

Closed Caption Log, Council Meeting, 07/24/08

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Mayor Wynn: Good morning, I'm austin mayor will wynn. It's my privilege to welcome the george holcombe, asbury united methodist church. Who will lead us in our invocation, please rise.

May I say just a word of thanks to this the city council, you are a plus to the city of austin. Some cities I can't say that about. In the word of kermit the frog, it ain't easy being green. [Laughter]

and you are setting a standard for other cities of this nation that will be remembered in decades to come. Let us pray. Oh, lord, who has created universes beyond what we know, and planted courage and wisdom in all of our hearts. Beyond our expectations. Thus the mayor, this council and this meeting, may we use that wisdom and courage that you have granted to us to protect the powerless, the poor, and this earth that we depend upon for our existence. Allow us your grace to create the city of austin as the new austin. In every addition that we make, through showing respect for every person, religion, race and culture, and seeking peace through justice. Amen.

Amen.

Thank you reverend holcombe. There being a quorum present I will call to order this meeting of the austin city council, thursday july 24th, 2008, APPROXIMATELY we are in the council chambers here in the city hall building, 301 west second street. Before we start all of the business, we of course want to welcome new councilmembers, randi shade and laura morrison, graduating mayor pro tem brewster mccracken. Before I actually get into the agenda and do the changes and corrections, we have a number of -- we have a number of items to handle today this being our first city council meeting in about a month. I will ask city manager marc ott to expand a little bit on this if he needs to. With the hurricane south of us, probably two days -- two full days ago now, we sent several dozen of our firefighters and paramedics down stationed north of the presumed location of the hurricane kingsville. As part of the texas task force 1 preparation. So now -- now that the storm has come ashore, there is significant flooding, i think most people recognize that -- that the damage wasn't as bad as it could have been, but we have lots of men and women in the field right now going through pretty massive flood waters to try to help folks down in the rio grande valley in sowks. Austin manager I'm told -- down in south texas. Austin energy is involved and prepared to follow in a second wave should there need to be additional work done restoring power to folks in south texas. Lastly, similar to our exercise with hurricane rita, not crete,

but rita back in 2005, austin is part of the evacuation and shelter hub plan whereby likely we will be a second tier city. San antonio the primary city this year. But working with working -- working with school districts, the governor's office, there's a rolling series of shelters being set up mostly in school gymnasiums, which was the exercise went through with hurricane rita. We do know lots of men and women of our city workforce are already in the field or prepared to be in the field should the need arise austin likely for, you know, very temporary nature might be housing some folks in shelters mostly in our school gymnasiums. Sheriff or marc if you want to expand on that?

That is a pretty good summary. I did ask our assistant city manager bert to gather up additional information if any is available at this point, bert.

Thank you, mr. ott. Mayor, thank you for the opportunity to share this. Certainly our office of emergency management will -- first of all, our office of emergency management has been in constant communication with the state monitoring the situation very carefully, not only for our community but also in terms of resources that are needed. I can tell you as you mentioned mayor, austin energy does have about 20 personnel, primarily linemen on stand by and ready to go at -- pretty much at an instant. We don't have a formal request yet. We do have about 20 firefighters deployed already through the state. Primarily focussing on teams of -- for urban search and rescue and helicopter. Rescue crews. As well as about 12 paramedics also deployed for both teams, search and rescue as well. It's my understanding talking to staff that we seem to have a -- not seem to have, but we actually have a -- one of the premier expertise in these areas in the state, the state really heavily relies on us in terms of these resources. Again 20 firefighters, 12 paramedics. No other requests in terms of health and human services, but I think that we have got a number of personnel certainly trying to help out as much as we can. So --

thank you, bert. Council and folks, a number of changes and directions, if you will bear with me, i will read through all of those for the record. Let's see we will be noting 1 has been reviewed by our electric utility commission. By the way, we normally -- 1 normally is the approval of our minutes from the prior meeting. We misposted that, but it will be part of the addendum. Part of the consent agenda in a few moments i anticipate. Items 4, 5, 10, withdrawn. 28 has been postponed or as part of a consent agenda it would be POSTPONED TO AUGUST 7th, 2008. On item 29, it should read: this contract will be awarded in compliance with chapter 2-9 a of the city code, which is our minority owned and women owned business enterprise procurement program. Meeting the goals of 7% m.b.e. and 2.4% w.b.e. We should note that items 53 and 54 have been withdrawn. We will note that item 88, mayor pro tem mccracken has been added as an additional co-sponsor. 87 has been withdrawn by councilmember cole. Item 103 we should note that the correct ordinance number is 2002-1107-z-11. And that this is the east mlk combined neighborhood plan. 104 we should note on first reading approved NOVEMBER 8th, 2007. On item 114, we should note that the -- that the planning commission will -- will review this case on AUGUST 12th, 2008. So there's no -- there's no planning commission recommendation yet on this thing. On item -- that's item 114. On item 128, the planning commission took no action, it was pulled from their agenda. 139, the planning commission recommendation was to grant mixed use and multi-family use. On item 140, the planning commission recommendation is to grant general office vertical mixed use conditional overlay or go-co-co combining district zoning. On item 114 the planning commission recommendation again was no action as it was pulled from their agenda re-- renotification

issues. On 142 the planning commission recommendation is to grant family resident historic landmark neighborhood conservation combining district zoning -- neighborhood plan or sf 3 hnccd-np combined district zoning. 143, it should read to grant single family resident standard lot historic landmark neighborhood plan or sf 2 hnp combining district zoning. 144 it should read that the planning commission's recommendation again they took no action as it was pulled from their agenda for renotification purposes. On item 145, we should note that the planning commission recommendation is to grant family resident historic landmark, sf 3 h, combining district zoning, item no. 146 Also pulled from the planning commission agenda for renoifbs. No action by them. -- renotification by them. 148 we should note it comes not recommended by the planning commission. 150, and 151, time certain public hearings, note that the staff will be requesting a postponement of these two public hearings to THURSDAY, APRIL 21st, 2008, Technically we can't take that vote to even postpone them until after 6:00 p.m. this evening. But do note that's the staff request and it's highly likely to be -- to be acted upon by the council. I believe that's all of our changes and corrections to this week's posted agenda ms. gentry. Our schedule today ted if we can do -- if we can do our best to keep through it. This morning after the consent agenda and perhaps a couple of discussion items, we will have our morning briefing which is a presentation of the downtown austin rail plan analysis. If you remember several months ago as part of the downtown plan we had our consultants mostly roma expand that scope of service, looking specifically to downtown rail circulator system, we will have that presentation here later this morning. And -- and -- and for our -- for our lunch break, we likely will also go into closed session to take up a modest executive session agenda. 00 We break for general citizens communication. In the afternoon, sometimes we will have potential bond sales as well as an afternoon briefing, this will be austin energy's future energy resources and co 2 or carbon dioxide cap and reduction planning. A really important, you know, initial briefing of what will be austin energy's plan to move forward this year on planning essentially the future of the generation of our utility. 00 we will have our austin housing finance corporation board of directors meeting, ahfc. , thereafter, we take up all of our zoning matters. 30 as usual, we break for live music and proclamations, ruby jane our musician. we will conduct our public hearings and also likely take up those two postponement requests by staff. Council, so far we have a handful of items pulled off the consent agenda for further discussion. 19 has been pulled by councilmember cole. Item 40 pulled by councilmember shade. Item 42 pulled by councilmember martinez. And item 78 and 82 pulled by councilmember morrison. Council, any additional items to be pulled off the consent agenda or added back before I read a proposed consent agenda. Councilmember morrison?

I believe my request was to pull 79. Not -- did you say 78?

I said 78. But is the request 79.

Yeah.

Mayor Wynn: gentry, 79 will be pulled by councilmember morrison, not 78. Good. bailey might confirm that. Again, any additional items to be pulled off the consent agenda, councilmembers? Hearing none, I will read a proposed consent agenda numerically if you will bear with me. Our proposed consent agenda this morning will be to approve from austin energy, item 1 per changes and correction, also

items 2 and 3. We will note that items 4 and 5 have been withdrawn per changes and correction. For austin water utility we will be approving items 6, 7, 8, 9, and 10. We will be with -- will be withdrawn per changes and correction. Again approving items 6 through 9, withdrawing item 10. From our aviation department, we will be approving item 11, 12, 13, 14, 15, and 16. From our budget office we will be approving item 17. Which are our proposed dates and times for the public presentation and hearings for -- for our proposed budget for '08-'09, those will start two weeks from today. Contract and land management department we will be approving item 18, 20, 21, 22, 23, 24, 25, 26, 27, [01:34:03] postponing item 28 to august 7th, 2008, OUR NEXT Meeting. We will be approving items 29, per changes and correction. From our economic growth and redevelopment services department we will be approving item 30. From our emergency medical services department, approving item 31. From our health and human services department, approving items 32, 33, and 34. From our law department, we will be approving items 35, 36, 37, and 38. From our library department, approving item 39. From our neighborhood housing and community development department approving items 41 and 43. From our neighborhood planning and zoning department, will be approving item 44 and postponing item 45 to august 21st, 2008. From our police department approving items 46, 47, and 48. From our public works department, approving items 49, 50, 51, and 52. We will be noting that items 53 and 54 withdrawn per changes and correction. From our purchasing office we will be approving items [01:36:02] 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75 and 76. From the solid waste services department, we will be approving item 77. From our telecommunications and regulatory affairs department we will be approving item 78. From the treasury office approving item 80. From our watershed protection and development review department, approving items 81, and 83. Items from council, we need to approve item 84 to our -- which are appointments to our boards and commissions. Which I need into the record. And if you will bear with me, we have a lot of appointees as council terms have changed. And so we are trying to align our boards and commissions with our terms and so this is going to be probably far and away the largest group of boards and commissions appointments. smith is okay with me not reading the nominating -- the name of the nominating councilmember and in fact just reading the [01:38:00] nominee to the different boards and commissions for the record and then we will conclude this as part of our consent agenda. So bear with me. To the african-american resource advisory committee, aqkasi evans, nelson linder, mary palmer all nominated. To our animal advisory commission, baseball bet ellis babette ellis. Arts commission, breath barnes, [indiscernible], bruce walisnik. Asian american resource center advisory board, a shhh aan [indiscernible] our nominee. To the austin airport advisory commission, richard has thefield, scott madoe, dale murphy. For the austin community technology and telecommunications commission, randy kolb, chip rosenthal are nominated. To the austin mayor's committee for people with disabilities, norman kieke is our nominee. To the austin music commission, paul avasi is nominated. To our board of adjustments, frank fuente subcommittee, leann hilldenfields, bryan king, greg smith, michael van ohlen. Building and fire code board of appeals, michael kinati, steven king are nominees. For building and standards commission, tim hill, howard lynnette and susan morrison are nominated. To the child care council, albert black and jill McCRAY ARE NOMINEES. Commission for women, amy everhart and angela howard are nominated. To our commission on immigrant affairs, thomas esperaaz junior, solomon [01:40:03] casa, rainy coe and linda fawn are nominated. To the community development commission, michael kellerman, john lemon and ruby rosa are nominated. To our construction advisory committee, ira crawford is the nominee. To our

construction advisory commission martin piiscent. Design commission james shia and bart wartley. Downtown austin community court advisory commitment dennis farquay. Downtown commission, stan hass, richard hall pin, chris shorery. Electric board, david adam son, meeting bee simpson, randy walden are nominated. To the electric utility commission shude fath is nominated for about the 30th term perhaps. 33 Years. Shude was one of the original members of that commission. Thank you, shude. To our environmental board, john beal, mary gay maxwell and maryanne neeley. Ethics review commission, jody hughes is nominated. To our federally qualified health center board, david campos and alfredia miller are nominated. To the historic landmark commission, daniel leary and terry myers. To the human rights commission, judy cortez and sandra serna nominees. To our impact fee advisory board, lisa harris, chin li. Library commission, wendy price todd. and [01:42:01] small business enterprise procurement program advisory committee, barbara vota, adrienne neeley and roell zambrano are nominated. To the mechanical plumbing and solar board, john gress michael nail are nominated. To men american, raul garciaza, lopez are nominated. Parks board, danette sheacial jane rivera are nominated. [Indiscernible]

to the planning commission, tracy atkins, mandy beally, sandra kirk, clint small are nominated. Renaissance market commission, delia navilla, nominate. To the residential design, [indiscernible] gable, chick mains, gene stevens. Resource management commission, christine herbert and grace shea, sorry if I'm mispronouncing that grace are nominated. To the robert mueller municipal airport plan implementation advisory commission, corky hill yard and why I am walker. Sign review board, frank few .. Bryan king, greg smith and michael von ohlen. To our solid waste advisory commission, rick cover, madell sneacial, j.d. Porter. Urban forestry board, keith [indiscernible] donally, shannon haley, eddie heath are nominated. To the urban renewal agency, sharon baxter is the [01:44:02] nominee. Urban transportation commission allan demling richard mckinnon. Water and wastewater sarah baker, maria espinosa, mike warner, glen webb. Melissa hawthorne. Mine feel to our zoning and platting commission, betty baker, clark hammond and donna tymon are our nominees. Those are lengthy list of nominees for our boards and commissions appointments 84 on our consent agenda. Continuing on. Mr. smith?

[Indiscernible]

I would also point out on item 84 of the consent motion would include a written resolution that was provided to council as late backup of -- appointing various councilmembers to -- to committees, subcommittees and -- and certain roles on other governmental entities.

Thank you for reminding us of that. Agreed. So councilmembers if you remember to look -- we have an additional resolution, 84, I do need to read this into the record, I apologize, these are the council members committee and subcommittee assignments. They are audit and finance committee will be mayor pro tem mcracken, councilmembers cole, leffingwell, martinez. Our committee for emerging technology and telecommunications, mayor pro tem mcracken, councilmembers morrison and shade. The judicial committee, initially be myself and councilmember martinez. Land use and transportation committee, be mayor pro tem mcracken, councilmembers cole and morrison. To our minority owned and women owned business [01:46:00] enterprise small business council subcommittee, councilmembers cole, martinez and shade are nominated. To the public health and human services,

councilmembers leffingwell, martinez and shade. To note that -- in our board of directors slots the austin bergstrom international airport development corporation i will serve as president, vice-president will be mayor pro tem mccracken, board members will include office board members cole, leffingwell, martinez, morrison and shoot. Similarly the mueller local government corporation, i will serve as president, vice-president mccracken and board members cole, leffingwell, martinez, morrison and shade. To our tax increment financing reinvestment zone number 15, and 16, and 17, i will serve as president, vice-president mccracken and board members cole, leffingwell, martinez, morrison and shade. Another -- other entities i will continue to serve on the austin firefighters relief and retirement fund, councilmember cole on the austin san antonio intermunicipal computer rail district, councilmember leffingwell will now replace me and serve on the balcones canyonlands conservation planning organization or bccp coordinating committee. To our capital area council of governments clean air coalition, I will continue to -- to serve in that role. To our capcog or capital area council of governments general assembly, councilmember morrison will serve in that spot. I will continue to serve on the capital area metropolitan organization or campo executive committee. The other members of campo including myself will be mayor pro tem mccracken, councilmembers leffingwell [01:48:00] and cole. To the capital metro transit authority or capital metro, our two spots will be mayor pro tem mccracken and councilmember martinez. [Indiscernible] will be myself, mayor pro tem, councilmembers cole, leffingwell and martinez, to the city of austin aisd board of trustees joint committee it will be myself, councilmembers cole and marcheson. City joint committee will be councilmembers leffingwell and morrison. I will continue to serve on the clean air force of central texas. The community action network resource council or c.a.n. Councilmembers morrison and shade. I will continue to serve on envision central texas. Our police retirement board spot will be taken by councilmember martinez. And the regional planning committee for the barton springs segment of the edward's aquifer will be councilmember leffingwell. To the texas colorado river floodplain coalition it will be councilmember leffingwell and as an alternative mayor pro tem mccracken. Those are our council committees and subcommittee nominations. Thank you, mr. smith. 84 on the consent agenda. We also will be approving item 85, 86, noting that item 87 withdrawn for changes and correction, we will approve items 88 for changes and correction and approve item 89. We will be setting the public hearing by approving item 90, 91, 92, and 93. Then also --

mayor.

On 85, I think we need to [01:50:01] read into the record additional appointee to the street closure task force.

Yes, thank you. Councilmember leffingwell who was a sponsor for our street closure task force, we are appointing an additional person, tomas pantine to serve on that, thank you. Also council will be approving item or addendum item I think posted as number 153, which are the minutes of our previous meeting, that being june 18th. So I will entertain a motion on that proposed consent agenda. Motion made by councilmember leffingwell. Seconded by councilmember martinez to approve the consent agenda as read. We do have a handful of citizens who would like to give us some feedback on our consent agenda, but first further comments from council. Councilmember morrison?

I would like to first of all note for the record that -- that the design commission nominee bart wheatly is

misspelled in what you have provided. So remove the r from his last name, please.

Mayor Wynn: Thank you.

I would also like to offer item 82, for consent. Which is the life teenager issue but with a -- life tower issue. To amend the ordinance that has been prepared with something that's been agreed to by all parties. It's posted, let's see, to read it -- to add a finding that public performing arts theaters are a significant benefit to the community. To clarify that the height exemption provided under this ordinance is subject to compatibility standards and I have provided the legal department and the city clerk with the language to [01:52:01] that regard.

So councilmembers leffingwell, martinez, do you consider that a friendly amendment to -- to add to the consent agenda an amended item no. 82?

[Indiscernible]

accepted, thank you. Further council comments on the proposed consent agenda? Handful of citizens who would like to give us feedback. Let's see, our first citizen signed up is gus pena. Welcome mr. pena. I think you signed up wishing to give us I think affirmative testimony for both items 32 and 34. Guess pena. Gus pena. Also 86, a couple of folks wanting to give us testimony. A number of folks signed up on items that have been pulled off the consent agenda. So of course we will take that citizen testimony when we take up the discussion of those items. 86 related to -- to the proposed lease with mobile loaves and fishes, a couple of folks wishing to give us testimony. Angela scoss here, welcome, you are welcome to come give us some testimony to be followed by tim shorts. This podium will be fine. Welcome, you will have three minutes.

Hem although, my name is angela scloss, I'm here representing the [indiscernible] gardens neighborhood association. Janet blake couldn't be here today and other members of our neighborhood as well. This letter was prepared by the members of the lincoln gardens neighborhood association in support of the city council member mike martinez's publicly announced intention to table the mobile loaves and park [01:54:00] issue for one year. Members of the lincoln gardens neighborhood association would like to remind the couple of the neighborhood association's unanimous vote against the development and implication of the harold court homeless part and our intentions to oppose and prevent the city from issuing this lease and approving the project at the harold court location in the future. The members of the lincoln gardens neighborhood association do support the spirit and overall intentions of the -- mobile loaves and fishes and city to provide care and support for the area's homeless population and for -- providing a long-term solution to the problem of chronic homelessness here in austin. Our opposition to the harold court project is not motivated solely by the not in my back yard mentality. Members of our association carefully studied the mobile loaves and fish proposal and engaged in several discussions with their staff. We oppose the project based on its failure to address critical short falls in the care and treatment of the homeless population and the concerns of the neighborhood. The idea of moving a population of homeless individuals into a length per colony sign camp in the single family neighborhood at the edge of the city is a fundamentally flawed idea with the

potential of serious harm to the camp's homeless population and the neighborhood in which it is placed. Even if the event that the transportation, the lack of necessary on site health and social services and the resident selection and screening process were to be adequately addressed the city would still be faced with a historic public perception problem that exports its problems to the east side while catering to the downtown development interests. Until this and other issues serious issues are addressed, we cannot in good conscious support this project in any region of the city, in particularly in a single family residential neighborhood. Like lincoln gardens. We strongly feel that anyone in the chronically homeless population of austin with [01:56:00] the potential to maintain a stable home situation must be integrated into an existing healthy community with access to health care, food and employment. We greatly appreciate city council martinez's receptiveness to the association's concern and look forward to continuing positive dialogue in regards to the needs of our neighborhood and the city can be addressed. We strongly urge that council not only to table the current mobile loaves and fishes and city excuse me mobile loaves and fishes proposal for harold court but to permanently remove harold court location as well as any single family residential neighborhood for consideration in this or any similar project. [Buzzer sounding]

the members of the lincoln gardens association remain committed to preventing this project and will pursue any recourse available, including legal action. We wish the city and mobile loaves and fishes the best in their efforts to help the homeless population in austin. Thank you, respectfully.

Thank you, angela, next speaker is tim shorts. Tim shorts signed up. Okay. shorts, we will show your support for the postponement as for the record. Thank you. 1, paul robbins wished to be heard. Welcome, three minutes. Mayor, council, citizens of austin. I'm paul robbins. An environmental activist istconsumer advocate. [01:58:00] I'm here to talk about a lease for building space. This lease item amounts to about -- about about \$10,000 in addition to 5 million that -- that the city currently pays a year for office space near downtown austin. Now, to the two councilmembers that recently arrived, I spoke at the very last meeting of the last council in mid june, against the land sale of green water treatment plant to a private developer, one of my main reasons for opposing this land was the city's need for more office space downtown. Here we are six weeks later for the city having more need for office space in the downtown area. Before this lease we are now considering, the city already leased 50,000 square feet of office space in the central city. Roughly equivalent to the amount of office space in this city hall building. This 50,000 square feet cost taxpayers about 1.5 million. Again the lease that you are approving today adds an additional \$10,000. I have made the point in the last meeting that the city needs to do an office needs assessment of future office needs before it sells the land at green not to do so would be fiscally irresponsible. Let's look at what we have now. Central city leases cost 1.5 million. If there was a 20% savings from the city owned buildings, -- is my testimony really that insignificant? If there was a 20% savings from city-owned buildings, that would amount to a cumulative savings of \$9 million over a 30 year period without adjusting for inflation or seemingly skyrocketing rates for buildings located near downtown. This also does not include future savings for more lease space. [Buzzer sounding] council, you are charged with being stewards of the public's money. If you can save taxpayers \$9 million, why aren't you investigating it? And I urge you again in the strongest terms to undertake an office needs assessment before you sell the green water treatment plant. Councilmember leffingwell, i did not mean to be overbearing, it's just that -- that the -- that the other councilmember has a habit of -- of ignoring

contributions that I make. Thank you.

Thank you, mr. robbins.

Thank you.

Mayor Wynn: We do take your comments quite seriously. Do note that the next six weeks we are going to be doing virtually nothing else but analyzing next year's budget, all of that plays into -- all of that is supported by a series of analyses by city staff when it comes to everything about -- about our needs assessment, which includes real estate in a dramatic way. So thank you, mr. robbins. I believe that's all of the folks signed up wishing to speak on the consent agenda. The other items have been pulled off the consent agenda, again we have a motion and a second on the table approving the consent agenda as read. Further comments? Councilmember martinez?

On the moabls loaves and fishes project, obviously we are taking a different direction in terms of locating this project on the harold court site. But the resolution also does speak to -- to asking the city manager to continue to work with mobile loaves and fishes to try to find -- try to identify a suitable property that meets the criteria that doesn't impact neighbors and -- and I just wanted to publicly state that I'm still absolutely committed to this project. I think that it's something that's needed in our community. These are folks that -- that -- you know, just -- just can't help themselves if we don't try to help them. I do hope we can find -- so this project can come to fruition and be successful.

I understand. Thank you, further comments on the consent agenda? Councilmembers cole and then morrison.

I would just like to reiterate sentiment when we first had this issue come before council? There was a considerable amount of discussion about the need for aferz, not just for -- for affordable housing, not just for the people 80% of median income and above, even though we have made a firm commitment to do that as a council and we substantially support that, we also have to think of people that -- that do not have that level of income and maybe be at only 10% of median income. So I am also hopeful that we can have a location for mobile loaves and fishes that meets with our overall affordable housing goals and still fit within the city of austin.

Councilmember morrison?

Just the connecticut quality and the vote that -- technicality and the vote, i would like to be shown as abstaining on 153, the vote on the minutes from last time.

Mayor Wynn: Fair gentry note that for the record. Thank you. Again a motion and a second on the table approving the amended consent agenda as proposed. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0. Thank you all very much.

A couple of house keeping items here. I know a handful of folks are here to give us testimony on item 42 which relates among other things to our h.u.d. action plan. Staff is requesting, I agree from a flow standpoint, that we will take up that item 42 00 staff presentation of our austin housing financing corporation item and plan. So know that we will do our best to take up our ahfc 00 in order for us then to take up 42, there's about 45 minutes worth of public testimony that will then 00 zoning. 00, we will do both our austin housing finance corporation meeting and take up item no. 42, On our city council agenda, which relates to the h.u.d. action plan.

Mayor?

Councilmember martinez?

Martinez: On item no. 42 I know there's a lot of folks signed up to speak and may not be able to stay until 3:00 today. I want you to know what the intentions are of postponing this, I think there's where much of the testimony is going to come from. The issue of of the housing trust fund and the million dollar commitment from the general fund. So my intention was to make a motion this afternoon to restore the entire million dollars and allow council to go through the budget cycle and make a final decision in the budget. But staff is going to recommend complete restoration of that, they have identified some funding. So we are going to have a presentation this afternoon, have a couple of questions, but it's my understanding that staff will -- will recommend that we restore the funding and maintain the one million dollar commitment to the housing trust fund and in order to thank staff, margaret shaw [indiscernible] for the work that they did over the last couple of days, meeting council, listening to our concerns, this is just in my opinion not a time to be cutting affordable housing dollars. It's a one million commitment that we make. I want those of you who are going to testify to know that. You may not be able to stay and you may want to testify that we restore it, but that's what's going to happen this afternoon.

Thank you, councilmember. Further -- again, we will take up item 42 along with our ahfc meeting. Very much related. I think folks will like some of the suggestions and recommendations by staff of -- regarding that. So --

mayor, I had a comment?

Councilmember cole?

Yes, I just wanted to also speak to the affordable housing trust fund and our efforts to restore the million dollars that we have worked hard with staff to try to do that. And also to honor our commitments that we have made to many of the properties that we have recently sold in terms of the increments being dedicated to the housing trust fund that -- that i hope to be bringing forward shortly. And I had planned

to second that motion by councilmember martinez.

Mayor Wynn: Thank you, councilmember. Council, I think just based on the -- some of our presentations, my instinct 19, pulled by councilmember martinez that relates to our lime creek quarry, my instinct is there won't be a lengthy discussion about that item. Without objection, councilmember cole I'm sorry, councilmember cole our lime creek --

Cole: Yes, I would like to ask assistant city manager rudy garza to come forward and ask him a few questions about the lime quarry, item no. 19. Could you first explain why we are terminating that lease.

Last summer when we went through the process of working with the [indiscernible] for the actually the last several years. It became very clear that we are not going to be able to use that site for its intended purpose, which was for the disposal of the lime residual from treatment plant 4. In fact there's also legislation that will prohibit us from using it for the intended purpose without the consent of cedar park and cedar park has been very clear that's not going to happen. We now as you know we went through the process, of securing and acquiring a -- an alternative site for treatment plant 4. We are now at the point where this site is no longer an asset that the city or the utility should or needs to maintain. Terminating the lease as is included in the lease agreement calls for a nine month period for vacation, we are now in the process of -- of doing the land planning for highest and best use and an appraisal and we are intending to come back to council for the next several months to put the property up for sale.

What impact would an attachment to the current termination making the short term lease of nine months to [indiscernible]

councilmember, I believe that we can work with that. In fact the item before you was for the nine month window and also a month to month agreement. Until we completed the sale. The most important point was as we went forward to ensure that all of the potential buyers understood that there were no encumbrances on that land. If they wanted to begin immediately with site development they could do that. Again the item before you does allow month to month extension.

Is there a representative from ranger here? I basically would like for you to explain to my colleagues the impacts that this amendment would have on the negotiating process and your intentions with the property.

For the record, mayor, council, I'm dowe gullett, we represent the ruby, the wholly owned subsidiary of ranger excavating, welcome councilmember morrison and councilmember shade. And mayor pro tem. I think mark mckenzie the president of ranger is here, I would like for him to answer your question directly.

Thank you for giving us an opportunity to speak. We have enjoyed the relationship there at the quarry. With the city and the -- and the -- the ongoing operation and the lease that we have. We understand that the city's end use has changed. We certainly don't want to handcuff or stand in the way of the city of austin's utilization of the property. What we would ask and i think that it's already been discussed is to

get some six month extensions after the sale, which I don't think would impede the sale in any way and would allow us to make at least somewhat long term commitments. The nature of our business is we provide crushed limestone for roads and developments and many of these projects are lengthy. Some of them lasting years. So it's important for us to be able to make long term commitments for certain projects and for the equipment that we have for the operation and for the personnel, it's the nature of the business is such that -- that the longer we can see, the more efficiently we are able to run. At a -- at extra will quarry -- central quarry, which is a benefit for everyone.

Okay. So you have been in discussions with staff, i know staff from my office with assistant city manager rudy garza, are you comfortable with the proposal being put forward?

With the six months after the sale, I would feel like that's adequate. After the lease is terminated? After the -- after the nine months that the lease is terminated.

Councilmember, if I'm -- if I may respond, if i understand the proposal was for a -- for a go ahead and do the termination today, have the authorization for termination and then that after termination that -- that council would have a -- would have a direct staff to into into a -- rather than a month to month, what I call a rolling six month lease that the lease would stay in effect until the property is sold or otherwise conveyed by the city. In other words it keeps -- it keeps my client in operation on that site until -- until you -- the city has a deal or a proposal to convey it to a third party. -- That will allow my client to provide a valuable service to the economy. Also provides some revenue to the city. We're paying, not much, but \$15,000 a month, approximately, in royalties and that -- that is an escalating royalty that goes up over the time period. Other than a month to month proposal, what I call a rolling six month lease that allows them to stay in the site until -- until mr. Garza is able to find an appropriate arrangement for the city to -- to sell or otherwise convey the property to a third party and that's what we understood your proposal was and we're -- we can live with that.

Well, I just want to make sure that you understand -- if we get a buyer, give notice to you of termination for the six month lease that you fully comply with that.

Certainly, we understand that.

Okay.

I would like to make a motion or I would like to instruct staff to -- to -- to -- to go ahead and do the nine month lease termination. And add a renewable six month lease until we have a buyer with the intent that the nine month period be renewed until the property is sold. Are you clear on that, rudy?

I believe that's clear, councilmember. I -- let me just confirmment once we have the property under contract, the nine months comes and -- the lease is over, that would vacation -- they would vacate the property. Obviously it's clear once that contract is sold we certainly won't have any jurisdiction or authority to force the lease on anybody. I have communicated this to ranger that we will work closely with the new buyers, the potential buyers if in fact they want to continue the lease. We would be glad to

have that conversation with them. But -- but obviously we won't have any authority and I don't want to have any encumbrances again to the potential buyers that they have to keep the fleece place.

Exactly.

-- The lease in place.

Exactly.

We understand that.

My intention with the motion is to either have the property sold or leased or enough notice to the existing leasee that we are about to sell the property and they need to vacate the premises.

Mayor Wynn: If i I can, how long will be that notice process? What if we put the property on the market next month, we get a 30 day offer with a 30 day close. I keep hearing six months being batted around. What if we need to sell the property in 75 days, are we letting ranger hold us --

the existing lease that we have calls for a nine month termination clause. We intend to put the property on the market and make that very clear to any potential bidders that we have a lease in place but that it has been terminated and the termination date i believe is march 24th of -- I believe that's the nine months. That will be clear to potential bidders that the lease will be expiring at that point. However, if by then we are not able to get the property under contract, then this item would allow for a six month extension to that.

I think the intent was to give us a safety net if there's not a buyer. If a buyer is to come along in the next three months, if no buyer comes along, gives us a six month window to always look ahead in light of termination.

So if the city finds a buyer the first month of a six month extension, we can't sell it for five months?

You couldn't finalize the transaction. We would stay there. You could have the transaction occur subject to our -- to our five months to -- to -- to essentially finish the time of that lease. -- Which is fairly standard in many transactions, if i understand correctly, what garza is trying to do is to get to the step of -- of taking care of the nine month notice of termination. That's -- that was the issue brought before you today -- to start that process going. Councilmember cole's motion is to trigger that, start that termination. That termination from -- the nine month, I think the time frame mr. garza just said. Sometime in march. Our lease would run at the very least to march. If I understand correctly, garza and the real estate people are looking for a potential buyer and looking to find one. They are going to be bid process, you have to go out to a bid process or have other relationships transpiring enter dr that time frame -- during that time frame. The buyer out there would know that it's subject to this existing nine months. What councilmember cole at my request basically was what happens if nothing happens during that time frame? And you are left with the situation without a third party buyer or without a conveyance to some

other party because of the long-terminators of our business -- long term nature of our business, he wanted a safety net. So he proposed a six month lease and the nature of it being a rolling lease if you don't have -- if you are not closed the transaction, it will continue to roll for that six month time period. If a buyer occurs obviously that trigger would occur. There will not be a renewal if that makes sense. [One moment please for change in captioners]

my sense is that we could work with the potential buyer if they understood that at the worst case scenario they would have to wait the six months. We expect to put this on the market in november and have bids open somewhere around january. It's very likely that before march 24s we'll have this under contract, but without getting any feedback from potential buyers on they can't wait six months, it's really a ditch for me to pinpoint that -- it's really difficult for me to pinpoint that. But my sense is even if we did sell, it's unlikely that somebody would be ready to begin any kind of development over the next three to four, maybe in six months to go through the site development process and get their financing in order. We expect this will end up being a high end development, so that will take some time. Our expectation was keeping it to the one month was preferable, but we can certainly manage within the six-month window.

There's not the risk of the encumbrance -- you're not worried about that?

We're not overly concerned about it. We will get feedback from potential buyers if we start hearing that's a concern to them, then we may have to come back to council to request reconsideration. Until we start getting feedback once we have it on the market that that's a problem, then it's going to be difficult to pinpoint that.

That's interesting. So what are the implications. You're saying if you get feedback, the additional encumbrance is going to create a problem you will come back to council. So what security -- how does that solve your problem, i guess would be -- marilyn moritz mr. smith?

I just want to remind council that since we're in negotiations over the lease of real property with a third party and I'll rely on garza's feelings on this, it would be appropriate to go into closed session around 072 of the government code to have a lengthy and robust discussion than has occurred so far.

Mayor Wynn: I am prepared to accept that advice, council. If there's the will. And I don't doubt that i could get very comfortable with with this, but I like the idea of making sure our -- so without objection, then we will table item 19 and likely take it up my instinct is early to mid afternoon. Appreciate the time, gentlemen. So we will add that to our closed session agenda to take up just after likely our citizen communication. So thank you all. Council, just to sort of make time work for as many different people as possible, I know different folks are waiting for different potential discussions. We do have a posted morning presentation, item number 94 is the presentation of the downtown austin rail plan analysis. I know that our team and our consultant team is here and they've prepared I'm told a 20 to 25 minute presentation. I think it's important stuff. So I'd like to call up this item now, number 94. As a brief introduction, specifically this newest analysis was begun several months ago by the previous council and I appreciate that support, at a time when the campo subcommittee or transit working group has

geared up and now helping us out as a regional community to analyze potential passenger rail products. We had what I think was a very successful phase one of a downtown plan analysis done by roma. My perception is very well received in the different stake holding communities when it comes to the importance and the future of our downtown. The previous council asked for an extension, an expansion of the scope of services to specially look at how rail relates to a future plan downtown. And just as importantly to build upon work that capital metro and a number of stakeholders had accomplished back in i believe '05 and '06 whereby capital metro went throng what is generally referred to as a locally preferred alternative analysis. I remember attending a community forum in the convention center on a saturday morning with several hundred people in the room to work on what might be a next phase for capital metro. So it just seemed to us at the time we had that body of work existing, we had just completed a very successful phase 1 of a downtown master plan, and so why not have the expertise of this team that was put in place to know analyze that potential downtown rail program with additional potential extensions. And obviously we noted opportunity opportunity to try to get passenger rail out to our airport. So my -- another perception I had is that frankly this analysis and this presentation could have been done about a month ago, but of course we have new councilmembers coming on, and I just thought it was appropriate to actually hold off on this presentation until we got our new council in place because if there is a decision to be made over the next year or so, which i hope there would be in some form or fashion, this will be be the council that will make that decision. So with that I would like to jim robertson of city staff to walk us through your presentation. Welcome, jim.

Thank you very much, mr. mayor, councilmembers. Jim robertson with neighborhood planning and zoning. I'm joined this morning by some key members of our downtown plan consultant team. Jim adams and janna mccann of roma design group and dan. I'll make a few introductory remarks and they'll cover the meat of the topic. The mayor has already given you a little bit of background relating to how this ties back into phase 1 of the project. It was february 28th when the council directed us to move forward on this extension and expansion of the downtown plan. The direction from council requested that we look at connecting downtown, and of course downtown to us within our planning area means -- includes the central business district, the capitol complex and the university of texas, with some key other central city locations such as the miller airport development that is well underway now, zilker park and that area as well as abia airport. I would like to note that that scope of work also included some non-rail planning. It includes a number of other transportation issues as they relate to our downtown. We've been directing a lot of our effort in these last few months to rail, but we would like to come back to you in the coming months and give you a briefing as to what our recommendations are with some other issues, downtown transportation issues such as the role of pedestrian and bicycle mobility, perhaps classifying streets or prioritizing streets for different modes of transportation and so forth. The team that -- the team that we have together is a robust and diverse team. It includes architects, landscape architects, urban designers, civil engineers, and in particular we have ltk engineers on board. Ltk is a tim, one of the oldest, and probably I think most respected rail planning firms in america. They have been involved in the design or planning for rail systems in portland, los angeles, new york, seattle, and so forth. So we're lucky to have them on board and tom madoff is here and I'm sure if questions come up about operating methodologies, he's the person we'll turn to to help you answer those -- to help answer those questions. I should point out also that we've worked closely during these last few

months with capital metro. As the mayor mentioned, some of our work ties directly back into the future connection study and work that capital metro did a few years ago. And capital metro has been great in terms of working with us. Right after we were charged with this scope of work in early march, we had a two-day technical workshop that includes not only city staff, but representatives from capital metro as well as some other public agencies as well. Back in late april we had a public workshop where we had I believe 75 to 100 or more people at that workshop to sort of give a snapshot of where we were at that point and get feedback. And then we had another technical workshop more recent than that to come back be and loop back with that same group and get feedback on where the planning process was at that point. In a moment I'm going to turn it over to our consultant team, but I did want to lay out for you before that what we see as potential next steps so what you can have that in mind as you hear this presentation. What you will hear today represents the culmination of roma's -- this team's work with respect to rail planning. And I think it puts us in a very good position to take what would be the next steps in achieving the addition of an urban rail system in our community if that's the community's wealth. We do believe there are particular issues on which additional stakeholder input might be valuable. How an alignment might -- specific alignments, what roadway should they be on. How do you insert rail into a particular right-of-way. There's different options you'll hear about that for. Perhaps some input from communities and stakeholders along these corridors that we'll be discussing. So that's one future step that we would ask for your authorization to proceed with. The second would be, and this goes back to the mayor's opening comment, back when we began this project, the transit working group had been set up in early may. They culminated at least that phase of their work in the creation of the decision tree. And a potential next step for us would be if you authorized us to move forward and put together a product that could be submitted for the deliberations of the transit working group via that decision tree. One element of the decision tree or a few elements deal with how you will fund and finance the system. That particular financing piece goes beyond the scope of work that we've been working under. So if we were to move in the direction of preparing a submittal, we would need authorization to move forward on the presentation of a financing plan. Our proposal then is that we would come back to you with a draft submittal and give you the opportunity to proceed feedback to us and direct us as to whether that proposal is ready for submittal or needs tweaking and so forth with the idea of being ultimately that we would have a product that we could be submitted for the deliberations using the transit working group decision tree. With that I'd like to turn it over to our consultant team to walk you through this. And of course we'll continue to be available for questions throughout.

Mayor Wynn: Thank you. Welcome mr. adams.

We're very please, sirred today to be here to present our findings on the downtown urban rail connections. The presentation that we're going to give is going to cover the five points. We're going to summarize what we learned from our phase 1 downtown plan report. We're going to talk about rail and how we think it can work here in austin. Where it should go, how it should get there, how much it's going to cost, our early projections of capital costs as well as operating costs. And how the project might be able to be phased. You'll remember that when we presented the downtown plan findings, we concluded that of all of the many challenges facing downtown austin, mobility was the principal one. Over the last 15 years we've constructed a significant amount of freeway toll roads, but we with have less than five percent of our transportation spending has been dedicated to transit. When we look at the relatively low

ridership figures for transit, 79% of downtown employees driving 6 percent of residents using transit, especially nowadays with gas prices where they are, we believe that looking at transit and rail transit in particular is a very timely. The campo 2030 plan has addressed this issue they propose a significant increase in transit investment to about 30% of the overall transportation budget. These diagrams show what would happen on our roadway system if those projects were not pursued. Simply we do not have any more right-of-way to increase our roadway capacity, so transit is the key action that we can take to improve mobility in the downtown. What is at stake? I think number one is realizing this community's very aggressive goals for environmental sustainable. There was recently a study that showed that austin in spite of it's very progressive land use policies, environmental policies, is still ranked giveth out of hundred in terms of carbon emission. A butt amount of that is to do with -- a big amount of that is to do with transportation. We really believe that addressing the especially transit will improve our environmental record and our environmental targets. Lack of mobility is also affecting our goal of making the downtown the principal cultural center of the region. It is promoting outward expansion and sprawl. We believe that is an important aspect of the rail transit program. Affordability is a key goal that has been expressed throughout the downtown plan effort. When you consider that 17%, at least 17% of a household budget is dedicated to transportation and the need for two cars and for most households, transit has a real goal of reducing the household costs, especially in an environment where gas now is approaching five dollars a gallon, and that it is at a record high since it's been measured from 1918. Other thing at stake is really to create the kind of downtown that has been envisioned for many years, the kind of pedestrian mixed use.

Vibrant downtown. And if you look at downtown austin, and I think we showed these slides a few months ago, it is very much an auto oriented place. We believe that the introduction of transit can create the kind of downtown that you see in cities like portland, a city that has a very similar population to austin, but has a much more robust transit system with ridership that is almost three times what it is here. And their carbon footprint considerably less than ours. Portland is again -- they have a robust transit system that includes a significant bus system, but also light rail as well as a street car system that circulates throughout the downtown. All three systems working seamlessly sewing to provide that service. Most recently they were the firscity l the country to introduce a modern street car system. Just some facts on this slide about that system, altogether it's a six to seven mile loop. Total cost of the initial phases about \$88 million, roughly \$25 million a mile. And the funding source, as you can see, from that system here, the tax increment financing 22%, street car improvement district assessment on the adjacent properties, 16%. 30% From npo funds and 32% from tphaoeurpbgt ds. In portland the street car has -- the studies that have been done show that there's been a significant increase in development investment within the immediate proximity of that street car within the three-block area, 2-point # \$8 billion invested within that area, and the chart here showing just the relative increase in investment as you get closer to the street car lines. So we believe as we'll show in this presentation that there is significant opportunity in austin for that type of investment. Why rail and how can it work in austin? One of the things, studies have been done that show that passengers prefer rail to bus. It's greater capacity, greater comfort. Rail has been proven to increase ridership over buses. So cities that have bus only operations versus cities that have a mix of bus and rail, the ones that have introduced rail have an increase in ridership. Also it has been shown to reduce operating costs per passenger. It clearly is a

more sustainable system. Fixed routes as I said with the portland example, have been shown to influence land use patterns and to promote investment and density. But clearly rail is suited to where it's the most density and the most destination. Rail can extend the bus system and compliment the bus system that you have already established here. Capital metro has a very robust bus system with 130,000 riders per day. The idea of the rail system would be to extend that bus system and to complement it. And certainly it can extend the reach of the planned regional metro rail system, the commuter rail system that is planned within the central city. The red line that will be completed later this year as well as the other potential lines, the elgin manor line, the austin san antonio line, this diagram on the right showing radiuses of one, three, five miles, and the you fact is that once these commuters lines do serve downtown, we do need the ability to distribute those passengers to destinations throughout the central city. These terms are thrown around a lot. This slide briefly explains light rail. It typically operates on exclusive track ways. It's not sharing a lane with cars. It operates larger areas out of the city 15 to 20 miles and can operate in one to three car trains of 450 passengers in a three-car assembly. Costs could range anywhere from 30 to 50 million per mile. Street cars, more recent development in the modern street car, this picture on the bottom is from portland again. Street car often shares traffic lanes with automobiles. They don't have to. They will have to operate in their own dedicated right-of-way. They typically operate more as a circulator system within five to 10 miles of the city centered and a one car train would carry about 120 passengers. They've been shown to be less expensive per mile, particularly if they are sharing the vehicular lane. It's a little more expensive if you're having to widen lanes. In this diagram here, the typical dedicated or exclusive lane condition on the top showing a transit median dedicated to rail. This is a side system where the street car shares the lanes with the cars and the passengers board from the sidewalk. And just some examples around the country of different systems, light rail. Portland as I mentioned earlier has light rail and street car. This is the light rail system passing through the downtown. This is light rail in san jose passing through downtown. And the examples that your goals for great streets and landscaping are certainly not precluded with rail. A median running system of light rail in san jose, this is a dedicated travel lane with a center platform here at the same system, passengers coming to the center of the street to board the vehicle. They tend to run in more pedestrian intensive environments. And in more intimate urban environments, as you can see here in the german examples. The more modern application of this in portland, running on the street. The platform on the sidewalk as you see in this lower picture here, which is just a bulb out into the parking zone. And also running through the university -- state university through a plaza, pedestrian plaza area. So where should rail go and how should it get there? You all directed us to have the downtown connected with three possible destinations. Mueller, which at its buildout will have 10,000 residents and 10,000 employees. Austin-bergstrom international airport, which currently has eight million passengers a year, nonstop service to 51 cities. Sand zilker park, which hosts the austin city limits festival and has the long center, which hosts at least 200 event per year. This is -- the four criteria that we use to evaluate our options, we wanted to ensure that any alignment was going to connect the major destinations of downtown linking jobs with the housing. That we serve transit dependent populations and the densest parts of the city. That we promote transit area development. In addition to serving existing population areas that, we put transit in areas that would influence land use patterns and promote density. And that we achieve alignments that are cost effective, where we aren't having to acquire additional land and where there is sufficient vehicular capacity where we could accommodate

rail. The recommended rail project that -- this is what we have concluded from this study is 3-mile street car system that would run in a combination of dedicated and shared lanes, which I will explain in a moment. And in addition to the 3-mile street car system, a 700-foot extension of the red line commuter rail. I don't know if this works, but from brush square to brazos street where it would interface at congress avenue with the street car system. 3-mile system we're proposing two overlapping routes. One which would connect seaholm to mueller along congress avenue, eligibility eligibility -- san jacinto through the university. And a second lap that would overlap through that route from the university of texas down congress avenue past the capital, down congress avenue, across the congress avenue bridge and along riverside drive to terminate at the airport. In addition a spur that would offer evening and weekend service between the downtown and the long center. That's a .3-mile spur. All together 15.3 miles. I'll walk through each of those routes with you. The seaholm to mueller route 7 miles, would operate in about 30 minutes from end to end. Would connect significant center city downtown destinations. You can see here the list of those from seaholm. The most intensive development that's occurring along the waterfront between seaholm and the downtown. The terminus of the red line, especially if it is terminated at brazos street, which would be within a one block walk of congress avenue. The central business district, the capital, brackenridge hospital, the university of texas, the restaurant row along manor road, and the mueller town center and children's hospital. We looked at the development potential along these corridors and within a 1500-foot walk of that alignment, we feel that there's about 275 acres -- 275 acres of potential development, land that is ready to redevelop. So a significant amount of development opportunity along that corridor. There are various alignments that we've studied, alternative alignments. We look at manor road versus mlk and concluded that the manor road alignment is preferable to the mlk boulevard alignment. Most importantly, it would go through, serve the university most directly. It would -- has more potential to provide a site for a future maintenance facility, which we will require. There's more land opportunity along manor for that. There's greater development potential along the manor line. And also importantly, manor -- mlk is an important vehicular east-west vehicular route connecting sh 130 with i-35 and putting the transit on manor would have less of an impact on the vehicular capacity. The one advantage of mlk over manor is that the station -- we would require an additional red line station at manor road, a walk-on station to where the two services would overlap or intersect. We also looked at various options for running the street car through downtown, congress avenue versus san jacinto and brazos. We believe again as the future connection study confirmed in 2006 that there are distinct advantages to congress avenue. It is the historic alignment of the street car as the postcard is showing. It provides more equitable coverage to the eastern and western portions of the downtown. It offers us the opportunity to remove buss from congress avenue, at which we're looking at along the lavaca-guadalupe corridor as per cap metro's bus planning. And it provides the most suitable rail corridor relative to grades. It's less steep, less curb cuts facing on to congress avenue, less conflict. There are some concerns that people have expressed about congress avenue, concerns about views along the capital and the potential of wires, of blocking those views, conflict with parades and the fact that we would still have a one-block walk to the red line if it terminated at brazos street. There are other alignment variations that we believe could be studied in more depth in the next phases of work. Speedway through university of texas versus san jacinto, it has been pointed out that san jacinto is a rather eccentric location relative to the concentration of folks on the campus. The university supports the san jacinto alignment, but others have pointed out that if we're

really trying to serve the greatest population that speedway certainly is worth consideration. Brazos and San Jacinto still remain as options to Congress Avenue. And then there are Ninth and 10th streets as a way of getting from Congress Avenue to San Jacinto versus 11th Street. Any of those three streets would work. 11th Street provides the most direct access to the Capitol, 90th Street Secretary in the core of the downtown, the red line terminating at the Brazos station. The orange, dashed line being the street car that would traverse Third and Fourth streets. And the connection to the rail along the Fourth Street between Brazos and Congress Avenue. And the bus corridor, the transfer between street car and bus along Guadalupe and Lavaca and the transfers to the Dillo system in the Aqua Color. So a significant amount of transit overlap and interchange occurring at the very core of the downtown. We will be coming back to you in a few months with our recommendations for the entire downtown circulation system and how that works. Just a few slides on how we actually operate the rail within the streets. There are at least three options for how Congress Avenue could accommodate rail. This diagram is showing a shared median running system where the light rail -- this pointer -- the light rail is sharing a vehicular lane in the median. With the cars. There's a center platform. This option allows us to keep diagonal parking on Congress Avenue, and would probably have the least impact on the existing street. This option is showing a side running, shared alignment in Portland. This is -- passengers would board the street car from the sidewalk. This also would mitigate the issue of views because the catenary wires could be don't the side of the street. But again the vehicle would be sharing the lane with cars. This is a solution for a dedicated system. It would -- as the previous alternative, if I didn't mention, would require removal -- replacement of the diagonal parking with parallel parking. This also would require us to change the diagonal park to go parallel parking, but the street car would have its own dedicated lane in the center of the street. We would maintain two lanes of traffic on either side. I should point out that even with -- we've done a study of the impact of the diagonal parking replacement with parallel parking, and we've concluded that you really would not lose any number of parking spaces. In fact, you might even gain some parking spaces in doing that conversion, just because of the way that the current diagonal parking is laid out. This is just an image of a dedicated center running system in Melbourne, Australia on a street that has a similar scale to Congress Avenue, slightly narrower and what that might look like. On other streets. Downtown, again we have an option of doing a side running, shared system. This picture on the top is a picture of San Jacinto Street during rush hour, so you can see that there is significant capacity on these streets to provide for rail in a dedicated or a shared system. This is a dedicated transit street car way, image of a similar street in Minneapolis, but offering one lane of vehicular travel on either side and a dedicated rail line in the center. So the downtown streets with your 80-foot rights of way really accommodate both shared or dedicated arrangement. The right-of-way on Manor Road is 60 feet. And looking at that right-of-way we believe that the best way of accommodating the rail without having to acquire additional right-of-way, which would be very difficult along that corridor with all of the existing businesses, would be to do a shared running system, maintain the bike lanes on the bush curb side of the street and have -- on the curb side of the street and have a shared running system with the transit stations at certain intervals on a median platform, which this diagram on the lower right is showing. So that was the Seaholm to Mueller line. The second line is that we studied or the options we studied were how do we get from the downtown to the airport. 3-mile Riverside Drive route that would take you across the Congress Avenue bridge to Riverside Drive and then through and around to the airport. The total length of that trip, depending on the number of stops, would be about 25 to 30

minutes. The other option that we studied for the airport run was an extension of the metro rail system, so using some of the existing rail lines that already exist between downtown and east austin and extending those rails across the colorado 7-mile of new rail directly to the airport. This would run at about 20 to 25 minutes and service -- but what we've concluded is we really would recommend the riverside drive option in looking at the analysis relative to the criteria that I described earlier. It connects more destinations, current destinations. It would have a significantly higher rider ship. It's serving existing neighborhoods in populations. It would not require any land acquisition and we're leveraging existing infrastructure to promote new development. The servant amount of redevelopment potential along the riverside drive line, we believe over a thousand acres of redevelopment potential and the longer term with over 500 acres that would be ready to develop, we believe, in the next five years. So a significant amount of development potential. The rights of way along all of riverside drive are sufficient for a dedicated median running system. West of i-35 it's tighter, but we would -- we believe you can accomplish that and still maintain the existing vehicular capacity of two lanes in each direction by some street widening. East of i-35 you have a wider right-of-way. You can maintain the existing vehicular capacity of three lanes in each direction and run a dedicated transit way in the center of the street, and even provide opportunities for beautification of that very wide roadway as you can see in this image in san jose. The third destination that you asked us to look at was zilker park. We studied two options, one that terminated just east of barton creek that follows riverside drive and toomey road and serving these destinations. And we looked at another option that went further, about a two-mile line that follows barton springs road to stratford lane, ending at loop 1 and going right through zilker park. Our conclusion was that the ridership, the development potential was really not significant enough to warrant the extension all the way to zilker park, and our recommendation, as i mentioned earlier, is to construct a spur line that would follow barton springs road and riverside drive in a shared travel configuration because there isn't sufficient roadway width to accommodate it in a dedicated lane, but that could provide evening and weekend service to the long center. So just in summarizing, the 3-mile recommended system relative to our evaluation criteria, this system would connect all the principal destinations of the downtown. 65,0 Within the downtown core, 13,000 in the capital complex. 67,000. There is no other downtown that I know of that has that concentration of residents and employees so closely linked. The second criteria is that the system is serving certainly the densest portions of the downtown, but also the neighborhoods that have the highest concentration of low income families. The purple area on this map showing areas of the community that have more than 50% of folks living at 50% mfi or less. So you can see with the black lines here we are serving those neighborhoods very well. We have done some preliminary ridership projection. These need to be expanded further, but we estimate in a very conservative fashion, assuming no land use changes and current conditions, 32,000 riders average weekday trip. 19,000 On the airport line to downtown and 13,000 on the seaholm to mueller line. Again, a significant amount of redevelopment potential, about 2800 acres altogether of land that has long-term redevelopment potential. And it's areas within the desired development zone on the east side of town. We think there's significant potential to capture the increased value of this land and to help with financing to help offset the cost of transit as we showed you in the portland example. In terms of cost effectiveness, the alignment is completely located within public rights of way, so there is no need for land acquisition. And there is no significant reduction in vehicular capacity. We've chosen corridors that have either sufficient capacity already or sufficient right-of-way where we can widen that roadway and maintain the capacity.

How much will the system cost? We've done preliminary cost estimations, capital costs. We estimate the cost of the 15-mile system at about 550 to \$614 million. The variance represents the shared versus dedicated trackway, the dedicated trackway being the more expensive cost because of the need to widen streets and do street scape improvements. The estimated annual operating and maintenance cost -- again, this is a very preliminary number. It does not include fare revenues or offsets from cost savings that would occur from reduction of bus operations, but we estimate that at about 21 to \$23 million per year. [One moment, please, for change in captioners] would be the extension of the line to pleasant valley, these increments could occur in various orders, but we believe from the ridership standpoint that extending to pleasant valley would make sense with a concentration of high density residential in that area. That would cost an additional \$133 to \$147 million, but would connect the university with the riverside housing and with the auditorium shores, the long center would be built at that same increment. Third increment would be to connect mueller, another two mile extension from the red line station at a cost of about 68 to \$78 million. You will notice that in each of these increments the cost goes down because the -- the in this case the roadways at mueller have already been planned for rail and are waiting for it. Fewer vehicles at each stage that would be required. The final phase connecting pleasant valley to the airport at a cost of about \$157 million. That would include six additional rail vehicles, altogether 20 minute rail vehicles to operate at a 10 minute head way. I think it's also important to point out that this system could provide the backbone for future extensions that would connect to north-south-east austin to zilker park. It could provide the spine for a much morrow bust system. Not unlike your historic street car system that existed here up until the 1940's which radiated out from the downtown radiated out from the downtown, an opportunity to rebuild that system in a modern form. Just in conclusion, we believe this urban rail proposal would help to add the down plan by the stakeholder. The ability to create a downtown in a city that is vibrant, pedestrian oriented, more sustainable, more economically viable and providing more diversity and affordability. This slide here, just to accentuate where this is in the process, a typical rail projec phases, we are at a very beginning point in this analysis, the community would have to go through a much more rigorous process. We are really at the systems planning level, which if you look at it probably 2% of the entire project, the next steps corridor planning, preliminary engineering and final engineering. We ar the first steps but very exciting and important step that you all are taking today. With that I will open it up to any questions or comments.

Thank you, mr. adams. Council, I hate doing this, as excited as I am, some of us are about what we just seen, this has taken us right to the noon citizens communication. We set up our citizens communication right at noon so folks can take time off in lunch hour, give us testimony. I hate doing this, I'm excited about what we have just seen. Really impressed with it, i would like to now go ahead and go to citizens communication while those folks are here, get that 30 minutes worth of testimony, thereabouts, to the extent we want to continue this dialogue we certainly can do that before or after the lunch break. Thank you all very much, mr. Adams, very impressive, we will get right back to this. Council that does take us to the noon general citizens communication. We have a full slate of 10 speakers. First folks who have signed up would be ma ccel, elizondo, to be followed by grand jury regard kinney. Followed by gus pena.

Thank you, mayor. I believe she was going to pass out some materials so i hope that you have that.

Members of council, as most of you I'm a native austinite, have an east austin business, I live in east austin, I'm an architect. I love the city I believe with inspired leadership austin could become the most liveable city in the world. But it is with a heavy heart that I come to you before you today to explain why I have withdrawn from my involvement in current city council sponsored initiatives with which I would have been involved and some which I have been involved for many, many years, including the design commission and the other current roles. My dedication to the work of the various boards and commissions, committees, task forces, in which I have been involved has taken a great deal of my time, tens of thousands of hours over the last 15 years or so. But I have believed that the future of the quality of life in this community was worth the sacrifice. I must say, however, that my family and staff are thrilled that I may actually be able to make payroll and bring home my share of the family income. I will continue to work with the private sector and with aia, through my business and through austin area regional transit, art, of which I'm a vice-president of that non-profit organization. In whatever way I can to make austin -- have austin achieve its test sustain as a -- test taken as -- destiny as a sustainable, affordable, walkable city. As many of you know in a parallel effort I have been involved, founded scenic austin in 1991, I have been involved continually in the efforts to eliminate outdoor advertising in the region. And billboards specifically. Including billboards specifically. The city council was very forthright in the 1980s when it eliminated the option of building new billboards in austin and announced the goal of eventually eliminating billboards. However, the -- the outdoor industry has been relentless and successful in its lobbying efforts and -- and in -- in several places along the way, most significantly in 2005 were successful in convincing the council that -- that it was a good idea to relocate billboards which was not a good idea. Because it eliminated an effective way of getting billboards, which is through attrition, getting rid of billboards, through attrition as land use changed. Recently two major impediments to the signage industry's goal of moving billboards from non--- [buzzer sounding] performing areas to gateways happened and it is because of that action by city council that I have made my decision to withdraw. I realize that my time is up, let me quickly conclude. I believe that the action that the council took will basically mean that our grandchildren's grandchildren will be dealing with billboards on our gateways basically forever. I don't see a way of -- around it. It will be an awfully long time. I do urge you to reconsider both the planning commission's unanimous recommendation to you about -- about how to deal equitably with this issue and to consider the design commission's recommendations relative to signage and [indiscernible], thank you.

Thank you, mr. kinney. And for your years and years of dedicated support to -- to the boards and commissions and the task force process within the city. But of course your long standing life long commitment to the community as a whole. Did marcel elizondo arrive. He was going to talk about mileage reimbursement. We will go to gus pena. Welcome. Gus will be followed by molly greaves.

Good afternoon, mayor, mr. city manager, gus pena. Welcome laura, welcome randi. Please remember the poor, the need do, have-notes, people left out of the loop. Please include them in the situation and meetings. They are a very important cog of the community, also. I'm a native austinite, 2723 east fifth street. We know that we are going to have to tighten the belt of the budget. I told you all last year we were headed to recession. Admit, it's going to be worse next year. city manager, I ask you, I know the mayor and city council members already had presentations yesterday with regard to the budget. It hurts but we have to bear the burden, we have to bear the thrust of the budget and its implications thereof.

But don't let it occur. Social service funding, article came out in the paper about how the city is going to allocate funding for social services. Be cognizant and aware of the fact that there's some agencies that are working, functioning well, some of them are not. Have a grading mechanism for that. Help those that are. Council the -- counsel the other ones to come to grade. Budget library hours. Councilmember martinez I am with you, also. That bears a negative implication on our youth cutting hours. I can understand because of the budget, but come on, we can do something better, instead of cutting the library hours. It hurts the seniors and the kids and the youth. Housing. I have been telling you about homeless issues. Mayor, councilmembers, you know, a lot of homeless families, I understand item -- let me put my glasses on. ... caritas of austin. Has to go further than that. A lot of people are homeless families, taxpayers, too, for many years here in austin. Bore the burden of also bad economies in the past. A lot of issues to be resolved by homeless families out there. I know that people don't like to hear about it. You have got to listen to me because it hurts the heart. Veterans, veterans need help, job training, health care. A lot of us are being denied services to clinics, even in waco, even in temple. I have spoken again yesterday actually to senator jim webb who served in the marine corps in vietnam, I'm a fellow marine, also, not former, not ex- we are marines still. We want to see changes regarding hoping the -- helping the homeless, veterans and their families. Not just single family. Last item, pio office. You have a good interim pio here in david. I respect this man. I've him for many years, you don't need to spend money on search committees out in the community. Appoint him permanent. He didn't ask me to say this but anyway he's a good guy, at point him. Don't spend the money on needless searches. He's doing the job, hard work, experience, god bless y'all, continue the march.

Mayor Wynn: Thank you, mr. pena. Molly greaves, welcome, three minutes to be followed by jennifer estherline.

How are you? Thanks for your time. I received my leadership management degree from a university in pittsburgh, pennsylvania, you may know it as the steel city, I know it as a city of bridges. All of the pittsburgh bridges are unique. I enjoy looking at the details. I wish that I could do the same in austin. Beautiful landscape, beautiful architecture, things continue to get nicer as the construction continues except our bridges. I would like to propose the idea of doing something about that. Or at least doing something about the bridge that you see as you are travelling down south lamar on your left, looks like an old abandoned railroad bridge and it's filled with graffiti. I think that it's an eyesore and inconsistent with austin. We are way too creative for that. I propose corporate sponsorship and having a city-wide art competition for artists to showcase their attempts in competing with an art theme mural contest. It could work well with the art in public places initiative that the city already has in place. I know and you know that we all love murals here in austin. Just thinking about the hi how are you frog makes me smile. I don't know about you. Another thing that I wanted to talk about was deposit legislation. I know as I travel around i talk to a lot of people that learn that I'm from texas here and everybody knows that don't mess with texas slogan. I know that we also have the 0 waste initiative going on in this city. In an effort to piggyback on that, I would really like to propose the idea of deposit legislation. This is where the city or the state of texas would impose a five or 10-cent deposit on returnable bottles and cans. Consumers would give their deposit back when they return their containers to the store for recycling. This are several seats in the game who -- sorry. There are several states in the game who started this to combat their litter problems, including vermont, hawaii and connecticut and a whole bunch of others. I also

helped hawaii launch their initiative when I was living there a few years ago. To create jobs and help the economy with solid waste, i know that recycling can be expensive and it uses energy and is often hard to find someone to buy the recyclables. That's what's great about bottles. Companies like coke and pepsi pay the stores to buy back their bottles. Basically the consumer takes their bottle into the redemption store, five cents and then pepsi comes back at the end of the month, whenever they do their pickups, in return they give the store owners nine cents or 10 cents or whatever the current rate is. So anyway it creates jobs, cleans the earth and I think it's consistent with our don't mess with texas phrase. I also know that people take initiative when money is involved. So I think it would be a great way to help clean up the earth. If I have a little bit more time one other thing that i wanted to mention which is our credit reports. It's no doubt that most people even in central texas are feeling the effects of our current economy [buzzer sounding] okay. Bernake, bush, everybody has someone to blame but themselves, i see this as a huge problem. I think that austin can help solve it. Solving at the root cause making sure residents are prepared and educated about their credit scores as they are for hurricanes and fire evacuations. 7 I have a little more if you are interested for later. But -- thanks. So anyway I would like to see the city take some sort of initiative to help, you know, make sure everybody is aware of their score and maybe run like a know your score campaign. I think it's the single most imperative advice that anybody can have. Every decision that you make for the rest of your life is, you know, linked to your score. I think it could really help our economy around here if people knew their current score and how to go about improving it. Thanks.

Thank you. Our next speaker is jennifer esterline, you, too, will have three minutes.

I have a talk that follows her. May I come after her.

You may mr. halpin. Hi, I represent the katy kay harman foundation, founded by janet harman three and a half years ago. Based right here in austin with a 30 million-dollar endowment, a one million dollar annual budget for our grant making. Our mission is to break the cycle of poverty through education while promoting a culture of giving excellence. We support non-profit programs with academically rigorous programs here in the central texas region, which includes travis county. We support such programs as american youth works and the free mind project of the [indiscernible] institute both of which you will hear from later today. I want to share with you a staing statistic that few central texas realize. The high cost of high school dropouts. First before I show you that statistic, this information is from the texas education agency, which illustrates clearly the high school dropout crisis that our state is experiencing today. Please note the significant drop from ninth grade to 12th grade. A high school dropout crisis in texas is very real and very serious. So what is the cost of a single class year of dropouts in central texas? Not even the entire state. By the way, these slides are from e 3 alliance. Also one of our grantee partners. So what is the conservative estimate of the cost to the central texas economy for a single class year of dropouts? Is it a fully loaded mercedes benz, the annual athletic department, the cost to build the long center or the total gross proceeds from dion's ticket sales for an entire year. A conservative estimate of the cost to the central texas economy of a single class year of dropouts is ... \$425 million. Answer is d, celine dio ns ticket sales. You could build five long centers every year with that kind of money. Nationally for every 100 ninth graders, only 68 will actually graduate. 38 Will enter college by the age of 19, only 18 will either earn an associate's degree within three years

or a bachelor's degree within six. Those in Texas those statistics are far worse. The foundation is investing in turning around the lives of our communities' croout. We are looked for the continued investment of partners such as the city of Austin. As you can see, the return on investment is obvious. A \$250,000 investment in American Youth Works, also one of our grantee partners, yields a \$42 million return on investment to Travis County. That's a whopping 638% return on investment. When the private and public sectors work together, you can show your taxpayers a significant return on their taxpayer dollars. [Buzzer sounding] please support American Youth Works, thank you.

Thank you, Molly. Welcome, Mr. Halpin.

Hello, Mayor, city council members, city manager, city attorney, hello Austinites. My name is Richard Halpin, I am the founder of American Youth Works. I have recently received the Social Entrepreneur of the Year award. As I reflected on this award, I have remembered what it takes to achieve something like this. It is not a me dynamic. You take the m in me, turn it upside-down, you get the w in we. Together we make a difference saving the lives of endangered dropout young adults. You are asked to make men investment decisions. Our taxpayers deserve your smart choices and investment in our endangered but most promising young adults. They provide a yiewj return. You have that with this national award winning program. Huge. We are bringing people from all over the country and even internationally, Mayor, to study this remarkable work. Now we are even sending experts in green building and endangered youth out to teach others all across the country. To help these extraordinary young men and women become the great contributing members of our community, city council member Shade that you know so much about. We all need them to be what they want to be councilmember Shade, councilmember Martinez. You know it's a big win-win for all councilmember Leffingwell. I'm trying to not to leave anybody out. Councilmember Morrison and the new Mayor Pro Tem. And councilmember Cole. [Laughter] we build award winning affordable five star homes. You know that. Trails, parks, green ways. We can salvage foreclosed homes and energy retrofit homes all across our city. Putting hundreds of endangered at promise young adults to work. We build the workforce versus the jail force. Hour passion, common sense and uncommon success is an unbeatable transformative life saving taxpayer saving workforce readiness and economic development solution that you all are already partners in. Isn't it time to take winning solutions to a new level. We have awards for you. These awards are customized for each one of you, I will read the Mayor's now and then with your permission these extraordinary young men and women here will bring forward and present, these champion I don't know of your investment, will present each of you this beautiful award. Champions. Is that okay if they come forward and do that?

Mayor Wynn: 40 Second. You bet.

Civic investor of the year, awarded to Mayor Will Wynn. City of Austin Mayor Will Wynn is awarded this acknowledgment of taxpayer investment excellence through social entrepreneurship. He has invested the taxpayers' funds in a positive, innovative and lawful manner, produced a return on investment of extraordinary proportions. This awardee helped to reduce the cost of school dropouts by 95% from 420,000 each to \$21,000 each and criminal justice costs dropped by 99% from two million city manager to \$26,000 each. Thousands of young adults in Austin have had a chance to earn a pathway out of

poverty and a vicious generational criminal behavior cycle. Congratulations to mayor will wynn for being a champion, successful steward of the taxpayers' funds and guardians of our young people's lives. If you will bring these forward and hand these out.

Mayor Wynn: Thank you, mr. halpin. Thank you ment. [Applause]

thank you all very much. Especially to the young men and women. Next speaker is pat valls-trelles. I thought I saw pat earlier. Welcome, followed by carolannrose kennedy.

Mayor, mayor pro tem, councilmembers and city manager, thank you for the opportunity to speak here, thank you for the -- your willingness to be a public servant. I also want to voice my support for the excellent dropout work that american youth works is doing. Add that as a first grade teacher, I think fully funding pre-k would do a lot to help that situation as well. I am here to speak to animal issues as they relate to the budget that you are about to approve. The shelter that you are about to begin building and the appointments to the animal advisory commission that you are about to make. As far as the shelter, I would like to talk about your plans to build one single shelter that will serve the entire county. And how that's not such a good idea right now with the cost of gas being what it is, with our problems with global warming and climate change. And that I think our city would be much better served if we had four shelters, one on the west side where it already is, one on the east side where you plan to build one, one far north and one far south. I think over the course -- councilmember mccracken, you and I have talked about that. Over the next 50 years, it makes no sense to have animal control trucks all leaving from one location, driving all over the county to pick up animals and bringing them all the way back. The gas expenditures on that, the cost to our environment and the fact that, you know, it will do nothing to build neighborhood participation in the no-kill effort. I urge you to consider -- I urge you consider building only a smaller shelter. Partner with some non-profit organizations to build shelters up north and down south over the years to serve our community. I would also like you to look at the performance measures in the budget for the next three years and try to set an 85% save rate for animals leaving the shelter within three years. I would like you to start by setting the save rate at 65% for the budget year that you are going to be approving now. If you set it at 65%, 75% year, the 85 percent the next after that, within three years we will meet the goals that I think most communities in this country are trying to make, which is to save 85% of the animals that leave the shelter. I think it's doable, a great time to set that as a goal because you have a community that's very aware, very willing to support and help with this effort. As you consider your appointees to the animal advisory commission, please ask them if they would be willing to commit to an 85% save rate and I would just like to add one more thing, that whenever you look at saving animals, please also be concerned about animal cruelty. We don't want animals leaving the shelter alive only to go live in a situation that's a fate worse than death. Thank you for time and welcome to city council.

Mayor Wynn: Thank you, pat. Next speaker is carolannrose kennedy I saw earlier. Welcome, you will have three minutes to be followed by rachel hullly:

Thank you all for having me. I'm going to postpone speaking on violence on the homefront. And instead welcome all of the new members. And tell y'all again what a fine job you're doing, everybody thank you

for serving, thanks.

Mayor Wynn: Thank you, ms. kennedy. To be followed by rachel hulley. Welcome, rachel. Three minutes to be followed by paul robbins.

Hello, everyone, welcome, I'm rachel huley, here with roadway productions, here to talk about austin bat fest coming up august 30th and 31st on the congress avenue bridge. Everyone knows that the bats are one of our own most wonderful resources and attractions and the festival that we have bat fest is just one of roadways shining stars. It's what we love to do and the tourism and the positive aspects of this event are immense. Brings in millions of dollars, the hotels are booked, restaurants are full. We also provide a place for 150 local vendors. They sell their wares in the middle of this festival. Positive, win-win situation for everyone, it's a family event, affordable, \$5 gets you in all day, you can bring your whole family out for less than \$20. Can't even go to the movies for that. Reason I'm here I'm asking for council approval for a fee based event on a closed street. I've been with roadway 20 years, doing street closures and events festivals things like that for 20 years, i know how things are changing, I'm here to ask for that consideration for the bat fest. The one scheduled this year is our fourth annual. Okay. I'm also asking if possible for a waiver for the street closure sign-off requirements for this year's bath fest. As a bone -- bat fest, as a bonus to everyone, I have really cool plastic little bat rings that we give out to all of the kids who come in, if you like I have bat rings for the council and everybody in the audience. You know, there's 5 million mexican freetail bats that would really appreciate your support of this event. Thank you very much for your time.

Mayor Wynn: Thank you, ms. hulley. Let's see, paul robbins to speak again. Welcome back, mr. robbins. Mayor and council, citizens of austin, I am paul robbins, I'm the environmental activist and consumer advocate. Here to ask you to place an item on the charter amendment ballot this november concerning voter approval of debt incurred by ratepayers on city of austin utilities. Article 7, section 11 of our city charter states "our revenue bonds issued by the city shall first be authorized by a majority of qualified voters voting in an election held for this purpose. The right to vote is a fundamental part of our system of government and the fact that austin takes this further by having citizens vote on debt is all the better. This right was reaffirmed and reasserted by the citizens in january of 1985. When a huge overwhelming majority reaffirmed their right to vote in a charter election. Now, there were -- the -- the custom was continued until 1998. And at that point there were no -- there were no further elections on debt and this happened for several reasons. First, there was a recession and debt was not in great demand for a few years. Second, the council began exempting projects from debt and these exemptions grew as the years went on. Third, you had a city manager who did not enjoy voter input. And in fairness to her, it was not just about her. City staff has always chafed having to account to voters in [indiscernible] elections at least since I've been involved in the 1970s. Another reason is that many new people in austin don't know that they have this right to economic self determination. Personally, I'm quite concerned about big ticket items like water treatment plant 4 and has large new power plant that might be funded without voter approval of the electorate. The economic and environmental considerations of these two items water treatment plant or power plant are just too big knot to defer to voters on these matters. Some believe the city charter provision mandating voter approval has outlived its usefulness. Whether you agree with it or not, what you have here is a hanging problem. You have a charter proper

six that is routinely being ignored but the public might want it to be implemented. So why not let the voters have a say and decide whether they want to [buzzer sounding] continue to vote on these or not in the upcoming charter election in november. Thank you. We will talk soon.

Mayor Wynn: Thank you robbins, council, i believe that concludes our citizens communication unless -- has marcel elozondo arrived. If not that concludes our speaker signup for our general citizen communication. Takes us back to again i apologize, but thought it would be the appropriate thing to do for our citizens, takes us back to our presentation regarding the -- regarding the downtown rail analysis. adams ended with his final slide, recommendations of next steps. If we can pull that slide back up again. I know that we have executive session and lunch waiting for us, but i thought this would be a -- would be an appropriate time for us while it's still somewhat fresh in our mind to continue this conversation. mayor, you have put me between councilmembers and their lunch.

We really just want to wrap up to reiterate the next steps. We are prepared to come back to council as soon as august 7th. Of course this morning was a briefing. So in order to actually move us forward with next steps i think that you would need to be posted for action to do so. We are prepared to come back to you as soon as august 7th to do that. The three next steps are one authorize us to move forward to get some targeted stakeholder and public input on some key issues. Two, to continue working with our staff, our consultants and this will probably be in a joint effort with capital metro as well. To prepare a submittal to go to the transit working group for deliberations via the decision tree. Once again I reiterate that we would come back to you. We proposed that we would come back to you prior to that submittal to get your final input and authorization to do so. Finally to the extent that you wish to issue us a guidance on the timing and schedule of those efforts, that would certainly be helpful. Of course the -- the -- you know the -- the lurking in the closet is what we all know is that the likelihood of the necessity of a voter referendum in order to actually authorize a rail project to move forward and dates -- different dates talked about, may of '09, november of 2009 certainly in terms of working towards next steps to the extent that you want to guide us in terms of your wishes on -- on directing towards those or other dates that would be helpful as well. With that, we would welcome any questions that you may have or any occasional we can give you.

Thank you, we do appreciate the fact that you all can come back as soon as our next meeting in two weeks if there's going to be specific direction by staff. I will say as a quick little point of information, so the transit campo's transit working group, which sort of concluded its first phase of work six or eight weeks or so ago, the culmination of the decision tree, the process by which we as a working -- transit working group can help analyze it in as objective of a way as possible, potential or additional passenger rail projects here in the central texas region, it's my belief here sooner rather than later, probably in the next matter of weeks, that the potential analyses of extending the red line out towards elgin might be brought before the transit working group. That is folks both with the city of elgin and others along that route and capital metro have put together, i have seen a draft submittal, potential submittal to the transit working group for that potential project. Sort of an obvious project that may be in our future. I think that's been the potential working group here in a matter of weeks. My belief is our potential, any potential submittal that involves the city of austin, a downtown circulator, any phased extensions to mueller and/or bergstrom is -- is frankly just more complicated. That is the elgin line, you know the rail exists,

the right-of-way is there, it is what it is. Ours I think we are doing the appropriate work here with jim and roma and our consultants to realize it's -- it's far more complicated, at the same time I think that it's far more opportunityistic looking at those numbers as to the employment and housing and visitor base in our urban core, I think it behooves us to really to continue to work hard as trying to figure out what might be the next set of products when it comes to urban passenger rail. I do have the -- the licks sherri occasionally of -- luxury occasionally of visiting with colleagues across the country, occasionally visiting their cities. I promise you that -- that our peer cities and cities that want to be our peer are moving forward with urban passenger rail projects as fast as they humanly can, possibly can. Miami, charlotte suburban , boston, houston, paul and albuquerque and denver and seattle and san jose and santa ana california and san diego, again city that's we consider to be peers i believe, many of those cities want to be our peers. They want to emulate us in many, many ways are moving forward with significant passenger urban rail products, I think it behooves us to do haul that we can but in a very objective, very yuschenko shows way to -- judicious way to figure out what those projects might be. I really applaud this presentation. Frankly it's more detail than I anticipated it being, which I appreciate. I think between our internal discussions and working with stakeholders the next few weeks, we could have staff back in front of us with a potential posting item that ultimately allows us as a council to I think in some form or fashion direct and/or bless any potential submittal, still likely a little ways away. I think the elgin proposal will come to the transit working group in advance of anything from us. But that I would hope that we won't be that far behind them when it comes to -- you know, to allowing a significant project like this to go through an analysis to figure out if it's the right product and if it is how do we pay for it and how -- who precisely is we. That is who might be partners when it comes to financing and ultimately building and operating what I think will be a very important future project and product for this city and region. Further comments or thoughts about this. We are not posted for action. Staff is prepared to come back to you whenever we believe we are ready. Councilmember leffingwell?

Mayor?

Leffingwell: I basically agree with what you said. There are problems that haven't begun to be addressed, financing, who is going to operate the line, how they are going to operate it. The solution to the labor questions that exist at capital metro. But I think that we ought to go ahead with the -- with this recommendation, all them of -- three of them, based on a time table. If we can solve these other problems, this time table ought to be based, predicated on a may '09 election, that would be my recommendation and thought.

Perhaps a simple question for mr. smith. I don't necessarily see this as action. I think we can -- you know, based on what I see as the recommended next steps by our team, I don't know that we as a council need to take action one way or the other. But that this is -- this could be happening, we won't be violating any posting language or anything like that, correct.

That's correct, mayor. The subject matter is posted properly. And council can -- can discuss that subject matter and express various opinions. This agenda does not post council for action, so council is not taking any kind of formal action. But I think my observation hearing from the presenters of the information is that -- that I would be surprised if you didn't see an item on your next agenda setting up

action on next steps much.

Mayor, if I could -- next steps were really intended by us to give council an indication of what our intentions were. You know? And hearing no objections from the council, this is again what we would -- [indiscernible] further comments, thoughts? Councilmember morrison and then cole.

I'm sure everybody is going to have special concerns and interest within those three steps. What would be the -- this is a question, what would be the process then for council to provide that input as they -- between now and then or -- perhaps once the formal action is taken, that's just my question how we would express that.

Mayor Wy STAFF Can continue to brief our offices, I would be interested to get more detail for instance as you say seek further public input. But maybe a schematic as to what that looks like, you know, who we approach, how often that is happening, what forums and formats that occurs. I would be curious to see that, my instinct is our colleagues would be as well. So I would hope that in advance of staff posting an item in the next meeting or two, in advance of that, each council office and the mayor's office would be briefed to here's the schematic format, we could have a that public debate at the council as to the makeup of the public input, timing of the capital metro work to help with the submittal, those sorts of things. So well in advance of even a preliminary agenda if staff could make sure that council offices are briefed as to what might be the parameters within a potential action item to have input in advance and then have the ability to have the appropriate public debate.

That would be our intention.

Councilmember cole?

Cole: Yes, I was really focussed on the financing scheme. I think this is going to be a primary issue not only in terms of this council for the potential commitment that we make, also for the public. I don't think that -- that that potential or range of commitments or evaluations that we make should necessarily go to to capital metro or campo unless we have fully voted those. So I would like -- vetted those so I would like to instruct the cullants or city staff -- consultants or city staff to bring that to the audit committee, which is a four present subcommittee, we try to vet that out and make a presentation to council, in potential vetting, i would like to look at peer cities, potentially dallas or houston because they have the same taxing structure that we have. I also understand that dallas is engage understand some efforts to try to -- engaged in some effort to try to increase their sales tax revenue this time around. We need to talk about those types of things. We have talked about other peer cities like portland, seattle, those types of things, the -- I think the committee would be interested in seeing what they did, but we also have to keep in mind that they have a totally different taxing structure and I also think that the committee needs to look at the potential federal funding sources that may be available to -- to fund not only the inner city connection, but the whole zone as it relates to also the commuter rail line and also the austin san antonio line, so that we are not looking at it in just a vacuum, but we are looking at a comprehensive plan that we could potentially take to the voters that say over a period of time we are anticipating making within the next five years, that we really are looking at it from a potential of biting off small

chunks that we could potentially finance as opposed to doing the detailed analysis of -- of a disney world that -- that is really just not into a play that we get into everybody's mind and then come back with one ride and they are saying well what happened to a disney world? So we need to look at it in a total comprehensive manner and let me ask you a question because I didn't get clear on this yesterday. Because I really think that we should look at it in phases. If we looked at it in phases like considering -- I guess I'm asking what that would look like, funding from downtown to the airport, versus funding just from the , has there been any thought to phased implementation of the proposal? Is that yes.

We presented some slides that showed potential increments that could occur, certainly there would need to be an initial increment that provides the key transit connections between the downtown and the -- and the two points on the red line. After that point you could take any number of -- you could go to the mueller, to the airport.

That you would term like the downtown circular area as your recommendation for phase 1?

Well, yes. We believe that the most effective first phase would be to connect the downtown and seaholm up congress avenue. To the state. To the university. And then across manor to the red line station at manor road. So you would actually be connecting two red line stations with the university, with the capitol and with the downtown corridor. That we believe would be the most effective first phase of the project.

Cole: When you say effective, is that based on ridership, capital costs, or around m, what? O and m.

Basically all of those things, ridership very important because you would be connecting all of the principal destinations of the downtown, connecting those with the regional transportation -- transit rail system that you are about to -- to open in the fall.

Okay. I guess the only thing that I would add to that, that I don't remember seeing much discussion of, is that -- is that the potential involving the georgetown san antonio line, in particular, I saw that on the map, in particular the piece that goes through austin that would connect to seaholm.

We have been totally focussed on the -- on the urban street car. The -- the seaholm line, the connection I should have mentioned, the seaholm to -- to line through cdb to the red line would also serve the austin san antonio line, would also connect to that station.

Okay.

Mayor Wynn: If I can, councilmember, I appreciate and agree with, I think the audit and finance committee is a great venue for -- for us ultimately as a city to look at the financing. I would request that staff comes and brings our offices, if they were to grade essentially both the decision tree and then how you all have proposed to help us work towards a submittal on the decision tree, you will see that financing as important as it is, it's a late step. It's a late box in that decision tree that first and foremost you have to think about routes, you have to think about product, you have to think about cost benefits,

you have to think about, you know, the environmental benefits, the -- the transit dependent population benefits and then you will get to -- to a price and then figure out how to finance it. I can see very much all of us being intimately involved in -- in all of those steps up to and threw financing, audit finance can take a closer look at how other peer cities in texas, financing products, I think then that could come back at the same time we might be submitting. I will say lastly it may very well be that the transit working group will be receiving submittals and going through analyses with everything up to how would one pay for it. That is a big part of the decision tree matrix is helping us objectively measure things like the environmental benefits, the housing benefits, those type of things. Not knowing what the price is. Then if there's an agreement that wow we would like to accomplish all of those things or, you know, these -- this nine figure price, then the big decision is how would one, you know, pay that price. So I can see, wouldn't surprise me if the transit working group isn't prepared to accept proposals or submittals, has everything answered including the cost, but everything short of how do we pay for it. For instance in the [indiscernible] for whatever reason thinks that's not the appropriate product route, timing, phasing, why would you bother to have the very lengthy complicated likely multi-jurisdictional discussion about how we pay for it? So I really think we ought owe oat audit finance is the appropriate, you know, subcommittee of us to really look at how would we pay for it if there's this council agreement that it is the right route and it is the right product, it is the right timing, those type of things. So I just ask as staff briefs us individually here over the next two weeks, they do it in -- in light of what likely would be the decision tree format of the submittal.

[Indiscernible]

councilmember mccracken or mayor pro tem?

Jan and jenna, our entire team of roma, traffic engineering team, if we could real briefly provide us from the professional engineering viewpoint about how much confidence that you have in the numbers and in your viewpoint is -- as a professional transportation engineer of this proposal today.

I would be happy to. My name is tom [indiscernible], the director of planning for ltk engineering services, we are mostly engineers but I'm a planner. I think that you have, i think that you can have a lot of confidence, that was your question in these numbers, very conservative. The capital costs for construction includes a -- a -- a 30% construction contingency, that's reflected in the totals, given that no real engineering of this concept has been done. Hopefully as we proceed through the steps to preliminary engineering, you get a better handle on what some of the costs really are. We can refine those numbers, give you perhaps lower ones, the way the dollar is going it's very difficult to say that that would in fact happen. But in terms of the construction costs, the cost of the vehicles, so on, i think that you are on very good footing. With regards to the operating costs, I'm the one who is responsible to those. They are based on a string of assumptions, I think conservative ones about the speed of the system, the number of cars required to operate it at -- at 10 minute head way, very good level of service. The assumptions are such that the 10 minute services 00 in the 00 or 12:00 at night. That in fact isn't what would happen in reality. You would start with longer head ways in the morning, build up as required. So in a refined analysis of operations and maintenance costs, I think that we can -- we can hope to bring those down a little bit. We also use unit cost based on -- on experience in houston. Which

-- which is the nearest similar system to you. Which has comparable bus operations costs to capital metro. But in a refined estimate i think that we actually go into the real nuts and bolts of what it would take, hopefully reduce those.

McCracken: Jumped out at me, I don't know from y'all or roma. It's this. The light rail or street car recall shows [indiscernible] trips per day. By way of comparison the capital metro commuter rail line is anticipating 2,000 trips a day. I believe these are spectacular numbers and show the incredible transportation system benefits of an urban light rail system that serves our most densely populated areas. Can you all tell us where you got those numbers from? Also the confidence that you have in ridership numbers that are 10 times higher than the computer rail line.

The ridership numbers were developed by parkers [indiscernible] as part of a study two years for most recently for the riverside line. Again, we believe these numbers are conservative. Riverside is only projecting ridership between airport and downtown, not between , which we believe would give us another jump. They are also not including any land use changes yet. In other words intensification along riverside corridor which we believe has incredible potential. We believe -- very comfortable with the ridership numbers as being conservative we think as we get into more detail we will be able to refine those numbers as well upward. I think relative to other systems around the cup, which tom could speak -- around the country which tom could speak to.

Portland has a mature system now, responsible for opening the system in 1985, but that is now carrying 100,000 passengers a day. Cal garry in can day -- calgary in canada, a city of half a million, 200,000 in the additional urban area has a light rail system carrying well over 100,000 passengers a day. Sacramento, another similar city with about 60,000 jobs downtown, government offices, state capitol, about 60,000 a day. Projecting a two line or really a three line starter system here. Connecting mueller, airport, west side, providing distribution function to and from the commuter rail operation, I think these are realistic numbers.

Yeah, it really jump out and the value of the vision we have been pursuing of not just doing commuter rail. I think that's important. What we are seeing is the heart of the system, which is urban light rail three car rail system and that it gets substantially higher ridership, 10 times higher than the commuter rail line conservative estimates. It will serve more folks, help them save money on gas. That's without any lane -
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Yes. Probably two way system.

Whereas if we do the 10th and 9th couplet, that would allow us to do dedicated lane.

That's correct.

Under the --

I'm someone who travels many times during rush hourment one of the main reasons why the mayor and i and a lot of citizens, members of the working group have really felt very strongly we needed to dedicate the system is if you hit jammed up areas you lose the ability to predict when the trains will arrive. If you are trying to get to class on time or catch a flight at the airport and struck in traffic or if there's a rainstorm the rain is going to be stuck in traffic just like the cars. So the ability to be in a dedicated lane system means that if there's a traffic jam the train whisks right past it. That is an immense time saving benefit. So in addition to travelling on 11th street in a very jammed up in traffic road. What is the vision of how that train would be turning -- does it turn on congress on to 11th street,

what is the vision of how that train would subsequently turn left on to san jacinto?

We haven't laid this out in detail. Two options could occur. It would operate in a median condition in the center of the street. Then turn left on to san jacinto or run along the sides of the streets. The other alternative as you mentioned would be to run it in a couplet on 9th and 10th streets in a dedicated median lane or a shared -- lane or shared side lane. If you want dedicated it's probably best to run it in a median so it doesn't interfere with right turn lanes or driveway access to [00:06:01] parking.

I will just state my own -- kind of give our guidance. If my own strong preference that we have the maximum amount of dedicated lane travel way as possible. I think it makes a lot of sense to be 10th and 9th as opposed to trying to be in traffic on 11th street where there are no turn lanes. I think that would capture -- also to the extent that I believe that we should also for the same reasons have dedicated lanes on san jacinto. I recognize and am persuaded that's not feasible on manor road. It's a very short stretch. But otherwise my understanding is everything else in this proposal has the opportunity dedicated lane.

Everything. There were a couple of streets at mueller. Shared, long center spur shared along parts of it.

Then I know that there's a proposal in here to have the maintenance facility located on manor road. In visiting with some of you yesterday, it is possibility to do maintenance facility at the airport, is that correct?

It is. Sufficient amount of land, riverside corridor could be considered for a maintenance facility, yes.

Actually on the airport grounds.

Certainly a possibility.

I think as we look at phasing of the segments in the financing plan, that -- that I -- I can understand that there would be some very strong system benefits to doing a maintain facility at the airport which already has industrial maintenance activities as opposed to doing a manor road what we are trying to promote. May not be feasible, may have to do interim maintain facility at the manor location and shift at the airport. [00:08:00] I will rely on professionals. I can definitely see some advantages as we implement the vision of shifting the industrial activities to the industrial location which is the airport. It may be possible with a smaller starter system, first phase described here to have an interim. That's for a smaller fleet, might be possible for some of the functions to be performed at the red line facility. But as the system grows, and the fleet grows, you may want to put a permanent facility where there's more space for a maintainance facility development in the airport area.

Do your time line projections include stoplight free [indiscernible]

yes, it does. I might also comment in looking at the benefits of an exclusive right-of-way, they are very

much as you suggested not just the saving of an additional minute getting through downtown, but knowing that every trip will save that minutes, you have a very reliable service. Also makes it possible to schedule time transfer connections with local buses, outlying areas, those connections will work every time because the arrival of the trunk street car for light rail vehicle at the transit center where people want to make connections will always work. It's not subject to vagaries of traffic interference.

The other advantage of the dedicated system is that it would allow you in the future period to upgrade from street car to a light rail system which -- which really needs to run in a dedicated configuration.

Yeah, I have seen the data that the street car rail is essentially a light rail technology, just a smaller vehicle. It can still travel like 50 some odd miles an hour if -- it has the engineering ability.

The cars have been shown here probably go 45. [00:10:00] Light rail vehicle typically 55 or 60.

McCracken: Sure. Then what is -- in comparing I know an ongoing debate, whether we should go with buses or rail systems and a bus obviously I could say for capital metro we are getting hammered on diesel fuel charges. Same with the airlines getting crushed on fuel charges. These street car rail systems each [indiscernible] operation of electricity, we have not had a rate increase in the city of austin since 1984, the lowest electric bills in the state of texas. Can you give us some professional sense of the operating costs of operating electrified rail systems compared to a diesel operated bus system? What are the operating costs comparisons?

Well, very generally, what electrification represents is the investment in physical facilities up front that gain you small operating savings per mile operated over a long period of time. The current costs for diesel which as you say are skyrocketing, definitely are tipping the scale even more firmly in the direction of electrification. In general if you had a -- if you had a gallon of a generic fossil fuel and burned it in a generating plant, not saying that you should do this. If you were to do that, even with line losses and operating through substations and then delivering it to an electric vehicle either a street car or light rail vehicle or trolley bus, you are going to get more of the potential energy out of that fuel delivered to the wheel to propel the vehicle than if you burn it if -- if you refine and burn it in a diesel vehicle and run it through a torque converter, which is a transmission and loses 60 or 70% of the [00:12:01] potential of the fuel and deliver it to the wheel of the vehicle. So -- so on the whole electrification works for you. The real -- in terms of energy. The real question is what is the up front capital cost. That it is where the finance planning is.

The other advantage that you as a community have is that you also operate the electric utility and so there are costs potential cost savings both on the capital side and perhaps on the o and m side that you could realize because of that. [Multiple voices]

the whole electrical infrastructure of the late rail system -- light rail system could be built, operated, maintained by austin energy with the power delivered to the transit system at the contact wire. The more usual case is to have power sold at the substation where they have the connections to the electrical grid. But it doesn't have to be that way. If austin energy has line crews, for example, I'm sure they do,

they refer to earlier today, those line crews can handle the maintenance of the overhead. For the -- for the electrified transit system. Rather than have the transit system have its own line crew paralleling the line crews that austin energy already has. That's additional work for them. They may have to augment the crew. But that's part of refining the cost structure of the actual proposal.

Mayor Wynn: As staff brings forward, you know, the details of -- of how this might work in light of -- of transit working group decision tree, I think we will have -- I think that we will have individual and lots of input and further analysis and then, you know, true public debate analysis about how we move forward as a city.

McCracken: I do think that we have been given an [00:14:00] example of something as we develop our financing plan we are hearing that there are system and costs -- for instance, it's more expensive to build an electrified rail system but it's cheaper to operate the electrified rail system than it is to operate diesel buses.

Comparable capacity.

McCracken: Then -- the last big question other than fanning, this is a huge one, whether we to go the airport via a commuter rail track or down -- down riverside. So what type of vehicle would have to be used if we were to go down the commuter rail one. Unless you electrified the commuter rail line, it would have to be compatible, the same thing that the [indiscernible] purchased for the leander service. That kind of a system.

McCracken: In addition to the fact that in y'all's professional judgment, we would have a lot higher lane use impact by operating down east riverside compared to going down the commuter rail track route, we would also be able to use the electrified rail system, light rail system or street car rail system to go down east riverside as opposed on tease sell rule --

correct.

Okay. I think by the way that further speaks to the fact that -- that the light rail or street car rail approach down east riverside would give us 10 minute head ways, our commuter rail system is looking at 30 minute head ways hopefully expanding to 15. We could have a lot more frequent service, a lot bigger lane use impact.

Yes. We believe that in the future in a future time maybe another generation when the -- when the development of the area north of the airport is -- [00:16:01] is ready, that that may be a good line, but it would make more sense as an electrified line to do a commuter diesel proposed commuter line through that area --

yeah, I think that alignment has a lot of value. Appears more value to go down east riverside, maybe at some point in the future --

yes. [One moment please for change in captioners]

McCracken: That means if we look at areas that have land development I am bacteria as a financing tool, the city owns Decker Lake and that's, what, 400 place acres. The mayor identified this. That could become a major financial engine to fund the entire system, but if you don't do Elgin-Manor in an early stage, you miss out on the financing opportunities for Elgin-Manor and the red line are more useful as lines if through get this -- get less street car light rail system that anchors the whole system. So it strikes 93 there would be some big financing benefits to having all these done, as councilmember Cole suggests, in one comprehensive election. If we can develop a financing package for phase 1, which would be permissible for a May 2009 election, I'm all for that. [00:18:00] It strikes me that we may have to finance -- I think it's really important we get these financing issues ironed out, and that possible sources of public improvement districts, which is what Seattle and Portland have both used, public improvement districts, and we have one here in Austin and downtown. Tax increment financing, we can dedicate some of the electric from sale transfers that we make to the electric ride rail system. 1 from the general fund. We currently transferred from the rail operating partnership back into the rail operating partnership to help mitigate the cost there. We have tools at our disposal. I think we need a financing plan before we take this to the voters. So that speaks to doing all of our homework up front. I'm all for taking it to working group, but the problem is right now without a financing plan it would not make it through the decision tree without a financing plan in place. But this is great work. The last thing I'll just say is that Houston, Texas, which has a line similar to what we're looking at connecting downtown, cultural district and hospitals, this line connects downtown, Long Center at the airport and the hospitals and University Brackenridge, Dell Children's Hospital. Houston has the nation's second highest ridership per mile on its light rail system. They just voted 13-2 on their city council to extend 30 miles. Any time we are getting smoke on land use by Houston we need to re-examine what we're doing, and we are. And Dallas has an imminently popular light rail system and they're looking at commuter rail too. We need -- a great transportation system. We know what a world class [00:20:00] transportation system looks like. It has great modern road systems, it has a great bus system, and it also has a great modern rail system that's not just commuter rail, it is urban light rail too. So y'all have given us a lot of great work to go for as a community to create the kind of community that we can and should be. Thanks a lot.

Mayor Wynn: So council, again, to try to cut this short, we have a number of things to accomplish in closed session before we then come out and take up three more discussion items prior to us getting through our bond sales and AHFC and zoning. So staff, I think has some direction to come back to us individually over the next couple of weeks, get some direct feedback on any elements of this from financing to and through rolling stock before there's then potential posted item over the next few meetings for further direction. City manager Ott, you had some comments earlier, I thought?

I'm not sure I can follow councilmember McCracken here. I just wanted to speak to our consultants really directly. Just a cautionary note really about the cost estimates on the capital side. In particular because I heard your articulation of a level of confidence at this point with all due respect in the process where we still have a significant number of unknowns, quite frankly. And I offer the cautionary note because of the tendency that we all have to lock into numbers early on in a prong like this, which we all saw the numbers here. We know the order of magnitude that we're talking about. So I think with respect to those

numbers, you know, we're talking about those estimates based on what we know today. [00:22:00] And at the same time recognizing there's a lot that we don't know that has to be defined yet in terms of this project and refined along the way. At some point when you start talking about conceptual design you all know that you're going to go through a process of value engineering even before you get to the 36, 60, 90 and 100% design and you're not really dealing with numbers that you can truly rely on until you get to about 60%. So I want to say that because I don't want the public, I don't want council and I don't want the media to write a story that says that these are the numbers because quite frankly, the numbers are going to change. Now, I'm as optimistic as any person. I hope if they change, they change to a lesser amount so it doesn't cost as much. But they are going to change and we all need to remain open minded about that, that we are very early in this process and we have a lot of work to do before we can say with real confidence what this is going to cost in terms of capital. And we have some work to do in terms of making a determination about what the cost estimate is going to be. It even affects potentially the financing plan to the extent that part of this is funded by going to the marketplace to issue debt. We're going to have to have those kinds of refined numbers, and we are not there yet. So I just wanted to offer that cautionary note to everyone.

Mayor Wynn: Understood. Again, I hate cutting off this analysis. I anticipate much healthier public debate here in a matter of weeks, but I appreciate the very impressive presentation from our team and our staff. So thank you all. So council, without objection then, we now will be going into closed session. I'll say we have two relatively brief discussion [00:24:00] items that I hope we can take up immediately after our closed session luncheon here sometime between the two and 3:00 o'clock hour. As close to three as possible we'll take up the afghanistan meeting to then go to item number 32, our hud action plan testimony, which likely will then take 00 o'clock zoning cases. So without objection, we'll now go into closed session pursuant to section 071 of the texas open meetings act. Number 95 is issues related to nora tijerina as next friend of joseph cruz versus gary griffen. Which relates to item number 98 on our council agenda today. And item number 96, legal issues related to the matter of the application of the hays county water control and improvement district number 1, amendment to the tpdes permit. This relates to directives charge of wastewater into bear creek. It relates to item 97 on our agenda. We may also take up in closed session in connection 072 of the texas open meetings act, real estate matters of number 19 on the agenda, that is regarding the lease at our lime creek quarry site located in cedar park. We are now in closed session. I hope that we can be out in public session as shortly as possible to conduct our afternoon briefing, our bond sales, take up discussion items prior to ahfc. They're now in closed session. Thank you. [01:30:41]

> test test test this is a test, this is a test of the austin city council captioning system. Test test test this is a test,

Mayor Wynn: We are out of closed session. In executive session which we finished our agenda for the day, we took up two 96, related to what we call the bell terra issue, that is the ferment for direct [01:36:00] discharge of wastewater in approximate bear creek. No decision made in executive session. Without objection we will 97 the potential posted action item on that represented case. We also took up legal 95 regarding -- regarding the lost suit of joseph cruz versus gary griffin, in the united states district court for the western district of texas, the austin division. We have a posted related 98 regarding a

potential settlement. I would appreciate a brief staff presentation, welcome.

Mayor, councilmembers, mayor pro tem, my name is christopher copola, I am an assistant city attorney for the city attorney's office here at the city of austin. I'm here to -- to recommend a settlement offer in the case of next friend of joseph cruz versus gary griffin. The settlement offer is in the amount of \$55,000 and I'm also free to answer any questions that any of you may have.

Mayor Wynn: Questions for staff, council? We've had a detail legal discussion analysis in closed session as appropriate. Questions or comments for staff? No? Motion by mayor pro tem? Seconded by councilmember 98 as posted this settlement agreement as described by staff. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0. Thank you all very much.

Thank you. Counting, we have several things to get done this afternoon. First while we have a significant team of outside consultants together, we do -- we were posted for a 00 potential bond sales so I would appreciate a brief presentation from our finance team, welcome mr. Bill newman. [01:38:02]

Good afternoon, mayor and council, my name is bill newman, with public financial management we serve as financial advisors for the city. Chris my partner will hand out a booklet. The item before you is item 100, it's an item that you have taken up the type of item that you have taken up on several occasions in the past. Basically what we are doing, what austin energy is doing in this case is taking some of the short term debt moving into long term debt. These -- this action actually compiles -- complies with the city financial policies. The players that you will see on page 3 of this booklet are the players in the sale itself. This was a competitive sale, we sold it over the internet. Bond counsel is fulbright and jaworski, bob is here. Financial advisor is pfm. The purchaser in this case was merrill lynch. On page 4 you will see a lot of gobbledy gook about market conditions. The feds tried to auction \$52 billion worth of two year and five year treasury bonds. They traded down earlier going on because of the market in itself. One thing that's happened recently, most if not all of the triple a bond insurers are gone. The only one that's left is a new firm, berk berkshire hathaway, warren buffet's firm. Since he's the only triple a in the business he's very high as well. In any event we sold this one without a triple a rating because your credit is so strong. Additionally, the difference between a triple a rating and an a rating, which is your rating today is about 30 basis points. Normally it's only about five. Page five you will see an indication of how that 25 year actually the 30 years closer spread between the bond buyers index and the treasury index. On page 6 you will see that the city of austin was probably the largest competitive texas sale in [01:40:00] the market today. Which was good. High credit, you got some good attention. You ultimately wound up with six bidders, there on the last page of this booklet. On the second to the last page you will see where the maturities range from a yield of 282 to a yield of 537 with a net true interest cost of 5.23%. I should mention that here in the course of this process we seek ratings from moody, standard, poors and fitch. They elected to improve your outlook in stable to positive which indicates a potential upgrade from where you are today at 8 plus to a potential double a at some

point in the future, which is positive news. Again, you received the total six bids on your bonds, which is a good representation of the market, being in the market. Your lowest bid was 523 from merrill, your highest 538. We would recommend that low bid from merrill lynch, i would like to thank the city treasure her, tammie and leslie for their help on this transaction. newman, newman, council? Comments, I would just say we do this several times a year, as big as these numbers are, what this is is a very typical format by which it falls underneath the long standing city financial policies. The question that I have for smith earlier, I think 79 off the consent agenda and my question was whether or not we needed to have taken up item 79 before we do these bond sales?

Mayor, I don't think so. newman was discussing items 100, 101 just now.

Just 100.

And.

Just 100, mr. newman.

Yes, sir.

Even so, mayor, after [01:42:01] consultation I think it will be appropriate to call up 79 and 99 at the same time.

Okay, good.

But I don't think there's a legal obligation that 79 be acted upon first.

Mayor Wynn: Right. newman has just presented our item no. 100. Questions of there newman or of staff? Hearing none I will entertain a motion on this piece of our bond sale. Motion made by the mayor pro tem. Councilmember cole, seconded by councilmember leffingwell 100 as presented by staff and mr. Newman. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 6-0, with councilmember martinez off the dais.

Thank you, mayor and council. Congratulations on a good sale.

Good afternoon, mayor and council, I'm chris allen with public financial management. I work with bill newman. The next item we are asking or seeking your approval on an ordinance authorizing the issuance of approximately an amount not to exceed 135 million hotel occupancy tax and revenue refunding bonds. These bonds will be a refinancing of some currently outstanding 2005 hotel occupancy tax bonds. Just to kind of give a background on this particular financing. We actually brought this to an earlier audit and finance committee meeting. But what this is, is in '05, the city issued variable rate

bonds for the '05 bonds and then entered into an interest rate management agreement whereby the city pays a fixed rate and receives a variable rate equal to the variable rate on the bonds underlying the interest rate management agreement. What we are seeking here, what -- well, to kind of [01:44:00] back up, these bonds were insured by cfig insurance company. As bill mentioned earlier, all of these triple a rated insurance companies have been now downgraded over the last several months. Because these bonds or insurance was downgraded the variable rate bonds on the underlying interest rate management agreement are trading at high levels. Therefore we need to refinance these bonds and purchase a direct pay letter of credit, where these bonds will begin trading on a resetting on a triple a rate. What we are seeking here is for you to approve an ordinance that delegates an ordinance very similar to something that you have done in the past on the airport restructuring whereby we ask you to delegate the authority to the chief financial officer, city manager to enter into this particular agreement at a later date based upon certain criteria. This criteria such as the -- as the savings threshold which is dictated by the city's financial policies. At the end of the day this restructuring will allow the city to achieve a rate of 35% present value savings. So I'd like to entertain any questions if you have any.

Mayor Wynn: Questions council, comments? So this -- on the -- before the audit and finance committee this has gone before them.

Yes, sir.

With their acknowledgment and approval?

Yes, sir.

Further questions, comments? Motion by councilmember cole, seconded by councilmember leffingwell to 100 as presented. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of -- 101, excuse me. [01:46:01] Motion passes on a vote of 6-0 with councilmember martinez off the dais.

Thank you.

Mayor Wynn: Thank you all. Council let's call up jointly item no. 79 and 99. Regarding some certificates of obligation.

Mayor, councilmembers, my name is arnold barr I'm the city treasurer. As the mayor said we will take 79 and 99 together. 79 Is a notice of intent to issue certificates of obligation, which state law requires a 30 day notice of the issuance to be published in the local newspaper, so that we are requesting approval of a notice to -- to [indiscernible] to the certificates. 99 is approval of the actual bond sale schedule for the 2008 bond sales that we will hold on AUGUST 28th. And I will go over the three items. The bond sale schedule includes three types of general obligation bonds. Public improvement bonds, certificates of

obligation, which is item 79 and contractual obligations. The public improvement bonds are approximately \$76 million that will fund infrastructure, parks and affordable housing. The certificates of obligation will be 5 for a fire 2 will be to make improvements to the city owned barton springs pool, the contractual obligation sale 7 million, and that would be to fund capital equipment as part of a capital budget of the austin water utility public works solid waste department, parks department, ctm. The total bond sale size for the three transactions is \$113 million. Of that 113, 104 of that is being issued to fund previously approved reimbursement resolutions. The bond sale schedule if approved today will be back before you on august 28th when we actually sell the bond and we respectfully request approve of the bond sale schedule. [01:48:04] Questions of staff, council? Councilmember marches son.

I was -- morrison.

I was interested in getting clarification on the sale of the barton springs improvements because I have certainly understood that there's conversation going on in the community about those improvements and the plan that's being worked. But I was also -- so I was interested in knowing how this funding plays into the master plan that I think has been approved by perhaps by the parks board already but hasn't yet been looked at by council. I just wanted to see how all of that played together, this funding and the master plan.

Okay. Councilmember?

Welcome, mr. strong.

I'm stuart strong your acting director of the parks and recreation department. Last year the council 2 million to do short term improvements, basic renovation projects, dredging of the gravel bar, renovation of the bath house things like that. I actually have a list if you're interested. We were instructed to go ahead and proceed with those, but in the context to initiate a master planning process to show how those improvements could be succeeded in the future by other improvements, expansions, whatever and to go out to the community and have that discussion. We have spent the year doing that. In august we will bring the master plan to you for your consideration. It has cernt through gone through review, approved by the parks board, environmental board, planning, the design and landmark commission. It has been approved to date. You will see it next month. I will distinguish for you future improvements which are not part of this 6.2. [01:50:00] 2 is simply to pay for things you authorized last year.

Thank you for that. When the master plan is presented, will it also include a financial plan that goes along with it?

Yes. We will give you a cost estimate for the master planned items. 2 million is just for the short term. Are they moving forward now?

They are starting the process yeah. Getting the surveys done, getting consultants in place they are beginning, thank you very much.

We did have one citizen signed up wishing to talk to us regarding item 79 related to this. I'm not sure if Jeff Jack is still with us. Neutral wishing to speak. Jeff Jack on this item combined items 79 and 99. Further questions or comments? If not I will entertain a motion on combined items 79 and 99. Motion by councilmember Leffingwell seconded by the mayor pro tem to approve combined items 79 and 99 further comments. Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 6-0 with councilmember Martinez off the dais. Thank you all very much. Council, just for those of you keeping track, we're going to -- I see that we have our Austin Energy team here in place. I would like to now go to our afternoon briefing, which is the Austin Energy's future resources planning. Both generation, CO₂ cap and reduction planning. Know that we will then take up, discussion item on item 40 regarding the Renaissance market, which will then take us past our [01:52:00] requirement to take up our AHFC meeting that will combine with item no. 12. My instinct is between Austin Energy presentation now, our discussion about the Renaissance market, AHFC presentation, then item no. 42. Should take us to the 4:00 hour for zoning. Roger Duncan, our general manager at Austin Energy.

Thank you very much. Mayor and Council, I would like this afternoon to present to you a presentation on our future energy resource planning for the utility and also Council has requested of Austin Energy to return to you with a plan to cap our carbon dioxide emissions from the utility and to reduce those over time. So the intent that we are looking at this afternoon is to go over the load forecast for the utility from now to 2020, and the options and challenges for meeting that load forecast with generation resources and what new resources will we need to do that. The second part of the presentation is to discuss exactly what our CO₂ emissions are from Austin Energy and the options and costs for tapping and -- capping and reducing those. The first slide shows our load forecast from now to 2020. Without conservation, without any new resources this is what would happen if we added no further power plants or conservation to -- to our resources at this time. The bar chart shows our resources, nuclear gas, with a little wind and solar. The dotted red line shows our load forecast. This is a chart of our peak forecast. That is the most amount of energy that we would need on a hot summer day in Austin to keep all of the lights [01:54:00] on. You see that it shows about 627 megawatts short by the end of 2020. The next chart includes the conservation that we already have planned under Council Directives to achieve 700 megawatts of conservation that actually started at some earlier point and you can see that the gap has been reduced now to 230 megawatts. First comments that I want to make on that is that is not a large gap for a utility of our size. You notice in the first part of the chart there are three sort of dark red bars on top of the bars chart. That is our purchase power agreement that we currently have in place for around 300 megawatts of power, we could easily lay in more purchase power if we wanted to between now and 2020 if we covered this gap. What we are going to propose, though, is some options as a starting point to cover that gap. Reviewing that, Council goals set for Austin Energy. First they asked us to come back with a CO₂ cap and reduction plan. The Council asked us to make sure all new generation is carbon neutral. To achieve 700 megawatts of energy savings by 2020. [Reading graphic] given those goals, here are the basic options for meeting the load forecasts and I will quickly run down the pros and cons, if you will of the different options, one is adding additional conservation, that's the first choice. It is

obviously the cheapest way to meet new load growth. It's the first option for [01:56:00] meeting new load growth from austin energy. On the other hand, it's going to be very difficult to achieve more than 700 megawatts in this time frame over the next 12 years as an extremely aggressive goal, certainly one of the most aggressive if not the most in the country. It's fairly uncertain how much additional we could achieve between now and 2020. Second option is additional renewables. Wind, solar, bio mass. There are pros and cons to these. The congestion for wind and solar is an issue of we are working to try to get congestion issues solved from west texas for wind power. Coming in. The availability of wind and solar is an issue. We have something we call capacity factor in the electric utility industry. It is a gauge of how much time a resource is online and what it says is that the wind capacity is there about 33% of the time that you need it, the same with solar. Whereas a gas plant runs 24 hours a day, seven days a week, 365 days a year as long as with you keep putting gas into it. Wind and solar has low capacity factors. But I can't mass does not. It's very much like the gas plant. There is that availability issue that you have to consider. Then there's the cost. Wind is very competitive now in texas. It's cheaper than natural gas and in most cases. Bio mass is somewhat competitive but expensive, solar is relatively very expensive. Nuclear is the other option and of course the council has looked at options from the south texas project, availability is an issue with nuclear. There are three nuclear plants being discussed in the state at this time. Expansions. But the earliest date that's been talked about to bring any of them online is 2015, [01:58:02] 2016. Any slippage at all, you are going to run into some problems for availability within this time frame. Capital cost is the down side of nuclear energy at the current stp estimates, our share of that plan would 2 billion in capital costs over that time frame and waste disposal is still an issue. Nonetheless, nuclear certainly an option. If we had a purchase power agreement at a first price offered to austin energy we should seriously consider it in my opinion. So-called clean coal option, gasification. We think that's good technology, but unfortunately immature. The gasification is mature. But the other is being tested on relatively small scales at this point. Again we do not see that technology being ready for large scale commercial use within the time frame that we are planning between now and 2020. Perhaps after that date. Natural gas is the other option. The positive of natural gas is a low capital cost to build a gas plant. The con of natural gas is the fuel supply. We think in general the fuel supply will be adequate over the coming decade, but certainly the price and volume volatility is great. It is not carbon neutral. There is about 50% less carbon coming out of natural gas from coal. As opposed to the other options it is not carbon neutral, you would need to mitigate carbon coming from natural gas facilities. Given that here is a first preliminary recommendation. This is not -- we are not expecting any action from council on this. And there is at the top you see the current megawatt capacity of our utility in terms of coal, nuclear, gas, bio mass and solar. Different options that you could use to meet the generation load at that time. In 2009, the 100 megawatts of gas and wind are committed and under construction. 100 Megawatts of gas will come online at our sam hill facility by the end of next summer. The 165 megawatts of wind is being constructed now. We hope to have that online by the end of next year. The other elements on this chart are simply one way that you could move around resources and bring on new resources to meet that goal. I will talk about each of these options now in somewhat more detail. This is what the load forecast would look like. If you added the sam hill expansion, not only the 100 megawatts being built now, the 200 more megawatts in 2013. The renewables that were on that previous chart. As you can see we meet all of our load requirements. One thing that I will note about this chart. This bar graph as opposed to the previous chart. Most of the gain that you see is in the blue from

natural gas and the yellow from bio mass, really very little between wind and solar. This chart is for peak capacity on a hot summer day, what resources are on line to meet our peak. Even though the -- the previous chart listed a thousand megawatts of wind, there's probably only around 100 megawatts or so that's going to be available at that peak time. That's why there's a difference between this bar graph and the previous chart natural gas, we can use the sam hill energy center site, to add another 200 megawatts of natural gas capacity. We calculate if we started that construction in another year or so it would take about \$160 million in construction costs over three years by moving it up very quickly, we could say fuel savings and offset the expansion cost between the 2020 time frame. Again the down side with gas is the volatility of the gas prices and if we were to undertake this, we would want to come back to council with a gas prepaid strategy to secure the fuel supply. That is looking at financial instruments and contracts to secure say a 20 year supply of natural gas. To dampen that volatility in the market. An advantage of natural gas is a local resource, avoids transmission congestion costs that we are experiencing in other parts of the state and it would reduce our co 2 by 6 million tons through 2020. The reason is the new gas facilities at sam hill burn the gas so much more efficiently than the older gas at decker power plant just by substituting the newer gas facilities for the older ones, you are going to reduce the co 2 from the berm by that amount over time. Renewable energy, bio mast, really three options in texas for bio mass. East texas logging residue, mill waste, west texas harvesting and gas indication, really more of a research project now than a commercial option and then there are limited landfill gas opportunities. Now we already have around 12, 13 megawatts of landfill gas online in our utility. From the landfills here in austin and in san antonio. But the amount of the energy contained in the landfills is relatively small on a -- on a state-wide basis. As I mentioned the west texas option is really not commercially available at this time. The opportunity is in the east texas logging residue and mill waste. We do think there's an opportunity here. We will want to bring back to council fairly quickly some options to -- to take advantage of what we see as a renewable resource in -- in bio mass. The renewable option is wind. We wanted to expand the wind portfolio, 250 megawatts, over a thousand megawatts of wind. We think that it's a good resource. We want to explore the gulf coast wind opportunities because of the congress investigation problems we are having out of west texas. Bringing wind into austin. We also want to start including ownership and development. Our current wind is all through purchase power agreements. Going to expire over this time period, we are going to replace them with perhaps some purchase power, also look at owning and developing our own wind farms on land that we lease over time. We are supporting transmission construction, we were supporters of the recent public utility commission action, to -- to develop around a billion dollars worth of transmission in the state. And we particularly supported some lines that affects our sites that we have out of west texas. For both wind and solar, exploring manager storage ace a high priority for us. I think they have to find a way to store wind and solar to make them a substantial part of the energy future. Solar is the last renewable resource I want to talk about. Interim goals to do that. The next interim goal is 30 megawatts by the end of 2010. We are not going to reach that goal with the rebate and incentive program, even though we have one of the higher rebates in the country. It is very slow going getting 20 and 30 kilowatts of the time for the rebate incentive program. What we are going to propose is bringing to council a 30-megawatt facility at the webberville site through a purchase power agreement, that is we will issue an to lease land that we own at webberville to a third party to install solar ban else in, photovoltaic or concentrated whoever wins the bid, we will purchase the energy off that site. We will

continue to on the site -- own on the site in the future we can replace that with more advanced technology as it becomes available. We also want to develop a plan for covering all of the space applicable for pv's. We have around 600 billions in austin with photovoltaics on them. And a plan, it really is not getting to the large flat roof space that's available in the city and we need to find the business model that works for us in the private sector and -- in covering those buildings with solar. We will continue to talk with -- with other utilities. Looking at a large scale west texas solar plant and we have a couple of sites that we are looking at and two or three utilities talking to for a joint project there. Again energy storage for solar is high on our list. Going back to the 30-megawatt facility at webberville, this is a graphic showing the webberville site. At the top you see many little green squares, they each represent a one megawatt solar facility. There are 30 of them. Five test sites for solar, this would provide us with 30 megawatts of solar and we will proceed to issue an and see what the market is for -- for third parties to come in and develop solar on this site. The second part of had presentation has to do with the co 2 footprint. Austin produces a large amount of carbon, discharge shows -- this chart shows our carbon footprint. The solid red line is the historical carbon emissions in terms of metric tons. The dotted red line shows what our carbon emissions would be based on the previous slides. If we installed all of the renewable energy and all of the conservation that I have talked about up to this point, this is what our carbon footprint would be. Most people seeing this wonder why it doesn't lower it very much given 700 megawatts of conservation, 100 megawatts of slowly lone star and a thousand of wind. The reason is that we are essentially meeting new load growth with all of these new renewables. In austin, all of our carbon practically all of it, 3/4ths of it is coming from the fayette coal plant in la grange texas. 71% Of our refresh my memory is coming out of that coal plant. Renewables are not affecting the ramp down of that plant. A 600-megawatt base load power plant such as fayette is extremely difficult to replace with renewables in conservation. Again think of the capacity factor as needed. You are talking about three or four times as much solar or wind to replace the 600 megawatts of -- of fayette power plant. So the plan that we are proposing is to cap our co 2 emissions of 2007 levels last year, austin climate protection plan was announced in february of 2007 and the plan would be to not go above the co 2 that we were emitting at that time, and then to reduce our co 2 to 2005 levels of emissions are the - by the year 2014. To could this voluntarily. The reason we picked that date, that is in line with the legal [indiscernible] bill being discussed in congress at this time. It starts off with the first goal to achieve 2005 levels by 2014. We don't expect that to be the exact bill that's passed but that is the primary bill that's being discussed and the basis for moving forward on a carbon cap and trade legislation in washington at this time. So we use this as the basis for looking at a voluntary program. The black line that you see between blue and green line would be an interim reduction plan to step down our carbon emissions between now and 2014 and voluntarily meet what is proposed in the bill. In order to do that, there's really only a couple of options. If you believe that we have maxed out at least to the extent we can't ramp down a base load coal plant with additional renewables in conservation, we really get just a couple of options. One is that you operate the plant and purchase the offsets for co 2 on the -- on the voluntary co 2 market. The second option is that you replace that coal with gas generation. Or you do some combination of the two. The carbon offsets that i have mentioned can be purchased today on the voluntary market to mitigate our greenhouse gas emissions they are created from projects that reduce co 2 and other greenhouse gases in the atmosphere, measured in terms of metric tons, where each metric ton creates one carbon offset. These are third party verified to make sure that you are indeed

getting the carbon dioxide offsets. We are a member of the climate action registry, also a voluntary carbon standard and there are other means of the Chicago Climate Exchange and so forth that verifies and certifies these offsets to make sure that you actually are reducing carbon from the atmosphere and you are reducing them through projects like reforestation or avoided deforestation, co-generation from methane from landfills or feed lots. Reduced fertilizer, use in agriculture and so forth. We this chart shows between now and 2014, if we were to purchase the offset at the market price and the expected market price from now to 2014, it would cost us about \$19 million, if we were to try to switch fuels and ramp down Fayette and substitute natural gas, because our coal prices are relatively fixed, there is some fluctuation, but both our transportation costs and our coal costs are relatively fixed between now and 2014 as opposed to a natural gas cost, the difference is very large, difference between around 19 million and \$250 million. Obviously our recommendation then is to operate the generation fleet as we normally would and to purchase the offsets for CO₂ emissions that exceed the cap and achieve that ramp down to meet the Warner standards. So in summary 200 megawatts of combined cycle gas at Sam Hill, cap the CO₂ at the 2007 level, reduce CO₂ to 2005 by 2014 through offsets. 30% Renewables, 100 megawatts of solar, seven of energy savings. The next step is a public participation plan which we mentioned to Council previously. Except for the items that I mentioned earlier, 30 megawatts of solar and a bio mass opportunity there is no urgency to make decisions on these options. We would like to -- and are developing a resource guide on the energy resources and the options. We will have brochures, bill stuffers, ads, websites to inform possibly in the spring, website for the public to -- to participate and play games with the options. Town hall meetings, presentations, stakeholder group meetings and so forth. Bringing back to Council and the community for the Council to make a final decision about this time next summer on our future generation plan. Thank you very much, I apologize for the length. Questions.

Mayor Wynn: Thank you, Duncan, Council? Comments other than I agree this is a -- big deal. I look forward to the opportunity to analyze the immediate opportunities with both solar and potential bio mass, then also fundamentally appreciate the fact that here's a utility which is still a very competitive business in spite of the fact that we are a public power utility and I think the more our citizens -- the ratepayers customers of Austin Energy see the -- see the complicated nature of this big, big challenge. Both on the environmental front that mostly trying to deliver electricity to the fastest growing big city metro economy in the country, the better. I think ultimately as with -- with a likely piece of legislation that will get signed by either President McCain or President Obama, both of which I've had a conversation with, they both said they are going to sign a piece of legislation next year in some form or fashion that does this, that is pass on the cost of carbon in our atmosphere to us as consumers, something that's generated from carbon. Figure that, how to ultimately help our consumers, less of that appropriate transparent burden. I really look forward to -- to the discussion and helping Council and I -- I craft craft and advise on public participation plan as we sort of pull together as a community and keep, you know, keep a utility moving forward that, you know, fuels or economy about the same time, does the right thing environmentally. Mayor pro tem?

This is a great presentation. Really applaud the utility for -- for being national leaders. I think we still have the nation's largest green power program of any utility, public or private.

What is the cost and what does it mean in dollars and cents to us?

Well, if I remember my numbers correctly. I have great staff here i know that will jump up and correct me. I believe that the public utility commission passed what's called scenario two, right around a five billion dollar transition plan to be developed, the cost to austin over the length of that plan would be, we estimate, just under \$200 million. \$197 Million. Translates to about \$4 a month on the electric utility.

Does that mean -- you said that the webberville site provide us the ability to avoid transmission congestion costs, does that mean that if we are able to create power locally, that does not have to enter the state-wide grid that we don't have to pay this transmission fee.

That's correct. That's the advantage not only on the webberville site, but also the advantage of expanding gas at the sam hill site out near the airport. Any time that you can produce the generation more locally, the transmission costs across the state are a big factor in everybody's planning right now. I notice this is a great feature. Webberville solar site layout, how big of an acreage are each of these one megawatt green squares.

I was not told the total, the total size is approximately 331 acres for the 30-megawatt site.

You could ballpark it less than 30 acres per square --

well, wouldn't be per square. You have all of the --

you have the transmission lines to connect, balance of plant stuff. There's other stuff other than just the site itself. I mean just the square itself.

The reason why i'm wondering that, obviously if we could do some kind of local version of that so let's say that -- that you get half a megawatt or a third of the megawatts, per the roof size of each downtown office building, if you are able to to capture some of that roof size, because there's -- above the tree lines, you can in theory adjust the angle optimize it. The question that I guess would be a -- do we have the -- the wiring and storage systems that -- that could handle internally in the city the flow into the system from -- from new -- new locations say like the roofs of downtown buildings or other commercial or -- or government buildings around this region? [One moment please for change in captioners]

McCracken: I saw a robert bryce who writes for the texas observer describes energy source as the holy guardrail of clean energy. I can't remember if it's him or someone else, but if you could create an adequate or a true utility scale energy storage system, it could potentially double the rated capacity in the nation's existing power infrastructure. What is your estimate. Do you have an estimate at austin energy of what the impact would be on our existing power infrastructure if we could get some kind of energy scale system so that we could run sand hill 24/7?

Tremendous. I mean, we have not quantified it, but you could come close to doubling capacity in some areas if you could run 24/7. It would be a tremendous break through. A lot of people have been working

on it for a long time.

McCracken: Thank you very much.

Mayor Wynn: Councilmember cole.

Cole: I just had a quick question for you, roger. And I also think this is a wonderful presentation and appreciate you bringing it forward. One of the last things you mentioned is the public participation plan. I would like for you to elaborate more and the issue you would be taking to the public and some of the key decisions we're going to have to make with respect to nuclear, solar and wind and just kind of lay that out in a big picture format for the council and the public.

Okay. During that presentation i quickly went over the pros and cons and what the options were and the difference between wind and sole and gas plants and solar, so forth. We are preparing informational piece, brochures and larger informational pieces going into depth on the actual data from austin energy in terms of what we're getting from our wind sites and our solar on the roof. The cost that we see of cole and solar. We have had meetings and invited people in as well as going out to existing organizations, going to the local rotary clubs and neighborhood associations and others to bring this message and to provide information. And while we're trying to get back is from small groups or businesses or particular interest groups is what they would like to see is a generation mix. And we will be trying to provide the cost an what the impact would be on the environment from the different options so that they get a deeper understanding of the impact both financially and environmentally of the decisions. And. Compiling all that will be we have two public relations consultants on board that are helping us to facilitate these meetings and interest groups. The electric utility commission will be very involved in taking all this data and formulating a recommendation, and then we will come back to council at the end of this about a year-long process with both report on what the citizens have said, any information we've gained during that period from this and other sources and from the electric utility recommendation and at that point present to you a comprehensive analysis of the community's feeling on these generation options.

If you're able to do that for the community and actually get that interactive feedback on the financial implications and the environmental implications and how we should handle it long-term, would you prepare that matrix for rail?

Thank you, roger.

Thank you very much, councilmember.

Mayor Wynn: Further questions of mr. duncan? Comments? Thank you much, roger. Appreciate the hard work. Council, a couple more items. Earlier in closed session we had taken up item number 19, real estate matters related to the lime creek quarry. We had a good appropriate analysis and discussion in closed session regarding that potential real estate matter. And if staff is prepared to sort of remind us

where we left off earlier in the day, I think we could take action on item 19. Welcome mr. garza.

Rudy garza, assistant city manager. Item 19 is an item initiating the termination of the lease with ranger excavating for our lime creek quarry, which requires a nine month notice. The item on the agenda also in addition to nine month notice allows for a month to month lease back, if in fact we have not sold the property.

Mayor Wynn: Thank you, mr. is a. So -- thank you, mr. garza. Comments? Councilmember cole.

Cole: I appreciate garza's hard work and negotiating on this item. I would like to simply move to make a minor change to that so that after the actual nine month termination notice that we go to a three month rolling lease period as opposed to one month.

Mayor Wynn: So a motion by councilmember cole to approve item number 19 with the caveat that the one-month -- essentially a month to month lease extension be extended to be three months, and I'll second that with I think the clarification and I think the intent is that therefore at no time is there less than three months -- there's always 90 days' worth of notice give tone in this case ranger, our lessee, before the termination -- before the expiration of the lease. Councilmember cole councilmember cole yes, mayor. Be.

Mayor Wynn: So we have a motion and a second on the table approving and amending item 19. Further comments on the motion and a second? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. So council, I think we can quickly take up our last discussion item before then go to ahfc. A see a couple have been patient and able to speak with us. We'll have a brief presentation on what item 40 is doing. This is another piece of a long of a long process whereby we have been over several council actions over a number of month. I like to refer to it as reforming and consolidating the operations and the dynamics, the bylaws of our board and commissions. This is one of our final ones to consider, so perhaps david lurie could remind us what the goal with item number 40 is and have some citizen communication and hope we take action.

Good afternoon, councilmembers, I'm david lurie, acting assistant city manager. As you stated, mayor, at your june 18 meeting you had a number of items before you regarding bores and commissions, some clarification in terms of some definitional language and in some instances of repeels associated with some various bores and commissions that for various reasons didn't match up with the ordinance. Those were a number of those that had external requirements, federal, state or through interlocals with the county and others. And also included in that proposed action was a recommendation to dissolve the renaissance market commission, retain the market and transfer the licensing of vendors to the parks and recreation department. You postponed all actions associated with the renaissance market commission at that meeting and asked that we bring it back to you for your meeting today. And I just wanted to report that the reason for recommending abolishing the commission is that the commission had not adopted the standard bylaws and required, and because there for quite a long period of time has not been a full membership, if you will, of the commission. We currently have four members. They're having a great deal of difficulty achieving quorum and therefore being able to conduct their

business. So since the June meeting the commission has met twice. They did vote to adopt the standard bylaws. They're also requesting some changes related to the bylaws. Again, related to a quorum and the number of members required to take action. And they also voted to amend article 2 having the people's renaissance market commission reassign to the economic growth and redevelopment services office. In addition since then two commission members have completed the required training, and we have I think now approximately nine applications for membership on the commission. And again, there's been an ongoing challenge in terms of identifying people who have an interest and therefore could be appointed to serve on the commission, which then plays out in terms of their difficulty to establish a quorum. So since the commission has met and passed the standard bylaws as required and the city council is in a position to potentially appoint a full representation, that is, seven members, to the commission, we are recommending at this time the commission not be dissolved; however, we continue to recommend that the licensing function be transferred to the parks and recreation department. We have very clear criteria established in terms of eligibility for vendors and their products in this market. We have artisans on staff within the parks department. I know this is potentially a big change for the commission itself since licensing had been a major function, and I know there are some reservations about it, but we're certainly very much welcoming any input and suggestions about how we might make this transition work successfully and make sure that we've got the proper expertise to make the determination to assure that these products comply with the guidelines. And we think issuing those licenses, going through that process is very much a management process. And in recommending not to dissolve the commission, it would be our intent that we refocus the commission on the other part of the responsibility, which is making recommendations in terms of improvements to the market and promoting the market. The fact of the matter is the market is not thriving today as it has in years past. And in this recommendation it's our intent to refocus the commission on developing strategies to improve the market and facilitate its success and then have the operational side of that, that is, the review and approval of licenses be conducted as it our standard business practice by the city department. In addition, I would add that we've gotten a number of complaints about our concerns expressed about safety and security in the market and also the surrounding area. And parks and recreation department staff, along with Austin police department staff, are working on that and are going to be working with the neighbors and the vendors and interested parties to look at strategies that we can potentially implement to improve the safety and security in the area. So mayor, that's an update and also it includes our recommendations. Thank you.

Mayor Wynn: Thank you, Mr. Lurie. Questions for staff, council, before we go to citizen comment? Great. Thank you, David. We do have a handful of citizens who would like to give us testimony about item number 40. I'm not sure if they can bear with us or not. Our first speaker was Michael Kleinman. Welcome back. You will have three minutes, to be followed by Laura Wisdom. Afternoon, Mayor, councilmembers, city manager. My name is Michael Kleinman. I've been a city of Austin commissioner for over 30 years. The first five years on renewable energy resources commission and the last 25 or so on the people's 23rd Street Renaissance Market. I really appreciate having worked with David Lurie and the staff to have them change their recommendation to y'all about abolishing the commission. I do not feel that would be in the best interest of the city of Austin, the arts and crafts people. So we look forward to having the commission continue to play the vital role it has. I want to point out again, especially for

the new councilmembers, that the people's 23rd street renaissance market was created by a vote of the people of the city of austin. It was not created by council, it was not created by staff. It was created through the initiative process by the people of the city of austin. Of the people, by the people, for the people. In that capacity, it has been the most successful job training program the city has ever had. Non-intended of course, but it still has been. It has been an incubator that has started numerous successful businesses from by george to roger coreman jewelry to belts and buckles to hundreds of other businesses have started out there and progressed to become real live businesses. In addition, the people's 23rd street renaissance market is the only arts institution in the city of austin that makes money for the city. Laguna gloria doesn't make money for the city. None of the other arts institutions do that. The market does that. It creates jobs and creates revenue. Now, having said that, one of the reasons we haven't been so successful because we're an inappropriate department, parks and recreation and our commission has recommended that we be moved. Hopefully to the cultural arts division of growth and economic development services because we are economic development and we are cultural arts and that seems a much more appropriate place for us to do that. As for the jurying of the arts and crafts people, parks and recreation hasn't been able to get us an e-mail list of all the arts and crafts people, let alone jury the arts and crafts people. I think you will hear from arts and crafts people that they would find that totally unacceptable and not working. Our decline if you will or stagnation has been due to the fact that we have not had good staff spot. And we urge and beg you to please move us. We are very happy to report we've passed the bylaws. We've done everything that council has asked us to do. We would respectfully ask council to listen to what we're saying and hear us and move us to an appropriate department that could provide the support and the success that has marked this market for the last 35 plus year. We are a successful experiment in job training and revenue gathering. Why isn't it at the airport. Why don't we have it here at city hall. Thank you for your time. I appreciate your understanding and look forward to working with all of you in the future.

Mayor Wynn: Thank you. Our next speaker, laura wisdom had signed up wishing to speak. Welcome, laura. To be followed by jenny bennett.

Hello mayors and councilmembers, my name is laura wisdom. I'm the chair of the people's renaissance market commission. And you met michael kleinman, and melinda could not be here. Together we have 55 years of combined experience with the market as commission members, a former vendor and purchasingwares vendors. The past few months have been challenging and at the same time a growing and learning experience for all involved. Object be advicely we couldn't reach -- obviously we couldn't reach consensus on how to deal with the situation before you, but we do believe that these changes have created an opportunity for both the market and the commission to improve. We would like to thank the mayor and council and city staff who have worked hard to understand the issue and the potential and the history of the market. With reservation we support the staff recommendation to transfer the licensing functions of staff. The market commission would like to assist in the transition by working with staff and artisans to develop additional rules and/or guidelines that will assist in fulfilling the licensing duties. We can draw models of successful markets from around the country. The market commission would like to continue working with staff artisans and area merchants for the better. Of the market. Together we can continue to develop strategies that can promote the future success and safety of the market and work to build a rich, social and cultural community within the market. A reinvigorated market

will provide an environment that allows artisans to do what they do best, drawing on inspiration to create unique wares. Working together, we can continue to contribute to the vibrant urban fabric that is uniquely austin. Thank you for your time and consideration.

Mayor Wynn: Thank you, ms. wisdom. Is jenny bennett with us? Welcome. You will be followed by randi echols.

Hi. My name is jenny bennett. Thank you for having me talk today. I'm an artist at the renaissance market. Start there had about 12 years ago. It's been one of the best experiences of my life, and it has helped me to move on to do larger art shows and even travel throughout the country and sell my wares. I have to say that the commission has done a great job be over the years and i really hope that we continue to work that way. They've helped us to beautify the market and resolve issues over the years. And I've enjoyed it myself. I feel that the commission helps to focus -- give us the time, attention and focus that city staff really wouldn't be able to to really understand us. We are so unique and have specific needs. And in particular with the licensing, I don't know if any of have you had personal experience in working with artists or with any of the art festivals in the city or elsewhere, but is licensing at the market is just the same as jurying into any art show. And it's more helpful in my view that we have a group of people who really understand all the different kinds of arts and the criteria that is required per each art to verify that it's all handmade by the person who is applying. And that is critical, believe me, because a lot of people try to get by that. So essentially for me it's about keeping it going and making it better, and the licensing I feel is very, very important to keep it within the commission. Again, I just want to reiterate the request that we be put into the economic growth and redevelopment division as well. I'm excited that we've been able to find new applicants for commissioners, and the applicants have been very enthusiastic and are really excited about being on the commission. And as far as I know, one of the most important things about having a commission to oversee our market is that when the market first began, it was -- a lot of the applicants abused the situation and it was kind of a flea market situation. So the commission is really essential in having to keep it as a handmade artist market. So as an artist, I'm a one person business, and that means that I do everything myself. I do my own bookkeeping, purchasing, design, manufacture, which takes up a significant amount of my time, as well as the selling, which also takes up a significant amount much my time. So having the commission -- [buzzer sounds] -- is very important to help manage the market as a whole. So thank you very much. And have a great day.

Mayor Wynn: Thank you. Is randi echols here. Welcome. You will be followed by cecile hollyfield.

Good afternoon, mayor, may, councilmembers, and especially new councilmembers. At the risk of being facetious to the new councilmembers, I want to say I voted for you. I'd like you to vote for us, especially you, laura. I voted for you twice, legally. [Laughter] I've been a silver smith in the renaissance market for 33 years continuously, except for arts and craft shows, but I'm based here in austin. We really need our commission. We really need people that understand the arts and craft industry. We need people that understand the market, that understand the problems we have. And that are willing to work with us with the police and our neighbors. One commissioner, roger edgecomb, we work with uia, university area partners, which is a local merchants association. And I remember the market back in 1976 when it

was still just wide open and anything went. We had one person in particular had 13 licenses and was never there. So it was like a real zoo. It almost closed at that point. So we need people to understand arts and crafts. And I don't think city staff with parks and rec understands us well enough. And we've stagnated over the years, so it's gotten worse. I think currently we have 53 people under license. I know probably in our heyday we had 135. We very much would like you all to consider the cultural arts division of the economic growth and redevelopment. I think they would be more attuned to where we're coming from and the kind of work we do. Thank you for your time.

Mayor Wynn: Thank you, mr. clements. And cecile hollyfield, welcome. To be followed by cat allison, our final speaker.

I am cecile hollyfield. I am one of the recent applicants for commissioner on the board. I first got my first license at the market in 1979 or '80. And was able to grow a business in a way that i can't have been able to find a similar place since. He was a cartoonist, it was christmas, I drew some christmas cars. Somebody said you should go sell those down at the market. So I drew several, wrapped them up in saran wrap, borrowed my neighbors card table, went out and sold them the next day, sold all of them. Went home, drew some more, wrapped them up, and doing that each night, drawing more, adding designs, culling the ones that didn't work, was able to build a good business. About eight years later i was able to take it off the drag and expand and do real well with that. I don't know of any other way I could have done that. That's really economic growth and development there. It's a way that people with a good idea, but not necessarily funding, can get an immediate education into what are the economics of having a business. I'm very aware of the past history of the drag and the activities. What has worked for the market is good business. It also works for the surrounding businesses. If people are coming to the co-op or coming to the bookstore and they walk through us, they come back. They say oh, that was neat. Whatever brings business down there works for everybody because people tend to get out of their cars and walk up and down the guadalupe street. Market commissioners need to be people who understand the processes, the art processes, how you do things. I've done everything from knitting to stone carving. I'm familiar with almost -- familiar with and have taught almost all the processes that get used down there. So I feel like I'd be able to spot people who may be trying to shade -- have somebody else do some of their work. I believe strongly that we need to go to the cultural arts division for economic growth and redevelopment, and I plan to be here all the time to try and make sure that that happens. Thank you.

Mayor Wynn: Thank you. And cat allison wants to give us testimony. Welcome, ms. allison.

Good afternoon, mayor, councilmembers, city manager. My name is cat allison and i was a former vendor at the artist market. I left because of safety concerns. Frankly, I was physically threatened, called the police. The police didn't show. I will always, though, invested in the market. As has been said by other people, this is how I got my start. This is how I learned that i could make a living full time from selling what i produced. And I believe that we must value and nurture this market much as we do our live music scene. Lip syncing does not belong at a live music venue. Resale and import items do not belong at an artisan's market. I have concerns about market licensing being turned over to the parks department immediately. It is certainly difficult, if not impossible, for someone not familiar with hand craft

to discern the difference between an import or a hand craft. And most especially to tell if the person before them is the maker. I asked that the transfer of licensing be proposed to allow procedures to be put into place that will allow the artists market from turning into a flea market. I recommend that the parks department have staff dedicated to the licensing and dedicated to regular visits at the market during hours of operation so they can better understand the problems inherent. I ask that you use the procedure used by all major artist markets and require each and every applicant to bring receipts in their name or their company name showing the purchase of raw materials and components that make up the products that they are bringing before the licensing board as examples of their work. Further, and I think this is very important, I ask that a work group be formed consisting of city staff, commissioners and artisans. And that that group be charged with clarifying and reworking when necessary the rules and guidelines of the artists market, including licensing and craft guidelines. Foremost, improving the safety and resolving the problems of large number of homeless intimidating artisans and their customers. We need current artisans to feel safe. We need other artisans to be recruited and stay at the market. And we need customers that do not feel so afraid that they will not walk five feet into the market to look at what there is to offer. Renewed to formulate plans to bring -- we need to formulate plans to bring the market back to its former standard and restore its reputation as one of the finest hand crafted artisan's markets in the country. Thank you.

Mayor Wynn: Thank you, ms. allison. Council, that concludes our citizen testimony on this item number 40. Further comments or questions for staff? Thoughts? Councilmember morrison.

Morrison: I have a go staff. -- I have a question for staff. lurie, I wonder if you could talk about the points allison just brought up in terms of our personnel on the city staff and licensing, the process they'll go through to ensure that they qualify as handmade and the training that they might need.

Right, councilmember morrison. The criteria for the products and items that are acceptable within the market are very specific. They're included on the website. And the way the process is operated to date is that folks would come to the commission, present samples of their products, discuss a lot of the elements that you heard described here, in some instances provide some level of documentation. And then once they review and approve that it goes over to the parks and recreation department for licensing. What we do here is propose to take at the front end of the process and in that review have the parks and recreation department be responsible for that, apply the same criteria, include their artisan whose have a good deal of expertise in these matters. As I said earlier, we'd certainly welcome other suggestions in terms of process that we might put into place to make sure that we are achieving the objective. And if we had instance where's that wasn't occurring and there was evidence of that, we would certainly intervene as we do as a standard business practice. So I'm very confident that we have the resources to be able to do this very effectively. And again, our intent here is to take that function, have that operate within the department, as we do for a lot of other events where we license vendors and individuals, and really work with the commission to focus on the broader strategies for improving the market overall and hopefully getting back to a place where it can really thrive and be successful. But we definitely view it as a partnership between staff and the commission members and the artists. And I don't know if stewart strong is here, if he would like to add anything from the perspective of the parks

and recreation department and their expertise.

I'm Stewart Strong, acting director of the parks department. What I would add is we do have artists on staff and they're practicing. They have had this experience, so we assure you that we do have the expertise.

Mayor Wynn: Further questions, comments? Motion -- councilmember Leffingwell.

Leffingwell: Mayor, while I certainly appreciate the work that all these commission members have put in in the past and what is really a long-standing Austin tradition, I respect that, and I appreciate the fact that you took council's direction last month and passed your bylaws and have started to get the house in order here so that the commission can function the way it's supposed to. And I still think there is room for the commission to play a very vital role in oversight of the Renaissance Market and establishing criteria and so forth. But my motion is going to be for -- to close the public hearing and to approve the draft ordinance with the following changes, to delete parts 2, 10 and 11 and renumber accordingly. And to repeal subsections a, b and d of section 211.166 of the code and renumber accordingly. And that will have the effect of implementing the staff recommendations. That's the motion.

Mayor Wynn: Motion by councilmember Leffingwell.

Mayor, if I could, please. Councilmember, I think it's 21, 166 that you are on a, b and d, instead of 211, it's 2-1-166.

Leffingwell: Thank you very much. It's not my fault. Someone wrote this for me. [Laughter] I stand corrected.

Mayor Wynn: Thank you, Ms. Gentry. Motion by councilmember Leffingwell. I'll second that on item number 40. Further comments? Leering hearing. -- Hearing none, all those in favor please say aye. Opposed? Motion on item number 40 passes on a vote of seven to zero. Thank you all very much. So council that now takes us, and I apologize to folks waiting. We're getting a lot done this afternoon for a change. It takes us to our posted meeting of our Austin Housing Finance Corporation that I wanted to take up before we took up the discussion on item number 42 related to the HUD action plan. So without objection I will now recess this meeting of the Austin City Council, we'll call to order this meeting of the Austin Housing Finance Corporation Margaret Shaw.

Good afternoon. Thank you will not and members of the board. We have an agenda today of seven items that I would like to present to y'all for consent. The first three items are all administrative issues. Items 1 and 2 are adopting the minutes from our April 10th and May 15th meetings. 3 appoints the chief of staff, Anthony Snipes, to the nonprofit corporation that oversee three rental problems that HFC owns. The next three items, items 4 through 6, will approve 9 million that results in at least 38 single-family homes for low and moderate income family. I would like to also note that item 6 is funded with general obligation housing bond fund. Items four and five will execute construction projects for a total of 10 homes at HFC's Montopolis subdivision. Item 6 as I mentioned would award a million dollars to Guadalupe

neighborhood development corporation to purchase four acres on tillery street in east austin in order to develop at least 28 single-family homes for folks earning less than 30% of median family income. And last but not least is item number seven, which authorizes the acceptance of \$476,954 in fees generated from low income housing tax credit projects and amending our housing assistance fund budget to accept those funds. So with that I'd like to offer all seven items at once on consent.

Mayor Wynn: Thank you. Questions of staff, board? If not, we have a proposed consent agenda for austin austin housing finance corporation. The first three being the administrative items as shaw, the two construction item, numbers four and five, the help to the gndc development of the 28 single-family homes, item 6, and our acceptance of low income tax credit funding on item number 7. I'll 18 a motion on the proposed consent -- I'll entertain a motion on the proposed consent agenda. Motion by councilmember martinez, seconded by vice-president mccracken to approve this consent agenda as proposed. Further comments? Board member morrison?

Morrison: Again, I'd like to be shown as abstaining on the approval of the minutes.

Mayor Wynn: As we will. Thank you, ms. gentry.

Mayor Wynn: So motion and a second on the table approving the consent agenda as read. Further comments? Hearing none, all those in , opposed? Motion passes on a vote of 4-3. [Applause] the first time city staff has been applauded all day long. Take note of that. So council then with there being no business more business before the austin housing finance corporation board, I'll now owe we now stand adjourned. I call back to order the meeting of the austin city council and call up item number from, which I know -- number 42, which I know included our hud action plan, but I'll welcome a brief staff presentation. Welcome back ms. shaw.

I'm margaret shaw, director of the neighborhood housing and community development department. Today I'm here to present our staff recommendations for the action plan for the fiscal year 2008 and 2009. The plan outline the community needs and how the city will address them for our low to moderate income families. Up I wanted to start by thanking the council, the community development commission and the many members of our stakeholder communities who have worked with us so closely over the last couple of weeks to highlight the importance of general funding for affordable housing and also to express my support for the city manager, chief of staff anthony snipes and my staff who have worked together this week to present a solution that i will go into detail at the end of my presentation. So with that I'd like to start with an overview of the process for the annual action plan. As you may recall, the federal statute, the reason we come to you a little bit earlier than the other departments, is a federal law requires us to submit our grants budget plan to department of housing and urban development each year by august 15th. We actually include not only our federal funds, but also all of our funding sources. And for that the city of austin has been recognized by our regional hud office as a best practices. We're one of the few cities that puts all of our funding available in one document so our citizens can see how our department is addressing the concerns of low to moderate income folks. We always make note of the fact that the local funding, however, is subject to change with council action in september. Next I want to review for you that we have a very active stakeholder process that begins early in the spring

with a variety of opportunities for the public to participate in the drafting of the plan and to comment on the draft plan. It begins with two public hearings, one at the council and one at our oversight board, the community development commission. We also hold a separate stakeholder meeting for small businesses to understand the need of the economic development community. We then draft a plan and put it out in about 10 locations around this city and on our website for 30 days to accept both written and e-mailed or written comments. We also have the community development commission action on july eighth at their regular board meeting to make recommendations to this body. And this year we actually held four stakeholder meetings of which the chief of staff participated in several to answer stakeholders' concerns about the draft plan. All told, 77 people participated in the process this year. New funding for proposed beginning october 1st 9 million, 49% in federal dollars. And for the first time in our history, local funding surpassing our grant funds of 14.5 million. That is due totally to the general obligation bond 5 million that we've included as a draw down next year.

Mayor Wynn: I'm sorry. To politicize, that's not good news in what fundamental driving force behind that is how dramatically cdbg funding has been cut federally over the last six years. It's impressive that we are doing things locally, but the fact that it now has surpassed federal funding for these programs is shameful. Sorry.

Absolutely, sir. I agree with you. [Applause] it highlights for us, however, the commitment of the citizens and this council to show their commitment for those low income folks. And it also shows that we are diverse tying our source of funds so we can meet those challenges. Now, given the nature of our business with real estate transactions often do not happen within one 12-month period, so we actually do not spend funds in the same fiscal year, so we often have monies that roll over much like the capital projects and other city departments. Therefore we have a total economic impact next year of almost \$49 million to serve the needs of our low to moderate income folks both in affordable housing, community development services and economic developments. We also use that 49 million in response to what we hear the citizens are most in need of. And that's affordable housing. 5 Million of our funding will go next year to support affordable housing opportunities. Everything from assisting and near homeless folks to creating new rental housing, to helping people buy their first home, to actually serving folks who already own their homes and are in need of home repair or other assistance to maintain their current housing. We spend about 20% of our funds on community development programs to support local businesses and then they stay here as well as child care, youth services and other issues. Again, we do this with an administrative budget of only seven percent. And we're also seeing debt service for our commitment to the arch homeless shelter, millenium youth and other projects we have funded. As the mayor just alluded to, we have incredible commands demands facing our departments. As you have heard this week, austin is the eighth fastest growing city in america. And with that wonderful increase in employment and population growth, it creates a strain on those residents who are earning less than median family income. Almost half of our residents, 44%, in 2006 could not afford the fair market value. That's \$836 for a two bedroom apartment. And 18% of austin's residents live below the poverty line in comparison to the nation, which is 13%. With that again as the mayor alluded to, we see a continued decline from the federal government in historic programs that serve these issues and 18% reduction in the community development block grant program in the last five years alone. With that we see a strong commitment, however, if this body to continuing its support for these issues. 8-Point # 8 million to the

housing trust fund alone since 2000. And in addition to that, 5 million over the last two fiscal years to support our programs, including the one million dollars to transition the ronald mcdonald house on 15th street to a transitional housing facility for people who suffer from mental health and mental retardation and challenges. The department -- my department, neighborhood housing and community development, has aggressively met the challenge of this increasing demand and declining resources by seeking new solutions and maintaining our local commitment to programs. The macarthur foundation right now is considering granting the city and its partner, the university of texas, five million dollars to support the preservation of affordable housing. We are one of only 21 cities across the country that's being considered, and only one of two in southwest. Only us and albuquerque are in the running for the money. We are also adopting based on citizen participation and other taskforces innovative policy solutions from density bonuses to shared equity to all kinds of different programs to try to get more affordable housing spread throughout the community. We also for the first time are engaging and will bring back to you on august 7th a contract to do the first comprehensive study of austin's affordable housing market. So we will know and be able to plan going forward on what the needs of austin's housing and -- affordable housing needs truly are. The city has also continued its commitment through the general obligation bond funds, and again we thank the citizens of austin for recognizing the importance of this issue by 2006, granting us \$55 million. These programs have been very successful; therefore we're increasing the draw down for next year from 5 to better serve the need. This council in 2000 also dedicated 40% of the property tax proceeds from redeveloped city owned sites to affordable housing, and we're starting to see those resources come to fruition. And last but not least, you continue to give us a 5-million-dollar supplemental for our programs and support to help us bridge those gaps between what the federal government can't pay for. Some of the key highlights that I'd like to draw your attention to and the proposed budget are again that almost 70% of our funding will be dedicated to new affordable housing opportunities. We're maintaining from last year that 33-million-dollar commitment to affordable housing programs. We have a minimum of \$10 million in those new funds that will serve people earning less than 50% of median family income. I can assure you that historically this department has always exceeded \$10 million in the amount of fun that goes to the lowest of the low. But this is 10 million that is already earmarked for the poorest of the poor. We've also included funding this year for foreclosure prevention program. As you saw from press reports earlier this week, foreclosure is up 31% in central texas. We are not immune from what's going on in the nation, even though we're not being as drastically affected as some other communities. This department wants to take a proactive approach in helping folks who are in or near foreclosure plan for that. In community development, we have another three million dollars in section 108 to service -- to help serve low income -- to help serve our local businesses. And that's expected to leverage at least \$18 million for our new -- for our businesses. And on the planning stage we will start in january a strategic plan, a five-year plan from 2010 to 15 that will show how this community wants to invest its funds going forward to community and economic development. We will also regardless of whether we get the macarthur funds, implemented some affordable housing preservation initiatives to help stem the tide of the conversion to multi-family developments. We received feedback from a variety of different stakeholders. There were four key issues that were raised. The first three, architectural burial removal program, public services and emergency home repair. Our stakeholders were concerned that we were not serving the same number of households as we were last year. We were able to reallocate funds before the cdc meeting in july

eighth and make sure that those programs were funded at levels to serve households steady from last year. So we're happy and pleased to bring with you a resolution of those issues. And last but very much not least, I'd like to share with you a solution and a recommendation from staff on how to address the housing trust fund issue. As you recall, the draft plan did not support the continued one-million-dollar transfer of general fund resources to the housing trust fund. The trust fund was created in the year 2000. As we mentioned, at the same time that the property tax proceeds, the 40% of the property tax proceeds was dedicated to affordable housing. At the same time council by resolution committed to four million dollars, one-million-dollar each year for four years, to meet the needs of low income housing. Council then continued from 2004 on, continued to make that transfer from general fund for a total of \$8.8 million. The accomplishments of that 8 include 984 affordable rental units and 14 properties. We leveraged almost \$85 million with that money, all of which are serving renters who earn between 30 to 60% of median family income. Again and last but not least, I want to thank the council, the many stakeholders and the leadership of the community development commission over the last few weeks who have highlighted the importance general funds in serving low income folks with new affordable housing opportunities. And also the importance that it can serve in addition to other funding sources. Staff estimates that about -- staff looked at reviewing our budget in the last two days, proposes that we transfer \$202,000 that are the proceeds from the 40% property tax allocation. We've looked at our smart housing cip project funds, which is our project source fund. We've reallocated some monies from a program to match the 798 to get a full million dollars for next year in new funds for the housing trust fund. We still have \$413,000 in 900 estimated to rollover from this year that will not be spent, so starting october 1st we expect to 4 million in general fund resources available for projects as they come in to serve affordable housing. This proposal -- [applause] thank you. This is the proposal that was supported and recommended by the community development commission. It also provides dedicated funding source for the trust fund so that 40% tax proceeds is expected to grow over the years as block 21 and other developments continue to rise -- continue to be constructed. We'd also like to clarify that we'll be using the guidelines from the general obligation bond program that has been very successful with this. And I'd also like to highlight that this is a one-time solution for next fiscal year. The staff was able to come up with the solution based on guidance, but this is only one time solution. We will begin our strategic plan in january in looking at how we're going to invest in affordable housing and community development and we look forward to having that discussion with the public and this body on how we create long-term solutions for this issue. Thank you very much. I'm happy to answer any questions.

Mayor Wynn: Thank you, ms. shaw. Very impressive. And particularly I think everybody appreciates the ingenuity you all showed to come up with the over'-million-dollar now reinvestment into the trust fund. I will point out that to date as part of that answer, there are \$200,000 coming in vis-a-vis council resolution that I was proud to be part of back in 2009 or so, 2000, whereby we allocated 40% of future tax -- the increment of new tax base on city property as we put it back on the tax roll, to put some of the new fund stuff into perspective. So we got 200,000 to date. Block 21 right across the street, just that one property, is going to be a 300-million-dollar development, so -- year one. Of course it will be appreciating over time hopefully as is likely the case in downtown certainly. At \$300 million at a 40% tax rate which we have currently in looking at next year, 2 million in justin property taxes every year. Of course they will pay more to the county and more to the school district and a and to our health district,

but at 2 million of new tax revenue to the city off of just block 21, 40% of that is \$480,000. So we'll get more than twice every single year beginning year 1 off this one project, this one opportunity by the city of austin selling block 21 than we've gotten this whole year now into the trust fund off of all the other properties before that. [Applause] you're welcome to applaud. And then as the green development happens, that trip else, even quadruples. So there's lots of good reasons why we did the time and effort that we did in block 21, seaholm before that although there's different dynamic and math there, and now green. Ultimately we are setting the stage for perpetual, real funding stream for the trust fund. So as we have these difficult years it's really good to look across the street and see a big hole in the ground and realizing what that represents long-term for the future of our trust fund. So thank you ms. shaw. So council, comments on that element? We do have a number of folks who wanted to give us testimony on item number 42, which I think fundamentally related very much to what margaret just gave us. Further comments on our staff's plan? Councilmember leffingwell.

Leffingwell: The slide's not up anymore, but the way I read that next to the last slide that you had, none of this money that you found somewhere, you're now the person who knows where to find the money. None of that money comes from our general fund, is my understanding, so in no way affects the work that we've already done towards balancing the general fund budget.

We are pleased to be working with the the city manager and used existing general fund resources that had already been given to our department. We were pleased to be part of the solution for closing that 25-million-dollar gap.

Leffingwell: Okay. Thank you very much. Great job. I'm glad to see that happen.

Mayor Wynn: Thank you. So council without objection, we do have a number of folks who wanted to give us testimony regarding item number 42. They will be a little kinder in their comments after hearing margaret's presentation. Our first speaker is christine hanlon. Christine, you've gotten a lot uglier. [Laughter]

mary as chair of the cdc and since the announcement came that we got a housing trust fund and we really don't want to take up your precious time and repeating it, we just want to say thank you very much. We really appreciate all the work, hard work that y'all -- council has done. And especially the staff. Without them we have a wonderful staff here, and i just want to really thank all of y'all for all the hard work, especially with councilmember martinez taking the lead for helping us. We just really want to say part of the cdc and the people here that are representing -- the advocates for affordable housing and social service, once again we want to say thank you very much.

Mayor Wynn: Thank you. [Applause] thank all of you all, particularly those of you all working with and through the cdc board. Although we do want to give any other citizens who would like to give us comments the opportunity to speak to us on this item number 42. Jennifer, please. So again, just forward. So many folks had signed up I think now won't speak as opposed to me reading everybody's name, if you do have testimony please come forward. We'll start with jennifer mcphail. Welcome,

jennifer.

I just wanted to kind of add that we in adapt support the housing trust fund. We're glad that you restored the funding for it. And we share your disgust of the federal picture for housing. And we just wanted to be sure to go on regard as saying that we're going to have to find creative solutions to the problem of having this issue ignored at the federal level. And I've always liked to try to think of myself as a pragmatic optimist. I've been at demonstrations over at hud and been arrested for civil disobedience trying to ensure that they continue to fund. And you know, we're still seeing backsliding from the federal government. So I think that that underscores the need for us to take care of each other at the local level. It is naive to think that all of a sudden they're going to wake up some day and realize that they have a commitment to communities across the country. We have to do some serious work in the years ahead to make sure that we take care of the people who need the most assistance in this community. We still have a long way to go. Thank you.

Jennifer, one way that we might be able to make a big difference and not have to be so creative is just get folks to vote this november. So make sure we get them registered.

Yes. I will be working on that. But in addition to that, i think we also need to recognize at the local level that we have to continue to be creative.

Martinez: Thanks, jennifer.

Mayor Wynn: Thank you, jennifer. Again, any additional testimony. Please come forward and state your name for the record if you would like to give us testimony. Again, I believe the vast majority of the folks who signed up wish to go speak have declined. So it would be easier just to come forward. Welcome.

My name is marry hawkins still and the first thing i would like to do is thank you all very much. Because I'm one of those people that you're going to help a lot. So thank you. And the next thing I want to do is pronounce a blessing over you. And whether you want it or not, you got it. May the lord that created each and every one of you bless you in ways that you have never thought possible. Amen. And thank you again.

Mayor Wynn: Thank you. Yes, ma'am. Again, any further testimony on this item number 42? City manager ott?

Thank you, mayor. I just wanted to have an opportunity to thank my staff, housing director margaret shaw and chief of staff anthony snipes for your absolute initiative and creativity in helping to find funds to support the housing trust fund. Thank you so much. [Applause]

Mayor Wynn: Agreed. So margaret, then remind us, item 42 -- technically we're ped for action, that is we approve the resolution adopting your action plan.

Yes, sir. We still have to take the action.

Mayor Wynn: That's right. So council, further comments, questions of staff? Motion by councilmember martinez, seconded by commas to approve -- seconded by councilmember shade. Hearing none, all those in ? Opposed? Motion passes on a vote of seven to zero. Thank you very much.

Thank you very much, council, mr. ott.

Mayor Wynn: Council, i believe that takes us now to our zoning cases. greg guernsey.

Afternoon mayor and council. My name is greg guernsey, director of the neighborhood planning and zoning. And I'd like to go through our 4:00 o'clock items. And at the agenda I'll say at the outset does not look as bad as it appears. 00 o'clock zoning ordinance and restrictive covenant items where the public hearings have been closed, let me read those items that we can offer as consent. The first item is item no. 10 3, This is case npa 2007, oo 15.02, rogge lane. This is for the east mlk combined neighborhood planning area. This is an element of the austin tomorrow comprehensive plan by changing the land use designation at 2906 rogge lane from single-family to neighborhood mixed use. And we could offer this item as a consent item on second and third reading. 10 4, this is case c-14-2007-0130, rogge lane. And neighborhood commercial mixed use conditional overlay neighborhood plan or lr-mu-co-np combined district zoning. I'll note this was approved by council on first reading on november eighth, 2007 and not 2008 as shown on the agenda. That's for consent for second and third reading approval on item 10 4. [One moment, please, for change in captioners] the last postponement was granted by the city council.

Our proposed consent agenda would be to approve items is103, 104 and 103 on second reading and postpone items until august 2008. I have take the notion approve, further comments?

Hearing none, all those in favor, please say aye. Opposed? Motion passes on a vote of 7-0.

Thank you, mayor and council. Let me then continue on with our 00 zoning and neighborhood plan. The first item I will offer is case number c14-2008-0020. Sundberg tract. 8219 Burleson road. Staff is requesting a postponement of this item until your august 7 meeting. Item number 108, case number c14-2008-0077. Spicewood kingdom hall. Property at the property located at 13405 lyndhurst street. This is a zoning request for interim rural residence i-rr district zoning to townhouse and condominium residence sf-6 district zoning. The zoning and planning commission was to grant townhouse and condominium residence- conditional overlay sf-6-co combining district zoning. This is ready for all three readings. Item number 109 is case number c14-2008-0080. Lakeline hotel. 11225 Pecan park boulevard. This is a request for a change from commercial gr district zoning to commercial highway servicesch district zoning. Zoning and platting commission to grant commercial highway services ch district zoning. This is ready for consents approval on all three readings. Item number 110 is case number c14-2008-0082. 1403 Morgan lane. This is a zoning change request from family resident or sf-3 district zoning and limited office lo district zoning to neighborhood office-mixed use-conditional overlay no-mu-co combining district zoning on tract one and general office-conditional overlay go-co combining

district zoning for tract two with conditions. Planning commission to grant neighborhood office-mixed use- conditional overlay no-mu-co combining district zoning on tract one and general office-conditional overlay go-co combining district zoning for tract 2. This is ready for consent approval on first reading only. Item number 111, this is case number c14-2008-0091. 2W homestead zoning. highway 183 north. Zoning change request from community commercial- conditional overlay gr-co combining district zoning and general commercial services cs district zoning to commercial highway services ch district zoning. Zoning and platting commission to grant commercial highway services ch district zoning. This is ready for consents approval on all three readings. Item number 112, this is case number c14-2008-0092. Parmer park. For the property located at 12123, 12127, 12133, 12139, and 12201 dessau road. This is a zoning request from interim community commercial or i-gr district zoning to community commercial-mixed use gr-mu combining district zoning. Zoning and platting commission to grant community commercial-mixed use gr-mu combining district zoning with conditions. And this is ready for consents approval on all three readings. Item number 113 is case number c14-2008-0093. Continental club rezoning. Property located at 1313-1315 south congress avenue , a zoning request for from general commercial services-vertical mixed use building-neighborhood conservation combining district-neighborhood plan cs-v-nccd-np combining district zoning to commercial-liquor sales-vertical mixed use building-conditional overlay- neighborhood conservation combining district-neighborhood plan cs-1-v-co-nccd-np combining district zoning for tracts one and tract two. Planning commission to grant commercial-liquor sales-vertical mixed use building-conditional overlay-neighborhood conservation combining district-neighborhood plan cs-1-v-co-nccd-np combining district zoning for tracts one and two. And this is ready for consent approval on second and third reading. Item number 114 is case c14h-2008-0018. Continental club historic zoning. For that same property located at 1315 s. congress avenue. Staff is requesting a postponement of this item until the august 1 meeting and planning and zone willing consider this on august 12 so that is a postponement by staff on 114 for august 21. Item number 115 this is case number c14-2008-0104. Schiffgens tract. 9621 North ih-35 service road northbound. This is a zoning change request from single-family residence-standard lot sf-2 district zoning to general commercial services- conditional overlay cs-co combining district zoning. Planning commission to grant cs-co combining district zoning. This is ready for consents approval on all three readings. Item number 116 this is case number c14-2008-0108. 6805 Manchaca. This is zoning change request from neighborhood commercial lr district zoning to community commercial gr district zoning. Zoning and platting commission to grant community commercial-conditional overlay or gr-co combining district zoning. This is ready for consents approval on all three readings. Item number 117 this is case c814-96-0003.07. Pioneer crossing pud. Amendment #7. Mayor, I understand we had some citizens signed up to consider this case and present with you some comments.

Technically the three folks that signed up checked the box only wishing to speak if we have questions, although one of those citizens signed up in .. he would speak only if we had questions. So I think we should --

we're prepared to do all three readings today. But I was just indicated to me there may be someone -- so thomas and blake, sorry for mispronouncing those, are you all in the room? You all have signed up not wishing to speak unless we have questions but you are in favor of this project, credit correct?

Correct, yes.

And you, sir, you also signed up only to speak if we had questions but you're in opposition, is that correct?

Yes, sir.

Then we should conduct the hearing.

We will leave it on as a discussion item sonoma it will be off the consent agenda and we will take it up in a few minutes.

That was item number 117. Item number 118, case number c14-2008-0069. 12460 Los indios trail. That is a discussion item, i believe the amount cant and neighbor would like to -- applicant and neighbor would like to speak to that item. Item number is 119 is case number c14-2008-0096. 2102 West ben white blvd. This is a rezoning request from family residence sf-3 district zoning and limited office lo district zoning to limited office-mixed use lo-mu combining district zoning. to grant planning commission to grant limited office-mixed use lo-mu combining district zoning. This is ready for consent approval on all three readings. Item number 120 is case c14-2008-0013. Cantarra zoning. Located on gregg range. - Gregg lane. From interim-single family residence-small lot i-sf-4a district zoning to single-family residence-small lot sf-4a district zoning for tract one and community commercial gr district zoning for tract 2. Zoning and platting commission to grant single-family residence-small lot sf-4a district zoning. For both tracts, and this is ready for consents approval on all three readings. That is item number 120. Item 121 is case c14-81-113. Rca in parenthesis. Conduct a public hearing to approve amendment of a restrictive covenant by terminating the restrictive covenant for the property. Zoning and platting commission to approve termination of the restrictive covenant for the subject property. This is ready for consents approval. Item number 122 is a related case, case c14-2008-0036. Again, the sam property located at 6700 manchaca road. This is a question to change zoning from multi-family residence-low density mf-2 district zoning to limited office-mixed use lo-mu combining district zoning. Zoning and platting commission to grant limited office-mixed use-conditional overlay lo-mu-co combining district zoning. And this is ready for consent approval on all three readings. Item number 123 is case c14-2008-0106. Lundelius-mcdaniel water quality retrofit project. 3401 Paisano trail. This is a zoning change request from single-family residence-standard lot sf-2 district zoning to public p district zoning. Zoning and platting commission to grant public p district zoning. For the property, and this is ready for consent approval on all three readings. Item number 124 is case c14-2008-0107. Lundelius-mcdaniel water quality retrofit project. For the property located at 7415 brodie lane. This is a blowing change request from single-family residence-standard lot sf-2 district zoning to public p district zoning. Zoning and platting commission to grant public p district zoning. This is ready for consents 57600 so that is item 126, we can offer on consent readings but we wanted to give you a tidbit on this one you may find interesting. Item number 127 is case number c14h-2008-0012. T.n. and edythe porter house. 3009 Washington square waller this is a zoning change request from family residence-conditional overlay-neighborhood plan sf-3-co-np combining district zoning to family residence - historic landmark-conditional overlay-neighborhood plan sf-3-h-co-np combining district zoning. Planning commission to

grant family residence-historic landmark-conditional overlay- neighborhood plan sf-3-h-co-np combining district zoning. This is ready for consent on all three readings, item number 128, this is case number c14h-2008-0013. 1216 W. 22nd street. We would ask it be removed from the agenda and brought back another day. That is item number 128. Item number 129, this is case npa-2008-0001.02. Fort magruder. This is for a neighborhood plan amendment in the dawson neighborhood plan. This is a zoning request to change the land use designation from single-family to mixed use on the future land use map flum for the properties located at 3900 wadford street and 3907-b reyna street. Staff is going to ask for postponement of this item until your august 7 meeting. There are two reasons foreign the postponement request. One is the owner is in corpus, we understand, from a neighborhood person who has contacted us, had a desire to peek to you about this case but was unable to reach you today, being in corpus, I guess there is some flooding issues down there. The other is a case that is related to item number 134, you're considering a neighborhood plan amendment, and that item is being considered for a zoning change in item 134. Item the 130 to 134, the applicant representing those properties, could not be here this evening so he has asked for a postponement of that so staff is asking for postponement on 129. Speaking of cases 130, 131, 132 and 133, 134, these are all related. Let me read the case number into the record. The applicant is requesting postponement of all five of these items until your august 7 agenda. Item 130 is case number c14-2007-0048. Fort magruder one. 3811 Wadford street. Item number 131 is case number c14-2008-0072. Fort magruder 3a. 3902 & 3904 Wadford street. Item number 132, case number c14-2008-0084. Fort magruder 3b. 3906 Wadford street. Item number 133, case number c14-2008-0074. Fort magruder 3c. 207 Dunlap street. And item number 134, case number c14-2008-0073. Fort magruder 3d. 213 Dunlap st. And 3907 a and b reyna street and the applicant is requesting a postponement on all five of those item, 130, 131, 132, 133 and 134 until your august 7 meeting. Item number 135, case number c14-2008-0034. University hills neighborhood. Planning area vertical mixed use building. I understand that may be a discussion item. I'm getting a nod from council, so we'll leave it as a discussion item. Item number 136, case number npa-2008-0023.01. Windsor park development. The university hillswindsor park neighborhood plan. To change the land use designation of 5908 manor road a related item is 137, case number c14-2008-0057.sh. Windsor park development. This is for a flowing change at that same address, 5908 manor road. We have a request from the nbaca to request a postponement of this case to your august 7 meeting. It is my understanding that the representative for the agent or for the owner does not object to this pose -- postponement to the august 7 date so we can offer those as postponements on 136 and 137. Item number 139 is case number c14-2008-0088. Part allandale. Neighborhood planning area vertical mixed use building. Zoning opt-in opt-out. Tract five 6318-6546 1/2 burnet road, tract 14, 2917-3025 west anderson lane; 7847-7849 shoal creek blvd, and tract 15, 7800-7858 shoal creek blvd. At this time, I'll introduce george adam, assistant direct heer for the department to speak to what we believe is going to be a consent item with this knowtation made.

Thank you, mayor, council member, george adams, neighborhood planning and zoning department. I wanted to very briefly speak to specifics of this case with the understanding that we believe it can stay on the consents agenda. The recommendations are to exclude tracts 14-b and 15 from the vmu overlay district to apply all vmu building standards, which include the dimensional standards, the parking reduction and the additional uses in office districts on tract 14-a, to keep tract 5-a in the vmu overlay

district but do not apply any vmu incentives and apply the following restrictions, limit vehicular access to barnett road or allow vehicular access only to barnett road unless required by emergency or fire access. And at the time the site plan, require additional rescrew of storm water and -- review of storm water and water quality controls to mitigate flooding in the area. For tract 5-b, it would stay in the vmu overlay district but would not receive any incentives. It would have the same conditions regarding vehicular access and additional storm water and water quality review. And to apply an affordability level of 80% of median family income for affordable rental units in vmu buildings. I would like to note also that there are several outstanding issues that are still under discussion between the neighborhood and the property owners. And they will continue to work on these issues between first reading today and a second and third reading, and these are regarding the provision of on-site publicly-accessible open space, and actually three items. A schedule and milestones for presentations on the project to the neighborhood, finally, there is on going discussion as to whether these issues will be included in a public or a private restrictive covenant. So with those, it is our understanding this can remain on the consent agenda.

Mayor.

Council member leffingwell.

It is also my understanding there has been a request since there are on going discussions to leave the public hearing open on this item. Is that correct?

Council member, I have not heard that from the parties, but we can confirm that.

I would like to add that to the consent, then.

Okay.

Representing one of the property owners just came forward and indicated there was a slight change to a portion what have george had just said dealing with access. ... i guess we're good for now. So with that said, we can leave it as consent, noting the public hearing is still open, and this would only be for first reading approval on item number 138. Item number 139, case npa-2008-0001.01. Oak meadows. For the property located at 3715 south 1st street. And a related zoning case, that same property, these will are discussion items. Item number 141, this is case c14-2008-0112. Minware. Property located at 4209 clawson road. This is shalling removed from the agenda. It will be brought back another day. Item number 142, case number c14h-2008-0014. Webb-simms, aldrige house. Front located at 108 w. 32nd street. This is a request for a zone zoning change from family residence-neighborhood conservation combining district- neighborhood plan sf-3-nccd-np combining district zoning to family residence-historic landmark- neighborhood conservation combining district-neighborhood plan sf-3-h-nccd-np combining district zoning. Planning commission to be reviewed on july 22, 2008. This is ready for consent approval on all three readings. Item number 143, case number c14h-2008-0015. Crusemann-marsh-bell house. Property located at 1509 marshall lane. This is a zoning change request from single-family residence-standard lot sf-2 district zoning to single-family residence- standard lot-historic landmark sf-2-h combining district zoning. Planning commission recommendation: To grant the zoning. In is a correction

there may have been an mp on this property and staff has further researched this and there is no mp associated with this case. It is not in a pending neighborhood planning area so with that notation that can be offered as consent approval on all three reading, noting that the property globing change is to sf-2-h on this property. Item number 144 is case c14h-2008-0019. This is the blonde pharr house. 801 Highland avenue. 9 Planning commission has not taken action on this item so we're pulling this item from your agenda and that will be brought back on another day, after the commission takes action. Item number 145, this is case c14h-2008-0016. Davis-sibley house. 2210 Windsor road. This is a zoning change request from family residence sf-3 district zoning to family residence-historic landmark sf-3-h combining district zoning. The planning commission recommendation was to grant the sf-p-h district zoning and this is ready for consent approval on all three readings. Item number 146 this is case c14-2008-0070. South lamar and bluebonnet. Property located at lamar and 2421 bluebonnet. The planning commission has not taken action on this item so we're pulling it from the agenda and we will bring it back on another date after the planning commission takes action. The final item, number 147, case number c14-2007-0262. Central austin combined neighborhood planning area vertical mixed use. Opt-in opt-out. Staff is requesting a postponement and the commission will review this at their august 26 agenda. Mayor, I wanted to note one correction, the clerk had noted that I might not have spoken to on 113, the continental club, that is consent approval for all three reading, not just second and third, but all three readings. With that, that concludes the items I can offer for consent. thank you, guernsey so council, therefore our proposed consents agenda on these cases where we've yet to conduct a public hearing will be to closed public hearings with the exception of item 138, and actually, backing up, postpone 107 to august 7, 2008. Then we will close the public hearing and approve on all three readings items 108 and 109. We'll close the public hearing and approve on first reading only item is 10. We'll close the public hearing and approve on all three readings items 111, 112 and 113. We will postpone item 114 to august 21, 2008. We'll close the public hearing and approve on all three readings item the 115 and 116. We'll close the public hearing and approve on all three readings item 119 and 120. We'll close the public hearing and approve item 121. Close the public hearing and --

on 121, that was just to approve the restrictive covenant. right, so approval. We'll close the public hearing and approve on all three readings items 122, 123 and 124. We'll postpone item 125 to september 25, 2008. We'll close the public hearing and approve on all three readings item 126 and 128. Note that item 128 is removed from the agenda. Postpone item 129.

To august 7.

We'll postpone items 129, 130, 131, 132, 133 and 134 to august 7, 2008. Our next meeting. We will also postpone items 136 and 137 to august 7, 2008. And item 138, we'll keep the public hearing open, approve on first reading only with additional comments as read into the record by mr. adams. We'll note that item 141 has been removed from the agenda. We'll close the public hearing and approve on all three readings item 142 and 143. We'll note that item 144 has been removed from the agenda. We'll close the public hearing and approve on all three readings item 145. We'll note that item 146 has been removed from the the agenda and we'll postpone item 147 to september 25, 2008. I'll entertain that motion on that proposed consent agenda. Motion made by the mayor pro tem. Seconded by counsel morrison to approve the consent agenda as read. Further comments? Including a brief presentation

from staff.

This time, I'll introduce our historic preservation officer. I can speak to the historic case regarding the mill property.

Good afternoon and returning council members. It brings me great pleasure to introduce the mill that was recently discovered. Thomas was born in Kentucky and BEGAN THE TRADE IN THE 1820s, Then came to Texas in the 1820s AS ONE OF THE ORIGINAL 300 Colonists. He moved to Galston in the 1880s. And he amassed a fortune there, enough to buy 39,000-acres in Travis County in 1839. His business began to fall off there and moved to Travis County in 1849 and established a mill. Here is a map of the grant and this is the mill that he established in 1849 on an unnamed branch that runs into the Colorado River. This mill has been undisturbed for all of this time. There is the inscription stone that gives his name and the date, 1849 on it. The reason this bill is so exciting, because most of you ALL HAVE HEARD of McKinney through the state park and his homestead there, this mill predates the mill by three years. And the homestead there by four years, so this was his very first establishment in Travis County, as far as we know, this is the oldest documented site in Austin and Travis County. Here is some shots of the ruins of the mill. And there is also, there is the mill wall, it is remarkably in tact for having been there for 130-some-odd years. There is a small dam right here and a channel that the water would go through, leading down to the mill there is a big swimming hole beneath this and the water would flow off this dam, into the swimming hole, and into the mill that is beyond that. There is a better shot of the little channel on top of the dam there. I will just really wanted to bring that to your attention because this is a very exciting site and I want to publicly thank Miss Betty Baker for directing us to this mill, not that she remember it is being in operation but she did know exactly where it was [laughter] I would like to thank the owners of this property for getting this nomination together. Thank you.

Thank you, what a great story, and very honored to have the owners here with us. Thank you. We have a motion and a second on the table to approve the consent agenda as read. Further comments? Hearing none, all those in favor, please say aye. Opposed? Motion passes on a vote of 5-0 with council members Cole and Shade off the dais.

Thank you, Mayor and Council. We can come back to the discussion items and I think the first discussion item is item number 117. This is the case number known, or the property known as the Pioneer Crossing. This is case number C814-96-0003.07. Pioneer Crossing PUD. Amendment #7. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the northeast intersection of Samsung Boulevard and Sprinkle Cutoff Road. Rezoning the property from Planned Unit Development PUD District zoning to Planned Unit Development. The recommendation is changing the zoning to the PUD. It involved approximately 120-acres of land. The property owner is seeking a change, not necessarily to the density on the property, it would remain the same but to allow greater flexibility on the property to construct smaller units on the property, in exchange they would also be providing more open space on the 39,000-Acres in Travis County in 1839. His business began to fall off there and moved to Travis County in 1849 and established a mill. Here is a map of the grant and this is the mill that he established in 1849 on an unnamed branch that runs into the Colorado River. This mill has been undisturbed for all of this time. There is the inscription

stone that gives his name and the date, 1849 on it. The reason this bill is so exciting, because most of you ALL HAVE HEARD of McKinney through the state park and his homestead there, this mill predates the mill by three years. And the homestead there by four years, so this was his very first establishment in travis county, as far as we know, this is the oldest documented site in austin and travis county. Here is some shots of the ruins of the mill. And there is also, there is the mill wall, it is remarkably in tact for having been there for 130-some-odd years. There is a small dam right here and a channel that the water would go through, leading down to the mill there is a big swimming hole beneath this and the water would flow off this dam, into the swimming hole, and into the mill that is beyond that. There is a better shot of the little channel on top of the dam there. I will just really wanted to bring that to your attention because this is a very exciting site and I want to publicly thank miss betty baker for directing us to this mill, not that she remember it is being in operation but she did know exactly where it was [laughter] [00:02:00] I would like to thank the owners of this property for getting this nomination together. Thank you.

Thank you, what a great story, and very honored to have the owners here with us. Thank you. We have a motion and a second on the table to approve the consent agenda as read. Further comments? Hearing none, all those in favor, please say aye. Opposed? Motion passes on a vote of 5-0 with council members cole and shade off the dais.

Thank you, mayor and council. We can come back to the discussion items and I think the first discussion item is item number 117. This is the case number known, or the property known as the pioneer crossing. This is case number c814-96-0003.07. Pioneer crossing pud. Amendment #7. Conduct a public hearing and approve an ordinance amending chapter 25-2 of the austin city code by rezoning property locally known as the northeast intersection of samsung boulevard and sprinkle cutoff road. Rezoning the property from planned unit development pud district zoning to planned unit development. The recommend is changing the zoning to the pud. It involved approximately 120-acres of land. The property owner is seeking a change, not necessarily to the density on the property, it would remain the same but to allow greater flexibility on the property to construct smaller units on the property, in exchange they would also be providing more open space on the property. The transportation division determined there was no change in density with a proposed land use amendment, and so that was not a significant impact known on this property and the zoning and planning commission's recommendations specifically was [00:04:00] to limit the maximum number of unit the in the pud, 1,330 units. And then, also, to require that tia amendments to be conducted for any future proposals to the pud, but noting that there was not an increase in the density with this one. We just received this today so we would ask if you consider this for approval it would only be done on first read, we would investigate the petition itself and bring this back for potentially second and third readings. The way the petition is worded, they are not seeking a change to the planning and development zoning on the property, so in essence, the owner or the property owner presenting this may want to speak to the petition because technically they're asking what is on the petition but we would like an opportunity just review it. At this time, I think I'll pause. There is representatives here that can speak on behalf of the owner, pioneer austin east development, ralph reed, as the agent, and they can further arctically the change they are asking. At this time, I'll turn it over to them. I think it is walter. Coming up.

We'll set the clock then for [00:06:00] five minutes as an applicant presentation. Welcome.

Thank you, mayor, council members. Good afternoon. I work for pioneer development corporation, the developers of pioneer crossing and I have walter hoysa, our engineer from longaro&clarke. Our desire in requesting the zoning change is to aid news flex, the in plan -- aid us in flexibility in planning these projects. We are challenged, having the smaller units gives us more flexibility to plan around things and provide open space for the residents that eventually live there. It is not our desire to build town homes or multifamily product on these tracts, it is merely a function of designing the best community we can on these properties. Pioneer crossing, there are currently numerous tracts that we've built out under this sf-5 zoning category and they resemble your traditional single family residential development, we plan on continuing that trend. So we ask for your approval.

Thank you.

Thank you. Let's see. So we normally would hear from folks in support. In support of the case. Blake is here for that if we have questions. We'll now go to folks in opposition. I know we have a gentleman who would like to testify in opposition. Welcome, sir. shahariar, sorry if i mispronounced that. Welcome, you'll have three minutes.

Hello, mayor. Hello, council members. [00:08:04] I just want the area that is about to be developed to stay to sf-2 and not to be rezoned to sf-5. Because sf-2 is single family units, small units and everything, but sf-5, once the area is rezoned, they can build condos, duplexes, and right now, the streets around this community, they're very narrow, and the only way to come into this new community will be like around my house and they're very narrow streets so they're going to be a lot of traffic in there a lot of safety issues. Too much traffic.

Thank you, sir. shahariar, sorry if I mispronounced that. Thank you. Then we typically now have a one-time three-minute rebuttal blake bees are would you like to comment on anything you heard? Is there any visuals that might can be shown that show the area in question? guernsey dirk hear you say there is -- did i hear you say there is now a petition against this zoning case?

Yes, mayor and council. There is a petition that has been submitted, and as the agent's representative and the agent we're speaking to this, i had an opportunity to review this and the offsite appears -- opposition appears to be within the pud. These were going to be developed on a larger, probably sf-2-sized lots and there is concern raised, according to the petition, they would be developed on smaller-sized lots. Sf-2 sized lot is 5750. The concern is they might develop on lots that would equate to sf-5 lot size which [00:10:02] may be as low as 3,600 square feet. And it's not exactly clear in the petition, but that is what it appears at first blush reading this so staff would just suggest do we this on first reading, and then we take a look at that petition and also calculate the potential impact of this at this time. But it appears that the signature parties on the petition were opposed to smaller lots being created in the pud.

Right. And again, so as it's posted this zoning case would do what, specifically?

It would maintain the number of units. It would allow for construction of smaller lots, or more dense-type development, but would also provide greater open space in exchange for that. There is not an increase in the overall density but the housing types may be of a smaller lot nature, or more clustered development.

Okay. Thank you, mr. guernsey. Questions of staff? Council member leffingwell. guernsey just said the number of units for the entire pud would stay the same. They're asking for an increase in units on certain parts of the pud?

They would increase the density that may be allowed in certain areas but the overall density would not change from what was originally approved.

So it looks like the pud is not contiguous?

No, the pud is a very large pud, when was originally improved it encompassed more acreage than the area that is being considered at this time.

Can you show us where the density increase is planned and the core responding decrease.

I might allow the applicant's agent to go into more detail. He can show you the areas that are open space and areas that would be development would occur [00:12:02] with smaller lots or smaller cluster development.

You want me to repeat the question. The density is going to remain overall but he would not increase the density on parts, this t is not a contiguous part, so if you increase on one part you have to decrease on another part.

I don't have the best map to show that. This area up here where it says part b has already been developed. This area right into here this area right in here has already been developed. What we've done is figured out what all has been developed out of our total lot count in this corner and reapportioned what is left over of the total pud to this tract, this tract and this tract, sir.

What I'm trying to figure south if there is any increase in traffic or a need for revised tia.

Not that we're aware of, sir. There is no increase in the total number of units coming into any of those intersections here.

Okay, thanks.

Yes, sir.

Further questions, comments? Council member morrison.

I have a question for mr. guernsey. Can you help me understand if we're talking about sf-5, the development regulation, the minimum lot size is 5750 but you're talking about a minimum lot size of 3500. Could you explain that a little bit?

Well, the sf-5 and sf-2 are [00:14:01] standard zoning categories that we have in the city of austin, and when we develop planning developments, many times a developer will choose a set of standards to use in different parts of a pud, so if they elocate use sf-5, it would give them a broader range of types of development that they can develop. They could develop smaller lots, clustered development, such as lake townhouse type development or convergence zone minute yum type development that may be allowed but the types of -- or condominium-type development. But sf-2 would not allow the townhouse or condominium development so that is the difference that is here. What I understand, the applicant is not asking to increase the overall number of units but to take those and put those in areas they can do a cluster-type development or more dense-type development in the overall pud.

Then I have a question for the applicant, then. I think I heard you say that the buildings would look like single family houses. Did I hear that correctly?

That's correct. It is our intend to develop and build single family lots. We have zero intention of doing condominiums or multifamily. We have the smaller lot size to lay out streets and provide more tunes to provide functional open space for this lease parcels.

Okay, because it sounds like that is part of the issue, what it is actually for the citizen here and he apologize, I forget your name, the issue is whether it actually looks like a single family house. Is that correct?

My issue is if the building size is going to remain the same, then were are we getting [00:16:00] it rezoned, if the unit is going to stay the same. Because with sf-5, they will have the opportunity to make convergence zone minute yum, duplex, bigger sized buildings.

What I'm wondering is if since they don't do that they would make a commitment to not do that.

But it is not controlled.

They're smaller single family houses, closer together but not townhouses, then there will be more open space. I think is what council member leffingwell was suggesting, might be in the offing. Just a thought.

Yeah, applicant has indicated to me they would be willing toed a a condition with first reading of the pud that they would be detached single family residential units in these areas and they would not create attached units like townhouse or condominium-type developments, if that is of interest, and he can speak to that as well.

Mayor pro tem.

I think with that understanding, this is right in line with the whole division in the miller redevelopment, smaller lots, closer homes, i think this is a good mod sole I'm going to move to approve the zoning case on first reading. .. the zoning and planning recommendation with the added condition that they be detached single family homes. We'll do this in first reading so we can get that drafted up for second reading.

Motion to close the public hearing and seconded by council member morrison. [00:18:01] Further comments? Hearing none, all those in favor, please say aye. Aye. Opposed? Motion passes on first reading only on a vote of 7-0. Thank you all.

Thank you, mayor and council. That brings us to our next case, c14-2008-0069. This is item number 118 on your agenda. This is for the property located at 12460 los indios trail. This is for rezoning the property from irr to mf-3. The zoning and plans recommendation was to grant townhouse and condominium residence- conditional overlay sf-6-co combining district zoning. That will and limit to the maximum number of units allowed on the property which is 30. There is a 25-foot undisturbed vegetative set back and 50-foot building set back from the north property line and trip limitation of 300 vehicle trips per day. The property is currently developed with a relimit us assembly use and they wish to expand the use on the property to include a dining hall, an indoor athletic field. We have neighboring properties to the north which are single family, which is known as the cove, to the south there is some apartments, and some office development as well. Further to the east is more apartments, and to the west is sf-2 and sf-1 zoning for single family residents. We've received opposition from the adjacent property owners that reside in the single family, that they've raised concerns over the density [00:20:01] drainage. They have also submitted a petition, but since this is establishing permanent zoning for the first time on this property, a valid petition would not be triggered in this case because we're going from interim zoning classification to a permanent zoning classification but I'll let you know there is opposition by several individuals and a copy of that petition is in your back up. The agent syed jafri is hear to speak on the question. If you have any question, I will pause at this time and answer them or answer them after the applicant's presentation.

Speaking of opposition, we have about an hour's worth of testimony about most of that in opposition. And based on our time, we've introduced this, we can table this, I think because once we start we're going to get deeply involved in this one and we have a couple cases where we have just one or two people to give testimony, completely. So my recommendation, without objection, I would like to table item 118, due to the hour's worth of testimony already signed up, and instead, here before our break in 10 minute, we could take up item 135. I think we could get done in six or eight minutes.

I will just note, mayor, the representative has approached me and said that they have only peekers that would only speak to at the most 15 minutes.

We have 10 minutes before our break.

I understand.

So we have a five-minute presentation although people have given time to the applicant, he wants 15 minutes to present his case. Then two sets of 15 minutes worth of folks in opposition. Then we have council dialogue [00:22:00] and discussion and then potential motion and action so it is not just how many people will agree to only speak for three minutes, it's how long the appropriate case like this with over an hour's worth of opposition, in my opinion, should be given. And if the applicant asks for 15 minutes to present his or her case, it probably implies it is complicated. He or she are trying to anticipate many way that folks will be in opposition so, again work 10 minutes to go before our break, I would recommend that, now that we've opened the case by introducing it, I'm suggest we take it up right after our break and then we'll have the continuity and get something done.

Mayor, I think the item them may be the shortest on your agenda is 135.

Credit card, which is our next -- correct, which is our next discussion with two speakers.

Which is case number c14-2008-0034. University hills neighborhood.

Thank you. Thankthankthank you for your patience on the flexibility.

Item 135 is zoning case c14-2008-0034. University hills neighborhood. Planning area vertical mixed use opt-in/opt-out. Application. If we could get the map up, please. The university hills planning 92 on the north, northeast drive on the west, manor road on the south and northeast drive on the west little walnut creek watershed. They have one core transit corridor, manner road. The vmu overlay district 45-acres on six [00:24:00] tracts. In its opt in/opt out application, the university hills neighborhood association recommended to exclude all six of these tracts from the vmu overlay district. The planning commission on may 13, 2008, recommended applying all vertical mixed use building standards, that includes dimensional standards, parking reduction and additional uses in office districts to tract one. And amending the boundaries of the vmu overlay district to exclude tracts two through six. Finally, they recommended an affordability level of 60% of median family income for rental units within a vmu building. And this case is ready for first reading only today. I would be glad to answer any questions you might have.

Thank you, mr. adams. Questions of staff, council? Mayor pro tem.

George, could you tell me how close this is to the miller development.

Distance wise, I would guess it is about a mile and a half or two miles.

And can you tell me also how big are the various tracts. Because, see, they have different shadings on them and I'm trying to understand what the rationale is there or what that means.

The shading is really has no significance other than to differentiate the tracts graphically. So as to the size, let me see if I have some information on that one. Council member, I don't believe I have the specifics of the [00:26:00] various tracts in front of me. I just have the total of the six tracts, which is

about slightly less than 30-acres.

My understanding was the rationale of the planning commission was that a couple of these tracts were pretty large and that was their motivation, i think, for not excluding one, for making sure one was in. Do you know what the current uses are in those six tracts?

I do not council member, let me see if the staff report has additional information on that.

Do we have a speaker?

We have two speakers in opposition, yes.

Maybe we can hear from the speakers first and get that information.

Okay.

To the question, these properties are adjacent to where man or road hits it. It is pretty far removed from miller, at least a couple miles up the road.

All right.

So remember, there is not an applicant, I guess the city is our applicant, right? Yeah, so we'll hear from folks in opposition. Is al weber still here? We appreciate your patience. And it looks like lou ohanolyn either wanted to speak to opposition or donate time to al, so you will have up to six minutes if you need it. Welcome.

My name is al weber, I'm the president of the university hills neighborhood association, and under the city ordinance, the neighborhood associations with asked to express their opinion on vertical mixed use in [00:28:01] their neighborhoods and we met and we voted about it and the different tracts and the neighborhood voted to opt out of all the tracts. I can address some of the issues on that if you would all like. Okay. I have a map over there that shows, let's see, I'll go -- is there a mic over there? Thank you. Right here is the spring dale shopping center that council member martinez was talking about. At the tip there is a kentucky fried chicken. There is a string of shops right here that include as chinese food restaurant, and there used to be a little bank there. The next down is the building right here, which is not included as part of the tract is the northeast health care clin significant. -- Clinic. Then there is the parking lot, the various stores here. There is a private clinic and auto parts store. Coming down this is parking for employees. The tract below that is the .. there is a group that is interested in developing that, it is kind of mixed use. They plan on putting offices on the bottom fronting manor road but in front of the offices they will put parking. They've told us they don't consider the site for vertical mixed use and I'll get into that. Below that is a business park. You can't see it because they don't have all the these but there is a series of trees and large retaining wall. [00:30:01] Then there is a food mart behind that is a creek that has grown up across the street is a car wash, across the street from that is a stop and go. Following down the creek, there's a church, a small building that is a church and an extremely large building that

has several floors that has been used for everything from, i think it was used as manufacturing for a while. It is being used for a church right now. And then, following down manor road, this little plot right here is currently a realty office. This map really doesn't give a good indication of it, but the terrain in this area is very hilly. In fact, if you stand at the corner you can see about this far up the hill, probably about one lot of the hill, before you can't see anything up the hill. Along here, you would probably never consider any sort of parallel parking or angle parking. The traffic can go very fast. People do routinely speed. And there have been a number of wrecks at this intersection. As manor road swings around and splits into springdale and manor, people also go very fast there. I've seen people doing at least 50 going through that intersection. Because of the traffic issue, we don't think it would be suitable to have vertical mixed use along there that encourages people. There are a lot of people that do walk along there however it is not south congress where people can just step off the curb and walk across the street. The intersection here, for a long time, was one of the city's major spots for drug dealing and [00:32:02] prostitution. There is still prostitution that goes on there in the early morning hours. [One moment please for change in captioners]

the land rises about 5 feet above the sidewalk. The same thing in front of the business park. There is a big difference between where the sidewalk is and where the parking lot is. Same thing about springdale shopping center. This section right here, you go down feet into the parking lot. This section right here you go up into the parking lot. The only flat area is along [00:34:00] that. Thank you for your time.

Thank you, mr. webber. Again, that's all of our citizens signed up to give us testimony on this item 135, council. Mayor pro tem?

Could you put the map back up, mr. webber. I really appreciate the thoroughness of that. It was really helpful for us. Can you tell us, I guess 1 technically is the big shopping center right there? Okay. 2 is the vacant area?

It is a vacant area. There is a nonprofit organization that's going to put affordable housing in there. They're looking at a mix of affordable housing and some office space. But what they're proposing is to -- you would have to drive up off the street into a parking lot that kind of runs along manor road up above the street, and then behind the parking lot would be the building. so they're trying to do -- so you-all aren't so much, I guess, opposed to vertical mixed use even there because that's what's in the works for tract 2? Okay. And then tract 3 is the business park?

It is. and what -- how much stuff -- I'm just trying to get a sense, how much stuff is going on there right now?

Well, there's a police substation in the business park right now, so there's not a lot of activity, illegal activity in that particular -- what they did a couple years ago, they did find a dead body behind it.

They did what? I'm sorry.

Found a dead body behind it.

Okay. That probably hurt business. Which one is tract 4? I guess that's across the street or is it on the other side of --

that's a stop and side [00:36:00] gas station. I've talked to the owner there. He's opposed to changing the zoning on that. Right behind that are single-family homes.

And tract 5 is the church?

Tract 5 spans both sides of the creek. On one side is a car wash. On the other side is a little building that's a church and then there's a large building. I would say it's about -- it's two stories -- well, it's on a hill, so you could say there's two stories aboveground and one below ground, but it depends on what side of the hill you're on. And it's currently being used as a church. and then which one is tract 6?

Tract 6 is right here. It's a real small lot. It's currently being used for the snead realty.

Wra?

Mccracken: for what?

For snead realty. further questions, comments? mayor, I have a quick. council member cole. we tried to get an estimate of how far this was from mueller because of all the going on in mueller and I also know that this is an area that has been growing and has had a fair share of affordable housing. Can you give us how far you think this is from mueller?

It's easily -- it's easily within walking distance -- or from mueller?

I was thinking it was about 4 or 5 miles.

No, ma'am. At the most, I'd say it's probably two miles, at the most.

Cole: okay.

Depending what part of mueller you're talking about. It's usually within walking distance. -- Easily within walking distance. council member morrison? Questions, comments, council member martinez? Well, I'll entertain a motion then. I think you-all have identified some good issues about some [00:38:00] things that need to come out and it sounds like, one, there may be just a misunderstanding because it's already become mixed use anyway, and so maybe just for first reading let's try this out, that we move to close the public hearing and then on first reading approve adding having tracts 1 and 2, and then tract 5, which is the car wash and the industrial site flanging the creek, in at 60% of mfi and then excluding tracts 3, 4 and 6, which are the business park, where the police substation is, and excluding forward to the gas station, exclude tract 6. Take them out of the overlay. 6, too. So I have 1, 2 and 5 in and 3, 4

and 6 out. And set the mfi at 60%. motion by the mayor pro tem to close the public hearing and approve this partial opt in on first reading only. Motion dies for lack of a second. Council member leffingwell? I'd like to make a motion to close the public hearing and approve the planning commission recommendation for all six tracts.

Cole: second. motion by council member leffingwell to close the public hearing and approve planning commission recommendation of first reading -- first reading only, council member? Seconded by council member cole. Further comments? I have a question for greg. I guess I'm concerned that there's some idea that on tract two they're trying to put a parking lot in front of the mixed use, which i think is providing a violation of the design standards ordinance but I'm not sure and I'd like to know from you what you-all's read of that is.

Before we bring this back [00:40:01] for second and third reading, if they had a site plan we can take a look at that and present that to you as additional information prior to your final action. and also, if i could, if you could give us some more read on what tract 2 is proposed, because if they're doing mixed use they might not be doing any affordable housing by excluding. We don't know. So it would be helpful to get a little more information about what is anticipated for tract 2. A parking lot, and if we would lose all affordable housing.

We can do that. We'll -- we'll put that in the staff report when we bring it back to you, clarify what we can find out on tract 2, and I'll talk margaret shaw and see if they're involved.

They have conceptual renderings and I recall there was a small single parking lot fronting manor road and I was going to ask the same question brewster asked, whether or not manor road is a designated core transit corridor, and if so, does subchapter e apply. I'm going to answer those in reverse order. Subchapter e would apply -- this portion of manor road is -- for the purposes of vmu it's classified as a future core transit corridor. For the purpose of the design standards regulations it's considered an urban roadway. So there is -- there is a difference in the regulations there.

Thanks. again, we have a motion and a second on the table approving planning commission recommendation, first reading only. Further comments? Council member morrison? I just wanted to comment -- remind everyone that when a tract is opted out, it doesn't mean that in the future it couldn't become opted back [00:42:01] in and become vmu, and just a little bit of history, i want to mention that the original president of the austin neighborhoods council, joanne barts, who started the neighborhood council in 1974, I think, lived in university hills, and I think they have a long track record of having a very vibrant and productive neighborhood association. So while I personally would prefer to opt all of them out, I think that I can -- i prefer it to the previous motion so I'm going to have to go along with it. Thank you. thank you, council member. Again, a motion and second. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 7-0, first reading only. Thank you all very

much. So council, that takes us just past our break for live music and proclamations. Stay tuned for ruby jane. So actually while we are at live music and proclamations I'll go ahead and recess this meeting of city council because there won't be any executive session discussion and we'll reconvene formally as a council probably a half hour after our proclamations. We are formally in recess but stay tuned for live '40s [00:44:53] fortis nigh yant on spell man [00:46:05] may field hyde park [music playing] [warm-up music] [tuning] [00:48:42] laura morrison randy shade randy shade laura morrison randy shade randy shade shade and mors mors

okay, folks, welcome back to our weekly thursday live music gig here at the austin city council. Joining us today is 13-year-old ruby jane. [00:50:00] Ruby jane is one of the world's premiere junior fiddlers and a fast rising star in country and bluegrass americana music. He has already had a full career in acting, singing and performing. Acted in films, performed at the grand ol on that ray and was showed in south by southwest. Featured on the cbs evening news and the new york times, the los angeles times and the may issue of austin monthly and now of course the pinnacle of the austin city council meeting. Lafer laugh ruby has also performed with many phenomenal musics, lyle lovet, asleep at the wheel. Please join me in welcoming the pride of austin, ms. ruby jane.

Do you want to come join us, mayor? You-all are welcome to participate in this. If I point out you, just say mind your own business. Key of a? One, two, one, two, three,. [Music playing] [?? singing ??] [00:56:02] [applause]

thank you all.

Mayor wynn: fabulous. Ruby jane, first introduce your band to us.

Introduce -- okay. Well, we have, bill carter, who is a phenomenal songwriter, and his wife ruth, but they actually -- he doesn't remember how many years ago it was.

Mayor wynn: long expired.

Yes, it was a long time ago, but they did have a date, great song writers. glen nah wa, played with the dixie chicks. We have on guitar, marvin dikus, popular guitar player in austin, plays with tons and tons of people. And that's about it. tell us, when can we hear you next, when is your next gig? Do you have a web site, a myspace page? How do we follow you?

Our next gig is actually tonight at and tone's, and we would -- antones's we'd love it if everybody came out. At 8:00 tonight at. Also on august the 12th we have greg gairg presents american back roads revival at star hill ranch, is that right? On august 12 in bee caves, texas, and you can look on the web site and look up all the details and the address and everything. So that's going to be really cool. It's going to be live radio, live audience, and lots of talent of all ages and there's going to be music and dancing and story telling, all sorts of stuff going on. Going to be really cool. how about the web site? the [00:58:06] rubyjaneshow.com.

Right. and remind -- do you have a cd out yet? Can we buy some stuff?

We do have a cd and it's called creek side -- do we have any with us? We don't have any with us, but if you come to the show tonight we will have cds for sale, and it's called creek side and I made it last year, and we're hoping to start working on a new cd that will be coming out. that's fabulous. We'll look forward to it. Before you get away the official proclamation, which reads, the city of austin, texas is blessed with many creative musicians whose talent extends to every musical genre and our music scene thrives bow we support music by legends, local favorites and 13-year-olds alike,. [Laughter] and whereas we are pleased to support and showcase our local artists, therefore i, will wynn, mayor of the live music capital of the world do hereby proclaim today, thursday, july 24, 2008 as ruby jane day in austin and call on all citizens to join me in congratulating this fine, fine young talent. [Applause]

I have some pictures that I want to give to you and rose. Where is rose? Rose reyes? All right. Come here, rose. I'm going to give this to you as a -- as a thank you and this to mayor will -- mayor will wynn. Yes, thank you. Thank you, I really appreciate it. And if anybody wants cups -- we do have ruby jane day cups, if anyone would like a cup. [Applause] yes. Thank you so much for having us. [Applause]

mayor wynn: okay. And so -- and so while ruby jane and the band breaks down on that side of the room we'll come over and use this podium to do our weekly proclamation. We try to raise was awareness of certain issues, say good-bye. So our first proclamation is regarding our meet the lender day here in austin. If you've driven around town you've probably seen some of our banners across fifth street and maybe lamar as well, that describes the event and encourages folks to become aware of it. I'll read the proclamation about meet the lender day which is august 5, and rosie from our economic development department will talk to you about that and why we bother to do it as a city. The proclamation reads: Access to capital is the number one business need for many entrepreneurs wanting to start and expand a business, but seeking commercial loans and discussing finances can be an intimidating experience and whereas the city's fifth annual meet the business lender fair aims to give local and area entrepreneurs the opportunity to learn about the loan process and meet representatives from more than 40 exhibitors in an informal and neutral environment. And whereas the city's small business development program this year also will offer two biz aid business start-up orientations at the event. The department's goal is to ensure that small business owners' goal is to be sure of the resources available to them so they can have adequate capital to get their businesses off the ground or enhance existing businesses. Therefore, I will wynn, mayor of austin, declare august 5, 2008 as meet the lender day and ask rosie to say a few more words about the technicality, how you can take advantage of it and help to grow our local economy. Rosie?

Thank you, mayor. My name is rosie halisi and I work in the city's economic growth and development services office and I invite the viewing audience to join us at our fifth annual meet the lender business loan fair. It's an opportunity for business owners, entrepreneurs who are currently in business or want to start a business get connected to bankers or other lenders. As the proclamation said, we will have more than 40 exhibitors there and by that I mean people who make loans or companies that make loans, commercial loans to businesses. It's going to be at palmar events center on august the 4th. Parking is a nominee fee of \$7 but there is no entrance fee to the event and we encourage those who are thinking of

starting a business to come even if you're not quite ready to make a loan. We're going to have two start-up orientation sessions that day, one at 4:30 and another at 6:30. If you want more information call 974-7800, 974-7800. Thank you. And we hope to see you there.

Thank you.

Thank you. thank you very much. [Applause] for my next very serious proclamation we're going to be talking about driving awareness and road rage. I'm joined by the laws family and after I read the proclamation, chick is going to say a few words and i think we might hear -- hear you know, most of my young adult life and childhood, driving -- growing up in texas, driving all around texas, you all saw the sign drive friendly, and when you saw a sign that was closed up, either beware of ice on the road, they closed up, all those signs used to say drive friendly when I was a kid. I'm not sure what happened to that pr campaign. You don't see those signs anymore and frankly it's needed now more than ever. Population of our state has tripled since I started driving a car. Our city population has done that, at least, seemingly. You-all probably know some of the staff, in austin, we're proud of how we're a young, educated, safe dynamic town. We're a very safe town, generally speaking, when it comes to crime, but the fact of the matter is you're three times more likely to die in your car in austin than you are to be murdered or die in a house fire combined. Our roads are very dangerous. Frankly they're getting more dangerous as more and more people come here. Earlier today we talked about the potential of having more passenger rail in austin, something I think is very needed on a number of fronts, environmental and otherwise, but also to try to help combat just having to have so many cars on the road and how dangerous it's gotten. And as our roads have become more crowded, the frustration level clearly is a lot higher. And so I think we haven't done a good job in austin or in texas talking about, you know, driving awareness, driving friendly and trying to combat road rage. In this case we're going to hear a painful example of why we need to become more aware. So I'll read the proclamation and then mr. laws will follow me. the national highway traffic safety administration has declared that road rage is the number one traffic safety problem with the number of violent incidences on our road having increased 51% since 1990, and whereas automobile collisions can be attributed mainly to attitude and behavior rather than the lack of physical skills. Educating our community about aggressive driving tendency is essentially to reducing the senseless loss of life from road rage. The clarey foundation is a nonprofit organization set up in the honor of sara laws who lost her life in an aggressive driving incident. The foundation is devoted to providing quality educational materials for parent taught, with an emphasis on new driving behavior and skills. Therefore i, will wynn, mayor of the city of austin do hereby proclaim august 2008 as road rage and aggressive driving awareness month here in austin, and laws, as best he can, to come forward and say a few words. Welcome, chick.

Thank you, sir. I've got a written preparation, but before that I'd just like to thank the city of austin, city council, mayor wynn and the liaison, gill chavez, for helping see that this is addressed. The remarkable thing about this is that sarah was killed in san antonio, texas. No correlation at all to austin, and I wrote a letter to the city of austin requesting a proclamation. They had no idea who sarah was and still don't, for that matter. We had finally heard from san antonio and we're in the process of a proclamation there as well. This is our daughter, sarah laws. Sarah elizabeth. Excuse me. That's my wife toni, and our daughter andrea. Three years ago two people, two selfish and irresponsible people, made decisions

which resulted in the death of sarah. That loss has left our family devastated. This was three years ago. Your decision today, mayor wynn, and the city of austin, to honor sarah's memory by declaring a proclamation to raise awareness of the consequences for aggressive driving is heartfelt and deeply appreciated. More importantly, this demonstration of compassion is the initial step not only towards raising awareness but to effect legislation which will provide consequences for drivers who exhibit irrational and aggressive road rage behavior. To recognize your efforts, mayor wynn, and the city of austin, sarah's family and friends gratefully present a dozen wooden roses to the city council. They represent sarah in that they're beautiful, unique and everlasting, such as her memories are that we have of her. If this -- displaying this flowers in a prominent location rekindles memories of sarah and the events surrounding this proclamation, you will know that sarah's loss and your efforts were not in vain. So we thank the city of austin and mayor wynn. [Applause] my wife is going to share with you very briefly a short people that sarah wrote.

Sarah's people was called care, and it went like this. Take a minute out of life, only one, that's all you'll need. Sit back and study everyone, all the anger and the greed. Or is it hope and love you see? If so, it should be shared. This world would be a better place if one more person cared. That was my daughter. She was a very caring person, and it's just heartbreaking that she was a victim to road rage. So I know when I get on the highway, and there's people who tailgate me and they flash their lights and they honk their horns and give me the finger, you know, move over, let them by. If someone irritates you, hold your breath, count to ten. Know that that person, male or female, they are somebody's son or daughter, husband, wife, sister, brother, uncle, aunt, they belong to someb and their life is just as important as yours. Thank you. [Applause] tanya and dolores are joining me for our next proclamation, which is regarding the commemoration month of the ada, americans with disabilities, a law that was signed in 1990, I guess 18 years ago, and we -- the mayor's council for people with disabilities takes advantage of that commemorative month each year to then also do our annual access award. So I'm going to read a quick proclamation and I guess either dolores or tanya will help me present them with a certificate. Okay. So the proclamation reads, the month of july is especially meaningful for all citizens with disabilities because it marks the anniversary of the enactment of the americans americans with disabilities act, or ada, in 1990, and whereas we recognize that citizens with disabilities have a right to full participation in the social, cultural and economic activities of our city and that these individuals have a great deal to offer in return. And whereas the city of austin has a strong commitment to full implementation of the americans with disabilities act, thus offering more opportunities and enhanced quality of life for everybody in our community. Now therefore i, will wynn, mayor of the city of austin, am pleased to join the mayor's committee for people with disabilities disabilities in honoring local businesses with the spirit for the community of ada and here by declare july, 2008 always the and the austin access awards celebration here in austin, and if ta dolores would like to say a few words, then we'll hand out some awards.

First of all I'd like to thank mayor wynn for this proclamation and for his continued sup for austin citizens with disabilities. In commemoration of the 18th anniversary of the ada the city wishes to recognize these austin businesses for their welcoming inclusive attitudes towards customers with disabilities, and for their substantial compliance to the texas accessibility laws. We recognize these businesses for their leadership and commitment to upholding the spirit of the ad, which we often regard as our nation's

second independence day. I will now announce the winners. As you hear your name, please come up to receive your certificate as well as your picture with the mayor. At that time if you'd like to say a few words, i welcome you to do so. Our first winner is borders books at the domain. [Applause] our second winner is the city of austin parks and recreation department trail of lights, accessibility depot. [Applause] so proud. Our final winner is the original threadgills on north lamar. eddie wilson, oh, my gosh. [Applause]

I'd like to thank all the winners once again. Thank you. a quick group photograph? Why don't you come join us. [Applause]

I just wanted to -- on behalf of the parks and recreation department, they were incredibly supportive of the mobility depot last year, and we had 120 staff and volunteers manning the depot, and we were able to serve over 1200 persons with disabilities and their families, and it was a great success, and we had a wonderful time. So I want to put in a commercial for this next year. We have ten nights. We welcome anyone who wants to come volunteer at the mobility depot. We have the best time at the whole trail of lights. So you can look at our web site and find the numbers for volunteering or if you're a person with disabilities or anyone who just can't walk the trail, you can call us and we can give you some assistance through a golf cart or cart ride or a wheelchair ride. [Applause]

mayor wynn: thank you. Well done. and so for my next proclamation, technically it's a city of austin certificate of appreciation. I'm joined by mike robinson and shane harbinson and it's regarding energy conservation. So I'll read the certificate of appreciation and have mike or shane say a few words about our department of aviation. So the city of austin certificate of appreciation is presented to the department of aviation for being an energy champion, the department implemented performance contracting to reduce energy use, water use and operating costs at bergstrom airport. These conservation measures will low energy use by more 1 kilowatt-hours, water use by more than 330,000 gallons, and operating costs by more than \$250,000 each year. We're pleased to extend our sincere appreciation to the aviation department for implementing these cost saving and environmentally friendly measures. This 24th day of june, year 2008, signed by me mayor wynn, and acknowledged by the entire austin city council. The certificate of appreciation to the city's department of aviation. Thank you all very much. [Applause] do you want to say a few words?

First of all I'd like to thank mayor wynn for this certificate of appreciation, and also for his leadership in energy conservation. He has set the standard for us as a city department, and aviation is trying our best to achieve that goal. I would also like to thank austin energy for the collaboration that they have provided and the leadership that they have provided to the department in assisting us in reaching these types of energy conservation measures. Thank you.

Mayor wynn: thank you. Well said. Thank you. Well done. [Applause] for my last proclamation before I think I turn the mic over to council member leffingwell, as regarding the proclamation for national parks and recreation month, I'm joined for some fine senior employees of your parks department, and after I read the proclamation our acting director, stuart strong, will say a few words. I'll just say, I trust you-all recognize that we have this phenomenal ruby jane, internationally renowned 13-year-old fiddle player,

talking about the live music capital of the world, we talk about the university of texas, the capital city of texas, we talk about being the youngest safest, fastest growing big city in the nation. I think outdoor recreation defines this city as much as anything, with over 2 million citizen visits a year just to our hike and bike trail system outside the building here, to the level of fitness that we're trying to achieve statewide, to the parkland acres per capita that we have, it truly is a defining characteristic of this city. So it's always a fun job for me to be with our parks department. So I'll read the proclamation and we'll hear from stuart about how we try to celebrate the month. The proclamation reads the austin parks and recreation department is dedicated to enhancing the life of austinians through recreational, leisure activities and conservation activities and whereas the parks and recreation activities generate opportunities for people to experience a sense of community and pay dividends to our community by attracting business and jobs and increasing housing values and whereas we recognize the vital contributions of employees and park volunteers who keep public parks clean and safe, organize youth activities, provide educational programming and advocate for more open space, better trails and improvements. So now therefore I, will wynn, mayor of the city of austin, texas, do hereby recognize our nationally accredited gold medal winning parks department and proclaim july 2008 as national recreation and parks month in austin and please join me in congratulating and thanking a fine city of austin park employees and volunteers. [Applause]

thank you, mayor, and I'm joined this afternoon by our board members, did he not, linda guerrero and our assistant directors and forha, modani. It's fitting we're here on a july evening for the parks and recreation month. It has been an extremely full month for us. This is the peak of our season. Your park systems give you a chance to go out and relax, to stay fit, to see your neighbors, for seniors to go to a center and play a mean game of bridge, for 10 and 12-year-old girls to go to a rec center, join a mountain biking team and come home from a national conference last week with first and second prizes. It's a time when you can go to your neighborhood centers and your neighborhood parks. Your parks serve to stabilize our neighborhoods. They raise our values. Parks and our open space are kind of the lungs of our community. They take in the carbon dioxide and give off pure oxygen. They are a joy for us all. I certainly want to acknowledge the work of the staff. They work all year long to make your parks run well. I want to acknowledge our staff and our board for their constant support. Mayor, I'd like to thank you and the council, the manager and the public for your support. So we're honored to have this month proclaimed as parks and recreation month, and please go and join -- go out to a park and enjoy yourself. Thank you. [Applause]

mayor wynn: thank you. and with that I'll turn the microphone over to council member leffingwell. should we bring up the honoree? The city of austin is really proud of our program in support of our people who work for us and are also in the guards and reserve units. So many of them have been called up to active duty in the last few years, and so we started a program, actually about two years ago, we began work on it, to develop a program to help our employees who are guardsmen and reservists, and the program that we came up with was given a 5 star designation by the department of defense. So we're proud of that. But then we went on and, from the state of texas regional group, the city of austin got a pro patri award, which is an additional award on top of the five-star designation, and we just learned a few weeks ago that the city is going to be given the prestigious freedom award, one of just a few organizations in the country that's being honored, some of -- some of us city employees, maybe I will go, to get that

award from secretary of defense and the president. So we're really proud of what the city has done. But no program really works without the people at ground level who do it. So we're here today to honor one of our supervisors with an award for the help she gave one particular reservist. Leslye conoley. Do I have that right? Who's a supervisor in ctm. The employee who we're talking about is first sergeant tracy gunder sewn, united states air force. Serving her second tour in iraq right now. She was also called to active duty in desert earth storm and called to active duty for the katrina clean-up. We have her mom, wilma, and her son cory gunderson. [Applause]

so we have a whole bunch of awards that we're going to give tonight and I'm going to read the certificate and then allen, you come up and you can hand out these other two awards. Allen is our veteran consultant, your official -- he's really the guy that makes all these programs work. So this is a certificate of congratulations for having been honored by the united states department of defense, leslye conoley is deserving of public acclaim and recognition. connelly was recognized for her support of her employee, tracy gunderson, who serves in the air national guard. gunderson praised her supervisor, excuse me -- I'm going to have to do this. Boy, this is embarrassing. gunderson praised her supervisor both for supporting and facilitating her regular weekend commitments to the guard as well as rest call-up for four-month tour in iraq. We join the defense department in honoring leslye conoley for her commitment and her loyalty to one of our city employees who is proudly serving in protecting our country. This certificate is presented the -- this 24th day of july, year 2008. City council of austin, texas, and it's signed by mayor will wynn. So allen, would you like to come up and read the second letter to first sergeant gunderson?

Thank you, council member. On behalf of the secretary of defense and our committee for the support for the guard and reserve, I commend you and your city for your support and to the men and women serving in our nation's reserve components. We recognize the strain and sacrifices our employers are making when the employees are called to active military service and appreciate your service. One of our employees, tracy gunderson, serving in the reserve components, recently nominated leslye conoley for the department of defense patriotic employee reward, in recognition for her cooperation and support. It is a distinct pleasure to forward this award with our special congratulations to leslye for her commitment and loyalty to tracy. We hope you will present this award on our behalf. This is signed by jerry eisenhour, major general chairman of the texas committee for the employee support for the guard and reserves. [Applause] and we have something we don't do here very often. We're diagnose to play a recording for sergeant gunderson who sent this to allen from iraq. Go ahead

technology.

Hi, leslye. It's tracy, and I was calling to say congratulations, and thank you very much for everything that you did for me, the city. It's just a phenomenal company, dell is, and you're a phenomenal lady. 15 in the morning here so I just wanted to call and tell you how truly grateful I am to have you as a boss and how truly blessed I am to be working for the city. Thank you all very much. Cord, mom, I know you're all there. I want to say I love you all very much, I think of you constantly, and buddy boo, you're my handsome and take good care of yourself and big a good boy for granny. Leslye, take care of yourself. Mama, cord, take care of yourself. City keep rocking and we'll keep doing our thing over here.

This is Tracy, from Kirkuk, Iraq. Take care. [Applause] Thank you, Allen. Is there a dry eye in the house after that? I don't know. I also have an award I want to present. This is from the national committee for the employers' support of the guard and reserve. They're a nonprofit group that works directly under the department of defense and they go around the country, basically, organizing programs like the one we have, and I believe we have a representative. Duane? Do you want to stand up so -- he's our local representative here in Austin for that group, and this is a great-looking plaque for your wall. I want to present you with all of these. Here's your certificate from the city of Austin and here is your plaque from the ESGR. Would you like to say a word?

Okay. First of all, I would like to say I feel very, very honored. I'm not really prepared 100% what to say, but I will tell you from my heart, I have not been raised in a military family at all, and Tracy was my first introduction to that because needless to say, I fell in love with her family when I was able to meet them. I knew right away how hard it was going to be for her to leave her family and go overseas again, and I didn't want anything related to work, preparing for that, to hinder her. And I felt like it was my place as her supervisor to aid her as much as I possibly could. Once we started, you know, meeting with her and making sure everything was in place, I realized how much there is support right here within the city of Austin, and I'm very thankful for that. We had no problems getting things taken care of for her. Allen was there to support and continues to be. We're having fun now getting together care packages for Tracy and her troops over there, and that's a fun thing to do. We send pictures to her via email and she's sending us emails as well with pictures. Fun to put together those care packages, sending toys, water balloons, everything, because we always hear about how hot it is over there. I know she's doing a great job for us. All of our rights and our special freedoms that we have, I think I've learned to appreciate those even more, and I thank you all very much for this opportunity and this honor. [Applause]

I just want to say that my mommy is the best mommy in the whole world. [Applause] ab jafary sigh he had ary ass ary as sigh he had riaz los indios i-rr lows indios y and a there being a quorum present at this time I'll call back to order this meeting of the city council, I appreciate everybody's patience, particularly those folks who were here on item 118 that we had called up before we then tabled it to get one other zoning case out of the way before our break. Before we take that case up Guernsey could you tell me with some potential postponements. We can take up postponements and send some folks home early.

Very good, Mayor and Council. We do have four public hearings that I'm aware of that we have requests for postponements 00 items. 148, and this was to conduct a public hearing and consider an ordinance amending chapter 25 of the city code relating to the application of the central urban redevelopment or cure combining district to property designated downtown mixed use, or DMU district. We have a request from the Austin neighborhood council to postpone this item to September 25. It's my understanding this will be their first request regarding this, a postponement on this item. Item 149 is to approve second and third readings of an ordinance amending 45 dash 2 of the city code relating to the university neighborhood overlay or the UNO. Not related to the dog. UNO district, redevelopment requirements. Mike McCone is still working with Campac regarding this district, some of the modifications to it, and would like a postponement to your next meeting, which is August 7. Item 150 is to conduct a public hearing and consider an ordinance regarding floodplain variances. For the property located at 800 West

6 and 600 west 7th avenue in the 25-year and hundred year floodplains of shoal creek. I've talked to watershed staff this evening and they have requested a postponement of this item to the 21st. They're still working on some of the floodplain modeling related to this property and other issues. So we have a staff request for a postponement on item 150. Item 151, which is to conduct a public hearing and consider appeal regarding an administrative site plan, sp-2007-022 1c for proposed religious assembly education building for the hyde park baptist church and we have a postponement request, I believe, by the spelmans regarding this items being their first request to your september 25 meeting. It's my understanding the church does not have an objection to the postponement request. So, on item 148 a postponement request by a and c, austin neighborhood council, to september 25. 149 A postponement by mike McCONE AND CAMPAC WORKING On details of a private covenant between the parties. That would be postponed to august 7. A staff-requested postponement on item 150 to august 21, and then we have an appellant postponement on 151 to 9/25.

Council, I'll entertain a combined postponement motion, 148 to september 25, 2008, 149 to august 7, 2008, 150 to august 21, 2008 and item 151 postponed to september 25, 2008. I'll entertain that motion. Motion made by council member leffingwell, second by council member martinez, to approved combined postponements of 148 through 151. Further comment? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye? Opposed. Motion passes on a vote of 7-0. And it looks like council, item 152 is what I refer to as a chapter 26 hearing.

Yes, mayor, I've not been briefed on that item. I don't know if you have any speakers or not, and. and I doubt we do. No speakers, so welcome, ms. plumber. Judy plumber, I'm in the real estate division of office of contract and land management. Your item 152 is a change in parkland use, so that triggers what is known as the chapter 26 of the texas parks and wildlife code, and that's really the project i have joe pentalia here to answer any questions about the project you may have, this public hearing is about the change in use in parkland. Your parkland is protected from being sold, leased or alienated and this is a change in use. So I will read into the record the legal fact finding for 152. thank you very much.

There is no other feasible and prudent alternative to the taking of the dedicated parkland which includes all planning to minimize harm to the park. and this comes recommended by our parks and recreation board?

That is correct, mayor. thank you very much -- and then we have no speakers to give us testimony on item 152 so I'll entertain motion.

Move approval. motion by coal and seconded by pro tem, to close the hearing as approved by staff, no further comments. Hearing none, all those in favor say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 7-0.

Mayor I want to add you will see us in the future. There is an f 6 conversion in this, and you'll see me come back in the fall with this f 6. we'll be disappointed if we don't see you until the early fall.

I mean on this particular project. Thank you.

Mayor wynn: thank you. Okay. So council, that takes care of all of our later activities. That takes us back to our zoning case, item 118 that guernsey has already introduced for the record. Perhaps just a brief reintroduction, guernsey, before we then ask the applicant to give us his presentation.

Item 118 is case c14-2008-0069. This is a zoning change request for the property located at 12460 los indios trail, a zoning change on a 034-acre tract to mf-3 zoning. The zoning and planning commission did recommend sf-6, townhouse condominium district zoning with the conditions of restricting it to 30 units, prohibiting duplexes, multi-townhouses and condominium uses, providing for 25-foot vegetative setback and a 50-foot building setback from the north property line and a 300 vehicle trip per day limitation. Jeffrey is here and he can make the presentation for the applicant, and he is the agent for this case.

Thank you,. thank you, mr. guernsey. Questions of staff before we hear our presentation, council? I will say that typically we have a five-minute presentation by the applicant, followed by folks in favor. In this case it looks like four folks in favor of the zoning case, presumably, if they're in the room, can donate their time to jafri, I think it is, is that right? And so as long as -- let's see. Looks like is syed riaz jafri here? , and zanu sigh he had? Sorry if I mispronounce that. jafri, you'll have up to 15 minutes if you need it for your presentation.

I won't take 15 minutes. 5 To 6 minutes, I have a presentation. This is our location. Thank you, mayor. And other council members, for giving us opportunity to present this case. As you said, my name is syed riaz jafri, I'm a volunteer at the church. Let me introduce our organization briefly and where we're located.

Mayor wynn: okay.

I am a nonprofit 3 organization organization northed on the north part of the town, surrounded by an apartment building, a retirement home and a wonderful neighborhood community. We have another church just a few hundred feet of it, the gateway church which is zoned as go. These pictures are our current facilities within the premises of the property. We have one permanent building where we do our - all the programs, congregation, and multiple temporary structures. In our dining area is outside under a tenth. If you see the -- tent. If you see the pictures, middle two pictures in the middle row, this is our dining area where we -- all the community eat. Our objective, to build a state of the art community center that educates, enriches and enhances the lives of the austin area residents, to build a place that

stands out in the neighborhood for its beauty, it contributes to an exemplary and progressive city that has emerged as one of the leading cities in the country. We're equipped to zoning. Initially reapplied for mf-3 zoning and city administration recommended lo and we accepted that. We accept all requests from the neighborhood and the zoning and platting commission recommendation that disallows duplex residential, multifamily residential, townhouse residential, condominium residential. We accept all those restrictions. We are members of the austin area interreligious ministry, ut students and faculty are our members and volunteers. We participate in the activities of habitat for humanity, and we regularly do interfaith activities. I'm sure some of you have attended a time for sure. mayor attended our -- one of the interfaith gatherings. In our location we have one church around the corner on McNEIL WITH GO ZONING WITH 80% Impervious. We have apartment complex at the start of the street on spicewood and laten. And most have almost more than 7,900 churches if you go on google search, and most of the churches have higher zoning. We all know that adequate parking spaces inside the facility is necessary. To permit all members and guests to keep cars off the street to preserve the quality of the neighborhood. Our community center ensures that there will be no commercial or multifamily will be constructed here. In conclusion, what we are requesting, I am seeking for lo zoning with overlays that addresses those issues that concerns the neighborhood. Therefore, in part 2 of the ordinance with the change to lo, the only additional change would be allow parking in the interior 25 feet of the 50-foot setback on the north property line. If there are issues with the lo zoning, I alternatively would ask for the sf-6 in the parking allowance in the interior 25 feet and however additional amount of impervious cover from the standard sf-6. The reason we are asking for the additional impervious is that with the 50 feet on one side, the normal setbacks on the other side, plus the -- plus the certainty of retention pond our development will have a higher concentration of impervious cover in the midst of the property than we would like. Once again, in the end our community ensures that there will be no commercial or multifamily will be constructed here. Just in case, you know, after -- we had shown some temporary property, temporary buildings in earlier pictures, and we have hired hiemset architect. They have presented a master plan. You can see the future building, what we like to build. Thanks a lot. thank you, mr. jafri. Now, we normally hear from folks who are in support of the zoning case, but i believe your support earlier donated time for you, but if need be there will be time for other folks here to give support. Let's see. So our next -- well, let's just make sure that no one who signed up wishing to speak in favor of the zoning case who didn't donate time to sigh he had jafri earlier, now would be the time to testify, if there is --

john, we have one more person, if you'll allow john kutner, who can talk.

Mayor wynn: yes. welcome, there flutnerks correct?

John flutner. I'm one of the founding members of the association. I've been a member. We started out in about 1996, a group of families that gathered in different places, houses, even at ut for a while until we were able to acquire some property and create ourselves legally as a corporation, a nonprofit corporation. We bought this property because of the beauty of the trees, the location. We want to retain the integrity of that aspect of the property. And one of the issues that we've come up with is we've got the neighbors on the one side, and there are some other issues. We have an apartment complex and office on the other side, and so we want to push our building mostly to that side where we'd have least

impact on the neighborhood of houses to the north, and we could do that. There was potentially some drainage issues that we can resolve. So we have some concern about the retention pond. And my issue simply has been we don't want to take down trees unnecessarily. We have a lot of green area that we want to keep. But if we're restricted to the 50 feet without parking, we want the parking on that interior 25, the buffer zone, we want to retain some area in the front, area in the back retention for kids to play in also. It's going to be difficult if we don't have some -- a little bit more impervious cover, but we do not have an exact plan. The plan that we're shown -- we're not in the site plan process yet, but we're moving towards that. And I think the neighborhood has been very cooperative with us and we've had discussions with them. And I think we're probably 95% in agreement, maybe 90. Maybe they might say less, but I think we're very close. thank you, mr. flukner. I'll also know there are about 7 other folks who signed up not wishing to speak but in favor of the zoning case and we'll note that for the record, with ms. gentry's help. We'll now hear from folks in opposition. Looks like the first speaker in opposition is gloria norberg. And a number of folks wanted to donate time to you. Is robert and marilyn hairn here?

No, I believe they were not able to come.

The rules were folks need to be present in the chambers in order to doapt time to you. How about eugene or mary shubeck? Welcome, folks. That's an additional 6 more minutes so that's nine minutes for you, gloria. If you think you need more than that you could recruit some donation.

Mayor wynn: your name?

Scott palmar. so that would be the maximum. norberg, you have up to 15 minutes if you need it.

Thank you. mayor and council members. I'm gloria norberg. My husband and I have lived at 7413 lady suzanne's court for 14 years. Our presentation is provided to you in print form for your convenience. Many of our neighbors are here tonight to represent neighbors of the property at issue. Would the neighbors please stand? Many of us chose to live here because it is a small neighborhood in a quiet residential area. Nearly half of us have lived here since these homes were built 12 years ago and we remember when the property in question was occupied by a small southern baptist congregation. iaba moved here five years ago and we also want to emphasize that they've been good neighbors and we would like them to carry out their expansion plans for a suitable religious facility. And although they have stated their intent to remain on this property, we are extremely concerned about future uses should this property be sold. As a group we've conducted extensive research and held several meetings with the neighbors, the case manager, several professionals who are familiar with the city of austin zoning process, and we took the initiative to set up three meetings with the applicant to discuss their plans. So please refer to pages 1 and 2. The properties, west, northwest, northeast of the aiba property are single-family residential neighborhoods including a residential cul-de-sac, lady suzanne's court, having a total of 19 homes, eight of which directly share a border with iaba. And 85% of those homes are one story. To the southwest is a one-story retirement community, the claremont. To the south is a two-story administrative office, the brdr properties, which as seen on page 2 provides a nicely compatible transition and intensity of use is away from McNeil drive to the single-family residential neighborhood to the north. So on page 3, as indicated by the blue line, we believe that iaba's southern border should be

the demarkation between single-family residential and other land uses. We consider the staff recommendation of I-10 to be spot zoning since it would increase the intensity of zoning rather than decrease it as a transition zone should do. Please refer to page 4. As a group we are strongly opposed to any category other than a single-family category for this property. There are already 29 apartment complexes within a one-mile radius of I-10 representing approximately 7500 units. There are also additional apartments being built within a two to three mile radius as seen on page 5, and clearly we do not need more apartments in our small neighborhood. Take a look at page 6. I-10 indicated to us during our meetings that they would like to build a 5,000-square-foot facility to begin with and ultimately end up with a 12,000 square foot multi-use facility not higher than two stories, consisting of a prayer hall, dining facility, an theater facility requiring a height of 25 to 26 feet, a permanent residence for a caretaker and guest residences. Using city of Austin development code template and the most generous parking ratios, we determined that the 12,000 square foot facility would require 8% for the 4% for 171 parking spaces impervious 4% include 22,005,000 square feet for a driveway and 19,000 square feet for parking aisles. This calculations supports our advocating the sf-2 category before the commission, which allows 45% impervious coverage, and further details of this calculation are available since you wish to review them, and I do have them with me here tonight. Now, we would like a similar resolution as in the case of the episcopal church of the good shepherd and the westminster presbyterian church, both on Exposition Boulevard. The neighborhood there opposed our zoning but supported variances for parking. We believe that it is unnecessary to introduce any zone higher than single-family. We would be willing to support variances for parking allowance when I-10 reaches the point that additional parking becomes necessary. We are willing to accept the commission recommendation of an sf-6 category, which allows 65% impervious coverage and hence will allow I-10 to create more parking spaces than required by the city of Austin land development code as well as the retention pond and walkways. Please refer to page 7. Religious land use is permitted under any zone, and our research indicates that numerous religious facilities in Austin are operating within single-family zones. The church shows a sample of 11 religious facilities, 9 of which are operating in sf-2 and sf-3. Their membership ranges from 70 to 3,000 members as compared to what we understand is I-10's membership of 300, and this data further supports our advocating the sf-2 zoning category before the commission. Please refer to page 8. Quality of life is extremely important to us. We believe that we have a reasonable expectation of being able to enjoy our properties and outdoor living spaces, which would be jeopardized by uses other than those of an sf-2 category. Please refer to page 9. In line with the philosophy that urban forest is urban infrastructure, the neighbors bordering the property on the north particularly value the beautiful trees of the I-10 property that provides the neighbors visual backyard. The trail already carries a high volume of traffic. A significant increase in traffic generated by I-10's property would potentially contribute to decreased privacy and decreased safety. The neighbors believe that a commercial zone would have a negative impact on our property values and property insurance an sf-6 category with the conditional overlays recommended by the zoning and platting commission appears a reasonable compromise compatible with the needs of both the single-family neighborhoods and I-10. Please refer to page 10. The recommendations of the zoning and platting commission set an sf-6 zoning category by Yu Nam Soat with the following overlays. It's in agreement with the recommendation and in your consideration we ask you take into account the possible sale of this property in the future. The commission recommended no duplexes, multifamily townhomes or condominiums, a maximum of 30 units, a minimum 25-foot

undisturbed vegetative setback and a minimum 50-foot building setback from the northern property line and a limit of 300 vehicle trips per day. Please refer to page 11. In addition the neighborhood requests a clarification by the city council that the conditional overlays prohibit single-family attached residential units and small lot single-family residential units. In light of the tower or spire that I noticed on the site plan provided, we request that the absolute height, not just a minimum but an absolute height of 35 feet or two stories as set forth by the sf-6 category be designated. And we understand that we will be notified of the site plan when it's drawn up. We request that all trees greater than 8 inches in diameter within the 50-foot building setback of the northern property line be protected. Now, most of these trees in that interior 25-foot area plisner referred to happen to fall in clusters and the neighborhood agrees that parking in that interior 25-foot building setback is quite all right if those trees are protected. About nine years ago the city of austin annexed our neighborhood without designating a zoning category for the property at issue, and as a result our right to petition was usurped. The neighborhood presented a petition to the zoning and platting commission on june 17 that expressed our objection to any zone higher than sf-2. Now, regarding the petition we wish to make of record that the neighborhood agrees with the zoning and platting commission recommendation of sf-6 with the stated conditional overlays, and today we make the above stated requests to the city council. On behalf of our neighborhood we certainly appreciate your service to our city and we thank you for your consideration of our proposals. thank you, ms. norberg. Questions for gloria, council? Thank you for a very concise presentation. Informative. A handful of other folks signed up wishing to speak. I don't know if they still want to or not. Janet summers? Okay. We'll note -- we'll note janet's agreement with gloria as well as looks like a gentleman dan heck as well as anthony and melissa prisky. I'm sorry if I mispronounce that. Thank you. Folks, I think that's all who signed up wishing to speak in favor or in opposition, and our system will note everybody for the record. We know offer a three-minute rebuttal or additional comment time from the applicant, there jafri. Welcome back.

Thank you very much. Good presentation, and i think my presentation and her, we agree over 90% and the only concern, you know, just to support for the future, selling of the property, if we have temporary buildings, mobile homes, it's easier to sell those as compared to if you have a, you know, permanent structure, beautiful. It's hard to give up those kind of structure. And only request we are asking, see, if we have 50 feet on the northern side and the regular on the southern side and also the west side and the back, if we have retention pond, we have almost 4.03 acres area. So all these restrictions, we may have a very limited area to build in the middle. And right now with the headline hien set plan, only two new buildings in the future we're going to have, but owe first phase we will have one multi-purpose building that may serve for and in the future we build, we definitely need more area. But sf-6 is okay with us, plus if you allow us, northern site, 50 feet setback, out of 50 feet we can take 25 feet. At least we can build parking area. We're not going to build any building there. Additional improvements, like utilities and those, plus parking, if you allow it, it's okay with us. Thank you. thank you, mr. jafri. Questions for the applicant? Comments? Council member cole? I have a brief question of the applicant and perhaps mr. guernsey. I just heard you say that sf-6 was okay with you and that was the zoning classification that i understood the neighbors were asking for. So could you just briefly tell me, I thought you said that there were some problems with that zoning designation in your impervious cover requirements.

As I said, we had applied for mf-3, and mf-3 has 65% impervious, and administration suggested lo

zoning the other 70%. Sf-6 is 55%. It is, you know, and with the current plan and the future plan right now, we might be okay, you know, with 55% sf-6.

Cole: okay. perhaps if guernsey, or some of your staff, greg. It just seems to me, you know, that we are really close. If the neighbors are in agreement with a more dense-based single-family zoning but with significant conditions and if with that impervious cover, you know, the facility and the future expansion, you know, could be met, it just seems like there is some flexibility in here and whether it's parking variances, as gloria brought up, you know, or some other, you know, sort of -- what I'd consider a secondary piece to what normally are zoning discussions, is there a -- is there sort of a recommendation based on what I perceive to be a likely compromise here?

Well, let me just offer two bits of information. One, the zoning and platting commission recommended a 25-foot undisturbed vegetative setback and a 50-foot building setback from the north property line. So I believe based on what I understand to be the zoning and platting commission's recommendation, you could have parking 25 feet off the property line, which would actually meet the current compatibility standards that we have in the city of austin for parking, and then so long as it's not a parking structure, like a garage, then they could have surface parking between 25 feet and 50 feet back. And what I heard say, sounded like that was okay, and the neighborhood Sunday they were okay with the zoning and platting commission recommendation. So I think they're in agreement about having the parking located 25 feet off the property line. Earlier when we -- when the presentation was made and I explained to say that there's not a way under our code to do sf-6 and allow greater impervious cover than 55%. So you can't do sf-6 with a conditional overlay that would allow you greater than what sf-6 allows, which is 55% going up to 70. The only way I knew that if there was a desire for more impervious cover beyond 55% is either a, as he mentioned, mayor, to go seek a variance, which the neighborhood indicated they might be in support of. Another option might be to actually do -- to grant the mf-3 that maybe had been originally requested, put all the conditions in that were originally here requested by the zoning and platting commission, and then you could state that with the exception of impervious cover you could make the site development standards be equivalent to the sf -- sf-6 district, and that's another way that you could achieve that goal. I'm not sure -- I don't know if that's ever been discussed between the two parties, but if -- if both sides are in agreement with the zoning and platting commission recommendation, it seems that we're ready to go for all three readings of the zoning and platting commission's recommendation that's before you. We do have, I believe, an ordinance in your backup that would state their actions and you could take that on three readings tonight, if both sides are in agreement to the --

ms. norberg? norberg's hand up?

We would like to get clarification on the single-family attached. Single-family attached is an sf-6 use that was not specifically prohibited by the zoning and platting commission recommendation. Single-family attached, we believe that the zap commission intended to allow the sf-6 zoning category for their impervious cover but with sf-2 uses. A and so we would like specifically to have the single-family attached residential prohibited. Secondly, I understand there the discrepancy in the ordinance and the chart that is on-line for the small lot single-family residential. In the chart it's allowed under sf-6, but in

actual fact it's supposed to be limited to sf-4. We just wanted that clarified, that that would be prohibited.
[One moment, please, for]

I'm not sure that I heard that clearly.

Mayor Wynn: If I can help, so the first issue i jeffrey is -- is the concept of the product of attached single-family. And I heard you say earlier you were prepared to commit to no multi-family, no commercial. And my instring is greg was probably trying to visit with you about that will probably an product that you're not comfortable being allow odd your property, that is the attached single-family. If we could clarify that in the ordinance, greg.

You haven't mention it had in the presentation even. We don't have plan to go multi-family, condominium or duplex, those things. We're okay with single-family because we might have one person or one family to stay to take care of the property, you know, but those residential little bit area should be allowed.

Mayor Wynn: So greg, remind us, the sf-6 category has a height limitation by law of 35 feet, correct?

There is. What the neighborhood i think is asking is for an absolute height limitation not to exceed 35 feet. And there's a provision or a code for unexpired spires to go above what the base height is. If the neighborhood would be willing to agree to the 40, because that's what I think I heard, he could say that those types of heights increments, the exceptions could not exceed 40 feet and then the rest of the buildings I understood could not exceed 35. And then there's -- seems to be agreement that there's no single-family attached, and those that are here, basically that's a duplex that's cut right down the middle, that you would sell half the building and half the lot, and that's pretty much what single-family attached is, if there's agreement to both sides to prohibit that. And the neighborhood is with the understanding that the property would be limited to one dwelling unit for a caretaker. Nix the ordinance it's four acres, seven dwelling is allowed, right?

Right now there's a maximum of 30. If both sides agree on the number of units, single-family attached is prohibited, and that the height of buildings is limited to 35 feet, but the exemptions can go up to 40, I think staff could draft an ordinance and bring that back to you and maybe that addresses both sides.

Mayor Wynn: That seems to me to be quite fair because all the single-family around there has that same exception. You could build a home on your property to your height and do a nice little architectural element on your home and it seems to me if the single-family property is zoned to the north has that right, i certainly would be comfortable certainly allowing iaba to have the design flexibility to do something that the single-family homes could do adjacent. And aftly, the parking issue. So without doing a site plan, it's always hard for an architect or a property owner or a builder to -- without a tree survey to know how many of these true might complicate parking.

Mayor, you are correct. It's very difficult at this stage to kind of work around and develop a site plan. They have a conceptual site plan. The city has a tree protection ordinance that protects trees that are

19 inches in diameter or 60 inches in circumference, measure four and a half feet off the ground. And we do require surveying a tree at eight inches are larger, but until you actually get to the layout of the property to see what precisely which trees would be affected or not, we would have to get with the arborist and do that. At the time when the site plan is introduced, I was telling the -- she acknowledged that we do notify for the site plan, but by that time the property is laid out. Perhaps between -- if you were to approve this on first reading they could talk a little bit more about the layout of the property and by the time we get to the ordinance to come back, if there are some really nice trees on the property that both sides can agree that would be preserved, they can enter into some private agreement regarding certain specimen trees that everybody likes.

Initial application for mf-3, how about impervious would take mf-3, just more area to use, but mf-6, we're not going to go higher than 40 feet. We don't build any multicondominium or apartments. Any more for mf-3.

And you were generous enough to allow our folks to do a survey of the trees within the 50-foot area from that northern property line and we do actually have a map of where those are. For about two-thirds of the distance. We were not able to go further. We do have a hand drawn map that we could make a record, and the trees really do fall into two clusters. There are not very many trees on this northern edge of the border right now, and so the few that there are are the ones that we are most interested in keeping. '.

We have a survey too that indicates it all.

Mayor Wynn: My instinct is it's hard to get to the precise level of detail, but a significant amount of work could occur between first and second reading. And I think with -- I know the firm well. Their schematic expertise, they could get us pretty far down the road on what tree impact there might be, how many parking spaces you could get still within a 58% impervious cover, even with the plotted expansion building. So my hope is that those sides will have a little bit of time and effort and maybe a little bit of money, sorry, to spend after first reading that would allow us to answer some of these questions in detail. And I think there's a lot of goodwill here to have the property properly developed for the new facility. 'Further questions or comments?

Cole: Mayor, I'm prepared to make a motion.

Mayor Wynn: Councilmember cole.

Cole: I would like to move that we on first re only adopt the zoning and platting commission recommendations of sf-6 with the co and also adding the restriction of no attached single-family dwellings, and the height not exceed 35 feet, but exceptions allowed under the code up to 40 feet. And I guess that's the end. And also, leave open the issue of parking for the parties to agree to between first and second reading.

Mayor Wynn: Motion by councilmember cole to close the public hearing and seconded by

councilmember martinez and approve the zoning commission recommendation of sf-6 with conditions. And including additional conditions of no attached single-family home, confirming the 35-foot height limitation, but with the exception of the height up to no more than 40 feet. First reading only. Further comments.

Mayor, between first and second reading, if we could finish the conversation and the dialogue between the groups that just began, i think he was -- the gentleman had requested a consideration for mf-3 with mf-6 restrictions. And I assume that's for impervious cover reasons. But you would be willing to accept all the other restrictions that were spoken to. If we could have that conversation between first and second and see if there could be agreement achieved or incorporate that into the ordinance as well.

Mayor Wynn: I agree. My instinct is often times when we see that opportunity, one can spread the parking out on different spots on the site, it might not bring any of the clusters into analysis to begin with. So usually with all the other restrictions in place, but more impervious cover, what ends up usually relating to is more flexibility within a parking plan to go around the trees, utilize the trees for stayed on the pavement. Motion and a second on the table. Councilmember leffingwell?

Leffingwell: I think everything has been pretty well covered and agreed upon. To me the outstanding issue is the trees. guernsey pointed out, this will be be subject to the city's tree ordinance, will be required to do a survey, will be required to protect and get official permission to remove a tree over 19 inches in diameter. And all those trees 18 pinches diameter or greater will have to be included in the survey. And if they have to be removed, they will have to be mitigated for as specified by the city ordinance. So I don't know if the tree survey is ready -- I know you're not at site plan stage, but if we could have some discussion with the neighborhood about how we're going to come to -- at least have a discussion about tree removal and how you're going to position the parking lot to try to preserve as much canopy as possible, I think that would be helpful. I just want to reiterate the fact that all those trees you're concerned about are protected by city ordinance.

Mayor Wynn: Motion and a second on the table. Further comments? First reading only. Hearing none, all those in favor please say aye. Opposed? Motion passes on first reading only with a vote of seven to zero. Thank you all very much. Mr. guernsey, item 139.

Mayor and council, i would like to present item 139 and 140. 139 Is a neighborhood plan amendment and 140 is a zoning case related to the same property. Item 139 is case npa-2008-0001.01. This is the oak meadows property located at 3715 south first street. It's located in the dawson neighborhood planning area. And this would be an amendment to the austin comprehensive tomorrow plan to change the future land use map designation from civic to mixed use, and multi-family use. The planning commission recommendation was to grant mixed use for the first 150 feet west of south first -- east of south first street and multi-family for the remainder. For item 140 this is the zoning case for the oak meadows property. This is case c-14-2008-0105. Again for 3715 south first street. This is to change zoning from family residence neighborhood plan combining district zoning to general office vertical mixed use combining district zoning or go-v-co. The planning commission it was grant go-v-co, limiting multi-family three type uses to the areas 150 feet east of the west property line, which is south first

street, and limit the overall impervious cover to 65% over the entire site. Part of the vmu or the component that discount or the parking requirement that they could take advantage of the dimensional breaks and area with site building area coverage, reduce setbacks. Also that they could take advantage of the retail uses in office districts, which would include food sales, general retail sales, general convenience, restaurants, general limited, and the consumer convenience services. Again, this would only to be the area within 150 feet of the west property line, which is the property line on south first. The staff recommendation was similar, but not exactly the same on this property. And staff recommended that the front 200 feet be designated for mixed use and multi-family be for the rear or the most eastern portion of the site. And that the zoning on the property be slightly different. That the first 200 feet would be go-v-np and the remainder of the property beyond 200 feet would be mf 3. The neighborhood has voted. The contact team has voted in support of the applicant's request. The applicant I understand is also in favor of the planning commission's recommendation. I don't believe there's anyone here from the neighborhood to speak in opposition or in favor of the request, but the applicant is -- oh, we have one person here from the neighborhood to speak in favor of this request. If you have any questions, I'll be more than happy to answer them. The action that was taken by the commission just occurred tuesday night.

Mayor Wynn: Thank you, mr. guernsey. We'll now conduct our public hearing on this combined case, item 139 and 140. Welcome mr. steve metcalf. And let's see, steve, a couple of folks wanted to donate time for you. Michelle roaderson? Welcome, michelle. And is james laci still with us? So steve, you will have up to eight minutes if you need it.

Thank you, mayor and councilmembers. I don't think I will need that much time. I think we've got a really good story here. We've got a vmu in the dawson neighborhood on a core transit corridor with full neighborhood support. So we have a situation where the developer, cypress, worked with the neighborhood for almost a year, and the neighborhood worked hard and the developer worked hard and we've come up with a project that I think the neighborhood is happy with and the developer is happy with, so it's a good story. guernsey pointed out, is on south first street, it's about 6.3 acres. 6.3 Acres. We're proposing approximately 310 apartment units. This will be vmu structure, so we'll have the pedestrian oriented uses throughout on south first street. It's going to be a wrapped parking garage, so there's not going to be any exposed parking structures that the neighbors will see. They're backing up to the neighbor. Another key aspect of this and what we're working with the neighbors on is to dedicate them a pocket park. So the neighborhood is also getting open space and green space out of this project. Here's the concept plan that shows how the site lays out. And one of the first things you notice about the site is up there on the north side of the site there are a lot of trees. So one of the key aspects of this site the minute we started working on it is we knew we is that needed to stay away from those trees. And by doing that it pushes the project a little bit back towards the neighborhood so that brought in the aspect of having to create buffering and landscaping and things like that to get the neighbor happy. If you'll look on that concept plan, that white line -- I think that white line is drawn at 150 feet, so the idea would be if anything east of that white line that goes back to the neighborhood, that can't be commercial. So all the commercial development would be up there on south first and then it transitions into residential. So the planning commission recommendation I think really covers whatever issues staff had with our request, because the staff recommendation of having mf-3 on the back side was really

based on making sure there was commercial development out on south first in compliance with the neighborhood plan. And then have residential behind that. And also they had some concern about density issues. But density issues on this site are also mitigated by the fact that we have 40% open space, so 40% of this site, although it's in -- it's an urban vmu development, we have 40 percent open space. Over an acre of which is actually being dedicated to the neighborhood as a pocket park. So there's open space, plus there's actually a pocket park. And also one of the main tangible aspects of density would be traffic. And on this site the traffic, the majority of it gets routed to that driveway you see out there on south first street. And the tia calls for a traffic light to be there, and I think the warrants are met for a traffic light. So you've got a traffic light out there at south first and center that keeps that traffic out there on south first street and out of the neighborhood. I think that's a key aspect of why the neighborhood is in support here. So we also -- the planning commission recommendation of having mf 3 uses behind the white line, not zoning it mf 3 because the mf 3 classification itself creates density issues and use issues, but having the mf 3 uses behind the white line is fine with that. We think that -- and with that I think it really complies at least in spirit with what staff was recommending as well. Let me just show you a couple of thing real quick. This is what the rendering of the project will look like from south first street. So you've got a good kind of pedestrian oriented south first street. You can see it better here if you do a close up. This will be the intersection of south first street and center where you can see that we're creating that good pedestrian oriented street front with open pedestrian active uses out there and the wide sidewalks and street trees and all the things that come with that. Here's what post road looks like right today. You have the church that's built there pretty close to the street, and you see a sidewalk, but it object be advicely not a very pedestrian friendly atmosphere. So the rendering that we have of the view from post is -- up from post road is here. And you can see that again we create that pedestrian kind of friendly with more wider sidewalks, the street trees and that thing that encourages pedestrians to actually be out there. Another key aspect of what we agreed to with the neighborhood is that although technically this side could have been four stories, we agreed to keep it at three stories as it is the closest part to the neighborhood, and at three stories, which the height of that is about 37 feet, that's only five feet taller than the height limit after house in austin, which is 32 feet. So it really does keep in with the scale and character of the neighborhood. This is actually an exhibit that's attached to our neighborhood restrictive covenant that highlights all the trees that are being saved on the site. Landscaping is being added to create buffering. And some -- there's a few trees that we're having to relocate on the site, larger trees, but we're relocating them back on the neighborhood to create buffering on the neighbor side. It's a heavily vegetated site to begin with, so by adding -- this rendering shows how we're adding some additional landscaping on that neighborhood side to create even more buffering than the existing vegetation and we're saving all that existing vegetation over there. Here's a blow up of the pocket park area. Here's the artist's rendering of that area and how it will interact with the neighbors. And this is -- what this is, these are pictures of what the area -- what the detention kind of area looks on escarpment and this is kind of the feel of what this will have. So even though there's a detention area in there, it still has that park feel. And this is pretty much kind of the feel we're looking for here and what it's going to look like. We spent a lot of time with the neighbors working on a restrictive covenant. Here's some highlights on it. I won't go through it all. Again, this is a situation where a developer worked hard with the neighborhood to come up with the solution, and by the amount of neighborhood opposition you

see here tonight, we've been pretty successful doing it. So I will answer any questions you guys have.

Mayor Wynn: Thank you. Any questions for our applicant, council? Starting to give development a bad name. [Laughter] councilmember cole.

Cole: I have one question for mr. metcalf. The planning commission recommended the go-v-co, is that correct, on tuesday night.

Yes.

Cole: And the neighborhood is in full compliance with that and they're here to support you.

The neighborhood is in support of that. And the planning commission on top of that said -- we've already got a restrictive covenant with with the neighbors that prohibits commercial uses past that white line. The planning commission's recommendation further supported that or further added a public aspect to that further by saying that a conditional overlay on the zoning would be past that white line you can only have mf-3 uses. So the planning commission's recommendation further of what we had agreed to with the neighborhood.

Cole: Mayor, I would move that --

Mayor Wynn: We have a few more folks to give us testimony.

Cole: I'm sorry.

Mayor Wynn: Save your thought. Thank you. Councilmember leffingwell.

Leffingwell: I don't have the planning commission recommendation in my backup. I'm looking on the computer. Am I supposed to have that from some other source?

I don't know.

Leffingwell: Maybe guernsey can answer that.

Another key aspect of that was planning commission recommended mf 3 impervious cover for the whole site. So the whole site is limited to 65% impervious cover.

Leffingwell: Yeah. It's not in the backup.

That's correct, councilmember. That's why I went through and we presented the case to you this evening because the action took place just this past tuesday. So the planning commission's recommendation on the zoning portion of this case was to grant the go-v-co, no break for the v part on the parking, but to give the dimensionals -- they can take advantage of the dimensionals for the site

area, building coverage, reduce setbacks. Also that they can take advantage of the retail uses allowed in office districts under the v.

Leffingwell: It's kind complicated to have to take notes on all that.

I apologize, councilmember. And just as steve said, the mf 3 uses would only be allowed at a distance of 150 feet from south first street going east. And then 65% impervious cover, which is the mf 3 impervious cover limitation.

Leffingwell: And the 150-foot limitation is enforced with the restrictive covenant?

It's done through a conditional overlay. And so we would actually state that the uses that are allowed on that point beyond 150 feet from south first street would be limited to mf 3 type uses.

Mayor Wynn: Councilmember morrison.

Morrison: I have a couple of questions. I'm not sure who would answer them. The affordability level in this would be what?

10 Percent to 80%.

Morrison: Is that dawson neighborhood generally --

dawson -- when dawson did their vmu processes as a neighborhood they chose 10% at 60%, but because of the park and other things we're adding to this project, they agreed to 10% at 80% with with this proton.

Morrison: And that park is going to be dedicated parkland, is that correct?

Not for the city. The city doesn't -- it will be private parkland, so it's dedicated by an easement.

Morrison: And how large is that parkland area?

It's slightly over an acre.

Morrison: And just one other question. The difference for the number of units in v versus mf 3 with the density, that's -- that could be a big difference. What is the difference that actually you achieve with v versus mf 3? Have you done that calculation?

Councilmember, I'm sorry, I don't know the exact difference. But let me remind you much one key aspect is if you had mf 3 zoning you don't get any double with that. So you don't get any affordable housing with that. So by doing what the v creates you also get affordable housing with with that, that

you don't get with the mf 3.

Morrison: Thank you.

Mayor Wynn: Council, we have a few more folks that wanted to give us testimony starting with david robinson bins, who I thought I saw earlier. Welcome mr. robbins.

I want to say this is probably the easiest that you probably have in a long time. This is a neighborhood and a developer that are in complete agreement. We put them through the wringer. They met with us eight times. Several times in special meetings. There was a lot of interaction with the neighborhood both in in and out of meetings to get to this level of agreement. It was exactly what needed to happen to get a very great vmu project on a core transit corridor in our neighborhood and we're very proud of the situation. To correct one of the things that was said, the neighborhood did not support the planning commission recommendation. They actually supported the applicant's request. I was at planning commission and what the planning commission I think very deftly did was a compromise between the staff recommendation and the applicant's request. The applicant is in favor of that. It's actually more restrictive than what the neighborhood already agreed to. So councilmember morrison's point, the neighborhood had priorities for this site, and the developer had a pro forma they had to meet. And both were very honest about what important. And the neighborhood did make a conscious choice to go from 60 to 80 in exchange for other things that were more important to the immediate neighbors in that area. And so I think that although it is a change from our original schrum, it was a very good compromise that got the pro forma to work for the developer and got it to work for the neighborhood. It was an excellent compromise.

Mayor Wynn: Thank you, mr. robbins. And there are five or six other folk who signed up not wishing to speak, also in favor of this project. We'll note their support for the record. Council, that concludes all of our citizen testimony. Further questions of anybody? Comments? I'll recognize councilmember cole.

Cole: I move approval of the planning commission recommendation.

Mayor Wynn: Motion by councilmember cole, seconded by councilmember morrison to close the public hearing and approve this combined item 139, 140 planning commission recommendation. Further comments? Mayor pro tem.

McCracken: I do want to -- I think there's a good chance for us to make sure that the staff is sinked up with what the council policies are. There's been a little disconnect about whether it should have been -- had been a multi-family designation on the back third of the property or half of it. The vmu ordinance is designed to have a totality of benefits that if you try to carve half of it out and make multi-family, you will lose all the benefits. And so I think that what the planning commission did in splitting the baby on that, got us closer to what council policy was, but i think it's a good learning opportunity because we've had a couple of these -- we've had an apartment complex effort to divide up zoning in one building. That creates confusion. I think we're looking at a physical outcome. I think the staff did an excellent job on this. I just want to make sure we had this one chance to clear this up. I think overrule it's a tremendous

success, great work with the neighborhood by the development team and by our staff.

Mayor Wynn: Motion and a second on the table, planning commission recommendation, all three readings. Further comments? Councilmember leffingwell.

Leffingwell: I would like to say that councilmember morrison's aide sent me the complete recommendation and I'm okay with it.

Mayor Wynn: Further comments?

Mayor and council, we don't have an ordinance that's ready yet. So this is -- as far as i know this is just first reading.

Mayor Wynn: First reading only.

We'll get it back to you as quick as we can.

Mayor Wynn: Fair enough. Motion and a second, first reading only. All in favor? Opposed? Motion passes on a vote of seven to zero. There being no more business before this meeting of the austin city council, we stand adjourned, it is 8:01 p.m.

End of Council Session Closed Caption Log