The new city council may have different ideas about the wasteful fluoridation system that was set up here 40 plus years ago and positioned as an entitlement. So I have two proposals here. And the first one is table item d-4 until next month. The citizen traditionally signs this contract in march anyway. And since you will next meet on march 12th in regular city council meetings are scheduled for the 20th and 27th, that allows plenty of time for council action. In the meantime I do have some educational materials and things that I could present to some of you to just have you thinking about this situation. And I understand why wisdom dictates an end to the expenditure of millions of dollars for a toxic chemical, which provides no benefits. And second, if you must

-- you are an advisory commission and you are not advised to call the city council to do something that's not in the public interest. Second, if you must recommend the contract, limit it to a one-year contract.

At a time when the future of fluoridation is in doubt, this is the most prudent way to succeed, and thank you for your time. Now, do I have a little more time, as if I had husband's also, because I have something on a totally different subject than charter? May I continue or shall I sit down?

[09:19:08]

>> Is it on this item d-4?

>> It's on item d-4. It's a little bit different. I wish I had the ability to project slides, but we're constantly being told that this chemical the city is buying is the same thing that's found naturally in the water and that they're just adjusting upwards something that is already there. I have found a company that provides both the natural fluoride, called calcium fluoride, a reagent, and fluorosilicic such as we use. And I have the product sheets, they're called msds sheets, comparing these two products. And anybody can look and see with their own eyes that this is not the same product and that the artificial one, the one we buy, is rated much more poisonous, much more toxic. I have one hard copy of each of those here. I could leave them for the record. Also in the austin water utility's tank, the storage tank, they've actually given it an even higher rating for danger hazard. I'll conclude with that. Thank you very much for your attention.

>> Thank you. Commissioner clarke, you had questions on this item?

>> I don't know who the appropriate staff member is to inquire.

>> I did have research and reading on the fluoride issue and I would come at this assuming that the city is acting in the best interest of its citizens, so I'm just trying to understand that process y'all used to do this. Normally do it every year. I understand this contract is for fluorosilicic from a crop nutrition company. I assume this is a byproduct of fertilizer production. So is this pharmaceutical grade fluorosilicic acid or sort of industrial grade?

[09:21:48]

>> I'm jean grazer, assistant director of the treatment program. For the first part of your question, we have been fluoridating water in austin since 1973, I believe it is. In december 2011 the city council passed resolution requiring that we continue to feed the fluoride. And that was based on recommendations from the health and human services department. I do have a copy of that resolution

here if you would like to see it. So essentially under the council resolution we are required to fluoridate. In the drinking water industry the chemicals we feed must all meet nsf 60 requirements, which is not necessarily pharmaceutical grade, but it has a purity level that's expected that it has to meet and nsf does the testing of the chemicals.

>> Okay. Do you know if this batch is tested for arsenic?

>> We don't test each batch that comes in, but they are tested for arsenic.

>> Because my understanding was that the nsf standards do allow for some concentration of arsenic, which the e.P.A. Says you shouldn't have it in drinking water.

>> The difference will be the levels. I would have to pull the nsf data on that, which I do have and I can forward to you. And we can compare that against the e.P.A. Levels for drinking water.

>> Okay. So from the utilities's perspective, you're just fulfilling a council resolution?

>> Yes.

>> Okay. I find this all very interesting. One of the interesting things I found is that originally the idea was

-- it was all for tooth decay, rate? The idea was that you put it in the water and when you drink it it it strengthens your teeth. The more research recent shows that activation of fluoride is actually topical, which is why it's in toothpaste. So I have some concerns that we're putting something that's basically a medical treatment for a medical condition of tooth decay into the drinking water for everyone without any control over the dosage of that medicine, if you will.

[09:24:32]

[Applause]. Because babies drinking infant formula are drinking a much higher proportion of water to body weight, so they're getting too much fluoride. I think there are a lot of questions about effectiveness and the risks, and I think it's tooth decay

-- if tooth decay is a big problem, there are better ways to address it than putting fluoride in the drinking water. I appreciate your perspective on this.

>> I have a few questions, follow-up. Are there any safety guidelines that the utility is guided by when adding fluoride into the water?

>> Yes. We follow the

-- owe first, e.P.A. Has maximum contaminant levels. The primary maximum contaminant level is four parts per million. The secondary is two parts per million. But we follow the cdc guidelines, center for disease control. They recently lowered their levels. Where it used to be like .7 to 1.2, I think it is, it's now .7 to 1. We're in a warmer climates and expectation is people drink more so we stay to the lower end of this. Our fluoride is occurring naturally at about .25 parts per million and we raise it to the .7 level.

>> Commissioners, any other questions? We have a motion on this item?

>> I move to approve item [indiscernible]?

>> Do we have a second on the motion? Seconded by commissioner lee. Any further discussion? Hearing none, all those in favor please raise your hand. Show commissioners

[09:26:36]

[indiscernible], lee, castlebury, fishbeck, bray and [indiscernible] voting aye. Are there any nays?
Commissioner clarke voting nay.

>> Okay. Now I'm just going to show a few slides that they were not set up to show at the time. Could we have those, please? This is the famous fluoride survey that's been two years ago showing that in spite of all the propaganda in favor of fluoride, half of the city is on to the scam. And secondly -- okay. I clicked past it and now I can't get it again. I want the second slide. Yeah. Okay. I found the company. It's not mosaic because mosaic doesn't sell both natural and artificial -- and hydro fluorosilicic toxic waste fluoride, but I found a company that did and I decided to get those msds sheets for easy comparison and there's only one thing you have to look at. Some of you are going to claim you don't have the education or brain power or whatever to understand, but there's only one thing to look at here. In the diamond diagram toward the upper is a diamond -- no, back to the other one. Is a diamond -- a blue diamond with a number two in it. That represents toxicity. They call it health, meaning health hazards, but that's the toxicity. Look look at it, natural fluoride, natural calcium. Here from the same company is the product we use for fluorosilicic. Look at the blue diamond diagram. Three for toxicity. This is not the same product. Natural shall calcium is natural. And now here's what the good folks at the austin water utility who actually work with it give it for our rating, a toxicity rating.

[09:29:06]

[Buzzer sounds] four. They gave it more than even the manufacturer. Thank you.

>> Leffingwell: Thank you. Next is nick lucier. And you're signed up for three minutes.

>> Good afternoon. My name is nicholas lucier, I was part of the 14 day hunger strike protesting fluoridation of the water supply with hydro fluorosilicic. So much to say, so little time. Since then we started a political action committee called healthy h 2 o austin. We started indy go-go campaign. We're going to bring this to a public vote either this november or this may, depending on which one is more strategically viable, and we'll do it. We will take this out. If y'all don't have the hutzpah to hold the oath of office, why did you take it? This is not okay. And if you think this will be an obama whitewash of the last administration, you're wrong. I'll investigate every single one of you for criminal misconduct, holding the oath of office. This is no laughing matter. So when I sit up here for three hours and watch leffingwell come and go, take interviews during citizen communication and when he comes back laughs at the man who has to sit down had when he has to give his presentation and then cut off him, I am appalled that this is a government for the people. Who are you representing? I d treat nobody like that. I don't have alarms that go off in their heads when time is up to stop talking. No. I wait for them to finish and politely tell them they're time is done. Thank you very much for caring enough to come out here. I think it's funny that we've teamed up with hackney all the way in austin as a sister city because the periodic element on the periodic table is f. There's an international producer out of hackney called russco-and he starts one of his songs, and I'll edit it for content, but wake the s up is how the song starts. Yeah.

[09:31:34]

>> Mayor Leffingwell: If the song uses the f word it will be stopped and your time will be forfeited. Just

giving you advance notice.

>> So e.P.A.'S allowable limits for arsenic are set at 10 parts per billion. They're the same organization that allows fluorosilicic to be added to the water which contains arsenic. Their stated goal for arsenic is zero. I wonder why we never reach our goals in this country anymore? It's not profitable to do so. And if you don't know what corporate welfare is, welcome to it. Because you've got an organization getting paid billions of dollars now to rid themselves of their toxic waste, which is the reason the e.P.A. Has them capturing these chemicals in the first place. Why is it the e.P.A. That's regulating this and not the food and drug administration who is supposed to oversee medicine? Just a thought. [Applause].

>> Mayor Leffingwell: All right. Stephanie masser. And you have three minutes.

>> Hello fellow citizens who happen to be elected to represent us. I'm actually glad that you're sitting down, lee. I thought you would get up. I saw you get up during citizen communication, so I'm happy that you're sitting here and hopefully listening to us. I hope that you guys see because so many people signed up to speak that this is a huge issue, especially in comparison to all the other speakers that showed up. I hope that you guys heard the people that spoke where their children were actually affected by this. These are real people that have real concerns about this that are worried. It comes out in different ways, comes out through rage, comes out through scientific evidence trying to, but that seems to not stick with you guys. So I'm here just to be another voice and another face for you to know. I suffer from joint pain a lot of the times and who are you to tell me that I have to drink the water that might be causing that pain? Hydro fluorosilicic is shown to have the same symptoms of arthritis. I'm 23 years old, I shouldn't have signs of arthritis, but I do. So there are also two gentlemen that were sitting out there on the front steps protesting, hungry for 14 days they did not sleep at home. They were out there in 18-degree weather to protest this to try to be the voices for the people sue that we could be heard. We thought that that would work, which a hunger strike is pretty radical and the fact that you guys have not responded to it is insulting. I just want to say shame on you. Shame on you for taking away the hope. I have so many friends that feel

-- that are against this that would not come out to speak because they did not think you would listen to us. What kind of government is that? Shame on you. We're going to do this with your permission or without your permission, like nick mentioned. We're starting to get a public initiative going, healthy h 2 o austin is our political action committee that we've started. To we'll do this, like I said, whether you guys are down or not. But I guess the point is what side of history do you want to be on? Do you want to be the good guys or the bad guys? Because eventually it's going to happen. Thank you.

[09:35:07]

[Applause].

>> Mayor Leffingwell: Linda green. And donating time to linda is karen renick. You have six minutes, linda.

>> Thank you, city council. For five and a half years we've been presenting you with facts and evidence and today I'm not going to stop. I'm going to be reading from mosaic's own material safety data sheet and I'll just keep reading until I run out of time, but from my own notes I ask you, I implore of you, please don't act out of fear of going against the hand that feeds you, ie, the cdc that gives millions of dollars to our health and human services department via dr. Wang for his wasn't smoking campaign. And

please don't act out of the archaic ideology that has been floating around for the last 40 years here in austin. Look at the facts found here in your material safety data sheet presented by mosaic and look at the fluoride action network which has presented so much evidence to you over the past few years and leave us the legacy of an end to water fluoridation. And if you cannot do this, at least put -- postpone your vote so that the next city council can take the proper actions. So our materials safety data sheet provided by mosaic is required by law. And it's hydro fluorosilicic acid, hex so fluorosilicic or nor row fluorosilicic. That's what you're adding to our water. It's corrosive to the skin, eyes and mucous membranes through direct contact, inhalation or ingestion. May cause severe irritation, burns, which may not be immediately apparent. Ham ham handle with extreme care. To the eyes, corrosive. Contact may cause severe irritation, eye burns, permanent eye damage, skin, corrosive. Contact may cause severe irritation, skin burns and permanent skin damage. Inhalation, breathing it, corrosive, harmful if inhaled. May cause severe irritation and burns of the nose, throat and respiratory tract. You should have a copy of this. Ingesting or swallowing corrosive, harmful, fatal if swallowed. May cause severe irritation to the mouth, throat and digestive tract. Signs and symptoms, effects of overexposure. Like ray said, we get fluoride from pesticides, from different kinds of cookware, effects of overexposure may include severe irritation and burns to the mouth, nose, throat, respiratory and digestive tract. Symptoms of overexposure may include ulcer ration of the nose, throat, coughing, salvation, fa teak teeing. Buzz.

[09:38:30]

[Buzzer sounds] buzz.

>> Mayor Leffingwell: Thank you, linda.

>> I have three more minutes, right?

>> Mayor Leffingwell: Did you start with six or three? You have three more.

>> Prolonged or repeated exposure to fluoride compounds may cause skeletal fluorosis. If you will put up the picture of children with dental fluorosis, that is an outward sign of fluoride poisoning. Skeletal fluorosis also is probably occurring in these children and adults who have dental fluorosis. Prolonged or repeated exposure to fluoride compounds may cause fluorosis. And by model discoloration of the enamel of the teeth. If exposure occurs during enamel formation. Symptoms may include bone and joint pain and limited range of motion. Conditions aggravated by exposure may include skin and he is practicetory disorders. And here's another warning on acanthae has hydro fluorosilicic acid. In fine print it says directions for water fluoridation. Application of this product for water fluoridation is subject to approval of all interested state and local authorities. It should conform to the american water work association statement of recommended policy and procedure. The american water work association, that's just a trade organization. It's not a health facility that is counseling you. Exact dosage the money raise the total fluoride concentration in drinking water above 1.5 parts per million. But the point is that you're not just adding calcium fluoride, you're not adding the expensive pharmaceutical grade fluoride, which we would all deserve if fluoride was even a requirement, a dietary requirement, and it's not. And just keep in mind that these side effects of dental fluorosis, skeletal fluorosis, crippling arthritis, thyroid subsidize is your action to medicate us without our consent at one size dose fits all. And it's harmful to people, pets and plants. And we want you to please do the right thing. Have some integrity and save the taxpayers a couple million dollars every couple of years or every four years as you intend to poisonous

as you leave office, and put that money into education programs for children's nutrition. Maybe mayor's neighborhood organic gardens because our gardens don't need fluoridated water either. You're adding poison to our waste and we would implore more you to do the right thing. I'll just keep reading some of these

-- here's something, small spills, if we have a small spill at our water facility contain the spill and stop the leak if it can be done without risk.

[09:41:45]

[Buzzer sounds]

>> Mayor Leffingwell: Neal simon? Three minutes, neal.

>> Thank you, mayor leffingwell and councilmembers. My name is nile carmen, I'm with the sierra club. I worked on environmental toxic chemical exposure issues for over 22 years in texas. Yesterday I dropped off a copy of a letter that I had written to you and a new study by two pediatricians that came out just a week ago titled neuro behavioral affects of developmental toxicity. And it was published in the journal lancet neurologist and it does identify fluoride has a developmental neuro toxin. One of the concerns about the fluoride that can be drunk by mothers is that it's a very tiny molecule so it easily goes through the placenta into the developing fetus. So there is exposure occurring during pregnancy and then after the child is born. It's also very sensitive to the fluoride. Dr. Filigrainjean at the school of public health and a pediatrician at mount sinai medical school in new york city says the developing human brain is uniquely vulnerable to toxic chemical exposures and major windows of developmental vulnerability occur in utero and during infancy and early childhood. They go on to state the fetus is not well protected against industrial chemicals. The placenta does not block the passage of environmental toxins from the maternal to the fetal circulation and more than 200 foreign chemicals have been detected in umbilical cord blood. They conclude, disorders of neural, behavioral development affect 10 to 15% of all births and prevalence of autism spectrum disorder and attention deficit disorder seem to be increasing worldwide. So I would encourage you to look at this seriously and to maybe if you aren't sure what to do today postpone it, let the new council decide on this. Mosaic produces foss at a time fertilizer and this you will company is introducing an industrial waste product. It's not something needed in the water supply. People can get it in their toothpaste, mouth wash if they want it. And the cdc determined 10 years ago that actually it works more effectively topically rather than being ingested. Take a look at this study left at your office. These are two preeminent pediatricians and I've medicine them both in recent years and I think you should look at this study in terms of the fact that fluoride is a developmental neuro tox in. Thank you.

[09:45:02]

>> Mayor Leffingwell: [Indiscernible]. You have three minutes.

>> Good afternoon. One corporation's waste is our nation's treasure. The american flag that I pledge allegiance to comes to with a certain pecking order and that is god created man, man created the constitution. The constitution created government and government created corporations. Now, I ask you is that what we currently see today in america? No, it's rhetorical. With that being said please,

please take the acid out of the water. I beg you. It saves us money, spends us no money. And when I am alone at home at night and I am forced to drink a glass of water or die of dehydration and I think what can I do to stop this? And the only person I can really turn to is god, and I pray to god, I say god, please, please communicate to the powers that be. Find your way into them and have them make the right choice. Please, god, I can only do what I can do. I do not have financial swing. People will not vote for me. I am completely reliant on external sources and I just beg you to -- to the scale of money and morality to turn it the other way in morality. It's crazy. Seven percent of the entire world is fluoridated. America is half of that number. So this is definitely an outdated practice, and at very least it does nothing for us to be kind. I mean, it does nothing for us at the very least. So please take it out of the water. Thank you.

[09:47:21]

>> Mayor Leffingwell: Time for two more speakers. The next is alex little. Alex little. You have three minutes.

>> Thank you. So this is my first time participating in any form of like city government. It's kind of disheartening to me. We're telling you the truth. It's not like the facts are made up. It's like this is a toxic chemical. It's not necessary in our water and we're spending two million dollars on this. Like what is the purpose of it? And can I ask you a question? Mayor or anyone?

>> Mayor Leffingwell: The purpose is to direct the council.

>> Why are we spending this money on a potentially harmful stance that we don't need in the water? Why are we doing this?

>> Mayor Leffingwell: We can sit and look at each other for two minutes and 20 seconds more if you like. I'll refer you to the backup material on the agenda.

>> Okay. Thank you.

>> Mayor Leffingwell: William king.

>> Mr. Spelman, council, it's an honor to be here today. I believe earlier we were talking about with great power comes great responsibility. That's voltaire from 19th century france.

--

>> Spelman: I don't remember uncle ben's version. Sorry.

>> Mayor Leffingwell: Lee did quote that too in his comic books. What I want to talk to y'all today, I appreciate y'all having me up here and let me talk. I know you've heard a lot of people here talking. A lot of emotions go along with this subject. And hopefully I can come up here and give you a calm version. I'm just a normal citizen who has lived in this town for

-- I'm 34 years old and I do have fluorosis. I have five children and a wife who

-- I'm sorry if it's already done. But I have five children and I wife that I'm up here representing today and I want the very best for them. Having fluoride in the water, all the research I've done, it's not good for us. If at the very least if y'all could please, I will implore you, make it optional. There are opt outs for all sorts of things. Make it

-- reduce the amounts. Do something. Put off the vote until another council or whatever. I mean, I'll sit down with each one of you. I'm a decent person. And I'll sit there and I'll give you every bit of information that I've come across. I implore you, please take it out of the water. I don't know why

-- I understand it's a very political subject. Everybody is emotional about it. But let me get to a few different things before I run out of time. Mr. Martinez, you talked about budgets and saving money and taking that money and using it for redevelopment in dove springs and other things. Two million dollars right there. There's the whole environmental effects of this. It's cumulative, so it soaks into our ground waters, the food fly, the drinking water, everything else. It's cumulative in our bones. I plan on staying here. I love this time. I'm not leaving. I'm raising my kids here because it's a great place. Just the fact that I can stand here today and talk to y'all, I appreciate that very much. But it's cumulative, it stays in our health system. There's no benefit. No tax increases. We talked about your taxes. Two million dollars, we can spend it for something else. We have a running, healthy community that drink a lot of water obviously. We can ban bags? I mean, it's kind of a nasty subject there, but can't we please get rid of the fluoride? Can we ban that too? And then how about putting vitamins and minerals in the water and save me some money on supplements? And my family. And then you have the health effects on the trees. We talked about trees earlier today. Four billion dollars' worth of trees in just the city-owned utilities

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[09:51:43]

[buzzer sounds] I just implore you, please.

>> Mayor Leffingwell: Thank you, mr. King.

>> Thank you.

>> Mayor Leffingwell: That was 45 minutes of public testimony. I'll entertain a motion on item 19. Councilmember morrison.

>> Morrison: I'm going to go ahead and move that we approve this item. I think that I want to note that there was a comment at the commission that the reason we do this is because there was a resolution from the council in 2011 that we do this. It's not the reason we do it. We do it because on february third, 1971, 73 percent of the voters in austin voted to do this, to put fluoride in the water.

>> [Inaudible].

>> Morrison: And to override a vote without another vote of the people I think would be entirely inappropriate. So with that I move approval.

>> Mayor Leffingwell: Motion by councilmember morrison, seconded by councilmember spelman.

>> Spelman: I pride myself way too much on being evidence based. And I appreciated every time you come up and say we've got evidence, we have good reason for believing that fluoride is toxic. And I've read a lot of the stuff you've asked us to take a look at. I read the national research council study. Not the whole thing, but I read the beginning and pieces along the way and they were very clear that in this volume, we're talking about high levels of fluoride to support a maximum standard of two milligrams per liter or higher and not talking about levels between 0.7 and 1.1 milligrams per liter, which is the standard adopted by e.P.A. I'm sorry, adopted by cdc. We're at 0.7 at the low end recommended by e.P.A. That study says very specifically we're not talking about low levels, we're talking about high levels. If you're at four you need to get lower. I'm on with that. I'm also on with the idea that there is a neuro toxicity effect at very high levels. Here's my problem. When you cited dr. Carmen asked us to look at the study from lancet neurology. I have it in front of me, and mostly it references dr. [Indiscernible]'s earlier research mostly from rural china. I went to look at that. And I am persuaded again at some level fluoride

is going to be toxic, particularly developmentally for kids. Here's my problem. The rural chinese study -- you're shaking your head. Look at the study. The rural chinese studies looks at lots of studies being done at lots of places in rural china and they have a control group and a high fluoride group and they were able to show that the high fluoride group there is a reduction in iq from seven points from the high fluoride group to the low fluoride group. I'm persuaded if we were in the high fluoride group I'm with you. We need to reduce our fluoride levels. Here's my problem. We have a lower level of fluoride in our water than the average for the low fluoride group, the average for the control group in that study. We're already at low fluoride relative to that particular study. That study doesn't persuade me that at the levels of fluoride we're talking about right now there is a developmental effect. Now, there may be. And if you can find me evidence that suggests that there is, I will act on it, but I haven't seen it yet, and all the evidence you've provided to me is not on point. It's at much higher levels of fluoride, which I agree are toxic. It's not at the relatively low levels we're talking about, it is at the low end of the cdc recommendation. If you're interested in pursuing this stuff I'm happy to help you pursue it, but I need evidence on point that says 0.7 milligrams per liter is actually developmentally toxic or does have a direct effect on anything that I care about other than teeth because the studies that you cited that I took a look at with respect to teeth were actually very clear that .07 milligrams per liter did contribute to healthier teeth. That's the thing I can represent right now. Well, maybe you've got studies that suggest that that's not the case. I haven't heard you mention those. I'm happy -- send them to me and I'll look at them.

[09:56:02]

>> It's a cumulative effect.

>> Mayor Leffingwell: Hold on.

>> Spelman: I am not preparing to get into a debate with you right now. If you have stuff that you need me to take a look at or any of us to take a look at, please feel free to send it to us. All I'm suggesting now is that the vast majority of things that you have referenced over and over again has evidence that our fluoride levels are too high are not evidence that our fluoride levels are too high. They're evidence that two, four, 12, the chinese study looked at one community that had 32 milligrams per liter. That's too high. I'm with you on that. Send me some evidence on point and I'll take a look at it. Until then I think we have to protect the kids' teeth. [Indiscernible].

>> Mayor Leffingwell: Ma'am. I'm going to ask you to he

-- I'm going to ask you to stop or leave the chamber.

>> [Indiscernible].

>> Mayor Leffingwell: Take her out, please.

>> [Indiscernible].

>> Mayor Leffingwell: You're disrupting the meeting. If you want to be charged with that, just keep on.

>> [Indiscernible].

>> Mayor Leffingwell: Just for your information, it is a criminal offense to disrupt a public meeting. If you persist in that kind of behavior you can potentially be charged with that. I want you to

-- I wanted to let you know that. And we'll go on with our discussion. There's a motion on the table. I want to say following councilmember spelman's

-- we have listened to evidence on this subject for several years. Several years. Five, I'll accept five. We have gone to the trouble to send this item to a council committee and received testimony from our health department here at the city. We've heard from other experts. I even asked my dentist, and his answer was unequivocal, yes, fluoride in the water at safe levels is something that we should continue to do. So I heard no scientific evidence to the contrary. I'll support the motion. All in favor say aye? Opposed say no? It passes on a vote of seven to zero.

[09:58:56]

>> Councilmember cole has requested that we take up item 54. She wants to leave here today, I think.

>> Cole: I'm sorry. I twisted my ankle and taking medication. I'm not feeling well.

>> Mayor Leffingwell: We'll take up item 54 so she can address that item before she leaves. There are no speakers signed up on 54.

>> Cole: I think the public hearing is closed. We are dealing with this downtown density bonus. I'm going to pass out

-- I'm going to pass out a

-- first I want to make a motion to approve and then deal with our amendments because I'm sure we'll have to take separate votes.

>> Mayor Leffingwell: Mayor pro tem moves to septum 54. Seconded by councilmember spelman. Go ahead and make your comments.

>> Cole: During this particular real estate cycle we have had most of our full blocks of downtown already being used and several of our partial blocks have infill. So it's become more difficult to assemble lots and create good design. This amendment is supported by the original austin neighborhood association and the downtown austin neighborhood association. What it does is once you have obtained the maximum floor to area ratio, then an applicant has the ability to submit a written request and rationale for additional floor to area ratio to the director. And then the director can make a written recommendation based on that application to the planning commission for review and recommendation. And then the city council determines whether floor to area ratio should be granted based on additional community benefits. And all of this is done to help facilitate the downtown austin plan and the imagine austin comprehensive plan. So that is my proposed amendment.

[10:01:16]

>> Mayor Leffingwell: Amendment proposed by mayor pro tem cole? Is that accepted by the second? If I could have a vote? Okay. The vote on the amendment has been requested.

>> Spelman: Good.

>> Mayor Leffingwell: So do you second the motion, the amendment? Seconded by councilmember spelman. Councilmember morrison.

>> Morrison: Thank you. So what I gather this would do is basically allow us on a parcel by parcel basis to change the maps

-- to change the map that had all been agreed to in terms of the far's for each of the areas of town. Do we have staff here? Sarah robertson?

>> Cole: Would you like me to respond to that initially?

>> Morrison: Sure.

>> Cole: Initially, yes, it would allow a case by case variation based on what we know from practical considerations would be small lots that need the additional floor to area ratio to help them with design. Jim, I think the question was directed to you.

>> Morrison: I would like to hear staff's thoughts on the matter and also to ask mr. Robertson and perhaps mayor pro tem cole why you need extra far to help with design?

>> I think the literal answer to your question, as I understand this proposed amendment, it would not actually constitute an amendment to the map because the amendment to the map I believe since the map has been adopted by ordinance and is part of the code, to actually amend the map would require a code amendment. This is a code procedure by which the maximum far's or the maximum heights on the map, I guess it's an exceptions procedure that would allow projects to surpass those maximum heights or far's on the map. So it wouldn't technically be an amendment to the map. It's an exception to the maximum identified in the map.

[10:03:34]

>> Morrison: Can you remind us in a nutshell why we wanted to have a map that had far's per area?

>> I think going from zeroing, they're zooming from the big picture down. The big picture was that one of the basic proposals we made early on is actually in the phase one report of the downtown plan was that our downtown is not homogenous. It has areas of different character, nature, scale and so forth. So in some ways that is an outgrowth of that observation. There was a sense that instead of giving an across the board

-- saying anywhere in downtown a project can get of a certain height or a certain scale, it was designed to apply that sort of place specific approach to an evaluation of appropriateness of height and scale. Just looking at the map you can see that in some ways, for lack of a better term, it's a little bit of a wedding cake approach. Buffering the core of downtown where the highest pharrs and the high

-- far's and the highest heights are allowed to the periphery of downtown along lamar, along llk, to some extent even along i-35 to allow the scale of downtown is to diminish and buffer the adjoining areas. The map was derived through a series of stakeholder meetings we had involving all takers. It was part of -- we went out and had district-specific meetings. We had meetings for every proposed district of downtown. It was the aggregation of that data as well as other input we got that produced the map that we recommended to council and that was adopted by council when it adopted the downtown plan.

>> Morrison: Does staff have a recommendation for providing for the process of those maximum far's.

[10:05:34]

>> I don't know that I have a recommendation. I think this is clearly decision, a policy decision that council can make. In some ways when I think some ways the decision that's before you is when it adopted the downtown plan adopted this map and adopted the density bonus program back in june a decision was made to allow additional height and far to be granted administratively and to end cure, the process by which it had been granted sort of through council action on a case-by-case basis. This in

some ways continues some of the programs, the benefits of the program. They still can be handled administratively, but it takes back and would bring back to council the ability, if you want to consider it ability, the necessity of council making these decisions on a case-by-case basis as opposed to a purely predictable and administrative process.

>> Morrison: I guess I'd love to hear if the maker of the motion has additional comments. One of my concerns is the way this is written

-- so the idea

-- I guess that if there's something

-- seems like this is what's trying to be captured here. If there's something really, really important, then we need to do that, but it's not well-defined. That's what my concern would be is going back right back into the previous situation. It says the applicant has offered additional community benefits above and beyond those that offer to achieve the floor to area ratio in figure two. Well, I would hope that, for instance, there would be a superior element to it that the additional benefits that were offered surpass anything that would be required based on the

-- based on the calculations that we have in the density bonus. It doesn't even say that it would meet those calculations as it is.

[10:07:35]

>> Cole: Let me bring mr. Robertson back up here. Because to even get here you will have to have already achieved the maximum floor to area ratio and have done the community benefits with that. So you're in the exception category. And you're saying that because I'm a small lot, I needed additional floor to area ratio to help with my design. Unusual circumstance. And then you can start the process by going to the director, then you go to the planning commission because you have full stakeholder input. And then you come back to council and we have listed here an offering of additional benefits 1 through 13. And I believe that 13 includes other benefits and those could be what you're terming, I believe, superior. So help me with that, jim. Is that a fair characterization?

>> As I understand the proposed amendment, any additional height or far that a project would seek, whether it is below

-- whether it's within the maximum far's or above, they would all be earned using the methodology of the dense density bonus program. So you would be providing more benefits. I don't know that that has an element of superiority to it. It's not an above or beyond, although you would get more community benefits because you're getting more far. But I don't know that that's a superiority situation.

>> Morrison: If I may, it doesn't say here that it would have to use the methodology for the excess far. I presume that's what

--

>> Cole: The original methodology.

>> Morrison: It just says you have to provide some benefit. So the idea is you would use the same methodology to determine what the benefits would have to be.

>> That was my understanding of the amendment. And let's say you're in a place in downtown where the maximum allowed per figure two is 15. And if a project were to come to you under this amendment and seek 18 far, that additional three far would be earned using the same inventory of community

benefits that the project used to get to 15.

[10:09:57]

>> Morrison: That would be my assumption. But I don't know if the attorney had a look at it because I don't think it says that.

>> Mayor Leffingwell: Mayor pro tem, councilmember morrison has the floor.

>> Cole: I was going to ask a question.

>> Mayor Leffingwell: I know, but she has to yield before you ask a question.

>> Morrison: I would be happy to yield, but just to say that I would like to have the legal department tell me if that's what this says.

>> Cole: I was simply going to ask you
-- you pointed to me. Go ahead.

>> Mayor Leffingwell: Mayor pro tem, your time will come to ask your questions.

>> Cole: I'm just saying, mayor.

>> David seralta with the law department. It was my understanding and certainly my attention in assisting mayor pro tem cole with this that the language in little i, 5 d little I would include not only the benefits that are in e 113, but would also use the same methodology that's used to get to the limits that are in the map in figure two as well.

>> Morrison: As I read it I don't see that it says that. All it says is the applicant has offered additional benefits described in 1 through 13, and beyond those offered to achieve floor to area ratio. Does 1 through 13 includes the whole methodology? I guess that would be my concern. As opposed to you can do day care, but not necessarily how much.

>> I could suggest some language with the council's permission as to how to clarify that, if you would like.

>> Morrison: Maybe you could think about that and I would like to yield the floor to the mayor pro tem.

>> Cole: That's exactly what I was going to ask you to do was to help us with some language, councilmember, to deal with the issue that councilmember morrison is proposing. I mean, maybe we could say as defined in

-- I don't know what section it would be. I guess it's b 2, right of a community benefits. I think it's what she's looking for some clarification on that issue.

[10:12:16]

>> Morrison: Mayor, if I may.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: And that's sort of a small question as opposed to the larger question, and that is how do we decide that it's substantially furthers the goals and objectives of downtown. It just makes me very uncomfortable that it will become just another property by property controversy. And I guess I just wish there was some way to put some bounds around it so it really is just extreme situations. Because I can't
-- I mean, it just feels like there's nothing in here that will keep every property owner

-- every property from thinking that they might as well come try for a larger far. I'm very uncomfortable

with it. And I don't know if there's some way to make it clear that really extreme situations was some kind of hardship or some kind of measure. But without that I'm very uncomfortable that we're only going to be back in the same situation.

>> Mayor Leffingwell: Mr. Robertson, can I ask a question that may simplify the issue for me? Does this amendment make it easier to build greater density in this part of downtown?

>> Yes, I believe it would.

>> Mayor Leffingwell: Okay. That's all I wanted to know.

>> Tovo: Mayor? I guess I would like to ask what may be a simple question too. Harkening back to the discussion about the map, does this amendment have the effect of altering the map that was adopted as part of the downtown plan? I know you talked about we're not

-- we're not technically amending the map. That would require a code amendment, but does it have the effect of changing the maximum amount of far's that were expressed in that map?

>> I believe the answer is yes, it would. While it does not technically change the amendment because it would require a code amendment to change the map, it would allow a process by which projects could exceed those maximums that are identified in the map. And

-- I'll leave it to the council's wisdom as to whether it wants to set in place a process for that or not.

[10:14:34]

>> Tovo: Thank you. To me that's a very, very major change. We had really an extensive planning process that created those maps and we had

-- and it was a lot of give and take. And we had neighborhoods like Judge's Hill and Old Austin neighborhood association

-- there were many individuals involved in crafting those maps. I sat through a lot of those meetings myself before I got on the council. And if what we're doing today has the effect of achieving alterations to that map, it seems to me that we really need more public discussion about that and not to be

-- not to be discussing it here after the public hearing is closed. It's been through boards and commissions. I doubt any of the people who have been involved most closely in that earlier downtown planning process are here to speak or have any idea that this is coming forward today. And that just seems to me really of grave concern. I have grave concerns moving forward with this given that it was -- I just can't emphasize enough what an extensive public process it was. And I'm really glad to be here today working on the density bonus part of it. But this reopens up a much negotiated, much compromised

-- much negotiated document that represents a lot of compromises.

>> Mayor Leffingwell: Councilmember Riley.

>> Riley: I agree there is real value in hanging on to that map, that the community invested so much effort in. And in my judgment that map will survive intact with the adoption of this amendment. The only change will be that instead of having rigid maximum far's, we will allow some flexibility. The map tells you what you can achieve in terms of density by going through an administrative process and that will still be the case if we approve this amendment. And that was the whole point of putting that map in place and it will continue and it will not be changed one bit in that respect. That still tells you what the maximum far that you can achieve is through going through the administrative process. The difference is

that we recognize that there may be some exceptional circumstances in which we may want to allow some flexibility at the upper end of that map. And we will allow a public process to consider that, that we will allow someone to step forward and say that their project warrants some adjustment, some additional density. And the availability of that mechanism is going to be more and more important over time as we

-- as the number of available sites downtown dwindles and what we're left with are smaller sites where you start hitting the high far's more quickly. Just to accommodate a project on a smaller site, you may well wind up with a higher far than you would have with a larger site. So to have a mechanism in place allowing for a public process to consider going above and beyond I think is very valuable and very helpful. I would suggest one small change to the mayor pro tem's motion and I passed out a yellow sheet to reflect that suggestion. I hope this would be considered a friendly amendment. I would simply suggest adding one additional paragraph at the end, paragraph 3, that adds one expectation for these projects, that we allow

-- we provide that mechanism

-- if we're going to provide that mechanism that we have some expectation in regard to parking, and specifically we

-- the mechanism should be available that when any residential parking space should be offered separately from the dwelling unit. This is simply an effort to track what we have done in the university neighborhood overlay in west campus where we dedo you mean councilmemberred parking from the residential units and it has proven to be very effective. In fact, the practice has actually been adopted in some places downtown already. The whitley project, which was recently built on the east half of downtown, if you go to rent an apartment in the whitley you can rent an apartment and if you want a parking space, then you will pay some additional amount for that parking space. And in fact, based on what I'm hearing, roughly 20% of those in the whitley who have efficiencies, one bedroom units, they are choosing to forego a parking space altogether. So they don't have to incur the expense of parking, which is a very significant part expense of any downtown project, since structured parking is expensive. So what that does is it actually opens the door to downtown for many people who could not otherwise be here simply because they choose to forego having a parking space. And at the same time it provides a built in incentive for people to consider reducing their dependence on cars, either foregoing a parking space altogether or maybe going with one less parking space than they might have chosen otherwise. Instead of bringing two cars down for

-- for a two bedroom unit, you could choose

-- a couple could choose to go down to one car and they could save money because they only pay for this parking spaces that they actually use. It's a departure from practice where apartments are coming with parking spaces, but it's an important step forward from the standpoint of affordability and mobility downtown because we are

-- because with a mechanism like this we are allowing the cost of parking to be borne by those who actually use it rather than being spread among all downtown residents. So I would offer that as a friendly amendment.

[10:20:20]

>> Cole: That's accepted, mayor.

>> Mayor Leffingwell: Accepted by the maker and the second. And just to clarify this. This is something the applicant must agree to do, must agree to offer separately, but he can offer a parking space. All right. Councilmember morrison.

>> Morrison: It's interesting that this amendment has been made to this. I agree with councilmember tovo that I don't think that we should today after

-- I'm trying to think. I remember it being on the top floor of the unfinished frost building with councilmember mccracken kicking off the downtown plan, so that was well before I was on council too. So it's been a long time. After all this time on the day of the second and third reading, to make a major change. And what I think is interesting is that this idea of the amendment that you just accepted to actually add a special provision, that's sort of the special provision that promotes our values a little bit more and that is residential parking spaces being separate from the dwelling unit. It sounds to me like someone

-- that this is a accept in terms of defining superiority. Like we'll do this in a very special situation if it's a superior project. So I'm thinking, well, what else would make it superior? And I bet a lot of people would have a lot of ideas. One idea that I think is very important is for instance one thing we try to promote is on-site affordability. And so what I'm thinking is well, why not as that as a list of marking this as a superior piece that we really do need to consider an exception, just like you've just accepted this parking situation, the parking being separate. So number one is a warning, and that is we're now moving towards what we have just done in this first amendment is moving toward defining a superior situation. I'm not comfortable with doing that today. I think if we want to have that discussion we should have that discussion, but as an aside and as allowing everybody to weigh in. The second part of this is even though I will not be able to support this motion, I would like to ask that you support adding part 4 in case it does pass, and the part 4 would say the applicant has agreed that all affordable housing will be on-site.

[10:23:07]

>> Mayor Leffingwell: I would like to have a vote on that one.

>> Cole: I don't consider that friendly. I think that substantially changes what we really have worked hard on with the affordable housing elements of the community benefits already.

>> Mayor Leffingwell: Not accepted, councilmember morrison.

>> Morrison: Right. If I may?

>> Mayor Leffingwell: All right. Go ahead.

>> Morrison: I would like to know

-- we worked really hard on those maps and we worked really hard on

-- that was one of the proposition points in terms of the affordable housing. Folks were very uncomfortable that we weren't going to be able to promote on-site affordable housing with us. So I would just like to say

-- obviously, I will support this motion to amend, but just a warning that there's a lot at stake here. And to do this in a haphazard way after seven years of discussion I think is inappropriate.

>> Mayor Leffingwell: So the vote is on the amendment

-- councilmember tovo.

>> Tovo: Before we vote on the amendment, I'm not supporting the big amendment. I will support the amendment of item 4 adding item 4 because it is completely part of our vision for having all parts of housing in all parts of town, including downtown. So I just echo what councilmember morrison said. It was a compromise to fees in lieu. And I think it's really important as a council, as a city to interrogate that possibility and forego affordability if we're going to have superior projects have a superiority element. They ought to be providing that on-site and not paying into a fee that is not going to be able to create affordable housing anywhere else because it's just simply not

-- it's simply much lower than the cost of scrubbing those units. So we had that discussion. We're looking at a density bonus program that doesn't include on-site, doesn't require on-site affordable housing, but I think if we are going to add additional entitlements, that would be appropriate, but again I can't support the bigger motion. I do have another question for staff when we get to that point of voting on that one.

[10:25:32]

>> Mayor Leffingwell: This vote is on the amendment, which is changed by the friendly amendment by councilmember riley. I'll in favor of that say aye? Tow I need clarity on

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>> Tovo: I need clarity on that. Are we voting to the amendment to the amendment to the motion?

>> Mayor Leffingwell: We're voting to the amendment which was amended with a friendly amendment from councilmember riley. That's what we're voting on.

>> Tovo: At this moment we're voting on the amendment put forward by councilmember morrison

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>> Mayor Leffingwell: I didn't think you offered that. You did? I didn't hear a second.

>> Tovo: I seconded it.

>> Mayor Leffingwell: So is this a second degree amendment by councilmember morrison? With a second by councilmember tovo. And so we'll vote on that. Now, this is for the adding

-- adding the affordability requirement. In favor of that say aye? Opposed say no? That fails on a vote of two to five with councilmembers riley, martinez, myself, councilmember spelman, mayor pro tem voting no. So that takes us back to the first degree amendment. And in favor of that say aye

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>> Tovo: I said I had a question on that before we voted on that one.

>> Mayor Leffingwell: Councilmember tovo, ask your question.

>> Tovo: So I've heard that part of the rationale has to do with small lots that are within downtown and I wanted to ask mr. Robertson if he could speak to that for a moment because it's just

-- I guess my question is this, were those small lots here during the time, the seven years that the downtown plan was being developed? Or are these

-- for some reason are these just an influx of new small lots that have been created through, I don't know, subdividing those lots? Is the new

-- is the small lot phenomenon kind of a new one?

>> It's not a new phenomenon. It is true that we have gone

-- whether you consider the last two or three years or the building boom that preceded 2007-2008. This

sort of low hanging fruit in terms of the large lots, the aggregated lots that maybe are half a block or most of half of a block. A lot of those have been built on. For example, the whitley project that councilmember riley, that's a half block parcel. And so as time goes by and those low hanging large parcels, low hanging fruit, large parcels have been already claimed and developed, people are starting to look at, a, either smaller parcels or parcels far

-- in areas more distant from sort of the epicenter of development, which has been sort of the central and south central part of our downtown. So I think you will see two phenomenon in the only coming years. You will see people looking at smaller lots and people looking at parcels that are perhaps more distant from this sort of south and southwestern portion of downtown.

[10:28:43]

>> Tovo: So these lots did exist during the time period that the downtown was created, however the construction going on downtown has tended to focus on the larger lots or the aggregated lots. So the development we may see coming in the future is more likely to be on smaller lots, which says to me that instead of using the density bonus that we've all worked hard to create are instead going to be going through the exception program which is what we've been trying to avoid, this case by case, ad hoc, come to city council and argue for a political solution instead of going through the administrative process that's been really carefully crafted and balanced.

>> Spelman: I'd like to talk to mr. Seralo for a minute. My reading of this was very much like yours, but I understand how councilmember morrison or others might read this and say I'm not sure what happens once you get to the max far that goes to the map and you want to go beyond that point. How could we nail down that any increase in floor to area ratio above the map would be printed on exactly the same basis of whatever got you up to that maximum in the first place? [One moment, please, for change in captioners]

[10:30:47]

>> I would suggest to the council adding a two little I right after little I that says something along these lines. 2 little i. The applicant agrees to use the same methodology that is in the downtown density bonus program to achieve the bonus area. And then that would continue on 2i that's already there would become 3, so forth.

>> Could you read that one more time for us, sir?

>> Yes. The applicant agrees to use the same methodology in the downtown density bonus program to achieve the bonus area.

>> Spelman: As what

-- we're in the downtown intensity bonus area, are we not?

>> You are correct. It's just I was

-- I offered that to emphasize that in order to go above and beyond what's in the map we'd have to use that same methodology and no other methodology.

>> Spelman: I do not

-- I can see pages of this on my screen, but I don't know the whole

-- whole ordinance well enough to know where to look for it. But where is that methodology of, here is what you get for e1, here's what you get for e3? Where does that show up in this ordinance? Perhaps we could reference that section.

>> The values, if you would, for what an applicant offers and what they get in return is in large part towards the end of the draft ordinance beginning with parts 4 through about

-- through part 14. The

-- the overall kind of the steps and the methodology, if you would

--

[10:33:04]

>> spelman: Are those set by administrative order rather than by ordinance?

>> I'm sorry?

>> Spelman: Oh, they are in the ordinance. I misunderstood you, council member morrison.

>> The methodology is pretty much throughout the ordinance beginning after the definitions.

>> Spelman: All right. So, for example, I'm looking for an example of this. Well, it says, for example, under community benefit, the amount of area that may be achieved is established by ordinance. So there would be an ordinance elsewhere, and if we just

-- actually what it sounds like you're saying is the current

-- we need to refer to ordinances which are outside

-- outside this ordinance under which we were establishing the bonus associated with each of these benefits e1 through 13.

>> I'm not sure I'm following your

--

>> spelman: I'm not sure I'm following myself. [Laughter] but I think council member morrison has given [inaudible] haven't been able to.

>> Morrison: I would like to just

-- e1 through e13 say

-- so like if you're talking about figures, they actually say in the code, for the part about day cares, it says something to the effect

-- well, let me find the exact language.

>> Established by

--

>> morrison: The amount of bonus area that may be achieved for square footage for day cares is established by ordinance.

>> Spelman: Right.

>> Morrison: So

--

>> spelman: How do we refer to that ordinance?

>> Morrison: So, in fact, each of them do say that. So when you say it's just not

-- so I think technically this language okay, because when you say the applicant has offered additional community benefits described in e1 through 13, so if you're talking about day cares, it's described how

much you have to do for each one

-- each

-- for each bonus square footage. So I think that technically we're okay, but when you read this it doesn't sound like it. It just says, hey, you have to describe

-- you have to do something above and beyond that, and so some descriptive language I think is necessary, because when you first read it it sounds like it's open to question.

[10:35:36]

>> Spelman: I agree that it's not open to question when you read 1 through 13, because it does have the specific reference to it. But acknowledging the specific reference down here I think would sew it up nicely.

>> Cole: Mayor, can I ask a question

--

>> mayor leffingwell: So what is your proposal, council member?

>> Spelman: Unfortunately I don't have a proposal. Perhaps deborah thomas can help with us this proposal.

>> Mayor leffingwell: And this will be a proposal for a friendly amendment, correct?

>> Spelman: Yes. I presume it will be.

>> Deborah thomas with the law department. I was going to propose we table this and give us a half an hour to go and write something and bring it back.

>> Spelman: That would have been my backup plan. Thank you, deborah.

>> Okay.

>> Mayor?

>> Mayor leffingwell: So we'll now put this

-- council member morrison?

>> Morrison: I have several other motions, if we could table this amendment, we could

--

>> mayor leffingwell: Let me make a suggestion, just kind of clean things up a little bit. Let's go ahead and vote on the amendment that

-- with the one friendly amendment that's already been accepted, and then you can go back and offer additional amendments. So that

-- that will put us in

-- put us in a place that we can start from so we'll know what we're operating from. Does that make sense? All right. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 5-2. We need music for that. And with council member tovo and morrison voting no. So now you want to offer your amendments?

>> Morrison: I would, yes.

>> Mayor leffingwell: Go ahead.

>> Morrison: Great. And hopefully these won't fall into your greatest hits category, mayor. [Laughter] I did have the opportunity to read through the whole ordinance. I passed out
-- and you'll see I passed out several motions. Many of them are just sort of cleanup and a few of them are actually
-- have some content to them besides cleanup, and so I'd like to walk through each one of them on the sheet. It says motion no.1, at the very beginning of the ordinance we have a definition of community benefit, and this is
-- and it references the gatekeeper requirements, but we haven't actually come to the gatekeeper requirement definition yet. The gatekeeper requirement is in c1. So my motion is that we add clarity by first of all capitalizing gatekeeper requirement because it is a thing, and it's capitalized elsewhere, and then add "as described in c1 of this section, for clarity. So I would like to offer that perhaps as a friendly amendment if
--

[10:38:28]

>> mayor leffingwell: Offer it as a friendly amendment to the main motion?
>> Morrison: Yes. Reside reside
>> is that accepted by mayor pro tem and council member spelman? Okay, motion no.1 is adopted as a friendly amendment to the main motion.
>> Morrison: Thank you. The second one is it's sort of exciting we have a live music use as one of the community benefits, and there has been some discussion in the community, some discussion at the music commission about concern about this concept of pay to play, where performing artists are actually
-- if they want to play at some of the venues, they're asked to actually pay to have
-- have the privilege of paying. Which isn't really
-- it's kind of an artist rights kind of thing. It doesn't really promote the live music environment that we want. You know, so what I wanted to do was add a clause to the definition of live music use that prohibits pay to play and, you know, obviously if we were going to
-- there was some discussion about prohibiting pay to
-- pay to play in the city, and that would have to be a big discussion, but in order to really promote, you know, the artist's point of view here, my motion is to
-- that we prohibit pay to play in the community benefit live music uses, and the proposed language is
-- it would add a new subsection 6 that says "venues may not charge --" this is in describing what falls as live music use. Venues can't charge an up an upfront fee for performing artists for the use of facilities or require artists a minimum attendance through preshow ticket sales. And this is language that our music staff helped me with.
>> Cole: Mayor?
>> Mayor leffingwell: Mayor pro tem. So that's proposed as a friendly amendment also.

[10:40:30]

>> Cole: I have some concerns about this because it seems like we are interjecting ourselves in between the contractual relationship of an owner and an artist, and can you tell me more about what testimony the music commission has heard about that? I just haven't

-- I'm not

-- and that's a big radical step to do. I mean

--

>> morrison: Mayor, if I may?

>> Mayor leffingwell: Go ahead, council member morrison.

>> Morrison: Yes. It came up

-- I'm embarrassed to say that I was surfing on tv and I came across the music commission and I actually listened to some of their commission meeting.

>> Mayor leffingwell: That's what they all say. [Laughter]

>> morrison: There were

-- as I understand it, austin music people was there and brought many musicians who were complaining about this practice because they felt that it was unfair for the musician to have to pay to actually perform and bring people into the clubs that the property owner

-- the property owner is then going to make money off of. If we really want to promote live music, we need to promote and nurture our musicians, and this puts a real onus on them. And just to be clear, this would only be an issue if somebody is providing live music venues as one of their community benefits. It's not a citywide thing at all.

>> Cole: I am not going to accept that as friendly because I think it deserves its own motion and discussion, because of us interjecting ourselves into an independent relationship that we just aren't monitoring. It's kind of

-- it strikes me as a little overreaching of government without being specifically asked, no testimony, public process in that. Because I can see the flip side of artists. We want to help our artists, of course, but artists being little guys that couldn't pay the up-front fee not being allowed in places and therefore you only have big guys, that they would rather have had the option of us mandating it free, but the venue does not survive because we're trying to use our economics to control it.

[10:43:10]

>> Morrison: To promote our values.

>> Cole: Yes, well, to promote one of our values, but our other value is to actually have live music in that facility, and if we just ignore market forces and say, you can't charge for these artists, then I'm afraid that we might just end up in a slippery slope of not having the business prosper.

>> Mayor leffingwell: I'm afraid some musician might want to show up on my front porch and start playing, but that's another story.

>> Morrison: If I could just clarify, they're charging

-- it's not that they can't

--

>> mayor leffingwell: I can't charge them. Them.

>> Morrison:

-- Charge to get in to see them. It's that they can't charge the artist to have the privilege to play.

>> Cole: I just don't know enough about how that contractual relationship actually works to interject our governmental

--

>> mayor leffingwell: So you don't accept

--

>> cole: So I don't accept

--

>> mayor leffingwell: As friendly. Do you want to propose it as an amendment?

>> Morrison: Yes, please.

>> Mayor leffingwell: Motion by council member morrison. Is there a second?

>> Spelman: Second.

>> Mayor leffingwell: Second by council member spelman. All in favor of the motion

--

>> spelman: Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: I second the motion, I'm going to vote for it but I can't help but mention this is a substantive amendment, some would consider a major amendment, which has been proposed without a public hearing at the last minute after years of work.

>> Mayor leffingwell: And that relates to

--

>> cole: Mayor, and

--

>> mayor leffingwell: Mayor pro tem.

>> Cole: Add

-- add there is no stakeholder process with the director, the planning commission and council following this major amendment.

>> Morrison: But I would suggest, if I may, that it seems that some people on the dais are comfortable with doing that. Good. Thank you. [Laughter]

>> mayor leffingwell: So the vote is

-- the vote is on this proposed amendment. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no.

>> Cole: No.

>> Mayor leffingwell: No. That passes on a vote

-- wait a minute. Council member spelman, morrison, tovo and riley, 4-2, with mayor pro tem and I voting no and council martinez off the dais.

[10:45:29]

>> Morrison: Motion no.3. There were

-- in the draft ordinance or what we've passed on first reading, there was an attempt to address what

happens if one of the benefits that we
-- has been offered as part of the density bonus program, if it's abandoned. And
-- so, for instance, if you receive the extra bonus density because you said you were going to provide day care, what happens if the day care doesn't continue any longer? And so there's something in the ordinance that we passed on first reading that says, well, if that happens, then you actually have to go back and make a donation to the affordable housing trust fund. And so that was what was settled. But the only time that ever kicked in was in the
-- in the draft was if it was nonoperational for more than 180 consecutive days, and I was concerned that that would be ea game the system, so to speak, because you could open your day care up for one day, close it for 179 and open it up for one day. So I had asked staff for some ideas for how do we make sure that that kind of thing doesn't happen, and this was
-- the idea was to also add a condition for if it was nonoperational for 180 days in any 365-day period. So my proposal is that we add that to this
-- to all of the subsections that have the issue of potentially one of the benefits becoming nonoperational. That not only would it be considered nonoperational if it shut down for 180 consecutive days, but for any 180 days in any 365-day period.

[10:47:29]

>> Cole: Mayor?

>> Mayor Ieffingwell: Mayor pro tem.

>> Cole: Council member morrison, what concerns me about this is we're putting a burden on a struggling day care.

>> Morrison: Well, if I may, the fact of the matter is we

-- the day

-- the bonus density, the extra square footage was already received, right? Age there was a deal struck and they agreed to provide the day care.

>> Cole: That's not

-- I understand that a deal was struck, they agreed to provide the day care and if they don't do it for 180 consecutive days, then you have to pay and you're penalized. What's bothering me is if you have a struggling day care that's open for four months and it

-- well, 180 days is kind of a long time, I guess.

>> Morrison: Half a year.

>> Cole: All right. I consider that friendly.

>> Mayor Ieffingwell: So that's accepted by the maker and the second as a friendly amendment, and I'm just looking here, council member, you got ten of these to go through. So if there's no objection I would like to table this for a moment while we address item no.75, which we announced was going to be considered for postponement at its 4:00 p.M. Time certified. Is there a motion to postpone this item, 75

-- let's see w proposed

-- until march 6, 2014. Is there a motion? Motion by council member morrison. Second by mayor pro tem. In favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes 6-0 with council member martinez off the dais. Now we'll go back to this item.

>> Morrison: Thank you, motion no.4 is

-- I would consider

-- you could call it either cleanup or good code writing standards. What I found was that in our definition of downtown public plaza, it says it's a downtown public plaza. It must

-- to be a downtown public plaza you must conform to the downtown public plaza standards. And then I noticed that that line was also later under section e, and so I wanted to

-- so my motion is that we remove the redundant reference to the downtown public plaza standards being required for downtown public plazas. The problem with having the same information in two pieces of code is that if somebody ever wanted to update that, they might only update it in one place. And then we get things out of sync.

[10:50:09]

>> Cole: I consider that friendly, mayor.

>> Mayor leffingwell: That sounds like a true friendly amendment. Mayor pro tem and council member -- that's accepted.

>> Morrison: Great. I think actually motion no.5 might be a true friendly amendment. And that is that, you know, we have this

-- the way we've decided that the rainey street subdistrict will work is that you use the rainey street criteria up to 8:00 to 1:00 and then you kick in the downtown density bonus criteria above 8:00 to 1:00, to receive your four. And so I was concerned when you first read in the code the downtown density bonus criteria, and then

-- and the rainey street is included in that, and then you get to the more specific, oh, and by the way, this is the case if you're in the rainey street subdistrict, this is what you need to do. So I asked staff for some

-- for a recommendation on how we might be able to make it crystal clear that if you're in the downtown density

-- if you're in the rainey street, you must actually satisfy that as opposed to thinking you can just be in the downtown density bonus section. So the idea would be to add a

-- amend subsection b, which is the subsection that talks about downtown density bonus maps and table, and to add a section that states right out that properties in the rainey street subdistrict may participate in the downtown density bonus program only for the floor to area ratio that exceeds 8 to 1, and to achieve the floor to area ratio of 8 to 1 they plus comply with this other section. So I consider

-- I have

-- we have mr. Sorołos here if you have any questions. The idea was to make this crystal clear for folks.

>> Cole: Mayor?

[10:52:09]

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I have some questions of mr. Robertson. Jim, I need you to remind me of the rainey street subdistrict history with our floor to area ratio and trying to
-- and how this relates to that. Is that not specific enough of a question? I'm trying to call it up. I know we've talked about rainey street and then the 8 to 1 and trying to get to 15 to 1 with gatekeeper requirements. Can you lay that out for me and

--

>> I think I can. And I'll ask my colleagues to listen to my explanation and come up and kick me from behind if I get this wrong. The

-- what I may call the old rainey street density bonus program, which is contained within the waterfront overlay ordinance did the following: It placed a 40-foot height limit on parcels in the rainey street area. And it said, for example, if you have cbd zoning, you're subject to that 40-foot height limit unless, and what a project could do would be provide on-site affordable housing per the sort of methodology that was in that waterfront overlay ordinance, and by that means a project could go from 40 feet up to an 8 to 1 far, which they were otherwise entitled to through cbd zoning. If a project wanted to go beyond 8 to 1 zoning they could go as high at 12 to 1 zoning using a sort of an ala carte point system. What the council

-- what we've done h is retained

-- effectively retained that on-site affordable housing requirement for projects in the rainy area to get to 8 to 1, and we have done away with, per council direction, that ala carte point system and substituted the methodology, the community benefits, e1 through 13 of the downtown plan to allow projects to go from 8 to 1 far to higher.

[10:54:35]

>> Cole: And this doesn't change the ability to go higher for

--

>> yeah, I interpret

-- I understand council member morrison's amendment simply to it's sort of a built-in suspenders approach to make sure that property owners or potential developers in the rainey street area are aware that there are some special provisions that apply in that part of downtown. It's simply sort of a
-- to take a belt and suspenders sort of heads-up approach to make people know that there are some special aspects of this program in the rainy rainey area.

>> Cole: Did erica want to add to that?

>> Yes, and aircrafta is aircraft erica is pointing out to me, the reason I call it belt and suspenders is because the language providing that warning or heads-up is on figure 2, the map of maximum far in height, but what council member morrison's proposal does is it take that same message and embeds it in the code. That's why I was referring to it as sort of belt and suspenders. It would be in two places then.

>> Cole: But it's reflective of what we previously agreed to?

>> Yeah, I don't take it to affect any change to your prior direction to us as how that should be structured.

>> Cole: Then that would be friendly. Accept accept ed by the maker of the second.

>> Morrison: Thank you.
>> Mayor leffingwell: You're on a roll.
>> Morrison: I am. And motion no.6 might be almost as easy. There's
-- part 15 is an important part of the ordinance, and it says that the city manager, staff and all, will be going through a process to review and adjust
-- recommend adjusting the development bonus fee, the bonus
-- the community benefits, the affordable housing bonus area and the allocation of money, and as I understand it's going to be
-- and it says, every three years here. So that's important, because we don't know if we're getting it right and the market could change and the demands could change. It's just a matter
-- what I wanted to suggest is the language that's in the first reading ordinance says that the city manager shall determine the new fees, and really the whole process is the city manager shall recommend the new fees and bring those recommendations to the council for approval. So this is just what I consider clarification.

[10:57:04]

>> Mayor leffingwell: The way I'd read it, it doesn't change the intent, just clarifies.
>> Morrison: Not at all. That's right.
>> Mayor leffingwell: Mayor pro tem?
>> Cole: That's friendly. Accept accept ed by the maker.
>> Morrison: And it's my understanding with first reading we actually did not adopt staff recommendations, and I hope everybody has the staff recommendations, or if not, I wanted to go through and make motions on the staff recommendations.
>> They're all friendly.
>> Mayor leffingwell: I don't have them.
>> Morrison: Well, there's one that I'm not going to
--
>> mayor leffingwell: I don't have it.
>> Morrison: Okay, well, they are
-- I am going to
-- there's one that I wanted to adopt
-- make a motion to adopt only part of it. So I would be happy to stop when I get
-- a through d, actually, I wanted to adopt staff recommendations.
>> Cole: That's friendly.
>> Morrison: Okay.
>> Mayor leffingwell: Second?
>> Second, is fine.
>> Mayor leffingwell: That's accepted.
>> Morrison: Great. And I do want to make a comment about a. The planning commission had put forth an amendment that came to to actually add on-site child play area as a community benefit, and a strikes that, staff's recommendation is that we not adopt that, and I understand that it's a great community

value, but I support staff's recommendation for a couple of reasons. Their comment was that we might get too diluted if we have too many different benefits, and I understand that. The other thing I was concerned about is that the concept of child play area hadn't really been well-defined. And, you know, there would need to be some work there. So perhaps that's something that staff can keep in mind in the next review period. But the other thing that this brought to mind for me was the downtown plaza, public benefit. That is defined by the standards that are adopted by rule, and I did look at the plaza definitions, because I thought, well, plazas that are community benefits could be great places to engage families and children, and it looks like there's not too much

-- there's not really anything in there right now in the draft that we have that staff has provided to me that encourages families and family-friendly activity, you know, like maybe some play structural things and things like that. And so I understand that with the adoption of this ordinance staff will have an emergency adoption of the rules that define the

-- that define the plaza standards, but what I would like to ask staff to do and direct staff to do is to actually engage with stakeholders to have further discussion about how the plaza standards might be enhanced to encourage family-friendly elements in plazas. So that's just

-- with no objection from my colleagues, hopefully, to ask staff to look into that. And I do know that the downtown commission is working on it. I talked with the daa folks and, you know, they've done a lot of work on it and they're real happy to be part of the dialogue. So that takes me to my last motion, which is really motion no.9, which concerns the bonus area for austin green building

-- austin energy green building or for leed. And what staff is

-- what we passed on first reading was that the bonus area was equal to 20%, if you do 3 star, or if you do gold. And this is actually two changes. Staff recommendation is to change the 20% bonus area to actually 25%. So it actually increases it, 25%. And instead of saying 3 star or gold, they're saying 3 star or silver. And I see mr. Morgan is here. And I'll tell what your motion is going to be. My motion is going to be that we adopt the change from gold to silver because mr. Morgan has provided some good information that shows up that

-- of the buildings that have been built 3 star, most of them are equivalent to silver. It's not exactly apples and , but that seems to make a lot of sense. That that's a good correction. Can you speak to that, mr. Morgan?

[11:01:53]

>> We did a comparison of all of the buildings in austin a couple of years ago that were both leed rated and austin energy green building rated, and while

-- the two rating systems can't be directly compared, this side by side rate does show that most silver ratings are austin energy 3 star. There's a little bit of flexibility there. There's some 3 silver ratings that are 2 star and some that are 4, but primarily it's 3 star and I think we just got off track a little bit in saying gold.

>> Morrison: Thank you. I appreciate that. And then I understand that with regard to changing the 20 to 25%, that was based on some requests after the planning commission had considered it, came to staff, and said hey, let's make that 25%. Is that right?

>> I apologize, richard austin energy green building, just to be clear. These discussions came about with

the downtown austin alliance after

-- or after first reading, and one of their concerns was that the

-- the original draft ordinance from a year or more ago had three bonus levels, 3 star, 4 star and 5 star, with 20, 25 and 30% for those

-- for each of those. And green building staff were obviously very concerned about 4 and 5 star requirements. There have been very few buildings that have achieved those ratings, and we think it's -- we would be very concerned about creating a requirement, essentially a mandatory 4 or 5 star because we feel that's a real opportunity to set the program up for failure and make both the density bonus and austin energy green building look pretty bad. We've only had a total of five 5 star ratings out of 160 buildings. And none of those were built by private sector developer. They were all built by public sector entities that planned to own these buildings for a long, long time. So it's a very complicated and very expensive process. So to focus on 3 star in our discussions, the issue was raised to could we change the density bonus from 20% for 3 star to 25%, and when we looked at

-- at what a 3 star building really is, you know, the average 3 star building over the last two years has been 32% more energy efficient than a code building. It's

-- the water savings and the construction waste diversion from landfills are similar numbers. So these are really exceptional buildings, and 3 star is also the requirement

-- or the green building component of a tier 2 pud, and when you look at the bonus area allowed for the other environmental bonus criteria in this ordinance, green roofs, a range of from

-- 2 to 1 to 8 to 1,-square-foot to-square-foot, then it seems that it

-- we came to the conclusion that 3 star probably deserved a 25% bonus.

[11:05:34]

>> Morrison: Well, I appreciate your having looked at that, and it's my understanding that with the green roof, that was startling to me too, and I guess I should

-- I should say that I appreciate staff talking with me and helping me understand where all those equivalencies came from, and they do sort of line up, if you make a whole list of them, you know, affordability is stronger than

-- well, anyways, I made a list. There's some consistency from one to the other. But the green roof really does stand out because it's 2 to 7, I believe, maybe it is. And I wonder if mr. Robertson or ms. Lee could come down and share with everybody the explanation of how green roof actually could even

-- could be one of the most worthwhile

-- why it's worth so much. It has to do with the fact that it really becomes sort of a double

-- a double benefit in some ways.

>> Good evening, council and mayor. Erica leak, now with neighborhood housing, but also previously with pdr. So the green roof community benefit, you may remember that there was a green roof task force initiated by this group that met to talk about how to incentivize green roofs in austin. Obviously one of the ways that they were hoping to do so was through the downtown density bonus program, and so they were thinking about the fact that green roofs are not only a benefit in terms of water sequestration, you know, reducing temperatures, you know, all of those great benefits, but if they are designed in a particular way so that they're, you know, publicly accessible and potentially even designed

in such a way that they could function as a plaza, then they have the environmental benefits as well as plaza benefits. So the maximum amount of bonus square foot that could be achieved through the green roof if it were publicly accessible and were designed to meet the plaza standards would be that 7 bonus square feet, but really what it would be is

-- the bonus for a plaza is 5 bonus square feet, and then you get to the 7

-- basically you sort of get two additional square feet through having it be a green roof as well. And you can't double-dip between the plaza and the green roof, which is written into this. So

-- so the reason that you can get up to 7 is that it has both public amenity benefits and visual benefits.

[11:08:42]

>> Morrison: Great. And that

-- I found my list where I made a nice little list of all the different benefits, and so you see that like day care, the cultural, the live music, the

-- those are in line

-- those are two per square foot

-- and green roof just by itself is also a 2. So it looks extraordinary, but that's

-- that's only if it also provides the additional separate benefits. So I guess thank you, ms. Leak. I appreciate that. So what I don't see is

-- I mean, I see the analysis and the evaluation that suggests that we should change gold to silver, but what I don't see is any real rationale for changing 20 to 25%. That's an enormous bump, because we're already saying if you do green roof

-- excuse me, we're already saying if you do 3 star, you get a 20% bonus. That's big. It's a big bonus. And if we make that 25%, that's a big

-- that's a 25% increase in the bonus from 20 to 25%, which is a very significant change, and so my motion is going to be

-- and I do wish that this conversation could have happened at planning commission because it's pretty detailed. So my motion is going to be that

-- my motion is that we modify part 10 to change the referenced leed rating from gold to silver.

>> Mayor Ieffingwell: And keep the 20%?

>> Morrison: And keep the 20%.

>> Mayor Ieffingwell: Mayor pro tem?

>> Cole: The staff just said that 3 star silver deserves a 25% bonus.

>> Morrison: Staff just said that based on looking at other sustainability benefits, they thought that maybe it should be worth more. That was

-- but the

-- but I think that what our other staff just said is really those other sustainability elements, green roof, is really only 2. It's one of the minimal ones. So I think that that staff statement really needs to be expanded by that. And this is

-- this is a very big change, a very big change, going from 20 to 25. And I'd also like to mention that there's an element of this in probably all of the different benefits, but we need to remember that somebody that's doing 3 star, not only is it a benefit to the community, but it's also going to be bringing

financial benefit a long time down the road to the actual building and property itself because of it's going to be more energy efficient so that they won't need to be paying as much in bills. So to me that's an element that offsets

-- that's great, but it offsets the value in some way. So another reason that I don't see that we should -- I see that we shouldn't be raising it.

[11:11:53]

>> Mayor leffingwell: Let me just clarify again because it sounds like you're making things a little easier. The staff recommendation was to replace leed gold with leed silver, but the staff recommendation was also to go from 20 to 25 and you're saying, no, let's keep it at 20 and go

-- keep it at 20% and go from gold to silver.

>> Morrison: Right. And

-- thank you, mayor, for pointing that out. The gold to silver is already making it easier, so we're making it easier by going from gold to silver

--

>> mayor leffingwell: And we're also making it easier by staying at 20.

>> Morrison: No, the 20

-- moving from 20 to 25 gives them

-- I shouldn't

-- I shouldn't explain this to you because I know it

-- [laughter] going

-- this is saying how much bonus area they get, going from 20 to 25% is

-- see, I told you. Going from 20 to 25% means they get more bonus area for even doing

-- for doing 3 star or something I'm suggesting

-- I'm sucking we should just do the silver.

>> Mayor leffingwell: Thank you for that clarification.

>> Morrison: Yeah, I know. Keep it at 20 but make it a little easier to earn that 30% by changing gold to silver.

>> Mayor leffingwell: Is that accepted by the maker and the second?

>> Spelman: As it is the amendment is acceptable. I would ask for another amendment later on, but this amendment is acceptable.

>> Mayor leffingwell: You accept council member morrison's amendment? And mayor pro tem does also.

>> Cole: I'll accept it.

>> Mayor leffingwell: All right.

>> Morrison: Those are all my motions. Thank you, mayor.

>> Mayor leffingwell: You've got, I believe all

-- 1 through 10 were accepted.

>> Spelman: If 10 has been offered I accept 10 as well.

>> Morrison: Yeah, I did.

>> Mayor leffingwell: I think she did back there

--

>> morrison: When I said, yes, I did

--

>> spelman: Mayor, I'd also like to suggest the other half of c, and if erica could help me or mr. Morgan or someone else could help me, I have another couple of follow-up questions to the line of question mr. Morrison asked about. The impression I was under was that one of the reasons why it took so long to come up with the density bonus schedule is because we were trying to look at the financial costs associated with doing different kinds of things, and make sure that we were offering a bonus that was roughly equivalent to how much it was going to cost in part, and then how

-- roughly equivalent to how much social good would be accomplished by their adopting that bonus category. And what I thought I heard you say a few minutes ago that it seemed to you the 25% was more consistent than 20% with going to a 3 star or a silver building. Did I hear you correctly?

[11:14:47]

>> Yes, you did. That was my intention, yes.

>> Spelman: Okay. And what was the basis for the difference between 20 and 25%? Why do you think it's worth just a little more?

>> Well, one

-- well, the superiority of the building. We've used that term before. But a 3 star vaight

-- and a leed silver, leed silver is the criteria we set for our municipal buildings so it's also a pretty substantial building. But

-- I can speak best to austin energy green building because we have all the data for those buildings, and the

-- council member morrison is correct, that I did use part of my basis as the green roofs, but the other part was the superiority of the 3 star austin energy green building rating. As I said over the last two years, the average 3 star has

-- has had an energy efficiency that is 32% improved over the energy code, so it uses 32% less energy than a building built to the energy code. Now, that doesn't include on-site renewable energy. It doesn't include the downtown chiller system, and it doesn't include any purchase green rics, like our green choice program. That is purely building energy efficiency.

>> Spelman: Okay.

>> The water savings, while the numbers aren't exactly the same, they're comparable, there simply is less water savings to be had today because of our improved plumbing code and our water conservation measures. 75 to 90% of the construction waste that's generated during the construction of these buildings is diverted from the landfills, so it gets recycled or reused. And these buildings are substantially healthier, more durable and create a long-term impact on the community. So that was

-- that was the majority of the analysis that we were able to do. We would have liked to have been able to do a more detailed financial analysis, but there are simply too many variables, too many variables in the cost of the value of the building and too many options for ways to achieve that 3 star with our rating system.

[11:17:11]

>> Spelman: I can see that a green building

-- 3 star green building or a leed silver building will be tremendously valuable to the community, to the owner of the building, to the people who live and work in the building. I'm on with that.

>> And it's a long-term savings too because the impacts

-- the estimated useful life we use in evaluating the cost benefit of these is 20 years, and that's pretty substantial.

>> Spelman: Okay. I'm on with that. Now, how do we get from 20% being too low, 25% being just right, and not 30% being too high? How do we ratchet that around to get to just the right number?

>> I wish I had a really subjective answer for you. [Laughter]

-- subjective answer for you. I don't. We started with 20%. The concern from the developers was that they would like to see more, and the balance was that we came to 25%.

>> Spelman: If we were to adopt 25% and everybody who takes advantage of this program builds a leed silver building, would we then say, gosh issues 25%, maybe that was too

-- 25%, maybe that was too generous, maybe we should back it up because we're giving away too much, would you

-- I bet you wouldn't say that. But would it occur to us to think that way? Would it make sense for us to think that way?

>> Would it make sense for you to think that way? Like I said, it's totally subjective, so it's a policy question I can't really

-- I can't really help you on that.

>> Spelman: All right. Let me

-- if

-- we're going to make a decision as to 20, 25, 22 1/2, some number. And once we've made that decision then we're going to go out and try the experiment for a few years and see what happens. What chain of events or sequences might lead us to think 25% is too high or too low, we need to ramp it up or down.

[11:19:26]

>> I think the thing that would make a difference for you would be an in-depth analysis of our changing codes, and we do have to keep in mind that we just adopted a new energy code, the city of austin.

We're well ahead of most of the rest of the country as far as our codes, and particularly our energy codes go, and we're going to do that again in 2015. So a year to year or year by year comparison of the energy use, the water use of these buildings and our own evaluation of

-- of what the value to the city of those savings would be. And we keep coming

-- we don't have that analysis today. We're getting much better at austin energy about doing those kinds of analysis and being able to provide you with cost benefits over multiple years, and so we might come back to you in two years, or you might ask us to come back in two years and be able to say, you know, 25% actually has this much value to the city of austin to be able to quantify

-- put that in dollars. I don't know that we'll ever be able to tell you exactly what the value of the building is.

>> Spelman: Oh, I understand that. The fact that you've
-- you lead with that, had it been easy to do would have clearly been your strongest arrangement. You didn't use your strongest argument because your strongest argument is probably undoable. Ms. Leak, do you want to say something too?
>> So we just wanted to add that this is the reason that the recalibration is included in the
-- in the code, you know, and I've spoken with staff in other cities who have density bonus programs, and they basically say that you do have to go back and look and see which bonuses are being used and if
-- you know, if basically our green building requirements are being met through other things, such as improved energy codes, et cetera, we might
-- I mean
-- I don't want to speak for richard, but we might very well want to lower that because we may decide that there is another community benefit that should be more prioritized in the future.

[11:21:51]

>> Spelman: If we require a leed silver of all buildings at some future date there's no point in giving people bonus for what they have to do.
>> Sure.
>> Cole: Mayor?
>> Mayor leffingwell: Mayor pro tem.
>> Cole: Based on your testimony, especially about the increased energy efficiency from your recommendations, I want to sell council member morrison's amendment as friendly. I think we need to vote on it because I think this is such a substantial change. Going from 20 to 25.
>> Mayor leffingwell: I
>> spelman: I believe she already did.
>> Cole: You are not recommending that?
>> Spelman: Yes. I have one more question about this
--
>> mayor leffingwell: What has been accepted is changing from leed gold to leed silver and leaving it at 20%. That's been accepted. Council member spelman.
>> Spelman: What has been accepted is going from leed gold to leed silver.
>> Mayor leffingwell: Right.
>> Spelman: And no mention was made of 20%.
>> Cole: That's what I'm trying to clarifying.
>> Spelman: In the amendment. I'm trying to figure out whether we want to go to 25% accepting the second part of staff recommendation c.
>> Mayor leffingwell: I think you have to make
-- propose another amendment
--
>> friendly or unfriendly.
>> Spelman: That's where I'm going. At least it will be at least half friendly if that's where I'm going. You're my second. There you go. We're half friendly. Mr. Morgan, remind me, what level of green

building are we required as a gatekeeper requirement?

>> In the density bonus requirement, the gatekeeper requirement is 2 star.

>> Spelman: 2 stars.

>> Yes.

>> Spelman: So we're offering in the current form 20% to go from 2 stars to 3 stars. Is 2 stars roughly equivalent to leed rounds?

>> Leed has certified silver gold.

>> That's right.

>> Certified is what we're talking about.

>> Spelman: The olympics are just over, you know? [Laughter]

>> no.

[11:23:51]

>> There's no leed equivalent of 2 star.

>> There's no direct crossover. Certified can be 1 star, it can be 2 star. It's

-- it's really hard to.

>> Different criteria. Okay. My gut reaction is the difference between something called 2 star and something called 3 star doesn't seem like that big a difference. And to say we're going to give you 25% to go from 2 star, which you have to have in the first place, to 3 star, sounds small, but I don't know enough about the differences between 2 star and 3 star to make any sense of it. The only empirical evidence we've got out of this almost objective assessment which is important to me and you know a lot more about this than I do, is that you talk to the stakeholders and they said 20% seems a little thin, 25% seems like it's a more reasonable number. That's a fair characterization?

>> That's what started the discussion, yes.

>> Mayor Ieffingwell: Yes.

>> Spelman: And is that where the discussion ended up among the stakeholders?

>> No

-- well, we

-- this was a very long discussion, and as we progressed through this discussion and we looked at the energy savings for different levels of buildings.

>> Spelman: Yeah.

>>

-- We've come to the conclusion that there's about a 10% difference in energy efficiency between a 2 star building and 3 star. That 10% probably carries across through water savings, probably not construction waste management. That's being a little bit more consistent. Well, there's not 10%. It's more like a 5% savings.

>> Spelman: Okay, so 3 star is a little better than 2 star. The big issue is getting it through in the first place. Getting them to qualify for density bonus, getting to 2 star is a really big deal.

>> That's true.

>> Spelman: More to leed silver or 3 star is 5, 10% better but it's not quite so big a deal.

>> It is a better building.

>> Spelman: A better building, absolutely.

[11:25:52]

>> Yes, and -- by the energy numbers it's about 5%, yes, sir.

>> Spelman: Well, given that I'm

-- I'm content at least for now to leave it alone. If it turns out that people stop the 2 star and go to 3 star, when we go to recalibration, please feel free to make that mention to my successor. I will not be here when you do that calibration, but suggest to them, council member spelman

-- if he had been he would have found that to be a persuasive argument.

>> Mayor leffingwell: So what is your proposal? To leave it stand as council member morrison said it? Okay. Council member martinez.

>> Martinez: So to be clear, it's keeping it at 20%? Okay.

>> Mayor leffingwell: Right. It's the staff recommendation only keeping it at 20%. All right. So we have -- and one amendment that was being worked on for language. Do we have that ready? Council member martinez.

>> Martinez: I'm sorry, I don't want to belabor the point. Staff's recommendation was to go to 25%.

>> Cole: Yes.

>> Martinez: You just said that staff's recommendation was 20%. So I just want to clarify.

>> Mayor leffingwell: Staff's recommendation was 20, but what we have now

--

>> cole: No, no.

>> Mayor leffingwell: Staff's recommendation was 25 but what we have is 20. That's what's in the motion now. So you have that language.

>> I think there was confusion about what

-- what the direction was on that. But

--

>> mayor leffingwell: This was the one to replace 5d after I

-- 2i.

>> I have a suggestion and we can see how this sounds to everyone. So the

-- the previous suggested language was that the applicant agrees to use the same methodology, and I suggest that we add "methodology and bonus area granted for each community benefit as described in the downtown density bonus program to achieve the desired bonus area."

[11:28:19]

>> Mayor leffingwell: You got that written down someplace?

>> Hopefully.

>> Mayor leffingwell: All right. So that would add

-- add a new 2i and renumber the remainder. 3 and 4.

>> Does that seem like it clarifies?

>> Mayor leffingwell: Council member spelman.

>> Spelman: It clarifies it in the eyes of council member morrison. I was trying to get council member morrison to agree to that. She has agreed to that. We're done.

>> Mayor leffingwell: So let me

-- let me

-- the most important thing is I don't know what's been going on down there. I don't even want to know.

[Laughter] but most important thing is that be accepted as friendly by council member spelman and mayor pro tem cole. Okay. So we're done with that. So we have a

-- we have 10 amendments, 11 amendments.

>> Cole: Yeah.

>> Mayor leffingwell: 12 amendments, friendly amendments added to the main motion. Council member riley.

>> Riley: I do want to go back to that issue about the green building and the leed silver for just a moment, because we haven't heard from the stakeholder group that has been working so hard on this for such a long time. And I see we do have staff from the downtown austin alliance here.

>> Mayor leffingwell: We're going to have to break here in just a minute.

>> Riley: I just wanted to see if the d.A. Would like to offer any input on that change, specifically in terms of the 20 versus 25. Just very briefly, and I know this has been the discussion of lengthy discussions and I just wanted to offer the opportunity for the d.A. To address it.

>> Thank you. Julie fitch, downtown austin alliance staff. As you all know we've always had a healthy degree of skepticism over the density bonus program and whether it's an incentive for density in the first place. We are sort of moving along and trying to make it the best program it can be, and to offer a menu of options that are really attractive and incentives for building density in our downtown where we want it. After discussing why the 4 and 5 star options were removed from the time that you all adopted this as policy until now, completely understand the green building staff and planning staff's reasoning for that. They also assured us that a 25% bonus was an appropriate level based on

-- I mean, there was no consultant work that calibrated this entire section of the program, only the affordable housing section of the program. But it was their expert opinion that 25% was an appropriate level of bonus for achieving a 3 star green building rating.

[11:31:09]

>> Cole: Mayor?

>> Riley: Mayor, I am concerned about the

-- about how well this program is going to work. I am persuaded that it would be

-- that we have enough of an interest in getting that higher level of green building that it would be worth going a little bit further to do what we can to incentivize that green building, that level of superiority.

And so on that basis I'd be prepared to offer an amendment specifically on that one issue just to go with staff recommendation to go from 20 to 25%.

>> Cole: I'll second.

>> Mayor leffingwell: Do you want to accept that as

-- well

--

>> cole: We have to vote.

>> Mayor leffingwell: Motion by council member riley, second by mayor pro tem cole. I intend to support it. The motion. Council member morrison.

>> Morrison: Unbelievably I believe there's one more point I would like to make, and that is that is there was the tiered system in place since 2011. That's what everybody had been working for, where 3 star was 20%, and I think that there's a certain element of now that the tiers went away there's no longer a way to achieve 25%, so it's more about wanting to achieve 25% than what the actual equivalency is. And so I just want to stress that I think we need to stay as much as possible to whatever information we have and 2 star is a gatekeeper requirement, and you get 28% energy efficiency with 2 star, and 3 star gets you to 33. So for me that's a

-- the 25% bonus

-- 20% is already big, so I'm not going to support the motion.

>> Mayor leffingwell: Again, I'm going to support it. I think as I've said several times, I don't like the whole density bonus program anyway, so anything that makes it less intrusive I'm going to support. Those in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 5-2 with council member morrison and tovo voting no. So now we have 13

-- I believe it's 13 times amended main motion to vote on.

[11:33:15]

>> Second and third?

>> Mayor leffingwell: Second and third, yes: All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. That being said we are now in recess for live music and proclamations.

[11:40:26]

>> Hey, you ready for some music? All right. Let me get y'all to quiet down so we can get on with some great music. I'm chris riley from the austin city council. And it's

-- if y'all will quiet down just a little bit, it will be my great pleasure to introduce ruby dee and the snakeholders. Ruby dee and the snakeholders are a high octane americana roots and rock abilly four piece combo that play twang the way it was meant to be heard, with attitude. Their music encompasses texas honky-tonk, bakersfield twang, memphis rockabilly and, swing and good old-fashioned rock-n-roll. The latest release came out may 2013 on both cd and final and it's a roots and rockabilly album for the whole family. It charted on faa and arts charts and earned the bank an grammy consideration for best children's album. They conjure forth all sorts of vision for another time. Rooted firmly in the classic country and rockabilly tradition, it is a blend of wanda jackson sass and patty klein pathos. And I got a

note that the band features horal salado, a city of austin library employee. With that help me welcome ruby dee and the snakeholders. [Applause].

[11:43:23]

[♪♪Music playing♪♪]

[11:45:44]

>> Riley: All right, all right. That was awesome. Ruby dee, let me ask you a couple of questions. What's your website? You guys got a website?

>> Yes, we do. Our website is www.Ruby-dee-music.com.

>> Riley: And where else can people pie your music?

>> They can buy it anywhere [indiscernible]. From local record stores, online, you name it, anywhere. I think on the corner.

>> Riley: Awesome. And where is your next gig? Where can people see you play?

>> Gosh... This saturday we're playing at the driskill up the street. And we also have a monthly residency at the gypsy lounge. And can you go to our website and find out where else we'll be playing because I can't remember.

>> Riley: Okay. We sure appreciate you're being here to share your music with us. I have a proclamation to present on behalf of the mayor and the whole city council.

>> We want to say thank you so much and everybody for showing up and hanging out and rocking a little bit. We appreciate that and saw that and that's what makes us do it for you. I do want to introduce the band, if you don't mind.

>> Riley: Oh, yeah.

>> Everybody knows mr. Jorge urado. And mr. Jodi flores on the drums. [Applause].

>> And what's his name over here? [Indiscernible]. [Applause].

>> Riley: We are so glad to have you here at city hall to get us all rocking. And in honor of the occasion I want to present a proclamation on behalf of the mayor and the whole city council. It reads as follows: Be it known that whereas the city of austin is blessed with many creative musicians whose talents extends to virtually every musical genre and whereas our music scene thrives because austin audiences support old favorites and newcomers alike and we're proud to showcase our local artists, now therefore you, I lee leffingwell, mayor of the live music capitol of the world as ruby dee and the snakeholders day in austin, texas.

[11:48:10]

[Applause].

>> Cole: It is with great pleasure that I have the opportunity to recognize a name change of one of the best organizations in austin, the african-american chamber of commerce. And I want to thank all of them for coming down and for this honor. We have a proclamation and I'm going to read it. Be it known that whereas the capitol city african-american chamber of commerce was founded in 1982 to provide

resources, technical assistance and leadership while promoting the development and expansion of african-american businesses, and whereas the chamber has served as a bridge that connects african-american businesses and the greater austin business community and helped to facilitate economic growth to members. And whereas the name change is symbolic of the chamber's exponential local, state and international growth and whereas new branding accompanying the name change reflects the positive change and progress for the chamber's members, partners, affiliates and the greater austin business community. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by recognize the renaming of the capitol city african-american chamber of commerce as the greater austin black chamber of austin. Thank you.

[11:50:29]

[Applause].

>> On behalf of the chamber I want to say thank you very much, mayor pro tem, particularly under these circumstances you coming down and presenting this to us. And I just want to briefly introduce and natalie will say a few words. Starting here on my left we have aj bingham, who is one of our ambassadors and vice-chair of the public relations committee. And we have one of our staffers. And as far as board members we have roger davis, accountant at 3 p.M., Jean [indiscernible], part of the executive board and general manager of the omni downtown. Appeared then we have gary and linda. Most people know him. He's the president and ceo of people find. And I'm ashton cumber batch with the seton family. And natalie our form middable president and ceo say a few words.

>> Thank you, ashton. Ashton has been an amazing board chair for our chamber. So we all -- members of the executive team and board of directors really appreciate his time and energy and commitment to the greater austin business community. My name is natalie colefield. I'll be very brief. I have the honor of serving as the president and ceo of the african-american chamber of commerce. Since our founding in 1982 the greater austin black chamber of commerce has worked hard to promote the advancement of african-american businesses in a broader economic landscape within the greater austin region. At 32 years old we have grown to become one of the largest black chambers in the state of texas with roughly 400 members representing a range of small business, nonprofit, corporate and government organizations. Each year we work hard to represent the more than 5,000 black businesses and roughly 80,000 african-american residents who all depend on the economic vitality of our city. Last year in particular was an amazing year for our chamber and here are a few of our outstanding highlights. We founded the black technology council which resulted in us being on the cover of black enterprise for march 2013. We held the state of black business and the state of education in austin and conducted original research. We also conducted international trade missions and supported the work of the international office of the office of economic development division for the city of austin and that resulted in three trade missions back to austin from brazil. And lastly a couple of our member achievements. We supported one of our youngest members, nine-year-old McKayla in achieving her goal in becoming an entrepreneur. We connected her with whole foods who sits on our board and now she is being sold in the whole foods at nine years old in the domain and on lamar with her bee sweet lemonade. We're extremely proud of her. We watched our entrepreneur of the year serve on a panel on the white house for childhood obesity, fill phil rich, and we also highlighted beonic, a company that is

transforming mobile payment in africa. You can see our organization is working hard to ensure there's growth throughout austin, growth within the diversity community and growth within the african-american business community. We thank you all. Thank you, mayor pro tem cole for your support for us today.

[11:54:13]

[Applause]. Michael osborne, where are you? You have city employees and then you have great city employees and that would be characterized, mr. Michael osborne. I am honored to present his distinguished service award. For 12 years of extraordinary public service to the citizens of austin and austin energy as an outstanding city employee. Michael osborne is deserving of public acclaim and recognition with his 30 years of experience in the field of renewable energy, michael joined austin energy to carry out the council's assignment of obtaining 35% of the city's energy needs with renewables by 2020. The city is poised to meet that challenge by the end of 2015 with five years to spare. Michael's vision and knowledge of wind and solar generation has been invaluable in meeting this goal. In addition during his tenure michael helped form ae general manager roger duncan develop a successful campaign to get automakers to support mass production of plug-in hybrid electric vehicles. This certificate is appreciated in support of michael osbourne's contributions in making austin a national leader in renewable energy as well as for sharing his vision, ideas and wisdom to benefit our city this 27th day of february in the year 2014. The city council of austin, texas, mayor leffingwell, mayor pro tem sheryl cole, councilmembers chris riley, mike martinez, kathy tovo, laura morrison and bill spelman.

[11:57:38]

>> Thank you.

>> Morrison: I know michael will be moving on to some wonderful things, giving his gifts to the world, but I want to say my experience with michael is probably an experience that a lot of the people in the city have shared. That is I have learned so much from him and he's been such a guide and visionary in helping me do my work, and it's

-- so I wanted to say that publicly and I bet that that's a thought that is shared by a lot of people. So good luck to you. [Applause].

>> Thank you. Thank you so much, mayor pro tem. I am deeply honored and I am so moved by your kindness. Thank you so much. As mark twain said, it's better to deserve honors and not have them than to have them and not to observe them. But I like this better today because in this case there's a lot of folks that deserve this honor. For what we've achieved at austin energy is truly remarkable to get at 35% renewable energy five years early and without rate shock is something we can all be proud of. So I thank manager garza, manager duncan who is here, manager larry weece, who has been the current manager, for their leadership. I'm grateful to city manager ott and I applaud the council for their direction and guidance. And I thank mayor wynn and mayor leffingwell for their leadership. And I thank those who have kept our eyes on the prize. And of course I thank and credit all of my colleagues at austin energy who have worked so hard to allow us to achieve these climate protection goals. Of course I love the

support of my partner, dana. Can you come up? And the inspiration that I get from my son and my grandson. Come on up, you two, solomon osbourne. And alexander osborne. Come on up, you guys. And nikita nicole over here. Come up. We all went to paris for christmas. The whole kooky family went to paris. Anyway, I love this town. I love the people. I love the spirit and I love our weirdness. Even if it means we have to have leslie's and ronnie reeferseed

[12:00:40]

[laughter], there's always more work to do, more late night hearings, more controversy, and I look forward to playing whatever role I can in furthering our future that my grandson lex will thank us all for. Thank you for those who came to see this today. We'll be doing something later. I'm not sure where. Stay tuned. Thank you so much.

[12:03:04]

>> Mayor Leffingwell: One of the things we take pride in in austin is the creative community. That creativity takes all kinds of forms, whether it be technology, whether it be renew rabble energy, whether it be

-- renewable energy, live sciences, but it also includes the arts, music, music, painting, the visual arts. That happens to be about a four billion dollar a year part of our economy. It's a big step. We're also very proud of our arts in public places program and one of those public places is city hall. Every year we give artists an opportunity to have their art on display at city hall for a year. That program was just renewed. It's in the process. We're still working on making that transition from last year's art to this year's art. And I can tell you that whatever your taste might be in art you will find it in city hall. It's a very, very diverse collection. So we're proud here to honor the people's gallery here today with this proclamation.

Whereas through the 10 exhibitions today the people's program has showcased the artistic talents of local residents while encouraging public dialogue, understanding and enjoyment of the visual arts through annual year long exhibits at austin city hall. And whereas the arts culture and creative industries are both a vital component of our local economy and a crucial aspect of our city's quality of life. And whereas the creative community plays an important role in sustaining austin's cultural diversity and atmosphere of innovation and whereas the city's cultural arts division of the economic development department continues to promote art, imagination and creativity as part of the daily fabric of our community's identity, economy and cultural vitality. Therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim february 28th, 2014 as people's gallery 2014 day in austin to honor our arts community. Kevin johns is the director of our economic development department and he's going to say just a couple of words and we may have others that want to say some. Kevin?

[12:05:46]

>> Thank you, mayor. Kevin johns, director of economic development. Meagan and these wonderful seven women are going to be introduced and some are going to speak. And I'm real honored to be a part of one of the most unique economic development programs in america. There is no other place in

the world where economic and arts is cultural development and meagan and her team are doing a really good job. I want to thank the mayor and council for making this possible. As the mayor said it's \$4.3 billion economy, seven million dollars net new taxes and 49,000 jobs that are all part of creativity. And during the recession we did an analysis and while the rest of the economy began to flatten out, the artists and the creatives lifted our economy by 25% keeping us to be the number one place in america. This year we celebrate the 10th annual people's gallery and I hope you have to a chance to come by tomorrow. Bea artwork, wonderful examples of the things that people are doing in austin that really brings tears to your eyes. Also because it's the end of black history month we'll have a special little activity. The economic development department is proud to produce this wonderful exhibit and we think that you will be very, very impressed. I'd also like to recognize meagan's team. It was last month that the kennedy center recognized them as one of the 14 best in america. And they were I won't say winned and dined, but treated very appropriately by all the other arts organizations nationwide. Their program is administered by the cultural arts division, which again is unique. They have a portfolio of seven million dollars' worth of cultural arts contracts. This year 800,000 dollars' worth of art in public places, and they manage the arts portfolio that is at the end of every year the people's choice project. One piece of art is selected and that's grown to an art collection of eight million dollars. So we're rich in a lot of different ways. Lastly through programs like the people's gallery we give artists opportunity to commercialize their products. On so I'm proud to announce a partnership between the cultural arts division and the mid america arts alliance. It's a cutting edge new art inc. Strategy to train artists to merchandise their work and create cultural tourism so they can expand national and globally. So this will soon be accepting applications so please tune in. We'll ask meagan to take the mic for a minute before the mayor kicks me off, and meagan, if you will also recognize everybody.

[12:08:56]

>> Thank you, kevin johns. I'm meagan krueger, the manager for the cultural arts division. I will be brief, but I think it's important to recognize the cultural arts division staff that keeps the engine going everyday. We have meagan wells, art in public places administrator. Kerry brown, lonnie goldstaid, maggie sense and anna bradley behind me. And I want to give recognition to suzanne burr tan. Give a wave. She is the exhibition coordinator who made the people's gallery happen this year. The program was started in 2005. As kevin said this is our 10th anniversary. Every year we get about a thousand applications. So it's safe to say that this 10th year we've seen close to -- well, 10 times, a thousand applications. So this year we'll have 1040 art works on exhibition by over 100 artists and I want to invite you to participate as part of the people's choice award. Every year we invite the public to vote on the artwork that they believe the city should add to their collection. Starting tomorrow night at the opening from 6:00 to 9:00 come and enjoy. We'll have music and refreshments and an opportunity to cast your vote. Also tomorrow night we will be announcing the 2013 exhibition people's choice award. I want to encourage everyone to come out and enjoy. Thank you so much. And thank you mayor and council. [Applause].

[12:11:57]

>> Mayor Leffingwell: We're here today to pay tribute to our women's veterans and those women serving in the garden reserves. This saturday, the first of march, marks the beginning of women's veterans month in texas where we officially commemorate and recognize women veterans for their service in our country's armed services. They serve as nurses, water bearers, cooks, even some disguises themselves as men to enlist in the military and serve in combat units. Here with us today are representatives of local, state and federal veterans service organizations who support and assist women's veterans on a daily basis. The veterans commission, raise your hand when I call your organization. Veterans affairs. The vet center. Travis county. Travis county? F 7 group. Grace after fire. Texas center point. City of austin. We're especially honored to have world war ii veteran helen johnston here today. I was a navy veteran too if you didn't know that. Served in a division that was entirely women in 1940. They were called wav's, which stood for women accepted for voluntary emergency service. She was assistant to the officer in charge of logistics and the radio supply division. Special surprise was recently given to ms. Johnson. She found out that she will be going on an upcoming honor flight, the flight that we sponsor here at the city through a nonprofit organization that takes our world war ii vets to see the world war ii memorial in washington, d.C. That was built in their honor. And she will go on may second and third at no cost to our veterans. The state of texas has the highest number of women veterans in the united states and here in travis county home to over 6500 women veterans. The city of austin has more than 250 women veterans that are employed here at the city of austin. Are there any other women veterans out there with us? A couple more out there. See? We're glad to have you with us and we're glad to support you. Let's give all our women veterans a big round of applause.

[12:14:58]

[Applause]. I have a proclamation I will give one to each of the organizations that are behind me today that I just read off the names. But I'm only going to read it once. You will be glad to know that. The proclamation reads be it known that whereas women in every branch of service have defended our country in all of our wars and conflicts since the american revolution and whereas the number of women veterans is increasing exponentially from 1.1 million in 1980 to a projected two million by 2020. Texas women veterans surpass all other states with more than 191,500. And whereas the city of austin with the department of defense

-- department of veterans affairs texas, the veterans commissions and veterans service organizations across our city work to ensure that the post-deployment mental and physical health needs unique to women veterans are being met. And whereas we encourage all austinites to recognize the generations of women veterans who have proudly and valiantly served our great nation and who have played an integral role in defending our homeland and preserving our freedom around the world. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim march 2014 as women veterans month in austin. [Applause]. This plaque is presented to helen. Helen, I'm very proud to present you with this. Thank you. And we have one proclamation for each one of you.

[12:17:26]

>> Mayor Leffingwell: In the military we exchange coins as souvenirs. That is my personal coin to you. Thank you. You want to go over here and we'll all take a picture together. Anybody want to say something real quick?

>> Thank you, mayor and thank you, everyone for coming out to celebrate this. I want everybody to really appreciate living in the city of austin and this great state of texas. My name is cassandra, the ceo of the f 7 group, and we're a unique organization that the mayor has stood behind. Throughout the country people envy own austan to have a mayor who stands behind the veterans and who is willing to create a commission just for veterans' issues. One of our three issues is female veterans. We're very fortunate that the mayor stands behind that. On past of the group and the girl scouts and the texas veterans commission, we would like to present you with this shirt, which will be celebrated at camp mabry on march 8th. Please come out and join us for that.

[12:20:44]

>> Mayor Leffingwell: We now have a proclamation in honor of our red cross. The red cross touches our lives in so many ways. They're always there in time of need. I personally since I've been mayor of the city of austin, I have witnessed the red cross in action and several really important occasions. The halloween floods the red cross was there and I'm very proud to support them. I'm worked with them for a very long time and they do a great job. I have a proclamation in their honor. Be it known that whereas the mission of the american red cross is to prevent and eye leave 80 human suffering in the face of emergencies and whereas across the country and around the world the red cross responded to hurricanes, tornadoes, floods and wildfires. The tragedy at the boston marathon and typhoon hyan in the philippines and whereas we're pleased to recognize our heros here in austin who work tirelessly in time of disaster when someone needs life saving blood or the comfort of a helping hand. Local red cross members around the clock support to members of the military, veterans and their families and teach live saving classes in cpr, aquatics safety and first aid. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do urge all residents to continue to volunteer their time and to give generously to the american red cross and its local offices and do here by complain

-- proclaim march 2014 as american red cross month in austin. So congratulations.

[12:22:46]

>> My name is bristol bolin. I'm the communications directser for the american red cross of central texas. On behalf of the red cross I wanted to thank mayor leffingwell. Representing us here today we have a couple of members of our board of directors, john holster is a member of our board. Stacey armejo is a chair of our board of directors. We have debbie and masa, who are two invaluable members of our staff for the central texas region. March is red cross month and the american red cross of central texas would like to recognize the everyday heros in our community who reach out to help their neighbors when they're in need. These everyday heros send a hand by helping disaster victims get on the road to recovery by providing support or emergency communication to members of our military or stepping forward to assist someone when they're having a heart attack or to save a drowning child. Last year the central texas region responded to more than 400 local emergencies, large and small. We

assisted nearly 300 military families and trained more than 3,000 people in life saving skills. The red cross month is observed in dedication of everyone who supports our mission. We're grateful to the people throughout the austin community for their generosity. Thank you all. I want to turn it over to stacey, our board chair.

>> I would like to acknowledge mayor leffingwell and by extension the city leadership and the city staff. The red cross is involved in the response to everything that happened in your local community that you see on the news that deals with the disaster. If you see it on television, the red cross is probably there. One reason we're able to be there so effectively and so quickly is because your city leadership works with us as true partners, really supporting us and all of you as citizens of austin as well as probably representatives of many of the corporate partners who help provide the resources that allow us to respond. So I'd like to thank you for supporting your local red cross and give you assurance that time you need us we're going to be there. Thank you.

[12:24:52]

[Applause].

>> Mayor Leffingwell: Somebody left their folder.

>> Riley: All right. I am councilmember riley and it is my great privilege to be able to present a proclamation that is of great note to anyone who has an interest in the air quality in the austin region, which I would say is probably just about everybody around here. For several years now it's been my privilege to serve on the advisory committee of the clean air coalition, which is a collection of government officials and others who are working on air quality issues in the austin region. And that has presented

-- that has involved a lot of challenges over the years as we have been on the brink of non-attainment with air quality standards and we've been trying to work with partners throughout the region on air quality issues. There are a lot of very difficult, complicated issues involved air quality so we've been blessed with a very professional to guide us through that process and many here today. None has been more extraordinary in all those efforts than one guy who has been a guiding light through every difficult challenge that we've faced with respect to air quality in this region for many years. His name is bill gill. If you've been working on air quality around here you know him well because he has been a real source of wisdom and guidance and he has been a universally respected and admired by anybody working on these issues for a great time. It's my great pleasure to be able to present this proclamation that I'll read. It reads as follows: It's actually a distinguished service award. For his 42 year career dedicated to preserving and improving air quality in our region and across the state, bill gill is deserving of public acclaim and recognition. Bill spent 30 years with the texas air control board and texas natural resources conservation commission before joining the capital area council of governments in 2002. During his time at capcog, he served as a co-chair for the clean air coalition advisory committee and was instrumental in the adoption and implementation of the award winning regional quality efforts with the ozone advance plan, the 803 advance plan, the

[12:28:15]

[indiscernible] and the one hour ozone flex plan. Bill has been a consistent advocate and resource for air quality programs in our region. We appreciate his ability to build relationships across the public and private sectors, to accomplish the goal of cleaner air and reduced ground level ozone pollution in our region. This certificate is presented in acknowledgment of his long and productive career this 27th day of february in the year 2014. Bill

-- I want to emphasize that we

-- bill, this is not an exit or retirement for bill, this is a transition to a different part of his career because we know we'll continue relying on him in some other capacity that he's been serving. We're so grateful for all your service and look forward to continuing to get your guidance in whatever efforts you may pursue. [Applause].

>> Thank you, councilmember riley and mayor and council. I have enjoyed working with our clean air coalition of elected officials. Previously had experience both at the state, federal level and for awhile I served on a committee, an international committee with canada, u.S. And mexico on mexico city air quality problems, which fortunately we don't have that kind of challenge here, but we still do have problems that we've been working on for years. And I think probably the type of cooperation and capabilities of the people that I've worked with at the local level have been extraordinary. And I've really been proud to work with a lot of the people back here, with our elected officials. The clean air coalition that councilmember riley serves on is made up of elected officials from our five-county area. And I think we are very fortunate in this region to have such capable officials who work together even though we have people from different political spectrums, but they recognize that environmental quality is really important to this region. I think the efforts that we have seen through the development of the early action compact, 803 flex plan. , We have managed to stay in asustain. The san antonio area, which for awhile we were running neck and neck with as far as our monitoring results last couple of years they've not done so well. And I don't think their plan was nearly as robust as those that councilmember riley and other members of our coalition adopted. And I think the other thing I'd like to recognize, kathy stevens with campo, scott johnson, private central texan, we have a group of dedicated staff people, environmental, and I see karen in the back there. It's really been quite pleasant to work with this group of people. Before I worked at tnrc and dealing with the houston and dallas plans. They may be non-attainment forever, but we've been able to succeed and I think we will continue to. And even though I'm retiring, I don't plan to walk away from this business. I enjoy it too much. I enjoy working with the people in this business. And I live here. And my family lives here. My grandkids, archer and violet also live here. So it's in my best interest to keep the air as clean as I can. I'll be working with the city of austin and other stakeholders in this region as long as I can. Thank you.

[12:32:14]

[Applause]. 2012 sixth sixth

[13:03:05]

>> mayor leffingwell: We've out of recess. We'll begin with item no. 53, which is an imminent domain item. And I will just read the script. The motion should be with respect to item 53 being a nonconsent

condemnation item, is there a motion to the effect that the city council of austin authorizes the use of the power of eminent domain to acquire the property set forth and described in the agenda for the current meeting and for the public use declared therein. So moved by council member martinez.

[13:06:50]

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

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. That passes on a vote of 5-0 with council member spelman and mayor pro tem cole off the dais. Takes us to item 68. Item 68 is conduct a public hearing and consider a resolution. We have two speakers. Do you have

-- well, you can go ahead and

-- if you have a brief presentation.

>> Good evening, betsy spencer, director of neighborhood housing community development. Actually I'd like to introduce item 68 through 71. They are all related to four developments that are applying to the texas department of housing and community affairs for noncompetitive tax credits, which will be combined with taxes and bonds to help finance each of these developments. The applications to be submitted to tdhc are governed by tdhc multi-family program rules which are different from the allocation plan that governs the competitive process. For 2014 the legislature enacted new provisions to require any application for noncompetitive tax credits and tax-exempt bonds must obtain a resolution from the local governing body that states, the applicant has notified the city of its intention to apply for financing for a project. The city has had an opportunity to obtain responses from the applicant regarding any questions or concerns. The city council held a hearing on the proposed application and finally after holding a public hearing and considering comments received, that the city council does not object to the proposed application. The developers and/or their represents are here and can answer specific questions about their proposals.

>> Mayor leffingwell: Okay. So this is a briefing for item 68 through 71. We have several speakers signed up, and we'll consider all these items together for purposes of the public hearing. Gus pena. Is gus pena here? David kin.

[13:09:07]

>> Thank you mayor and council members. I'm here to speak in support of these items and to thank you for considering and supporting affordable housing in the city. I believe that we need more affordable housing and I think that these are good projects that need your support and I thank you for your consideration and for your support.

>> Mayor leffingwell: Thank you. That's all the speakers that we have signed up wishing to speak. So I can entertain a motion that could include items 68 through 71. Council member spelman moves to close the public hearing and approve the resolution, second by council member martinez. Council member riley?

>> Riley: Mayor, I do have a few questions I'd like to ask staff. Betsy, as you know, I've been asking some questions about how we evaluate these projects, and I've been asking in particular about the application

of the smart housing criteria that we've had in place for some years now. And as I understand from your responses, we do actually apply the smart housing criteria to all these projects, is that correct?

>> That is correct.

>> Riley: And I'm particularly interested in the t 234 smart, which as we all

-- in smart which is transit oriented. So we expect these housing developments to be transit oriented, which is especially important considering they are affordable housing projects and transportation is it a major expense for families. And so having

-- having this housing in proximity to transit is especially important, and would serve the goals of the comprehensive plan, which envisions the location of affordable housing

-- housing in general but especially affordable housing close to transit. And so I want to make sure I understand that, and understand how we're looking at each of these projects from a transit perspective.

And on 68, 68 and 70 are on east ben white, and I've looked at those and I understand that those are

-- those are within a quarter mile of a bus route and after construction they would actually have access along maxwell to riverside. They're fairly close to east riverside and we all know that's an important transit corridor. So I can see why those

-- why those would be considered transit orient the. The. 69 actually has a bus route directly in front of the property so I can upside understand that one. I'm having a little trouble with item 71, which is located on parmer lane. It's outside the urban roadway boundary. And I understand your note says that it's located .41 miles from the nearest bus route. Is that right? And then you say it's with a walking route of .66 miles. What do you mean by that, the walking route of .66 miles?

[13:11:50]

>> Actually, if I could, I'm going to ask staff to come up and clarify that because they're the ones who did the calculations.

>> Riley: Okay. Gina copic with neighborhood housing. It's actually as the crow flies is the .41 and then we did a calculation along the roadway.

>> Riley: Okay. So if you're a crow and you have good access to transit

--

>> correct. [Laughter]

>> riley:

-- And

-- [laughter] but if you're on foot, and it's .66 miles. And looking at the map, that's going to be a rough .66 miles because much of it is along east yeager lane, which is a straight 40-mile-an-hour road with no sidewalks, and so I'm trying to understand why that would qualify the project as transit oriented. If someone still would have to get in a car to have access to transit, then in what sense is that transit oriented? Can you

-- betsy, can you all help me understand why we would classify this as transit oriented?

>> Well, it meets the current criteria, the current guidelines.

>> Riley: Okay.

>> And what we

-- what we expect is that once ridership is there, that transit will follow.

>> Riley: That's the

--

>> okay.

>> So council member, my understanding of the process today, and it's a little more history and most of this occurred before I got here, so the original ordinance for smart housing I believe occurred 1999-2000. It's my understanding that IN THE MID 2000s THERE WAS A process. There was a request to the department to take a look at the guidelines and revise them based on a process. There was a stakeholder process where we had users, cap metro, pdr staff and housing staff, and from that we got the current guidelines of 2008, which we are implementing now. And in that some of the definitions or some of the requirements were relaxed a bit, and my understanding is that is to incentivize the opportunity for affordable housing to be

-- to be

-- to have been created. So it may not meet in the current environment of imagine austin compact and connected, my guess is that the guidelines we've got now may not be as strong as what you're looking for. What we are going to do, we've already put on our schedule with the housing subcommittee for the cdc, is to actually revisit the smart housing guidelines, take a look at the current environment and get stakeholder process again to see if there are places throughout this

-- these guidelines to include the transit definition if there are things that we would want to modify again.

[13:14:41]

>> Riley: Okay, I'm glad to hear that and I appreciate your attention to that and I'm going to follow up with you to make sure that that process does occur, because I'm not satisfied that our guidelines are effectively ensuring that we are really assessing these projects from the standpoint of what really is transit oriented. When I look at walkscore.Com, I see that this area

-- this location, 1500 east parmer lane gets a walk score of 34, which is considered car dependent. That's 1 point less than the average for the whole city of austin. Austin as a whole gets a 35, which is also considered a car-dependent, but this is a little bit worse than average, and it is a

-- so for us to say that this is a transit oriented location suggests to me that whatever guidelines we're using right now just aren't working very well to ensure that we're actually looking at things to make sure that we're actually approving projects in locations that are transit oriented. And I don't think this qualifies as smart housing. It doesn't have good access to transit, and I'm not going to be able to support the motion as to this one, but I'm

-- I do appreciate that the other ones do have good access to transit, and I look forward to working with you to revise those guidelines, to get a process in place that actually ensures that we will get more affordable housing but that actually is transit oriented.

>> Mayor leffingwell: Those in favor of the motion

-- yes, I know what you're going to say. Those in favor of the motion to close the public hearing and approve 68 through 71 say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. And we'll show council member riley voting no on item 71.

Thank you.
>> Thank you.

[13:16:43]

>> Mayor leffingwell: Item 72, the public hearing and consider a resolution.

>> Item no.72 is a change in use on parkland at lamar beach. The legal fact finding is there is no other feasible or alternative taking to the dedicated parkland, which includes all planning to minimize planning to the park. The mitigation from the transportation department is 1.4 million for this piece, and that's a little bit more than normal but we're in a downtown area and everybody has agreed to that amount. It went through the parks board on tuesday night with a full vote, and that completes the public legal fact finding for item no. 72.

>> Mayor leffingwell: Okay. We do have several folks that are signed up to speak that we'll hear from. Before we go to the speakers I want to make sure the clerk

-- I don't think I announced the vote, but it was a vote of 6-0 with mayor pro tem off the dais and council member riley voting no on 71. And first speaker is wayne brumley. Is wayne brumley here? And is sammy joseph here? Sammy joseph is here. So you have six minutes over here.

>> Thank you, mayor, thank you, council. My name is wayne brumley. I'm the president of the west austin youth association. We are obviously here tonight to discuss the change in use of the lamar beach tract. As you're aware, west austin youth association has a 25-year lease on that piece of property. We are at the beginning stages of starting our planning for that tract. We're starting to raise money. That's where we would like to be at this point. We have been working with staff for I'm going to say probably a year and a half or so since this

-- when the extension was brought to our attention, so we have known about the road. We have been working with staff. Our concern that we have have for the safety of our children. That is the biggest concern that we have and we can't stress that enough. We have talked to staff about it. Staff is aware of our concerns. They have said that they have made some attempts to put our fears at ease. However, when you're dealing with children that are this young at this age, as low as 8 years old, and you have a major roadway as it comes through there, we feel that it needs to have significant planning. A master plan would be preferred. I realize that it is

-- it's difficult at this time to have that, but the planning of this is critical for the safety of these children. I also would like to, just for the record, to correct something. In case anybody was misled or something, at the parks meeting when I spoke the other night, I did

-- I wanted to make sure everyone understands, we did know about the road. The road is not something that we all of a sudden knew about. We did know about the road but we just found out last friday, the 21st, that the road

-- that this was going to be brought to parks as well as the city council. It's something that we were not prepared for. I have not taken this to the board for a vote in either direction, erts way. Erts

-- either way. We have no position on onpresser road. I wanted to make that clear to you.

[13:20:45]

>> Mayor leffingwell: Is it your concern you may lose some athletic fields through this?

>> Yes, sir. In some of the preliminary sketches that we had drawn out and that we had as an exhibit to the lease, there were

-- I believe that there was one field there where pressler road is showing to come down that is taking away from a t-ball field in there for I believe kids as young as 6 or something like that, going to be in there. We were going to build a small field for those children.

>> Mayor leffingwell: And that would make this facility insufficient to meet the needs of the group that you serve?

>> Well, it would

-- it would definitely hamper that age-group, and we're going to have to try and figure out a different way to design those fields and see if we can still fit the needs for everybody. But again, we just

-- I hadn't had anything to the board yet, and we were not prepared that there was

-- this was going to be brought up to parks at the city council.

>> Mayor leffingwell: Council member martinez?

>> Martinez: Thank you, mayor. I wanted to ask staff some questions about this as well. We

-- I

-- you know, as you know, mr. Brumley, I've been having meetings off and on for at least a little over a year with sammy and sabrina and derek, and certainly, you know, I brought you all's concerns forward.

There has been, you know, some good conversations that have come out of it. We have a private property owner adjacent to the north side of waya, that's willing to help fund a master plan. So I wanted to ask staff a few questions with the hopes of easing some more concerns of yours as we move forward.

>> Great.

>> Martinez: I think it would be most appropriate for gary. Mr. Shots, I want to ask, does this

-- does the vote of this item tonight move forward the pressler extension project?

>> Good evening, in terms of construction

--

>> in terms of construction and build-out and all that.

[13:22:46]

>> Gary shots, assistant director, austin transportation and parks department. Yes, council member, it does. As we have moved forward with the concepts for the extension of pressler road and modifications to continue to serve the park

-- the reserve road, we have been very mindful of the importance of timing with this project. And

-- excuse me. We have been focused on three things. Number one, trying to

-- assuming successful consideration this evening, moving forward very expeditiously with design and permitting so that we could design, bid and award this project, by the end of 2014. Delay tonight pushes us beyond that. The second thing is the funding for this project came from a 2012 bond under the and this is intended to provide a route, all be a minor route, to connect 5th and sixth street via pressler to the southern most end of the mopac suppress ways as opposed to traffic all having to use cesar chavez, and we know how that feels between san antonio and lamar. So giving away for 5th and 6th to still utilize their routes but then detour south and utilize cesar chavez. The third thing is, and you mentioned

it earlier, we've enjoyed a very amazing relationship with pressler park up top. They need to build pressler road itself between the railroad tracks and the park property line. They have that obligation because they're on both sides. We have need to connect to that road. We need to do improvements of the railroad crossings, and the developer

-- there are some things about their side and their desire to have underground parking that allows us to leverage that construction effort because we need to do excavation as well for our parks.

[13:24:50]

>> Martinez: So in an ideal scenario but the end of this year we may be ready to go out for an rfp, and then that will take some time to come back with proposers and then council would decide at that point to move forward with the project.

>> Actually, as opposed to an rfp would be

-- we would hopefully be asking council to award construction, actual construction of the project.

>> Martinez: Once you're done with design.

>> Yes, sir.

>> Martinez: But it would still have to come back to council at that point.

>> Absolutely.

>> Martinez: And that's the point I'm trying to make. This is not the final decision council is making for this project. There would still be additional public hearings or opportunities for public input and votes by council.

>> Absolutely. Where we are right now in the concepts that we have and we do have a powerpoint if people are interested, we're at 30% design at best. And there is plenty of opportunity and we have loved the conversations with waya. They brought forth fantastic issues, great concerns. We couldn't agree more. We have to keep the kiddos safe out there and we can figure that out from an engineering standpoint.

>> Martinez: In regard to that we have had conversations about the dip if you will that pressler makes into the t-ball field and we talked about trying to shift the extension farther north so it doesn't encroach upon the fields. Is that still a potential consideration for design or are we moving forward with the proposed dip that we saw in one of the

--

>> unfortunately, we're going to move forward with the dip. As we have looked at the gee meat rick design of press

-- geometric design from pressler, it needs to come down 212 feet. We want to make sure that roadway is so steep it's not usable. The u.S. Access board likes for roadways to have running slopes of no more than 5% so people with disabilities are not so incredibly burdened. So we've designed that road as relatively flat as we can. We're running about 5 or 5.5%. To get that level of

-- that amount of slope, it has to have a serpentine look to it and some length to do that. But we are trying very hard to pull it as far north as we possibly can. We're trying to anticipate

-- we agree, we would like to be doing this in response to a master plan, but we just don't have that. So we've tried very hard to try to anticipate what would a master plan ask of us? And we think the master plan would ask, keep the road out of park

-- the way of programming of large swaths of parkland as possible. Look for opportunities to park instead of parking on the grass and dirt. Look for opportunities for software quality features and do something that is very contact sensitive, that puts our bicyclists, transit riders and motorists and something that should be a jewel, that should be something we should all be very proud of at the end.

[13:27:51]

>> Martinez: Thank you, 34r shots, and now I have some questions for the parks department. So ms. Wright, in light of gary's comments and what we all know about the potential master plan, what are we looking at in terms of a timeline to get that master plan started? Because what I see, or at least what I'm hearing tonight is there is an opportunity, you know, to put roughly ten months of work under our belt if we start on that

-- that master planning process now, and gary has said he would love to be doing this project with the master plan in place, so I'd hope that we'd want to keep

-- get that going since we have a commitment from a private developer.

>> Absolutely. Cora wright, assistant director for the parks department. A couple things I wanted to share because I know this has been a topic on the floor. With respect to the safety of our patrons, for the park, that is our number one concern and commitment, and so the conversations that we've had with mr. Gary schutz

-- shots, is that, you know, that will be foremost in terms of our priority in every aspect. We expect to come out of this design with a premier area and which we will continue to be able to serve the same clientele we've always been able to serve. And so with this design at this point we consider it conceptual, only about 30%. That means we've got 70% of work to do over the next few months. With respect to the master plan, we understand that the developer is willing to help fund that, and of course part of their condition for funding it is that we're able to work out all the details out of this design. And so as soon as we receive funding we will be ready to get started. I wish I could tell you a specific timeline for the master planning, but that will be definitely one of our priorities because we have such a great opportunity in this space to not only accommodate all of the

-- playing all of the baseball, but also look at opportunities for how to use that space, because it's a premier place. So that's the best I can tell you tonight, but it is a priority.

[13:30:01]

>> Martinez: What I would like to suggest, city manager, is if we have a commitment for funding in front of us, maybe we can use some allocated resources within budget that aren't anticipated to see expenditures till later down the line and move those funds up with a reimbursement plan once the developer

-- so that we can get started right away. One of the things, as you know, that we're also working on is solidifying an agreement to be able to move forward with plans to remove old town lake animal shelter. That to me has to be part of this master plan.

>> Absolutely.

>> Martinez: It creates a tremendous opportunity to make way a hole

-- we took away their t-ball field. Now we can figure some things and they're a part of this as stakeholders. So I just see this as an extremely critical thing to start taking place so that apa way, the y, you know, transportation department, all feel comfortable with the direction we're headed. So I'm just going to suggest that we look at that strongly to try to get this thing fast-paced so that waya can be a part of that stakeholder process as well in determining their long-term future at lamar beach. I think that's all I have, mayor.

>> Mayor leffingwell: All right. Next speaker is melissa morrow. Paul seals?

>> Mayor, council, paul seals. I'm chair of old west austin neighborhood association. The pressler extension is in our neighborhood. And I just wanted to briefly just simply say, in september at our general membership meeting awana voted overwhelmingly to support the approval of the pressler extension. This is something that the neighborhood has been interested in as long as I can remember, trying to add an additional connect

-- connectivity from the middle part of the neighborhood down to the lake, down to the parkland, down to lady bird lake. And this fits that, something we've been trying to work with

-- with folks to do. Right now you've got lamar and you've got mopac as the two ways from the neighborhood to get down there, and this would provide a safe means for cyclists for pedestrians to get to the lake. In addition, just from a quality of life in the neighborhood, with the improvements at the rail crossing those trains won't have to toot their horns anymore, and for many in the neighborhood, particularly those that live close to 5th and sixth street would really appreciate that. And with that I'd be happy to answer any questions. Questi questi ons? Council member morrison.

[13:33:05]

>> Morrison: Paul, thanks for being down here and for your work on this. I know that there have been a lot of people involved. As I understand from the neighborhood's perspective, there may be a few other issues that are still being worked out, but they're getting addressed with

-- I know the staff

-- as I understand it, staff is working with you on those things. Yeah, and finding some creative solutions so I appreciate that. And I wanted to say I appreciate councilman martinez's points and emphasis on how great it will be to get some master planning going down there, and he neglected to mention the neighborhood as stakeholders, but I know they're also very interested in participating, and I was just going to briefly mention that in 2009 we passed a resolution

-- or it could have been 2008, we passed a resolution saying we need to do a master plan of this area. So the fact that we finally are going to have some resources to do it and whatever we can do to get it going, I'll certainly support that. Lastly, I just want to mention that another associated resolution that was passed before I was on the council was that there will be a satellite adoption center there permanently, so I'm looking forward to all of those pieces coming together and having it be just a terrific, terrific area. I also know that the plans for the pressler extension are going to add a lot of, you know, interesting -- deal with the landscape in an interesting way so that there are some good walking paths and things like that. So I'm looking forward to it.

>> Mayor leffingwell: Those are all the speakers that we have. I'd entertain a motion to close the public hearing and approve the resolution. Council member martinez?

>> Martinez: I'll make that motion but I do have an additional comment. Council council Iman martinez so moves. Is there a second by council member morrison? Council member martinez.

>> Martinez: Thank you, mayor. And to the way of folks, you know, I know you guys are requesting a postponement tonight

-- to the waya folks, but I tried to emphasize it still has to come back to council at the end of this year at the earliest to move forward. If we postponed it tonight under chapter 26 public hearing requirements we would have to renote it the next time that we do all that. So reluctantly I think we need to move forward with this hearing tonight and not postpone this item. So with all of that in mind that's why I'm supporting going ahead and moving forward knowing that it has to come back at a later date. But ms. Wright. Did you have something to add?

[13:35:37]

>> Yes, cora wright, assistant director of the parks department. I'm just receiving a copy of a letter council may have received by email from the developer. It sounds like the developer is ready to move as quickly as we can, and I want to do

-- iwanted to share with you as soon as we hear from the developer we'll review this letter. Within getting additional information we could get a schedule back to council probably within the next two to three weeks with respect to master planning.

>> Mayor leffingwell: Okay. With that said and with the understanding the master plan is going to take into full consideration and protect the capacity in the waya fields down there and also meet the other needs including connectivity, which we so badly need. So with that said, council member martinez

--

>> martinez: One last request. Mr. Shots and ms. Wright, if we could just get everyone of the identified stakeholders in one meeting right after this three-week return of a plan so that everyone gets on the same page, that we're all communicating throughout this entire process, because I think that's part of the concern, is we've been talking for the last 12 months, 13 months, but it's different groups at different times saying different things, and I really think that there's way too many stakeholders and interests involved in this and we need to really tighten that communication

-- those communication gaps if at all possible.

>> Mayor leffingwell: Council member tovo?

>> Tovo: Yeah, thank you. We've received a lot of email today from people who participate at the west austin youth, and, you know, I appreciate the request for a postponement. We typically do honor a postponement, as council member martinez said, though it's very complicated with this particular issue and my staff has gone back and forth with legal all day trying to figure out if there was a way to make that happen but I'm pleased to hear about the discussion from here. Sounds like at least still plenty of opportunity for public input and for the process to continue of figuring out how to make

-- how to make sure that the existing activities can continue and that the youth who participate in those activities will be safe in doing so. So I am going to support the motion as well.

[13:37:45]

>> Mayor Jeffingwell: All in favor of the motion say aye.

>> Aye.

>> Mayor Jeffingwell: Aye. Opposed say no. Passes on a vote of 6-0 with mayor pro tem Cole off the dais. We'll take up together items 15 and 73. We'll conduct the briefing and discussion and the public hearing at the same time.

>> Good evening, mayor, council members, city manager, Brian Block with parks and recreation department, and I'm here to present on the Radisson hotel proposal to construct a deck on parkland. Just wanted to start out by orienting you to

-- to the property, the Radisson hotel at the southeast corner of Congress Avenue and East Cesar Chavez. The parkland is behind the hotel and down the hill. At the Butler Hike and Bike Trail. I wanted to get started with some background on the property and the existing relationship with the Radisson hotel and the parks department. In 1993 the city and the Radisson entered into an agreement to construct a deck partially on parkland. You can see it pictured to the left. It was constructed at the back of the hotel adjacent to the hotel restaurant. The first 5 feet behind the restaurant is Radisson hotel property, and beyond that is parkland. The deck was 1125 square feet. It was approximately 15 feet deep by 75 feet long. The deck was available for use by patrons of the hotel as well as the general public as an observation deck, a scenic overlook for bat viewing. The deck didn't include commercial activity. For food or beverages could be sold on the deck and all food and beverage sales had to take place on the hotel property. The agreement was in place for two ten-year terms. It was terminated in 2013 and the deck was removed in September of 2013. Over the past 20 years the Radisson hotel has maintained and improved the parkland adjacent to the deck. That includes monthly grounds maintenance as well as grounds improvements on an as-needed basis. The hotel has made park improvements, including constructing the staircase pictured there, down to the Butler Hike and Bike Trail at a cost of approximately 300,000 for the stairway, and also safety lighting was installed at a cost of approximately 10,000. The Radisson proposal is to expand the deck footprint

-- expand the deck footprint from 1125 square feet to 2,720 square feet. This would include a 24-hour soon-square-foot upper deck. 2400-square-foot upper deck, this would have room for restaurant dining including table service, as well as a 320-square-foot lower deck, which would not have commercial activity and be for public use. Just restating that the upper deck would be designated for commercial activity, and this would include revenue sharing with the city. The total estimated cost for the Radisson to construct the improvements is 600,000. This would provide ADA access to the lower deck from Congress Avenue and the parkland, which would include a newly constructed ramp from Congress Avenue. That's part of the construction. It would also include ADA access to the upper deck through the Radisson hotel. The proposal also continues the Radisson's maintenance of adjacent parkland and the stairway. The city staff see the potential for a benefit to the public, to the city and the parks department and to the Radisson. Some of the public benefit identified is to further activate this downtown public park space, to restore and expand that viewing for park patrons and the public, either at no cost on the lower deck or while dining on the upper deck. The site is well suited to this use and minimizes impacts to the overall park. The Butler Hike and Bike Trail is down at the bottom of the staircase at 440 feet of elevation. The deck is up at 470 feet, so it's 30 feet up away from the trail. It's not very visible and doesn't

-- doesn't create any

-- any challenges or interference with the public's use of the trail. As stated, the radisson would continue maintenance of the parkland at no cost to the city. Just wanted to put in front of you, illustrate a photo of the former deck and a conceptual drawing of the proposed deck so you can see that illustrated. Again, the former deck was 1125 square feet. It was public access as a scenic overlook. It did not include commercial activity on the deck. To the right is a conceptual drawing of the new proposed deck. The upper deck with restaurant, dining and table service proposed at 2400 square feet, and then the lower deck for noncommercial use and public space at 320 320 square feet. We need to just talk a little bit about why this parkland is different from other parkland and why this type of project can happen here, but might not be able to happen on most other parkland, so wanted to cover the legislative history for this parkland. In 1917 the state legislator legislature granted this property along the colorado rif between waller and shoal creek to the city for park and recreation uses. The property does revert back to the state if no longer used for park and recreation purposes, and the original land grant does not authorize the sale or conveyance of the land. In 2003 the state legislature amended the 1917 land grant, and it specifically authorizes the city to sell, lease or convey up to one acre in aggregate of this property granted in 1917, only to property owners that are adjacent to the land. The amendment pre-empts chapter 26 hearing and finding requirements. State law notice requirements and city charter election requirements, and it does stipulate that the city must bring proposed transactions to the state's general land office for review and comment. The staff recommendations are to enter into a lease agreement with the radisson hotel that includes, at a minimum, the following

[13:46:24]

terms: The radisson hotel to construct and maintain all improvements at its sole expense. The deck design to be subject to city approval and all improvements on city property to be owned by the city. The radisson hotel to operate and manage restaurant service, including a focus on welcoming and serving park patrons. And the radisson hotel to provide for a public portion of the deck with no commercial activity that is equal to or greater than was available with the former deck, and that the radisson hotel agrees to revenue sharing with the city that is fair and reasonable based on factors including but not limited to independent third-party appraisal, and benchmarking of similar agreements to restaurants and parks in other cities. And finally, I wanted to cover the previous board and commission actions and next steps. September 24, the proposal was presented to the parks and recreation board at a briefing, and then in october it went to the land and facilities committee and the parks and recreation board and the parks board unanimously recommended that the city council authorize negotiation of a contract with the radisson hotel. That brings us to where we are today and next steps. We're here today seeking city council approval to negotiate an agreement with the radisson hotel for the construction and operation of the deck. If that approval is granted the next step would be to initiate contract negotiations, as well as conduct an independent third-party appraisal to determine fair market value, and then if there's agreement on the major contract terms, we would seek review and approval from the parks and recreation board for a recommendation to council and then back to city council for authorization to execute an agreement. And that's the end of the presentation, and city staff, of course, is happy to answer questions and representatives of the radisson hotel are here to answer questions if there are any for them as well.

[13:49:03]

>> Mayor leffingwell: So the way I see it, the city

-- city gains a public venue at no expense to itself, totally paid for by the radisson hotel, and in addition to that there's a revenue sharing program with the city for the proceeds from the use of the deck for commercial purposes, and I don't believe I heard that number. Do you have an estimate on that?

>> For the revenue sharing?

>> Mayor leffingwell: Yes.

>> We would start working on that once we're authorized to negotiate and try to get agreement on that term.

>> Mayor leffingwell: Well, maybe somebody else will have a rough idea of what that would be. So we do have several speakers and again, we're taking these two items together. This is

-- constitutes the public hearing required by item 73. First speaker is larry graham. Larry graham? Charlie betz? Not even 8:00. You left already.

>> Thank you, mayor, members of the council, I'm charles betz. I'm here representing the austin downtown alliance rg the downtown property owners organization. We would simply urge you to report this recommendation from the staff. We think it's a really good example of a public/private partnership where real value goes to the hotel that spends the funds and the citizens of austin certainly profit by having the public facility deck being built, and also the maintenance

-- the continued maintenance by the hotel. We think it's a real good example that we might see more of these in the future. Thank you. Absolu absolu tely. It's the kind of thing we need to be doing wherever we can, wherever we have these opportunities around lady bird lake, to enhance the quality of this park for everybody that lives here and everybody that visits here. So the next speaker is david king.

[13:51:24]

>> Thank you, mayor and council members. That's right, mr. Mayor. Let's open up our parks and just open them all up to restaurants and commercial use. That's what we need to do. I can't wait for kim 1. The old deck that was set to be open to the public and available to park users never had any signs on it saying that. If you walk by there you wouldn't know that that was for park users or open to park users. How can we trust that this is going to happen on this deck? The sidewalk that was built in 1993, and here they are 21 years later still taking credit for that investment. How many decades do they get to take credit for that? The parks department doesn't even keep records on how much landscaping they do in that area of the park, so how much value are the park users getting? How much are they investing? The upper deck is 2400 square feet. That's for the restaurant users, the commercial use. The smaller deck as you can see down there is 320 square feet. That's for the park users. That's for everybody else. That's a pretty sweet deal for radisson. Over 88% of the parkland is going to be for commercial use in this project. The proposed rental rate for the commercial use of the park should be no lower than the commercial rental rate for nearby commercial properties. That should be the benchmark. The value of the lower deck shouldn't be valued at a commercial rate because it's not for commercial use. But I bet you they're going to say, oh, that's as valuable per square foot as the commercial deck above it. These

deals are couched as a a win-win, but who really wins? They generate money for the parks. Then you turn around and weigh the fees and redirect these revenues for non-park uses. So who's winning? Your strategy is to underfund or parks from the general fund and then make up for it by commercializing our parks. How much more commercialization are we going to allow in our parks? I would like to know, is there a cap on that? According to the mayor, no, go, go, go! An increasing percentage of our parkland is used year after year, more and more for commercial uses, pushing out our park users. We need to draw the line. There needs to be a cap. And if you won't stand up and put a cap on it I bet the 10-1 council will. Thank you.

[13:54:11]

>> Mayor Jefferingwell: Next speaker is Roy Whaley.

>> Howdy, you all, I'm Roy Whaley, I'm the conservation chair for the Austin Sierra Club and I'm here tonight to speak in opposition to this. I do want to thank the folks at the Radisson for taking care of that section of the park that's right in front of their facility that their guests, their paying guests get to enjoy and come back again and again, stuffing the coffers of the Radisson because it's such a beautiful place. They understand that they have to take care of it because of the Parks Department, bless their hearts, are underfunded every year and can't maintain our parkland the way they should. You all already know this. You all are the ones that set the budget, and underfund them every year. And I understand how tough that is. , Giving everything that you all have, a pie that has to be sliced so many ways. Now, we're not necessarily opposed to private/public partnerships, but the number that was mentioned was 40 feet elevation at the lake, 40 feet at the deck. That is, pardon the cliché, a slippery slope. How soon is it that we have these kind of partnerships that benefit the corporations, actually more than they benefit the citizens. And how soon is it before all the work that

-- it's my park day folks, keep Austin beautiful, the Sierra Club that go out on the lake in the and canoes until we have the shoreline cluttered with private/public partnerships that it becomes a commercial zone along the shoreline of our lake and it's no longer something that we get to enjoy as a park but something that has become a business avenue on the water. We would like to keep our very limited park space park. Like I say, bless our hearts. Sarah and Cora, you all have a tough job over there trying to find ways to fund the parks that are so underfunded, and we would like to be able to help, but we don't think this is the avenue by which to do it. So we ask that if for some reason you all decide to go ahead and pass this, then let's make it more of a two-way street. That park users get to come into the Radisson and use their pool and their workout facilities. That we get to have frisbee in the lobby. I'd love to walk into the Radisson and the first thing I see is a dog jumping up catching a frisbee. I think that would be great. I'd have to think that the roof would be a great place to fly a kite, so we could have the kite festival there. Let's make this truly

-- if it has to go through, let's make it a real partnership because what this is is another give-away, and my three minutes are up.

[13:57:26]

[Applause]

>> mayor leffingwell: I'll entertain a motion to close the public hearing. Council member morrison so moves. Second by council member spelman. In favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 6-0, mayor pro tem off the dais, and that takes us to item 15, which is

-- for some reason my computer is

-- to authorize the negotiation of the agreement between the radisson for construction and operation.

So we can have a motion or perhaps questions for staff. Council member martinez?

>> Martinez: I'm going [inaudible] but I have comments in I get a second.

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

>> Martinez: Thanks, mayor, I appreciate the comments by the speakers but I want to start out by saying for the first time, at least in my eight years on this council, we added \$4 million to the parks department last budget cycle while reducing the tax rate. So whether you think that's enough or more than enough or not enough, the bottom line is we did some hard work last budget cycle. We hear your concerns about the parks department, and we added to their coffers. This agreement, though, it's already been in place for 20 years, to the benefit of no one, because the radisson couldn't use it for commercial purposes, and as david mentioned, the public didn't know it was really there and so they couldn't use it. So for 20 years we had a deck in place that really didn't benefit anyone. This agreement I think provides a benefit to all parties involved, and it still has a substantial investment from the radisson. They are still going to be committed to maintaining those areas, whether you believe they'd do it or not because it's a benefit to them. The bottom line is they do it, and if they didn't, we'd have to do it. And the infrastructure that was built, well, I guess you get to take credit for it as long as it's there, because people are using it, and by the way, it's open to the public. It's not just for their patrons. Obviously it benefits their patrons, but it is open to the public. So because of those factors, and because the negotiations haven't even begun, I'm going to support this item. But let's keep in mind, let's not label this big bad corporate give-aways just because it's a radisson hotel.

[14:00:19]

[One moment, please, for change in captioners.]

>> Martinez: And hopefully more access by the public because it will also be a.D.A. Compliant is my understanding and have full access. So I'm going to support this motion. Just let the negotiations occur.

>> Mayor Leffingwell: Further comments? Councilmember spelman.

>> Spelman: Mayor, I have a question for city staff. I think a lot of the concern people might have about this transaction is just looking at the numbers. It looks like we've got less space than we did last year this time. We had a wooden deck of 1125 square feet, 15 by 75. That's been removed and will be replaced. It looks on paper by a much smaller deck of 320 square feet. On the other hand, one of the deal points that you put up a few minutes ago suggested that we would insist in the negotiation on getting the same amount of space for the public as we had before. So how do we make 1125 square feet into 320 square feet equal?

>> Cora wright, director for the parks department. Your point is well made and we've had conversations

among staff about that very point. We feel it is our commitment to ensure that the general public at least experiences the same level of park access to the deck that we were intending to provide initially. So with respect to the ditches in the amount of square feet available for non-commercial use as was shown in the slide, we want to begin the negotiations with hearing

-- I wanted to mention this is a conceptual design and there are more changes to the design since we received that version. So your version, so is councilmember martinez, in that we have not begun the discussion. What I would like to share with you is that the original agreement, if you will, that was in place for 20 years, we did not have the capacity to monitor the contract compliance. We

-- I do not

-- I probably shouldn't speak very directly, but this go round we want to ensure that the design that goes forward is subject to the city and parks department's approval so that we can ensure that the public has access. Do I have a specific strategy yet as to how we're going to do that? That's a point of negotiation. But that's where we will start is that the public will not receive less than they received in the past, but more. And in the design part of the things we will want to ensure is that the signage is very, very clear, that the public has access to it and they can choose to dine on the deck or sit and not pay a dime and enjoy the use of that deck. So we're just beginning.

[14:04:09]

>> So provisionally even though 2400 square feet will have commercial activity on it, doesn't mean I can't participate in it. I can sit, watch the bats, whatever I want to, and some waiter comes by and says would you like a drink and I can say okay?

>> And part of the negotiations will be ensuring that the public has a choice.

>> Regardless of whether or not

-- I think I will be happy with negotiation results, but on the other hand I am is not asking you to go and negotiate it. So I'm happy to second this motion, to vote in favor of it and see what happens after that. And this is going to come back to the council at what point?

>> Certainly the staff will be open to hear any direction from council, but I do want to ensure you that we're going into this ensuring that the public's interest will be protected.

>> Spelman: I like the provision that it was going to ensure that at least equal or better public access than we had this time last year. I look forward to seeing what you come up with. Thank you.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I have a question. The previous deck was governed by a license agreement, is that right?

>> [Indiscernible], parks department. It was covered by a parks improvement and license agreement.

>> Riley: Parks improvement and license agreement. Is that what we're expecting to be negotiating?

>> We're expecting to be negotiating a lease. I'll and why are we moving from a parks agreement -- a license agreement to a lease? Why the change?

>> In one of bryan's slides it talked about the history where the legislature changed how the city could sell or convey property within a very specific zone. That gives the city the opportunity to lease this property and there's some advantages to that as far as being able to negotiate this contract.

>>

>> Riley: In what sense does that offer an advantage over a license agreement?

[14:06:11]

>> Well, it gives the other party some more security in that it will allow us to perhaps leverage that for a better return and to go through our terms and be able to provide better advantage to the city.

>> The disadvantage is it will move us closer to that one acre cap which potentially could limit our opportunities for similar arrangements in future. Isn't that correct?

>> As I said, it's for a very specific area. So the charter

-- article 2 that controls our ability to convey, sell or lease property throughout city and parkland would still be in effect everywhere in the system. Did I answer your question?

>> Riley: No. There is a one acre cap applicable to this area, which includes, for instance, the area around the boat house where we expect a rail crossing may be

-- in the cards for the radio future.

>> Councilmember riley, I would like to invite patricia forward. She's our attorney on this particular project.

>> Patricia link, city attorney. There is a one acre cap in aggregate from the area from waller to shoal creek that the legislation also requires that it go to an adjoining property owner. So someone who is abutting the parkland itself. The area where we have private property ownership is generally from congress over to the east. And so there's not

-- I don't know how many options there would be for private. Property owners to utilize this agreement, with you with the rail if it's owned by the city we're not engaging in the conveyance, sale or lease.

[14:08:19]

>> Riley: I understand that. But it may also be

-- we haven't done any planning for that area. What we would expect for that rail crossing. And it's conceivable that there could be some planning for transit supportive uses around that crossing. And I don't know what that would look like, but it's conceivable to me that we might envision some uses for that parkland that might entail something like the sort of agreement that we're talking about today. And so I'm just wondering if it might be in our interest to consider whether a license agreement could be of some benefit in the sense that it would not move us closer to the one acre cap and hold open the -- hold open additional possibilities for future planning in the event that we do find that there are some uses that might warrant the lease arrangements, for instance, around a rail landing, somewhere between this site and waller creek. So I will be fully supportive of the motion, but I hope that staff will consider that as we go into negotiation, whether there might be some advantage to considering, for instance, a short-term lease agreement and followed by return to a license agreement that would not move us closer to that one-acre cap so that we would have options open to the future. And we don't need to get that settled now since you will just be negotiating, but I hope we can talk about that further because there may well be good reasons why we want to consider the possibility of a license agreement in the future as we have in the past. Then I just want to speak briefly to the benefit I see from this arrangement. And I do want to take issue with some of the comments about

-- the effect that the prior arrangement benefited no one and that it was strictly a private arrangement.

>> Professor: Having lived downtown for a long time I know there are very limited opportunities to go enjoy a drink somewhere along the lake and enjoy the beautiful lake that we have and watch the bats, and that deck for many years was one of the only places that we had to do that. So on several occasions I've been down there, friends would come to town. I never stayed at the radisson, but I certainly made use of that deck for the purpose of enjoying the parkland. If we hadn't had that deck there we wouldn't be able to enjoy the parks. That was a benefit to me as a member of the public to enjoy the park, sit and enjoy a drink and friends would come in from out of town and they would be enjoying your beautiful city and watching the bats and enjoying a drink while they do that. We just don't have that many opportunities to do that. That was a direct benefit to the public and it actually improved our access to the parkland simply because we had that deck there that we could enjoy and have drinks there. It was a direct benefit there. There will be more benefits with the proposal we've seen. I like the configuration that's there and I'm not concerned about the particular configuration that we see in the drawings because to me even the area on the top is a direct benefit to the public because it offers the public the ability to enjoy the the parkland and enjoy a drink or meal at the same time. I was never put off by the lack of signage. It was a restaurant and restaurants and hotels are typically open to the public, so we didn't need any signage saying this restaurant is open to the public. We figured that out and were able to enjoy it. So I appreciate the radisson and all its done to provide that deck in the past and appreciate their work on providing something that will be a real amenity to the community in future. So that I'm strongly in support of the motion.

[14:12:07]

>> Mayor Leffingwell: All in favor say aye? Opposed say no? It passes on a vote of six to zero with mayor pro tem off the dais. Item number 74.

>> Thank you, mayor and council. My name is greg gun d.W.I., Planning development and review department. Item number 74 is to conduct a public hearing and consider an ordinance approving a site plan for the project located at 9512 f.M.2222, superseding conflicting requirements of the city code waiving the site plan related fees and waiving city code section 25-1-502. This item would resolve a dispute between the owners of the property and the city regarding development on this property for a proposed condominium use. The project was started. There was a site plan that eventually expired because council did not approve an extension to it. A lawsuit was filed against the city. And in 2012 there was a negotiation to move forward to bring you an agreement for your consideration. There was an ownership question on the property owner's side so that it was stalled at that time. So we're bringing this forward today. This is the only first reading. The property owner would then submit a site plan to my department for review and we would bring this back for your final consideration and approval. Staff is recommending this. There's an additional condition that I would offer that I have spoken to the property owner about. And this is just to be clear, it's clear in 2012 and I think it's actually clear in the conceptual plan, but there's an existing driveway that goes to 2222 and that this driveway will be removed, with the first phase of the project, so as they start building out that driveway will be removed and restored along 2222 to natural state. It won't be used to construction entrance or permanent access. The property owner actually has access to this property through an adjoining property to the north known as kona vista. And that driveway is very close to being complete. I'm aware it's been

framed up. Concrete has not been poured. There's an existing joint access agreement that's already been executed between this property owner and the other property owner. With that I'll pause. If you have any questions, there's applicant's representative here, his legal counsel. Legal counsel. The neighborhood is also here that's-- I don't believe they're wishing to speak, but I'm sure if you ask they would come up.

[14:15:10]

>> Mayor Leffingwell: Thank you for all that, mr. Guernsey, but we have no speakers signed up. I'll entertain a motion to close the public hearing and approve the ordinance.

>> First reading only.

>> Mayor Leffingwell: On first reading. Councilmember spelman moves to close the public hearing and approve on first reading. Seconded by councilmember martinez. All in favor say aye? Opposed say no. Passes on a vote of six to zero with mayor pro tem off the dais. Item 76.

>> Good evening, mayor and council, john mcdonald with planning and development review. I'm here for item 76. On august 8, 2013, the city council directed the city manager to initiate an amendment to title 25 to exempt accessible ramps for dwelling units from rear, side and front yard setbacks. Staff recommends the post-traumatic's recommendation with some amendments. Staff's recommendations are based on allowing the

-- aligning the code amendment more closely with the intent of the council resolution and providing a reasonable accommodation to a disabled person in need accessing a private residence without impediment.

>> Mayor Leffingwell: Any questions? We have one speaker, stewart hersh.

>> Mayor and members of the council, my name is stewart her issue and like most owe heir issue and I'm here to oppose the post-traumatic on accessible ramps and to support the staff recommendation with a few amendments. Finally get to support the staff on something. Allow ramps for new homes and duplexes to also encroach in the front set back on so that families who want a connection between the public sidewalk at the front of their property and their front endrins, front door, install a ramp without having to install a ic after the house is built, to new and existing construction to employ ic. Allow the ramp and side yard to only encroach two feet in the setback to impose the standard three foot set back and open space that allows the person to exit in the public right-of-way in the event of a fire. It's been the principal building codes forever. We wouldn't want to get ramps to make that obstruction. Third, and you may not be properly posted for this one, but it's an amendment to chapter 25. Amend the local amendments to the international residential code so that ramps that function like sidewalks and are not located in the floodplain and are not over 30 inches high and therefore require guardrails and are not requesting an ic waiver would be built without a building permit. This has been the standard for multi-family and commercial for a couple of decades, except where the ramp is part after required accessible route from the americans with disabilities act and the [indiscernible] housing act. Single-family homes and duplexes aren't regulated by a.D.A. And fair housing so that's not applicable. And the best way to expedite proper construction of a ramp that isn't required by federal law not related in floodplain and not so tall as to require additional rails is to waive permit requirements the same way we do for existing multi-family and commercial buildings. You expedite the permit by not requiring one in the first place.

This they don't have to go to one texas center. I tried to discuss this yesterday with the building and fire code board because they had this as a discussion item on their agenda, but they were persuaded that they could only discuss it with staff and they couldn't discuss it with the public, so they haven't had a chance to review that code amendment that's in their air of pursue. So we'd love an opportunity to have that conversation with them. Other than that I think the staff recommendation makes a whole lot more sense than the post-traumatic, achieves the outcome that y'all initiated and really appreciate this amendment going forward.

[14:19:26]

>> Mayor Leffingwell: That's all the speakers that we have signed up. Councilmember tovo.

>> Tovo: Mayor, I would like to move approval along with some additional amendments that I would like to fold into it.

>> Mayor Leffingwell: Approval of which one?

>> Tovo: I should say

-- thank you. I would like to approve

-- I move to approve the staff recommended amendments and I have amendments to make to those and I would like to move approval on first reading only.

>> Mayor Leffingwell: So motion by councilmember tovo to close the public hearing and approve the staff recommendation on first reading. Seconded by councilmember martinez. Councilmember tovo?

>> Tovo: Hopefully my time is not up.

>> Mayor Leffingwell: Your time is up. [Laughter]

>> Tovo: So this is a really complicated issue, much more than I would have guessed initially. We do have a couple of planning commissioners who worked on it. I think the committee studied it for a series of months and after meeting with the staff several times I was persuaded that the staff recommended amendments really captured some of the concerns, but there are a few amendments that are necessary to really make sure that we are addressing some of the issues that the planning commissioners and others were concerned about. So the amendments

-- I may need some assistance from our attorney, but the amendments that I would like to make to what was in our backup are bull lited at the top, and those are to require the applicant to submit an affidavit that the ramp is for a disabled resident because the ordinance speaks to the ability to exceed impervious cover. I want to make sure we're not leaving a loophole there so it's serving the intended purpose, which is really to make sure that intended individuals who could not come home from the hospital or could not continue to stay in their house have an ability to have a ramp that would allow them access to their residence. Secondly, requiring that the ramp be no wider than 48 inches except for segments required for a turn, up to 60 inches. This provides

-- is a realistic measure. This is what I understand that builders of ramps say that 48 inches is more reasonable for them than some other sizes, but this also makes sure that we're not going to get ramps that are six feet wide, wider than they really need to be to serve is individuals who are in wheelchairs. And then require that the ramp not have a roof or walls other than a railing. Clarify that in order to be eligible for the impervious cover exemption applicants must use impervious cover to the best extent possible. So for the staff recommendations and those additional amendments which staff helped me

prepare, I believe that allows us to achieve our objective of making sure that individuals can have these ramps built but also doesn't create lots of loopholes for where we might see people maxing out impervious cover for other reasons.

[14:22:45]

>> Mayor Leffingwell: Okay. So you're proposing those four bullet amendments to the staff recommendation.

>> Tovo: Correct. The reason I'm doing this on first reading, because there has been a lot of dialogue and the planning commissioners have really spent a lot of time crafting the recommendations they sent to us, I would like to provide that additional time so that they can look at what we pass here tonight, which hopefully we will pass, and really provide any kind of feedback that they think is necessary given their study of the issue.

>> Mayor Leffingwell: Is there a second to the proposed amendment? Councilmember martinez, you seconded the main motion. Then she made some amendments and you second those as well. So I think they're substantive enough where we might want to vote on them. I'd like to vote vote on them. All in favor say aye? Oppose said no.

>> Spelman: No.

>> Mayor Leffingwell: So that passes on a vote of five-one with councilmember spelman voting no and mayor pro tem off the dais. I voted for the amendment, but certainly only because with this limited discussion it's first reading only. I'll want to hear what the effects

-- I know what the intent is, but I want to know what the effects are too. Any other comment before we go to the main motion? All in favor say aye? Opposed say no? That passes on a vote of six-zero with mayor pro tem off the dais. And that was on first reading only. That completes our agenda for today. So without objection, we stand adjourned at 8:25 p.M.