

City Council Regular Meeting Transcript – 09/10/2015

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 9/10/2015 6:00:00 AM

Original Air Date: 9/10/2015

Transcript Generated by SnapStream

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I am going to convene the city council meeting on Thursday, September 10, 2015. We are in the Austin city council chambers. It is 10:10. 301 west second street. We're going to convene this meeting. We have changes and corrections.

[10:10:20 AM]

Note that at 10:00 we're going to handle the zoning cases, restrictive covenants. We're going to have citizens communication at noon. We will convene an Austin finance corporation board meeting and then public hearings. The items to be pulled off of consent agenda, and I can't read my print here, it's items 8 and 9 are going to be heard with 15. And also on the nominations and waivers, I'm going to pull from this list bill Espey in the flood mitigation task force. I have a question I need answered about that first so we're not going to proceed on that nomination this morning. So with those changes, we have -- you want to present for us, Greg, the consent, which I think the consent agenda is everything on the agenda. Is that correct?

>> Yes. So good morning, mayor and council, Greg Guernsey with the planning and zoning department. I'm go through the consent. Item number 15, this approved second and third reading for the property at 1901 turnersville road or pud district zoning. This is related to items number 8 and number 9 in your agenda and I'll come back and read those two at the end because those can also be offered for consent.

[10:12:26 AM]

Item number [inaudible] Npa -- this is for the property located at 1901 east fifth street. This approves second and third reading for property in the govalle at 2901 east fifth street to designate as mixed land use. This is ready for consent approval on second and third reading. Item 17, case C 14-0194 for the property on -- to loan to mixed use conditional overlay combined district zoning and this is ready for consent approval on second and third reading. Item number 18, C 14-2015, 54 for the property located at 90 -- east sixth street. Approve second and third reading. Transit oriented district. Conditional overlay and neighborhood plan. Combined district zoning and this is also ready for approval on second and third readings. Item number 19, for the property located at 500 shady lane in the govalle neighborhood combined planning area. We have a request for postponement by the neighborhood to your October [inaudible] Agenda. Related zoning item 20. For the property at 500 shady lane. Neighborhood has requested postponement of this item to your October 8th agenda. Item number 21, case npa 20150017.01. This is property located at 2000 Justin lane.

[10:14:28 AM]

The applicant has requested a postponement of this item to your October 1st date. That came in this morning to staff. So it's item number 21. This is the Korean united presbyterian church requested a postponement of this item to your October 1st agenda. The related zoning case, 0025, item number 22, for that same property, the applicant has requested a postponement of this to your October 1st agenda. Item 23, case npa-2015-00.01, this is for the property at 7104, 7106 and 7108 Bennett. Postponement to your

[inaudible] Agenda. Next week. The related zoning case, item number 24, for the property at 7104, 7106 [inaudible] Staff is requesting postponement of this item or suggest postponement of this item to your September 17th agenda. Item number 24. Item 25, this is a restrictive covenant termination for the property located at 501 and 503 east 53rd street. It was recommended to you by the planning commission. And this is ready for consent approval. Restrictive covenant termination. Item number 26, restrictive covenant amendment for the property located at 7010 through 7020 and 7200 easy man drive and 810 west St. John's avenue. Planning commission did recommend the restrictive covenant termination and this is ready for consent approval.

[10:16:30 AM]

Item number 27, case C 14-10186 for the property located at 2500 south heather wild boulevard. This would have been a discussion item today. Staff would suggest a postponement of this item to your next week's agenda, 9-17. Item 28, this is property located at 1601 cedar bend drive known as the ventures LLC property. Councilmember pool had indicated a [inaudible] Postpone this. I understand she is in agreement with the neighborhood to request postponement to your October 15th agenda. Since she won't be present on the 8th, the applicant did request a preference for the first. I guess staff would understand this is a postponement to your 15th agenda. Item 29, C 14-2015-001, property located at pecan springs road. This is a zoning change request to multi-family neighborhood plan or mf-2 combined zoning. The planning commission's recommendation was to grant multi-family residence, low density, conditional overlay plan for tract 1 and townhouse and condominium conditional neighborhood plan [inaudible] Combining district zoning for tract 2. Per their recommendation they made September 8th. I would offer this for consent approval on first reading only. That's item number 20. Item number 30, C 14-2015-0003 a, this is for property located on south I-35

[10:18:40 AM]

[inaudible] And 700 chapperal road. The neighborhood is requesting postponement of this item. This is their first request to your [inaudible] Agenda. Item number 31 this is ready for concept approval on all three readings. Item number 35 is case c-14--20150078 for the property located at 1411 west fifth street and 403 Paul street. The zoning change request to limited industrial services, planned development use, limited plan and P combining district zoning. The planning commission did recommend the li-pda combined zoning and this is ready for consent approval on first reading only. That's in item number 35.

[10:20:41 AM]

Consent approval on first reading only. Item income 36, this is case c-14-2015-0080 for the property at 11,200 north F.M. 620 road. This would have been the discussion item. Staff is requesting a suggested postponement to next week on your agenda, September 17th. Item number item number 37 is c-14-2015-0081 for the property located at 2513 east 10th street. This is to zone the property to neighborhood office mixed use neighborhood plan or no-mu combined district zoning. Planning

commission recommendation was to grant neighborhood office mixed use conditional overlay neighborhood plan or no-mu-co-np combined district zoning and this is ready for consent approval on all three readings. Item number 38, this is case c-14-2015-0091 for the property located at 1900 Burton drive and 1901 mariposa drive. Staff is requesting a postponement of this case to your November 2nd agenda. It's not yet been considered by the commission and won't be considered until the month of October. Item number 39 is case c-14-2015-0096 for the property located at 10035 manchaca road. This is to zone the property to general commercial services or cs district zoning. The planning commission's recommendation was to grant the cs-co combined district zoning and this is ready for consent approval on all three readings. Item number 40 is case c-14-h-2015-006 for the property located at 614 blanco street and the castle hill historic district. I understand that the adjacent property owners have requested a postponement of this item. The applicant has agreed to a postponement for one week to your September 17th agenda.

[10:22:47 AM]

And that concludes the zoning items I can offer for consent. Oh, under the items 8 and 9 under planning and zoning these two are related to item 15 which I was offering for consent. Item 8 is to approve second and third reading adopting the first and amended restated strategic partnership agreement between the city and sinfield municipal utility district number two. We can offer that item as consent for second and third reading and also item number nine, approve an ordinance for second and third reading to an amendment for an agreement concerning the operation and agreement of the winnfield municipal utility district one, two, three and four. Winnfield now named sunfield, concerning the requirements and restrictions of the water districts. So I would also offer number nine as consent approval for second and third reading as well.

>> Mayor Adler: In addition to that on the consent agenda is the minutes number 1, the 154,000-dollar settlement recommended by staff, judgment rather, the judgment, I guess required by the court and recommended by staff. And then the execution of the one-year service agreement number three, the one-year contract number four and five, six and seven as well. Those are also on the consent agenda. We have some speakers to speak to the extent agenda. I'm going to call them up real fast. Mr. Pena, are you here?

>> Right here, mayor.

>> Renteria: Mayor, I also want to pull 15 and 16 just for a question.

>> Pool: Mayor, could you read real quick the items that will not be on consent?

>> Mayor Adler: Everything is on -- the only thing that's not on consent is the item that is withdrawn. Some things are on consent for postponement.

[10:24:47 AM]

>> Pool: That's what I mean. The ones that are going to be postponed.

>> Mayor Adler: Let's get through the speaker and then we'll have staff tell us which are the postponement items. Mr. Pena?

>> Mr. Mayor, would you do me a big favor before you start? This agenda seems incomplete. It doesn't list all the items on the council meeting. I went into the city clerk's office and asked, since I was asked what did I need, we have a rude employee over there and you need to take care of her actions, inappropriate actions. Mayor, I just wanted to know where is the complete agenda at? It doesn't list the zoning, it doesn't list anything else other than things that we should know about.

>> Mayor Adler: I think probably, Mr. Pena, it was confusing today because we have --

>> I am confused too as a taxpayer.

>> Mayor Adler: We have two concurrent meetings going on so there are two agendas.
>> Sir, where is the second agenda? There's only one agenda out there and it just lists partial listings. I apologize for taking some of the time, but this should be complete and it's not out there.
>> Mayor Adler: There's an agenda that's posted under Austin city council regular meeting at 10:00. But then there's also the agenda that's posted for the budget meeting.
>> I understand that, but the other one is not out there. It's just the one with the certain issues that are dealing with the budget, et cetera. It doesn't list the zoning cases. That's why the public is confused and that's why I get angry because I have to go over there and deal with a rude employer.
>> Mayor Adler: I just pulled it up on my computer so there's a link for Thursday's regular session meeting.
>> Okay.
>> Mayor Adler: And it lists all of the cases -- no. There's that one toolbox the one you found.
>> Where is the other one found?
>> Mayor Adler: I just pulled it up.
>> The paper. No, sir, it's just this right here. Just here, nothing else, sir.
>> Mayor Adler: Got you. Would you please hand him a copy. Thank you for pointing that out.
>> This would not have happened, sir --
>> [Inaudible].
>> I'm not here to discuss it with you, I'm here to discuss it with the mayor. Mayor, could you do me a favor?

[10:26:47 AM]

What item are we on now?

>> Mayor Adler: What is -- what we're discussing right now is the zoning cases that Mr. Guernsey just went through and in addition to that the seven items that are, that one is a judgment --
>> Excuse me. Specifically the item that I'm here to speak of, I don't have that with me.
>> Mayor Adler: What item would you like to speak on?
>> I want to speak budget, I want to speak on the issues related to the budget.
>> Mayor Adler: I'm going to let you speak to the budget.
>> Okay. All I want to know is this. And I'm no dummy. I ran for justice of the peace endorsed by Apa, sheriffs, et cetera. Please, I would like to be treated with respect, number one. Number two, I want to let people this know that there are certain issues dealing with budget that are not being taken care of and we talked about social service issues fully funded, homelessness. I spoke with the secretary of hud yesterday, Mr. Castro, a friend of mine, and he was concerned about the meeting we were supposed to have regarding helping the homeless veterans transition into housing and that is a key critical issue as it is with the secretary and also president Obama. I spoke with his chief of staff this morning and I told him what happened here in Austin. We get conflicting information and this is a good article from the american-statesman. And Patrick, -- and we want to make sure that social service funding is complete. We have people on the street that shouldn't be out there. We shouldn't talk double speak. I'm losing lives and veterans out there. You know how many veterans are in our organization it's many as they're growing and they're Po'd on what's not occurring for them, both male and female. Mayor, I'm very concerned about how the city of Austin and the direction the city of Austin is going to.

[10:28:48 AM]

Anyway, I'll leave it at this. We have people against hiring additional officers. We have seven cartel out there. They want to cap me out there, they could cap me. I have friends out there in the feds, et cetera.

We have the gangs increasing. And they're following people like no tomorrow, the ones that are talking about them. So I would suggest respectfully we hire as many officers as we can, the status quo. We need public safety just like we need social service funding for the people to survive. Also, children, you talked about jobs for -- summer job programs for students. We've been speaking since mayor Todd was mayor. We need that for us. We need it fully funded. When the health care is fractured here in austin-travis county. And if you want to, we can have a meeting about that also and I suggest, strongly suggest that you have that meeting also for the veterans also. But anyway, I'll leave it at that. I know I rambled a little bit. But mayor, I used to work for the city of Austin, parks and recreation department and the municipal court as bailiff. I treat people with respect and I expect to be treated with respect. When somebody says can I help you and says wait a minute, hold on a second, that's inappropriate verbiage, Mr. City manager. I've called on the carpet a lot of people who have been disrespectful. A lot of people know now throughout the united States, but mayor, this city needs help. We need help out there and it ain't getting to the people. We need to have the arch moved, we need better service for the people of the arch and the salvation Army and also Ann Howard needs to be more honest about how many homeless veterans there are. It's not 252. It could be up to 5,000, 500 at any given time. Thank you very much, Mr. Mayor. Clean it up, please.

>> Mayor Adler: The next speaker we have is Jesse brown.

[10:30:57 AM]

We have speakers on -- Larry Oleta? Larry Oleta. Marks, as you're calling this up, that item was taken on the planning commission agenda this past Tuesday and I have an email from the owner's representative saying that she's okay going to first reading, but really wants to keep the public hearing open because they're still meeting with the neighbors. So we have two speakers identified on this item number 29.

>> Houston: Excuse me, mayor. I thought that was a valid petition. Is that not true?

>> The applicant is okay with going on first reading today if the public hearing can be kept open when it comes back for second and third reading.

>> Thank you.

>> Mayor Adler: We will add to the consent agenda that the public hearing will be left open on item number 29. We have two people that are here to speak on 29, recognizing that this item is only going to get approved on first reading on consent and that the public hearing will still be left open, which is when this council is going to be really hearing arguments and considering this matter depending on how the group -- how the neighborhood and the applicant, what they can work out or the work they're doing.

[10:33:06 AM]

I'm going to call those speakers and see if they want to speak now with the public hearing still open.

Two speakers, Marco Montoya. Do you want to speak now or wait until the public hearing is open later?

>> I will speak now.

>> Morning, Mr. Mayor, members of the council. My name is Marco Montoya, a resident of Austin. I live on pecan springs road, a street and property impacted by the proposed request for rezoning. I'll keep it short. I realize it's budget discussions and I'll say that three important reasons why I think the public discussion should continue. One, the role of the neighborhood planning function and zoning decision process has become very confused. So I'm very concerned about how that has impacted the process. Secondly the role of the planning commission in developing recommendations to your body is definitely very unclear in my opinion regarding the impact of its decisions, not just on the zoned definition, but on the housing situation and conditions of the city. For example, safety of workers employed in the construction industries occupy 20% of the money spent in the emergency room and I think that's an

important number. It's a large number. The third factor, though, is that my opposition stems from the fact at this time that is not sufficient community input regarding the five property units that are proposed on pecan springs road.

[10:35:29 AM]

And it is affected with a two-story approach as compared to one-story. Safety, the nature of construction, the lack of coordinated effort. A good example is fact that we have proposed a building of 38 homes, units, across the street or 20 additional ones across the other street are 60, I believe. The impact of that is significant on the current neighborhood of 14 homes. So there's a significant aspect to this beyond just public discussion. Thank you.

>> Mayor Adler: Thank you, sir.

>> Questions?

>> Mayor Adler: We have one other speaker that's identified on this, recognizing that if this passes today on first reading we are keeping the hearing open so the public hearing can happen. But does Chris ring want to speak today as opposed to waiting for the public hearing?

>> Yeah, I'll speak just real quickly. I wasn't aware that we would be formally invited to speak in the future, but since I'm here I'll make it real quick. I signed this as in between, kind of undecided here and I understand it needs to be developed, but like Marco pointed out we have an existing neighborhood. It's not raw land. It's an established neighborhood. We're talking about replacing three houses. Each one is on acreage with 38 homes, 38 units. Condominium units, each one the owner would only own the building, not the land it's on. And what I see -- just the big picture to me is that we are in an established neighborhood with the 38 units that tend to be transient in nature.

[10:37:41 AM]

These are people who it's more like a stepping stone than a destination community like it is now. The neighborhood is a place where people go and generations grow up. As I was thinking this morning, there are people driving by my house, look at it and go, I grew up there 20, 30 years ago and what it's going to be replaced with is something entirely different. These are going to be people that are on their way to -- they're buying quite expensive homes actually. They won't be affordable. And they will only be able to afford the house without the land, just a building. And I guess I'll end there. I know you're busy. Thank you.

>> Mayor Adler: Thank you, sir.

>> Houston: Mayor, I'd like to thank the two neighbors for coming down this morning. This is a first time for them and so I appreciate you doing that and we look forward to seeing you back again.

>> Mayor Adler: We have four speakers on item 21. 21 is being postponed until October 1st. That's when the public hearing will be. Does Larry Oleta desire to speak today? Does chip Harris speak today? This is item number 21. Does owe on owe does Nancy Harris need to speak today? Thank you. Thank you for giving us the time.

[10:39:41 AM]

Item number 22 we've already called. We have five speakers on item number 27. Mr. Guernsey, what is the recommendation on 27?

>> 27 would have been a discussion item today, understanding that council won't consider the discussion items, staff suggested a postponement of one week to September 17th.

>> Mayor Adler: 27 being postponed to 9-17?

>> That's correct. It's for the property at 2500 south heatherwild boulevard.

>> Mayor Adler: So the public hearing on this will primarily be on September 17th when the staff will brief us on this case. And we're doing that so that we have the time today to work on the budget. But I know that people have shown up and I'm going to ask these people if they desire to speak today as opposed to speaking during the public meeting next week. Arlene moody? Do you want to speak today, Ms. Moody?

>> I think we're going to all probably put it off until next week. One of the gentleman lost a lot of money by not being able to speak today. But I think the rest of us will probably just speak --

>> Mayor Adler: Sir, do you want to speak being here today? It's your choice. We call these hearings and give people an opportunity to speak if they want to.

>> I'll wait until next week.

>> Mayor Adler: All right, sir. Thank you very much.

>> Pool: Mayor, a question. Items 21 and 22 are the same property. Mr. Guernsey, are they both being postponed to the same day?

>> Mayor Adler: Yes, to October 1st.

>> Pool: Okay, thanks.

>> Mayor Adler: Okay. Thank you.

[10:41:43 AM]

The next one we had where we had speakers was item number 29, which I think I just called that one before. So those are all the speakers that we have. That then closes that. Ms. Houston, do you want to talk about item number 37?

>> Houston: Yes, I do, mayor. I need to pull that item and see if we can have a postponement? The neighborhood association says that they've not been in touch with the developer on this issue at all. That's Blackshear neighborhood association. So I want to give them time to go ahead and have conversations with Blackshear.

>> Mayor Adler: Mr. Guernsey, are you okay with postponing that? When should we postpone that?

>> It's council's desire. We can postpone it until next week or to October --

>> Houston: Okay would be much better.

>> Mayor Adler: October 8th. Okay. 37 will be proposed to October 8th. Postponed to October 8th. Mr. Renteria, you wanted to discuss two items before we took a vote?

>> Renteria: Yes. Yes, mayor, they're both -- 15 and 16 are both related. When we had the hearing the first reading, we were discussing about if they required a build a residential house on that lot. Is that in the conversation?

>> You said item 16?

>> Mayor Adler: 15 and 16.

>> Renteria: No, I'm sorry, 16 and 17.

[10:44:04 AM]

There is a condition within the ordinance for the zoning case, item number 17, a building permit may not be issued for an office, commercial structure on the property and at least one residential structure is constructed.

>> Renteria: Thank you.

>> Mayor Adler: Okay. We are going to vote. The consent agenda has the items 1 through 40 now, but I am pulling from that for a separate vote item number 14, which is the third reading of that floodplain variance. Matter. So I'm going to call for a separate vote on that.

>> Casar: Mayor, will you read to us which items are on consent in total now?
>> Mayor Adler: We are voting on items 1 through 40, with the exception of 14.
>> Casar: I thought there are some being postponed so they're not being passed.
>> Mayor Adler: And the effect of the vote is to approve the postponement dates. Would you tell us which items are being postponed by our vote today?
>> Casar: That's what I meant, thank you.
>> Items being postponed are items 19 and 20 would be postponed to your October 8th agenda. Items 21 and 22 would be postponed to your October 1st agenda. Items number 23 and 24 would be postponed to your September 17th agenda. Items number 27 would be postponed to your September 17th agenda. Item number 28 a postponement to your October 15th agenda. Item number 30 and 31 are postponements to your October 8th agenda. Item number 36 is postponement to your September 17th agenda. Item number 37 is a postponement to your October 8th agenda. Item number 38 is a postponement to your November 2nd agenda.

[10:46:10 AM]

Item number 40 is a postponement to your September 17th agenda.
>> Mayor Adler: Okay. Is there a motion to approve the consent agenda? And recognizing too -- I'm sorry.
>> [Inaudible].
>> Gallo: I think November the 2nd may not be the correct date. Did you say November the 2nd? I'm showing that that's a Monday.
>> November 5th, I stand corrected, thank you.
>> Zimmerman: Mr. Mayor, I wanted to --
>> Mayor Adler: November 5th for which item?
>> 38.
>> Mayor Adler: Mr. Zimmerman?
>> Zimmerman: I thought it would be quicker and simpler to break out the first 13, 1 through 13 and break those out and vote on those and then vote on the remainder. I had a couple of --
>> Mayor Adler: I was going to read in your -- Ms. Gallo?
>> Gallo: One other question that was the question about the 2nd is I think you have several councilmembers that will be out at a conference on the 5th of November.
>> Mayor Adler: On November 5th is the -- the national league of cities. I think that there are going to be several members of council which are going to go to attend that. I would personally encourage councilmembers to take advantage of that opportunity because of the networking and the like. It will be my recommendation that we postpone that meeting because there will be so many people off of the dais and because I would encourage those that haven't signed yet to go. And I don't know how we would work that.
>> How about on item number 38, your regular zoning agenda is November 12th.
>> Mayor Adler: Let's move it to the 12th.
>> Let's move item 38 to November 12th.

[10:48:12 AM]

>> Mayor Adler: While we have that I would like you and Ms. Everett to look at if we can accommodate a postponement of that meeting on the fifth so as to enable councilmembers to attend we'll do that. I'll post something on the bulletin board to do that. I would like everybody to consider doing that. It's a real valuable opportunity I think to visit with other councilmembers from other cities and network and learn

things. Okay. With that change then to November 12th. I want a motion and a second to approve that consent agenda, which is all of those items with the exception of 14, which I'll call separately. Ms. Kitchen moves it, Ms. Garza seconds it. I'm going to read in the record that with respect to those votes that councilmember Zimmerman is against number 3, abstains on 4 and 5, is against 6 and abstains on 7. Let's take a vote on the --

>> Casar: Mr. Mayor? There are two rezonings that are scheduled for the 17th that are rantly sooner than the -- air rantly sooner than the rest. That is the district 4 case, the sunrise pharmacy and also a rezoning case in district 6. With this case coming up just next week and being backed up on budget I feel like I would be much more prepared to balk about -- talk about this case with my colleagues if we had it on the same dates as the other zoning cases are. I don't know what councilmember Zimmerman's cases are, but if we could not have those next week?

>> Mayor Adler: I have three set on sentth, 23, 24, seven.

>> Sorry, 23 and 24 are the same case. 27 I thought is that -- is 27 also?

>> Mayor Adler: And also 36 and 40.

[10:50:12 AM]

>> Casar: Okay. Then I would ask to postpone that.

>> Mayor Adler: I would ask to move those to October 1st. Any other changes?

>> Zimmerman: So the item 36, Mr. Guernsey can speak to this, but I think they could be close to a resolution, and there's not any valid petitions filed on that, isn't that correct?

>> Mayor Adler: That will stay on November 2nd.

>> Right now it's suggested to bring back next week.

>> Mayor Adler: That will be on September 17th. We've changed those two that Mr. Casar raised.

Anything else? Those in favor of the consent agenda raise your hand? Those opposed? It's unanimous on the dais. I'm now going to call up item number 14, which is the third reading of the floodplain variance case. Someone moved to adopt that. Mr. Zimmerman. Second to that? Ms. Gallo? This is coming back now for third reading. Those in favor of this variance please raise your hand?

>> Kitchen: Whoa, whoa.

--

>> Gallo: Whoa, whoa. I had my hand up. Once again I'm going to vote against granting this waiver for construction of a residential property in addition to the 100 year floodplain. We have asked staff to come forward to us with a policy for this type of situation. The waiver would be granted. The proposed finished floor is below the minimum required elevation. Staff has indicated that there is no safe access for our public safety in the case of a flooding episode and there doesn't appear to be any hardship to the occupant because there is an existing home there already. This would be in addition to that. So I just think as we deal with recent flooding and recent floodings within the last several years that allowing people to continue to build in the floodplain areas and then the city facing situations where the taxpayers are spending a lot of money to then go into buyouts for these areas to make sure that occupants and residents are safe, I just think that this is a policy that we need to have a larger discussion on and continuing to allow people to get waivers to build in the floodplains is not an appropriate policy decision for the council at this point.

[10:52:45 AM]

>> Mayor Adler: Ms. Pool and then Mr. Zimmerman.

>> Pool: I also oppose allowing this to be built in the floodplain. I did agree to move this, to move it forward last time, but that was simply to move it forward. On a policy basis I do not support.

>> Mayor Adler: And your vote in order to move it forward last week was appreciated and I had asked for that. Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I have spent a number of hours studying this particular case. We discovered that the increase in the flood level based on the flood level in the 1970s was due to mathematical modeling, so there was a new mathematical model that attempted to bring in mu data. I brought in some study on that. I don't see how clinically the mathematical model can be really proven. It's an estimate of the increase, potential increase of the level. As somebody that does math and complex engineering models, I can't justify the model, but be that as it may, even if the model is correct, what happens if the water comes up eight feet over the spillway, which is hard to conceive, but even if it did, the estimated speed of the water would be around zero feet per second. In other words, the water is not moving. And councilmember Gallo raises a great point on the policy, but I can have a very common sense policy statement here we should explore more, but if you are behind a dam, if you're behind a dam, you're not on a river because you're behind a dam. And when you look at these water levels that rise towards the edges where the homes are, your water velocity is around zero. It's not running. It's standing water. That makes a huge difference on the safety aspect of being able to just simply walk out of your home in the case of an emergency. So I think this is very different than your onion creek situation where we see those horrible videos of the water, dangerous water going down the street.

[10:54:53 AM]

That's not what this is. It's impossible for that to happen. So for that I ask for a vote in favor of the third reading.

>> Mayor Adler: Just real quickly in terms of this case, I agree with Ms. Gallo that we really need to have a policy that we can adopt uniformly and I'm happy that we're working that way. And it is with some measure of great histation that I'm going to vote for this because we don't have the policy in place, but I'm going to vote for this one because what's being asked by this applicant does not increase the danger to the existing building at all. In fact, it allows him to build what will become the safest part of this entire building. As we've said before if there was a flood situation, depending on how slowly the flood rises, if the person couldn't get out of the house, if you can get as quickly to the room that is just about to be able to build if this gets approved. So if there was ever a situation where we would grant an exception to the general, this is I think the one for me. I said that by way of reminding what the case was. Any further discussion on this? Those in favor of granting this variance please raise your hand? Zimmerman, troxclair, Renteria, Casar. It is a six-five vote. Third reading it passes. I think that is everything on our agenda.

>> I want to look and make sure. There are two other items on the agenda. We are gonna have to hit at noon.

Three. Citizens Communications at noon. We also come back for the Housing Corporation meeting. The public hearing

I think at 4 o'clock is also being postponed. Is that right Mr. Guernsey? Yes we postponed.

[10:57:05 AM]

Do we know when that will be postponed too. Sorry.

>> I've talked to development staff and it's postponed to your October 8th agenda.

>> Mayor Adler: We can't do it now because it's set at 4:00, but we'll do it when we get there. Without objection we'll go into recess on the regular meeting

[12:08:50]

We're now going to call up citizens communication.

[12:09:41 PM]

Our first speaker -- without objection, we're going to recess the budget meeting and we're going to reconvene the city council meeting. We're now back in the city council meeting. Six speakers signed up for citizens communication. Sylvia Servin is our first speaker.

>> Hello. I'm about to get seriously verbally physically and stress my words with my hands and my body. Don't get [inaudible], I'm going to be very passionate about what I'm talking about. I'm not going to lose it. But how could you, how could you to however make the decision [inaudible] In Austin. I can't even say [inaudible]. He's threatened to leave more than once. He's got an angle. A fear of loss. And he's using it over and over again. You keep falling into a trap. Does he think he's so valuable. Using a threat of leaving as a bargaining tool. It's a bribe, a legal bribe. If he wants to go somewhere then go. You are not looking very good to the people of Austin who pay your salary.

[12:11:42 PM]

It's a love-hate relationship. You love him and it looks like he hates Austin. Ask [inaudible] As long as he's going to do this, he's going to do it. It's all business and no feeling. I come back with a short survey and a lot of people didn't even know who he was so he's not as much of a media star. I read the article Austin police chief wants more than 80 new officers next year. I thought he was being paid more because he was worth it. He needs to [inaudible] With the police officers he has and make do. Officer can voluntarily donate a few hours of their time to interact with the public in certain areas. When we know they are getting paid to come out and meet with us it doesn't meet much. Out of uniform on their own time it means a lot more. We're not dumb. Think about it. If anyone is watching this thinking about retaliating against me, forget about it. This is Sylvia Servin hash tag crazy.

>> Mayor Adler: Next speaker is Jere Locke.

>> Hi, I'm with Texas drought project and the information I'm going to talk about I'll send to you in an email. It's [inaudible] Austin energy presentation on the 27th. A few things were possibly misleading. Talked about emissions and [inaudible] And the new cycle plant. It will still make a difference to people in the neighborhood, but what's most important -- that's important, but what's also real important is the fact that the missions where we get our -- half of which will be [inaudible]

[12:13:54 PM]

Very, very high, lots of methane that's released, it's 86 times the potency of Co 2 as greenhouse gas. It brings the gap we're using and the plant up to the same emission levels of coal. I assume that most of you don't support that. Or is another place there's low water use in the plant but not on the fields. New York City was concerned about where its water was coming from because it's a state where fracking so they commissioned a study. What they found was Frack, 570 types of chemical used in every frac.

University of Missouri medical school found that there's 700

[inaudible] Per frac a lot of which will total organic compounds which get into the air.

[Inaudible] I talked about they banned it because of the health impacts. The people that were living anywhere close to the frac. California has found these chemicals in eight of aquifers. I'm not sure that Texas is monitoring, but that's our future water supply, these aquifers, and we're poisoning it. So we

need to take -- if we want a gas plant, if we don't want the solar contract, we need to take responsibility for where this gas comes from. The other thing Austin energy said was the price of gas would remain low for a long period of time. That's old data. We have a really good study at the university of Texas that was released last year.

[12:15:56 PM]

It [inaudible] A dozen geo scientists and it was over a three-year study. They went square mile by square mile. Previous studies went just countywide.

[Buzzer sounding] They found -- what that means is higher prices.

>> Mayor Adler: Thank you. Next speaker is donna Hoffman.

>> Okay. Greetings, mayor, city council and city of Austin. I'm donna Hoffman. I'm the interim director of black sheer bridge, a community based 5013 C nonprofit created to create a diverse and sustainable east Austin. With me today are parent Kendra servant and Andrea

[inaudible] Former Sierra club intern. And of yellow jacket garden. Black sheer board member Gina couldn't be here today. She is presenting about what historically college university and Nell Peterson a long-time vice president of our black sheer neighborhood association is in the E.R. Room with her mother Ms. Klein so we're holding Ms. Klein in our thoughts today and gives her greetings. I want to thank district 1 Houston and councilmember Renteria for taking the great initiative to organize the spirit of east Austin event this weekend.

[12:18:05 PM]

On the weekend -- on the impact same day and time we have a big community garden workday. It's our fall event to get things ready. It's a big day so we won't be able to be there but Andrea black, a talented attorney to facilitate a group and we are here today to give our input because we can't be there. And so we're asking for support from Austin city council in the form of

[inaudible] Access phones and connections to partners to help us to become real. To accomplish the valuable goals of our programs in central east Austin. We've been working as volunteers for a while. We got our 5013 C a year ago and we're working pretty much volunteer, but maintain the fantastic programming without additional funds. There are food funds in the budget, we could certainly put those to very good use. We deliver direct health and wellness education in the garden. We wanted that to be paid. In a book voucher but we wanted -- and pay a book voucher so we need funds to put those jobs in east Austin. As interim director I've been putting 30 or 40 hours a week in and I can't keep do that. We were highly effective last year. My favorite accomplishment was the 23 trees we planted with Austin urban forestry, entrepreneurs foundation came in and most of the cafeteria manager Ms. Nickie Monroe --

[buzzer sounding]

-- Reported the vegetable intake cafeteria going up because of our programs. You can tune in on our website and Facebook page and you can come on September 27 at the neighborhood pub for eclipsing our wildest dreams, a party to watch the total eclipse and raise money for black sheer bridge's programs.

[12:20:20 PM]

Thank you Andrea and little D dre and thank you council. If you have questions, please contact me.

>> Houston: I just want to thank you all for coming today. I graduated from black sheer before you all were born. So whenever I go to the school, I'm also pleased to say the garden and see all the participation. Sustainable food and urban roots to see if we can work out some partnerships for you.

>> [Inaudible]

>> Mayor Adler: Thank you.

>> The developers that we want we're asking -- we are actually approaching them and have been getting good feedback. So I would like to talk with you more about that.

>> Mayor Adler: Thank you. Ms. Tovo.

>> Tovo: A quick question. You had a list and those are some of the comments that you would have provided on Saturday had you been available. Maybe one of my colleagues wants to address number one and what we talked about yesterday.

>> Houston: One of the things we talked about yesterday, city councilmember Gallo and troxclair have -- will be providing free classes in the neighborhood for people [inaudible] Ax appraisals as well as those eligible get homestead exemptions and folks over 65 get that exemption as well. That was something we had in the budget but came off because of good partnerships with folks at the real estate development. We will be starting that up as soon as we can get that organized and make sure that you all know when those are.

>> That's very much needed. After we have this meeting we're beginning to announce the tcad lawsuit, we had a sellout group -- not a sellout, we didn't charge anything, but we had standing room only. We thought maybe five people would show up and I was able to lower my taxes 25%.

[12:22:23 PM]

I wanted to know how you do that and I through my protest, but I got so many questions. We were inundated so that's going to be very helpful and we hope the lawsuit goes very well and seems like tcads positioning on it -- so hopefully we'll find and get a little more equity for the homeowners in Austin. Thank you.

>> Mayor Adler: We had prepared that sheet for Saturday and you want us to post it in the room at the expo center. If you will give that to --

>> [Inaudible].

>> Mayor Adler: The next speaker is L ymca Jones. Is Ms. -- Lynda Jones. Is Ms. Jones here? Next is Cynthia Valadez. Cynthia.

>> Mayor and councilmembers, thank you for the good work you are doing. Montopolis is an island filled with joy, challenges and opportunities. Residents have diverse, rich with culture, hopes, values, pride and dreams just like any other neighborhood in Austin. Today I'm here to voice my support for the siri project.

[Inaudible] Latino artists. When Sam Coronado created the project in 1993, he envisioned a worship shop for under represented artists and students could -- learn this technique. In the last two days the organization has fostered over 250 artists from different professional levels and backgrounds who together produced a globally acclaimed rare and special collection. He's also worked with hundreds of area high school students to use art as a medium for communicating and developing their skills.

[12:24:28 PM]

And improving their academic home and community quality of life. The project is now transitioned into an educational and New Jersey sharing community experience -- knowledge sharing community experience. This is our opportunity to learn about hispanic views and struggles and celebrations in and of our community. Sera will provide an avenue so all of us in future generations can learn about our

story through the eyes of the artist and beautiful displays of art. With this budget sari will be able to have a curriculum that will be executed in schools around the city. This will include history, culture, art and artist appreciation and more. This initiative will -- by participating in art lessons, enhance their appreciation for art. I also am here today to express my support to creation of office of diversity within the city of Austin. This is not a new concept. Cities such as Portland, Seattle, Boston and New York have developed similar. Using research, education and community engagement to promote [inaudible], to advocate for -- in all areas including employment, housing, economic development, health and human services and everything that impacts our quality of life. I look forward to the public process so we can create our own unique vision for what -- for that when best reflects the diversity that Austin has to offer. Thank you very much.

>> Mayor Adler: Thank you. For what it's worth, if you are keeping score at this point in the concept budget, those items are [inaudible].

>> I appreciate it. Thank you very much. I also appreciate everything you are doing for diverse community. Regardless of their ethnicity and their backgrounds, their socioeconomic levels, everything that you do here is going to improve our quality of life and the only way that we can actually make sure that we are successful in improving that quality is if we work together.

[12:26:33 PM]

So I appreciate all of all working here and I commend you historically first 10-1 city council and mayor.

>> Mayor Adler: Thank U the last speaker is Dr. Koo-hyun Kim. Is Dr. Kim here? That's our last speaker.

[4:53:45 PM]

That gets us back to the city council meeting. The last item was item 43. It was the issue related to red bluff, and I understand we're postponing that.

>> Yes, done in a with development services department and there's a postponement request by applicant for a month to October 8, 2015, 4:00 time certain.

>> Mayor Adler: Motion to approve the postponement? Mr. Casar, seconded by Ms. Gallo. Those in favor of postponement please raise your hand. Those opposed? It's unanimous on the dais.

>> Gallo: Mayor, can I -- are we off the agenda?

>> Mayor Adler: Yes.

>> Gallo: I just want to make a comment. Amazingly it has nothing to do with budget but, you know, citizen communication is an opportunity for citizens to stand before the council and share their ideas and concerns, and I have to admit I was really uncomfortable with Mr. Pena's really rude and combative comments that he made earlier directed at city staff. What he was so upset about was actually already out in the foyer and I would just hope that we as a council do not support that type of behavior standing before us when it is really directed in a very rude and offensive way to our staff, and I just wanted to express my concerns about what happened and apologize to staff and hope that that won't happen again and if it does we'll do something to stop it?

>> Mayor Adler: Both that and, for the record, to reflect that the materials were in fact available and outside.

[4:55:32 PM]

Is there anything else on our agenda? Okay. Honor and pleasure to serve with you guys. We stand adjourned.