

City Council Transcript – 5/22/2014

>> Mayor Leffingwell: Good morning. Everyone. I'm austin mayor lee leffingwell. I want to welcome you all to the city's memorial day ceremony and proclamation. I would like to personally thank the rago family for joining us today. Job, a husband, a father, a son and a brother, will be honor the later in the sir moan, but I want to express my deepest sympathies to the family for your loss. I would also like to recognize an honored guest, an austin resident, richard overton. Richard, could you wave your arm so people know where you are? There he is. Richard just turned 108 years young on MAY 11th. [Applause]. He is the nation's oldest surviving world war ii veteran. [Applause]. I would like to also recognize members of the city's veterans commission. I think four or five of them are here. Would you please stand up and be recognized? [Applause]. Also we have blaine fulmer here representing congressman mccaull's office. Blaine? [Applause]. Ladies and gentlemen, please stand for the posting of the colors by the university of texas rotc. They'll be ushered in by the austin police department pipe and drum corps. And please remain standing for the singing of our national anthem by ms. Tina lee, an air force veteran and city of austin employee. And the invocation by army chaplain, captain eric gerber. Color guard, present the colors.

[04:04:23]

>> present the colors.

>> Oh say can you see by the dawn's early light whose broad stripes and bright stars through the perilous night oer the ramparts we watched were so gallantly streaming?

♪♪ And the rockets' red glare. The bombs bursting in air gave proof through the night that our flag was still there. Oh say does that star spangled banner yet wave... Oer the land of the free... And the home of the brave ♪♪.

>> At ease.

>> Good morning, ladies and gentlemen, I invite you to pray with me today. Dear gracious god and loving god, today we ask your blessing upon the men and women who have served this great nation. We pauses to pay our respect to the brave souls who have paid the ultimate sacrifice. We um belly ask that you would comfort the families of these fallen warriors. May they feel your presence. Lord, I pray for healing, for those here today who have lost loved ones they'll they've served. Healing for the military families of this great nation for they have also paid a price in protecting the freedoms that we enjoy. The past 12 years of war have left many sons

and daughters going to bed without a kiss from mom or dad. As they have been deployed around the world. These multiple deployments have taken a toll on the spouses and loved ones, keeping the home fires burning. For them I pray, lord, I pray for healing. God, may you bless the men and women who are in harm's way this very moment all over the globe. They stand for freedom and the american way of life. May we always strive for piece. In your great name, lord, we pray, amen.

[04:07:24]

>> Thank you. This weekend many families will fire up the grill, hit the beach or maybe take advantage of some retail sales. But memorial day has the word memorial in it for a reason. Memorial day started on may 30th, 1868 when the united states army general john a logan declared the day an occasion to decorate the graves of civil war soldiers. 20 years later the name was changed to memorial day. ON MAY 11th, 1950, Congress passed a resolution requesting that the president issue a proclamation calling on all americans to observe each memorial day as a day of prayer and reflection. Memorial day was declared a federal holiday in 1971 and is now observed on the last monday in may. It is an occasion to honor the men and women who have died in all wars. I will now present the memorial day proclamation to the members of staff sergeant joe brago if I could ask the representatives of his loved ones to join me here on the podium. His wife erica santiago and their two children, his son seth and daughter madison, his mother maria elena. Maria elena gaverio. And his brother and sister. Come on up. There are additional family members here that include cousins and several nephews. Joe served as a united states arm staffing sergeant and was killed on saturday, june first, 2013 in afghanistan. Job was a native austin night born on april fifth, 1983 to ruben and maria. He attended travis high school, my old high school, by the way, graduated from the echelon charter school in 2001. He began his military service in germany while stationed there for over two and a half years he was deployed to iraq twice. His first tour was for 15 months and the second tour was for a year. He was then stationed in fort drum new york for a year and then in june 2011 transferred to fort stewart, georgia. While he was at fort stewart he received his third and final combat deployment, this time to afghanistan. With the 369th armored regiment in october 2012. Eight months later at the age of 30 he was killed in action. For his heroic actions job received the purple heart awarded in the name of the president of the united states for those who are killed in battle. He was also awarded the bronze star, and that medal is awarded for acts of heroism, acts of merit or meritorious service in a combat zone. So to the family I say thank you for your loved one's service to his country. We all appreciate it very much. Now I'd like to ask the audience to stand for

the sounding of taps performed by air force senior airman daniel thor and remain standing for the retiring of the colors. Please be seated again. I'm out of order here.

[04:11:23]

[Laughter] I have to read the proclamation for the family and present it. Be it known that whereas the city of austin joins all other americans this memorial day to remember and reflect on the sacrifices made by those servicemen and women who have honorably served our country throughout its history and whereas it is particularly important on memorial day to honor our fallen heros for their profound contribution to securing our country's freedom. It is appropriate as well to recognize their families who have served and sacrificed so greatly. And whereas this memorial day and everyday all citizens carry a heavy burden of responsibility to up hold the founding principles so many have died defending and whereas on this solemn day we unite in remembrance of our country's fallen and we pray for our military personnel, their families, our veterans and all who have lost loved ones. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim may 26th, 2014 as memorial day in austin. [Applause]. And this one is for mr. Overton. [Applause]. Thank you for your sons and husband's duty to his country. I would now like to ask the audience to please stand and remain standing for the the sounding of taps performed by air force senior airmen daniel thrower and remain standing for the retiring of the colors.

[04:14:52]

>> Color guard, retire the colors.

[04:17:56]

>> Mayor Leffingwell: Ladies and gentlemen, thank you for attending. This concludes our ceremony.

>> Mayor Leffingwell: A quorum is present so I'll call this meeting of the austin city council to order on THURSDAY, MAY 22nd, 2014. The time is 10:25. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. Before we go into the agenda, I want to mention that the council will hold a citizens forum on saturday, MAY 31st. The meeting will start at nine a.M. It's an opportunity to hear from austinites about whatever topics you want to address. Speakers are welcome at the citizens forum. All you have to do show up the day of the meeting. You can also sign up in advance. Check the city clerk's page on austin.Tx.Gov for details. We hope

to see you in the council chambers on may 31st at nine a.M.

[04:20:13]

>> Cole: Mayor? I wanted to make clear that we are taking citizens comments between 9:00 and 12:00 is my understanding.

>> Mayor Leffingwell: Okay, thank you. We'll now go to the changes and corrections to today's agenda. On item number 2 add the phrase, approved by the electric utility commission on a vote of five-one with vice-chair hayden voting no and commissioner rye absent. Item 17 and 21 are withdrawn. Item 30 is postponed to june 12th, 2014. Items 32, 33 and 34 add the phrase approved by the electric utility commission on a vote of six to zero with commissioner rye absent. Item number 43 add as a second co-sponsor, councilmember william spelman o item nine delete as a co-sponsor therapy sheryl cole and add councilmember mike martinez and note that item is postponed until june 12th, 2014. Item 50 delete as a co-sponsor councilmember mike martinez and add as a co-sponsor mayor pro tem sheryl cole. Note that on item 75 at its four p.M. Time certain a request to postpone this item until august 28th, 2014 at 7:00 p.M. Will be made. Our time certain items for today, at 10:30 a project connect central corridor update. At 12:00 noon our general citizens communication. At 2:00 p.M. We'll take up our zoning matters. The austin housing finance corporation board of directors meeting has been withdrawn. At three p.M. We'll recess the meeting of the council and call to order a meeting of the tax increment financing board. At 4:00 p.M. Our public hearings. At 5:30 live music and proclamations. The musician today is manuel cowboy donnelly. The consent agenda for today is items 1 through 58. I will read item 41 into the record. That's appointments to our boards and commissions, and that will remain on the consent agenda. To the mexican-american cultural center advisory board, katherine mahon is councilmember's nominee. We also have a waiver to approve for the attendance requirement in section 2126 of the city code for the service of meredith hymnith and boone blocker on the urban transportation commission. This waiver includes absences through today's date. The following items are pulled off the consent

[04:23:10]

agenda: Item 9 is pulled for a brief presentation by the law department. Item number 12 is pulled by councilmember morrison. Item 22 is pulled and will be heard after the tax increment finance board meeting. Item 45 is pulled by mayor pro tem cole. And item 46 is pulled by councilmember spelman. Items 5 and 6 are pulled off the consent agenda due to speakers. Right now I have one speaker on the consent

agenda, and that is david king. On item 43. Is david king here.

>> Thank you, mayor pro tem and councilmembers and mayor. On item 43 on the residential permit parking program, I think that's a good program and I'm glad that this item is on the agenda today. And I would just ask if you could include a representative from the austin neighborhoods council and the stakeholder group for that particular item. Thank you very much.

>> Mayor Leffingwell: Are there any other speakers on the consent agenda?
Councilmember martinez.

>> Martinez: Mayor, I've been asked by the law department to read a brief statement for item 47 and it can remain on consent but because it was posted differently and it now has different language I was asked to read this with your permission.

>> Mayor Leffingwell: Go ahead.

>> Martinez: I want to note for the council that on item 47 it was posted as a waiver of the fiscal surety requirement. That is no longer a part of that language so the fiscal surety requirement is still imposed on this particular item.

>> Mayor Leffingwell: All right. We have another speaker, justin davis. Is justin davis here? Excuse me. He's speaking on 12, which has been pulled. Councilmember morrison.

[04:25:17]

>> Morrison: On item number 58, that's an item to set a public hearing to consider the naming of a park on dellkurto road. And the posting asks to set the public hearing to set the name specifically to dellcurto neighborhood park and I would like to ask staff to post it more generally so that we could have a full discussion about any names that might come up.

>> Mayor Leffingwell: City clerk, got that? Okay.

>> Spelman: Mayor? I believe we have a speaker on item 44 as well. Just one, who would be speaking on the entire consent agenda if he chose.

>> Mayor Leffingwell: All right. Tim lee.

>> Good morning, mayor and city council. I'm here to support item number 44. This resolution will provide employees and

-- employees equal access to all benefits. It further insures that the city's commitment to provide a safe, fair and welcoming environment to everyone who lives and works in austin. Thank you for your support.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I have a brief comment to make about item 51.

>> Mayor Leffingwell: Why don't we pull that off the consent agenda.

>> Tovo: It's a very, very comment and it is simply this. I was contacted by an organization that is sponsoring language classes at the asian-american resource center and they actually have quite a big gap to fill there. So I would just encourage my council colleagues to consider

-- three of us have sponsored a fee waiver of \$800 and I would just encourage my council colleagues to consider bringing back another item if you didn't contribute toward this one, because it is an important program for youth to
-- and it's fulfilling a very important need in our community to provide language classes.

[04:27:31]

>> All right. I'll entertain a motion to approve the consent agenda. Councilmember spelman so moves. Mayor pro tem cole seconds. In favor say aye? Opposed say no. It passes on a vote of seven to zero. So council, we have a number of speakers who are here especially for item 45. I would like to take that item up. I don't expect all these folks to speak that includes our oldest living world war ii veteran, mr. Overton. It was pulled by councilmember cole. We can go directly to our speakers. Roy whaley. Is roy whaley here? We'll go to the next speaker, darrell whittle.

>> Morning, moyer and council. Thanks for having me. Usually I'm down here railing at you about something regarding food and beverage. This hopefully will be refreshing. I'm here to support the initiative to rename a portion of auditorium shores for vick mathias. I had the privilege of knowing vic pretty well the last five years of his life. I had dinner with he and helen about once a month in his last five years. Vic founded an organization in austin called skal about 30 years ago. Skal is an international organization promoting peace and travel. Among the other things that vick did, including ceo of the vietnam we are for 30 years and convention and visitors bureau and doing beautification around the lake, obviously his volunteer time the last 30 years of his life was probably just as productive. I do want to support that initiative. Thank you.

[04:29:37]

>> Mayor Leffingwell: Thank you. And since we are taking this out of order I would like to ask the speakers to be brief, please. And I'm going to call up matt mathias next. Matt mathias. Is matt here? Okay. Donating time is ada anderson. Is ada here? Thank you, ma'am. You don't need to come up. I wanted to check your name off the list. I have more. Jenna mathias. Alexa mathias and debra mathias.

>> Actually, mayor, mrs. Anderson erroneously marked the wrong box. She wished to

speaking. I apologize.

>> You will have up to 12 minutes and I'll call Ms. Anderson next.

>> Thank you, Mayor. I'm Matt Mathias. I actually did not plan to speak unless asked to, but thank you for having me here. Our family did not ask for this honor and this recognition today. My father was a very humble man. In fact, some of those in the community who have asked to sponsor this asked us to find photographs of him active in all of these 30, 40, 50 years of activities of Austin. And we found it virtually impossible to find photographs of him involved in activities because he always wanted the credit to go to the volunteers, to the people that put in effort, to the people who planned, to the people who worked. And my father was an amazing individual of inclusion. He worked very hard to include all Austinites in a rising tide of economic prosperity. His own writings are astounding when you look at the time dates on them. And these are published writings of his. There were several hundred articles that he wrote and these were actually in your council package, but for the record I would like to make several points. Starting in 1957 he arrived in Austin in '53. In '57 he took over the Austin Chamber of Commerce and he said it seemed to be a good old boy network and I didn't know a good old boy. And it took him four years to institute a program to build economic vitality in Austin so that as he wrote he would have jobs for all of our children. For everyone who wants to work is a quote from him. Job opportunities have developed now. In 1967 he writes job opportunities have developed now for everyone willing to work and business is almost to boom. He talks about is it really good business to spend my tax money on all these parks and greenbelts all over country? Is it really important to have great and expensive schools? Do we really need all this? Back to this culture stuff that cost us money. Is it good for everybody? The businessman, the average man, the worker. That was 1967. That was revolutionary. In 1958 or '59 he wrote about the integration of the Austin Chamber of Commerce. And he wrote this in 2009 looking back. He said it's Tuesday, January 20th, 2009. A little later today Barack Obama is to be inaugurated as president of the United States. Yesterday was a holiday in the United States commemorating Dr. Martin Luther King. And I'm going to skip a little bit here. He said at one of our board meetings in the late 1950's, our volunteer in charge of membership read the list of new members to be accepted and then added, I think I should call to your attention that Shaw's Grocery is a black business. How do you want to handle it? There was a very brief silence and someone said process it. The board accepted in the list and the Austin Chamber of Commerce was integrated, 1958. Following that we accepted many black members -- as many black members as were willing to join and many have served ably on the board of directors since that time. Integration of the Chamber of Commerce was a non-issue, written about 1959. And I've got to tell you, Mr. Overton here and I have

had the opportunity to visit a number of times. Mr. Overton and I have a tie. His cousin, John Overton was the janitor in my elementary school. And John Overton was the man that I loved and the man that loved me in that school. It wasn't the principal, it wasn't the

-- it wasn't the teachers that I had a relationship with. It was John Overton. He was the man who cared. And when I was at Mr. Overton's funeral over 35 years ago, I was one of the few white faces there. And let me tell you, that did not come from parents, from a mother and a father who are in any way big game, but from people who cared about everyone equally. And I cherish that man's relationship and it's been such a fun relation

-- such a fun opportunity to get to know Mr. Overton again. So in closing I want to say to you again, Dick was a very humble man. Our family didn't ask for this. This was started by members of the community, actually at his memorial service people began coming up to the mayor and saying you need to do something to recognize this man. It's very humbling. Thank you for your consideration and God bless you.

[04:36:11]

>> Mayor Leffingwell: Thank you, Matt. I would also mention that I have Mathias was a combat World War II veteran and we thank him for that service. Richard Overton signed up and does not want to speak today. He's not feeling well. Thank you, Richard, for being here anyway and I would like to call Ada Anderson.

>> I don't know if I'm tall enough to see over it. Can you hear me? I'll be very brief. I got to know Vick Mathias when my husband became actually a board member and I don't remember any time that I was downtown and had a few extra comments that I didn't find it very interesting to stop by and chat with Vic Mathias. I learned a lot about what was going on in the city when my husband was serving as the first African-American as an actual board member. The second one to serve, strangely enough, was my late brother-in-law, Bob Wormly. Some of you may remember Bob. I'm very, very delighted and excited of the possibility of naming this area Avery Mathias, a very deserving person, he's contributed so much to this city, and I look forward to going and visiting his namesake. Thank you very much.

[04:38:14]

>> Mayor Leffingwell: Thank you, Ada. Nelda Lyons?

>> Good morning. My name is Nelda Guerrero Lyons. I was born and raised in Austin, Texas. This city owes a debt of gratitude to the many leaders who helped shape this city and lead us from our humble beginnings to where we are now. Roy Butler, Mr.

Moyer and mr. Long have been honored with property and land synonymous with their contributions. Quoted as being austin's social architect, mr. Mathias as ceo of the austin chamber of commerce helped to form and operate the austin aqua festival, the austin convention and visitors bureau, austin economic development council, the highland lakes tourists association and leadership austin. These efforts which mr. Mathias was heavily involved led to new projects, the austin-travis county livestock show. All of these efforts and his success in these efforts have attracted high-tech companies during that tenure. Without these tremendous building blocks the city would not be synonymous with our worldwide reputation as the premier hot spot of recreation and fund. Mr. Mathias without a doubt led that way to make austin the music capitol of the country and of the world. We exist because of the efforts of those who came to waterloo. We became austin because the efforts of people like mr. Mathias who worked to make it what we are now. There's no greater display of gratitude that we can show to this man by renaming -- than to rename this portion of auditorium shores as the vic mathias shores. Thank you.

[04:40:25]

>> Mayor Leffingwell: Thank you. David king?

>> Thank you, mayor pro tem and councilmembers. And I'm here to

-- not in opposition to renaming this east lawn after this gentleman who has contributed so much to our city, mr. Mathias, but to just ask you that you honor the process, the 90 day public input process for naming our public properties here in the city of austin. Mr. Mathias, his contributions clearly seem to me to be worthy of this honor so I'm not against this. I'm just asking that you allow a 90 day public input for this renaming. Thank you very much.

>> Mayor Leffingwell: Nancy damon. Donating time is karen hashy. Is she here?

Okay. So you have up to six minutes if you need it.

>> I won't need it, but good morning and thank you so much. I don't need to go over everything that I have did. I've known him my whole life and I just want to support this with all my heart. And thank you.

>> Mayor Leffingwell: Thank you. Dave porter? Good morning, dave porter, senior vice-president with the austin chamber. Obviously we support this honor that will be bestowed to vic, his 30 years as a chamber leader, you know, the life of a chamber president isn't quite that long. Usually you move from city to city, but vic was a tremendous leader, had a vision for austin and many of the attributes that we enjoy today as a result of vic's leadership. We would support that you honor him today bypassing this. Thank you. Thank you, mark mathias. Donating time is larry

humphreys. Is larry here? You have three minutes.

[04:42:51]

>> Thank you, mayor and council. A lot has been said about many of the organizations that he formed and worked with. I just want to go to one point that -- one of those organizations and give an example of kind of the guy he was. Aqua festival. In the early years it was boat races and water ski tournaments and that appealed to certain demographics in our town. And then they came up with the idea to have fest nights because they wanted to include all the community. And fest nights started out with czech night and country and western night and american -- african-american night and mexican night. And we would have ethnic foods at all these things and different entertainment from those segments of the population. And those then became over the years, they turned in to the fest nights on auditorium shores that became the entertainment and really the first music festivals in austin. So from their desire to -- from my dad's desire to include the whole community, that developed into the whole music -- not the whole music industry, but was the start of the music festivals in austin. I think that's an important part. And I hope he will be remembered for that. I appreciate all of you considering even doing this. I think it's an honor just to be here and have it under consideration. I think he would be thrilled to death. Thank you very much.

>> Mayor Leffingwell: Thank you. Vincent solis.

[04:45:02]

>> Mayor, mayor pro tem, councilmembers, thanks for letting me have a moment here today. I wanted to just express my support as well for the resolution to rename a portion of auditorium shores for vic mathias. I didn't know him very well but I observed him from afar and I know his family well. He was an impressive man. He brought forth vision to a city that is flourishing as a result -- flourishing as a result of that. I think it's important as austin continues to grow that we take the time and we invest the necessary resources to honor those that preceded us and especially help cultivate and help shape the city that we love so dearly. His specific focus on auditorium shores and the energy that surrounds austin and its downtown and along the waterfront for me is personally important. I run the trail everyday and it's good to be able to go by and see a place that's named after someone who invested so much time and energy into things that we enjoy

personally. So I support the resolution and look forward to a favorable outcome. Thanks.

>> Mayor Leffingwell: Thank you. Steven matthews?

>> Mayor, mayor pro tem, city council, my name is steve matthews. I've lived in austin for roughly 55 years. And I want to speak to something that is special to me about austin, but it's also

-- it also embodies what has made I think vic's mathias' contribution to austin so special. When I graduated from law school

-- I know nobody likes attorneys, but when I graduated from law school in 1972 virtually every single graduate wanted to say stay here, but no one could. So they had to go to dallas, houston or whatever. Vic mathias was one of the few people who realized our children needed a place to work to stay here if they were going to try to live here. You can't live here if you can't support yourself and if you don't have a job it's hard to do that. Vic was one of the instrumental people that realized that we needed to build a high neck industry and we've come a long way from bringing high-tech and other businesses here from

-- instead of putting bon fires out on a piece of property where ibm could fly over the city and actually see where the location was, to the sophistication that we have today to bring many, many quality jobs to all people in our community. I think vic's far reaching vision that that was important is something that is the bedrock of our success today in austin. And I'd like to comment, I knew vic for 35 years. I have never known a man whose integrity was beyond reapproach any more than vic mathias. His humble leadership, his willingness, like he was mentioned earlier, to make others look good, is something that we could all emulate and we would be better off in our city or any city if we acted in more in of the way that vic mathias did and handled people. He respected everyone and he was someone that every one of us can look up to. And I think it is appropriate that we not forget the people that came before us that allow us to have the prosperity that we have today and the quality of life. I moved to dallas for two years briefly and in that two years I was amazed at the difference between the chamber of commerce in dallas in a big city and austin, texas. He knew what was special about austin. He cared about austin and he scared about every one of us that lived here. I hope that y'all will seriously consider naming this portion of auditorium shores after him. He would be a fitting
-- a fitting reward for the hard work and honor of what he deserves. Thank you so much for your time.

[04:49:12]

>> Mayor Leffingwell: Steve martins.

>> Mayor pro tem and councilmembers, thank you. I lived and have gone to school and worked in austin for 41 years. I'm a partner at the jackson walker law firm now. And when my family moved to austin in 1973 the mathias family was one of the first people we met. My parents have been friends to vic and helen for 40 years and their son matt has been my friend for those same years, and my client for about 30 years. In all that time and with all those contacts I have never seen anything or have any evidence to know that vic mathias was anything other than kind and generous, smart, effective, and I would challenge anyone to name five people that have done more for the health and welfare of our city. So I support the renaming of this portion of auditorium shores for vic mathias. Thanks.

>> Mayor Leffingwell: John gilbert.

>> Mayor, mayor pro tem, councilmembers, thank you very much for the opportunity. I've been around the mathias family for close to 25 years. And there's never been a time that I was ever around vic that I didn't learn more and more about his contributions. But at the end of the day a man that starts in the 50's, that has the vision to be a 360-degree thinker. That you have to bring jobs to the city to keep people here and you need a sense of community to maintain that. It wasn't just a five or six year term. He stuck with this his entire life and he realized the importance and the untiring dedication this man had. I think it's only be fitting looking around at some of the other buildings and monuments that we have named to name this parcel. It would be an honor. Thank you for your time.

[04:51:27]

>> Mayor Leffingwell: Michael lytton.

>> Mayor, mayor pro tem, councilmembers. Thank you for this opportunity to come here and speak to you about this today. I had the joy and privilege of knowing vic mathias and his family very intimately for almost 50 years. One of the things I used to love about vic was just sitting there and listening to him talk about things. He was always constantly thinking about how to improve things, how to make life better. I was born here in 1957. I've lived my whole life here. I work here. I remember when austin was a far better place than today, some good, some not so good. One thing I can attest to is I have invested himself wholly in creating a quality of life here that I think attracts so many people to come here today and I would just urge you to consider renaming this part of auditorium shores for vic mathias. Thank you for your consideration.

>> Mayor Leffingwell: Thank you. Britney gilbert?

>> Good morning, mayor, mayor pro tem, councilmembers. I've known vic my entire life. He was like a father figure to me and most definitely the greatest mentor I've

ever had in my life. I am currently in the hospitality industry, which is a very large part of the austin industry because of vic. We benefit greatly from the contributions that he brought and his foreseeing vision of what this industry could bring to austin as a hospitality industry and for bringing visitors to austin that benefit our economy. I have a job in this city because of vic mathias and I would venture to say most people in this room do as well. Thank you for your time and your consideration.

>> Mayor Leffingwell: Mayor bruce todd.

[04:53:38]

>> Thank you, mayor and councilmembers. Y'all have a rare opportunity today within an eight day period to name two of austin assets for people who are outstanding is remarkable as I mentioned to councilmember larsen the other day. It's a great opportunity. Let me make my comments short because I want to make sure we have time to show the video. Let me give you names, if I may. Mayor gus garcia, mayor ron mullen, mayor frank cooksey, mayor leffingwell, me and butler, on behalf of roy butler, lee cook, mayor lee cook and mayor john trevino. All those folks, all the mayors who worked with vic in one capacity or the other support and recommend the naming. Vic named this auditorium shores. Back 40 years ago. It's time to return that. And I checked with each one of these former mayors and I asked that they do it today if possible while their family is here to see how the city appreciates the great work that vic did. Thank you.

>> Mayor Leffingwell: Thank you. David teal?

>> Good morning, mayor, mayor pro tem, councilmembers, thank you for allowing me to speak. I'm not going to repeat a lot of what we heard today, but I come at this to urge you to support this resolution from three different perspectives. One is from a friend of vic mathias. Vic taught me a lot about just being a person and what that means and the skills that I've used through my life. And what he's done for this city. I'm someone who has lived here or worked here 35 years. I'm a product of this city, I'm a product of what vic mathias did. And I also represent the texas travel industry association. We encourage and support what you're doing on the local level, but vic was also the first chair of the board of our association, which is located here. He was one of my predecessors as president and ceo. The vision that he set not only for this city, but for the state I think warrants this recognition. So we are in full support. Thank you.

[04:56:06]

>> Mayor Leffingwell: Thank you. Neal spelce.

>> Thank you, mayor leffingwell, mayor pro tem, members of the city council, mr. Manager. We appreciate the opportunity to support this effort, but I want to do it in a little about different way for you this morning because so many people out here who have already expressed support and there are so many others which I'll reference, but in deference to your time and your consideration, we've got six supporters on video condensed down to three and a half minutes, and I think that's probably something that we ought to try to show you. And we had to do a lot of editing because they spoke a lot about vic mathias. If we could right now I would like to request that we play that video so that you can hear from bettie dunkerley, mack ray hernandez, pete winstead, rusty tally, george covert and helen mathias.

>> Mayor Leffingwell: Before we start, it's probably going to go over three minutes. Is there anyone who would like to donate three minutes of time to neal spelce?

>> I'll do it. Mayor george cofer. So you have up to six minutes.

>> Thank you. I appreciate that. And we'll play the video.

>> Vic mathias's name is

-- his spirit is so felt when you're here on auditorium shores. He worked here for many years, he named the shores. Lady bird used to call her her tree man. I think he planted many of the trees on town lake. So what better way to recognize him than to name a portion of these shores after him?

>> Vic was nothing if not a visionary. He envisioned everything we see here, the development, the growth, and he was a man ahead of his time.

>> He was a legend when I came to austin. I got involved with the chamber early on, but he was mr. Chamber. He sat austin off on the right path. I would say the thing that sticks out in my mind about dick was starting economic development. We do it big time now with incentives and all that, but vic was ahead of his time. Vic was really the original leader that started bringing businesses to austin, started getting more visibility for austin through things like the austin aqua festival and bringing people in.

[04:58:33]

>> It was a big deal. People brought their boats and their floats and music from all over the southwest.

>> The aqua fest was our first big festival. There was no acl festival. There was no south by southwest.

>> He saw before any of us the connection between economic development, the city's economy and the natural beauty and environment of this area.

>> Vic was one of the few people who said let's build this dam, longhorn dam, and let's create this beautiful lake. Then he went on and stayed with it. That's what I love

about dick mathias' involvement. He helped spearhead the beautification committee and made it what it is today.

>> There was no end to the ideas that he would have to help austin be better. We were down here a whole lot. We were here no aqua festival and his office is right over here close by. And we would bring our children down.

>> I not only have served on the board and served with vic, but I live in this neighborhood and the hike and bike trail to me is just a jewel in the crown.

>> I think we tend to forget too quickly who really made austin what it is today. And vic mathias is one of those people who made austin what it is today.

>> I think renaming auditorium shores for vic is so appropriate because he probably had more impact down on these shores than anyone I know.

>> It's about time. I put vic mathias right up there with neal core sur rec and other people that we've named convention centers after. I think anything we did to memorialize what he contributed to austin would be more than appropriate. And I would sure support it and I hope everybody else does too.

[05:00:34]

>> We're really honored today to be able to recognize him for his service to the city and really for his vision and his love for this city.

>> He would be so excited about seeing all the activity around here. And just wouldn't be able to believe that it all happened like it has.

>> I would like to close with just pointing out that we have many others who have written statements in support of this. I'll just read you their names out because they have written statements and we have supplied what they have written to the council. But you heard george cover on there, les gauge a former city council member and chair of the town lake beautification committee. Allen graham, president and it founder of mobile loaves and fishes, clarke hydric, attorney and civic leader. Thank you, mayor.

>> Mayor Leffingwell: That's your time, but I will ask you what are the -- read the rest of the names on that list.

>> Thank you, mayor. Clarke hydric, attorney and civic leader, especially in the health field here in austin. Carol keeton, three time mayor, juice pfluger, the widow of jim pfluger whose name is across the pedestrian bridge on lady bird lake. Susan rankin, the executive direct either of the trail foundation. Julian reid, former chair of preservation austin, when it was known as the heritage society of austin. And bob wynn, a runner and trail foundation member as well as diana soon da, business and civic leader here in austin. You have a great opportunity here. This council has shown great wisdom in recognizing individuals who have perpetuated what austin is and

provided what austin will be in the future, in the past by your past naming efforts as has previous councils. This is an opportunity that we think would be well justified and we urge our support for this resolution. Thank you, mr. Mayor and councilmembers.

>> Mayor Leffingwell: Thank you. Mona humphries. Not here. Joyce

-- I think this is joyce

-- okay. Come on up. I can't read your name on this. I think it's misspelled. Go ahead and tell us your name.

[05:02:50]

>> I'm mona humphries. Good morning.

>> Oh, mona humphries.

>> I was a little slow. I broke my leg. I just want to ask you to support this today. I know vic mathias as a world war ii hero. He was decorated with the bronze star for bravery. And after that he became and still is a true austin legend. So I urge you all to support naming this after him today. Thank you.

>> Mayor Leffingwell: Thank you. The next name is joy

-- I can't read the last name.

>> [Inaudible]. Ray thorson.

>> [Inaudible - no mic].

>> Mayor Leffingwell: James bagby.

>> Mayor, mayor pro tem, city manager and councilmembers, if you like what austin is today, if you like the entertainment possibilities, if you like the economic development, if you like the place that we live, vic mathias started it. I an amazing what he did. In 1962 he started aqua fest. I went a bunch of time, saw locallers nationally and locally down on auditorium shores. He started in 1962. Think about it, willie nelson, jerry jeff walker, stevie ray vaughn, they weren't even around then. He started armadillo world headquarters, that wasn't even around then. So he started the music scene here. He also, as you've heard, did a lot of economic development. When vic was head of the chamber, I was in the jaycees over here where the long center is now. There was a joint jaycee and chamber building over there. I got to know him then. I knew him even more through the rotary club for the last decade and I can tell you I've never met a more gentle giant. I don't mean in stature necessarily, but I mean a person who was all inclusive, who appreciated things about other people. He was always working with others and honoring others above himself. He was always in the background. He wanted to push other people upfront. He saw the vision, he wanted to do things for austin, but he got it done through other people and he always honored those other people. I encourage you to support

this resolution. Thank you.

[05:05:47]

>> Mayor Leffingwell: Thank you. Janis scott?

>> Thank you. We lost vic mathias almost

-- it's over a year ago now. And his obituary started out "/after/of a a 86 years of faithful service to his family, god and community

-- and I think that says it all, especially this memorial day weekend and here at this city council meeting. You've heard what an amazing man he was. My uncle vic was just visionary and gave 100% of himself. So I will not take any more of your time. You've heard some amazing speakers here today, but I wanted to support renaming a portion of auditorium shores for vic mathias. And we need to honor those like yourselves that spend their whole lives building our city and what makes life here in austin so amazing. Thank you for all y'all do.

>> Mayor Leffingwell: Thank you. That's all speakers that we have signed up wishing to speak. So I'll just say a couple of words. I didn't personally know vic mathias when he was president of the chamber and doing all the good things that he did for the city of austin. I got to know him later in connection with an organization called honor flight austin. In his mid to late '80s he heard about this organization, which was formed to send our world war ii veterans to washington, d.C. To see their memorials. And he jumped right in. He wasn't through yet. He was still working for our community and working to honor those in our community who deserved it. And he was a very effect effective leader and we've missed his presence. I saw him last on december 7th about a month or so before he died at a ceremony on december 7th for pearl harbor veterans from world war ii. Very impressed by the man. Very impressed, more impressed by his record. There's been a lot of talk in the public about the process and so I've gone to the trouble to have done a little bit of research. First, I saw in the blog media that it was reported to them that some number of

-- they've gotten more emails against it than for it. I took the trouble to print out the listing here and we all have these. And my count is 92 in favor, 40 against. I also took the trouble to look up

-- we talked about the process itself. There's a process that goes through the parks department. It's very lengthy. But it is very often, in fact, more often than not, waived by this council. So I have 10 pages here of items in the recent past that have been waived using this very process. I'll be glad to share those with you. I have the names of the sponsors and co-sponsors of all of these items. I'm not going to read them all, but I'll name a few. The anne and roy butler trail was one done by the same

process. Lady bird lake was done by the same process. The bettie dunkerley animal center was done this way. The davis white northeast park. The ann richards bridge. The captain louie white northeast substation. The butler training academy, police training academy. That's just a few. I'll be glad to furnish initial these to anybody who would care to look at them. So my question before us today for those who are asking for a delay and go through the, quote, process, why this particular item? When we routinely

-- when we are you teenly honored outstanding citizens of austin by naming things in their honor using this very same process. Why have we singled out vic mathias today with his family, his children, and his friends here to see us? So I think we ought to go ahead and do this today like we've done so many times in the past for outstanding citizens.

[05:10:19]

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Let me start by saying that I'm a co-sponsor of this item because I'm well aware of the contributions that vic mathias has made to this community and especially to auditorium shores. There's no doubt that vic mathias set a high standard for civic participation at the chamber of commerce and I'm happy that most of this discussion of this item has been dominated by retelling his many accomplishments and contributions to this community. One issue, however, was raised over the past few days regarding a period in 1968 when the city council of austin passed our first fair housing ordinance. A petition drive occurred to put it to an emergency referendum instead. The ordinance was repelled until a vote was decided and in a campaign by several business interests, austinites voted no. In the next election several councilmembers were voted out for having done the right thing. The city of austin did not pass a new fair housing ordinance until 1977. For those that may be unfamiliar with the impact that this had, I will tell you that the deed to my home says no coloreds allowed. Stopped by the housing protections at the federal and local level and it is important not just to me, but to many, many people in this community. I bring this matter up because it happened. It's history. And there's a question if mr. Mathias took an active role in campaigning against fair housing. In the less than 24 hours I have had since this question was raised I've asked my staff and the city clerk to look into the public record. I want to say for the benefit of the family and supporters that we did not find anything directly linking him to those minutes. At the same time, the question is still something that I cannot ignore. I am clear eyed about conditions that existed at that time and I know that many

people came to embrace civil rights and I certainly appreciate the testimony that we have heard about vic mathias' contributions to those efforts in other areas. Adds a general statement I prefer to acknowledge where people ended their journey rather than where they started. I stated that vic set a high bar for civic involvement and I think we would appreciate a high standard for renaming the park. It's out of respect for mr. Mathias because I think these allegations will be dismissed during the park proceeding in respect for the park and the public process, I would like to recommend that we submit vic mathias as a name for consideration under the requirements of chapter 14-1, article 4. That's a motion, mayor.

[05:13:43]

>> Mayor Leffingwell: Is there a second for that motion? Councilmember martinez seconds. I'll just say that I'm very disappointed, mayor pro tem, that we're proceeding on the basis of
-- that anyone can raise an allegation or a vicious rumor about anyone and be able to really embarrass his family and friends in public and raise questions about the individual himself without any substantiation whatsoever. I'm very disappointed in that. And I would like to ask would anyone from the family or anyone at all, would they like to address
-- I'm sorry this was even brought up, but since you did bring it up, would anyone like to address the stance of this?
-- The substance of this?
>> Mayor, mayor pro tem, council, I did check with all the mayors, of course as I said earlier, but I checked with les gauge, who was there then. And he has absolutely no memory, zero memory. And it was a very hot issue. It was right after I came to town that the vote took place. He has no memory of vic mathias being involved in any way in a negative issue like that. In fact, he was, as you heard from some of the testimony, for bringing this community together, all aspects of this community in a dynamic, vibrant, long landing way. And that's what you have before you today. The process as we said last week, this process was used, it's been used many, many times in the past, but vic has never, never and never was individually or professionally for any ordinance would have provided discrimination in our city and I'm positive of that as I stand here today. [One moment, please, for change in captioners]

[05:16:25]

>> Morrison: Okay.

>> Martinez: I just wanted to comment that supporting the motion to go through the

naming process is a way for us to support mr. Mathias, and move this forward. I think

-- I also have seen the same emails and I even talked to mr. Mathias' son about this specifically. I have no reason to believe that there is any link or connection to some of the statements that have been made, and I don't think we are singling out there mathias, as the mayor stated. I think what we are singling out is auditorium shores. I think what you are hearing from the community is this is auditorium shores. It is very iconic and it was just

-- it was taken by surprise by some of our residents. I absolutely think that we should honor mr. Mathias in every possible way that's appropriate, and this certainly could be one of those but I would be supportive today of adding mr. Mathias' name to the east lawn of auditorium shores if we run it through the normal naming process, which really just sends it to the parks board and then I think back to council for final consideration.

>> Cole: Thank you. Council member morrison, did you have a comment? Okay.

>> Mayor Leffingwell: I have a comment.

>> Cole: Mayor leffingwell.

>> Mayor Leffingwell: Let me just say to council member martinez comments, we -- there are other very iconic structures and pieces of ground here in austin. I would -- I would argue that the ann and roy butler trail is equally as iconic. I would argue that lady bird lake is equally iconic, congress avenue bat bridge and the duckly animal center and so on and so forth. I don't think that's a factor here. This is not something that's come up in all of the times that we have considered other items. What has come up, really, is the issue that was raised as a rumor

-- a vicious rumor with absolutely no substantiation, and here we are addressing it as something we need to look into.

[05:18:44]

>> Cole: So mayor, I think there is a number of different reasons that I support sending this item to the naming

-- through the naming process. One is simply sometimes we need to follow that procedure, and the other case is that I think it has been unique and the community has not expressed any concern and, second, I agree with council member martinez, that auditorium shores is especially iconic or unique to this community and there is always a lot of concern when any item is brought up in connection with it. Any further comments, colleagues? Council member tovo.

>> Tovo: I just want to thank the community members and the family members who are here today and to thank the community members who brought forward this

nomination. I certainly think mr. Mathias is worthy of consideration. I am fully supportive of the main motion that's on the table of sending this through the regular public process for some of the reasons that have been expressed. I will say some of the emails I received requested it go through the public process because it is, as my colleagues said, an iconic

-- an iconic park in this city and the naming of it is something that the public wants to participate in and discuss, so I am fully supportive of the main motion to consider this nomination and give it the respect to which it's due and send it through the regular public process.

>> Cole: Any further comments? Council member morrison.

>> Morrison: I will be supporting the main motion, also. I think it's important to note that there

-- everybody before yesterday, we were receiving a lot of concerns, emails with concerns about not putting this through the and so I think that's one of the elements that distinguishes this, that the community is asking for a full discussion. I think it's the right thing to do and I appreciate mayor pro tem's movement toward that.

>> Cole: Any further comments? Okay. The main motion is on the table and I have talked to legal about it

--

[05:20:45]

>> Mayor Leffingwell: Point of order, the substitute motion should be voted on first.

>> Cole: The substitute motion needs to be voted on. That was by mayor leffingwell. And we need a second.

>> Mayor Leffingwell: I thought you made

-- I did make a motion.

>> Morrison: I seconded the motion to turn the chair over to mayor pro tem.

>> Mayor Leffingwell: That wasn't a motion. I just turned it over.

>> Morrison: I withdraw my second.

>> Mayor Leffingwell: Second is withdrawn. Go ahead.

>> Cole: The main motion

-- and I talked to legal about the proper

-- the posting issue, so the motion is to deny the resolution to name the east lawn portion of auditorium shores and to send it through the process of 20

-- of chapter 14-1 article 4, approval of a name for a public facility, a property. And before we vote on this, I want to to, again, emphasize, that this is not an effort to disparage the family in any way or the work that has gone into this and I hope that you will follow through with the naming process that we have in place. That motion

has been made and seconded. All those in favor, say aye. The motion passes on --

>> Mayor Leffingwell: I vote no.

>> Cole: Those opposed vote no. That motion passes on a vote of 6-1 with mayor leffingwell voting no.

>> Mayor Leffingwell: Okay. We have the next item which is a briefing on project connect. Are you ready? We will wait for the noise to die down.

[05:23:42]

>> Cole: Kyle, you may proceed.

>> Mayor pro tem, members of the council. This is an update on the central corridor high capacity transit study. You recall the last time we had an opportunity for a believing of this they

-- for a briefing of this nature was march 27, so two months ago. We are happy to bring forward now a recommendation from the project team for your consideration that we will provide information about how we arrived at that

-- that recommendation. We will also address a conceptional funding approach and a governance approach for moving this forward. This is all in anticipation of bringing this back to you as council as a potential action item in the later

-- latter part of june, so this briefing will help to inform you prior to that

-- that action. A little bit of background first, we want to make sure we are grounded in project connect. You see the project connect vision map here that represents a significant two-year effort that was concluded last summer. It is a living process. I want to emphasize that, because what we are doing at this point in time is looking at the central corridor and digging into that. That will reinform the overall project connect vision as we move forward. But this is the basis of our effort. I do want to talk a little bit where we are with our process now. You recall

-- we broke the study process that was begun about a year ago into two major phases. Phase one was to select a priority subcorridor. To answer the question, where do we go. We concluded in december with this council, taking a position, improving the recommendation to advance the east riverside and highland corridor into the phase 2 area to better define a project. That effort is what we are calling phase 2. That's a more definitive process of how will we get there, what alignment will it take, what stations will we have, what technology will we use. And that's what we have been doing since january. This timeline illustrates our work plan moving forward. You see in the lower right hand corner of the action item anticipated in june. Our progress of course is in the mid-may time frame. It shows you we are nearing the action part of this process. We have been busy in the

-- in the last five months, in terms of contact and communication and dialogue with the community. You have a summary in front of you that shows the number of meetings that we have had, a significant number of stakeholder briefings, as well as workshops that we've had with different business and community organizations, a number of public workshops, public panels and whatnot. We continue to have a number of activities scheduled coming up. With this recommendation, the project team has developed, we are starting a number of open houses next week, beginning next tuesday at saint david's downtown, so I wanted to make sure you are aware of those activities. You will be informed of those 6-8 workshops that we are having. We also are going to be conducting some webinars and making sure that this information is up on social media so that we can continue to engage in public moving forward. Also I have in your packet, I won't cover this in great detail, but you will see a number of activities, stakeholder meetings, neighborhood association briefings and other boards and commissions that we continue to brief to make sure that they are aware and they will have an opportunity to weigh in on our recommendation prior to your

-- your taking action on this in june. So let's talk about the evaluation process. Again, we started in january with identifying a number of preliminary alternatives, service approaches, alignments, modes

-- meaning technologies that we would use. We conducted a qualitative screening process in the february/march time frame and we came back to you march 27 and presented the results of that screening process. Those results were essentially the identification of our final set of alternatives that we have been evaluating since that point in time. We have been doing that in a more quantitative fashion over the last couple of months and I want to share some of those results with you. A couple

-- before we really talk about some of

-- the final definition, there is a part we look at in the transit planning area, and that's what is service we are going to put out. And this is really important because in our final alternatives we are examining the benefits and the cost of bus rapid transit project and an urban rail project. Those are the two primary technologies but it's about how they operate. So we looked at four

[05:28:36]

factors: Reliability, frequency, stop spacing, and speed. And some of those inform each other. The more stops, the slower the speed so there is a very big inverse relationship there. What we ended up, though, with these

-- we identified a scale of reliability and frequency along this. The green bars that you see here were our target areas. What I want to highlight is with the red triangles, this

is where we ended up with respect to our definition of final alternatives. We ended up with a mostly dedicated guideway. What that means is we would operate in a dedicated guideway in the street without traffic parallel to it. We would cross streets but we would not be operating in mixed flow, so we can see that if we had on that scale of mixed traffic to fully grade separated, we do not want to operate in mixed -- mixed traffic if we can. That allows us to have greater schedule reliability. We have faster operating speeds and so that's why some of these factors are important to us. Frequency. We are looking in the peak period

-- peak periods in the morning and evenings of 10 minutes in the peak direction. So ten minute service. Stop spacing. We have a 9 and a half mile corridor, 16 stations, so we are just about a half mile on average of our stops, but in the downtown area, we have closer stops and our outer edges, we have a little bit further stops. Our average speed which includes what we call dwell time

-- that means time for the vehicle to stop, to unload passengers, to load passengers as well as to move through the downtown area

-- we are at about 22 miles per hour on average. That's very similar to cars working in

-- going through traffic, accounting for signals and whatnot. So we want to be competitive with the automobile travel times. So our final alternatives, we compared two final technologies, bus, rapid transit and urban rail technology. We compared that against essentially the same alignment all the way from the highland corridor through the core to the southeast riverside, the same alignment, the same number of stations as well, so we wanted to make sure we compared the characteristics of each of those two technologies. We were able to identify three primary areas of focus during our evaluation process. This is how do we cross lady bird lake and get through downtown, how do we get under the metro red line under the hancock center area, and which mode is the most appropriate vehicle for us to operate, given the characteristics of this corridor. So I will present a little information on each of these three key areas. The remainder of the segments

-- for example, the geography not circled, the riverside area, the university of texas area, and the area up toward acc highland, we pretty well established that during our process, so we are very comfortable with the alignment and the configuration in those three areas. The areas near the hancock center and downtown lady bird lake, those areas needed more consideration and we had more that we needed to look at in detail. Let's talk about the mode evaluation first. I want to talk first about the characteristics of the mode. Urban vehicle can carry twice as many people as a bus rapid transit vehicle can, 170-85. We started giving that target frequency of every ten minutes. We wanted to be able to operate each one of those. If you think about it, every ten minutes

-- urban rail vehicle can carry 170 people through an intersection. Whereas a bus rapid transit vehicle can only carry 85. I want you to keep that in mind as we go forward. We looked at our ridership. We actually conduct a ridership model. We anticipate a daily demand between 16-20,000 for urban rail and slightly lower for bus rapid transit. That shows the attractiveness of the vehicle but also the slower operation of the bus rapid transit vehicle and the question for us is what is the peak hour demand and what is the maximum demand between those two stations. Those become very important factors for us as we determine how many people can we literally pump through the system given the carrying capacities of the vehicles. We will talk about that briefly. What is that 16-20,000 ridership number mean, though, I want to make sure we provide a little bit of comparison for you. We converted that to the number of riders per mile of the corridor. So we have 9 and a half mile corridor to essentially 16-20. We said 18,000 riders. We are at about 2,000 riders per mile. That's what that red bar represents for the austin project. We have compared other city projects that have gone

-- recent projects, what is their ridership coming in at? You see the charlotte blue line than the left? You see houston on the far right much more productive, they are operating 6 minute head ways, connecting at major destinations, so the take away from this is that our ridership is certainly on par with other cities are experiencing on a per mile basis of their project. I did want to give you at least a little comparative information so you can translate what that meant when we said 16-20,000 riders. We also have been asked, are we connecting to some of those same generators that other cities are. Are we connecting to government centers, are we connecting to entertainment districts, are we connecting to hospitals. And so we've added some icons here so you can see that many of the same destinations that we would be connecting are same destinations that other cities have experiencing, too. A couple of things of note, you do see the seattle and the minneapolis project, they do connect to the airport. That's been a very strong conversation here, about connecting to the airport. Those cities, they connected with their second extensions. So once they extended their initial line, they did get to an airport. We are certainly poised to be able to do that, although we aren't doing that with the initial investment, neither did seattle or minneapolis. One other word of note that we take into account as well is we are following the federal transit administration procedure for estimating ridership, in arriving at that 16-20,000 number. That's a very conservative estimate. It is very early in our planning process. We will continue to refine that estimate as we go through the preliminary engineering and the nepa process. What we wanted to highlight for you here, though, is using that process is something we need to be aware of, how other cities, how did their actual ridership compare to their estimates. In fact, we have given you 6 examples here that show

that the actual ridership has exceeded the estimates in those 6 cities. Some of these are quite significant, as you can see in the phoenix example. But this means that we have to be careful as we continue our planning process to make sure we are carefully considering our estimates so that we don't end up in an unintended situation, where we can't carry enough people or we don't have enough parking spaces. There is stories I could tell you from other places around the country where that has happened. So that is a word of caution that we will be considering as we continue our planning process. Now, our mode evaluation, remember we did some of the color based evaluation factors for you. We compared a number of factors for urban rail and bus rapid transit. I will add the one thing

-- I have about ten other slides I would spend on this but I will abbreviate that today. We had a number of factors on brt that essentially led to our conclusion to reject that as this mode for this project. We had a couple of red items. Those were the negative items that we identified, vehicle emissions and the traffic impacts and then some items were so red they turned black and that's the expansion capacity. I will add, given the numbers of the people that we needed to carry, we could not carry those people on a 10-minute frequency with buses because of the capacity problem. So we actually have, as noted here, drt at 4 minutes head way, is what would be required. So that would be 15 buses per hour in the peak direction would be required to carry the demand. Our concern is that we actually

-- let's see if I have this

-- our concern is we can only operate a maximum of three

-- 3 minute head ways on either urban rail or on bus rapid transit, but with this project, we would be using up 75% of that capacity, 15, 4 minute head ways. We couldn't really add any to lamar, south congress, and still be able to maintain reliable service. However, with a one car urban rail vehicle, we are only using 15% of the system capacity, so we can add those lines very efficiently. So if we are looking long term, we need to consider the additional inner linings of other projects, and, therefore, our recommendation was for advancing the urban rail vehicle as the preferred technology, to be able to meet that long-term system capacity need. So our recommendation, that was the big factor, system capacity really tilted the selection to urban rail, as one of our three major recommendations that formulate our locally preferred alternative. We have two other areas that were more geographically focused. The first one was with respect to getting under the red line at the hancock center area. We looked at two options. We looked at what we call the east tunnel option which comes up red refer, turns east on 41st, goes up to the southbound frontage road at i-35 and essentially along the eastern edge of hancock center enters into a low grade tunnel going under the red line. It turns on to airport boulevard heading north toward highland. We also had a west tunnel alternative

that would stay on red river, have an at grade station at just north of 41st. Would go into a portal underneath red river, would come up as it got under the red line. The reason for this is we have serious concerns about crossing an active freight line. It is metro rail and freight line under far federal railroad administration guidance. So we wanted to be

- the grades separated in that area. What we found in these is that we have a couple of options with

- let me back this up

- with respect to a couple of factors. Keep in mind that we are also looking at this being a major transfer point between the red line operation and the urban rail, so with the east tunnel option, we have the opportunity for a connected platform, where that transfer would occur. If we have the west tunnel, we actually don't have that transfer until we get to the airport boulevard station. So a couple of factors, again, to let the color draw your eye come some of the factors. The east tunnel was \$4 million more costly than the west tunnel. It did have right-of-way acquisition requirements on the eastern edge of the hancock center property. We have met with the property owners. They understand this is an opportunity for us as well as for them. On the west tunnel, though, because we don't have connectivity with the red line at hancock, we lose the connectivity with the red line, which was a negative aspect. We also lose the ability to easily expand the system to

- to the mueller area as an option. So those are the factors we considered. We actually recommended the east tunnel because of the ability to continue that connectivity with the red line, provide the transfer opportunity from those commuters, and, also, our ability to expand into other corridors. So it didn't feel quite as strongly as the mode selection. We didn't have what we would consider a fatal flaw perhaps, but it does give us the greater benefit of the economic development that could occur as a result of this

- of essentially energizing the than to go center area with this location. The third area of our focus was crossing lady bird lake, and I know there has been a lot of interest and a lot of discussion about this. This is the profile we have kind of given you before. We looked at three options. One is a bridge option which would cross lady bird lake on a signature structure that we would estimate. We also had what we called a short tunnel, which is the blue dotted lines, it would get under lady bird lake and cesar chavez and come back to a grade at a station on fourth street and then we had what is called a long tunnel option and the long tunnel stayed at lady bird lake, stayed all the way underground, all the way up to 17th street. That option would have three underground subway type stations. They are very expensive. What you can see here is we considered the cost on those three options, all the way from riverside up to 17th. You see that the bridge had a cost of about 175 million. Short

tunnel was 40 million more, at 215. The long opportunity net was almost \$300 million more. The issue for us on this is, do I

-- am I getting more bang for the buck, as we looked at this, so the concern that we had was we are still stopping at the same number of stations, and we need to have those stations because that's where the employment is. That's where the ridership is, but operationally, we put the same type of stops below ground and all we were taking on is 300 million more dollars and not getting any additional increase in ridership. So when we look at this from a technical perspective, looking again at our weighting process, there are a number of factors that drew our eye. The bridge certainly has

-- because it would be at grade, would have some right-of-way acquisition needs. It would have some traffic lanes. It would be reduced along trinity in that area, although it is an underutilized street, so we believe that's still

-- we acknowledge that as an issue. The short tunnel, we started to get into some of the capital cost increases but we inched up with ridership essentially being no change. So the ridership and travel time, you see at the top two rows, those are essentially the same and the cost factor became more of a concern for us. But I wanted you to see at the bottom again, as I said, some of these red factors become black they became so red because all of a sudden we started to be concerned about how can we compete for fta dollars if we are adding more money to the equation and not generating more ridership? Our challenge is to be successful in order to bring the federal dollars home and if we are not able to compete successfully, then that's a nonstarter for us. The long tunnel represented the bigger challenge, as I mentioned, because there is \$300 million extra without any significant change in ridership, so we believe the technically

-- the technical recommendation for this solution of crossing lady bird lake would be with a bridge solution. In summary, as we sew those three areas of focus with the remainder of our project, we come up with what our draft recommendation is. Our recommendation is for a total 9 and a half mile urban rail route, double track and electrified, all the way from grove, on the southeast, all the way up to highland on the north. That includes a bridge across lady bird lake and it includes the east tunnel option under the red line at hancock center. There is 16 stations with four park and ride associated with those stations. The four park and ride would be at highland and hancock on the north and it would also be at grove and pleasant valley on the south. We are estimating 16-20,000 daily riders by 2030. 10,000 new transit riders in that number represent new riders to the system, so that represents a significant increase in ridership. We've identified travel times. Those travel times would be irrespective of peak time or off peak time. Those would be consistent. They would be reliable options, reliable travel times. They would go from grove to the convention center,

every 11 minutes. Take every 11 minutes and from the highland to convention center would take 17 minutes. Two important numbers we will talk about more in the coming slides, the total capital cost, that is fully loaded capital cost will come to 1.3 \$8 billion and \$2,020 so we estimated those dollars in year of expenditure. The annual o & m costs looking at full year of operation in 2022 would come to 22 million per year. I have a little more detail on each one of those in just a moment. As we open with the project connect vision map, I want to make sure that this is an opportunity where now we have done a corridor study, we need to come back to the vision map and we need to adjust that vision map to reflect the recommendation or the action that you would possibly take moving forward. And so there are adjustments

-- this is a normal system planning effort. It is a feedback loop mechanism. We take that information. We inform this effort and we would update that project connect vision following the lpa selection, so that is

-- we are actually looking at connections, how does this recommendation inform other corridors and we are coming back to you, I know, by august with a recommendation for some scope and fee estimates for how to continue that system-planning efforts. Now, I want to break down a little bit of capital costs for you so that you have a better understanding of what categories go into that fully loaded cost. You will see at the bottom 1.3 8 billion. There are five major categories here. The construction represents about half of that. So 730 million vehicles, we have nine vehicles we are assuming for our fleet, although we are examining a field for additional vehicles. On order of magnitude it isn't that significant when you look at the total number but we want to make sure given the planning estimate that I talked about that other cities have seen, we want to make sure we are in position to have the right amount of vehicles in praise to be able to respond so some of our major event needs that are frequent, of course. We also have some right-of-way costs built in there and professional services. I do want to emphasize that this is a

-- we actually used the federal transit administration template, which is what

-- the structure in which they expect our cost estimates to be organized. So this isn't an independent estimate. The reason I emphasize that is you see a very significant number of 330 million in project contingencies. When we submit our project for rating by fta, they will require those contingencies given the level of engineering you are at. We are at a very early stage. They will expect to see substantial contingencies in that account and that represents about a 30% contingency which is typical of what they expect to see. We continue to apply those contingencies where we learn more about the design and the project as we advance it, but this is a conservative estimate and it's something I feel safe and comfortable given the level of detail that we have at this point. Now, again, the point of

[05:49:31]

comparison for you: What does this mean? How does this compare to other projects that have been going through this process on

-- on similar type projects? And we've got four other examples: Houston southeast corridor that's going to hobby airport. Houston north corridor up i45, portland mickey project and msp stands for minneapolis st. Paul. That's their central corridor project. You can see the points of comparison. I would draw any eyes to the \$2,020. We adjusted each of the projects of what would be comparable to ours in terms of year of expenditure, 2020 and you can see they are certainly on par with those projects as well in terms of their cost. But also the other factors is the far right column and that's the cost per mile. You can certainly see the portland milwaukee project had a much higher cost than we did but you have others that are more in line with the estimates that we have. I do want to emphasize that these are

-- given the level of detail we have, these are fully built up from the bottom type of estimates. We didn't just do a per mile cost estimate and plug that in. So we actually built this up at a pretty good detail. On the o & m costs, I do want to just highlight, we did take a look at this. Two different things. We certainly have some experience from capital metro with respect to their operations of the metro rail and other -- other transit services there, so we have used those unit costs as appropriate. But since we do not have an urban rail, light rail type of a project here, we have borrowed some of the operational information from those peer cities that I just showed you, but the idea is to incorporate all of the o & m costs for the project into this cost estimate. We totaled it up. We came up with a 2013 number of 15.5 but we actually escalated that to the first full year of operation in 2022, but I want you the see, if you look at 15.5 in 2013, I do, again, want to provide a comparative basis for you. How does this compare to the other cities that are experiencing every times. If you look at the annual o & m costs, you will see we are certainly in line with some of these. There is a wide range of operations, though. I keep that

-- keep that in mind. Houston, for example, offers 6-minute service pretty much throughout the entire day so their o & m costs are

-- are different than ours, and so there is a lot of additional detail hidden under these numbers. The important take away here is that we are closely in line with many of the peer cities in what we would do. We are not wildly above or below those projections. I do want to talk briefly about the ridership, we give you a big number of 16-20,000. The question is where are the riders generated. We have given you a little bit of a dot scale that gives you an idea of where the station ridership is most significant. A couple of take aways for you, pleasant valley is very strong, the hub

concept that we have conceptually dropped there would essentially represent 18% of all of the stationary activities, so it is a very strong hub that would be developed and implemented at pleasant valley. Highland is a stronger commuter station. We have auto trips from that who take advantage of the park and ride facility, but we also arch knowledge that we

-- we acknowledge that we believe that number is underrepresented. We have additional student population that is currently not in the model right now, that we believe once that is factored in, that that ridership would, in fact, see an increase. We do see a pretty strong balance between north and south ridership. I think that's a lot of benefit we see of matching the highland and east corridor together so it's not just one directional. We actually have very good directionality there. And one thing that's not represented in this graphic is the off peak ridership. 25 percent of our ridership is actually off peak. It is not just the peak hour ridership which is going from home to work. Some of that may be a factor associated with student populations that are moving throughout the entire day but it's not just students. It's other movements. It's midday movements in the core as well. The other last factor I have is hancock is a strong ridership area as well. That's due to the connection with the red line, and we do, in fact, provide a shorter time for folks that are destined for downtown by transferring to this service. On the economic development side, we have had some advancement, using a sustainability tool that allows the

-- has allowed the university of texas to take a look at the potential influence that this project may have on economic development in the area. They have taken a look, the university of texas, professor bob patterson has examined the project and the associated population employment factors. We did want to highlight to you that this is added population within a half mile of the station areas that we would anticipate resulting from this project. Now, I do want to caution us, going back to my fiscal impact assessment days, this is a new population, new employment to the area. This is a shift within our population control totals, so it does represent an attractiveness feature, so

-- but that's significant, that we would see an additional 14-17,000 employees as well as 20 plus in the employment area. But also professor patterson has taken a look at what does this mean in terms of building value and associated property as well as sales tax to be generated here. Now, one of the things we are looking at

-- we will come back to you with more refinements

-- is how does this information compare to the base, because this doesn't tell the whole story. This slide does not. But what we are looking at is a significant increase in taxes, the tax revenues, as well as building values that would be here. Now, one of the things that professor patterson has looked at is the return on the investment of the 1.3 8 billion, and he's kind of bracketed that with the 5-1 with a 7-1 return on

investment and that's essentially the building value that would be potentially generated here in response to the project. So very significant

-- we knew this

-- we view this such an important opportunity to review this better. We are still understanding it. I want you to understand it's in process. So a couple of

-- you will see a couple of factors. I have hit on most of those, about staying in connection with our regional control totals, but this does reinforce the imagine austin center's concept and, again, this is not only the core of downtown. This is also at hancock center. They are at highland and those are important centers identified in that effort, too. Our advisory group also asked us a related question that we wanted to present to you, and the question was, what is the economic impact of this project. How much of the money spent on this project would cycle through and remain in our community and what end to what level of impact. So we have taken a look at the local construction and professional services that might be associated with this project to the tune of about 880 million and using a factor, we were able to identify that

-- investment of that project has the potential to result in a range of 1.6 billion to 2.4 billion of economic impact over the life of those efforts. That's a 3-4 year life of design and construction. In that same period, you have a number of direct and indirect jobs. Those are directly employed to the project as well as to accountants and bakers and grocery store workers that would actually benefit from those jobs, too. The 27-33,000, that a actually is over the same 3-4 year period, so that might be as many as 8,000 jobs per year that would be associated with this effort. Not all of the money would stay here, and so we wanted to clarify that. Rail manufacturing, vehicle manufacturing, the actual rolling of the rail. That would be done elsewhere, so we did want to highlight that not everything stays in

-- in place. Also I want to mention that there are other models

-- this was a conservative model. The american public transit

-- transportation association, using their model would say that we get a \$3.6 billion in terms of economic output. So, again, it gives you a little bit more information that a dollar invested in this project certainly has the opportunity to trickle through the community to several times over. One of the things that we focused on is our ability to be successful in the federal transit administration new starts arena and we can compete for federal dollars successfully. And with the local alternative, we took that and compared it against the criteria that the fta has established with this program. You see the important thing I have highlighted here is there are two major areas in this rail. Half of the project on what is called project justification and half of the project finance local commitment. We looked at six factors under project justification. We feel that we can be very competitive given

-- given the definition of the project, given the cost and the ridership, all of those factors, we believe we can be very
-- very strongly competitive in. So what that tells us is, we can be very good on the project justification side, but that's only half of the rating process. We have to be able to succeed on both sides of this. So then we started looking at the financial competitiveness factors. Current condition for the city as well as for capital metro is very strong. The capacity, to be able to pay our bills, pay our obligations, to be able to move forward, that is very strong but the one factor that has incomplete at this point in time is the commitment of funds. This is not an unusual situation for a community to be in. You find yourself a project and the question is, how do we cobble the funds together. So we understand where we are right now, that we will not be able to identify that until a successful bond vote would potentially be enacted. So I did want to highlight these highlights to you, that the project team believes we have a strong project. We can compete very successfully on the project justification side. We won't be able to compete successfully until we have a commitment of funds to secure that. We have about 3 years to be able to pull this together before we will be required to submit our project to fta. And I will note, it is not an unusual situation for us to be in, that fta
-- the last thing that is usually checked on these evaluations is the commitment of local dollars, so we are not in an unusual situation compared to other cities that have gone down the same path.

[06:01:10]

>> Mayor Leffingwell: Before you go on, how much more do you have left in your presentation?
>> I have about 6 or 8 slides, I think.
>> Mayor Leffingwell: Well, I have a feeling you are probably going to have to come back anyway.
>> Sure.
>> Mayor Leffingwell: So we have to go to citizens communication. We will see you after that and after executive session.
>> I will make myself available.
>> Mayor Leffingwell: Thank you.
>> Thank you.
>> Mayor Leffingwell: So we will go to our citizens communication. The first speaker is rae nadler-olenick.
>> Good morning. A catch phrase often heard when speaking of the unknown toxic that is delivered to citizens through fluoridated water systems like austin is you can

control the dose and you can control the dosage. You can't control the dose either. In the 1950s, public health service provided optimal level of fluoridation which had 0.7 and 1.25 parts per million and then 2011 they decided they had been wrong the half past century and redefined optimal as flat 7.0 parts per million, about half the previous permissible level. Around that time same, Jane Braser of the Austin Water Utility claimed 0.7 parts per million is what Austin was shooting for all along. So how well did we do? Austin's 2005 annual drinking water report, the earliest one I have, shows the average parts per million for that year was 1.0. Quite an overshoot if your target is .7. By contrast, the most recent report, 2013, shows an average of only 0.53 parts per million, very welcome undershoot. And the years in between are all over the board. There are also some very revealing reports geared to industrial users since fluoride also damages technology. Four years 2010-2013 are online. Unlike the annual report mailed to residential customers, these quarterlies directly compare the water from Austin's two treatment plants, Davis and the other at the tap. One quickly see that is the two plants output stiffer more often than not and about a third of those differences are sizable. But that's not surprising in view of what we've discovered from the City of Austin's online checkbook. Here are 7 pages of work orders for one recent year, 2009 to '10 that revealed constant repairs to broken pumps, gauges, and hoses. Such as fluoride pump head leaking. Flow meter problem to rapid mix. Feed pump fl2 leaking. Fluoride containment area pumped out. Sounds kind of ominous. And some

-- graphic, please

-- it's clear that the Austin Water Utility is incapable of controlling the dose of pseudomedication they

-- pseudomedication they dish out to infants and football players alike with anything approaching the precision they claim to. I suggest everyone go to this website which is shown in red and check out the water reports for themselves. Thank you.

[06:05:26]

[Buzzer alarming]. [Applause].

>> Cole: Mr. Doug White. Mr. Doug White.

>> (Indiscernible).

>> Cole: Okay. I think Linda Greene is next. Doug White is not here?

>> (Indiscernible).

>> Cole: Oh, Gus Pena.

>> Thank you. [Indiscernible - no mic]. Mayor pro tem and council members

-- Mayor pro tem and council members, Gus Pena, proud native East Austin, a proud United States Marine Corps veteran. Council members and

-- or veterans, lord we lift up all of the veterans and loved ones left behind who answered the call to duty to land and sea and the air. Because of kindness they have made, we live for the sacrifices the veterans have made and we thank them for living in the land where land and love of you take precedence over the country and we thank you for the liberty we enjoy because of the courageous for the veterans pay for their lives. Bless us and bless our land that we may always be the land of the free and home of the brave. In jesus name, amen. Mayor and council members, in is a tribute to veterans who sacrificed their lives on memorial day. Y'all have the day off. Some of us won't, we have to struggle. The first to die in vietnam, rodney and then the second to kill in vietnam is my friend. I probably would have died if I had gone, I went to army, he went to the united states marine. Remember the sacrifices, the personnel made to make sure we live in freedom and do what we have to do. Mayor pro tem and council members, I would like to say this. We tend to forget what memorial day is all about. It is this coming monday, please cherish and pray for the families who lost loved ones in our conflicts and wars, iraq and abstain, especially the 17

-- and afghanistan, especially my fellow student friends from high school who died in vietnam. It still hurts me. Anyway, I want to say this. I want to thank commander steve

-- steve deaton of apd for the work he has done for the community and the veterans and also the children. Thank you, commander deaton, I appreciate y'all very much. Euc want you to know and will leave it at that that a society's worth is measured by the treatment of the less fortunate. We just had a loft presentations over here, but -- a lot of presentations over here, but I wish there was more respect in this country, more respect in this country, especially from people in the dais. Item 5 and 6 is over the other item that was heard, so respect the people in the order that the agenda calls for. This is a list of all of the johnstonites who died in vietnam. Happy memorial day. God bless you and please remember our veterans who sacrificed for our freedom, safety and democracy. Have a good day.

[06:08:43]

>> Mayor Leffingwell: Thank you, mr. Pena. Next is doug white. [Clapping].

>> Hi, I am doug white. I was here last thursday until 1:30 a.M. And still have one more perspective on the onion creek buy-out that you may not have heard. I live in the uriby bend subdivision since 1939, 40 years which was designated by fema in 1977 not to be in the flood plain. Before 2013, parts of our neighborhood had been flooded three previous times, each being worse with even people dying. During the 1991 memorial day flood, shoal creek and onion creek flooded, many businesses and

homes. The city found a way to help shoal creek but not onion creek. It was until 1993 that my house was redesignated in the hundred year need plain and my mandate was to maintain flood insurance. October recently u was the first time my house flooded and I paid my taxes in good faith to make sure that it will be insured and now I found out my tax value was now one-third of what it was in 1997. We are trying to make

-- they are now making (indiscernible) to a picnic table stands now. This leads us to believe you are devaluing our homes on purpose to steal property for your park. Now you tell me, my to date, \$40,000 flood insurance premiums I paid must be paid to you in the buyout. Evaluating home and taking away my ability to protect my home is not fair or just. We know the city of austin is smart enough to make this fair. If not, we are prepared to do what it takes to make this buyout here. Here I am 7 months later. I took my insurance money and repaired my house for these reasons. One, it's my only true investment. Two, my wife has stage four cancer and cannot live in a house in need of repair. Three, I am raising a granddaughter that graduates this month and will be going off to college. Four, I would have had to use it for rent on another temporary resident without any investment advantages. Without a fair and just buyout, I will be left homeless through the fault of the city and fema to allow us to move in this place, you know, in the first place. Thank you very much. Appreciate your time.

[06:11:33]

>> Cole: Thank you, mr. White. Next we have linda greene.

>> This is not new news but it is important news from our u.S. Government.

>> Most of us grew up with the idea that more fluoride meant better teeth around health officials believe that putting fluoride in water is one of the top ten health accomplishments the last century. The new studies now say that too much fluoride is damaging teeth to more than one in three teens. So for the first time in nearly 15 years, the federal government is reversing course and recommending less fluoride in water. Here is ron claiborne.

>> Ever since the 1940s, fluoride had been added to water to help fight tooth decay and helping fight cavities up to 50% but even then there were critics that complained about injecting a chemical into drinking water. A new a tarrized in a 1960s movie called dr. Strange love.

>> Do you realize that fluorization is the most monstrously conceived and dangerous collaborative we had to face.

>> The government calls for reducing the amount of fluoride in water to protect children from a tooth disease called fluorosis, which stains and even erodes teeth. It

affects as many as a third of american child.

>> We are suggesting now, to promote public health, improve oral health and (indiscernible).

>> For years fluoride has been added to toothpaste and is in other products we eat and drink. The government says americans are now ingesting too much fluoride. The new recommendation, no more than .7-milligrams of fluoride for every liter of drinking water, down .2-grams of liter, people from chicago and minneapolis and others whose places have higher amounts of fluoride would have to reduce them to meet them. A doctor says he teaches severe cases of fluorosis in children.

[06:13:46]

>> The teeth become brittle and it can be very costly.

>> They say it can cost more damage than brittle teeth. Even the national research council whose report was cited by the epa linked to bone damage and increased risk of fractures. The government says there is no evidence that fluoride causes serious illness. The only concern for now is the potentially serious damage to children's density. Teeth.

>> And the presiden the american academy of pete yak trick dentistry, they need to look at the fluoride, his suggest to make it a pea sized amount of toothpaste rather than having a big glob of toothpaste with a glob on it.

>> All right. Thanks.

>> Thanks.

>> Just to remind you, fluoride does accumulate. Half of the fluoride we ingest accumulates and for you to vote to add fluoride again to our water for another four years for a half a million dollars a year is outrageous. The health and human services has stated 41% of our teens have dental fluorosis. It accumulates, we have many sources of fluoride. 50 percent of the fluoride that the city puts in our bodies stays in our bodies forever. Think about that. [Buzzer alarming]

>> thank you.

>> Angela carvallo. P.

>> Hello, mayor and council, women and men, thank you. I am here to introduce to you a new break through in fire and light safety technology. Light saver technology that is has a linear strobe and a companion to the smoke alarm and clearly marks the path of egress with smoke and fire with fire being one of our top growing city and I felt it important to bring to austin. This is where it first was created and developed and also works with battery operated and integrated operated system so it can be put in the new buildings and facilities and it can also go into historical buildings or dormitories that

-- that the device that's shown right now is all battery operated and goes into people's homes. The light saver products are all ul1971 certified, signaling device for the her hearing impaired and also for the visually impaired, ul217 certified as single and multistation smoke alarm and also nfpa72, nfpa101 and ada compliant. It clearly marks the path of egress and I am hoping that this video will

-- oops

-- show. There it goes.

[06:16:40]

>> Are you able to click that for me so it will play? While he is playing that the device is activated by the t3 pattern so the carbon dikes aid alarms, smoke alarms, firefighters mass the device when going through in and out of the building. The firefighters and our insurance agencies and everybody has been just crazy about this device. They are the ones that go in and show up at a facility. It can be a home. It can be a buildings. A sometimes they never have been in there and they risking their life to enter and it will clearly help them go in and out of the building multiple times. Go ahead.

[♪♪ Music playing ♪♪♪♪]. So in case there is fire in the darkness, it shows it as light and this demonstrates the device in the dark. We have had it in facilities where we worked on buildings that are 12,000-degrees and the device works and operates with the frames [high pitched sound] and it will stay eliminated and we are doing awareness companion and trying to get it sold and placed in the buildings but awareness companion with the emergency personnel and the firefighters because when they enter a building, they turn off the power, this device will be lit and activated to mark the exits, windows and stairwells and you can take it up to 36 feet and mark the stairwells to get people safely down to a flight of stairs for an emergency exit. I am also going to leave y'all with information that you can pass on to others. It will take you to the website and then show the demonstration [indiscernible - no mic]. You can all see that. Thank you.

>> Mayor pro tem.

>> Cole: Council member martinez. [Buzzer alarming].

>> Martinez: Have you talked to any staff about this particular device from the city?

>> I have attempted to but have not been able to get into the fire marshal's office which has been very strange, because essentially specific items new york and dallas and ohio and florida, and they have been crazy to get this in a facility and to see it and give recommendations of where to place but where to educate them in the city.

[06:18:57]

>> Martinez: Is your company a local company or are you based in austin?

>> I am in austin but the product the made and manufactured in sanicle meante california.

>> Martinez: I have a staff member coming up and I want to see if they can discuss this with you and introduce you some of the stuff.

>> That would be wonderful. I have the products and see it work and all of that.

>> Martinez: Thank you.

>> Appreciate it. Thank you very much.

>> Mayor Leffingwell: Volma overton. The solutions to the traffic problems. You have 3 minutes.

>> I think I do have the solutions, actually. Number one, we have to outlaw texting. Texting is obviously dangerous. It is obviously distracting. It slows people down. We have to get that done. Trying to open up the 130 for free, peak times in the morning, peak times in the evening, to try it for six months to see how much that will alleviate traffic on i-35. But stops. Can we please put those on the far side of an intersection. Right now it happens all the time where you pull up behind the bus. You went to make a right turn but you can't because the bus is at a stop loading and unloading people. Let's just put that 50 feet ahead through then at the intersection, therefore at a green light, people can turn right and won't have to wait for people to unload and load without any delay in traffic. The 6th street exit on i-35 north bound. It is very short to get on. It's very short to get off. And it's a very short amount of time to merge. The world's most popular street does not need its own exit. It always causes congestion there, people trying to get off on a short amount of time. We should just close that exit down altogether. South first street. From ben white to the river. Two lanes northbound, two lanes southbound. In the morning during rush hour, let's change that to three lanes northbound because those three lanes will be received at the river with three other lanes that are already there. Southbound, you have one lane going south, no left turns from peak times, 8 to 10:00, 7 to 9:00. Kind of a similar situation on 2222, from burnet to lamar, no left turns, because during -- during peak times. If there is a person turning left and a bus loading and unloading, all traffic stops. If you make that zone, all left turns, everybody everybody in the neighborhood will get to know it. Traffic continues to flow. Can we make a call to big businesses in austin and say, hey, let's stagger arrival times. Do we all need to arrive at 9:00 and leave at 5:00? Let's try 8:00 to 4:00, try 10:00 to 7:00, that will obviously reduce the concentration of people trying to get somewhere during those prime times. On i-35, from woodward to cesar chavez, let's create an additional lane for people to get on and get off of the freeway that do not interfere with the current three lanes that are there. There is room, just like there is a lane like that on mopac,

from 360 to bee caves, just a travel lane. On i-35 before the decks

--

[06:22:35]

[buzzer alarming] -- before the decks, paint on the roads i-35, so when people get to the decks, they don't panic and try to figure out which way the direction is going.

>> Mayor Leffingwell: Okay. Thank you. Next speaker is paul robbins, city and budget issues.

>> Good evening. I am paul robbins. I am going to go back to last -- last thursday evening, when I posed the grip in the gas rate increase. I am going to reinforce or clarify that I did not oppose the amount. What I opposed is who would pay for it. Council, you have gone to full cost recovery of hook ups for water, wastewater and are strongly considering it for electricity. Why not gas? It was pointed out at your hearing a week ago that austin has relatively low overall gas rates or bills compared to other utilities in texas. But that is not what I protested. I don't want to continue to pay for wealth flight. I don't want to continue to pay for new growth. We have a year or so before the next grip inland rate increase, and this is plenty of time to determine what the full cost recovery for our gas utility hook-ups is, and I am hoping you could kick it off now so that we are fully prepared. Good evening.

[06:24:37]

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Mr. Robins, I just wanted to thank you for presenting that idea. I think it is very consistent with other efforts we have made with regard to water and wastewater and as you pointed out, with line extensions which I hope will be on the austin energy special committee next week for action, so thank you, this is definitely an idea I intend to explore, so thank you for raising it.

>> Thank you.

>> Mayor Leffingwell: City council will now go into closed session to take up two items per sunt to section 551.071, the government code, the council will consult with legal council regarding the following, item 63, issues related to a 2014 bond exposure and item 67 with an austin involved shooting noting that 61, 64 and 65 have been withdrawn and will not be discussed. We will go into executive session now. City council going to executive session for number 63 relating november 2014 bond election, item 65 with an officer-involved shooting, noting that 61, 63, and 64

have been withdrawn and will not be discussed. We will go into executive session now.

[09:18:32]

>> Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed legal issues related to item 63 and 65. We'll start with our consent zoning, but before we do, we want to announce that the t.I.F. Items are withdrawn and item 22, that's due to a posting error, and item 22 is also withdrawn.

>> Spelman: I have a paper on file recusing myself on item 7. I'm given to understand we don't need to reconsider the item, I just need to make that announcement.

>> Mayor Leffingwell: Show councilmember spelman recused on item number 7, please.

>> Good afternoon, mayor and council, greg guernsey, planning development and review. I'll go through our 2:00 items. I can offer for consent item number npa-2014-0007.01. 1005 prairie trail. That will be a discussion item. Item number 67, c 14-2014, 0026, also a discussion item. Item number 68, case c 14-2014-0003, 13007 waller street. I have an applicant request for postponement to june 26. This is their first request. Item number 69, c 14-2014-0025, at 2117 and 2119 northland drive, this is a staff requested postponement for june 12. Item 70, c 14-2014-0029, this is a staff requested POSTPONEMENT TO JUNE 12th. Item 71, c 14-2014-0035, for the property located at 4300 avenue g, this is to change the zoning to family residence, neighborhood conservation, neighborhood plan, to change conditions of zoning. The planning commission's recommendation was unanimously recommend the zoning. This is ready for concept approval on all three readings. Item 72, c 814-2007-0009.01 for the property at 8500 state highway 71 west, to zone to planned unit development, to change conditions of zoning. The planning commission recommendation was to grant the rezoning and this is ready for consent approval on first reading only.

[09:22:00]

>> Mayor Leffingwell: So the consent agenda is to postpone item 68 until june 26. Item 69 is postponed till june 12. Item 70 postponed until june 12. To close the public hearing and approve on all three readings items number

-- item number 71, and to close the public hearing and approve on first reading only item 72. Councilmember spelman moves approval. Councilmember cole seconds.

Discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. We'll go back to our briefing. Change of plan. The time sensitive nature of number 5 and 6 has been resolved.

>> Good afternoon, mayor and councilmembers. We are about three-fourths through our briefing on project connect and the central corridor. I just have a few more slides. If you recall, just we were

-- we had just completed the definition of the project. We had identified essentially a capital cost of \$1.38 billion for the entire project from grove up to high land, annual operating and maintenance cost of \$22 million per year. We ready to move on to the funding approach and the governance discussion as well. The funding approach is graphically depicted in this slide here with two pots divided among

-- by the dashed line by city of austin resources that may be able to bible to help fund those two elements and capital metro funds. You will see the green arrows on the left indicate a potential general obligation bond that would fund the local match, matching that with the fta new starts dollar to fund the capital. And you do see some sources from the city of austin. The quarter cent funds that received from capital metro right now that will conclude shortly. A potential public improvement district is an option that we can investigate in the coming years moving forward as well as some parking revenue. A lot of that on that side also is combined with capital metro resources. Some fair revenue of course that would be generated, sales tax that is available, and also some section \$5,307 that would free up dollars. That's fta federal transit administration funding. The capital funding approach is rather straightforward. It is essentially a 50% local match of the project with 50% being provided by the federal transit administration. The city of austin as we indicate in the prior slide is looking to be the lead local funding partner for that capital expenditure. And what we have identified in conversations before is the potential that local funds would come from a general obligation bond as you see noted here. In o&m side of the equation which is looking at capital metro as being the lead funding partner for that, but it is a partnership, again, formed by the city as well as capital metro that would include some long-term obligation and some

-- essentially reinforcing that partnership moving forward. Capital metro is doing its 20-year financial plan projections right now. They are incorporating the cost of this project into their long-term thinking and they are very willing to be able to move forward at this point in time, but I want to make sure you understand that is part of their conversation right now. The governance approach is one that we wanted to highlight as being the continuation of an interlocal agreement that was established around interlocal

-- around project connect last year. And we are

-- we looked at a number of different options with our governance swat team. We

have indicated this is a preferable approach to basically advance the partnership between the two agencies, establishing a policy level group, policy level board. This would be an advisory board that would have members appointed by each of the organizations, but as noted here it acts in an advisory role to the actual governing bodies and many of those responsibilities would come back to you as the council or the capital metro board. But this would be a policy board that would move forward. We're also looking at below the policy level board continuation of the joint executive team, the jet as we call it. The representation from capital metro, linda watson is the c.E.O. Also the city of austin would have the city manager, his designee, robert good, in this particular case would continue to move forward in this regard. As of right now linda watson is serve as the point person, the managing partner of the jet. As we move into construction, a lot of that responsibility would come through the set and in fact robert good in this case would be serving as that managing partner. And then as we move into operations, that responsibility would come back to linda. The point is it's a little bit of a transitionary responsibility. Below the policy level and executive level, you would have a project level responsibility, someone similar to my role as the urban rail project director, and below that would be the task leads that would have the technical capacity and experience to advance a project of this nature. The next steps that we have, one of the key things that this body enacted was

- created a housing transit jobs action team. And this is
- I've complimented this body before on this. This is a significant effort that shows an understanding and awareness. Criteria that the federal transit administration has in order to have to be addressed in being successful for this project. You'll see that there's been a lot of activity at this point in time. Representation of the various departments as well as the capital metro that are members of this action team. We are planning to come back to you with a progress REPORT ON JUNE 2nd, AND SO We will have that. That will be in the comprehensive planning and transportation committee of this council. But we are in fact identifying ways in which we can advance all of those elements in housing, in transit, in the jobs elements that allow us to be more competitive. Policies and programs that will allow us to be rated more favorably moving forward. And then we have what we call the road
- this is a schedule of activities. There's a couple of key dates. We have this briefing in front of you today. We have a
- the advisory group voting will meet again on june 13th at which point in time they will consider the project team recommendation for their own action. We have scheduled a joint council and capital metro board meeting june 17th at which time they would consider, with no action at that meeting, but they would consider the recommendations of the advisory group as well as the project team. And then we would move forward at the last week of june for potential action by the capital

metro board and then ultimately on June 26th by the city council. We have highlighted a date of August 7th as well that is a potential date for the council to possibly call a bond election and the language of that at that point in time. Mr. Mayor, that concludes my presentation. I know there's a number of questions. I would be happy to entertain those.

[09:30:14]

>> Mayor Leffingwell: Let's see. Any questions? I know several of us have received this very thorough briefing before, at least four of us. Any questions? From anyone else?

>> Riley: We noticed we didn't see the word T.I.F. On the slide there, tax increment financing so I know we've already scheduled some meetings to discuss that further and so I know that will be a subject of some continued conversation and I appreciate your availability to talk about that further. [One moment, please, for change in captioners] addressing questions related to other corridors and potential funding issues, as well. Is that right?

>> Yes, sir. We are, in fact, advancing that effort. The request was to come up with a scope of effort and fee estimate to do that, to advance that system planning effort. We are on target to be able to do that. We started those efforts already. We have also started to advance that question of connections in our planning, as we looked at the local alternative, we looked where connections will be made. We will come back the 1st of August to respond to that question.

[09:32:42]

>> I appreciate that was taken into consideration on the recognition in this phase, particularly the alignment to Hancock Center, I notice that you did acknowledge that that eastern alignment does provide a better opportunity for connections to other corridors and so I want to thank you for all your work on this and for the presentation today. >> Mayor Leffingwell: Councilor Spelman. >> Spelman: I have two big questions for now. The question on slide nine, you started all the meetings. Every time we've had a chance to talk, you talked about all the public meetings you've gone to and I've been happy to be able to do all that, but we haven't heard much about the substance of those conversations. On the whole direction we're going in, east, not west of downtown, and partly the general direction on a light rail system versus BRT, all the critical elements that make up the Ipa. What have people been saying?

>> Well, to be fair, it is a characterization that I'll offer. The idea is, I would say that our phase one efforts were highly engaged, series of activities. Phase one, if you will

recall is where we were looking at the 10 various sub corridors and our job was to recommend what was the most promising sub corridor for federal funding. We had a very highly-engaged public that had a lot of interest in a lot of those different corridors. And, so, as we advanced past that point, the level of activity has died down a little bit, but we have still had a lot of question about some of the corridors. What I think that represents is an interest in developing the system. And, it's not unlike what I found in other cities where we've looked for it is that building that first project really generates a lot of interest in extending the project to meet the needs of the larger system, so we definitely know we have a history of interested parties that are out there, that want to see us move to the miller area, to the south congress areas. Lamar area, and that is part of one of our recommendations is to advance that system of planning as council member riley was talking about, the system planning efforts that will be coming back to you. That is the important part of moving a project forward is understanding where the project will go from there. And, one thing that has been probably the dominant theme that we have heard in our conversations about this project is how soon do you get to my area? So it is that system concept. I would say that's the general characterization I would offer is we have a much more positive response when we start talking about systems and our challenge, of course, is getting there as quickly as we can.

[09:35:53]

>> If I were not going to be immediately served by the first line we're talking about, by the Ipa specifically, I can imagine two ways of gearing the conversation. One way is to shay, you shouldn't build than, you should move mine instead. We know there are people saying that. Alternatively, you can say, okay build that, that's a start, but I want you to get to my area as quickly as possible. Which of those two dominates, or can you say?

>> I think it is a combination, actually. I don't know there is a dominant one out there. I think the question really is, I think there is still an undercurrent of activity of don't build that, build this instead. I think that comes back to our responsibility of identifying what is the most promising quarter for funding at this point in time. An example from houston, marvelous quarter, tremendous growth, tremendous density, still doesn't have what we would call a hay capacity transit corridor. It has bus service and everything else, but there are other corridors actually being built to be able to be advanced. So I use that as just an example, if we were to say, as a community, don't do that do this, this is the obvious answer, we're still not building the system. We're building on other investments made. The red line, metro investment. One of our challenges to make sure we respond to that system. We're

not putting all of our eggs in one basket time and time again.

>> I think one of the best thing us produced and I know you produced this a long time ago is one of those early slides where we had a picture of the entire vision on it. I think that's the sort of thing which captures people's attention and captures their imagination. I can see even if I'm not served immediately there is still a long range plan to be serving me at some point and so long I'm going to trust the city is going to fall back on this plan, so long as it gets started, I can imagine a lot of people that say I'm not going to get served second or third, the we can get to mind quicker that seems consistent with what most of the people are saying.

[09:38:04]

>> That is a strong message we're getting. Once we present that information to them, there is a much stronger response than just this initial project, yes, sir.

>> Second issue, same them. I have a been talking to a fair number of groups which are interested in high-capacity transit, that is one of the reasons you're talking to. They will, but you're also talking to groups which although they have an interest in high capacity transit or interest in dealing with the transportation problem are not sold on the idea of high capacity transit. How many groups are yes, no, hell no.

>> There are a number of skeptics that want to see it until they can experience it.

>> Some won't change their minds.

>> That's right.

>> You know the list.

>> Exactly. One of the things we've looked at is, depending where you work, where you play, where you live, you may or may not use that investment, but that investment actually provides an economic

-- well, it actually provides an opportunity to fuel the economic engine that we have here in the downtown. And, so, that actually helps benefit a lot of the economic vitality that we have, so

-- but, I would also add that one of the things we've tried to do, too, is discuss with some of those that may not use it on a daily basis, when would you use a system like this? Would you have an opportunity and a need to access downtown? If you could go to a park and ride facility and park and get to downtown very conveniently, would you use it? And, I would offer a personal experience that I've had in denver where a lot of folks will go down to the pepsi center or mile high arena and go to the broncos or nuggets, that's when they ride the facility. It is a convenience for them on those occasions. They may not use it for work but when we talked about going to downtown and all the many events that's when we're starting to see a positive response from the public.

[09:40:21]

>> If you want to go south you don't want to find a place to park, for example. You want to go to a football game and not worry about all those tailgaters getting in your way.

>> Absolutely. It would be a very effective option for you.

>> Sure. Holding on the theme of economic development, the other question I want to ask you, following up on bob patterson's extremely useful roi numbers. I understand the return on investment is not the return on investment we would normally think about it because it is moving money around rather than creating new investments, but my guest guess, correct me if I'm wrong, what he was talking about is moving money around the region, not just around the city of austin self. And, one of the big arguments in favor of a rapid transit system it provides force of bringing money in opposed to the automobile which sends money further away. I would bet that some, at least, of that \$31.6 million of want property tax revenue, annual sales tax revenue, some of that money is probably new money to the city of austin and not just moved from one part of the city to the next because it is coming from elsewhere in the region. Is that a reasonable article ever argument, do you think.

>> You would see that on the property tax side of the question as well as the sales tax side. Property tax in particular because of the value of the investments made in this area are probably going to be much stronger and higher than campus-style investments that might be made further out in the suburban areas. I do believe there is an increment. Our challenge we addressed to prophesiers patterson is to dig into that more with us to be able to demonstrate a stronger case for that question. He provided information on what is the base we're building on it. Was so new, we didn't but the put it in for today's presentation, but I feel we're getting a better sense of the order of magnitude of the new cost, new values we would measure the 31.6 million would be the total are property tax revenue in 2020, 2030, not counting, not subtracting out what the current value is.

[09:42:49]

>> That would be in addition to the base we're projecting so that would be on top 6. That is a significant number and that's why we're sharpening our pencil and focus on that so make sure we clearly understand.

>> He would be able to identify how much of that \$31.6 million of new property tax revenue would have been created by bringing that construction from outside the city of austin, but still inside the region, opposed from a different part of austin.

Coidentify that.

>> That's the challenge for us to identify and we're looking at that.

>> Do you have an answer for that?

>> I do not have an answer for that right now.

>> Did dr. Patterson suggest that was a question answering in a few weeks, a few months?

>> I don't have a timetable on that, but I felt, based on the conversations that we've had, that we are on track to be able to understand those numbers better.

>> It seems to me, as you just alluded to a minute ago, even people who believe they will never, ever get on a train will never personally benefit from rapid transit in any way, might be per situated by the economic

-- persuaded by the economic development argument. Tax mace go down if you have additional activity that wouldn't have been there otherwise than will defray the cost of the train so it doesn't cost as much as you think it does when you take into account the economic development.

>> I think so that's an accurate statement. I know you talked about lowering the service cost to the exterior areas and the tax burden in those areas so we have that potential by seeing additional growth and development occur in the downtown core.

>> Anything you can do, anything dr. Patterson can do to help us get a sharper number on that I think will help us out a lot in selling this to skeptics.

[09:44:56]

>> We will do that.

>> Thank you.

>> Just to confirm, we are working on those numbers to chose to people outside the downtown area, which we think are going to be significant. Council member tovo.

>>Tovo: We talked in an earlier presentation about the right of way and whether there would be a night to you a quire any right of way along any of those routes and I wanted to follow-up on that, where are we now in terms of potential need to acquire right of way and what would that look like and wear?

>> Okay.

>> We have, as you saw in the cost estimate, about a \$40 million estimate associated with right of way where we've anticipated some right of way acquisition, would be at our park and ride facilities so that would be highland, hancock, pleasant valley and grove. We also have the possible need of acquisition for property for our operations center. That is about an eight-acre site we would be looking at. We would use some right of way, of course, throughout the entire alignment. The city of austin has that

right of way we would be using, there are reductions in the trinity your but it would not require additional right of way for those areas. We anticipate there could be some corner clips of property, for example, up at 41st where we make turn that would give you an idea of the limited right of ways we would acquire. The eastern edge of hancock center where we enter into that tunnel, that is an area where we would have acquisition, as well.

>> How large of an acquisition is one of the questions asked, whether there would be a loss of houses, buildings, along some of those areas, what you're talking about sounds minor. Corner clip, would you say that the acquisition in that area will be fairly minor?

[09:47:07]

>> I would offer, on the scale of thinking, any time it affects your property, it is not minor.

>> Sure.

>> The scale of what we're looking at, this is minor I will offer this, we haven't gotten to the level of detail to know precisely where the acquisitions would occur.

Depending on, let's say a corner clip, whether or not we impact the structure would determine whether or not we would have to displace that property with this being a federal project, we are required to adhere to the uniform policy, uniform act that we would have to pay fair market value for that property and displace any businesses or relocate those businesses in they're displaced. So we have, in fact, accounted for what we know at this level of design for those limited areas of acquisition and displacement, but we don't anticipate much at this point in time. That could change between now and when the development occurred. There is a strategy we want to get out ahead of that effort.

>> What is a corner clip, exactly.

>> What kind of corner scale are you talking about? As you described it, you said it was minor but could impact a structure.

>> A corner clip is as you're making a right turn, think about GOING UP RED RIVER TO 41st, There is a groovy auto location in that place, and we cannot make a real sharp turn with our vehicles like an automobile can. We have to have a 25-meter radius. So depending upon where we

-- the requirements that could

-- it could impact a building, it could impact just parking, it could just and very small area. We haven't defined that for this level to know exactly the impact at that particular location. That will be something we get into with our preliminary engineering efforts next year and we can more accurately explain that and define it.

>> Thank you. Can you add detail about the eastern edge of hancock in.

[09:49:11]

>> The eastern edge of hancock, what we've done, the eastern edge abandwidths the southbound 35 frontage road so we've not gone into the i-35 right of way. That movement, as we move into the tunnel in that area, we essentially have approximately a 50 to 75-foot area where we would go below ground, so we would need that 50 to 75-foot of right of way from that center. And, so that's essentially something that we would have to acquire. That would be more significant, of course, than the corner clip that we previously described so that would have to be something we would identify and negotiate with that property owner.

>> Thanks for those additional details. I wonder if you could just speak kind of in broad terms about what you see as the benefits to residents in areas that are not immediately adjacent and may not use the rail. You could talk about, say, northwestern, you know, folks in our northwestern quadrant of the city or southwestern quadrant of the city. How do you factor their benefits into this consideration?

>> Well, I think along the lines of the system conversation we just had, it's being able to depict where we're going, how we're going to grow this system. Someone that I was in a conversation with earlier this week was talking about, so you're talking about, like, building the first 10 miles of an i-35-type project. That's kind of what it is. It is the very beginning of a longer project that you don't understand the value of it until you put all the meetses together. So, one of the things that we are doing is trying to improve that system slide that you're talking about and advancing the system planning efforts for this effort, but the benefits are that we do, in fact, -- there are benefits of this that we are starting to look at already. One of the things we are seeing is that the full project is identified right now, we're seeing 10,000 new riders to transit that are attracted to this system. Of those 10,000 that has an associated reduction in vehicles on the road, so about 8,000. So we're starting to see benefits in that regard. We're also seeing for special events in particular, south by southwest, here is another alternative for you to active that's event without having to fight for parking in the downtown area. So I believe that there are many benefits that can be made available. I think certainly, even with the initial project, I think we can certainly see benefits that will accrue, but with the bigger system element, we can see greater benefits in that regard across the city. It is a part of what I call a shared solution. This isn't the silver bullet, there is not going to be one solution that's out there. We need to use all those tools in our tool box and this is just a tool we haven't used yet very effectively, so we're looking forward to moving it forward.

[09:52:11]

>> Thanks for that answer. I think it is important to talk about, as you have been, but that question comes up, you know, I think it is important to talk about the short-term benefits for individuals who may be aren't immediately adjacent to it, as well there will be some with that kind of adoption, those benefits will accrue, presumably, community wide.

>> Right. I believe that is may last yes for now. Thank you. What is the best way to move forward if we have questions between now and when it come toes back to us amount question for the city manager. Shall we submit them through the regular q&a process. There is a little bit of a challenge with that recently. For example, I submitted a question based on a work question item that was not on our agenda, so we don't really have a mechanism for doing that at this point, but I assume since it is a future agenda item we can submit them to the q&a process and we will figure out how to post those.

>> You could submit them direct three kyle or through me to kyle, either way. I'll make sure he gets that.

>> I understand the option, one of the real benefits of the q&a option is they post on the website for the public to see, as well. I hope

-- this isn't really a question for you, but thank you. I will submit and make sure our questions get to you somehow and we can brainstorm@council and the city manager how best, when it is not directly related to an agenda, how we can make those questions available in the same more mat.

>> And I'm available, my project team is available. We're happy to meet why staff at any time and will schedule time accordingly.

>> Thank you very much.

>> Thank you, mayor. >>Mayor leffingwell: We have a couple was item that have no speakers. If we could take those first. Item number nine require as briefing from the law department. Okay. Let's go to item 46, has no speakers. Pulled by council member spelman. >>Spelman: Mayor, I would like to make a motion to postpone action on this item until our next meeting and I'm going to tell you why. There have been

-- people have been watching the newspaper and following health care in austin for the last 20 years have been sometimes alarmed, sometimes merely concerned, about the ability of women in particular to get access to reproductive health care in facilities. This went from very alarming in the beginning when seton first took of our back to palmer when they established the hospital within a hospital on the fifth floor to alarm again when utnb pulled out of the fifth floor to calmer now, I think, than it

has been much in the past because seton has gone through great lengths to, first improve women's access to reproductive health care, and second, to let everybody know what it is they're doing. What kind of options they're making available to staff, what their staff can do, perhaps not directly through the seton system but in a seton facility and so on. There are still people throughout concerned and something I would like to do is to continue discussions which, my staff and I started with greg hartman a couple of days ago see if we can find a way of making those discusses more public so more people who have complaints or concerns can have those airs and can see those in a public way. I don't think this needs to have

-- I'm given to understand a two-week delay will not have a negative if he can on seton's act to continue the building out and teaching hospital. I certainly would not want it to but I think this is a good opportunity for us to clear the air and to give people reassurance that that teaching hospital will actually be available with a wide range of reproductive health care in all represents. , So mayor, I would like to postpone this until the 12th of june.

[09:56:45]

>> Motion to postpone until june 12. Council member spelman. Seconded by council member morrison is mr. Hartman here? Apparently not, but I would offer this comment, it seems to me that offering this kind of thing at the last hour is kind of counter productive. We

-- a bunch of people, led by senator watson embarked on an effort over a year ago to bring a medical skin to austin, a critical component of that was a teaching hospital. There was in a central health was involved, we went through election there. All of the three items were intly critical to making the whole system work. So, if we pull out one of these legs of this three-legged stool now it all comes crumbling down, basically. It is not going to work. If we don't have a teaching hospital, it is not going to work. And the policy set by seton hospital are basically not going to change. So, I don't

-- I mean, you can have the discussion if you warrant to,

-- want to, but I think at the end of the day, if seton is not part of this three-legged stool, we potentially lose the whole thing. >>Spelman: Mayor. >>Mayor leffingwell:

Council member spelman. >>Spelman: It is certainly not my intention to pull one of the legs out of a three-legged stool. It is may intention to maintain the teaching hospital, I'm fully in support of that since seton has done a bad job of making all forms of health care available to patients but it is only appropriate to take a very short window of time to make sure serve aware what have seton is doing and in particular to put in place an instrument to ensure if there ever is a frailty in seton's

ability to provide, the public is aware of it and the public has the ability to fix it. That is what the teaching hospital ought to be about. All I'm trying to do is make sure the teaching hospital does exactly what it is supposed to do.

[09:59:11]

>> Council member, ever morrison.

>> Thank you. I'm happy to support this opportunity to have a discussion about how to have a better public discussion. I want to first say, some months ago, I know I had heard a lot of concerns about how exactly how women's reproductive health is handled. They heard some of those concerns and pulled some folks together. I understand there are ways that they are working through this to be able to pull everything, you know, to be able to work within their framework of seton and their own religious ties but those try and look for ways to find ways to provide all the services that women in our community need. And, so, I appreciate the work that they're doing, but I do think that this is a good idea because it could be very confusing, I think, for people so for us to be able to air it and have a vehicle for a public discussion could be very critical to ensuring that people know how to access care or if they have questions or if concerns come up, there is a way to do it so I see this as a way of building on the work that central health and seton have already done and offer an opportunity for us to raise the bar and improve it even more, so obviously, this

-- I mean, this is not pulling a leg out of the school. It is a two-week delay, and that is not going to be critical so it is a great opportunity so I appreciate council member spelman and his staff for bringing this idea forward. >>Mayor leffingwell: I won't be able to support the postponement. I guess I probably overspoke when I talked about pulling the third leg out of the stool. Obviously, it is so far down the road it would have to go ahead in any event, it would just be a greater hardship and I would, as a member of the austin city council, I would be somewhat skeptical or leery, I should say, of having been a part of not willing to pitch in as a team with the university of texas and the teaching hospital in central health to provide this great asset to our city. I think we would not be doing our part if that proves to be the case. So be, I'll not support the motion to postpone. Is there any other discussion? All those in favor, please say aye.

[10:01:43]

[Chorus of ayes]

>> opposed, say no. It passed on vote of 6-1 with yours truly voting no. Are we ready

for item 9?

>> Mayor, mayor pro tem, council members, my name is michelle neiland. An assistant in the city law department. I'm here to represent you settle a lawsuit against the city, ghi investments against the city, as we discussed in the executive SESSION ON MAY 1st, THIS IS A Taking lawsuit involving flooding on ghi's property in the east river side corridor planning area. The settlement agreement generally contains the following terms. The city will pay to ghi a total of \$105,000 in exchange for this payment ghi will dispolice its lawsuit against the city with prejudice and release the city from any claims that were or could have been asserted in the lawsuit and the parties will bear some costs. The law department recommends settlement opportunity to these terms and they don't I'll take any questions if you have any.

>> Questions or motions on this item. Council member spelman second. Discussion.
[Chorus of ayes]

>> passes on a vote of 7-0.

>> Thank you.

>> Item number 12 only has one speaker, take that one, I think this is pulled by count

-- is that correct? Okay. We will go to a speaker. Just tin davis. Is justin davis here? Justin davis not here. Entertain a motion.

>> Thank you, mayor. I've had an opportunity to speak with staff about this as well as some of the neighbors that are involved, and what's come out of those discussions is that there is still some questions on the table about how this is going to work, how to is coordinated, if it is, with code next. And, that there were also, I think we all received some suggestions for adding different kinds of focus in the resolution resolution, I should mention this is an idea to do the neighborhood plan updates along both sides of it. Questions about how we might strengthen the approach that we're talking to be able to address some of the concerns in the area, particularly that's been an area where the discussion of how do we achieve enhancing the area to maintain families with children. And, so, and the other thing is, I personally would like to get a much better sense for how the individual neighborhoods feel about participating not only in the corridor plan, because I know that that's going ahead, that is critical. We've got the brt coming. There's some unevenness in how interested they are in also going forward with a particular neighborhood plan for, say, rose daledale, allendale and north shore creek. Allendale has taken a street opt out. I think we need a better idea from the other ones. And the other question is just about resources in terms of community members being tapped out following code next, and the corridor plan and on top of the neighborhood plan. In speaking with staff, they suggested they would be happy to pull together a meeting of actually for all the neighborhoods along the corridor, just to hash through these issue asen we

think that can happen before the June 12 meeting. And I know that all can of other council members have indicated interest in participating, council members tow council coming tovo and mayor pro tem cole. We need to let other staffer members know for a meeting but I suggest we postpone this item number June 12.

[10:06:07]

>> Second. >>Mayor leffingwell: Motion by to postpone. Second but council member coal.

>> Mayor, I would like to add that I think that the work that needs to be done on the core do is actually very critical but I've heard from some of the neighborhoods, not just in this area, they feel tapped out but code next and I think this is a good move to give them a little bit more time to deal with this process.

>> Council member Riley. >>Riley: Mayor, I will be interested with the representatives in area so additional meetings, it would be a good idea to post them.

>>Mayor leffingwell: Council member Morrison. >>Morrison: Hopefully some staff is out there and will make sure that happens. >>Mayor leffingwell: All those in favor, please say aye? [Chorus of ayes] opposed, say no. It passed on a vote 7-0. We will take comment on related ideas five and six together. First speaker is Gus Pena. And, all the speakers you can speak on either or both items five or six.

>> Good afternoon, mayor, council members. Gus Pena. I'll speak to first item number five that has to do with the enterprise expansion. We have had discussions in the community about this. We're going to be supportive. The one thing did I speak to some of the members from expansion about new hires, et cetera, and we're trying to have more employment opportunities for the community and city of Austin if we're going to support thing, for example, for the Texas Enterprise Project, et cetera, economic development. We're the group that we met with is highly acceptable on this expansion and the second one we'll go ahead and speak about flextronics. This is dear in my heart because my son, he was a student at Austin High School and there is a school to work program and this is for students that are given opportunity to go to school, have a day and then have the day in the afternoon to go to work for flextronics. So, this is darn good investment here, and I'm going to keep it short, mayor. I know that's unusual. I saw those light bulbs, mayor, come on, I'm trying to be nice to you. I love you, mayor. Sometimes you get on me, but that's okay.

[10:09:17]

[Laughter] anyway, I would lake to say

--

>> I don't know what you're saying. Go ahead.

>> I'm speaking english, good english, I don't know what you speak and hear, but that's what I speak. >>Mayor leffingwell: I speak english, too by the way. I speak all languages except for greek.

>> Let's see if you understand what I'm saying, I'm speaking english. Maybe you have wax in your ears, you can clean it out, but it will be all right. >>Mayor leffingwell: It sounds like break to me.

>> We have a good doctor. Please don't interrupt any more, you're a good guy, but you get on my nerves.

>> I thought you were going to keep it short, gus.

>> The mayor doesn't allow me to keep it short. Let's say this and we will get you an extra sandwich keep your blood pressure down. This is flextronic, item number six and item number five and we need more jobs and economic development is very important. Yes, did I go over my limit, council member spelman, but the mayor made me do it. I love you anyway, mayor. But, anyway, but we support these two items. Thank you, council member spelman, for being my councilor. Thanks for supporting.

>> Jan fox. Karen richmond.

>> Good afternoon, mayor and still council, I'm here to answer any questions about the enterprise program if you have them, I'm representing flextronics in their request to be nominated so I would hold my remarks until have you questions of me.

[10:11:20]

>> Thank you. James long. Maggie bishop.

>> Good afternoon, mayor. Mayor pro tem and council members, my name is maggie bishop, the director of expansion and business at the austin chamber of commerce. Number five and six, reflecting expansion. The majority of all new jobs are created by existing regional companies and I think five and six on today's agenda give a platform tore the council to support this trend of regional expansion, job creation at zero cost to the city of austin. Expansion in flextronics played a key role in the ecosystem.

Together, we employ thousands of central, itians. We ask

-- texans, we ask that the contributions made to our city and in addition to the future investments they've promised to make is a competitive advantage and opportunity for our region and I take action to nominate flextronics expansion and enterprise zone nominations. Thanks.

>> Alfonso lopez delgado.

>> Good afternoon, mayor and council members. I'm alfonso for flextronics in austin, texas. Flextronics short definition is worldwide supply chain company, and we're in

over 30 countries, over 200,000 employees, and we're very proud to be part of the austin community. We, basically, are requesting your consideration for this and this will help us make a good decision to keep investing in the future in the austin area. So thank you very much, and if there is any question, I will be glad to answer it.

[10:13:48]

>> Thank you. David king.

>> Thank you, mayor. Mayor pro tem and council members. David king. A 2012 study but the new york times found there is virtually no economic development incentives in any measure of economic performance. We found in statistically sufficient pressure capita and average wages or incomes. None between incentives and college graduate or none worker as none between the incentives and the state employment rate. A "the new york times" op-ed on how to end subsidies they say they would be better off if they collected hand outs and made investments in infrastructure and education or offering lower overall tax rates. Austin ranks in the top one-third of the largest cities with the highest income inequity. Austin ranks 176 out of 224 largest metropolitan areas in affordability. In the past 10 years, the economic development incentives this city has given has not helped solve those problems. How can we be sure these two packages before us today will directly impact those problems. If we look at incentives from expansion, they're going to get \$1.25 million tax incentive, however, the incentive package requires no new jobs to be created. The only way the jobs will be created for the enterprise zone or disadvantaged families is if any of the current employees leave so where are the benefits for low and middle income families. And, it doesn't indicate whether the jobs are full-time jobs with health, insurance, retirement and education benefits. How much will these incentives help low and middle income families. Flextronics will get \$1.25 million in incentives, however the package doesn't include health insurance, retirement, and the plan indicates 300 jobs will be created but doesn't specify how much is senior management and shown tree, hourly jobs. At five years, 40s% of those jobs will be senior level jobs paying about \$115,000 while 60% will be hourly entry jobs paying \$30,000 annually. So that cements pretty heavy on -- seems pretty heavy on the high-end johns. How many low income families will be helped. I would ask what I do is for every dollar in incentives you give to these two companies you give \$2 to help low and middle income families here from the general fund for rent subsidies, utility bill subsidies and for job training programs targeting low and middle income families. Thank you very much.

[10:16:55]

>> We'll take up item number five first amount motion on item five?

>> Council member martinez. >>Martinez: I asked staff about how these agreements line one our existing economic incentive policies and I realize there are no austin taxpayer dollars going into this, this is not incentives coming from the state of austin, this is a state tram and I wanted to see if we can get a response to those questions what the lowest hourly wage would be, if we provided incentive programs.

>> Does dustin with the economic development department. Mayor, mayor pro tem, the texas enterprise program is one of economic department's tools in the tool which allows us to be able to reduce poverty. It is a direct hit against poverty. With when we are allowed to partner one our lowest corporations with respect to job creation opportunities, that's good for austin. This program, when you marry it side by side with the development programs, these where to programs we have a direct hit against poverty. We have members of the expansion here, as well as members of flextronics here who can answer those specific questions with regard to hourly wages and those kind of things.

>> Mr. McCormick, as part of the state that will be providing the resources, is it a requirement they get a local sponsorship?

>> Yes. It is required to have a local nomination, and especially our job, our position is, is to nominate the corporation forward and they would entail, verify and move forward.

[10:19:02]

>> They won't qualify for these funds from the state without this body acting affirmatively to nominate into exactly.

>> Okay.

>> I would love for representatives to come and try answer some of these questions, I hope that staff had provided in the questions that we asked on tuesday.

>> I have miss karen richmond with flextronics and john with expansion.

>> Expansion rate now.

>> Okay. Plextronics.

>> Are we waiting for

-- go ahead.

>> Expansion management.

>> What is your name again, sir?

>> Randi blaire.

>> Mr. Blaire, are you familiar with our local and economic incentive policy?

>> Yes.

>> And does your company provide similar, if not actual provisions in our local economic incentive policy, so you pay \$11 an hour as a minimum wage and you provide health care benefits and domestic partner benefits?

>> To everybody, yes.

>> You provide osha-10 safety training, as well?

>> Great, thank you very much. Appreciate that.

>> Mayor, I'll move approval.

>> Motion approved by council member martinez, second by council member spelman. Council member tovo. >>Tovo: An additional quick question, this may not have been aplayed to you, it was inspired by ties with regard to property taxes. The question was, whether your company would be willing to commit to not protesting your appraisal valuation for at least the next five years. I don't know whether the staff informed that you I had submitted that question or not.

>> No, we wouldn't. We have responsibility to our shareholders to retire as much valuation to them as possible, and so we have to consider that. We also have no idea exactly what the property taxes will do over the coming years so we would not be able to commit that.

[10:21:28]

>> I appreciate the answer, thank you, and your directness. And, I would be interested in talking a little bit more about that outside of the meeting at some point if you're willing to better understand, to better understand the situation because I do think that is a question we should be talking to our companies about when they approach us for these kinds of commitments. It is not a discussion I think that we've had here at council to this point but it is one we should be having to perhaps you would be willing to talk a little bit more about your legal responsibility to shareholders and whether there's just to help me better understand the situation for companies such as yours.

>> Okay.

>> Thank you. >>Mayor leffingwell: Question for staff. So, as we've talked about how the city has no financial participation in this, this is strictly an endorsement of the state's ability to provide their incentive money for this particular purpose. So, if we don't endorse this, then expansion in this case wouldn't get the money, what would happen to that state money? Our tax money, too.

>> That tax money goes to the state, as we know, and other communities who would submit nominations and those corporationses, that money goes to them. >>Mayor leffingwell: So our tax money, the state portion of our tax money would go to provide the same benefit in another city or another county.

>> Yes, sir. In addition, disadvantaged folks in our city won't have the do you think benefit from the nomination

-- >>mayor leffingwell: More importantly, perhaps. Thank you. Those in favor of the motion, say aye [chorus of ayes] opposed, say no. Passes on vote of 7-0. Council member tovo. We go to item six. Do you have anything to add? Council member martinez. >>Martinez: I wanted to ask the ceo of flextronics the same questions about their company and the wages they provide and benefits they provide to their employees.

[10:23:44]

>> The first question of the \$11, do we not

-- we basically do give a unique or exceed over

-- we meet or exceed over 90% and we give opportunity to all of our employees to get above that, so through different programs but right now is over 90%.

>> What is the lowest level you pay for an entry level position?

>> That would be information, not too sure, but I will basically say that over 90% of our employees today meet that criteria, and that all entry levels employees they have the opportunity to reach 100% through our development plans and career, but

--

>> I understand. And health care benefits, domestic partner benefits.

>> Yes, we provide benefits and regarding the question, I think you have another question of

-- we are not doing any construction right now so we don't

-- >>martinez: If you were to do some construction, would that be a part of it?

>> Right now, we're not, so it would be speculation to me to answer. >>Martinez:

Thank you, mayor. Mayor, I move approval of this item. We don't have a policy it as relates to this particular incentive program, it may be something this body wants to take up. But I'm comfortable with the responses to continue supporting it just for now. Thank you. >>Mayor leffingwell: Move to approval by council member martinez is there a second? Second by council member spelman. Council member tovo.

>>Tovo: I'm sorry, I have a follow-up question. Can you help me understand, 90% to not meet that wake floor, but you said they all have an opportunity to achieve it. What time of time frame are you talking about?

[10:25:49]

>> So, 90% do meet the threshold.

>> Over 90%. And we're always focused on developing our employees. That's

-- I mean, that's how we care for the community and how basically anything else. There is always a development plan for the employee and they will get the opportunity to reach different level positions. That's our commitment for the community.

>> For every single employee?

>> For every single employee.

>> Each employee has development plan, is that what you said?

>> Each employee, I mean, we have a robust commitment to our employees, and each employee that flextronics have, has the opportunity to exceed \$11.

>> Okay, thank you. Ail just say I think it makes sense to bring this policy in line with our economic incentives policy and to try to make sure that we're making decisions based on the same set of standards for different programs. >>Mayor leffingwell: All those in favor, please say aye? [Chorus of ayes] opposed, say no. Passes on a vote of 7-0. Thank you. I believe that brings us to item number

-- council member morrison.

>> I would like to ask staff a question, because I think I have some motions that I'm going to make the motions that I talked about at work session. But, I would like to ask advice, if there is anyone that was going to be interested in

-- I'm going to back up. My motions aren't going to make may motion to pass on second reading and then the amendment. I know there was some discussion about maybe passing just part of it, and I'm not interested, on second and third reading, and I wasn't going to make that motion, but it somebody, if bequantity to just pass some of it on, or consider passing some on second and third reading and some of it just on second reading and amending it, you could recommend a path that we take?

[10:28:45]

>> I might actually let lori come up and address how we would orchestrate that dance, but I think it possible, certainly, to approve an ordinance on second and third reading. I believe mr. Lloyd has already looked at that and can explain how to would be done.

>> I'm not going to make that motion but I know it was a possibility discussed before I make the second reading most, I think we better get that on the table.

>> Assistant city attorney, and we have discussed this and I think that council just needs to be clear on the record what you're doing and pass the portions that you want to go into effect on all three readings, be clear that that's what you're doing, and the remainder second reading only if that's your intent. In terms of how, within the structure of the ordinance, what you could sort of sever out and pass in all three readings without disrupting the structure of it all, I think the narrowest option would

be just to pass the provision on project consent agreements, you could just cite that code 521-544, under. You could also pass did I believe one and two of part two of the ordinance, the process of vested claims. If you want to add a little bit more to that, you could pass five, parts five and six, and that's the applicability section which says that the ordinance applies in the planning jurisdiction. And part six is just the expirations for applications. So those of kind of three possible scenarios.

[10:31:18]

>> Spelman: We have had a lot of conversations on expiration dates, and on managed growth agreements. That's division 3, as I understand it. We have had very little conversation, I think because there has been very little public comment, very little public concern about divisions 1 and 2, the administrative stuff that mr. Lloyd was talking about a few moments ago. I think it might help to focus our attention on what is important and at issue by getting the administrative off the decks. So mayor, I move approval for second and third reading for division 1 and division 2. That's the administrative stuff that includes provision for project consent agreements.

>> Mayor Leffingwell: Motion by council member spelman to approve divisions 1 and 2 on second and third reading.

>> Cole: Second.

>> Mayor Leffingwell: Second by council member cole. Is there a discussion? All those in favor, say aye.

>> Tovo: I have a

--

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I am kind of concerned about parceling out this. It is an important ordinance, and I am concerned about

-- is it going to have the same findings and then be parceled out?

>> Mayor Leffingwell: We have been advised by the attorney that there is no difficulty but you may want to verify that.

>> Tovo: And if, for example, we determine at our next meeting when we are considering it on third reading actually a change we might want to make in there needs to be reflected back into the project consent piece, how would we address that?

>> I think it's a very good issue to raise. We looked carefully at the project consent agreement piece as well as all of the other sections that I mentioned in division 1 and 2, and those are freestanding and could function independently of division 3 but certainly council

-- and council has not previously been proposing motions to that sections of the

ordinance but you are certainly correct, if you anticipate wanting to talk about those sections later or consider amendments to sections, then you wouldn't want to pass them on three readings. You would want to keep them in the ordinance that will come back to you next reading. So it's a valid observation.

[10:33:44]

>> Tovo: Thank you. .

>> Spelman: MAYOR.

>> Mayor Leffingwell: Council member morrison and then council member spelman.

>> Morrison: I see the potential of unintended consequence. Could I ask you, mr. Lloyd if we look at section 25-1-544, you suggested that passing just project consent agreements could be an option, too, and also as opposed to just all of division 1 and 2.

>> Yes.

>> Morrison: Okay. And when

-- in section 544, I believe I am correct going all the way down to say h. It says

-- it references expiration requirements specified in this subsection. This subsection is wholly contained. It is 544, right, so there is no references outside of it?

>> In h

-- in h2 it references the application expirations in 25-1-82, and those are amended in this ordinance. That's why I suggested that you could also include in what you are passing on all three readings part 6, which is where those are amended. If you didn't, though, then there would just be a period of time where the existing expirations in 25-1-82 would work in tandem with this section, so either way, it will all function. It's simply if you want to adopt the application expirations that are proposed in this ordinance, you would need to also adopt part 6, which is one of the sections I mentioned.

>> Morrison: It really does

-- they do play together. Division 3 plays with a project consent agreement?

>> It does, but it would function

-- you could pass just the project consent agreement piece and it would function independently.

[10:35:48]

>> Morrison: It would function independently but how would it differ

-- how would its functioning differ if we actually were dependent on the existing 25-1-82? Because I don't have the existing 25-1-82 in front of me. All I have is the

amended in

--

>> page 14 of the ordinance, page 14 and 15 in part 6, it shows all of 25-1-82, the existing language as well as the added

-- added language.

>> Morrison: I am looking at the added language, right. So we would be missing sections c1, 2, and 3?

>> That's correct. But the second amendment in its current form the city has used for years, the additional language flushes it out, adds some provisions we think are important for us to add, but it is an essential

-- it is not essential to make project consent agreements work to have that provision.

>> Morrison: So, for instance, where the

-- an application expires if it's not complete on the 45th day, we are really talking about the new project consent agreement application. Is that correct?

>> Well, no, it's a general

-- it's a general provision for all development applications. It's generally

-- the city has generally taken the position, and this may be addressed in some administrative rules but 245 allows cities to expire applications if they are not complete within 45 days. However, we never really expressly said that in our code so this amendment here is kind of flushing that out and adding some language. It's definitely I think something staff recommends.

>> Morrison: Yes.

[10:37:48]

>> But it doesn't have to go for project concept agreements for project consent agreements to work.

>> Morrison: I am wondering if there were protections we are adding on 25-1-82, that if we don'tal prove that at the same time as project consent agreements, are we going to be creating project consent agreements without the protections that we had envisioned we had created them with? Understand my point? I think that there is a ...

>> Greg may be able to address this but even without the language we are proposing to add to 25-1-82, we are taking the position that applications expire in 45 days.

>> Spelman: Mayor, if I could clarify.

>> Mayor Leffingwell: Mr. Spelman.

>> Spelman: So all of the amendments to 25-1-82 that are in this ordinance before us are doing is clarifying current practice and codifying it?

>> Yes.

>> Spelman: The current practice to do exactly what it is and for example, 25-1-82 amendments will not pass, we will be able to continue doing our current practice which is codified here?

>> Correct.

>> Spelman: Okay.

>> Morrison: I guess

-- mayor, if I may.

>> Mayor Leffingwell: Go ahead.

>> Morrison: I know there has been talk about a particular project that is looking forward to potentially submitting this, but given that, even if this passed today, project consent agreements, even if they pass today, my guess is they wouldn't really be able to get to council by the last meeting in June, so I don't see that three weeks or whatever it would be different, taking

-- would do anything different in how quickly they could come back to council, which would be the end of July. So for that reason, I am going to not support this motion.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: Allow me to amend my motion, then. With additional comment. Rather than passing divisions 1 and 2 on second and third readings, consistent with council member Morrison's concerns that there might be some future as yet undetermined tie of division 3 and ensuing, I will make a motion instead that we only pass divisions 1 and 2 on second reading. We will hold open the third

-- my motion would be to hold open the third reading until the 12th of June. Having said that, let me add one more comment. Because project consent agreements have received very little attention from us as a group, if staff were tempted to begin negotiating on a project consent agreement in a particular section of Southwest Austin, for example, I think they could do so with the expectation that this council will pass project consent agreements on third reading on the 12th of June unless something

-- unless lightning should strike in an unexpected way so that may not hold up on the project consent agreement on Harper Park if one is negotiated. Either way, you can get started on it either way shoot you are amending your motion, the second reading only. Council member Cole.

[10:41:02]

>> Cole: I -- I mean, I support that.

>> Tovo: Mayor

--

>> Mayor Leffingwell: I don't support that. I was hoping we can go ahead. I frankly am a little bit disappointed because I had asked a specific question, would there be any problems with passing divisions 1 and 2 on second and third readings and the answer I got was no. Now I am not sure what I am hearing. I don't know if it's necessarily from you, mr. Lloyd, but I think you are the one that said there would be no problems, and I think we should be able to rebut that.

>> Project consent agreements can work together on its own without having consent with the other ordinance. It can be relations but it can function completely independently and that is our advice and continues to be. If council has other concerns, other logistical reasons or wanting to preserve your flexibility to go back and look at other parts of the ordinance, that is certainly fair for you to consider, but as a legal matter, project consent agreements could stand on its own.

>> Mayor Leffingwell: There are no unintended consequences that you know about?

>> No. No.

>> Mayor Leffingwell: Okay. That's what I wanted to hear. Thank you.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I have a question for one of my colleagues. Can you help me understand the difference between what we started out to do today which is consider the whole ordinance on second reading and what you are proposing which is to siphon off a piece of it and do it on second reading and come back? Why don't we leave it and come back with a whole ball of wax?

>> Spelman: The reason I moved for second and third reading was partly to remove any doubt about project consent agreements and also make forward progress. We haven't been discussing divisions 1 and 2. They haven't been at issue with any of the interest works we have been talking to and it seems the easiest way to make forward process is to adopt them. Given there may be a tie between divisions 1 and 2 and the other divisions of this ordinance, I am happy to back off only on second reading just to preserve our flexibility in case we find one that we haven't found before. If you would like me to withdraw the motion and move second reading on the entire ordinance, I am happy to do that, too.

[10:43:30]

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I am open to either way. I really just wanted to understand if there is a difference. Maybe it makes sense in case it gets

-- in case the rest of it needs more time before third reading or something like that. I

am just trying to understand whether there is a difference here.

>> Spelman: In my

-- if I may answer, mayor.

>> Mayor Leffingwell: Go ahead.

>> Spelman: In my opinion, we will need some more time to talk about expiration dates and mgas, that's division 3 and I think that's what the bulk of the conversation has been and I think the bulk of the concern among the environmental community which we both have interest in the community which has expiration of mgas and that and I was just trying to get a final decision on stuff I thought we could get a final decision on. Mayor, if it will make the council happier, I will withdraw any motion, as long as I can replace it with another motion, which is to pass the entire ordinance from division 1 through the end on second reading only. Oh, I am sorry, I will defer to council member morrison who now tells me she was going do that.

>> Mayor Leffingwell: Your motion is withdrawn. And, you know

-- but I will add there are probably

-- now that I think about it, there is probably

-- was some merit to considering them separately, divisions 1 and 2 on second reading, even though it appears to be the same, there might be a difference in the out comes, actually, so ... So if we could

-- if we had divisions 1 and 2 passed and we ultimately were not able to make any progress on time on division 3, then we at least would have that part of it done.

Council member morrison.

>> Morrison: I actually thought that council member spelman revised motion was a creative way to symbolically make a statement about where this council was headed, and I will fully support based on such a symbolic statement if staff felt comfortable having the discussion go ahead and get started and think about what your form for a project consent agreement is and if that's symbolic, vote on divisions 1 and 2 second reading separately, helps that, then I want to go ahead and steal that motion he just made. I am going to make a motion that we pass divisions 1 and 2 on second reading.

[10:46:06]

>> Mayor Leffingwell: Motion by council member morrison.

>> I will second council member morrison. Excellent motion.

>> Mayor Leffingwell: Second the motion

-- all right, okay. [Laughter]. Any further discussion on that? All those in favor, say aye.? Aye. Opposed say no? Passes on a vote of 7-0. Council member morrison.

>> Morrison: Thank you. Now I would like to make a motion

-- put a motion on the table that I will then propose from an amendment to, that we pass division 3 on second reading.

>> Second.

>> Morrison: And then, with that, I would like to go ahead and make a motion to amend based on the managed growth agreement proposal that I had passed out on tuesday, and what I am passing out on the yellow sheet, then, is the staff agreement translated into legal

-- excuse me, that proposal translated into legalese and as a reminder

-- let me see if I can find my sheet. As a reminder, what I was proposing is that we have two kind of mgas, the kind you submit an application for when you are submitting your first applications

-- we call those prospective mgas, and then a second kind which are the mgas when you are already underway on your project and something happens and you realize

-- and you come to ask for an extended period of time for your project. And so as a reminder, what I was proposing and what's in this

-- what I passed out, to be considered for the prospective mga, that it would be not grandfathered, no nonadministrative variances, not

-- excuse me, not in the etj, outside the barton springs zone and the number of acres greater than 150, and with my motion to amend, I would like to note that I know there is an interest in having mgas available in the etj, but there are some things that need to be worked out first with the county before they could approve that, before we could do that. So my motion is to adopt this proposal that does not allow to amend the etj but to direct staff to go work with the county to come back with a recommendation on how we might be able to consider them in the etj

-- in the etj. And then for the, what we call retroactive mgas, once the project is in process, it would have similar entry requirements, that it not be grandfathered, no nonadministrative variances, not in the etj outside the barton springs zone but not having a size limitation but basically but basically saying it will not exceed or impeer other initiatives we have with regards to economic growth and sustainability and lastly, it meets current code at the time of the mga application or we do want to open up the possibility of some extraordinary circumstances, where we really do want to consider something that has not, in compliance with the code, so we have included a particular line about that. It says

-- it complies with the regulations and effect on the date, the application for a managed growth agreement was submitted or an in extraordinary circumstances includes community benefits or superior development features that mitigate noncompliance with current regulations. So that's my motion on mgas.

[10:50:30]

>> Cole: I was reading -- I will second that for purposes of discussion.

>> Morrison: Thank you.

>> Spelman: Mayor pro tem.

>> Cole: Yes, council member spelman. I went back to reading.

>> Spelman: Keep reading, I will talk for a minute. You can pay no attention to me since I know most people don't, anyway. It seems to me this is a very reasonable proposal in almost all respects. It separates appropriately the requirements of a prospective mga from a retrospective mga

-- I am trying to say this that we are using the same words and for the most part and I like particularly there is escape valve on the retrospective mga, if you can't comply for current code, you still submit mga if you are submitting superior features to mitigate that and there are outstanding fee yours because we don't expect all developers to comply with any changes to happen over that 9-year period. I do have one concern, a fairly serious one, and that is that mgas under your proposal would have to include at least 150-acres. There is only one mga of the 18 or so that we have okayed in the past few years that is as large as that. The vast majority of them are 10 or 20-acres, some of them are smaller than but it made sense at the time to consent to mgas, at least it made sense to them because they are multiphase projects. The only exception to the rule is one project which actually had multiple phases but went in as three mgas rather than as one mga for the entire project. I am not quite sure why they did it that way. It happened before I got here and that's the only exception to the rule. In owl other cases the projects are talking about multiple phases which is what mga is talking about but they are all smaller than southpark meadows which is the really big mga we've got

>> I think this will allow mgas for only extremely large developers for large tracts of land and not for other developers so mayor I would like to amend this section by extracting 25-b, 1-d, strike the language that it has to include at least 150-acres of land.

[10:53:10]

>> Cole: There is a motion on the table and I guess we will take it up individually, and council member morrison had a response to that.

>> Morrison: (Indiscernible).

>> Cole: Need a second. That motion has been made by council member spelman and seconded by council member riley. Are there any comments. Council member morrison?

>> Morrison: Yes. I would. I have noticed the mgas that we have done are not 150-

acres by the mgas we have done, as I understand it are retroactive mgas so they all would have fit under section b2. So they would all have passed. In fact, I geared -- in fact, as I was working on this, the interesting thing was the -- the recommendations that we got from staff and from pc did not allow retroactive mgas at all, the recommendation we got only allowed mgas to come forth if the application for an mga came at the time of the first application. Having been part of and voted to approve every single one of the 18 mgas -- or 17 of the 18 mgas that have been before this council and that have been approved, I thought, you know, that's not unreasonable. There were a lot of reasonable issues that were coming up, and so what I did was I geared part 2, the retroactive mgas, toward making sure that all of those mgas could have been approved because I thought that was not unreasonable. And so there is no 150-acre requirement on those retroactives so all of the ones that we did, did satisfy the constraints that we have in here. In fact, the -- one of the things that I did add specifically, thinking about that sort of process that we had been in, was the one issue that you mentioned, and that is to allow for an escape valve for mga applications that come forward, the retroactive ones that come forward out of compliance with current code, because we did have an example of one of those that did, and so it made it clear to me that we needed one. So all to say that the argument I heard for striking 150-acres doesn't align with the examples you used. The examples you used were retroactive and we don't have 150-acre requirement for retroactive.

[10:56:00]

>> Cole: Council member spelman.

>> Spelman: Okay. I have given

-- I believe you are right. Why, though, should we

-- I mean, 150-acres is a massive lot by current standards of a largely built out community like we are. That would be about half a mile square, and there are very, very few lots that large or it would be very expensive assemble a lot that large. I think the vast majority of projects we are talking about are 30-acres or smaller. What is the reason for restricting mgas in the first blush only to be available for massive lots?

>> Morrison: If I may, I would like to defer to staff, because it was really

-- it started with a staff recommendation of a 250-acre limit, and so I think that they can probably better describe and articulate what

-- what started that whole thought

-- line of thinking.

>> Guernsey: Guernsey guernsey, planning and development review. Back in november, you had three developers that came forward and offered projects, pretty much all of which

-- and there is probably, I think 6 or 7. I don't have the list in front of me at this time. I did have them the last two meetings but they were all over 250-acres with the exception of one which was in a tod. So I took that to heart and that's why we came up with that

-- that number. I don't have certainly any hard work of making that number less but they were the specific examples that were presented to me as they presented them to the

-- all of you during a briefing in that november time period. I do feel there needs to be some minimum to have an mga to build

-- you've heard me say this maybe individually, and I certainly told rica and others to have an mga maybe to go build a small convenience store for an extended length of time, which may only be a couple of acres in size doesn't really make a lot of sense to me, so there is probably some reasonable number that's out there. Your planning commission at one time talked about 50-acres as being a possibility. In really wasn't a lot of discussion at the time of the planning commission, but there probably should be some acreage that would make sense, and, remember, you are talking about something that maybe could not be built over a 9 year period, and

-- and, really given the size of some tracts of land, it wouldn't be unreasonable to think you should be able to build something of some size within that 9-year period, and there would be looking at a higher number, so if you are looking at a lower number than 150, I don't think staff would necessarily have heartburn over that. As I said, the planning commission was entertaining 50. I am not sure if that's the magic number, wasn't one that they actually went forward on. But no number, I would strongly say, is not advisable from the staff perspective, because then literally anything, half acre tract can come before you and say, I need an mga.

[10:59:15]

>> Spelman: Mayor pro tem.

>> Cole: Council member spelman.

>> Spelman: I understand, greg, you don't want to be inundated with mgas for guys who want to build convenience stores so that makes good sense to not want to be flooded with foolish applications. On the other hand, we have two sets of gates here. One of them is the threshold gate, which currently is proposed would be 150-acres plus

-- not in the barton springs zone, no variances and filed under current regs, but even

after get past the first gate, they have to get past the second gates, which as I understand it, would be established by the director which would be you, and then you would make a recommendation to approve or deny based on whether it's going to take a longer period of time to construct. The convenience store presumably would not take 90 to build unless you are making it out of legos and further -- the imagine austin pl to the minimum standards and so you will be able to make a recommendation to the council based on those criteria, which seem to me are closer to the mark than it seems to me arbitrary size limit. I understand the concern, if there is no size limit at all, all of that stuff is going to come to the council. There is no way to stop it from coming to the council than perhaps your having a stern talking to with a frivolous developer, but at some point it seems like if a couple of people put in convenience store mgas and you do what I suspect you are going to do and make recommendation to a council and say this a convenience store, there is no reason to think it will take 9 years to build it and I see no superiority of that and I don't think it will further the goals of imagine austin, I think you ought to vote no, and we vote no, soon the development community will realize that mga is multiphase projects and take more than nine years and you have to have a reason for building more than nine years to merit your recommendation and the council's vote. It seems to me the biggest argument for having that threshold acreage requirement is to save the city council time and trouble and save you the time and trouble of coming up with a recommendation and I understand that, but it doesn't seem to me as being as big concern to me, in what do we do with w a five acre project which I haven't thought of will take multiple phases and take nine years to build. I don't want to hold off the possibility of really good design ever coming to fruition, just because we have an arbitrary size limit. I would like to see with what the rest of the council thinks, though.

[11:01:59]

>> Cole: Council member tovo.

>> Tovo: I would be interesting in hearing what the rest of the council thinks on this issue, too, and then I have a comment to make about the size issue.

>> Cole: Well, I will just say that I am inclined to support the motion. I think that I can see both sides of this argument, but in favor of

-- well, of good design and the fact that we will have projects that are multifaceted and larger and not necessarily just small convenience stores so that greg can take care of that in his shop, or we will do that in a few votes, I think the motion has merit

-- his motion. Council member spelman's motion.

>> Council member tovo.

>> Tovo: I agree that

-- I actually agree with the original

-- this original motion that sets a limit for the reasons that staff have identified, you know, and for

-- really, for the rationale that council member morrison laid out in our discussion on tuesday and today. I think there are a lot of

-- a lot of thought has gone into this and it is really a balanced approach. The other

-- the other example that people brought to us that I think has real merit is that there are organizations that might have lanes here, fundraising periods. There are civic groups, their churches or their schools and those are

-- those are the kinds of projects that might take longer and they would know it from the outset but they may not be in a 150-acre tract so I do have an amendment I was going to make that maybe is appropriate to hand out now that may

-- perhaps r perhaps that will convince

-- perhaps that will convince

-- I am just adding it as a

-- I am not making the amendment now. I am just handing it out for your thoughts because I think it does

-- it does offer us an opportunity to modify the 150-acres to allow for those kinds of projects to also enter into mgas and maybe that will address some of the concerns. I know council member spelman said there might be situations that he can't envision but it might need an mga and they are on smaller tracts than 150-acres. I think these are some that could envision might be interested in mgas so

--

[11:04:23]

>> Cole: Council member tovo.

>> Tovo: I propose we stick with 150-acres but add in a limit in there that also allows for civic uses.

>> Cole: Council member tovo

--

>> Tovo: You are allowing me more leeway than the mayor. Thank you.

>> Cole: Surprising. [Laughter]

>> Cole: We currently have a motion on the table and a second to remove the language in 25-1-553bd, that includes a limit of 150-acres of land. Why don't we see if that motion passes, and then we will entertain your limit. Council member morrison.

>> Morrison: I believe actually

-- well, maybe the attorney can help us. I think my

-- I thought my motion was on the table and my amendment. You are amending my amendment?

>> Yes. We have a motion. You then made an amendment. That was second and then council member spelman made an amendment to your amendment.

>> Morrison: So we are going to amend amendments?

>> Cole: We can, I think under robert's, its twice, you can amend the amendment. So I think what you need to do, though, is vote on his amendment to her amendment and then you would go vote on the amendment to her main motion and if there is another amendment to add to the main motion, so

--

>> Morrison: Okay.

>> If you have

-- we have amendment on the table which is council member spelman's amendment which is to completely remove bd, the 150-acres of land and it was seconded by council member riley and the vote is only on that amendment.

>> Riley: Mayor pro tem.

>> Cole: Council member riley.

>> Riley: I would like to ask a question on that. I do have some concerns based on the comments staff has made about the position that will put them in. I take it, greg, that you feel there would be some difficulties associated with expecting staff to be the real gatekeeper on

-- in terms of drawing the line at convenient stores, saying we are not going to be allowing

-- we are not going to be allowing those, that having that much discretion is problematic, and so I

-- I wonder if it some oh way to address it. One way to address would be to have lower numbers, like the planning commission discussed, something like 50-acres. Is there any other way that might make sense? There has been some discussion about project phasing. Is there any way at the outset to mention projects that might be phased and to base this threshold on that question, whether we are talking about phase projects?

[11:06:51]

>> I think introducing phasing is probably something as useful to me. I mean, we do have projects that are phased based and I am probably more sympathetic to something with I know you are going to construct over time, which I think is really

the intent of these managed growth agreements, that I think it was one of the speakers that present to you that says, it takes time to create great places, and I think that's probably true and most of the projects that were being discussed were projects that were phased through time. There were sections of subdivisions or portions of commercial development that were sized over time. Even multifamily projects, in order to make it certainly accommodations to start getting development and income flowing in, it is very helpful to have phasing. So if there is a phasing criteria added, I would welcome that. In lieu of not having any acreage, if there is a certain amount of phasing that was mandated up front,

-- I still think there is probably a minimum acreage and you could look at the numbers that were suggested, but just having some minimal acreage, I think, is helpful. I also acknowledge that council member tovo, she was talking about certain civic uses and I am aware that religious assembly uses, private schools are probably the two that come to mind as being exceptions where we had them go before the commission and I know on certain religious assemblies get 20-25 years of life because they don't have the wherewithal to come forward and get everything occupied in a very short period of time. So perhaps introducing some civic uses, adding some phasing, and I would ask that there be some bottom end number to phasing and I think that's probably appropriate.

[11:08:52]

>> Riley: To follow up on that I think you are saying there might very well be circumstances which a lot of sometimes, smaller than 150-acres might reasonably need to be phased over some period of time. It could even be some lot smaller than 50-acres. Can you envision where you have a lot of, say, 10-20-acres, there might well be good reasons for the project to be phased in line with the rationale that it takes

-- takes time to create great places? There might well be situations where thoughts of that sort of size might need to be phased?

>> Guernsey: Yes. You have had mgas that have been presented to you more on the retroactive side but you have a listing of those, where a lot of those projects, I believe, were phased or the more residential ones in nature.

>> Riley: Okay.

>> Guernsey: And you are usually building on detention

-- the infrastructure on first phase and getting the first couple of buildings up and these models show the occupancy to get income in to get the rest of the project out.

>> Riley: Okay. I guess my next question is for council member spelman, the maker of the motion. Based on the comments from staff, might you be willing to consider

adjusting your motion to incorporate some requirements that might include some minimum size as well as some judgment about

-- of the appropriateness of phasing for the project?

>> Spelman: May I mayor?

>> Mayor Leffingwell: Council member.

>> Spelman: That was, in fact, my original proposal when we started

-- when my staff and I first started looking at mgas, was to dramatically reduce or eliminate the acreage requirement and replace it with the phasing requirement. Is brent lloyd still here? There he is. He is trying to hide.

>> Mayor Leffingwell: He is hiding. [Laughter]

[11:10:52]

>> Spelman: Remind me, brent, I was

-- my memory is not what it once was, but as

-- my memory such as it is, is that we talked about phasing and we concluded it was just going to be really difficult to define a phase. Do I remember correctly?

>> I think in order for phasing to have a gatekeeper role, which it seems like is what the focus of your discussion is, you need to provide some more detail than just using the word "phasing" and I think greg is best able to figure out what some options are on that.

>> Spelman: Okay. The problem I think we ran into is figuring out the legal definition of a phase which passed some kind of muster and still doing some consistency to the concept. I am open to discussing that and I think it probably will be better than either acre or leaving it blank but I don't know how to go about doing that. Greg, do you have any ideas?

>> Guernsey: Usually the phases that I see that are coming in, there is some significant infrastructure or structures that are being built. I am going to -- my first phase I will put in ten layer feet of sidewalk and put in another ten linear feet of sidewalk and then suddenly that might justify it but I think if there was a, I guess something that spoke to building buildings, or building infrastructure of some significance, that it will occupy perhaps a percentage of the property, that might be something to look at.

>> Spelman: The biggest infrastructure issues usually are roads, water and wastewater lines and typically in a residential development or office development for that matter there is nothing existing to be built first, that would be built first to lay out the infrastructure and the second phase would be to start planning buildings on top of that. That would qualify for phasing in your point of view?

[11:12:53]

>> Guernsey: They would and the phasing as they are constructed, they still have to meet all of our standards, so in the first phase typically you are going to build water quality detention, having emergency roadways that would be constructed. That's typically what you see in the first phase and then maybe the up view of the initial -- the initial buildings. That project, then, would -- even if it's not completed within the first phase can still complete the project and be within our codes. So yes, I think there is a way to define it. If it were not built in as a gate keeper, it was made part of the criteria, that might be another way that I would be able -- and I probably would, anyway, be making a recommendation to you that there is some establish. Of -- as it comes forward, you might have in here you need two or more phases and I would make a recommendation based on those phases whether it is reasonable or not.

>> This being second reading, I don't see a reason for us to cobble language together on the dais which we only change on the 12th of June anyway so I won't try to do that but it does seem to me that incorporating phasing -- in my opinion incorporating phasing instead of acreage limit would be perfectly appropriate and others would feel differently and might want both of those things in there but my amendment, I will keep my amendment in play and we can take a vote on it as a starting point -- for discussion for next time, but if we can talk about phasing, I would very much like to do that.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: This is a complicated issue and several of us have had discussion about the fact to identify the particular characteristics that might attach to an mga or a project that might at the outset request an mga -- that is a wrong way of saying. Until there is a clear alternative, my strong preference would be to stick with the acreage limit and add on the particular case as we know that might fall under the acreage, so I won't be supporting your motion. But thanks for the discussion. I think it has been an interesting one.

[11:15:18]

>> Cole: Mayor.

>> Mayor Leffingwell: Council member cole.

>> Cole: I will just say I was persuaded by the line of questioning that council

member riley brought up and his staff point on the compromise point of bringing the acreage and totally out and the staff concern of it being totally out so I don't believe at this point I will be supporting the motion but I will look forward to whatever amendment is coming forth on the 12th to try to strike a balance between both -- between council member morrison's agreement and council member spelman.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I really appreciate this discussion and I won't support the motion, either, but I can envision supporting a motion on the 12th that adjusts the number in here to a lower number and somehow plays into capture complex

-- how to define a complex project like through phases and stuff. I look forward to your work, council member.

>> Mayor Leffingwell: Council member riley.

>> Riley: Council member, something

-- I need to revisit the earlier measure about incorporating some minimum size, especially in light of the comments of our colleagues, just to get to move this forward, would

-- is

-- could we consider some number, 10 pe 10-acres, just for purposes of getting through the second reading?

>> Spelman: I will find that a highly friendly amendment.

>> Mayor Leffingwell: So the motion now is to change the 150-acres to 10-acres?

>> Spelman: Yes.

>> Riley: And, mayor, with some direction about language on phasing.

>> Mayor Leffingwell: Is that correct?

>> Spelman: Yes.

>> Mayor Leffingwell: And you are the second on that. All right. So that is the new motion. Ten acres instead of 150 with direction on phasing. Council member morrison.

[11:17:19]

>> Morrison: So I appreciate the movement in this. I am not going to support it but I would support

-- 10 might be too low and I don't think we know if that's, and so what I would support would be a motion at this point just to indicate the direction, even if it's just symbolic that we are headed to change

-- I would support it if you change the 10 to 50.

>> Spelman: Can't go to 50.

>> Mayor Leffingwell: No, not accepted.

>> Spelman: I can't do that.

>> Mayor Leffingwell: All those in favor, say aye. Opposed say no.

>> No.

>> Cole: I said aye.

>> Mayor Leffingwell: I think that passes on a vote of 4-2 with council member tovo and morrison voting no and council member martinez off the dais. So that brings us back to your amendment. Could you restate your amendment briefly for me?

>> Morrison: Yes, mayor, the amendment is to implement the proposal for mgas that I talked about in work session that would adjust 25-1-553 to allow for both prospective and retroactive mgas according to same

-- according to the same parameters that we discussed at work session. And it also had direction to staff to please work with the county to see about amendments, what we would have to do to coordinate title 30 to allow for mgas in the etj, and I would like to say that I hope you all will think about, like annexation plans when you come back with a recommendation for us.

>> Mayor Leffingwell: Any discussion on the amendment before we vote on it? All right. Those in favor of the amendment say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no? Passes on a vote of 5-0 with council member martinez off the dais.

[11:19:21]

>> Spelman: There is actually since of us. Of

-- there is actually six of us

--

>> Mayor Leffingwell: Excuse me, 6-0 with council member martinez off the dais. Council member morrison.

>> Morrison: So I had also mentioned one other motion that I was going to suggest, and that is to start the fair notice

-- to start a project thought of when a fair notice

-- if and when a fair notice application is submitted, and so I worked with staff to get the language for that and you will see that it addresses section 25-1-552 to start the project life clock at the submission date of a fair notice application if there is a fair notice application. Otherwise, it just starts at the regular time. So it basically considers fair notice applications just like any other applications.

>> Mayor Leffingwell: Motion for amendment by council member morrison. Is there a second for that?

>> Spelman: Second.

>> Mayor Leffingwell: Second by council member spelman. Any discussion?
>> Spelman: Let me point out, also, if I could.
>> Mayor Leffingwell: Council member spelman.
>> Spelman: That this cleans up an ambiguity in the current version of the ordinance, whereby it could be construed as a fair notice application submitted under whatever the project would expire one year after the date the application was submitted if you submit a fair notice application even if you followed up with another permit consistent with fair notice application it would matter because your permit just expired, so this cleans that up and makes it obvious what our intention is.
>> Mayor Leffingwell: Further discussion? Favor all in favor of that amendment say aye. Aye. Anybody voting no? Passes on a vote of 6-0. Council member martinez off the dais. Anything else?

[11:21:26]

>> Yes.
>> Mayor Leffingwell: Council member spelman.
>> Spelman: You saw my hands and heard your voice. I guess my hands are more powerful.
>> Mayor Leffingwell: And faster.
>> Spelman: There you go. Mayor I would like to like I tried last time to sum it up to council to see whether or not there has been a change in position. This is with respect to project expiration 25-1-5-52 which is the core at all of the problems we have been dealing with here and I framed this for Mr. Lloyd a few days ago and I may have mentioned it in the work session, I have forgotten, it seems like there are two ways to go about 25-1-5-52, the way written in the original staff version of the ordinance was to list each of the permits that a project could begin with, fair notice application, we just took up, preliminary plan, a final plat, a site plan and so on, and assign to each of those potential initial permits a certain length of time. The planning commission looked at that and said, well, but we want 9 years flat, and that phrase "9 years flat" came up over and over again in the discussion of the planning commission. And rather than taking out 9
-- up to 9 years for preliminary plan if you submit a final plat for all of the sections of it four years for a final plat, a certain length of time for fair notice application and so on, rather than nickles and dimes for each different particular permit, they just said, we want nine years and did not provide or eliminate all of the pieces before that and it said, inserted section h, notwithstanding sections b through g, the project expires 9 years after vesting date, expires. And I have a problem with that, the usual meaning of notwithstanding means in spite, in spite of or regardless of and

somebody could read h in 25-5-1-52, they could say b through g is only paper, it doesn't mean anything because notwithstanding any of that stuff, you get nine years flat, I think that's what some members of the planning commission wanted to have happen. I wouldn't want to argue that in court because the usual argument in statutory construction as I understand it is the words on the paper have got to have a meaning and if somebody says notwithstanding all of those words, they don't really mean anything, then that's usual usually not the way a judge would construe the statute, despite that's not what with standing usually means so it seems to me

-- notwithstanding all of that

-- it seems to me we are asking for trouble through the current version of this and there is two ways of getting out of the inherent ambiguity we've got, and one of them is to adopt, what I believe, at least some people on the planning commission wanted, which is nine years flat. The other one is to ditch nine years flat and remove that. I am not sure which of those two approaches we should take other than I have a strong belief we should take one approach or the other approach. My preference is to take the nine year flat approach for a bunch of reasons which I can detail if called upon to do so, I hope not to describe them in such gruesome detail. Let me lay it out for you, instead. If you want my backup, all of my backup reasoning, well, you asked for it, but the proposal basically is to remove b through g except for the fair notice application language and I believe that council member morrison's amendment to the fair notice application language which was d in the draft before us would be renumbered to be b in my proposed amendment is actually better than the language I have written in this motion sheet, so I think

-- I hope to be clear in this. The motion where it says b, if the vesting date approved, that whole section is the fair notice application section which we just amended, and I would cheerfully revise that language in my motion sheet to match the language whoa just passed

-- we just passed that council member morrison put forward. In all other respects, however, I think we are accomplishing almost exactly the same thing by removing b through g with exception of the fair notice application section, keeping current version h, although changing the words around for obvious reasons. We do not have to with stand anything anymore. And the current version would be the new version of what's now in h would say except as provided in subsection b, the fair notice application section or in section 25-1-5-511-c which is extremely important for this to make any sense, a project I expires nine years after the vesting date approved for the project. That section 25-1-5-51c is extreme lip important because this is the overriding section, if all of your personals expire, your project expires. Absent that, 9 years flat means you can twiddle your thumbs and think about the clouds and not accomplish anything in your 9 year period and then your project expires. If all of your

permits expire, you aren't making forward progress on your project, you shouldn't be able to continue making

-- you shouldn't be able to have nine years if you are not making forward progress and 551c, by requiring that, you have to have an active permit to have an active project I think ensures forward progress will have to be made more or less in the usual time, and so that's my proposal we remove current b through g change. The fair notice

-- keep fair notice application amendment that we just made and keep page with slight revisions. Basically this is nine years flat. That's the proposal, mayor.

[11:27:41]

>> Mayor Leffingwell: There is an amendment by council member spelman. Seconded by council member riley. Is there any discussion on that? Council member morrison.

>> Morrison: So I would like to ask mr. Bunch if he would like to come speak to this issue. And ask if you can comment on the scenario that is going to be different under this than we would if we leave in the individual expiration dates and your perspective on the impact to the environment.

>> If I understand the amendment properly, if you have a project of some size, that people would be concerned about, if you had one building permit stay alive on the outhouse in the north 40, you keep your whole thing alive for 9 years. And that's not appropriate. That's not showing good faith or mea progress. And the way it's drafted now, you keep things alive, you keep portions of things alive. That building permit would stay alive, but that one little building permit wouldn't keep everything else alive that you had missed your interim deadlines on. So it's a huge change. It's not

--

>> Morrison: Right.

>>

-- Roughly the same adds as I think you characterized it.

>> Morrison: In your letter you sent us today, you did mention some concern about some ambiguity in h, which I think is a different issue. That h is important to make sure we can't

-- so that there is a limit to the daisy changing and the number of extensions that the director can approve is based on that so it is important to keep it in there, but I think as a separate matter, if this motion doesn't

--

[11:29:48]

>> I agree that there is confusion there and

--

>> Morrison: It would be good to clarify.

>> As council member spelman laid out that should be clarified, so you don't have that, you know, what does this really mean.

>> Morrison: But not in the way you are suggesting. Not in the way that our good friend council member spelman has suggested, but in another way?

>> Yes.

>> Morrison: And I do agree that this is a

-- this is a huge change. This has been a big part of the discussion all along and on your slide or not and so I won't be able to support this motion but I appreciate your creativity.

>> Spelman: Mayor. [One moment, please, for change in captioners]

>> so something would have to be constructed with regards to that particular building permit to keep that building permit alive. But once you actually started, you could conceivably take a very long time to construct years and years, as long as you were making process

-- progress and you were actually calling in for inspections every six months to show that there was construction that was moving on.

>> Spelman: So if I wanted to keep a large project alive by building an outhouse in the north 40, how realistic is it to expect I'd be able to keep my large project going by very slowly constructing that outhouse?

[11:31:48]

>> Well, normally you would have to pull all your building permits, I guess for the north 40, in order to keep all those building permits alive. Once your site plan

-- your site plan will have a certain life.

>> Spelman: Right.

>> After that site plan life expires I wouldn't issue you any more building permits, and I would allow you to go finish the ones that you have. But you would have to go pull all the building permits within that project to keep it going unless you had an mga or something that might grant more life over time.

>> Spelman: I was

-- in part that was a silly question because your response is personally reasonable. It doesn't keep the project lay because the site plan will expire unless I do something else. I think the more

-- the more serious answer to mr. Bunch's concern is that

-- as I understand it, and I think I'll ask mr. Lloyd to answer this question and then I will stop and we can have live music and proclamations, or whatever else you want to do, mayor. As I understood it, at the beginning of all this, h or b through g were substitutes. We could pick one, we could pick the other. We're going to get exactly the same result either way. As I understand it, there actually is an important difference between b through g on the one hand and h on the other. And it's not what you think it is. It's about section c, which is final plats. And the only place where there is a significant difference between what a developer could get with b through g as originally written, and what they would get with h if we replaced it is if your initial application is based on a final plat not associated with the preliminary plan, under b through g you get four years and under my proposal you would get the flat nine. Everything else, as I understand it, is exactly the same between those two substitute proposals. Brent, did I understand you correctly? That's the big difference? That's the only difference.

[11:34:02]

>> I think that -- brent wright, assistant city attorney. I think that's basic lyann correct. This is

-- basically correct. This is complicated language, complicated to make it sync up with all the different scenarios that could arise, but essentially if the first permit in the series is only a site plan or a building permit, it's not associated, grandfathering back to some sort of plat, then if that expires it would

-- it would fall prey to our favorite language, if all permits for a project expire, the project expires, but the one

-- the one significant difference as I pointed out earlier, is the final plat scenario, where if you have a final plat that's not associated with a preliminary, it's a subdivision that's on streets, it doesn't need to dedicate anything so it's just a final plat, then under this version you would have nine years for that from the date of the final plat approval, whereas under I think both the planning commission draft and the march 12 staff draft, that would be limited to four.

>> Spelman: And just to help us finish the thought so that we can keep in mind when we take this up again later on, what sort of project is likely to begin with a final plat and how is it different from one which starts with a site plan or a preliminary plan?

>> Final plat without a preliminary plan is allowed where you don't have to make dedications when you're subdividing, and as far as all the types of projects that fall within that, I think greg is better able to address that.

>> Spelman: Okay, greg, I'll ask you the same question. What kind of projects are going to start with the final plat and not with a preliminary plan or a site plan?

>> Well, a final plat, no preliminary plat, you're dealing with preliminary tracts of land, already have frontage on the street. Typically will have infrastructure available to them. Could be commercial or residential. Usually not a single-family, you're talking about, I guess it's a possibility that
-- usually talking about larger projects that might be building multi-family or building some shopping center or office building complex, is probably the more ones that you're more likely to see, maybe a condominium development that
-- maybe residential or commercial with units that are spread out on the property.

[11:36:21]

>> Spelman: And if I started with final plat you're talking about large commercial projects for the most part. I would then file a site plan somewhere after filing of the preliminary plat?

>> That's correct, you would move forward, file that site plan, for or portion of that property and file the permits if you're in the city.

>> Spelman: In the staff's original version that would be four years after filing the preliminary plat I'd have to actually start cruk, cruk

-- construction, and if I filed a site plan I'd still get four years if I started with a final plat rather than starting with a preliminary plat

--

>> from the staff, you have to do the site plan and then proceed down the road, I think the concern that I heard from reca is if you didn't trim your site plan and you only had lots certainly that front on streets that already exist, then there's jeopardy that that project you wouldn't be able to pull all your building permits over a length of time because it's a little different pulling a benefit permit than a site plan. If you have a site plan triggered you would buy more time for your project just because the site plan is in place rather than a project like a single-family home.

>> So a final plat followed by a site plan I might be able to get to the entire nine years if I felt I needed that much time. But if there's no trigger for a site plan I would only get four years, but it still might be a big project.

>> Might be a big project and that's the one where probably reca made their most persuasive argument that an mga might be more appropriate, because you might need time to phase out sections. Again, this is talking about something larger, but
-- that might make the most sense.

>> Spelman: Thank you, greg.

>> Mayor leffingwell: Are you ready to vote on this

-- in that case let's

-- without objection we're in recess until approximately 7:00. Rica vicki vickiy blank.

[11:42:51]

>> Mayor leffingwell: Okay, folks, it's time for live music at austin city council. Joining us today is manuel "cowboy" donley. He's known as the grandfather of true texas tejano. Cowboy donley got his start as the lead of a latin orchestra back in the '50s, and he's been described as a musician with a spicy, thoroughly danceable combo platter of ran ranchos, walzs, cha kita showed the harmonic har nis that define tejano music. Please help me welcome manuel "cowboy" donley. [Applause]

>> my name is manuel donley known as cowboy. This is my daughter here, she's going to

-- I usually have a big band

-- used to have a big band

-- usually have a big band backing me up but we'll do whatever he can to

-- she plays this guitar. I'll play a couple of my more requested songs.

[♪♪ Music playing ♪♪]

[singing] wallets

[11:45:05]

[singing] [applause]

>> okay. This is one that if

-- when I play for

-- if I don't play this, they won't let me out of the dance hall, wherever I'm playing, till I sing it. So I'll go ahead and come through with it right now. Something entitled "flor del rio."

[♪♪ Music playing ♪♪]

[singing]

[11:47:16]

[singing] [applause]

>> mayor leffingwell: That's the real thing, huh? [Applause]

>> mayor leffingwell: Do you want to take a minute and tell folks about where they can see you play or where they could get your music or anything else you want to say about yourself.

[11:49:17]

>> Well, I just play around locally, and well, I've gone through most of the country and played for some presidents, clinton was one of them, and I even played for vicente fox. [Laughter]

>> by request?

>> Yeah. [Laughter]

>> and

--

>> [inaudible]

>> yeah, we used

-- we've followed

-- our home place, I would say

-- usually there's a following there and work on our technique, because like they say, if you don't use it you lose it. So I play all directions, all kinds of music. Sometimes I can't play nothing, you know? I don't know which direction to go. But yeah, you can catch us around town here and there, and I'm open for private parties and all that, you know. But if nothing else, on tuesdays and every other thurs at el gallo.

>> I have a proclamation I'm going to read in your honor. It is, be it known that whereas the city of austin, texas is blessed with many creative musicians, whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 22, 2014, as manuel "cowboy" donley day in austin. Congratulations. [Cheers and applause]

[11:51:21]

>> thank you. Thank you.

>> Mayor leffingwell: Thanks for coming out.

>> Thank my daughter too.

>> Mayor leffingwell: I did. [Applause]

>> mayor leffingwell: He's used to longer gigs than this, so.... [Laughter] [applause]

>> mayor leffingwell: So now it's time for proclamations, and our first tonight is take heart austin week. This has to do, obviously, with our emergency responders, our public safety folks, and the emphasis has been on a change very recently, I guess in the last couple years, in how we administer cpr, which has resulted

-- had tremendous success in the effort by the city of austin to train as many folks as we could in this new cpr, and we think the city has done an outstanding job and we want to recognize that with this proclamation. Be it known that whereas take heart

austin week is the 12th annual celebration for cardiac arrest survivors, their families, their rescuers, their hospital caregivers and city of austin citizens, and whereas victims of cardiac arrests in our area are blessed to have access to life-saving care 24/7, thanks to public safety first responders, the austin fire department, the austin/travis county ems staff, and city of austin citizens, and whereas we are pleased to recognize the public safety first responders, again, the austin fire department and austin/travis county ems, hospital staff -- and hospital staff for their efforts to improve survival and recovery from sudden cardiac, and we're grateful for our citizens who step forward to perform cpr before the arrival of first responders. Now therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim june 9 through the 13th, 2014, as take heart austin week in austin. So congratulations, guys.

[11:54:46]

[Applause] and you're welcome to say a few words

--

>> mayor, thank you so much. Austin/travis county ems works real hard to save many lives. We have a lot of people in the audience from our department. I'd like you guys to wave and stand up. Doesn't matter if you're field staff or not, please be recognized. Stand up, please. [Applause] I've asked

-- I've asked deputy medical director, jose cabanas to say a few words. A lot of this has been spearheaded by the office of the medical director and it takes a whole community to do this successfully and they've done a fantastic job.

>> Thank you, chief, thank you, mayor, for your support to our community cpr programs. It's certainly make a huge difference in how we approach cardiac care in our community. I want to take this opportunity to invite everything to taken our cardiac arrest ceremony june 11 here in city council chambers. We will be celebrating with 87 of our community members who survived from a cardiac event last year. That is a significant accomplishment for our community and we wanted to share that celebration with everybody. So please attend that event. Thank you. Thank you, mayor. [Applause]

[11:56:53]

>> mayor leffingwell: It's time to recognize a group of our employees who are sort of point persons for maintaining a safe environment in our city, headed by joann cowan behind me, who is the chief organizers for all the various departments in the city and each one has a safety representative whose job it is to observe and report on safe or

unsafe practices around the city and work to do better. It has a big impact on the safety, when you talk in terms of numbers, in terms of 13,000 employees spread out over the entire city, obviously this needs to be taken into account, and it's had a very substantial effect, and we want to thank them for their work on this. And recognize them with this proclamation. Be it known that whereas the city of austin recognizes the importance of the health and safety of its employees and its duty to provide a safe and healthful work environment, and whereas the city also recognizes the city of austin employee safety association and the city occupational safety and health network as leading forces in employee safety and advocacy, and whereas the city of austin employee safety association is coordinating and promoting citywide activities relating to the national safety council's annual observance of national safety month. And whereas premier among those activities is the city's employee safety association conference, which will be on june 17 at the palmer events center. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim june 2014 as employee safety month in austin. Congratulations. [Applause]

>> this is my second year of receiving this award, second year as the employee safety association president, and we're a member of about 100 people, but we really have about 10 to 15 people that do all the work, and we've pulled together this wonderful conference, we provide monthly training opportunities for the city of austin employees. We provide all kinds of hand on help. This year our conference is june the 19, not the 17th but the 19th. It's at the palmer events center, it's free, open to all employees with supervisor's permission. We're going to have hands-on exhibitors that will be awesome this year with all kinds of things going on, and healthy connections is partnering with us, so you can get your health assessments during that time. About we hope that you will come and support us and have fun. It's a fun event. Our theme this year is have fun with safety. We all take safety very seriously. We are dedicated safety professional people but we also believe in having a lot of fun, and we like to come to work as healthy every day and leave that same way. And that's our goal. And mind me is mark medley, my training coordinator. He used to be president of the employee safety association and next to him is keith lan, our corporate safety officer. And I could not do without them and I would not be here without them. So thank you for this proclamation.

[12:00:16]

[Applause]

>> mayor leffingwell: We're now about to honor a group of folks who -- these are retired executives who have in the effort of finding something to do after retirement, decided to offer their lifetime of expertise and knowledge to others who

might be interested in what they know. So believe me, it's a subject that is becoming more and more dear to my heart with each passing month. [Laughter] so I'm very glad to honor them, and thank you very much for what you do. I mean, you have so much to offer, all of you do, and we appreciate that. The proclamation is, be it known that whereas score, which stands for the service corps of retired executives, is an organization of volunteer mentors who assist entrepreneurs to either start a business or enhance an existing business through 340 chapters nationwide, and whereas the central texas chapters of score are celebrating their 50th anniversary. In 2013 alone members of these chapters mentored more than 3,000 -- excuse me, 5,100 potential entrepreneurs in existing businesses, and whereas throughout their golden anniversary year the central texas chapters will be hosting a series of celebratory events as well as expanding face-to-face mentoring, working with community partners who also assist more businesses, and whereas, we're pleased to congratulate the local score volunteers on their hard work and dedication to help strengthen our local economy. Now, therefore, I, Lee Leffingwell, mayor of the city of Austin, Texas, do hereby proclaim the entire year 2014 as the 50th anniversary of score in central Texas. Thank you all. Congratulations.

[12:03:27]

[Applause]

>> thank you very much. Thank you very much. It's an honor to be here. I have just a part of our wonderful chapter that we have here in Austin. We have 50 volunteers, and here in Austin alone we work with about 2,000 people a year. We've got some great success stories. We've got some great partners here in the city of Austin. Small business development program, recognized right there, is a great partner, and we're very, very lucky to be in Austin, Texas, because Austin, Texas, has been recognized by -- Texas has been recognized by a number of magazines and so on as the number one entrepreneurial city in the U.S., And we love working with people, helping them develop business plan, marketing plans, financial plans, starting their business and growing their business. So thank you very much, Mayor. [Applause]

>> Mayor Leffingwell: Thank you.

>> Mayor Leffingwell: He says that it's Austin-Bergstrom night at the Round Rock Express game and he drew the short straw so here he is. Jim Smith, director of our great airport here in Austin. We're very proud of this on its 50th anniversary -- 15th anniversary, opened in 1999, the former Austin Air Force Base moved the airport from downtown Austin to the great new facility, which had a lot of infrastructure already in place, probably one of the -- one of the bigger runways in the world built to accommodate B-52s, so that

means you can do just about anything out there, and since its opening it's been an award-winning airport, thanks to our director, jim smith and the folks who work for him out there. Bergstrom airport, along with our growing economy here in austin, that's been a big part of that, has had an increase in passengers every year since its insession, I believe

-- inception, except for one, I believe, one year, back in sort of the heart of the depression in 2009. We didn't grow very much and we have one of the best growth records in the entire country at our airport. We're very proud of it. Continues to expand. There's major expansion going on right now. We've added

-- primarily because of our new first ever trans-oceanic flight operated by british airways from bergstrom to london's heathrow airport. I think we're all still a little bit shocked by that, that we were fortunate enough to get that, but british airways recognized, as most private

-- having worked for an airline for almost 32 years myself, I know how they think. They think in terms of making money, basically, and they saw austin as a place to make money with these flights. They began with five days a week and now have gone to seven days a week, and there's been some talk around that the load factors on those flights have been big enough to where they may be considering a bigger airplane, although now they're flying the state-of-the-art boeing 787 dreamliner, which is not a huge airplane. It seats 212 people, but it is a state-of-the-art brand-new airplane, and I was fortunate enough to make that trip back in march, and thoroughly enjoyed it. And you will too if you try it. So I highly recommend it. So again, we're so proud of our airport, and we want to

-- I want to quick talking here and read this proclamation so jim can get to the ball game. What time does it start, jim? 7:00.

[12:08:23]

>> Mayor leffingwell:7:00, okay. Well, I think you may make it, depending on traffic. He controls traffic a little better out at the airport than we do here. So I have a proclamation for you. Be it known that whereas austin-bergstrom international airport opened for commercial passenger traffic on may 23, 1999, and airport traffic has since grown from 6.6 million passengers annually, that's every year, to more than 10 million, and whereas austin's airport contributes \$2.4 billion to the local economy and supports 7% of all jobs in the city, and whereas employees of the airport deliver a standard of service ranked among the best in the country.

Employees make the airport great and the face of austin to millions of travelers who visit here, and whereas abia represents the culture of austin to travelers. Last year they enjoyed 1,153 live music performances in the airport, 859.4 tons of brisket, and

578,278 breakfast tacos and purchased 59,683 keep austin weird t-shirts. And now, therefore, i, lee leffingwell, mayor of the city of austin, texas, congratulate austin-bergstrom on being an economic cultural and transportation jewel and do hereby proclaim may 23, 2014 as austin-bergstrom international airport's 15th anniversary in austin. Congratulations, jim. [Applause]

>> on behalf of the over 3,000 people that work at the airport each day, I thank you for the proclamation. But more importantly I just want to thank the mayor for his strong support over the years, as well as the rest of the council, because without their support the airport would not have been able to do the things that we're doing, including all the construction activity that we have going on right now to try and keep up with the rapid growth in austin. So again, thank you very much, mayor. We appreciate it.

[12:10:46]

>> Mayor leffingwell: Thank you. [Applause]

>> riley: Okay, I'm so excited about this next one. I am council member chris riley, and it's my great honor and privilege tonight to be able to recognize someone who has been a true champion for all of us who are concerned about transportation in austin, particularly transportation around downtown austin, and especially alternative transportation in and out of downtown austin. Some years ago there was -- amid growing concerns about access to our downtown and in recognition of the growing strains we were seeing on our existing transportation network, we began -- began to have conversations about how we could manage that better, and we looked to other cities and recognized that there was a certain model of transportation management association that had been very effective in addressing some of these transportation issues, and promoting alternative transportation, encouraging people to consider taking the bus or a bike or walk to get to work. That was a foreign concept for many in austin, but there were many who were interested in that and were open to learning about those options and to trying them out, but it took a little encouragement. So what we really needed is people who would dive in and tackle those issues and be willing to identify what options there were and to introduce those options to others who might be interested and to actively promote them. That takes a certain sort of person, and we were so lucky here in austin to have people who are amazingly creative and energetic and enthusiastic about promoting that sort of alternative transportation possibility. And so that brings me to recognize the one woman who has been at the heart of the effort, with this organization. It was an organization that first we called the downtown austin transportation management association, or gatma. We eventually got a much more

poetic name, movability austin, and lauren bennett has been the program director of movability austin for two years. I'm sad to say that we are about to lose lauren. She is moving on to other pastures for now. We hope to get her back someday, but for now we are in a position of wishing her well and thanking her for all the work she has done in service to the city of austin and all of those who experience austin's roads and have an interest in dealing with the issues that we all experience on those roads. So with that I want to read this distinguished service award in honor of lauren bennett. This is a distinguished service award for two years as program director of movability austin. Lauren bennett is deserving of public acclaim and recognition. Lauren has played an instrumental role in movability austin's success over the last few years in collaborating with public and private sector employees, property owners and other users to improve mobility downtown and on the corridors that lead to it. Lauren has introduced new transportation options to thousands of downtown employees, saving them money and unnecessary stress, while raising the visibility of transportation alternatives. We're pleased to recognize lauren bennett's fine work on behalf of movability austin with this certificate presented this 22nd day of may in the year 2014. Lauren, thank you so much for all of your service.

[12:14:36]

[Applause]

>> thank you, thank you everybody behind this. There are so many passionate, creative, smart, brilliant people in this community, and I am just so pleased to have been able to work with many of them. There are plenty in this room that I got to work with on some awesome projects. It's been a dream come true, working in the service of this city I love so much, and I will miss you all dearly and will see you soon. Thank you. [Applause]

>> riley: And I want to note that we're joined here tonight by many who have worked with us, and lauren, in addressing these issues, including glen gabwios who have worked with it since the inception and others who have worked with lauren. So I want all of you to join us up here for some photos. [Applause]

>> riley: Next up we've got another fun item, this is recognizing a very special day coming up. On june the 7th, it's going to be an awesome day here in austin. A combination of so many great things, and in particular we are going to be recognizing both barton springs and national trails day. On june 700s of volunteers across the city will be working on hundreds of miles of trails to clean up and maintain them, as well as take the opportunity to go out and enjoy them as well. George, why don't you guys come on up here. Last year in austin we had 18 trail projects with 350 volunteers working hard to preserve some of the most beloved trails in our city. The

good folks at the austin parks foundation and the hill country conservancy are organizing work projects and throwing a an protection gathering afterwards at silk zilker parks can park for free and cool off in barton springs for free. I want to thank george cofer with the hill country conservancy for all the work they do to preserve and enhance our green spaces here in austin. So I want to present this proclamation in their honor. Be it known that whereas barton springs is an important gathering place for austinites and bears great historical and cultural evidence as an immeasurable community treasure, and barton springs has also come to represent the commitment of the people of austin to the preservation of their environment and their appreciation for the great gifts of natural beauty which help make the city the special place that it is. And whereas june 7 is national trails day, and whereas I urge all citizens to join me in recognizing and celebrating the social, cultural and environmental significance of barton creek and barton springs. Now, therefore, i, lee leffingwell, mayor of the city of austin tech, do waive all entrance fees to barton springs pool and do hereby proclaim june 7, 2014 as barton springs and national trails day here in austin. And with that I want to

--

[12:18:28]

[applause] as I mentioned, we have both bill stout with the austin parks foundation and george cofer with the hill country conservancy and I'd like both of you to say a word. If you'd like.

>> Thank you, council members, mayor, council members, citizens of austin. This is a personal honor for me because I actually

-- I moved to austin because of the

-- one of the reasons was because of the save our springs ordinance. It's a great way to celebrate a free swim day. Personally, it has an opportunity to coincide with national trails day. We have continued auction parks foundation in partnership with austin hill country conservancy, the conservation core and rei break our records for park projects. Last year we had 18, this year we have 24 already so we need a lot of citizens cocoa ut and volunteer to come out and volunteer for those projects. And just to be able to have a free swim day and celebrate the ordinance that has done so much to be able to protect austin's water quality. Thank you very much. [Applause]

[12:20:40]

>> morrison: So we are here with folks from the heart association who do a lot of such terrific work on so many things, and today we're here to talk about the work

they do with regard to strokes, which obviously is something that we all need to be cognizant of because it affects so many people. And so I really appreciate the work that you all do, and I'm here with Courtney DeBower, is that how you say your last name? And several others that she'll introduce in a minute. So we do have a proclamation to recognize the good work, and where we are in the month of May. It says, be it known that whereas stroke is a leading cause of serious long-term disability and the fourth leading cause of death in the U.S., killing 130,000 people each year, and whereas nearly 78 million Americans have high blood pressure, a controllable risk factor for stroke, including 44% of African-American adults, among the highest prevalence of any population in the world, and whereas symptoms of stroke include face drooping, arm weakness and speech difficulty, all triggers to call 911 immediately, and whereas new and effective treatments have been developed to minimize the severity and damaging effects of strokes, but more research is needed, and whereas we urge all citizens to learn the risk factors of stroke, recognize the warning signs and symptoms, and to dial 911 at the first sign of stroke. Now, therefore, I, Laura Morrison, on behalf of Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby proclaim May 2014 as American Stroke Month in Austin, Texas. Congratulations.

>> Thank you. [Applause]

>> Thank you. We have a couple stroke survivors and medical professionals here who have much more interesting things to say than I do.

>> My name is John and I'm just about eight years now into recovery from a massive stroke I suffered, so I do this as volunteer work with these folks, it's part of my ongoing cognitive therapy, just to get here on time with a tie that I tied myself is still a struggle. So for better or worse I'm also kind of a textbook example of what can go wrong. I was one of those young invincibles. Although I had health insurance I think at some point some doctor mentioned that I had high blood pressure but I was in the emergency room and

-- was playing pickup basketball. About I continued

-- I was a somewhat celebrated athlete in high school and college, I was all American cross-country and track, to the point

-- to the point where I made the tragic mistake that as long as I could run fast everything was fine, never dealt with the whole blood pressure issue. Fast-forward to the date I had the stroke I ran a 3 hour and 6 minute marathon on the day I had the stroke, so I think that story is very compelling because yes, one of those self-righteous people who have high blood pressure and are at risk for stroke. That was me. So it's late in the day. Let me try to be brief and face. I won't just be brief, I'm going to be fast, very fast. Remember that word fast. Because is that acronym we're trying to do a steady drumbeat this month to remind people not just to be aware of

your risk for stroke but most importantly for the general population to be able to recognize the warning signs of a stroke. So the acronym fasten exaz what to look for. F is for face, a for arm, s for speech and t is for time. So ask the person to smile, if one side of their face droops that's a warning side. Arm, ask the person to raise their arm. If it droops down that's a warning sign for stroke. S for speech, ask a person to repeat a simple sentence. If they have trouble articulating or remember what you said, that's the warning sign of a strong, a stroke is a brain attack. The critical take away it to understand it's the number one cause of long-term disability but there are known therapies and interventions that can significantly reduce the long-term effects of stroke. So I am eight years in -- tying a tie and showing up on time and finding my keys, but with immediate intervention an episode can end as simply as numbness in the arm or maybe a slight limp. So remember that acronym, fast. Know the warning signs but most importantly know you need to dial 911 because there's a narrow three-hour window of opportunity to intervene, and before someone has a stroke -- he this need to see a neurologist, have an mri or cat scan. You understand getting all that to happen within three hours means if you think there's a stroke, call 911. It is an immediate intervention. Thank you for your time. Hopefully I was fast too.

[12:25:42]

[Applause]

>> hello, I'm steven warwick. I am a physician who takes care of stroke patients, and mr. Murphy said it much better than I can. Stroke is a treatable and preventible disease, and we've got to get the message out, and therefore I thank the council for publicizing this very important public health issue. Thank you. [Applause]

>> and because it's late and it's austin, I should mention there is an app for that. If you go to the itunes store, look for spot a stroke be fast.

>> Morrison: Thank you. [Applause]

>> morrison: And now we have special ems celebration. Are you sure the rest of the uniforms don't want to come down and join you here?

>> Come on down here.

>> Morrison: Come on. Don't be shy. Come on. You can be in the picture here.

>> Morrison: Nice to see you.

>> Nice to see you.

>> Morrison: And we are here to recognize the distinguished service of vikki branning, and I want to say council member mike martinez wanted to be here. He had to step away from city hall, but I know he served with you. But we have an exciting program. So I'm going to read this distinguished service award. It says, after

more than 23 years of public service with the city of austin, during which she has demonstrated both excellence and dedication to this community, victoria branning is deserving of public acclaim and recognition. For many years commander branning distinguished herself as a leader and set a department standard to accept nothing less than the best for its patients. Throughout her career she has touched thousands of lives and saved more than a few. It is with heart felt gratitude that we recognize vikki's many accomplishments with the austin/travis county ems. This certificate is presented with our admiration and appreciation on this 22nd day of may in the year 2014, and it's signed by the mayor and I have all the council members' names. So thank you very much.

[12:28:53]

[Applause] [applause] [applause]

>> I have just a few things to say, number one, I want to say what an honor it's been to serve the citizens of austin and travis county, and it's been an honor to work with the amazing people that work for austin ems. 23 years, almost 24, a month short, of watching it go from 13 ambulances to over 36 ambulances has been amazing. And without the support of my family and my friends studied put up with my long hours, crazy days, no holidays at home, I couldn't have ever done it, and I appreciate it all. And I love all you. I'm going to miss everybody terribly. [Applause]

>> I'm ernie, I'm the chief of emergency medical services. I'm really honored to have just a moment to say the things that vikki would never say. I think, you know, vikki, when I first got here, I asked you, what do you think is the most important part of your job? And she without hesitation said, making sure you have the back of your people. In other words, being there for them, advocating for them and standing up for them when they need it. And I got to tell you, you done good, real good. So ian that includes, by the way, twisting your chief's arm from time to time. She's a very good arm twister, and I think rick branning could attest to that as well. I went through your file today and it was a nice stroll through the personnel file. And I found letter after letter after letter after letter of recognition and thanks. I got letters from patients. I've got cards from patients. Notes from their families, notes from their spouses. I got a letter from the erwin center because she saved a patron's life during an event at the erwin center. I've got one that was really special where she responded to a patient who had horrible living circumstances, and she organized cleaning up the house and even helped clean up herself part of that house, and it just goes on and on. Thank yous from employees, citations for critical events, multiple patients, critical patients. It's just amazing. And I just wanted to say thanks. That's awesome. I mean, think about that. 20-something years, 23-plus years doing it

over and over and over without stopping, without hesitation. So we're going to miss you. But also I know, this is important, vikki branning, former commander has a new job. She's now chief granny in charge.

[12:31:46]

[Laughter] [applause] [applause]

>> now, we also have a special treat. One of our employees, kelsey patrick, works in our logistics department in central supply, and every day he takes care of patients by making sure that all of the medics have everything that they need to provide the care that's demanded of them by their patients day after day. Very quiet gentleman, very humble, very peaceful person, has been rapping since he was 12 years old, and he's written a special song that's in celebration of ems week, which is this week, and also it speaks broadly to our city. And you'll see the pride in the words that come out of that song. We've been counting. That song has just been debuted earlier this week, just a few days ago, and conservative estimates are that it's been seen by 750,000 people in just a few days.

[12:33:48]

[Applause] it gets better. Not only that, he's gone global now. It's been seen by people in ireland, poland, india, mexico, england, japan, afghanistan, canada. It goes on and on. Many countries are enjoying it. I'm going to get out of the way and less you enjoy it. You're free to dance.

>> How are you? I know you like rapping. Why does he have a mierk in mic in his hand. First thank you to the department for doing this. I honestly appreciate it. I love when I did the song the psa, when I wrote it, but to be honest it's really for you. The men and women that serve this community, help keep us safe, you guys are the ones that keep us safe in our city. Thank you. Can I get everybody to stand up? You all are going to participate today. It's going to be a change of pace in here.

[♪♪ Music playing ♪♪] can I get everybody to clap their hands?

[Music playing] [clapping] [rapping]

[12:38:25]

[applause] min tu

[13:02:33]

>> testing 1, 2, 3, 4, testing 1, 2, 3, 4. Ses.

[13:11:40]

>> We are out of recess and we have at least one postponement request and we will deal with those. We have three items I want to deal with.

>> Guernsey: Mayor, council, planning development and review department, there is one item that you acted on before.

>> Mayor Leffingwell: Let's do the postponements first.

>> Guernsey: You want me to do the other postponements?

>> Mayor Leffingwell: Yes.

>> Guernsey: Okay. Mayor, I will have 76, conduct public hearing, consider an ordinance for entitle 25 to establish established of goals. And we have considered the item but has not yet passed it out to the full commission. Staff would suggest maybe with a little luck to have this on june 26 and and that will happen. Staff will offer that as a postponement, 77 is discussion, 78 is discussion.

>> Mayor Leffingwell: Let's just take 76. Entertain a motion to postpone 76 for june 26.

>> Martinez: I will make that motion but I have a comment.

>> Mayor Leffingwell: Council member martinez. Second by council member spelman. All those in favor, say aye.

>> Martinez: Hold on, mayor. I have a comment.

>> Mayor Leffingwell: Pardon?

>> Martinez: I have a comment.

>> Mayor Leffingwell: Go ahead.

>> Martinez: On 76, I noticed code ordinance didn't do anything with it, they tabled it and will bring it up. This is an issue that has been lingering for a small time and we have small businesses in limbo right now and not able to operate. I want to do everything we can to get this thing back by june 26 so that these small mobile retail vendors can start operating and pulling the permits that's necessary.

>> Guernsey: I will relay the message to the subcommittee of the commission of the thoughts of council.

>> Mayor Leffingwell: All those in favor, say aye. Aye. Opposed say no. Passes on a vote o0 with council member riley off the dais. Council member cole, do you vote aye or are you off the dais? Postponement on item 76?

[13:13:55]

>> Cole: Yes.

>> Mayor Leffingwell: Vote 6-0 with council member riley off the dais.
>> Guernsey: Mayor and council, item number 75 is a parks and recreation department item. I understand that's also up for consideration of a postponement.
>> Mayor Leffingwell: I want to recognize council member morrison for item -- or council member council member martinez for 75.
>> Martinez: Thank you, mayor. Likewise I want to make a motion to postpone this item to august
-- what was the request, greg, august the.
>> Guernsey: Council member I am not aware of the particular date.
>> Martinez: August 28 for a 7:00 p.M. Time certain with the direction
-- first of all, the comment I wanted to make is we were posted today to adopt a master plan for holly shores. There isn't a master plan. It doesn't exist and this troubles me to great extent that folks have put in, not only the community but staff has put in a lot of time. I would definitely felt uncomfortable adopting a master plan that's not in front of us and not in the backup. I would like this motion to postpone but incorporate much of the work that's already been done so when it comes back on the 28, that we have a full detailed master plan that folks have been able to read through and understand and incorporate all of the work that is reflected in the may 16, 2014 memo regarding the issues that east town lake citizens association has brought forward and staff recommendations. What I would like to see is all of this put into the master plan and then when it comes back on august 28, we individually strike or make motions to amend as we see appropriate. I think there has been a lot of work by a lot of folks, and we are close, but there is still a couple of issues, specifically the bridge and the food forest is a major issue of contention and ultimately it will be a council policy or not whether or not we put that into the master plan but we need to have a full detailed master plan in front of us before we are asked to adopt such plan.

[13:16:15]

>> Mayor Leffingwell: Motion to postpone with direction by council member martinez. Is there a second?
>> Morrison: Yes, mayor.
>> Mayor Leffingwell: Seconded by council member morrison.
>> Morrison: If I can comment, I fully agree with council member martinez and just to be clear what will go into the master plan are the staff recommendations that came out of those long discussions, and I appreciate everybody being willing to go to the table. This will give people time to get to look at the details are going to look like. I want to add one thing that wasn't addressed in the staff memo that came out, and

that is, we've had discussion and there were concerns that were raised about this being referenced as a metropolitan park, which makes it sort of as a city wide destination and I understand that by virtue of being part of the overall town lake park, that it is technically a metropolitan park, but we want to be able to reflect in the master plan that we want this park to be considered as a district level park which is a much more localized park, so I would like to also add that to the motion, that the master plan reflect that issue.

>> Mayor Leffingwell: Additional direction accepted.

>> Cole: Mayor.

>> Mayor Leffingwell: Council member cole.

>> Cole: And I would also like to add that the work continue with the neighborhood association and the advisory group.

>> Mayor Leffingwell: More advice for this motion?

>> Cole: Friendly amendment, friendly direction.

>> Mayor Leffingwell: I will assume that's accepted. All those in favor, say aye. Aye. Opposed say no. Passes on a vote of 6-0 with council member riley off the dais. Council, on item 68, we we approved earlier on the consent agenda. [Applause] there was

-- there has been a request by some of the folks involved, I believe it is on the neighborhood side over the date of the postponement, so if there is a motion -- it was a unanimous vote, so anyone could make a motion to reconsider, we can hear their request for a different postponement date. Is there a motion?

[13:18:37]

>> Motion.

>> Mayor Leffingwell: Council member spelman moves to reconsider. Is there a second?

>> Second.

>> Mayor Leffingwell: Second by council member cole. So we will hear one person for 3 minutes and if there is a person on the other side to rebut you will have your 3 minutes afterwards.

>> Thank you. Good evening, mayor, mayor pro tem and council members

>> I am secretary of sweet hill and I would like to suggest that the hearing date be june 12 rather than june 26. I realize a month may be the normal period for the first postponement. Integer you to hear me out. We are asking for shorter delay because the applicant representatives seem to be spending the postponement period on other cases than the issue at hand. Instead exploring administrative approvals that result in an end are run around public stakeholders and this process. At the planning

commission, staff asked for second postponement so the applicant attorney, mr. Jeff howard could continue to seek other alternatives than argue the zoning case. They were denied. The commission voted 7-0-1 against the rezoning request and now this postponement request states that the applicants and their representatives wish to address the issues brought up by the opponents to this rezoning request. We have concerns about postponing this public hearing for four weeks so that mr. Howard can further attempt to arrange private administrative work arounds. We support a two-week delay and suggest in the interim they come talk to us about a compromise. We will welcome the opportunity and have reached out to the applicant's representative for a workable solution that might involve the property owner taking out the excess impervious they installed and a variance to keep the pool and pool equipment. That discussion can take place the next two weeks at june 12 and if progress has been made, we can request another postponement until june 26. We consider this a schedule that ensures productive discussion on both sides. Thank you for considering my request to set the hearing for june 12. In addition we request a time certain for no early votingier than 4:00 p.M. To am come date our neighbors who have a 9 to 5:00 p.M. Workday.

[13:20:50]

>> Mayor Leffingwell: What is your particular objection to the 26?

>> We would like to spend the next month before your july break and before august budget discussions so we can move this case along. There have been a lot of neighbors involved in this drainage issues and impervious issues for two years and there have been several postponement requests at planning commission. We feel those postponements were not spent productively and certainly none of them were spent talking to the neighborhood about compromises so we would like to set this to

-- postponement at two weeks to motivate the opponent

-- the applicant and their representatives to talk to us. We feel that we could commit to meeting with them in discussing compromises and we hope that they will do the same.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Three minutes for the applicant on the discussion on postponement.

>> Thank you, mayor, thank you, mayor. Good evening, council members, my name is jeff howard and I represent blake and toriah english who omi the home on 37 waller street and this is a staff error zoning case by way of background. This is the

applicant's first request to postpone which as you know is universally granted. The postponement request is for less than the 60 days that the code would allow -- potentially allow for up to 60 days for an applicant. We asked for this postponement in order to as -- as ms. Brensmaid said to address some of the issues that were raised at planning commission. The planning commission, unfortunately, we were informed that there would be a staff postponement. My client did not attend. The record was not complete, apparently, as the planning commission did not have all of the documents that indicated the staff error. So we would like the additional time to prepare our side of the story. I think you've probably been visited by the neighborhood in your offices. You probably have heard from them. We would like that same opportunity, to come and talk to you and give you our side of the story. We think 30 days is a reasonable amount of time for us to develop the record and to prepare our case. And given that this is a staff error case, we think it's fair and reasonable that the applicant be given a fair opportunity to present its case. Now, when I learned for the first time this afternoon that the neighbors were opposed to the postponement to june 26, we did meet and we did talk and I also asked my client if they would be available june 12. My client plans to be in houston that week. And I think it's very critical that my client be here as we learn from the planning commission. As far as neighborhood involvement, my client participated in three neighborhood meetings. We would just like the opportunity to have enough time to present our side of the case. You hear both sides of the case and there is a fair opportunity in this staff error case to be heard, and, again, my client won't be available on june 12. I will be happy to answer any questions you may have.

[13:24:00]

>> Mayor Leffingwell: Okay. Thank you. So council, I think we need to take some action on reconsider to either keep the june 26 date or change it to june 12th.

>> Tovo: I have a question for mr. Howard.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Mr. Howard, sorry to call you back up.

>> Yes, ma'am.

>> Tovo: As I understand, part of your reasoning is that you need time to meet with council to talk about your side

-- your client's side of the story. Had you scheduled any of those meetings before it appeared on the council agenda today?

>> I requested one, we will be requesting more next week.

>> Tovo: Okay. Because you did

-- I mean, I am just asking that question because I don't think you contacted my office about scheduling an appointment.

>> I have not.

>> Tovo: Before it appeared on today's agenda and certainly we have several weeks so a good likelihood you could get on the council appointments between now and June 12th.

>> Correct. I have not yet requested a meeting with you, council member.

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

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: Jeff, while you are close-by, let me ask you a question. The representatives of the neighborhood have been telling me that they have had useful meetings with you but they haven't had an opportunity to talk to Mr. and Mrs. English. Is that accurate?

>> We have

-- my neighbor

-- my client has met with the neighborhood on three occasions in full neighborhood meetings. We have not had individual meetings with a smaller group. We did talk about doing that today and my client is willing to do that. He is happy to meet with the neighborhood and to put all of the issues on the table. Unfortunately, there were some preconditions that the neighborhood wanted in terms of meeting, and I just couldn't commit to those preconditions. We will certainly talk about them, put those issues on the table and happy to do that in the next 2 weeks and continue that prior to council hearing on June 26, if that's the will of the council.

[13:26:09]

>> Spelman: From your point of view, what were those preconditions?

>> The precondition was the removal of the driveway in the front.

>> Spelman: Okay. Ms. Brensma, can you come up for a second? It is usually good negotiating practice to not draw a line in the sand first before you talk to somebody. Would you insist on that driveway coming up before you sit and talk to Mrs. English?

>> What we insisted on is that it be discussed. We wanted it brought and put on the table as an option.

>> Spelman: Okay.

>> I felt like our concerns were everything that happened after the pool permit, if there was a city staff error on the pool permit, the neighborhood can certainly understand that. Everything after the pool permit and the installation of the pump house, the setback, all of those things the neighborhood is willing to compromise on.

Everything after that we want on the table. We want them to be able to consider removing them.

>> Spelman: From your point of view, the pool is not on the table. The pool is -- the pool gets to stay?

>> Yes.

>> Spelman: Okay. If they need a variance in order to accommodate the pump house and coping around the pool, you are willing to support the applicant on that?

>> I can't speak from my entire neighborhood but I know from our neighborhood meetings that no one in the neighborhood is asking them or wants them to have to remove the pool or the pump house.

>> Spelman: So the pool is off the table but they would like the driveway to be on the table. Jeff, do you think you can talk to your client to meet with the neighbors?

>> I hope I was clear in our discussions. Yes, we will put that on the table. But I think what we were asked was to commit to taking it out, and so if that's not the case, then we are happy to meet and talk about that.

>> Spelman: It doesn't seem to be the case there right now. That's not the case from your point of view?

[13:28:14]

>> It's not the case.

>> Spelman: If that's not on the table, I personally would like if Mr. and Mrs. English can meet with a small group of neighbors between now and the 12th of June. If neither of them can make it on the 12th of June, I can understand how you would be unhappy about making a final decision on the case at that point. But I think it's -- it might be helpful way for us to get us to that meeting in the next 3 weeks if we postpone this only until the 12th [cell phone]. After the 12th, if the clients can't make it and there has been forward progress, I suspect the neighborhood will be happy with further postponement until the 26th. Is that accurate, ma'am?

>> That's accurate, thank you.

>> The only comment I would say I would be very concerned that the neighborhood would support a postponement on the 12th under those circumstances.

>> Spelman: If there has been a meeting I will support postponement on the 26th. I just want a meeting, so long as it is a reasonable meeting where both sides are willing to talk about both options, I am a happy guy and I will be the first person to make that motion.

>> Hopefully your colleagues will as well.

>> Spelman: I hope they agree with me. Thank you.

>> Mayor Leffingwell: It seems to me

-- this is very complicated. The not just a matter of meeting with the neighborhood. It's meeting with the staff. The staff may have an issue that takes time to resolve. It is a legal issue, really, and there is also the commitment that I just heard to meet with all of the council members to discuss the complexities of the case, and I am concerned that's too much to do, too much to do by the 12th, but I think if there is -- my preference would be to leave it at the 26th, but if there is a commitment to -- if it's not ready, to go ahead and postpone it from the 12th, I guess we can do that. It's an inconvenience. There is also the issue the client is going to be out of town. So it's hard to see -- if we want to go through the exercise of another postponement on the 12th, I guess we can do that.

[13:30:28]

>> Spelman: Thank you, mayor, I move to postpone until the 12th of June.

>> Cole: Second.

>> Mayor Leffingwell: Council member spelman moves to postpone until the 12th. Second by council member cole. Is there any discussion? All those in favor, say aye. Opposed say no? Passes 7-0. Okay, so now I guess we can take item 59 back off the table and it's been so long ago, mr. Guernsey, could you take no more than 30 seconds to bring us up to date on where we are right now. I know that's going to be a tough assignment for you, 30 seconds part, but ...

>> Guernsey: Council member spelman has put forward two options for you to consider that would deal with prospective expiration periods under 25-1-55-2, as I understand one would essentially take a staff recommenda eliminate, I guess, the progress sections

-- or keep the progress sections but eliminate paragraph h and the other would eliminate the progress sections and go back to a flat 9 concept ,which the planning commission was kind of looking for.

>> Mayor Leffingwell: This is an amendment to the main motion that's already on the table to approve division 3 and then I believe there is one amendment by council member morrison, one amendment that's already been approved.

>> Two, mayor.

>> Mayor Leffingwell: Two.

>> Morrison: The mga as amended and the fair notice block start.

>> Mayor Leffingwell: And the third amendment is the one that's pending, the so-called 9 years. All right. So were you speaking, council member? Who had the floor?

>> Spelman: Actually greg was speaking because

--

>> Mayor Leffingwell: I think it was council member tovo ready to ask a question.
>> Tovo: It was, but if council member spelman has some questions first, I am happy to yield the floor and then I will ask mine.

[13:32:31]

>> Spelman: I have some but I am tired of hearing myself talk, council member tovo, so why don't you go ahead [clapping].

>> Mayor Leffingwell: Somebody is going to be forced to speak on this issue. Council member tovo, you are it.

>> Tovo: Mr. Guernsey, I want to get back to what the planning commission recommended, first of all, because I think while there were different opinions about what the planning commission said, what in effect they did was to have a hard stop at 9 years. In fact, their stop at 9 years, we altered last time with a provision that allows their last permit to extend past the 9 years and to get a maximum of a one year administrative extension.

>> Guernsey: That's correct.

>> Tovo: So I want to be really careful because I think I heard you say the planning commission was driving for a flat 9 and flat 9 is sort of taking on all kinds of definitions, so I want to really be very clear that the planning commission wanted a hard stop. We've already adopted a policy that's app more flexible than that -- that's actually more flexible than that and the flat 9 is sort of what council member spelman has brought up is a different -- a different definition of flat 9.

>> Guernsey: Council member I was trying to explain the last two options that council member spelman had that we were discussing.

>> Tovo: Okay.

>> Guernsey: The commission did basically stop after 9 years and you did on first reading make provision that with the life of the site plan, there could be one extension and it would be on the 9 years. It could be administrative, but no planning commission extension would be available.

>> Tovo: Right. So we've already

-- again, we are just at a more liberal policy right now than planning commission accepted. So then I wanted to ask you just a couple of questions about

-- I guess, is part of the

-- this is a question, I guess, for mr. Lloyd. And this is

-- or maybe mr. Guernsey. On page 11 of 17, there is a question about notwithstanding its meaning in this context, and so 25-1-55-2h says notwithstanding the expiration periods established in subsections b to g, a project expires 9 years

after the vesting date. This is in the existing ordinance, not in the proposed one. So notwithstanding in this case means the ones

-- if

-- if b through g doesn't kick in, then it's 9 years?

[13:35:24]

>> Exactly, so when it all comes out in the wash, we would interpret that to mean it's a cap of 9 years and that under b through g, a project could expire earlier than that if those triggers are operative, given the permitting for the project. But it would be capped for purposes of those expirations at 9 years. Another relevant consideration is that it

-- 551 also has some provisions that bear on the concept of expiration. 551 has the language over all project expire, the project expires, that would still be operative, so if you have a project that is grandfathered to only construction permits and those all expire, the project would expire. It wouldn't get an automatic 9 years.

>> Tovo: Right.

>> Additionally if you have a project that has a site plan active at the end of the project life, that would control, and so the project could remain active for the length of the site plan. It could get the one year extension. So essentially subsection h as we interpret it

-- and we aren't entirely sure what the commission's intent was. There were different comments on the dyers. We did our best to transcribe what their motion was, but the way it all sort of comes out is that it's a cap for purposes of the expiration in those provisions.

>> Tovo: So I raise this because I have heard a few concerns that maybe not with standing means something different in there. I want to be very clear that what we are saying here is except as provided above, at least in our existing ordinance, this would be modified by the amendment that's in the table?

>> It's not ideal language but

--

>> Tovo: If we say except as

-- or

-- I wonder

-- let's get through this amendment first and then maybe

-- maybe the language there needs to be clarified, but as I understand the amendment on the take, it would actually zap out all of those things that we just talked about, b through

-- b through g and replace it basically with the ability to extend the project 9 years,

no matter which mat sequence of permits they went through.

[13:37:46]

>> The problem with that interpretation it would render b through g effectively meaningless and we try to read a statute in a manner where language in there gets some effect. The only way to do that is to read subsection h as being a cap. That said, it's not ideal language. There have been a lot of different interpretations advanced around what it means. The interpretation I have tried to describe is how we would advise staff to apply it. But there are certainly
-- it could certainly be improved.

>> Tovo: Okay. Thank you. We had an opportunity to talk about this proposal last time. I think you've modified it a little. So I guess I would want to

-- would want you to cover again that

-- how you've modified it exactly.

>> Spelman: The primary reason I brought it back again, if I may.

>> Tovo: Yes.

>> Spelman: Is after several conversations with mr. Guernsey and mr. Lloyd, it became clear that although h is not exactly a substitute for b through g, it is a very close substitute. And the reason is because all permits
-- you have to have a valid permit, and except for final plat, which is a completely different animal. All of our permits expire at some point. So, for example, I couldn't pull a preliminary plat absent b through g, I couldn't pull a preliminary plat and sit on my thumbs for 9 years and expect to still have a project, because the preliminary plat is going to expire. If I pulled a site plan and expect it to be able to go for 9 years, I couldn't do that because the site plan would expire after 3 years with perhaps a one year administrative extension. So because all of our permits with the exception of the final plat, which is a peculiar beast, with the exception of a final plat all the permits expire and if I have to keep a valid permit, to keep the project going, I would have to continue to make forward progress just as a matter of course. I couldn't
-- if the primary concern, as I understand it from mr. Bunch, is that we need developers to be able to make forward progress for them to be able to claim they have a project, I completely agree with that. It seems to me, though, that because a permit expired, then they have to make forward progress in order to get up to 9 years anyway because the permit also go away and they won't have a project anymore because of 551c.

[13:40:15]

>> Tovo: Proposing

-- you are proposing eliminating the sections that talk about those earlier expiration dates?

>> Spelman: Well, for purposes of expiration of a project, yes, but each of those permits are considered elsewhere in the code and each of them have their own expiration dates which we are not changing through this ordinance at all. So you have a five year period to complete a preliminary plat or move on to the next stage of the project. Otherwise elsewhere in our code, the preliminary plat is going to expire. Three years, actually, if you are in the water quality protection zone.

>> Tovo: Now I have a question

-- thank you. Now I have a question for mr. Lloyd. I thought there was a good reason why we were

-- those do exist elsewhere in the code but I thought we had discussed that it was important to have them in this section of the code as well for clarity sake.

>> I am sorry, I

-- I lost the flow of the conversation. Could you just reframe the question?

>> Tovo: Sure. And I may need council member spelman to chime in here, but I think, from what I

-- from what I understand of the conversation I just had, the colloquy we just had, b through g could be removed because they

-- those provisions or expirations exist elsewhere in the code. I thought they were in here because we want to be clear that they still apply.

>> I believe that under the proposal that council member spelman put forward, that attempts to be sort of more concise includes the language, his amendment that has a b and c for section 552, I think getting rid of b through g arrives at roughly the same place as the other drafts because of the fact that you have language in 551 that says if all permits for the project expire, the project expires, so I think that covers a great deal of the situations where you have a project that is grandfathered to grand to a building permit or a site plan. The only thing it doesn't cover are final plats. Final plats under one of council member spelman's proposals would get 9 years. Whereas under the planning commission draft, where it has the specific enumerations of b through g, a plat

-- a project that's grandfathered only to a final plat without a prelim would only get four years. So as near as I can tell in looking at council member spelman's more streamlined approach, the way it would differ from the planning commission draft is in that respect.

[13:43:12]

>> Tovo: We did h mr. Bunch speak to this a little earlier and saying in his mind, it was not a small difference and I don't think that was the only example he was thinking about, but, okay. I see

-- I see someone else wants to chime in.

>> The other motion that council member spelman has put forward on the dais is one that would simply return this provision to the march 12th staff proposal, and that eliminates the confusing language in h that some council members have raised concerns about.

>> Spelman: For your background, mr. Lloyd, since I can only have one amendment at a time and because they are substitutes, I brought forward the first version and not the second version, so the second version is not on the table yet.

>> Okay.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: So, mr. Lloyd, if you wouldn't mind staying there, I think you heard the example that mr. Bunch gave earlier and he

-- he sent an email with what I believe is a generic description of that and if you could

-- that does point out a different situation and I would like your thoughts to be that.

It says, if you are under section e, which is where your vesting date is based on the site plan, under this amendment, any living building permit on a small part of the site plan would keep the entire site plan alive for 9 years, rather than just keeping that part under the building permit alive. Could you comment on that? Like if you have a small

-- a one small permit, building permit on a site plan that's based on a site plan, does -

-- how do those two things interact? Or maybe that's a question for mr. Governess. Guernsey. For mr. Guernsey.

[13:45:22]

>> As far as site plan expiration goes, the way we've treated is that you need to pull of your billing before the site plan would expire in order to keep

-- keep the site plan alive. When you say speaking of project, which is different, it's not clear, I think, in the ordinance, that if you are building out the site plan and you taken out one building permit, it's not as definitive maybe in this language. But type one explanation is very clear, I think, in that you cannot pull a building permit if the site plan expired. That's what we are talking about. If this section went away, I don't know how you would get the next building permit if the site plan actually expired.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Morrison: So you are

-- sure. But

-- but you said this wasn't quite clear in the

--

>> Guernsey: Well

--

>> Morrison: Have you talked yourself into something?

>> Guernsey: I may have talked myself into what I said earlier. [Laughter] you can't pull a building permit on an expired site plan. If a site plan has been extended by mga, by extension, you can continue to pull the building permits. Once it's expired, you couldn't pull any additional building permit.

>> Morrison: So bounce you have

-- if you have an active building permit

--

>> Guernsey: You can go complete that, as long as that building permit stayed alive, even if the site plan date has passed or lapsed, as long as you have the active permit, you can keep ongoing with the one permit.

>> Morrison: But the one permit

-- sorry.

>> Guernsey: But if there are multiple buildings and you pulled half of them and you were continually actively going through completion, those could finalize but the other ones you did not pull after the expiration date, you would not be able to pull.

>> Morrison: So you are still vested so let's say you have a site plan

--

[13:47:23]

>> Guernsey: You would be vested to the permits that you have that are still alive and you could go complete. I don't know if you would go back to

-- I guess go back

--

>> Morrison: The site plan

-- the project is still alive, because you have one building permit that you are making slow progress on, so the project, which is defined in vested at the site plan application is

-- is the

-- the project is still alive so you can come back and claim grandfathering rights back to the beginning of the whole site plan, not just the building permit?

>> Guernsey: Well, our practice has been that you would not be able to go pull additional permits.

>> Morrison: I am not talking permits. I am talking about being vested to that time.

>> Guernsey: Let me think about that.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: I can't parse the complicated

-- I don't know how our law department, the law department of some developer's legal firm or a judge would parse the language. It seems to me that if it's sufficiently ambiguous, that mr. Bunch, council member morrison and mr. Guernsey cannot understand my intent, I need to rewrite this. But briefly, my intent was not to change any of the expiration dates for any of our permits, three years, five years, three year plus one year administrative extension, none of that stuff, and I was working under the assumption that if I didn't mention that in this ordinance, in this amendment, that they wouldn't change and we would consider

-- continue to consider those expiration dates to be as they are elsewhere in the codes. Since that is not evident, it seems to me that the right thing for me to do for 3 weeks from now, the 12th of june, not tonight, is to clarify that those expiration dates elsewhere in the code are not being changed by any of the 9 year stuff. And that if your site plan expires 3 years after you pull it and you haven't got building permits on any of it, your project is dead. If you have a building permit on one small base of that site plan, that piece of your project is still alive and everything else is dead. If you are clever enough to find a way to pull building permits on the entire site plan before it expires, then you need to continue to make progress on all of those building permits. Otherwise, they are going to die, too. That was my intention and that is what I thought was the only reasonable reading of this amendment, but it appears to me that there may be other readings, and mr. Lloyd, can you help me with this?

[13:50:25]

>> I am sorry. What is the question? [Laughter].

>> Spelman: How

-- how do I clarify this

-- okay, you understand

-- I believe we understand each other in what we want to have happen, keep it on the site plan motif. I pull a site plan. I get 3 years to work on the site plan, to pull building permits. If I don't get administrative extension, after 3 years my site plan goes away. If I don't have any other outstanding permits, the whole project goes

away. Mr. Bunch is concerned that if I pull a building permit on a small part of the site plan, somehow that will keep the entire site plan alive as I continue to work on my outhouse.

>> We are not

--

>> Spelman: The project will stay alive because I am working on my outhouse. And my understanding of where we were is that doesn't happen. That one small -- that building permit would stay alive but the project would help with the expiration of the site plan.

>> Mr. Guernsey and I do not see that scenario

-- somehow a single building permit on a site plan with multiple buildings keeping the entire project alive, as a practical matter, we aren't seeing how that would play out. If the site plan expires, there is only one active building permit, the developer can't come back and pull building permits for the other structures, so we aren't convinced that's a significant issue. Burr there are certainly other ways for council to arrive at roughly the same place that others are talking about, so ...

>> Spelman: Mayor, I will withdraw this amendment so I can clarify my meaning and my language but I will bring forward a version of this in 3 weeks which I hope will address mr. Bunch's concerns.

[13:52:28]

>> Mayor Leffingwell: Well, by all means, let's address those. That amendment is withdrawn. Council member morrison and then martinez.

>> Morrison: I would like to know if at all possible if have a copy, that we can have it for work session.

>> Spelman: I will have it for work session and I will make sure that we have looked upon it as bill bunch in the eye as much as possible, to identify all possible flaws or misinterpretations of it.

>> Morrison: Good, I want to follow up with one final comment on this. I realize the scenario we are talking about, for me it's not about pulling building permits any more on the site plan, it's about a grandfathering claim vested to the date the application of the site plan was submitted.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: That final point that council member morrison makes I think is where we

-- I think bill is saying the same thing. I think he is saying it differently. I get your point and that is the concern I shared with the potential amendment but after bill explained it, he is saying if the permit expires, if you have one

-- if you have a project with ten buildings and you only have a permit on one buildings and the site plan expires, there is no more vesting at that point. It's over with. They want to build the nine other buildings, they have to come in to compliance with current code, which is what you are saying, I believe, council member morrison, that you would like that to not be vested, so whatever form that takes in language, I think you are both saying the exact same thing just in different ways, and council member morrison is just expressing a concern that the vesting is tied to that first permit on that first building within that site plan, and I don't think that's council member spelman's intention. I can't believe that I figured that out.

[Laughter]

>> Cole: Good job.

>> Mayor Leffingwell: Anything else? Council member morrison.

[13:54:29]

>> Morrison: I do have a couple of other things that were brought up

-- one issue that was brought up and it is on 25-1-552a. This is the section that says the project expiration period established by this section applies if the vesting date approved for a project under section 25-1-541 is based on a permit application that is submitted on or after june 1st. 2014, and of course we will change those dates

-- and so it was suggested that it was submitted or approved on or after june 1st.

And at first I thought that would be unnecessary because how could you have something that is approved before june 1st and submitted after june 1st, but then the question became, is it possible that you could make a grandfathering claim based on an application that was submitted but not approved.

>> To 245, the state grandfathering law specifically says that applicants can grandfather out of expirations so if new project expiration piece of this ordinance that's in 552 would only apply to projects that are submitted, where the applications are submitted after the date of this ordinance, which, if it were passed today, which it won't, but if it were, it would be june 1st, 2014. So I would not

-- if I am understanding the proposal correctly, I would not recommend any language that would attempt to apply these expirations to projects that are being

-- where the application was in review and submitted prior to the effective date of this ordinance but the approval occurs afterwards. I don't think that would line up with the state vesting law.

[13:56:47]

>> Morrison: I think I am going to have to think about that a little bit more. And the

other issue that was raised

-- and I don't know if there was discussion about this at planning commission. Maybe there was

-- maybe it was

-- I think maybe it was discussed very briefly so it might not have been clear, and that is, in 25-1

-- I think 541, section g, where we are talking about having the vested rights determinations put on the website, it's been suggested that we also

-- I think that folks were interested in being able to see applications for vested rights determinations while they

-- just in terms of raising transparency so they could see the ones that are just being

-- before the determination is made, so I wanted to make a motion that we also include language that puts the vested rights applications on the website as well as the determinations in a timely manner.

>> Mayor Leffingwell: Okay. That's an amendment offered by council member morrison. , To put the applications online. Is there a second for that?

>> Second by council member spelman. Any discussion? All those in favor, say aye. Aye. Opposed say no. Passes 7-0. Is there anything else? All right. Council member tovo.

>> Tovo: I have a question for staff and probably an amendment. In part 10, which is, let's see, I am not sur 25-4-62 part 10, the approvals

-- the expirations here are still listed as the date of approval rather than the date of submittal as we've made changes to this ordinance, it's been the expirations are

-- the expirations are tied to the date of submittal now rather than the date of approval and so this to me seems to inconsistent with the way the ones are working elsewhere.

[13:58:56]

>> Part 10 actually deals with agreements under title 30 with travis county and we were aligning the years but we have not proposed to the county to change when that period would start and and my agreement with the county, I think we actually have to propose it 30 days beyond the date that you can consider that, so certainly we could fake that as a direction. We would need to take it to the counterparts at the county to have that discussion before we bring it back but nothing stops the council from considering that in the future but we have to have our discussion first.

>> Tovo: I see. I think it would make for a good ordinance writing to have that be consistent with the rest of the ordinance, so I would propose

-- and I don't know if I need to do this as a formal motion but maybe I should. I would

propose that we make that change or that we provide direction to the staff to go forward and propose that to the county to switch the language from date of approval to submittal.

>> That's fine and that's totally within the scope of this ordinance, but I would clarify, mr. Guernsey is correct, that under our single office agreement with travis county for etj's regulations, we have to give them 30 days' notice so if that's to be included in this ordinance, I think it would require us to delay things 30 days. [One moment, please, for change in captioners]

[14:01:02]

>> mayor leffingwell: It seems to me we have to have an amendment
-- we have to have an ordinance in place before you can start discussing it and making it like

-- making chapter 30

-- or chapter 25. So I think that direction would be appropriate, but after this ordinance is adopted, if and when it's adopted.

>> Mayor?

>> Tovo: So you're asking that I make that direction after this

--

>> mayor leffingwell: You can put the direction in now. And when we get the final version, if they bring it forward and begin discussions with the county.

>> Tovo: Okay. Smeb morrison.

>> Morrison: I wanted to remind my colleagues that as part of my mga amendment I included direction that staff talk with

-- work with the county on looking at how we might change title 30 to ALLOW FOR MGAs IN THE E.T.J. And one other reminder before we take a final vote on this, and that is that we did talk about the staff going ahead and working on potential project incent agreements in the coming weeks because we know there are people anxious to get started on some of them.

>> Mayor leffingwell: No more amendments to be offered? We're ready to vote on a main motion. I'll just say that I intend to vote no on second reading and continue to vote no until this problem that's

-- that council member spelman has been trying to address is successfully addressed, because as it stands now I don't want to support it. So all in favor of the main motion, say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. Passes on a vote of 6-1 with myself voting no. All right. I think that takes us to our zoning cases, 66 and 67 related, right?

[14:03:08]

>> Yes, mayor and council. Item no.66 is case npa-2014-0007, .01 for the property located at 1005 prairie trail. This is amendment to the north austin civic association neighborhood plan, as an amendment to the imagine austin comprehensive plan, to change the land use designation, the future land use map for that property, from single-family to a mixed-use classification. The related zoning case is item 67, case c14-2014-0026, again for the same property, 1005 prairie trail, to zone it to general commercial services mixed use, neighborhood plan or cs-mu-np combined district zoning. The planning commission's recommendations on both of these cases was to not recommend the change to the future land use map and not recommend zoning change. The property itself is about .38 acres or about 16,700 square feet, the zoning change and the future land use map were not recommended by staff as well as not recommended by the commission. The property is developed with an existing single-family residence. There is an auto-repair business that has been cited by the code compliance department, which is not permitted on the sf-2 zoned property. It's my understanding that there is a desire to mutually construct

-- eventually construct a larger building on the property that may be used for a nursery purpose, also as a larger residence. The property is surrounded by existing sf-2 zoning to the west, to the south and sf-2 and cs-np zoning to the north. There are single-family homes that surround the property on those three sides. Further to the east, however, most of the property is developed with commercial uses and zoned sf

-- or excuse me, cs-np. This property is kind of right on the line of a transition going from commercial to residential properties. It's a fairly hard line as you take a look at the exhibits in your backup materials. The basis of staff recommendations and the neighborhood plan, contact teams decision and the planning commission's recommendation is that the mixed use was not consistent with the neighborhood plan. It would be increasing the commercial nature on the residential portion of this neighborhood, and with that I think I'll pause. I think you have the applicant is here, mr. Doan, and I think you also have folks from the neighborhood that are here to speak to the request.

[14:06:19]

>> Mayor leffingwell: I actually

-- I don't have anyone signed up to speak, except for the applicant.

>> Guernsey: Oh, okay.

>> Mayor leffingwell: Council member martinez.

>> Martinez: Greg, when I look at

-- I'm looking at an overhead map a little bit different than that one you provided. It looks like the property immediately to the east has about 14, maybe 15 vehicles in the back, five in the front. Do you know if that is also being -- that is single-family zoned being used for auto-mechanic shop or some other commercial use?

>> Guernsey: Well, the sf

-- excuse me, the sf-2 zoning abuts the property to the west and to the south and is split to the north. There are residential uses to the north.

>> Martinez: I see that.

>> Guernsey: To the south, further to

-- certainly to the west. I think if you're looking at the exhibit looks like there are lots of structures there, but as far as I know that property hasn't been converted, at least lawfully, from a single-family residence.

>> Martinez: So that property to the east is currently zoned

-- the property to the east is zoned cs

--

>> guernsey: Zoned cs, and it is used for commercial purposes.

>> Martinez: Oh, it is.

>> Guernsey: , In fact, predominantly east of this tract on either side of prairie trail is all cs and used for commercial purposes.

>> Mayor leffingwell: Okay, we'll hear from the applicant minh doan. You have five minutes.

>> Good evening, mayor, and everybody here. I was cited for putting the building without a permit, and I did the best what I can, try to be compliant with the city. The problem I deal with is I have people in the back and which is, you know, according to code, I mean, I'm violating the code. So I went down to the court. The judge asked me to go rezoning. This is what I'm doing, and a lot of people are going against me of what I do. I don't see a reason why that I'm doing bad something. I would like to be compliant with the city. If my property is in rezoning for commercial, of course I can have

-- create more jobs for people and less people, you know, create more benefits, and I don't mean to hurt anybody or try to go to any extreme. And I went around my neighborhood and I talked to everybody, and I collect the signature that people support me. So I can allow to do

-- continue what I'm doing what I'm doing. And I would like to show the paperwork to

--

[14:09:51]

>> cole: You have to go back to the mic.

>> Mayor leffingwell: Go ahead. Your time is passing.

>> Oh, that's that

-- I just, you know, would like to, you know, comply with the city for zoning purposes. And that's why I'm here, to ask for help, you know.

>> Mayor leffingwell: All right. Thank you. There are no other speakers signed up. Sue perales is signed up against.

>> Yes, what we are recommending

-- I mean, what we would like for it to be denied because we already have aa right across

-- I'm sorry, I live on 1006 prairie trail catty-corner

--

>> mayor leffingwell: You can sit down.

>> And we have an aa like two houses down from us. We do have a lot of commercial on that street. There's a lot of traffic already, where we live, children, you know, cars going everywhere. With this kind of business that he wants to put in, we think that there's going to be more traffic. So I'm opposed.

>> Mayor leffingwell: Okay.

>> Thank you.

>> Mayor leffingwell: Fred perales?

>> Mr. Mayor and council members, I'm against this change, because we live close to his house. Of course if I talk to somebody a mile away, they don't care. They live

-- we live close to the house, and there's a difference between changing one

-- one lot to the whole neighborhood. If they want to change the whole neighborhood, that's different, but for

-- to have a business close to our home is

-- is a family still

-- family neighborhood, and traffic and dangerous for the children. So we're against the change.

[14:12:15]

>> Mayor leffingwell: Okay. Thank you. Diana soliz?

>> I don't think I have [inaudible]

>> mayor leffingwell: Okay. Gotcha. That's all the speakers that I have signed up to speak. So mr. Doan, you have three minutes for rebuttal time if you want it. And you

can check off ms. Soliz, she's not wishing to speak.

>> I'm here to answer to diana concerning about traffic-wise, that I'm bringing traffic into the neighborhood. According to the law, as a residential, I can have a lounge or bar created, and if that was done it's going to be extremely more. But I'm not doing that. All I'm asking is, you know, to help the people around me and I will continue helping the people around me to become a better place, and I'm not here to bring in traffic or anything. I just want to have a nice, you know, compliant

-- compliant to what I'm doing for the city and maybe help more people in needs for my service. And that's all I'm trying to do. I'm not trying to create any extreme, and they're over there worrying about the traffic, and as we know, area right there was -- traffic has been a long time. With me or without me it's going to continue with traffic in that area. It does not affect

-- but even though as a commercial property, like my neighbor, he fixed his car over there, and I don't think my neighbor have violated the

-- you know, parked the car in front of their house or whatever. I think that's

-- I don't know. I don't know how to explain it. But at this point, you know, that's what they worry about, the traffic impact. But on the other hand I would want to comply with the city, and right now I'm stuck between halfway. I don't know what to do. And I would like, you know, you know, somebody to help me so I can comply with the city and do what I got to do, and they just worry about the traffic. That's about it. But I can bring the traffic in, you know, as a residential, I can have a private party, you know, I can have a lot of people coming in as a residential, or, you know, like

-- I can even make a bar like in the zoning, and that's even worse traffic. I'm just trying to comply with the city, and that's

-- that's all I want to do. And I'm honored to come here and ask for you guys' help and to allow me to go further and create a better future for everybody and bring in more jobs and help another man bring food to their table for their family.

[14:15:53]

>> Mayor leffingwell: Thank you, mr. Doan. Council member martinez?

>> Martinez: Mr. Doan, can I ask you a question?

>> Yes, sir.

>> Martinez: Do you reside at that residence?

>> Excuse me?

>> Martinez: Do you live there? Do you live in the house?

>> Yes, sir.

>> Martinez: That's your home?

>> Yes, sir.

>> Martinez: And I appreciate you coming down here and trying to become compliant, but typically it works the other way around. You need to come to the council first and ask for that zoning change and then start the business that you want

--

>> no, I

-- I did not start the business, sir. Right now at this point it's

--

>> martinez: It's shut down

--

>> I never start the business or whatever.

>> Martinez: Right, but you put the structure on the back of it to

--

>> yeah, and I went down to the city and by code, you know, I'm allowed up to 3,000-square-foot of my accessory building. So that's what I'm working

-- I'm work on that, and my engineer has

-- you know, he's working on that too, and I'm compliant right now at this point.

>> Martinez: Except for the zoning.

>> Except for the zoning.

>> Martinez: Which is pretty important. And you made a comment about creating a bar. You couldn't put a bar in there without getting a zoning change as well. I think you could have a private party and invite friends over, but you couldn't have a business.

>> Yes, correct, but again, I consider that as a private party, and it still has traffic. That's what she's concerned.

>> Martinez: I understand. The issue you face, though, is that you're not zoned properly for commercial use, and typically we

-- you know

-- I don't recall a recent case where we've seasoned something so that it could fit the use that a property owner wants to incorporate. And so I

-- I know

-- you probably are a very hard worker and you probably do great work on vehicles, but you

--

>> I am a hard worker, sir.

>> Martinez: I'm sure you are, but the property you're in is not zoned properly for that. It's zoned for residential, and since you live there, even if we deny the case tonight you would still be allowed to make that your home, or you could sell it and

move to a properly zoned area where you conduct your business.

[14:18:09]

>> I got a question. The house right next to my neighbor, they are zoned as commercial.

>> Martinez: Yes.

>> And why is that happening?

>> Martinez: It could have happened through the neighborhood plan process. It could have been a zoning case that came to the council at some point.

>> Why is my neighbor allowed to do what he's allowed to do and I cannot be allowed?

--

>> martinez: Because you don't have the zoning.

>> What if

-- what does it take for me to get there?

>> Martinez: It takes coming to this council and asking and getting approval.

>> And that's what I'm here for today, sir.

>> Martinez: And that's why I'm explaining to you that I don't think I can support the case because you don't have the proper zoning for the operations that were taking place. So I'm going to move to accept the staff recommendation, mayor.

>> Mayor leffingwell: So that's a motion on item 66 to approve the staff recommendation, which is to deny the change in the flum. Is there a second?

>> Cole: Second.

>> Mayor leffingwell: Second by council member cole. Discussion? Council member riley.

>> Riley: I just want to ask one question of staff. Greg, some accessory uses are allowed at a residence. If the applicant wanted to fix cars in the back of his lot, can you describe to what extent he would be allowed to do that as an accessory use?

>> Guernsey: Well, an individual certainly would be able to work on their own vehicle, but not be able to work on others, and I think what I understood the eventually goal would be perhaps to have a nursery business, I think is what I've seen. And certainly one can grow their own vegetables and plants in their own yard, but when you actually

-- are actually having a business, that would take a zoning change to a different use

-- to a different zoning district to allow those functions to occur, you would not need as intense zoning certainly if you have auto repair as cs. I think cs goes to the nursery use. But in either case a zoning change would be required in order to perform the services of auto repair on the property for others.

[14:20:30]

>> Riley: Yeah, so I see in section 25-2-900 that automotive repair services are prohibited as a home occupation. So that's not something

--

>> guernsey: That is correct.

>> Riley: That's not something someone can do as a home-based business.

>> Guernsey: He can actually, as an individual, do office use within the building for his own business, and then repair vehicles somewhere else. It wouldn't allow people to come to and from the home, really, other than maybe one other employee that might come in, but it's very limited what you can do on your residential property as far as being a commercial type of use.

>> Riley: I see.

>> Guernsey: It is true that right next door to this property it's zoned commercial, but the lines have to be drawn somewhere, and this property was looked at in the neighborhood planning process, and there a line that was determined through the neighborhood planning process and properties that were to the west were residential designation and properties to the east were more intensive in looking towards that commercial. So unfortunately the line is right next door to this property.

>> Riley: I see. For me, mayor

-- mr. Doan, I would just

-- I appreciate your interest in providing services to your community and providing jobs to austinites and to the extent that you want to continue doing that I would just encourage you to identify places that have the appropriate zoning in place already, including places identified in the neighborhood plan as being appropriate for commercial use. Find a site that has the appropriate zoning and then you could undertake to provide a business there, but under the current rules that we have this simply is not allowed, and that's not consistent with the neighborhood plan.

>> So that means there is no way that I can rezone that property? Or anybody else

--

[14:22:39]

>> mayor leffingwell: That's what we're considering right now

--

>> as far as other seasoning

--

>> mayor leffingwell: Mr. Do mr. Do an, I would suggest that you confer with the staff on what your options might be, but normally when a zoning case is turned down you can't reapply for another 18 month.

>> Okay, so at this point right now as far as I know I can fix my personal vehicle in my house and

-- is that okay?

>> Mayor leffingwell: As far as I'm concerned that's okay.

>> That's like what the man say?

>> Mayor leffingwell: Yes.

>> Yes.

>> Mayor leffingwell: And I can too. At my house. Okay. So on the motion, on item 66, close the public hearing and deny.

>> Tovo: Mayor?

>> Mayor leffingwell: Council member tovo.

>> May I ask, sir, can I ask you one more question? You said something about another zoning.

>> For me, I don't really worry about zone change. I'm just

-- I like to have a little hobby for me. Yeah. That's

--

>> mayor leffingwell: The reason I was asking you, as the mayor said, if we vote

-- if we vote on this tonight and we turn the zoning down, you can't come back and ask for a zoning change for your property for another

--

>> as far as I be able to repair my personal car? I ain't going to lie. Sometime I do have my car around my neighborhood, my friend. I do help them. They don't have money. I help them fix the car. I even help them fixing their car. I ain't going to lie.

No, diana

-- diana, john, you know

-- I ain't going to lie. And, you know, as far as they

-- they coming over to their family, they got a problem, I go and help them fix their car. You know, I have no problem with that.

[14:24:45]

>> Mayor leffingwell: That's not really an issue that we're

--

>> tovo: I appreciate that. Thank you for answering the question.

>> That's what I was concerned about, was

-- code compliance, that's

--

>> tovo: Right.

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

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 6-0

-- 7-0, and we'll take up related item 67, which we'll already

-- council member martinez moves to close the public hearing and deny. Seconded by council member morrison. Discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes 6-0 with council member spelman off the dais. Item 77?

>> Guernsey: Mayor, 77 is to conduct a public hearing and consider an ordinance granting additional floor to area ratio for the project located at 718 west 5th street in accordance with the downtown density program. I'll introduce jim robertson to give you a general overview. I believe you have a revised ordinance on the dais. And I think we have actually an agreement on

-- between staff and the applicant to kind of go over with you this afternoon.

>> Good evening, council, jim robertson, planning and development review. I'll just give you a brief orientation to the case. The applicant is riverside resources investments. Location is 718 west 5th street. That's at the northwest corner of the intersection of 5th street and west avenue. The applicant is proposing a multi-family residential building, about 430 feet tall, about 162 units, probably 39 floors. The parcel is currently zoned cbd so as a consequence, of course, it has a base far of 8 to 1. The parcel is impacted by capitol view corridor and the project has taken that into account in its design and complies

-- complies with that. It's a fairly small site, it's a little less than a quarter of a city block, about 16,600 square feet. The applicant is seeking a floor to area ratio of 20 to 1. So the applicant is seeking 12 far worth of square feet, if you want to think about it that way, beyond the base entitlement of 8 to 1. The applicant has satisfied the gatekeeper requirements of the downtown density bonus program, that being substantial compliance with the urban design guidelines. Two star austin energy green building and streetscape improvements consistent with the great street standards. The applicant is proposing to achieve its desired 12 far of bonus area by a combination of three community benefits. Per code, 50% of that 12 is required to be met through the affordable housing benefit. In this case the applicant is proposing a payment of almost \$500,000 to the affordable housing trust fund, so that's six of the far. The applicant is also proposing to achieve 2 far by

-- by achieving austin energy three-star green building or as is allowed by the code, a silver certification under the leed program for new construction. And then the final

four far of the total of 12 far is to be accomplished by a payment of \$333,240 to the city, specific for improvements along lower shoal creek. Now, as you know, the density bonus program that you have crafted is generally set up to be an administrative program, and, in fact, we've already had one case go through the system purely administratively, been granted additional entitlement and that's embodied in the site plan for that. In this particular case the site plan has proposed two things that trigger council action, and that's why we're here this evening. The first of those is the applicant proposes to use the so-called other community benefits, which is created by code to allow applicants to propose community benefits that aren't specifically listed. Some of the specifically listed ones, as you, I'm sure, recall, plaza space, cultural facilities, historic preservation, and so forth. In this case they're seek

-- they're proposing one that's not explicitly listed. It's called artistically enough other community benefits in the code, and that is what

-- and the contribution for improvements along shoal creek is that proposed community benefits. Under the code, the use of other community benefits requires council approval. The second item that triggers council

-- also appearing before council is that the code allows staff to administratively grant an far up to 15 to 1 at this particular location. Per the council code amendments that were passed just in this past february, there's now a provision by which projects can seek far beyond that which can be granted administratively, and since administrative approval on this site is limited to 15 to 1, the approval for the additional five far to take this project up to its desired 20 far requires council action. Planning commission has reviewed this and reviewed both of those proposals, the use of other community benefits and the additional far from 15 to 1 to 20 to 1, and has recommended favorably on those. The staff has reviewed those and our recommendation on both those items is that they be accepted. In other words, that the other community benefits be regarded as a true community benefit that allows

-- that entitles it to far under this program, and that the requested far above 15 to 1,

-- to ta it from 15 to 1 to 20 to 1 be granted. With that I'll close and if you have questions I or the applicant would be happy to answer them. Questi questi ons from staff? Council member morrison.

[14:31:52]

>> Morrison: Jim, can you talk a little bit about how you as staff arrived at your interpretation

-- at your recommendation on the appropriateness of the 20 to 1?

>> He can. Now, the code, as it is written, and as was adopted in february, doesn't

provide staff with much in the way of specific criteria for evaluating that. It does talk about consistency with the downtown austin plan and the imagine austin comprehensive plan. Of course as you know, the imagine austin comprehensive a sort of

-- it's above 50,000 feet elevation and it doesn't get really down to the parcel or block level in terms of saying something is appropriate here or not. The downtown plan is

-- you know, I guess moderately helpful, but really this

-- this circumstance reflects a balance between, on the one hand, the downtown plan, speaking very forcefully, in favor of density downtown, which takes the form of height and far, typically, but also on the other hand sensitive to the divergent character of different parts of downtown. What we did was we looked at the map that the downtown plan produced, which is now embedded in the code, embedded in the density bonus provision, that identified are appropriate FARES FOR

-- MAXIMUM FARs For different parts of town. A few blocks to the west of this site, closer over towards lamar boulevard, you transition from this area into a zone where the far, or oaf the maximum administrative

-- or the maximum administrative far is less. You get into a zone where it's about 8 to 1 far allowed as opposed to far as allowed in this zone. A few blocks to the east you transition into a zone where the allowable administrative far is 25 to 1. So literally by going a few blocks west or east you could go at the western edge of the 15 to 1 zone, you can build 15 to 1 but right next to it you're limited to 8 to 1 administratively, so 15 there but up against that over at the eastern border, 25 to 1 is one over. So in some ways this is not a highly sophisticated exercise in urban analysis, but given that it's somewhere between where it could be at 15 to 1 on the western edge and 25 to 1 on the western edge of the next zone, 20 to 1 struck us as in some ways achieving some degree of compatibility with adjacent zones as identified in the downtown plan.

[14:34:33]

--

>> morrison: Very creative, I'd like to say. [Laughter] because basically you did an interpolation between 15 and 25, figured you're halfway through

--

>> yeah.

>> Morrison:

-- And that's 20 and that magically turns out to be the number that was being asked for.

>> Yeah, and I

-- this project had requested 20 to 1 before

--

>> morrison: Before you made that one up.

>> Yeah, before that came up. So it happens to fit. I think taking

-- if

-- just a sentence or two, taking the logic of that, I think if a case

-- if this case were two or three blocks westward and snug up against the boundary where the maximum far allowed administratively is 8 to 1, I would argue under the same logic that you should be closer to 15, if not

-- if not stuck at 15, whereas if you're over near the eastern border of this zone where just a parcel or two east you could go to 25 to 1, I think the argument can be made that, okay, in that area somewhere upwards

-- substantially upwards of 15 to 1 might be appropriate. It's not

-- as I said, it's a relatively crude thing, but it's

-- you know, it's as good a tool as we have, and of course to the extent that, you know, the planning commission or council want to initiate any amendments to produce a more refined process, we're open to that.

>> Morrison: Well, I understand that there's already somewhat of an argument

-- not argument, discussion, first, concern at the downtown commission that we don't go back to spot zoning or case by case analysis, and that there has been some discussion started about does it make sense to start talking about some criteria for us to go

-- to go on. And I think that whatever motion comes forward I'm going to suggest that we do try to get some decision about criteria.

>> Yeah, and just this past

-- was it last night? It was last night, at the downtown commission there was an agenda item to, in essence, initiate conversation and input from the downtown commission about potential criteria to make this a bit less of a finger in the wind type of analysis and make it so that it really is quantifiable and not subject to sort of a case by case, oh, yeah, that works.

[14:36:52]

>> Morrison: Right, and we don't want to, you know, use this argument here and then when you want to do 25 to 1 right next to the 8 to 1, find another argument to make that okay.

>> Exactly.

>> Morrison: So some kind of consistency and landscape to be working from.

>> Yes.

>> Morrison: Thank you.

>> I agree.

>> Mayor leffingwell: Okay. We'll go to our public hearing. Ted smith? Donating time is ian english. Is ian here? Okay. And george cofer? Is george cofer here?

>> I don't think so.

>> Mayor leffingwell: All right. So you have six minutes.

>> Thanks, I'll give several back, I promise. My name is ted siff. I'm honored to be here representing as president of the board the old austin neighborhood association, as well as of the board president of the shoal creek conservancy. Both organizations have submitted testimony or letters in favor of this project conditionally. I'm here to attest to the council that each of those conditions have been met. I don't think, unless you want, it's necessary to go through each one individually. I just want you to know that the applicant has been very forthcoming in terms of outreach to the neighborhood associations, downtown austin neighborhood, old austin neighborhood, as well as the homeowners association of the property immediately to their west, of which ian english is the chair of that board, austin city lofts. All organizations have submitted their support of this application. We particularly are supportive of the waiver from 15 to 20 far based on criteria, part of which is the six or seven items of conditions that we asked the applicant to meet. In addition several conditions have come out through the board and commission testimony. I just mentioned three, which are this site is in the capitol view corridor that constrains approximately 40% of its site. That automatically would force an increase in far if you were to try, as this applicant is trying to achieve, resid density. Our neighborhood would not be supportive of this application if it were for a different use. In fact, we imposed a condition that it be for owner occupied residential density. Another criteria is the smallness of the site. It's a little bit right at a quarter of a square block for this kind of development. That makes it a point tower, in essence, which is something also that the city boards and commissions and the council are indicating their interest in favoring. And then third criteria is that all the involved neighborhoods have testified and issued their support of the application. We think that if any one of those were absent, it might not meet the waiver criteria or we'd offer all of those as criteria for a waiver process. We're also, and finally, in favor of this other community benefit. The thing that has brought it to council, instead of being administrative, all three of these neighborhood associations voiced their support for the benefit

-- the community benefit. Of particular concern to us was flood, erosion, water quality and trail and park improvement-related issues in the lower shoal creek reach. This property is a block and a half from shoal creek. We thought it very appropriate

for a density bonus fee

-- a portion of the density bonus fee be allocated to that community benefit while it still met the gatekeeper requirements, which we're also totally in favor of, and of course they have. So that's just a quick summary why I'm here testifying in favor of this project, which will bring, we're hoping, 162 new residents to our neighborhood. Thank you.

[14:41:29]

>> Mayor leffingwell: Thank you, ted. That's all the speakers that we have signed up wishing to speak. I'll entertain a motion on item 77.

>> Cole: Mayor, I'll move approval.

>> Mayor leffingwell: Council member cole moves to close the public hearing and approve on all three readings.

>> Spelman: Second. Second second ed by council member spelman. Council member riley?

>> Riley: I fully support the motion. I would note there have been some discussions regarding issues that have come up related to greet street's treatment along the project, and the appreciate staff

-- I appreciate staff working with us on that. There will be some additional work required on that, and I would just note that, well, in particular there are two problems that have been brought to my attention. One relates to the trees that would be required under greet streets. There is an issue with the power lines that are there, overheads, since there are power lines right there on the site. There would be conflicts to the extent that they would be required to place regular great streets trees. And there is also a conflict related to the ground-level

-- you could call it ground-level retail uses but really it's a ret kiosk that I understand they asked be placed there in lieu of groundler retail. Ground level ref tail is problematic at this site because of being in a floodplain, and unfortunately a retail kiosk would create a conflict with the requirement about the benches that would typically be required under great street standards. And I would note as I understand it the director has discretion to allow deviations from great street standards where good cause exists and it strikes me in this instance there may well be cause for allowing alternative compliance with respect to those issues, and I hope that the director would work with the applicant to resolve those two conflicts. I have met with city staff to discuss this at length, and in particular

-- and, well, this item in particular and west avenue in general, and I do expect to be bringing an item forward soon to address similar issue all along west avenue. And so this strikes me as an instance where some flexibility would be warranted with

respect to this particular project, given that we hope to have a long-term solution for the corridor in place fairly soon. And so I hope that staff will continue to exercise flexibility with respect to the strict requirements of the great street standards of this site.

[14:44:10]

>> Mayor leffingwell: Council member morrison.

>> Morrison: I'm going to support the motion. You know, this is using a piece of the downtown plan that basically I didn't support when it was being added, but I understand it's there now, and I appreciate staff's work on this, and I do want to -- well, I guess I would ask staff

-- I would like to add to this motion direction that staff go forward with the downtown commission, if it's accepted as friendly, to have those discussions and bring some recommendations to us, and can we do that just with direction or do you need a whole fancy resolution and all of that?

>> Cole: Mayor? Mayor?

>> Mayor leffingwell: Council member cole.

>> Cole: Council member morrison, I would accept that as friendly as long as we are allowing the planning commission to come up with the criteria, because they're actually hearing it, and I know that they meet more regularly and are more familiar with the density bonus as opposed to the downtown commission.

>> Morrison: Actually, I've been involved having quite a few discussions with my downtown commissioner, and there is a lot of discussion about this in particular at the downtown commission. So if there would be a way that they could both be involved, that would probably be take care of that, if that's acceptable.

>> Jerry rusthoven, planning and review. I believe one way we could handle it we could get direction from you today to take it to the downtown commission. Go to the downtown commission, start the conversation. Whatever whatever we do take it to the planning commission. If we choose to kick off a code amendment we'll move forward. If that's okay with you.

>> Morrison: Sounds terrific. And I'd like to ask as you take it to the downtown commission clearly there are neighbors here who have experience now having gone through this, and I think it would be terrific to pull in the neighborhood associations and the individual building ho as and all of that that have participated. They could another a lot probably.

[14:46:14]

>> Mayor leffingwell: I want to make sure this doesn't affect in any way final approval/passage of the ordinance.

>> No, it would not.

>> Mayor leffingwell: Okay. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on all three readings on a vote of 7-0. And that brings us to item 78.

>> Good evening, mayor and council members. John mcdonald with planning and development review. Item 78 is to conduct a public hearing and consider third reading of an ordinance amending city code title 25 to allow placement of accessible ramps and required yard setbacks and to exclude accessible ramps from impervious cover calculations. City council took this up on march 20, 2014, and approved it on second reading with amendments, and reopened the public hearing. The two amendments were to remove the occupancy requirements and the requirement of -- or I'm sorry, for a statement or affidavit, and you have the revised ordinance reflecting those changes from march 20 before you.

>> Mayor leffingwell: We've got several folks signed up to speak. First is stewart hirsch.

>> Thank you mayor, members of the council. My name is stewart harry hirsch and like most in austin I rent. I'm here to opposed the draft ordinance for visible ramps in its current form and suggest amendments that will increase the number of visible ramps in both new and existing single-family dwellings and duplexes. I don't use the term "accessible" because that refers to ramps in multifamily buildings with three or more apartments and commercial structures and in your

-- and what you adopted on second reading clearly reflects exitable entry and I think you understand that. Simply first amendment. A ramp for a new or existing single-family home or duplex may be installed in a required yard if the grant meets the requirements of the residential code, which you've referenced in your draft, is not wider than 4 feet except for that portion of the landing that is no more than -- no wider than 5 feet, which you've referenced in your draft, does not extend into side yard more than 3 feet, I think you did that, does not have a roof or a wall, because it doesn't feel like a ramp if it. The ramp is not located in a public easement or a private easement without an approved license agreement. That's the substance of when you can put a ramp in a setback, because today you can't and that's stupid public policy. The second is something that you may not be

-- on tonight because I haven't been able to get a hearing at the building and fire code board for months that I've been trying to get on the permit issue relative to ramps, because I brought the building code, which covers commercial and multi-family, allows an exemption from a building permit when the ramp isn't more than

30 inches above grade because you don't need guardrails, but the other big code that nobody carries around is the residential code for one and two family and it doesn't have the same language. It just says sidewalks and driveways. So we would need to amend this code to make it more consistent with what we do on the commercial and multi-family side for decades, which means that the staff at pdr doesn't have to take in the application, if it's not 30 inches above grade, and they're not requesting the impervious cover requirement. And for people who have to go through the permitting process, it would be a real incentive to comply with impervious cover standards, to be allowed to be in the setback and not have to go through the permit process at all. So even though I know you can't properly act on my residential amendment to the code now I ask that you give direction on the hearing on building and fire we've been trying to get for months, because I've been having real bad luck lately on items that the staff disagrees that that you've given direction on. I'd appreciate that. That's my suggestion and I'm happy to answer any of your questions.

[14:50:57]

>> Mayor Ieffingwell: Council member riley.

>> Riley: So, thanks, stuart, for the suggestions. Let me make sure I understand the first suggestion, that is simply to provide

-- take the same concept and apply it to new construction as well as existing construction. And not

-- one way of approaching that would be simply add in paragraph h a new or existing single-family

-- or duplex residential unit may be constructed. Would that

-- would that fix the problem?

>> Yes, and I want to make sure that you can't request the impervious cover waiver in new construction. The assumption should be if you're doing it as part of building your new house, you should figure out how to integrate that with impervious cover. So

--

>> riley: Okay. And mayor, my next question is about

-- on that point, a question of staff, that if we were to allow a ramp to be constructed in a required yard with new construction, I assume that ramp would count towards

-- would count as impervious cover. So you would have to integrate that with the rest of your building for purposes of your impervious cover calculations. Is that a safe assumption?

>> In new construction, yes, it would be a more planned approach, starting from

scratch. So you should fully be able to meet not only impervious cover but setbacks as well. There may not even be a need.

>> Riley: So really all we need to do is provide this language in paragraph h refers to new or existing single-family or duplex residential construction? Is that -- did I understand you correctly about that? And so in that scenario, then that would still count towards your impervious cover. There would not be some loophole that would allow you to provide additional impervious cover?

[14:53:02]

>> I don't know -- I don't know if

-- I don't know if putting it

-- let me

-- let me look at the way the amendment reads.

>> Riley: I'd be happy to share the language that I provided with the clerk about a proposed amendment.

>> I think we would just want to make sure that when we were talking about new construction, that we didn't have any ties to the

-- the allowances for the additional impervious cover in the same structure, I guess you would say, of the ordinance.

>> Riley: Thanks.

>> Thank you.

>> Mayor leffingwell: Okay. Next speaker is jennifer macphail.

>> She's gone. Jennif jennif er is gone. M rapaport.

>> Council members, I'm here representing myself as the co-creator of the field of rehab architecture, and I am also a member of the mayor's committee for people with disabilities. And I hope I can answer any questions you might have. I support stuart's amendments, and I think that they're necessary.

>> Mayor leffingwell: Okay. Thank you. So those are all the speakers that we have signed up to speak. Council member tovo.

>> Tovo: Mayor, I'd like to move approval of this item as it is in our backup, please.

>> Mayor leffingwell: All right. So council member tovo moves to close the public hearing and approve this ordinance on third reading, first amendment on third reading. Is there a second? Second by council member morrison. Council member riley.

>> Riley: Mayor, I passed out a proposed amendment on the dais reflecting basically the same suggest that mr. Hirsch made which is simply that we allow these ramps in new construction as well as existing construction.

[14:55:05]

>> Mayor leffingwell: Is that amendment considered friendly?

>> Tovo: No, and I'd like to ask the staff about it.

>> Mayor leffingwell: The amendment is not considered friendly. And do you want to make that a proposed amendment, council member riley?

>> Riley: I would.

>> Mayor leffingwell: Is there a second to that? Second by council member spelman. Now, council member tovo.

>> Tovo: So I'd like to really zero in on this with the staff, what exactly the substance of this does, because, you know, as background we

-- we all were contacted by an individual who works with an organization that does great work. It helps get people out of hospitals and other places, back into their homes. And they were having difficulty. In fact, I think they've been cited by code compliance because they were

-- they were installing ramps and they were doing so without permits, and sometimes they were unable to get permits because the ramp would exceed the allowable impervious cover or it would encroach on a setback. So with the help of my co-sponsors we brought forward a resolution, it sounded like a very reasonable case. These are temporary ramps for immediate situations that will allow people to go back to their homes and recover, you know, and reside in their houses rather than in hospitals. We are getting pretty far away

-- I fear that we're really getting pretty far away from the original intent, because if we're applying it to new construction, we're now, in effect, going back and allowing encroachments into the setback for what may not be a temporary use but is now -- like the impervious cover issue, could be integrated into the design of the house to begin with. So now we're beginning, in my mind, we may be changing some of the -- some of the provisions in the visitability ordinance, and that wasn't the intent of the ordinance at all. Again, we were attempting to address a very particular situation, it was also coupled

-- that resolution was also requested that the staff bring forward this ordinance, it took a whole long time to get through planning commission. They did a lot of work on it. Some of the commissioners had some concerns about it. I believe steven

-- and I've suddenly forgotten his last name and jeff jack worked on it

-- oliver, worked on it for a long time. Again, they were able to resolve their concerns that came to us. But part of the concern was that it not become applicable to all other kinds of situations. We really can try to make it possible for individuals to get back into their homes, for this organization and others like it to continue to operate, and it was also paired with an expedited permit review process waiver to

allow those organizations to get their permits quickly, to do so without cost and again, to build temporary ramps in a setback and over the impervious cover within very tight guidelines. So my question, I guess, for legal staff or other staff, can you please help me understand the extent to which adding new construction in here changes that? This is

-- in my mind, it really changes the intent of it, and I wish mr. Lloyd

-- I understand mr. Cerillo has been working with mr. Lloyd about it. We started out working with mr. Lloyd on this, but maybe mr. Cerillo can chime in here. This is now not addressing a situation where somebody is going back to their residence or to a residence of a family member. It's now

-- we're now allowing it for

-- we would now be allowing it for any new construction they have the ability to construct a ramp in the setback rather than design around it.

[14:58:51]

>> Council member greg guernsey planning and development department. On the motion sheet for exhibit h, it would expand it to new construction, or existing construction, and would allow for encroachments for new construction, a new house, would allow

-- be allowed to have a ramp that would encroach into a required yard under part 3a, b, c on page 104 of the ordinance. It would not be available to get an exemption from impervious cover, though, under part 2 of the ordinance, subsection c of 25-8-63, because paragraph 10, and it's not being modified, only allows the access ramp to get an exception if it's an existing single-family or duplex structure. So the amendment as I read it would allow an encroachment into a yard for new construction, but you would not get the impervious cover break as you would for an existing structure.

>> Tovo: Okay. Thanks. So again, that was not the intent, and, in fact, and this would would, as I see it, interact with the visitability dorps, and with the no step

-- ordinance, and with the no step entrance that's required with the visitable ordinance would be something that could happen in the setback. Is that

-- was that a yes?

>> Guernsey: It would provide another means of access, certainly, to get to a home. It would

-- I assume probably more flexibility, but it would be allowed for new construction and not an accommodation, just only to existing structure. [One moment, please, for change in captioners.]

[15:01:36]

>> Mayor Leffingwell: All in all those in favor, say aye. Of council member riley? Aye. Opposed say no? I believe no by council member morrison and by council member tovo, so it passes on a vote of 5-2. So now we have
-- council member riley.

>> Riley: I will simply adds

-- I appreciate mr. Hersh's other suggestion about bringing these provisions in line for provision for commercial structures and will be happy to work on that to bring an item from council or some other way to bring an item that can be addressed. It is not posted for tonight but I think it's a very legitimate point and we will work to make sure it's addressed.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Since we have back to the main motion, I want to thank the community members for coming forward and I think they need to continue to do their work and I am glad to make it easier for these various means through the ordinance and waived fees and expedited permit.

>> Mayor Leffingwell: And so it is to close the public hearing and approve on all three readings. All those in favor, say aye. Passes on a vote of 7-0. And brings us to 79, public hearing and consider adopting local standards of care. There are no speakers signed up.

>> Good evening, mayor and council, kimberly mcneil, assistant director parks and recreation, item 79 is to conduct a public hearing and consider an ordinance to adopting local standards of care for the parks and recreation department youth recreation program. The department is required by ordinance to annually bring this ordinance forward for review and consideration and adoption on an annual basis. This particular ordinance that we are bringing forward is not substantially different than the ordinance that was brought forward last year. The exact change is in part three program administration, a, and we added the words appropriate state law and so the new ordinance new reads, the department shall operate recreation programs in compliance with appropriate state law. This ordinance and the department's rules adopted under this ordinance and please note the state of texas, the department of protective and department regulatory services administers registered licenses and childcare licenses for all childcare facilities and our city is in exemption for licensing when we adopt this ordinance on an annual basis and this ordinance is consistent with state standards in graduations. This ordinance includes minimum staffing ratios, minimum qualifications, health and safety standards, monitors to enforcing this and that includes criminal background check requirements for staff and adoption of the ordinance will result in ordinance of the standard for childcare applied to the city

recreation program. I will entertain questions.

[15:05:06]

>> Mayor Leffingwell: Motion to close public hearing and approve the ordinance?

>> Cole: Second.

>> Mayor Leffingwell: Exed by morrison. All those in favor, say aye. Aye. Opposed say no, passes on 7-0 all three readings.

>> Thank you.

>> Mayor Leffingwell: That completes our agenda for tonight. Without objection, we are adjourned at 9:05 p.M.