

Closed Caption Log, Council Meeting, 01/29/09

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I think the crowd is trying to tell us something [laughter] by getting quiet, they want us to get started. Well, good morning. I'm austin mayor will wynn, it's my privilege to welcome the reverend charles lee from acts fellowship church in north central austin who will lead us in our invocation, please rise.

[Inaudible - no mic]

come before you and just acknowledge that you are all loving, all caring, all knowing, all powerful god. We thank you for just giving us life and, lord, allowing us to do the things that we do today. Father that we come before you thanking you for this city, and the way that you have blessed it. We thank you for -- for our mayor and the city council members and all of the leaders of this great city. I pray that you would continually bless the city for your namesake and, lord, that the city will continue to grow and prosper. Father, we do live in difficult times. In many ways. And, father, there are many difficult decisions and challenges that -- that we do face. And we do acknowledge our frailty, our short comings. Our deficiencies and I do pray, lord, in -- in our limitedness, that you would give the leaders of this city your wisdom. Integrity and just a heart of service, lord, that -- that we would continue to experience great things, lord. So, lord, I just want to lift up the leadership of this great city and -- and lord this meeting today and our mayor and councilmembers. For just -- just bless them all. For I do pray in jesus name, amen.

> Thank you, reverend lee, there being a quorum present at this time I will call to order this meeting of the city council, it is THURSDAY, JANUARY 29th, 2009, here in the city council chambers of the city hall building, 301 west second street. Before I -- before I walk through the changes and corrections to this week's posted agenda, we try to take this opportunity each meeting to -- to announce what we believe to be might be some -- some future upcoming either items from council or issues that we think some of us might be driving or announcing. I will just say in advance of opening up to some colleagues, in consulting with everybody's calendars here, we are in agreement that on wednesday, february 11th, WE WILL HAVE A Wednesday morning work session whereby the city manager and staff will be presenting to council in a work session format, essentially an economic update, bringing us up to speed as to where we think our local economy is what that means to the city's revenue stream, what that means to our approved fiscal year budget that we are operating under and then, also, what might be our next steps. You probably know the city manager has been asking the departments to come up with -- with

lists of potential cuts and expenditures and so we will begin that dialogue as a council hearing from the manager and then talking about what might be our process and format to make some of those policy decisions. It's anticipated that we might need to follow that up with a wednesday february 25th work session. These will be similar to the work sessions that we've held last spring in advance of our existing fiscal year budget. So just note that -- that again we -- and we don't expect there to be posted action items on those work sessions, they will be sort of information only, but also they may want council to have the discussions about the timing and format and process for us to make those policy decisions that we believe will need to be made sooner rather than later. Also there's been a little bit of press lately about our long talked about board walk project that connects sort of the missing link, if you will, of our trail around lady bird lake. We have talked about this for probably 20 years, about two and a half years ago i participated in a press conference whereby we announced that some -- the private sector was going to come forward with some funding that allowed us to fund the riverside board walk investment study. Five figure broad view study of that potential project. Then about 18 months ago, as part of that year's fiscal year budget process, the council approved 7 million for the real planning effort for that -- for that potential project. We've had dozens of focus groups, we've had town hall meetings, there have been stakeholder meetings. The land and facilities subcommittee, the parks board has met two or three times, there's been a joint parks and environmental board meeting and then early this week the parks board also met about that project and I'm just saying all of this because I anticipate that -- that probably in one of our -- in our later february meeting, perhaps THE 26th, STAFF MIGHT BE Bringing that here to this forum for us to continue that dialogue and analysis and perhaps have some type of continued blessing or direction for that project. So I do anticipate in some form or fashion, the riverside board walk trail connection process to come before us likely here in the next month or so. Any other additional items from council or initiatives or other issues? Councilmember martinez?

Martinez: Thank you, mayor, councilmember morrison and I are going to try to get this done by the 12th, BUT WE THINK THAT The work of the waterfront overlay task force has become -- you know, proven to be very fruitful and so we're going to move forward with some of the recommendations and ask you all if you would support us in directing the city manager to -- to amend the waterfront overlay with the -- with the current recommendations from the task force. They made quite a few recommendations. We're not necessarily going to come forward with every single one of them, but we will take some of the highest priorities and concerns that the task force came up with and try to bring those forward on the 12th. Also, the public safety task force has had for the last couple of months on its agenda, the issue of creating a full public safety commission. Instead of the task force. As you know, the task force has been in place for over two years now. Was set to dissolve, i believe, at the end of your term, mayor, this -- this spring. So -- so what I would like to do is have a full-fledged citizen commission to continue vetting public safety issues. So in the next month or so i will probably bring an item forward asking you all to help create that commission. Then each and every council member will have the opportunity to appoint someone to that public safety commission. Thank you.

Mayor Wynn: Councilmember leffingwell?

Leffingwell: Two initiatives that have to do with community events such as races, parades, so forth. We've had task forces in place working on recommendations to bring to the council for several months

now. The first one is the green events ordinance, which will set new standards for energy and worry conservation, also waste disposal, so forth. I expect that to come. Working its way through the boards and commissions right now as early as march to come back with that. In addition the street closures task task force has been in operation for several months. And they have almost completed their deliberations and will be coming forth similar to what mike mentioned. It won't be a full blown process, but they will be bringing forth some recommendations as early as march.

Councilmember shade?

Some of you may notice that there are more than the average number of people wearing red today. There actually was a memo on it. Most of us got it. But we are -- the mayor will be issuing a proclamation to the american heart association representatives this evening to hear proclamations to kick-off "go red" the day of major awareness for the impact of heart disease on women is a week from friday, a week from tomorrow. But really the whole month of february is designed to raise awareness for this. And in support of the "go red" campaign and in conjunction with the welcoming of our new fire chief who will be sworn in tomorrow, she will be here, we will have a photograph taken with as many people in red who are here at 5:15. There will be a fire engine right outside, I support anyone that wants to support the cause, to welcome her with the fire engine outside for the picture.

Mayor Wynn: Thank you, councilmember.

Councilmember morrison? thank you, mayor. I wanted to follow up on something that you mentioned in terms of the budget work session that we're going to have. The city manager and i congratulate him and his staff on this, also understand that public input on what our priorities are for budget cuts, unfortunately, is very important and I know last night he and several of his staff came to a community meeting, the austin neighborhood councils meeting, to start soliciting some -- some important public feedback on where we ought to be looking at -- in our budget for cuts when we -- because we do have to make them. I know that -- that the city manager's office is going to continue that outreach to other organizations in the community and I think that there are going to be some terrific ideas. It's going to be a terrific help to those of us on the council that are going to have to make decisions. So I think that -- i congratulate the manager for that.

Mayor Wynn: Thanks. Councilmember cole?

Cole: Yes, mayor, i just wanted to highlight the 30 today during proclamations that you will issue a proclamation starting off black hispanic month for the month of february and nelson linder of the naacp will be here to accept the proclamation, I invite all presents to be there.

Mayor Wynn: Thank you, any additional potential items from council or upcoming issues or -- issues that -- for folks to be aware of? Thank you all very much. So then with that, council, I will read into the record our changes and corrections to this week's posted agenda. They are -- to note that 5 comes recommended by the electric utility commission. We should note as part of the consent agenda, staff is requesting that we postpone item 20 to our next meeting, WHICH IS -- FEBRUARY 12th, 2009. 27, we

should strike the -- strike the -- words certain fees and insert the phrase the signature requirement. This will be the waiver of the signature requirement regarding the boy scout parade. 40, we should note that the first reading was approved on october 23rd, 2008 WITH A VOTE OF 5-1, Councilmember morrison voted no and councilmember martinez was off the dais at the time. Then also note that -- that we technically we have a posted executive session agenda, we won't be taking 32 the executive session regarding a home at 328 hartwood. Because staff will be requesting sometime after posted time certain, items 53 and 54, that relate to that property, 328 hartwood to be postponed to the next MEETING FEBRUARY 12th, 2009. So we anticipate that council will agree with staff's request to postpone the public hearings 53 and 54, so there ever we won't take up item 32 in executive session in advance of that. We unfortunately won't be taking up 33 and 34 in executive session, both related to the lion's municipal golf course because judy plumber, our real estate staff person, is home ill, sadly, won't be with us this evening. Hope judy gets well soon. .. let's see. So far the items pulled off the consent agenda, council, items related to the peninsula annexation, that is items 11, 13, and 14 are pulled at least until we have a chance to talk about those in executive session. Get advice from our legal counsel. 12 has been pulled off the consent agenda because six speakers who want to give us, i think, supportive testimony regarding this state neighborhood stabilization funding opportunity. Our schedule for today, as soon as we get through our schedule, have whatever brief discussion we have this morning, at noon we always have our general citizens communication, we have a full list of 10 citizens who would like to give us testimony beginning at noon. we will have our staff briefings, afternoon briefings. The two that we have scheduled, the first is a briefing on the business retention and enhancement pilot program, that is the -- that is the -- the funding program for congress avenue and east sixth street. Staff will be giving us an update on efficacy of that program and perhaps making a recommendation as to future action. Our second briefing regards the annual update of the city and the lcra's water partnership. , we take up our zoning cases. 30 we break for live music and proclamations. Amy cook is our musician today. Then we take up public hearings and/or the postponement of public 00 so actually a very -- in the scheme of things, a light agenda today. We hope to be able to get everybody home at a reasonable hour. Council then so far we only for our proposed -- I guess what I should do now is propose a consent agenda. Numerically unless there are additional items to be pulled off the consent agenda. Again so far only items 11, 13, 14, related to the peninsula annexation and item 12 regarding the state neighborhood stabilization fund are off the consent agenda. Hearing no additional items to be pulled, I will propose the following consent agenda it will be to approve item 1, that is our minutes from our january 15th meeting. From austin energy, we will be approving item 2. From our city clerks department, approving item 3. From our contract and land management department, we will be approving items 4, 5, 6, 7, and 8. From our economic growth and redevelopment services department, we will be approving item 9. And 10. From our neighborhood housing and community development department we will be approving item 12. I'm sorry, I take that back, we have speakers signed up on that item we will show that as not being on our consent agenda. From our neighborhood planning and zoning department, we will be approving item 15 and 16. From our parks and recreation department, we will be approving items 17 and 18. From our police department we'll be approving item 19. From our purchasing office, approving items I haven't heard any staff comments on 20, it was my understanding that -- that -- as part of our consent agenda as read earlier, part of our changes and correction, I'm sorry my computer doesn't show 20 as part of our consent agenda is to be postponed to february 12th, 2009.

Thank you. Also be approving from our purchasing office item 21, from our transportation department we'll be approving item 22, we will be approving item 23, our board and commission appointments, we just have one of those that I will read into the record. To our downtown austin community court advisory committee, colette neiss is my nominee. 23 on our consent agenda. We will also be approving items 24, 25, 26, 27 per changes and correction. 28, And 29. And we'll be setting the public hearing by approving items 30, and 31. So I'll entertain a motion on that proposed consent agenda. Motion made by councilmember leffingwell. Seconded by councilmember martinez to approve the consent agenda as proposed. Council, before I ask for council comments, we do have a -- have a few folks who would like to give us testimony on these items that are on our consent agenda. Our first speaker, item no. 17 Regards -- regarding our after school arts program that we have been calling totally cool, totally art, gus pena signed up wishing to give us testimony. Welcome back, mr. pena.

Thank you, mayor. Councilmembers. city manager, marc ott, wherever you are. I want to give you all our appreciation for funding these type of initiatives. Not only that, go one step further and remember that also in the consideration of the projected budget, anticipated budget, continue to fund all of the summer youth job programs. If you have this type of program which is good because it enhances the skills of the students and youth, keeps them active, educated bicultural issues, also. But especially this summer i know what the economic forecast is more than likely. Having been through all of these budgetary processes and also in recessions before. Please continue to fund our summer youth program because your going to keep the kids active, give them a job skill, keep them out of trouble. This is something that is very essential in these type of programs, enhances their personal skills, also. I want to thank you very much for that. Mayor, is it appropriate to 12, are we going to take that up later on.

We will take it up separately later.

That's all that I have to say. I wanted to keep it brief. Thank you all very much for having and funding youth initiatives, this is very positive. Thank you very much.

Mayor Wynn: Thank you, also on item 25, I think mr. Paul robbins would like to give us testimony. Welcome back, paul, you, too, will have three minutes.

The council -- council, I'm paul robbins, an environmental activist and consumer advocate. I want to thank you all for beginning to open up the use of city hall. It was common for citizens to use the council chambers at the former city hall location when they were not being used for city business. It was a custom, a tradition and a right. I think it is great that this right is being restored in some manner. In particular I'm hoping that council candidate announcements and press conferences on city issues will start to be held here. I thank councilmember shade for pushing this. And councilmember cole and leffingwell for co-sponsoring it. In the grand scheme of things this is a symbolic issue but symbols are important. This is one of dozens of things that need to be done to restore participatory democracy in austin, but it is a positive step. Also, I hope that this arrangement to have tuesdays open to citizens works out well so that it might be expanded to the entire week. Again, thank you, council. robbins, so, council, that conclusion the citizens who have signed up to give us testimony on these items that are -- i take that back. 31, which is actually setting the public hearing to consider an appeal on a property on

f.m. 2222, Carol torgrenson is signed up wishing to give us testimony. Welcome back, carol, again this is just to set the public hearing.

Good morning, mayor, city council. I'm here today to voice a concern with the noticing that our neighborhood received yesterday regarding this item. We received in the mail yesterday a notice of the - of a public hearing, appeal of a site plan, mailing date of january 27th and it this appeal is scheduled to be heard by the city council on february 12th, 2009. It is my understanding that item 31 which is on your consent agenda is to consider this hearing to be held. I understand that there are timing issues because -- because of a matter of time required to mail a notice legally. However, I just think that it is misleading to the neighborhoods to receive a notice in the mail before the council has even set the public hearing stating that the public hearing has been set already. So I would just request that this not happen in the future. That either the wording be changed so it says this appeal is requested to be heard or this appeal is anticipated to be heard by the city council on that date. But not that it has been scheduled to be heard on that date. I think it's misleading, i think frankly it's a misnoticing, thank you.

Mayor Wynn: Thank you, I couldn't agree more. I trust staff will take notes of that. With simple corrective wording those notices will be more appropriate. Councilmember leffingwell.

Leffingwell: Mayor, i believe the council heard this case back in 2006. A long time ago. But a little research reminded me I had actually voted against the extension of appeal back in 2006 and so I want to -- I'll probably follow that same path and I wanted to reiterate that I am supportive of setting the public hearing, but it does not indicate that I would support the appeal request.

Mayor Wynn: Understood. Councilmember martinez?

Martinez: Just on that same item, since we're discussing it. It's my understanding that there's still a question about whether or not this appeal can actually go through. So can we even set a public hearing on something that can't be appealed.

I will have to get ms. thomas to address that.

Good morning, councilmember. The issue of whether or not a matter can be heard on appeal before the council is for the council to decide. So we have to come to council so that the evidence one way or the other can be examined by the council. Council.

Martinez: Thank you, deborah.

Mayor Wynn: Council, i believe that concludes all of our citizen testimony on items that are on our proposed consent agenda. Comments from council? Thoughts? Councilmember martinez?

Martinez: I have a couple of comments, mayor. On item 20 I know take we are postponing it on the consent agenda, but I do want to express some concern that I find it just unbelievably hard to accept that we can't establish any minority subcontracting participation goals in a \$250 million project. I mean,

there's got to be some goals that we can establish. So I'm just hopeful that we can clear that up as it comes back. Or maybe byron can clear it up now.

If I may, good morning, byron johnson, financial services. There is not a subcontracting goal because we're buying power. But the good news is that we work with the company in order to apply the third party contracting agreement. By applying that, then that allows them to set goals as activities take place upon that site. So we do anticipate that we will get all of the third party contracting agreement provisions in place in this contract.

Good, thank you.

Mayor Wynn: Perhaps we can have more detailed discussion about that when that comes back. I believe we have postponed this item to febru 12th, IF I REMEMBER THAT Correctly.

Mayor, on item 27, I know that we have changes and corrections to it. Boy scouts of america are doing their annual parade, they have actually agreed to go ahead and pay the fees. They didn't want the fees waived. The correction is to waive the signature requirements for closing the roadway, but we have found a provision in the code that we believe would allow the director of transportation to waive the signature requirements if the event has occurred i think for the last 10 years. I just wanted to -- we may be able to take this off the agenda altogether.

Yes, mr. mayor, council. Thank you, I'm robert spiller, the director of transportation. In fact we researched this and confirmed that city code chapter 14-8, I believe subsection e, allows that the director may waive the signature requirements for an annual event held by one or more sponsors on congress avenue between cesar chavez and 11th street including the side streets necessary to facilitate that. Yes, sir, that can be done.

Martinez: Great, as a friendly amendment to i guess --

Mayor Wynn: Councilmember leffingwell.

Martinez: Lee and myself, that we just remove item 27 or -- how do we do that? Postpone it?

Mayor Wynn: I think that would be appropriate if staff confirms that the item is not necessary. Councilmember leffingwell, do you --

Leffingwell: I agree.

Mayor Wynn: Thank you, mayor. Item 27 technically is removed from the agenda is it's not required. Further comments on our proposed consent agenda? Councilmember morrison?

Morrison.

Mayor, the resolution to adopt the downtown design design guidelines that the design commission worked on, which I appreciate. We used to have the downtown design guidelines now become urban design guidelines. I want to mention one of the sections in there regarding to open space, as we move forward, implementing the families and children's task force recommendations, one of their focuses is on open space and I think that we can look forward to -- to -- to really working with the design commission to -- to look at how we can better improve the design of our open spaces to embrace families and children in our urban environment, perhaps updating and enhancing design guidelines. In any case he I think that's an important development of the fabric of our urban development as we go forward. I look forward to working with them further on the families and children's task force implementation.

Agreed, thank you.

Mayor Wynn: Further comments on the proposed consent agenda? We have a motion and a second on the table. Perhaps I will just conclude that my -- by noting item 6 on the consent agenda is technically our -- our approval of a deconstruction, I still call them demolition contracts for the green water treatment plant here just down the street. About a five million dollar expenditure if you remember the last year or so the council approved to -- to turn that land over to a joint venture comprised primarily of the trammell crow company and several others. The plan and financial modeling of that project includes about a \$70 million net present value of capital gains to the city. [01:58:03] We're spending \$5 million to prepare that site, that will then not only pay the city \$70 million, maybe more important than that, will place perhaps -- perhaps, you know, \$500 million worth of private sector tax base on land that has never generated any tax base whatsoever. Tax income. So remarkable general revenue fund, city, county, school district, other taxing entities. I'm also pleased to see frankly that the planned demolition of that site is only one year. There's a 365 day contract for that deconstruction. So it's exciting, also, to think about that the -- that the site will become ready for -- for the -- for the then private sector site preparation in -- in as little as a year's time from now. I bring some of that up because we are having these discussions about the obvious economic slow down. One of the -- one of the sort of positive aspects of these large scale urban developments that we see ongoing in downtown now, the -- the w hotel project here behind city hall, the construction time line on these projects once they begin oftentimes is 24 to 30 months. And so as we worry about inevidentable cycles, economic cycles and real estate development cycles, inevitable, in a communities, it's really important as we see some projects not begin because of uncertainty in the market, financial and otherwise, once you get one of these projects started you will see hundreds and hundreds of good paying construction jobs, a bunch hard hats across the street and down the street the next week or so. It's sometimes frustrating to see that it takes two to three years to construct, particularly when your next door neighbor or you are a commuter and you have to deal with lane closures or noise or other issues, but these are really, really important projects for long term vibrancy, stability of our tax base and general fund revenue. Of course ongoing revitalization of our urban core. I am pleased to see a project that will start even though it's going to be a deconstruction project that's going to be ultimate shovel ready, backhoes, bull dozers, dump instructions, good stuff -- dump trucks in a slowing economy and hoping prepping that site for the exciting plans that we saw last year as we approved the -- the urban plan for that site. So it's exciting to see us continuing to move forward. No reason, of course, to stall or delay demolition or site preparation,

particularly when it takes a year and we sure hope that next year we will find ourselves in a different economy than we seem to find ourselves in right now. So pleased to see us moving forward and keeping the minimum going on these large scale urban mixed use redevelopment projects here in our urban core. Council, again we have a motion and a second on the table approving all of the items on our consent agenda other than the -- other than the postponement of item no. 20, And we have pulled off the consent agenda our items 11, 12, 13 and 14. Further comments on the consent agenda? 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. We will give a manuscript or -- a minutes or so for the crowd to disperse. 12 we have pulled off the consent agenda because we have some folks that I believe want to give us supportive testimony. If folks could take their discussions out into the foyer, I would appreciate it. Council, technically item 12 is a resolution -- again, folks, please take your conversation out into the foyer, we would appreciate it. We still have a discussion item to take up and testimony. Thank you all. So again, council, item no. 12 Technically is a resolution authorizing the city manager to apply to the texas department of housing and community affairs for housing and economic recovery act neighborhood stabilization program funds to help mitigate the impact of foreclosure crisis in austin neighborhoods. We have again a handful of folks that signed up to give us testimony. They have all implied they will be giving us supportive testimony. Robert spiller is here. To be available for questions should we have them and/or to -- to just -- just imply what the -- what the -- what the program is intended to do. And then we will hear tom davis, to be followed by gus pena. Rob, do you need to give us sort of an introduction?

Roberts, are we putting you over housing now as well.

I was a little confused, I'm sorry.

Mayor Wynn: Someone signed you up to give us testimony.

I think it's a great item. I don't know the answer.

Mayor Wynn: Answer.

I'm sorry sir.

Well then, thank you.

Perhaps if somebody -- unless there's another robert spiller in the audience. If not, we will hear from tom davis. Welcome, tom. And, tom, let's see. Is judy cortez here?

Mayor, the -- the members of the austin human rights commission decide since housing I is my area of responsibility this year, they asked me to represent all of them in speaking to you today. cortez, who is

actually teaching a class at her job won't be here today.

Mayor Wynn: But what I ask is folks that have offered to donate time to you, our rules are folks need to be present in the chambers in order to do that. I will just note that Judy Cortez, Lisa Schepps.

She may be late.

Is Lisa in the audience by chance. Russell wanted to donate time. Up to six minutes if you need it, welcome.

Thank you, I shouldn't need it.

My name is Tom Davis. A member of the Austin Human Rights Commission. As a representative for housing issues on the Human Rights Commission this year, I'm representing the commission in telling you what I'm going to say here on the issue of the grants. We're in favor of the resolution. Not going to stop here, though. To authorize the city manager to apply for and use the Hera funds for the purposes stated. However, the resolution and enabling act list five different ways that the grant money can be spent. The problem is of these five, four relate to making the city look better and one relates to making the city, helping the citizens of Austin in this time of economic crisis. Therefore the first thing that the Human Rights Commission would like to ask of you is that you spend a larger percentage of the grant funds on as the resolution states providing financing such as mortgage financing for certain household, primarily helping homeowners avoid foreclosure and stay in their homes. Not only would this enhance Austin's well deserved reputation for being a city that cares about its people, it would also save money in the long run. It would help mitigate the ever increasing problem of homelessness that's costing Austin more and more of both our budget and our reputation. It would reduce the money lost from foreclosures from the bank, homeowners, from the neighbors of the homeowners in a neighborhood where there's foreclosure all property goes down an average of one percent. The cost to the city itself in reduced tax revenue. The second thing that we respectfully request of the -- of the council is that the Human Rights Commission be included in the grants expenditure process. We represent a population perspective that needs to be heard and we are willing to join. If you have any questions regarding our interests, you may contact me at 443-0918 Oregon Chair Judy Cortez at 974-3250. Thank you, I will make a copy of this available to the secretary so that the numbers are available to you.

Mayor Wynn: Great.

Appreciate it.

Thank you, Mr. Davis. Councilmember -- Councilmember Morrison? Go ahead, if you have a question or a comment.

I did want to respond to Mr. Davis. I also noticed that -- that inconsistency or perhaps paradox that the grants themselves most of the grant funds can only be used for acquiring property that's already been foreclosed. And there is one element that qualifies as you mentioned for the funds to be used to help

finance. I did talk to the director of neighborhood housing yesterday about that, it's not clear that's going to be a practical approach just because of our federal guidelines, but it certainly raises the issue that we need to be as proactive as we can in terms of folks that might be leading into foreclosure as opposed to being able to acquire foreclosed properties, which is also a good thing for the city if we have those funds. Definitely it's a paradox, most of the federal funds are only allowing us to acquire the property as opposed to helping people stay out of foreclosure much, based on some work that councilmember martinez did at budget time, we allocated \$50,000 of our budget to go toward foreclosure assistance and i has just been let for that. I certainly am encouraging the city manager to and he died that because we need to -- expedite that because we need to get folks into counseling and anticipate problems before they get in. You were mentioned about -- about a request to -- to incorporate the -- the human rights commission into the discussion. I know that there will be definitely conversations between the staff and community development division, maybe we could ask the city manager, also, to ask that neighborhood housing contact and get in some conversation with your commission, also.

Thank you.

If I might add, there's one thing that can be done in the area of acquiring property. We could acquire property, have it reconstructed a lot of closed up apartment units over on east riverside, rehabilitate them with the specific purpose of turning them into affordable housing.

Absolutely.

Absolutely.

And you might also want to be aware that we are going to have our housing study that's been completed the presentation in the near future perhaps even at the next meeting. So you will want to stay in touch with the neighborhood housing department on that.

Thank you very much.

Thank you, mr. davis.

Anyone else?

Questions for tom? Okay. Our final speaker is gus pena. You, too, will have three minutes.

Mayor and councilmembers, davis leaves, i would like to piggyback on his comments. I support everything that he said, also to include the human rights commission. These issues are being discussed and were being discussed as of three or four years ago when a lot of potential a lot of people in potentially foreclosure. I taught adult education in austin community schools and community college for people who qualified under the 1986 immigration reform and control act of 1986, they qualified for temporary residency. That prequal requirements were very lax. Everybody and anybody were being qualified to purchase homes. A lot of my students bought homes. They didn't have to have the salary

capacity to -- to -- in their budget to pay for their -- their homes. So anyway they are losing, they stand to lose their homes. But anyway I think this is great, but I also want to expand like mr. davis said. We're having a lot of families lose their homes, a lot of homeless families, the situation not being spoken about. What happens with a lot of homeless families, I'm going davis, they will go into a motel situation. This is very expensive and back in 2005 we were instrumental in getting to redefine the definition of homelessness to include people in motel situations. changed the definition of being homeless and say well you have a structure and a motel so you are not homeless anymore. We are meeting with the new secretary and the new secretary general we are dealing with the homeless veterans issues and their families. I applaud your comments, mr. Davis. I stand by them, I support you and the community supports you 100% because a lot of people in east austin stand to lose their homes to foreclosure. Please maybe we can get a better definition of the mfi situation that's outdated, also has been notified in san antonio and washington also that we need to get a redefinition of the mfi formula. I keep it at that. davis' statement. You stole my thunder. That's okay. We concur on a lot with the city of austin and throughout the united states. Anyway, thank you all very much. If you could do an outreach even in the spanish newspapers, community newspapers, that would help out for the folks that are lacking in english speaking. Thank you all very much for this support for the families out there, thank you and the people.

Thank you, mr. pena. Also note that duane lofton signed up wishing to speak -- not wishing to speak, in favor. Margaret shaw if you could give us a schematic update or analysis of hera, how we think we can utilize this opportunity.

Absolutely. Margaret shaw director of neighborhood housing and community development. Councilmember morrison handled most of the key facts. I did wants to make sewer that folks in the chamber of commerce -- make sure that folks in the chambers and listening know that we have a public hearing on the neighborhood stabilization program. We have not finalized the details, that and our consolidated planned community needs, public hearing will be held here next week, in city hall on , we will be collecting information on that. I also want to say I believe it is a paradox and irony that this program is not to be used to prevent foreclosure, it is only to be used for homes that have already been foreclosed upon. People have been out of the home for more than 90 days. It just simply allows the city to go in, purchase those homes, repair them and sell them [indiscernible] so we again are seeking as many funds as we can to increase affordable housing here in austin. And we appreciate the support of council. Thank you.

Thank you, ms. shaw. And so -- so council that concludes all of our testimony on this item no. 12. The resolution regarding authorization to the manager. Further comments, questions? Councilmember martinez?

Motion made by councilmember martinez to approve item no. 12. Sendinged by councilmember morrison. 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. Council, that concludes all of our potential discussion items. At least prior to executive session. And so without objection, we will now go into closed session for our amended or shortened executive session agenda for the day to take up potentially legal issues 11, legal issues regarding the interlocal agreement with Travis County ES number 9, which relates to agenda items 13 and 14 much. As well as potential legal issues regarding the annexation of the peninsula area, item 13, which also again of course relates to item 11 and 14 and we may also take up legal issues regarding the collecting of ad valorem property taxes within the Lake Austin shoreline area, which is adjacent to the peninsula area, which of course relates also to items 11 and 13. So you may take up all of these broad issues -- we may take up all of these broad issues regarding ultimately the annexation of the peninsula area in closed session. We announced earlier we will not take up items 34 or 35, legal and/or real estate issues regarding the Lions Municipal Golf Course as staff is not here to give us that presentation. And in closed session we may 33, 086 of the Open Meetings Act, that is Austin Energy's generation resource plans. We are now in closed session. I do anticipate us coming back out right at noon in order for us to take up our general citizens communication. We are now in closed session. Thank you. Test test test test lair lairs restrictive cofts cofts Paul Robins we are out of closed session. In executive session we took up agenda item 33 regarding Austin Energy's generation resource plans. We also took up agenda -- agenda items 11, 13 and 14. We did not and will not take up agenda items 34 and 35. So we have ended our executive session agenda for the day. And council, that takes us a little bit past noon to our general citizen communication part of our agenda. We have a full slate of citizens to give us testimony. Our first speaker today is Gus Pena. Welcome, Mr. Pena. You will have three minutes to be followed by Brian Leonard.

Good afternoon, Mayor and Council members, Gus Pena again. All the issues that are listed on the agenda today under citizens communication in general are the ones that are most highly and critical that the community has asked me to address. The recession again is affecting many people, especially the poor and the needy, the have-nots and the less fortunate. Affecting everybody that has money. Social service agency will need an increase in funding to meet the needs of all. I have been speaking about that issue for the last four years. Our military veterans need affordable housing, mental health treatment, jobs, job reentry problems. Yesterday at the Doubletree hotel we had a big meeting involving the Texas Veterans Commission. All veterans service officers came home from the state of Texas to Austin. A lot of good issues were brought up, housing, how to keep their employment intact that -- the jobs they had before they were deployed to Iraq and Afghanistan and other places, they're losing their jobs because the law stipulates, federal law stipulates that you will keep your job when you arrive back from combat or you are successfully discharged from the military service. Issues, again, homeless families, we're going to discuss with the chief of staff of the Secretary of HUD and Secretary of Veterans Affairs regarding changing the definition of homelessness and it will include people in motels, families in motels. So, plenty of SRO, single room occupancy units are being built in Austin. Not too many. We need to change the mind-set. Many families are losing their homes due to not being able to pay rent. I'm glad to hear elected officials talking about funding for social service agencies. I hear a lot of the county commissioners court that the legislature at school board meetings and of course here I'm glad to hear that candidates who are running for mayor and other candidates be advised, there's a group of people

out there in the community that are educating people who are not astute on the concerns and issues in the city and travis county. They're aware of the need to educate people to vote. Basically that's all I have to say. I wanted to say please, again, mentors and students are needed for students -- tutorial, math and reading, a lot of our students are lacking in tutorial for along break algebra, a requirement of 4 years by the texas education agency, and also project help at the -- in the austin independent school district, homeless families, enrolled in school. They need help and funding for bus passes. A lot of parents do not have transportation. This is their other alternative to get to jobs and everything, and I ask that if you-all have anybody that knows any funding, direct it to the austin independent school district and they will direct it under their umbrella number so they can help the homeless families and the kids get bus passes. They need transportation. Thank you very much for your time. Have a good afternoon and god bless you-all. thank you, mr. pena. Our next speaker is brian leonard. Brian leonard, signed up wishing to give us testimony, as did rae nadler-olenick. Sorry if I mispronounced that, rae. Welcome back. You will have three minutes to be followed by john walsh.

Good afternoon, mayor wynn and council members. Let's talk about dental sclerosis, lifelong affliction of the teeth now a conflicting approximately a third of america's school children. Caused overwhelmingly by artificially fluoridated water. The american dental society doesn't deny this. In fact, they openly admit it. Their attitude is so what. I hope you'll read your handouts carefully because the information that's contained is very important. Suppose your dentist said to you, I want to try out a new cavity fighting miracle drug on your family. We'll mix it into the water. There is a one in three chance that your child's teeth will look like this, but if it happens, no problem. It's only a cosmetic effect. Would you consider this a good trade-off even if the product did perform as promised, that is, if it actually delivered. Some -- excuse me. Statistically tiny reduction in cavities over a laugh time, along with the unsightly discoloration, would you think that in your child's best interest? That's exactly what the ada wants you to think. Don't worry, be happy, they tell you. Those sustain pitted teeth are outstandingly healthy. Do you believe them? Look at the underlying sentence of your handout. I quote, enamel sclerosis is not -- affects the way the teeth look. They got it partly right. Fluor oasis is not a disease, it's a symptom. It occurs to the teeth when calcium was replaced by fluoride at an early stage, damage that continues eternally manifesting in the bones as long as the individual continues to inject too much fluoride. To say fluor oasis is cosmetic is saying that the ruddy complexion of tuberculosis is okay. It's the sign of much deeper health problems. 8 parts per million fluoridation, as you see now, the visible symptoms will more often manifest as e flecks than deep brown stains. The symptoms will be less objectionable but the problem is there and still ongoing. Austinites age 35 and younger have been drinking fluoridated water all their lives, and over the pass decade the demand for teeth bleaching and veneers here and elsewhere has exploded. Could there be a connection between widespread fluorosis and the burgeoning industry of cosmetic dent try? Meanwhile the ada clings to their blanket endorsement of fluoride while simultaneously advising concerned parents to feed infants on breast milk or buy unfluoridated bottled water to mix with the baby formula. The dental center for disease control takes an identical position. Neither organization has the true public interest at heart and it's a real shame. Thank you. thank you, rae. Let's see, our next speaker walsh wished to give us testimony. Also signed up is nailah sankofa. Nailah sankofa. Sorry if I mispronounce that, ms. sankofa. To be followed by alan ruddy. Alan ruddy, also signed up wishing to give us testimony. Mr. ruddy, are you here? Welcome. Apparently

over folks couldn't make it. You'll have three minutes to be followed by john hynes.

Mayor wynn, council ought, I'm here to talk about the damage being done to lake austin. How many of you have taken a boat ride on lake austin since you were sworn into office? How many of you traveled the full 20 miles from tom miller dam to mansfield dam. Just one. 1963

primary source of austin's water supply. Lake austin is an integral part of the highland lakes, and the lake and its environment must be preserved and protected to promote austin's economic well-being. 10, if the lake austin watershed is not developed -- is not developed in a sensitive and -- the recreational benefit to lake austin will be forever damaged. Here we are 25 years later, and I'd like to add this statement. Every property owner along lake austin has a moral responsibility, responsibility to respect and protect lake austin. In one person, no group of people are more important to lake austin. I don't care how reach they are, what political connections they are, how arrogant they are or how big or small their egos may be. No one is more important than lake austin. Lake austin must come first in all matters. Lake austin first must be the rule that guides your decisions and policies. The current procedures the city has in place dealing with lake austin are not working. Lake austin is not included in the current watershed plan, nor are we included in the austin neighborhood planning process. Lake austin is a very unique 20-mile long neighborhood that is part of the city of austin. You may have heard the old saying about a death by a thousand cuts. Lake austin is being killed by a death of a thousand permits and variances. The city needs to consolidate city staff that deal with lake austin. The department that will coordinate your efforts to protect our water supply and lake austin. City staff and the development, water quality, zoning, planning, environmental protection, fire and park departments cannot protect lake austin from their offices at one texas city -- excuse me, one texas center or city hall. Just because we have a 50-year contract with the lcra doesn't mean the city council can ignore our water supply. I have more but I'll beat this to death. Thank you for your time. And remember, you are trustees. I can make arrangements for tours of lake austin if you need to. Thank you. thank you, mr. ruddy. Let's see, john hynes, also wished to give us testimony. Welc hynes. You too will have three minutes to be followed by richard troxell.

It's basically a way of allowing national service to become part of what the military does and what the federal work force engages in. I think we're seeing in these tough economic times that in order to move forward with the needs of protecting the environment, as this gentleman has said, and also how we're going to deal with global competitiveness, it's a national issue, but of course all national issues end up being local issues, and this concept here of the bright future initiative is to set aside a certain portion of growth national product and to put that into the infrastructure stewardship, and education. This would be directed by congress and signed by the president. I've been able to travel recently from texas to vermont doing a public survey and asking people on the street if they thought this would be a good program, and I got an approval rating of over 80%, and this approval of about 3%. I think the reason that it works for a lot of people is that we realize our military institution, these folks can do just about whatever they're asked to do. They're on call and under orders for 24 hours a day. They have a limited term of enlistment, and the institution as a men's organizational logistical and engineering capabilities, which we have seen throughout history that military subvention will generally lead to general commercial applications, there's a migration between the things that are developed whether it's aviation,

aerospace, the internet. The list goes on and on. They're able to take ideas 57600

there's a way that you can sign, say whether you think it's a good idea, a bad idea or no comment. And if you could do that, i will go ahead and collect them and as I said, dumbness around the -- around the country we've gotten a really good response. thank you, mr. hynes. Next speaker is richard troxell. I'll just reserve some time to actually read it and study the issue a little more, frankly. You're welcome to contact the mayor's office, and frankly probably in a matter of days, and give us a chance to look at this and consider the issue. We're in this building. You can go up to the second floor and there's a receptionist for all the mayor and council offices on the second floor of this building. You're welcome to approach council offices in the hynes, and some may choose to participate, some may not. Thank you, sir. Let's see, our next speaker were richard troxell. Richard troxell signed us to give us testimony. Be foll phillip dick, and then lastly to be paul robbins. Welcome, paul. You'll be our final speaker today. No, there's a number of folks that -- probably the majority of our speakers today didn't show. So you -- you get to conclude with three minutes. Welcome.

Council, I'm paul robbins. I'm an environmental activist and consumer advocate. I thank you this morning for taking a small step to assist par tis pa the other dmok -- participation democracy. I'm asking you know to take a much larger step. I'm asking you to reinstate the custom tradition and right of citizens to vote on utility debt for electric, water and wastewater utilities. The city charter specifically grants the public the right to approve revenue bonds until about .until about ten years ago, this was a common thing, but it was phased out. It should be reinstated on an interim level until the next city charter election, and then affirmed or changed at that time. It has been suggested that since state law supersedes city law and state law allows the city to ignore voter approval, that a charter provision, even one reaffirmed by the voters, would not be legally binding. I therefore recommend that the charter be amended to require a vote for revenue bonds and long-term power in water sales. The vote itself would be legally binding. The council could technically ignore the voters' intent, due to state law, but the council would be tempting fate if it did so. I think this is the best balance that I can think of at this time to make this legally binding and still maintain the firewall that we need to have fiscal prudence. I would recommend that this or similar things be considered in the next charter review commission. Mayor, I'm sure you're grateful that you won't be countenancing over that new commission, but several others of you will. Thank you. thank you, mr. robbins. And council, I see that richard troxell has joined troxell, you're welcome to come give us testimony.

Thank you, mr. mayor. That was very kind of you to allow us to continue to speak. Thank you, sir. Good afternoon, my name is richard troxell. I'm president of house the homeless. I am a former volunteer firefighter than a fosmer marine. I'm the author of the blue gray task force concept using retired police officers to solve unsolved crimes. I launched the mobile mini-police station now used in five states. I'm an associate member of the sheriff's association and a graduate of the austin police academy. I say this to emphasize my respect for the austin police department but am shocked and saddened to report an incident i personally witnessed on we had, january 7, at approximately 12:45 p.m. I saw a police officer sweeping the sidewalk of people at the arch homeless shelter. I saw one officer dragging a mentally ill deaf woman by the arm while she screamed at the top of her lungs. I saw police corral homeless people underneath the overhead building structure and tell them they could not use the sidewalk because they

were blocking it. You can see from this picture, Stewart, up here, please -- three people lying head to toe, head to toe, head to toe, and I can still get by. The point is that one person by themselves cannot block this sidewalk. Regardless, I was repeatedly told by several of the officers that these people were blocking it. How so? Are they cattle? Are they joined at the hip? Ridiculous. On New Year's Eve we have 70,000 people on Sixth Street. They blocked the sidewalk. Were they arrested? 170? No, only 7 people, for individual other offenses. On January 7 four people were arrested. When asked why I was told that I couldn't be given that information because they were, quote, in process. This is not true. That's a blatant falsehood. The police, however, intentionally gave the impression that people were arrested for blocking the sidewalk. Not true. They were arrested for unrelated issues. But the police wanted people to think they could be arrested for this misdemeanor offense. They terrified these people. People were shaking. They were visibly upset. The police had created a potentially volatile situation when there had been none. The city of Austin spent \$8 million on the arch building. We invite people to come and use the services. Then as one sergeant put it, our aim is to intimidate the drug dealers. Is that our policy, to treat people like a herd. The people are not been enforcing the one city line, and then suddenly, in a ploos action with a large number of officers, they stepped in and used cattle -- broad brushing all. We found police are selectively enforcing the law and do not know the law or choose to ignore the law and are acting outside the law. We have provided booklets to city council produced by legal aide aid to highlight the laws, use it with bullet point clarity. Note, if the police had presented the folks with a simple flier informing them of the new policy they would not have created an atmosphere of fear, intimidation and near riot situation. 60% Of these people were physically and mentally disabled. If you are going to enforce a no sitting, no lying down ordinance to a people that you have invited people into out of which they spill over and then at the very least you must provide them with benches so they can sit down with dignity and respect. This has become a civil rights issue, and the Austin Police Department has indicted itself. The city needs to, one, step in; two, set the tone; three, clarify the law; four, provide these people with dignity, fairness, and finally, permanent outside benches. Thank you. Thank you, Troxell for bringing this to our attention.

Thank you, Mr. Mayor. So, Council, that concludes our citizen testimony for this meeting's general citizen communication agenda item. Before we go -- technically we don't have any discussion 00 afternoon briefings, the first of which is to be a staff briefing on the business retention and the enhancement pilot program, the second to be update on the water partnership with LCRA. If you do remember in closed session, Council, we did take up and discuss legal issues regarding agenda items 11, 13 and 14, all essentially related to annexation issues in -- to the southwest of Austin. We -- technically these three items are posted for action, 11, 13, and 14, we've had our legal discussion in closed session. I'll now entertain a motion on any of those items, 11, 13 or 14. There being no motion on items 11, 13 or 14, those items are withdrawn from our agenda. Thank you. Council, without objection, then, I'll now recess this meeting of the Austin City Council until 2:00 p.m. It is now 12:30. I do -- let's see -- I take that back. It's 12:30 now. The two briefings I think are only approximately -- slightly less than 30 minutes each, so without objection I'll recess this city council meeting and announce I'd like to in order for us to take up this briefing, that in theory 00 zoning cases. So we're in recess for approximately two and a half hours until 3:00 p.m. Thank you.

Mayor Wynn: There being a quorum present, at this time I'll call back to order this meeting of the Austin

city council. It's 10 minutes after 3:00 p.m. We've been in recess now for almost two hours. This takes us to our afternoon briefings the first of which a staff briefing on our business retention and enhancement pilot program. Welcome mr. rodney gonzalez.

Mayor, mayor pro tem, councilmembers, rodney gonzalez, acting director for the economic growth and redevelopment services office. In the presentation today, i will be briefing you on the background for establishing the bre program, providing you a summarized reports made through the program, loans collected from the program area and lastly talking about recommendations for the program. In 2007, the city council created a chapter 380 economic development program called the [02:14:00] business retention and enhancement program t purpose is to support the reestablishment of congress avenue and east 6th street and urban retail and intern at the same time destinations through the provisions of low business loans. The program means to aid -- that recommended a reinvestment in downtown retail, specifically in the area of congress avenue and east sixth street due to the declining retail activity SINCE THE EARLY 1980s. The bre program is set up to accomplish several goals which is improve the image of congress avenue and east sixth street for visitors and tourists. To enhance east sixth street's live music and entertainment district, to stimulate private retail investment within the area through property development and expansion and to improve the quantity and quality of goods and services available within the area and to create and retain jobs. Council, when the ordinance was adopted, the program was given an effective time period of 24 months. Each was tasked with add ministering, monitoring and evaluating the program and returning to council with a report prior to the end of the 24-month period. Today's briefing includes staff evaluation and report. I'll quickly cover the background of the program beginning with the eligible area council established the eligible area was congress avenue from 11th street on the north, lady bird lake on the south and east and west of congress avenue and the area of east sixth street bounded by congress avenue on the west, the southbound frontage road of you've on the east and the alleys directly north and south of east sixth street. The bre program is specifically designed for businesses who would want to [02:16:00] locate to the eligible area and existing businesses who are currently located in the eligible area that are at risk of being displaced because of development. Only certain business uses are eligible for the program. Those uses as defined in section 25-2-4 of the city code are art galleries, food sales, retail sales, restaurants, theaters and indoor entertainment. And to clarify, indoor entertainment is predominantly a spectator use located within a building such as a live music venue. The loans made through the bre program may be used nor facade improvements, tenant finish-out and business-related equipment. The loans provide up to \$250,000. Included in the program guidelines there is a special circumstance provision for existing businesses at risk of displacement. In such cases the city may increase the loan amount up to \$750,000. The city may also choose to forgive the balance of the loan after five years of successful operation without no loan default or late payment. In 2008, the city council approved two loans for the bre program. The first is to apple annie's. This project includes purchase and renovation of 319 congress avenue. Apple and knees agreed to retain an existing base of 23 employees and create 20 new employee positions. A bre loan in the amount of \$250,000 was made to apple annie's for a 15 year term at a 6% interest rate. Apple annie's is currently renovating the building and anticipates opening this april. The second bre program loan is to el soly la luna. They agreed to retain an [02:18:00] existing base of 25 employees and create eight new positions. A bre loan in the amount of \$250,000 was made

for a 5% interest rate. They are currently remodeling and anticipates opening in march. Sources of funds for loans made through the bre program come directly from development within the area. Specifically these revenue s are alley vacation sales, temporary use of right-of-way and license agreements. As depicted, there have been no alley vacation sales in the vacation area during this period but no revenues from this source. The bulk of revenues generated from vacation sales. Another source is license agreements which total \$189,573 for the period. There is another \$20,343 in revenue which consists of interest earnings from revenues deposited into the bre program fund. This is not to be confused with interest earned from the two loans approved thus far. As the next slide will show, the city will earn interest on these two loans. Payments from the two loans will start of a february 2009. After deducting the two loan commitments of \$250,000 each to apple annie's and he will soly la luna, this leaves a balance of \$161,805 in the program. The bre program is the revolving loan program. This means principal and interest payments from existing loans are returned to the program to allow for other loans to be made. In addition to the \$500,000 principal loans so far, the city will earn \$156,369 in interest over the term of [02:20:00] those loans. This represents a total repayment to the city of \$656,369. Mayor and council, significant interest from is an effective economic development tool that is meeting the intended goals of improving the image of congress avenue and east sixth street, enhancing east sixth street's live music and entertainment district, stimulating private investment and creating and retaining jobs. It is important to note funding for the program comes from two sources. First, development occurring within the program area and, second, as a revolving loan program, the loan repayments which include principal and interest are deposited back into the program. It is because of the program's effectiveness that egrc recommends the continuation of the program as an ongoing economic development program of the city. And in keeping with the effectiveness of the program, egrc recommends special circumstance provision which provides a venue for forgivable loan is removed from the program. Mayor and council, this concludes the briefing on the bre program. The next step from here will be to bring an ordinance for your consideration on february 12th that will amend the program to make it an ongoing program and to eliminate special circumstance provisions. At this time I'm glad to take any questions and comments you may have regarding this presentation.

Mayor Wynn: Thank you, mr. gonzalez. Questions for staff, council? Councilmember shade, then martinez.

Shade: I'm just curious how we do the -- how we monitor and audit compliance and if they are in fact meeting the -- you know, if they are actually meeting the employee creation goals and that sort of thing. How are we monitoring that? [02:22:00]

Monitoring and compliance will be standard like what we do with our existing chapter 380 grant program. It's an annual compliance review. The annual compliance review hasn't come up yet. The requirements will likely be -- need to be met by the end of the construction and remodeling.

Shade: Do we have enough of a history I mean in terms of payments for everybody is paying on time and there's not any issues there?

The payments aren't supposed to start until after february 2009.

Shade: Oh, for both of them.

For both of them. So far neither of them have drawn down construction loans.

Shade: Will we be using an outside audit?

We will be using a independent party for that review.

Mayor Wynn: Councilmember martinez.

Martinez: Rodney, can you elaborate on why staff feels like the special provisions portion that was created in the original part of the program should no longer exist when this is over?

The program is a revolving loan program and it really helps to make future loans when you can get the repayments back. And when you forgive a loan, that also prohibits from making future loans.

Martinez: So it's mainly because of the potential [inaudible].

Yes.

Martinez: And this was something that i wholeheartedly supported and i still do. I think it's a great program. I think it's turned out exactly as we intended. There was one specific case that created this process, but what we've seen now is small businesses have moved to congress avenue and are benefiting from this program. And specifically speaking of the los menitas case, the provisions that we put into this program would that it would be forgivable only if the business stayed open and met its requirements and only if, you know, it didn't change [02:24:01] hands. If the business sold or if it closed its doors, that loan was not forgivable. But again, that's waterway under the bridge several years ago, but folks still seem to forget that and that's why they turned down this loan. They felt like it didn't work as a business model for them. What we've seen with apple annie's and now the other, i think what we've created is actually having its intended effect by bringing those retail, nonbar type businesses, you know, to the downtown corridor area. I appreciate you guys doing this and I will be supporting this. I think it's a great program. And I will also look to try to increase funding wherever possible. If we can get creative and find some other sources because as you see now, we can't even provide a \$250,000 loan right now because we don't have that in the remaining balance. So I would -- you know, I'll just hope that we can somehow find additional funding sources for this program in the future. Thank you.

Mayor Wynn: Councilmember leffingwell.

Leffingwell: So the special circumstances provision that you are recommending doing away with.

Yes.

Leffingwell: That is the forgivability aspect of the loan.

Yes.

Leffingwell: Is there anything else?

That is it. That is the only program change other than extending the program beyond the pilot period.

The size, 250 up to --

yes, and that special circumstance provision contains that 750,000. So everyone within that special circumstance provision, which is the forgivability and the upping it to \$750,000 would be removed from the program.

Leffingwell: Well, let me just say that when this comes back up, I'm going to be supporting the staff recommendation on this because I don't think the forgivability aspect of this program adds anything to it. And in fact as you pointed out, it tends to deplete the [02:26:01] fund over time and does not contain and doesn't have the ability to renew itself as these loans are paid off.

Mayor Wynn: I will say like councilmember leffingwell, it's going to evolve with the original concept, frankly with a single business being displaced that was the genesis behind the program, but as the program took shape, it was and remains fully supportive of it. Given the con he want taking these one time unbudgeted tax dollars and not dollars that the development create that calls for city expenses like the building fees and those sorts of things that the city has to deliver services for, these are lane rentals, alley vacations, license fees, things that the city doesn't have to fundamentally perform service for those fees. So unbudgeted one time nontax dollars along congress avenue and let's use them in a judicious way and I'm really pleased two loans have been made. I agree with my colleague's earlier comments and I would say lesson learned, however, we took so much time in in addition to crafting this program, but frankly slugging through the, you know, real world politics of the one business displacement on congress avenue that we have in the foreseeable future have lost that development going forward. The marriott hotel was the genesis for this concept, it was going to generate over \$600,000 into this fund. More importantly, it was going to generate 400 construction jobs for three years and then was going to generate 615 full-time permanent jobs on that block. Good jobs. These are jobs, our visitor [02:28:00] industry has been delivering fantastic jobs when it comes to accessibility to nonskilled labor force here in town, the ability to move up the ladder within an organization. These are good paying jobs with benefits and so we lost the 400 construction jobs or so and the 600 permanent jobs because I think we delayed that project to death. And here in this economy, i think we would greatly -- i wish we had those hard hats over there on that block and then knowing that 615 -- frankly probably relatively low skilled unemployed austinites could be hired at that block is disturbing but it's a lesson learned and hopefully we'll figure out how not to stall future projects to death because we're going to desperately need the jobs in this market to enable austin to have the general fund revenue services that those demand. I'm

very supportive of the concept. I think the program is successful. Wish we had one more big project funding it, but we don't, but I look forward to taking action on it as well. Councilmember shade.

Shade: I'm just curious if there are other ways to -- I know on one of the two, on one of them it's a pretty big change in the business itself.

Yes.

Shade: And I wonder what other kind of support do we provide besides the loan itself. Do we -- you know, I don't know if I want to wait, you know, by 2009, you know, if the model is not working, what happens we end up with equipment. Do we partner with any of the local organizations that provide support to small businesses? You know, do we have services in the city that helps these businesses? I mean it's a pretty big deal [02:30:00] to change locations and to expand as much as I know one of these restaurants is doing. So can you tell me what we do on that?

There is specifically the department has a small business program division. The administrator is vicky valdez. And we offer a variety of services and small businesses. Predominantly with how to operate their business we offer classes on things like how to operate quick books. We offer classes on how to expand your business, how to make it grow. We connect businesses with other lenders. And with this specific loan, we connect el so I and rosa helped craft the application with them and so she looked at the business plan as well. She was pretty confident that the business plan would work. And we talked sales with them as well. We asked a variety of questions with regard to the expansion of their business because it's pretty big they were talking about doing.

Shade: Obviously I hope it's really successful and we want amigss for everybody z further questions of staff, comments? Thank you, rodney. We look forward to action on this as well. Thank you. Council, our second afternoon briefing is an update on the city of austin and lcra's water partnership, I would probably say partnerships as there have been a number of moving parts. Welcome assistant city manager rudy garza.

Good afternoon, mayor and council. Very quickly, as you recall, we spent several months working closely with lcra as part of negotiations which resulted in the june 2007 agreement and then further a supplemental agreement in november of 2007. Part of that agreement did two [02:32:02] things. In addition to several others. It formed an ongoing team, the executive management committee that would continue dialogue and communication with lcra, and as part of that and to ensure that we are keeping the public informed, it also has a requirement to the mayor and council by city staff as well as an annual report in public to the lcra board of directors by the lcra staff. So today greg will be giving you our report for 2008. I do want to say, though, to acknowledge the tremendous cooperation and communication we are receiving from tom mason, general manager of lcra and his staff. I think we've made tremendous progress over the last several months and look forward to continue working with them in 2009. With that I'm going to turn it over to our water utility director, greg.

Thanks, rudy, mayor and council, greg mazarus. Just a few brief slides on our annual update with the

partnership t partnership stemmed out of our settlement agreement of 2007. The partnership element was formed to -- can I get the slide presentation? Okay, well, I think the council has the hard copy. I'll just work off that. The partnership formed in 2007 out of the settlement and was intended as the element to keep the two agencies working cooperatively together on both long-term water supplies, optimizing existing supplies and being mindful of environmental needs in the Icra and the lower colorado river basin. It really created a joint management struck to fork together. The executive management committee, two members of austin water, myself and rudy, and two members of Icra that help on executive management committee. There's a series of subcommittees that support the [02:34:00] executive management committee. An outside stakeholder group that consists of stakeholders across the basin representing residential, industrial, environmental and other related stakeholders. We have a technical advisory committee and some special committees, particularly water conservation and water quality that help advise our executive management committee. In 2008, the key activities were really formative in nature. This was our first full year of the partnership getting off the ground. We got the executive management committee and its bylaws started. The other committees were formed including the naming of the stakeholders that council and Icra did. We had a lot of technical discussions underway on water issues. Probably where we saw the most collaboration of this first year was water conservation. The two agencies worked closely. We signed a joint marketing agreement together. We worked to harmonize our schedule so they both reflected the same of the two agencies and we're looking long term at looking at joint purchases of low flush toilets and other conservation related items. In 2009, our planned activities are to continue the coordination that we started in 2008. Also in 2009 we expect to see additional activities on a joint application at tceq that deals with the way austin water and Icra work through the process of austin just go indirect reclaimed water. When we release water back to the river, that was one of the areas of conflict in the past between Icra and austin in terms of those rights to reclaim that water, and we're working now jointly together and will do a joint application for that water at tceq in the future. And that concludes my overview and we'll be happy to answer any questions that you may have.

Mayor Wynn: That was brief. Spent six years talking about this. Questions for staff, council? [02:36:01] Comments? I'm half joking but I think it's good news frankly we can summarize this in relatively short fashion because it was a long, arduous, complicated road to get here. And I'm pleased to see and hear there are additional small pieces of progress being made on additional coordination and cooperation with Icra.

We will get the presentation on our website so the general public can see the slides that I just discussed also.

Mayor Wynn: Thank you. Again, further questions of staff, council? Comments? Thank you, greg.

Thank you.

Mayor Wynn: So then council, we've finished our briefings in short order and technically we don't have the ability to take up any items 00 time certain posting for our zoning matters. So without objection, I'll

recess the council meeting for the next 26 minutes and we'll reconvene at 4:00. Thank you very much.

Mayor Wynn: There being a quorum present, at this time I'll call back to order the meeting of the Austin city council. It's around 4:07. We've been in recess the last 30 minutes or so. 00 zoning greg guernsey.

My name is greg guernsey, neighborhood planning and zoning department. Let me walk through what I believe are the consent items. For zoning ordinances and restrictive covenants, these are the items where the public hearings have been closed. The first item I would like to offer for consent would be item 38, c14-2008-0094, known as the 8th street triangle property on the 700 block of EAST 8th. This is a zoning change to central business district, central you are been redevelopment. This is ready for consent approval on second and third reading. Item 39, this is case c14-2008-0148 for the property at 1410 west ben white boulevard, a zoning change request to general commercial services, conditional overlay. We do have an ordinance that reflects your first reading action. There is agreement between the neighborhood and the property owner to add one additional use, which is restaurant general use, back. There is still disagreement regarding auto sales. If you would like we can discuss this further or if you want to give us some direction regarding this item, you could leave it on your consent agenda.

Mayor Wynn: My recommendation is that we take it up after we pass the consent agenda.

Okay. Very good. Item number 40 and 41, these are in the oak hill area and are related. Item 40, case np-2008-0025, tract ag. And the related item, item 41, case c14-2008-0115 for the property at 4808 west william cannon drive. And this is a zoning change related to that item. We have the owner has requested a postponement of these cases to the 12th of february. I've been -- met with two of the neighborhood representatives here tonight regarding the neighborhoods that adjoin this property and they are in agreement to the postponement. So those both items 40 and 41 can be offered for POSTPONEMENT UNTIL THE 12th.

Mayor Wynn: Thank you. Our proposed consent agenda on these cases where we have already conducted and closed the public hearing would be to approve item number 38 on second and third reading, and to postpone the combined items 40 and 41 to our thursday, FEBRUARY 12th, 2009 MEETING. I'll entertain a motion on that proposed consent agenda. Motion made by councilmember morrison, seconded by the mayor pro tem to approve the consent agenda as proposed. Further comment? 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 continue with our items we can offer for consent under zoning and neighborhood plan amendment items. These are public hearings and possible action. Item 42, c14-2008-0222 known as the william cannon property located on west william cannon between beckett and ridge oak road. Staff is requesting postponement until march 26. Planning will consider this on their march 10th agenda. Staff is asking for postponement on item 42. Item 43, case c14-2008-0236, this is known as the roadway express property at 9018 tuscany way. To change the zoning to limited industrial service, conditional overlay. The zoning and platting commission recommendation was li-co. This is ready for consent approval on all three readings. Item number 44, c14-2008-0240 for the property located at 4701 north ih-service road northbound, a zoning change request to community commercial

mixed use conditional overlay neighborhood plan, combining district zoning. Planning commission recommendation was to grant the zoning and this is ready for consent approval on all three readings. Item number 45, case c14-2007-0262, the central austin combined neighborhood planning area, this is a discussion item. Item 46 is case c14-2008-0112 known as the minware property. This is also a discussion item. Item number 47, c14-2008-0117, rey debsstos, 5811 manor road. This is also a discussion item. Item 48, c14-2008-0217 for the property at 8524 peaceful hill lane. We have a neighborhood postponement. Applicant agrees to the 12th of february. Item number 49 is case c14-2008-0237, this is for the property located at 7810 to 7816 hudson loop to zone the property to general commercial services mixed use conditional overlay. Planning commission recommendation was grant cs-mu-co-np. Ready for consent approval on all three readings. Item 15 c14h-2008-0023, 4213 avenue g. We have a council postponement request to the 26th agenda. We are aware both sides, the owner and the neighborhood, are still negotiating trying to work out an agreement regard ing this house. I would offer this as consent postponement to your february 26th agenda. Item 51, case c 814-06-0233, known as the wildflower commons planned unit development, located on sh 45, I understand council would like to postpone this item to your february 12th agenda. The owner or the applicant has acknowledged that and is in agreement with that so I would like to offer that as consent postponement item as well, item 51, to your february 12th agenda.

Mayor Wynn: Thank you, mr. guernsey. Council, our proposed consent agenda on these cases where we have yet to conduct a public hearing is to close the -- sorry, postpone item 42 to our MARCH 26th, 2009 MEETING. To close the public hearing and approve on all three readings cases 43 and 44. To postpone item 48 to our FEBRUARY 12th 2009 MEETING. Close the public hearing and approve on all three readings case 49. And to postpone item 50 to our FEBRUARY 26th, 2009 MEETING, And to postpone item 51 to our FEBRUARY 12th, 2009 MEETING. I will entertain a motion on that proposed consent agenda. Motion made by councilmember morrison, seconded by the mayor pro tem, to approve the consent agenda as proposed. Further comment? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 7-0.

Thank you, mayor and council. That takes us back to item 39, the public hearing has been closed and the relates to the property on 1410 west ben white boulevard. We have prepared an ordinance for your approval reflecting your first reading action on item number 39. We did want to note that the property owner and representative and the neighborhood have come to an agreement to include restaurant general as an additional prohibited use. The owner would still like to include auto sales on the property as a permitted use, and currently that is a prohibited use that the neighborhood would like to keep as a prohibited use, and you also included on your list of prohibited uses at first reading.

Mayor Wynn: So council, questions of staff? Comments? Councilmember morrison.

Morrison: As I recall this case, we were moving from gr to cs because we had a use on the site that we needed cs zoning to be able to accommodate. Is that correct?

That's correct.

Morrison: So they had worked with the neighbors, the applicant had worked with the neighborhood to go ahead and make that happen, but to prohibit the uses that they were uncomfortable with adding at that time. And there were significant number, I know there was negotiation, a significant number of agreed new uses to allow. So in that regard I think now that the neighborhood is comfortable also with the restaurant and especially considering that auto sales is the additional one --

auto sales is the use the applicant would like to add back. The neighborhood does not want. There is agreement to add as a permitted use the restaurant general use.

Morrison: Right. And so especially considering that I think we have plenty of auto sales are not necessarily something that we want to encourage there, I'd like to go ahead and make the motion that we allow restaurant.

General?

Morrison: General as a use, so remove that from the prohibited uses, and otherwise stick with the motion that we have on first reading. So hopefully that would be able to be something we could find a compromise.

Mayor Wynn: So we have a motion by councilmember morrison, seconded by councilmember cole. Just to make sure i guernsey, looks like we have an ordinance in front of us in yellow, and as I look at part 2, section a, it includes automotive sales as a prohibited use, but it says not include restaurant general. So this ordinance that we have here alliance itself with the motion and second on the table?

Yes.

Mayor Wynn: Okay. Thank you. So motion and second on the table, and this would be, let's see --

second and third reading.

Mayor Wynn: Second and third reading.

And just to note that the applicant's representative is here and there is a neighborhood representative here if you would like to hear from either one of them regarding this, but i understand that this is on for second and third reading based on your motion.

Mayor Wynn: Correct. Again, motion and second on the table to approve on second and third reading the ordinance for item number 39 that we have in front of us that continues to include automotive sales as a prohibited use but removes restaurant general as a prohibited use. Comments? Questions? I guess without objection, council, I would like to at least hear from our agent or owner perhaps one last plea or testimony from them as to their thinking remoing automotive sales as a prohibited use. Welcome, sir.

Mayor, councilmembers, may night is peter von weperfeld. I represent the owner of this tract of land. I think we've made wonderful progress with the neighborhood because we started with initially 60 permitted uses under this zoning or approximately 60. The neighborhood originally asked for about 55% of them to be excluded. We're down to 37 to be excluded right now. If you don't add in the auto sales. This would be -- it's a small tract of land. It fronts on ben white boulevard. It doesn't dump at all into the neighborhood, and so it would be -- if you had an auto sales there, it would be a mom and pop type of auto sales. And the neighborhood, again, whose representative I've worked with has been good working with her, indicated their main objection was against possible lighting problems caused by auto sales. Now, staff has advised me when I brought this up to them that in fact under co or cs that there is requirements that the lighting not intrude into the neighborhood. And that there's plenty of restrictions to cover that. And so it seems like this isn't really a major issue that hasn't been dealt with already by the ordinances of the city. Additionally there's another third of this tract of land that is zoned sf-3 that is directly behind this tract that adds as an additional buffer. So to put in, you know, to keeping auto sales out when we've got auto rentals and auto repair services that are approved uses here. So I guess I'm asking that effectively you ladies and gentlemen are the judges for the city of austin and I'm looking for a fair judgment and a logical judgment as opposed to one that would just be political because I realize I've got one gentleman that i represent as opposed to a whole neighborhood. And so we put it before you and just ask that you give it your best consideration. If you had any questions, I'll be happy to answer them.

Mayor Wynn: Right. Thank you, peter, for the concise testimony. Questions for the agent, council? Comments? Councilmember morrison.

Morrison: I wonder if we might also hear from the neighborhood about the issue of auto sales.

Mayor Wynn: Welcome, carol.

Thank you, I'm carol gibbs, the representative that peter so kindly referred to in our negotiations. It has been a very civil iced, very pleasant degree so i thank them for that. But from the flip side of this table, we also ask for a fair judgment on this because, as you all know, we are surrounded by used car lots already. As we're painfully aware. And our concern is not just the lighting on the car lot but the whole idea of the domino effect. This lot gets up zoned, the next one gets up zoned, they got conglomerated or aggregated by a future buyer, it may be one huge car lot or it may be something else huge in the list of uses that we have agreed to leave. So we're just trying to manage what we have to work with within the parameters that we have to work with and we know that, you know, he could have kept gr and kept a lot of uses that we are now excluding under cs. And we realize we're taking that risk, but what we're saying is we're willing to give them cs if he is willing to give up some of the uses he already has in gr. As for that sf-3 lot behind that is the back third or quarter of their property, that's a buffer only to the small house immediately behind. That's not a buffer to the other people on either side. Thank you.

Mayor Wynn: Thank you. Councilmember leffingwell.

Leffingwell: So you did not have an objection to auto rental or auto repair. Was that a compromise that

you made, those two uses or --

let's see. I have to get out our list. I apologize, I don't have a color printer so I don't have the blues and reds. Oh, I do have that. Auto repair services and auto rentals, yes, I guess we did allow that. It's been a long time since we dealt with that part of the list.

Leffingwell: Your rationale you consider that a compromise to allow some of these auto related use but not sales.

Uh-huh. Again, because auto sales is what we have a lot of there. We don't need -- we don't need more. We've got one two lots down. It's two that are two and three lots down.

Mayor Wynn: Councilmember shade.

Shade: This really is more of a question for staff, but are there guidelines that have changed about lighting for auto sales?

Councilmember, if they were to introduce an auto sales use as a new use and new lighting, the lighting that they would have would be subject to compatibility standards. The light source would have to be shielded from the residential zoned or use properties that are adjoining this tract. I think that's what peter was actually speaking to. Currently if the uses that were to continue, the lighting would remain the same, they wouldn't have to necessarily change that type of operation or business. But if they were to change the use and introduce lighting, yes, they would have to comply.

Shade: And the lighting isn't really the primary issue carol has raised. It's not the lighting. It's the biggest concern, not just the lighting. It's the proximity to -- i want to understand that.

It's the lighting. It's the general nature of used car lots. I mean y'all have heard councilmember McCracken talk about the blight up and down south la more on the other side of our very neighborhood and trying to get rid of that. So, you know, we're -- we've been in that battle. The environment, the atmosphere is just not a use that those -- again, I have to apologize. I live a mile from this property. I am speaking on behalf of the entire neighborhood association, specifically those neighbors that live immediately in proximity to this property. So I can't speak from a personal position, but that is -- we have met and discussed this. Back and forth after first reading. And this is what they came up with.

Shade: Thank you very much.

Mayor Wynn: Thank you, carol and peter. Again, we have a motion and second on the table. Second and third reading, item 39. Further comments or questions ?hearing no one, all those in favor please say aye. Opposed? Motions passes on second and third reading with a vote of 7-0. Thank you all.

Thank you, mayor and council. That brings us to item number 45, case c14-2007-0262 for the central austin combined neighborhood planning area vertical mixed use opt in, opt out process. Before we get

into item 45, we did receive a postponement kevin hunter, and his agent is here this evening. He is a property owner within this neighborhood planning area representing the owners at 791 west 38th street known as tract 10. And he has asked for a postponement of action on TRACT 10 TO THE 26th. Neighborhood representatives are here also. They would grant the postponement. They don't have an objection to postponement, but they would like you to consider this on your meeting on the 12th. So this would be a discussion postponement with respect to tract 10. Once we dispense with that issue of the postponement date, I'll turn this over to george adams and he will present the rest of the case. Right now we have a discussion postponement and you can hear from both sides on the merits of the postponement date. They both agree to the postponement, just the 12th OR THE 26th.

Mayor Wynn: Without objection let's hear from the person requesting the postponement first. I'm not sure if the agent or owner is here. Welcome. And since specifically in regards to the length of the postponement and/or the TARGETED DATE OF THE 26th.

Right, mayor, I'm peter on behalf of the owner, the owner's representative for 711 west 38th street. Tract 10 in the central austin vmu. When we initially received the vmu notice, we received less than the council designated vmu allotment at the planning commission. And because of that we also wanted to speak with the owners of the condominiums here. At 711 west 38th street. And our owners meeting is on FEBRUARY 12th. So because we received less than we had requested at planning commission, we wanted to update the owners and let them know where we stand and kind of take the next steps forward. [One moment, please, for change in captioners]

we met with kevin and he's been able to have a meeting with his condo association, it seems pretty quick turnaround, so we were surprised to hear there was this time delay. Also it's taken so long that we've actually lost one of our people who she moved away who put together our vmu application. So we just want to see it go forward.

Mayor Wynn: Understood. And again, we're talking about whether it's the next meeting or the second meeting. I think our calendar here is -- I don't believe we meet on -- I think our calendars here are misprinted. We don't meet on the 19th, we do on the 26th. Our next two meetings are february 12th and february 26th. So the issue here is which of those two will we hear tract number 10 and proceed with the rest of the item this evening. Councilmember leffingwell.

Leffingwell: This is the owner's first application for a postponement, so we're obligated to grant that. However, the next meeting is two weeks away and I think that should be adequate time to address whatever outstanding issues there are. So I will move to postpone tract 10 only until february 12th.

Mayor Wynn: So we have -- we have a motion to postpone tract 10 of item number 45, that specifically being 711 west 38th street. Motion by councilmember leffingwell. That I'll second. To postpone to the 12th. And again, always recognizing that we have the ability to continue postponement if that's needed. We have a motion and a second on the table postponing tract 10 to our thursday february 12th or our next city council meeting. Further comments? Councilmember morrison.

Morrison: I'd like to comment. I'll be supporting that motion, but I understand that the owner and the neighborhood have come very close to or thought -- if not already had reached an agreement, then it -- an agreement, then it fell apart before going to planning commission, so I want to encourage the parties to come back to the table and really try to make that happen because I think that will be terrific. I know that one of the issues that staff might be able to help with is I understand that one of the issues is the reestablish. Of connectivity of 37th street. And I wonder if staff might be able to take a look at that issue and see if there are any alternatives or options to suggest that might help things along.

We'll take a look at that.

Mayor Wynn: Thank you, councilmember. Motion and a second on the table specifically postponing only tract number 10 to our thursday, february 12th, 2009 meeting. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion to postpone tract 10 to february 12th passes on a vote of seven to zero.

Thank you, mayor and council. I'll turn this over to george adams and he will go through the rest of the cases.

Afternoon, mayor and council. I'm george adams with neighborhood planning and zoning department. Item 45 is case c-14-2007-0262 central austin combined neighborhood planning area vertical mixed use opt in, opt out process. If we could put the map up, please. The boundaries of the central austin combined neighborhood planning area are 38th and 45th street on the north, lamar boulevard and duval street on the west, martin luther king junior boulevard on the south, and i-35 on the east. North lamar boulevard, west 38th street, guadalupe and martin luther king, junior boulevard are classified as core transit corridors. The vmu overlay district along these roadways includes specifically [03:38:01] 57.95 acres on 70 tracts. The central austin neighborhood planning area committee recommended the to exclude tracts 2 through 6, 10 through 12, 14 through 52, 57 through 64, and 66 and 67 from the vmu overlay district. These tracts total approximately 49.1 acres. To apply the vmu dimensional standards and additional uses in office districts to tracts 1, 7 through 9, 13 and 65. These tracts total approximately five and a half acres. To maintain tracts 53 through 56 within the vmu overlay district, but to opt out of the vmu dimensional standards, the parking restrictions and other districts. Those total approximately 3.3 acres. To apply the vmu dimensional standards as an opt in to tracts 101 and 102. These total 1.62 acres. To apply the dimensional standards and additional uses in office districts as an opt in to tract 103, which is 5.96 acres. And finally, they recommended an affordability level of 60% of median family income for affordable housing units in the vmu buildings. ON DECEMBER 11th, 2008 AND January 13th, 2009, the planning commission heard this case and the planning commission concurred with the neighborhood recommendations with the following two exceptions: The first was regarding tract 10 and I won't speak to the details of that since it's been postponed. The second was regarding tract 61. The planning commission recommended to maintain tract 61 within the vmu overlay district, but to opt [03:40:00] out of the dimensional standard with the parking reduction and the additional uses. And just to remind you, the neighborhood had recommended to exclude tract 61 from the vmu overlay district. That concludes my presentation. If you have any questions, I will be glad to try to answer them.

Mayor Wynn: Thank you, mr. guernsey. Questions for staff, council? Comments? And if not, I guess -- sorry. We have folks to give us testimony here. We have a couple here for item 45. Without objection then, without further comments or question, we'll hear from our citizens and then take action. Let's see, our first speaker signed up is betsy greenburg. Yes, mary?

If you don't mind, I'd like to go first. There's a method in our madness here.

Mayor Wynn: I don't doubt that. Welcome, mary. You have three minutes, to be followed by whoever you all want to follow.

Thank you very much. I'm mary I think he will and I'm the co-chair of the group of the planning team over the central austin neighborhood plan. Regarding our application and the adoption of it, we respectfully request that the council consider the application as it was originally submitted to the planning commission. Much work, thoughtfulness and collaboration went into the creation of our vmu application. The campac area was the creator of the uno overlay and the west campus which is the model for vmu. You might say that uno was the grand daddy of them all. We, our area, we're currently the densest planning area in the city and we were the densest planning area when uno was created. We accommodated much density willingly and readily. We are also the planning [03:42:00] area which brought to the forefront the need for neighborhood design standards. There are still three issues currently outstanding not covered completely in the commercial design standards document, which would affect not only our area, but the whole city with this vmu ordinance. And those things are light trespass and pollution, building materials on the back sides of vmu structures and applicable screening for things such as utilities, etcetera. And these will be talked about later. Adopting these design standards would impact positively the whole city, as I've said before. Please help campac maintain its planning vision for our area by adopting the originally submitted application. And then I have to speak to this tract 61, which was opted in, and that's in my neighborhood of nuna, north university. Tract 61, the owner does not know that nuna has an nccd, which is neighborhood conservation combining district, and those provisions in the nccd give lots of entitlements and they actually trump all vmu building or they trump the standards for the vmu ordinance. I don't think the owner knew this. We weren't able to contact him. He didn't contact me, so that's how things stand. Thank you.

Mayor Wynn: Thank you, ms. ingle. Who is next? Betsy, joleen have signed up to speak and linda is here to answer questions if we have them of her.

My name is betsy [03:44:00] greenburg and I'm here to talk about the heritage neighborhood opt in, opt out application.

Mayor Wynn: Hang on one second, betsy. Is jay ferrell with us? How about bart whatley? I asked because they need to be present here to donate time to you, which they have both offered to do. You will have up to nine minute if you need it. Welcome.

Thank you. Our application was carefully considered by the whole neighborhood and it was eventually -- what we submitted was agreed to by 100% of the neighbors who participated and it was only objected

to by the one property owner who was postponed. The heritage neighborhood is part of the university west neighborhood. It's bounded by 38th street, 29th street, lamar and guadalupe. It's a neighborhood with historic homes and buildings, vibrant local businesses, affordable housing. It's a pedestrian-oriented neighborhood adjacent to guadalupe and the major bus lines. And it's also home to guadalupe 31, a mixed use building that was built prior to the commercial design standards. As a result of having guadalupe 31 in our neighborhood, we do recognize some concerns about having mixed use buildings. Subchapter e has strict design guidelines for the front of the buildings, but not for the neighborhood side. So we're concerned about what we'll be seeing on our side. The other things in our neighborhood are a medical district. The medical districts generate lots of traffic. Doctors often see patients every 15 minutes, so the parking garages are typically as large as the office buildings. So we're concerned about what these parking garages are going to look like. As we considered our application, the biggest issue that concerned our neighborhood was these [03:46:01] neighborhood side design standards where a small neighborhood, only four blocks wide, and we're surrounded on three sides by the vmu overlay, so we were very concerned about the idea that we could have parking garages facing all around the neighborhood. Basically we wanted nice-looking projects from our point of view, no ugly parking ramps, garages, visible utilities, and so forth. We are also concerned about noise and lighting and some other issues that joleen will talk about. When we came up with our application, what we requested was that properties adjacent to residential be removed from the vmu overlay and we only asked for that to be done until acceptable neighborhood side design standards were enacted. Our application was submitted in july of 2007 and we thought that surely by the time we came up, we originally thought this would come up last year, there would be neighborhood side design standards, but there's still no neighborhood side design standards, so we continue to ask that all properties adjacent to residential be opted out of the vmu overlay. We did have other special requests in our neighborhood. Specifically we asked that there be no relax of the 15-foot sidewalks, even on the shallow lots. We asked that there be no on street head in or back out parking, which we consider to be dangerous for 38th street or guadalupe or lamar. And we ask there be residential only on upper floors. We're particularly concerned about the medical district where the density bonus could be used potentially for medical offices with just a few residential units. This particular set of [03:48:00] recommendations was not considered by the planning commission, so I would like to ask that the city council approve our recommendations as part of our application. In addition we asked that no density bonuses be given on large lots to help maintain the neighborhood's scale, and we asked to exclude some particular iconic businesses and potentially historic buildings in our neighborhood. Thank you for giving me the extra time. Are there any questions?

Questions, council?

Mayor Wynn: Councilmember cole.

Cole: On your slide, you had a request of three items, and you flipped through it so fast I didn't get it.

I'm sorry. Most of the lots on our -- on guadalupe and lamar are i think 150 feet deep, and lots that are 150 feet deep or less don't require 15-foot sidewalks. And we would lining to have 15-foot -- we would like to have 15-foot sidewalks there, even on the shallow lots. The vmu properties are specifically allowing the on street head-in parking, which means back out also. And we think it's kind of dangerous

to back out on to guadalupe and lamar, although we now do have some businesses where that's required. So we're hoping when they redevelop that there won't be backout parking on to those busy streets. And we also ask that the vmu be used for residential, commercial on the lower floors, but residential on the upper floors.

Mayor Wynn: Thank you. Additional questions, council? Comments? Councilmember leffingwell.

Leffingwell: The [03:50:02] previous speaker mentioned that the neighborhood recommendation excluded 61, tract 61, is that correct?

Yes. That's not part of our neighborhood. That's part of nuna and I'm speaking about heritage.

Leffingwell: I'll ask that question of greg. I'll let you go ahead and do the public testimony, but it looks like our motion sheet does not say anything about excluding 61.

Councilmember, the planning commission recommendation is on your motion sheet over on the far left-hand column. And that was their recommendation to keep tract 61 in the overlay district, but not to apply any of the vmu incentives.

Leffingwell: I'm looking at the neighborhood recommendation.

Let's see. I think that was if you look at row 3 under the -- motion 3 under neighborhood recommendation, the last sentence references exclude tract 61 from the overlay district.

Leffingwell: Okay. It shouldn't be in motion 1?

To tell you the truth I'm not sure why that's broken out as a separate motion. Well, I take that back. It was broken out because typically what we put in the proposed action column is the planning commission recommendation, and it differed.

Leffingwell: Okay. I got it.

Mayor Wynn: Thank you. Our final speaker is joleen kabasa. Welcome back. Is anne heinen here? Welcome. [03:52:02] How about ms. saragoza. So joleen, you will have up to nine minutes if you need it.

Thank you. I'm here to talk about the neighborhood side design standards because that was an important component of our vmu application. I'm just going to go briefly over this that we met with or actually councilmember mccracken met with our neighborhood. This is just a time line. We first -- he first told us that we could include them in our vmu application june 25th. And I'm not going to walk you through this, just that we submitted our application, we started attending the subchapter e annual -- one year review meetings. And it wasn't just us, it was also austin neighborhood council and I think carol gibbs attended a few. And other neighborhoods. And that was in february of 2008. And then george

adams was very nice enough to present photos of good and bad parking designs at one of the evening meetings in may. And then the neighborhood side design standards was postponed until next summer. And what we really wanted was just not to be ringed by parking ramps, and also we wanted nice looking buildings in our perspective, and the reason I included that simple line is because when -- at one of our meetings brett denton, is that his name? He asked us what we wanted and we said nice looking buildings from our perspective. He said oh yeah, i understand. That seemed to be the catch phrase. We wanted to minimize the impact on our neighborhood. When you go through subcapt e, for example, on building materials it doesn't require that the neighborhood side of the building used the same materials. It just has a limited requirement that screening [03:54:00] materials for solid waste collection and loading areas be the same or is equal to. There are other items like loading docks and parking should be incorporated into the overall design. And the same for solid waste collection areas. Also it doesn't require screening of mechanical equipment from adjacent properties. I'm giving you a sense of what is missing. But the big picture is commercial design standards just does not address the neighborhood side of the building. And one big issue that evolved is exterior lighting because if you look at the examples, and this figure 42 is from commercial design standards, fully shielded really means for the dark sky ordinance. So there's light bleed. And in fact if you have a two story or three story parking garage, the light bleed will go down and will affect neighbors. And we would just like to have a different kind of external and shielded lighting from multi-story buildings. And subcapt e does not address parking garages and we would like to see (indiscernible) required, level place and the neighborhood side to mimic the core transit corridor facade. Thank you.

Mayor Wynn: Councilmember leffingwell.

Leffingwell: Let me make sure I've got it straight. The reason for most of these tracts to be excluded is because the neighborhood side design standards have not been completed.

Exactly. we did state in our application that acceptable neighborhood side design -- neighborhood side design standards would -- we would opt them in.

Leffingwell: When those standards are developed to reconsider vmu on these tracts?

Exactly. When we did our application a year and a half ago, we thought we would be there by that now. [03:56:04]

Mayor Wynn: Thank you. Questions for joleen or anybody else? That concludes the folks who have signed up to give us testimony on this public hearing item 45. We'll notice that the team is also here available to answer questions if we have some. So comments? Questions? Councilmember leffingwell.

Leffingwell: guernsey, the question is this is posted for second and third. Could additional requirements such as the 15-foot sidewalks on all lots, no head-in parking and residential only above the first floor, could that be incorporated in second and third?

Councilmember, first this is just on -- it's only for first reading this evening. Not second and third. But we

can look at those items and we'll work with our law department and see if we can incorporate some of the things that you've just mentioned into that.

Leffingwell: Okay. In that case I'll make a motion to close the public hearing and to adopt the planning commission recommendation with the addition to exclude tract 61 and to add in the requirement for 15-foot sidewalks on all tracts with no head-in parking and residential only above the first floor.

Mayor Wynn: Motion by councilmember leffingwell, seconded by councilmember cole to close the public hearing and approve on all three readings, I believe i heard -- first reading only. The planning commission recommendation with the additions as identified by the maker.

Leffingwell: The additional exclusion of tract 61 and the additional [03:58:02] sidewalk --

Mayor Wynn: The three parameters. The three additional design parameters as well as exclusion of tract 61. Motion and a second on the table for first reading only. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on first reading only on a vote of seven to zero.

Thank you, mayor and council. Let me go on to item number 46. Item number 46 is case c-14-2008-0112 known as the minware property located at 2409 clawson road. The property is currently zoned family residence or sf 3 district zoning and the owner is requesting a community commercial district zoning on the property. The property is currently developed with an existing single-family home and the property owner uses this as his primary residence as well as a facility where he has custom gun manufacturing. The property to the north of this is used and zoned for single-family uses. To the south and east are auto repair, custom manufacturing, auto sales type uses and zoned gr and gr and cs. And further to the west is single-family residence, auto repair and properties zoned gr, lo and sf-3. The planning commission recommendation was to recommend denial of the zoning change request on a vote of 7-0. Currently we have a petition that has been filed in opposition to this rezoning request and currently stands at 20.94 percent. So it is a valid petition. This request if you grant it this evening would only be granted for first reading, but if and when this would come back for third reading, it would require a super majority vote to override the petition in opposition to the zoning change. There are copies of the petition in the back, and the neighborhood's reasons primarily for opposing this deal with the residential nature of the street, the concern about supporting additional commercial traffic, and commercial parking concerns in the area and with its neighbors. The owner's representative -- the owner is here as well as a representative from the . If you have any questions I'll be happy to answer them at this time.

Mayor Wynn: Thank you, mr. guernsey. guernsey, council? Comments? If not, I think we have a couple of folks who wanted to give us testimony. Let's see. Our first speaker is mr. robert anderson. Welcome mr. anderson. You will have -- let me make sure I'm doing this correctly. anderson, technically you're the agent or the applicant?

I'm actually the owner.

Mayor Wynn: Excuse me. We will give you five minutes to present your case, and then we will -- our

rules are that we didn't hear from folks in support of the -- we then hear from folks in support of the zoning application and then opposition. And then you get a rebuttal if need be. We'll start a five-minute clock for you and then we'll hear from carol gibbs. Welcome.

Mayor and esteemed members of the council. Back in 1981 when i purchased this property, if you will look by your file, you will see that there was a mistake made on the zoning. It actually said it in '79 it was zoned as commercial property. Had I known there was a mistake, I may or may not have purchased the property at the time because as you previously stated, I was running a business out of there. Now, I was not using that as a primary residence, otherwise I could have used it for, what do you call it, a homestead exemption on my taxes, which I haven't done. Let me also apologize for not knowing what type of audio and visual aids were allowed here, so I have the old style prints and --

Mayor Wynn: Staff can help you. If you have a photograph or something, staff with put those on the projector.

I feel that carol gibbs is very well versed with this and has a picture of the property if you want to throw that up there. Basically after going -- we won't go into the big financial deal, but what they determined is that financial infidelity by a spouse. She cleaned out all the bank accounts. The place actually caught fire on one side. All that insurance money is gone and after a three year long lengthy divorce i finally got the property back. As you can see, it's not cosmetically very eye appealing at this point. I've attempted to sell it as is and that's when i discovered by the real estate agent that no, it indeed was not zoned commercial, it was still zoned underneath the residential. So I petitioned for the commercial rezoning and being very new to all this stuff, carol gibbs has been nice to educate me on all the rezoning things and i learned more from her in 30 minutes than I probably would have learned anywhere else. I have to thank her for that. I do have some associates that are retired -- we call them from the intelligence community. Navy seals that would like to invest some money to have some residual income. However, they're not in favor of dealing with residential tenants. The back, and the neighborhood's reasons primarily for opposing this deal with the residential nature of the street, the concern about supporting additional commercial traffic, and commercial parking concerns in the area and with its neighbors. The owner's representative -- the owner is here as well as a representative from the . If you have any questions I'll be happy to answer them at this time.

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Mayor Wynn: Understood. So council, questions for mr. anderson? Thank you, robert. You will have a chance to rebut or come back after we hear from the rest of our testimony.

I know the zoning commission has suggested that it be zoned office commercial instead of general commercial. That's all we're requesting. We will go with limitations that meets with the neighborhood association because originally when i first applied for this, i had talked to the president of the neighborhood association and she said she didn't have any problem with it, but since then we have met opposition by other members of the neighborhood association.

Mayor Wynn: Correct. All right. Thank you, robert. We have nobody signed up in favor of the zoning

case. The only person signed up in opposition is carol gibbs. [00:06:00] Welcome, carol. You too will have three minutes.

I'm the only spokesperson in opposition and I'll see if I can operate this slide show. I just have a few other pictures. I am carol gibbs with the south lamar neighborhood association. I'm not the president. She's at another zoning committee meeting that i need to get to. And I also am not the primary one who has been working on this case. That was jeff twining who you got communications from in your packet. [Buzzer sounds] I know three minutes.

Mayor Wynn: You know it better than most people i know. anderson's five minutes expiring. We'll set the clock for three minutes and allow gibbs to give her testimony.

Thank you. Jeff twinning has been the one doing all the legwork on this, and got the -- coordinated the valid petition stuff, took the photographs that I'll be showing you, and I joined him to meet with several of y'all's aides a few months back to explain our opposition. Unfortunately, as you know, this case has been postponed I think five or six times, and as much as he would have liked to have been here to see this through, we didn't feel right in requesting yet another postponement from our side or requesting a postponement from our side when we felt like I could probably do it decent justice, so hopefully i won't disappoint him when he comes back. The pictures that he had put together, this is one from across the street, a little bit south looking back at it. And you can see that the front of it, and it is still used for overflow parking for the auto repair shop that is immediately to the right of it in this picture which is at the corner of fort view and clawson. I think this is a picture y'all had up earlier. It's just one of the aerials of the property. [00:08:04] The people who signed the petition are mostly to the north or toward the top of the slide, across the street, and I think one kind of behind and over. Most of the properties on fort view, which is kind of across the front of the picture there toward the bottom, most of those properties are commercial. There are still a couple of residential properties facing it, but this property itself does not access fort view. It's only on to clawson. And the properties directly across it and to the north of it are residential and so we're really wanting to hold the line on the residential. I can explain the negotiations that led to the lo-co across the street and to the south a little bit if you have questions about how we came to support that because that was a well negotiated compromise. But that's pretty much -- it barely overlaps by maybe five or so feet in terms of lining up the property lines, but we don't feel like going further into the neighborhood with any kind of commercial zoning would be neighborhood friendly. This is just another aerial that jeff has prepared to capture the property in question. I think this is kind of an old google map as theirs usually are, and I do not know about the situation in the back of the house, but all those -- the vehicles in the front, it's not that heavily parked anymore, at least not on a regular basis. This is the zoning map showing again -- it's all sf-3 to the north and for the most part across the street. We would just like to keep it that way. This picture looking south from -- standing in front of this property toward ben white. That's ben white across there. [Buzzer sounds] the best picture is looking north from the other side of fort view. This is our neighborhood -- our south ingress, egress [00:10:01] after about a half inch rain.

Mayor Wynn: Thank you. Questions for carol, council? anderson is welcome to come back and give us

any rebuttal or any additional testimony he feels necessary. Up to three minute.

Well, I would like to say jeff twinning, who has been doing all the legwork on this, does have his property up for sale. And the problem with the water is not my fault. That's a city problem. I don't feel like rezoning my property is going to affect that water hole one way or the other. And my only concern here is trying to get the neighborhood to where it looks respectable and has a little more of a cosmetic appeal. I have the opportunity to do that, but I can't do it without the rezoning.

Mayor Wynn: Great. Thank you, mr. anderson. Questions for our owner or the neighborhood representative or staff? Or comments? Actually, I guess I have a guernsey or anybody else with staff. I want to make sure i understand the staff recommendation is to grant limited lo or conditional lo, and the planning commission shows here was to deny gr. Did they simply deny it or did they come up with an alternative?

The planning commission recommended denial of the request and to maintain the property as family residence or sf-3. The staff recommendation was to recommend office with a conditional overlay limiting the number of trips to 2,000 trips per day. [00:12:03]

Mayor Wynn: Then the valid petition is a neighbor valid petition or is the petition of the owner?

The petition was signed by adjacent property owners that were within 200 feet. And represented more than 20% of the land area, represented by these property owners was in opposition to the zoning change and to prohibit any other zoning other than the current classification of sf-3. So the petition was to maintain the sf-3.

Mayor Wynn: Understood. Thank you. Questions for staff, council? Comments? Motions? Item number 46. Councilmember cole.

Cole: Mayor, I would like to make a motion that we move to adopt the planning commission recommendation.

Mayor Wynn: Motion by councilmember cole, seconded by councilmember morrison to adopt the planning commission recommendation, that is to deny this zoning request. Further comments hearing none, all those in favor ? Opposed? Motion to deny the zoning case passes on a vote of seven to zero. That takes us to item number 47.

Thank you, mayor and council. Item number 47 is case c-14-2008-0117 known as the rey debasto property at 5811 manor road. This is a zoning change request from its current zoning, which is community commercial mixed use conditional overlay neighborhood plan or gr-mu-co-np combining district zoning to commercial liquor sales mixed use, conditional overlay neighborhood plan [00:14:05] combining district zoning. The property itself right 8 acres inside and contains a building approximately 2700 square feet. The building is used as a restaurant at this time. The adjoining properties to the north and to the east are apartment uses. To the south is a single-family residence and to the west there are

various office uses and auto service uses. The zoning to the north is the same as it is to the south, which is gr-mu-co-np. There's mf 3 zoning to the west and gr-mu-co-np zoning to the west. Mf-3 to the east. The planning commission recommendation was to recommend denial of the zoning change request to the commercial liquor sales district on a vote of 8 to 0. Staff also recommended denial of the zoning change request. There is a letter contained in your backup material from the pecan springs, springdale neighborhood association, and they also stand opposed to this. Currently we do not have a petition in opposition, but I believe there are some letter in opposition. To the rezoning. At this time I'll pause. If you have any questions I'll note that the owner, as I said, currently is allowed to sell alcohol as a restaurant general use. Because of issues regarding the amount of alcohol sales versus food sales, that is the reason why they're seeking a zoning change to the cs-1 district so then they can further go on to pursue a conditional use permit for a cocktail lounge use. Because they're selling more alcohol. If you have any questions [00:16:00] I'll be more than happy to answer them at this time. I believe sergio lozano is here on behalf of the owner, and I believe there's at least one neighborhood representative here.

Mayor Wynn: Correct. And a number of folks have signed up in opposition and I'll read those names here in a moment. Questions of staff, council? Comments? If not, we'll go to our public hearing and again, we start with a five-minute presentation from the owner or applicant and/or agent. Welcome. We'll set the clock for five minutes. mayor, members of council. My name is sergio lozano. Professional engineer with a license in the state of texas. And I'm here before you lujano and mr. (indiscernible). They purchased this property approximately a year and a half ago and basically they opened a restaurant with some pool tables. And those are permanent uses of their existing zoning regulations that they have. And as time goes, the amount of beer they sold increased more than 50% to 51 from the food sales and they were cited by the city of austin code enforcement division. So what options they have? Well, they have the option of lowering the amount of alcohol, increasing the amount of food, promoting the restaurant more among the neighborhood. And they attempted to do that before they hire us to represent them. And they were not getting near the percentage level that they had. So what other option do they have was to rezone this [00:18:02] particular property to allow them to continue with that. We discussed these with the president of the neighborhood association, and they have valid concerns. We do not disagree with them in terms of limited parking, people parking in the right-of-way, having loud and so forth. So we brought this to the attention of the owner, and he tried to implement some noise reduction devices and not play music after 10 and so forth. But still we have not been able to meet that requirement. Obviously the discussions we had with the president of the association, the neighborhood does not want to have another bar in their backyard. And what we are asking you or what I'm asking you on behalf of my client is to allow him to continue the operation of his business as it is and perhaps consider a zoning roll back if the property gets sold or if he's not increasing the amount of food sales to reach the 51% or more level. We appreciate the time of the neighborhood. They have been very constructive. We met with a couple of the neighbors and we know that they are opposed to this project and we share their concerns. What we want to do on behalf of my client is to do the right thing and to be operating within the realms of our city codes. If you have any questions I'm here to answer them.

Mayor Wynn: Thank you. Questions for our agent? Comar. [00:20:02] -- Councilmember martinez?

Martinez: Sergio, i just wanted to ask you a couple of questions. How long has the business been in operation?

For at least 14 to 15 months.

Martinez: 15 Months? And so what has the percentage of food sales been in that 14 to 15 months?

Well, they started -- when they were cited they had approximately 13% of food sales versus the billiards. Then with fliers and other improvements, they were able to increase it to 18 percent within the time frame that the city code enforcement inspector was watching this project.

Martinez: What is the occupancy load of this facility?

I don't know. It's approximately 25, 2700 square foot building. So I would say an occupancy of one per 10 it would allow 100 people.

Martinez: Do you know how many dining tables or how many seats are available for dining?

For dining he has six tables with four chairs and then he has four pool tables.

Martinez: Four pool tables?

Yes.

Martinez: Thank you.

Mayor Wynn: Further questions for the agent, council? If not, then we will hear -- we will hear from -- we will hear from folks in support of the zoning case. There are none signed up. We have a handful of folks signed up wishing to give us testimony in opposition. I'm not sure if everybody has stayed here. If not I'll certainly read their names into the record. Dwayne lofton was our first one to sign up. Welcome. You will have three minutes. To be followed by benjamin burger.

Good evening, mayor, [00:22:00] council. My name is dwayne lofton and I'm the president of the pecan springs neighborhood association. And as sergio has stated, we've been kind of working with them over the past five months and trying to reach some time of resolution on this. But unfortunately because of all the issues that we have with this particular property, and I'll just kind of briefly state those, loud music, parking in the right-of-way.

Operating beyond the hours that they're allowed to operate under the current zoning. Not to mention the fact that they're operating essentially as a bar when they're licensed as a restaurant. So we feel like if you were to approve this zoning that in effect you would be rewarding bad behavior. And we don't think that this particular restaurant owner should be rewarded with an up zoning that would allow him to continue to do business in our neighborhood when he hasn't really been a good neighbor up to this

point. So we would just ask that you deny the zoning. Everybody that's involved with this case thus far agrees. The planning commission agreed that the zoning should be denied. City staff agrees that the zoning should be denied. And code enforcement has been out there and cited this business for operating essentially illegally. So once again, I just ask that you please deny the zoning request. And I'll be glad to answer any questions you might have.

Mayor Wynn: Thank you. Ifton, council?

Cole: I just have a quick question. Did your neighborhood association take any official vote on this or have members been very active on the issue?

We did take a vote on it. [00:24:01] It was -- looks like our september 13th, 2008 meeting we took a vote on it. There were 24 members present, and all 24 members voted to oppose the zoning.

Cole: Thank you.

Mayor Wynn: Thank you, Dwayne. Let's see, our next speaker is Benjamin Burger. Benjamin Burger signed up in opposition.

He's not here.

Mayor Wynn: We'll note his opposition for the record. Dwayne, are any of these other folks here, Bob Mabane, David Golden -- Bob, you are here. You gentlemen are welcome to come forward. Our next speaker is Bob Mabane. You too will have three minutes to be followed by David Golden.

Good evening. My name is Bob Maven, representing the northeast Austin business and coalition community alliance. We had a meeting last Saturday in which this was brought up in our meeting. We unanimously voted against this. There were several business owners in the meeting, and voiced strong opposition to this, both from the standpoint of noncompliance through this time period, loud noise, really affecting the neighborhood there. So we're voting -- we are unanimously against it.

Mayor Wynn: All right. Thank you, Bob. Let's see. David Golden was also here. Welcome, Mr. Golden. You will be followed by Kristin Nolan. [00:26:00] Welcome, sir. You too will have three minutes.

I'm David Golden. I'm a resident and business owner of Windsor Park area. I'm president of the Schwinney Farms neighborhood association that encompasses part of Windsor Park and Pecan Springs neighborhood association. It's relatively new. And I'm also a member of the northeast Austin business and community alliance. They've developed a map and you can see some red dots. This particular area is Schwinney Circle. Directly behind it, the business in question is 5811. Of course that area is a big problem. These big circles on the map represent crime in the immediate area. The larger the circle, the more crime that's been committed there. And these circles represent convictions, not merely reports of crime. In 2007 and 2008, that was supplied to us by Ernie Petrazza. He's the area commander. I think all of you received a letter from Nabaca, which is the northeast Austin business and community alliance.

We all voted again to unanimously to oppose this particular rezoning here. I live at 2803 schwinney lane, just west of the property and past the businesses that are on the other side of manor road. Again, manor road is the boundary. Windsor park and pecan springs. They were mentioning they're trying to be in compliance. Well, this last sunday there was music coming -- pretty loud music coming from there at midnight. That's just this previous sunday. So I don't think they're trying real hard. Again, I don't think we should be having requests like this when they've been [00:28:00] in noncompliance. I don't know why they can't be brought into compliance or just put out of business if they're not going to -- they have on their sign that they're a bar and pool hall. Again, they're not a restaurant. And as -- if city council grants zoning like this, they're validating, encouraging illegal and inappropriate enterprises in the area. We've just had so many problems with schwinney circle and other areas right there that that's one reason why we formed new neighborhood associations to try to address the problems that are going on around there. This site also has low income housing. A lot of the yellow areas are low income housing in the area. There's another organization that I think is going to speak here, and they're trying to help to stabilize schwinney circle. We can't continue to have something operating like this right there in that area. Again, there are elderly people, lots of children in the area. There's a school just not too far away, pecan springs, just around maybe half a mile. [Buzzer sounds] if we increase the drunk driving in the area, we would just have more problems. Thank you.

Mayor Wynn: Thank you, mr. dpold en. Let's see. Our final speaker is kristin nolan. Welcome. You too will have three minutes.

Thank you. Good evening, mayor and council. I would like to speak in opposition as well. My name is krista nolan. I'm with community partnership. At y'all's january 15th meeting you approved a revitalization and redevelopment, a part of schwinney circle on the map. If you could put the map back up. Where the big red dot is is where we're trying to redevelop. Currently we also have been meeting with commander petraza of the northeast area command and working with him. It is a very high crime, prostitution, drug area. That is why we're going in and trying to stabilize that [00:30:01] area. Currently the properties that we're going into are slum and blight. They're a major cut throughs for drug activity and crime. This bar is part of the problem. There is noise issues. There is pedestrians, parking and loitering and hanging out in the area which is causing part of the crime in the area. So as we try to stabilize this, we're trying to add a pocket park, if you will, as a neighbor to this bar. So we desperately plead with you to not approve this and to keep it. And also to have code enforcement deal with the issues of how it's operating now further. So thank you. Any questions?

Mayor Wynn: Thank you, krista. nolan, council? Thank you, ma'am.

Thank you.

Mayor Wynn: Council, we have a couple of folks who have signed up not wishing to speak in opposition. Ronald harrison, rick cofer and steve spear. So we have those noted for the record. lozano, you now have a chance for a three-minute rebuttal if needed. Welcome back.

Well, thank you, members of council and mayor. After hearing the opponents, I would not disagree with

them. I just want to -- should these zoning requests be denied, my client will continue operating the pool hall and restaurant and stop the alcohol sales in the area, but he will be allowed to continue with his pool -- you know, the restaurant. And I thank you for hearing this case tonight.

Mayor Wynn: Thank you, mr. lozano. So council, that concludes all of our testimony in this case, item number 47. Comments, questions? Comar.

Martinez: I had a guernsey could answer. Greg, if we move to deny the [00:32:01] zoning request and this establishment just doesn't do alcohol sal does it allow them to operate as a byob? Restaurant?

Yes. Nothing would stop a restaurant for them to allow byob, they bring their own alcohol. That is not prohibited. The city does not even really regulate that activity. We would regulate it as a restaurant, but we would allow it to continue as a restaurant and they could have that operation.

Martinez: Okay. Thank you.

Mayor Wynn: Further questions? Comments? Councilmember cole.

Cole: guernsey, i believe we passed a byob ordinance in connection with the chester's incident shortly after that. Perhaps debra thomas -- is anybody here that could speak to that? I wanted to clarify that there are some restrictions on byob establishments.

I was only speaking for a zoning regulation, we do not prohibit that activity.

Cole: Okay. Well, with that --

Martinez: Mayor.

I'm sorry. I would like more information. I remember us doing something, but I don't remember if it was to a specific area or corridor.

Cole: It was citywide.

Martinez: And tom, do you recall this ordinance that councilmember cole is referring to?

I recall the ordinance. I didn't work on it, so i couldn't really go into the details. But I think the city is obviously limited in what it can do on alcohol sales because that authority is preempted by the state. So my recollection of the byob bill was that it regulated the -- not that it regulated the sciewmgths of alcohol or anything, but sort of adopted some [00:34:00] parameters on when those places can stay open and things like that.

Councilmember, we could research this while you're doing proclamations and get an answer back to

you.

Martinez: I don't know that it's that significant. These folks want to go home. I think the council is ready to take action. So with that, mayor, I'll move that we deny the zoning request.

Cole: Second.

Mayor Wynn: We have a motion by councilmember martinez to close the public hearing and deny the zoning case, item number 47, seconded by councilmember cole. Further comments? Hearing none, all those in , all opposed? Motion to deny passes on a vote of seven to zero.

Mayor, that concludes our zoning items for this evening.

Mayor Wynn: Thank you very much. Thank you mr. guernsey. Council, that takes us to our break for music and proclamations. Stay tuned for our musician, amy cook, here in a couple of minutes. And then also note that before we start our proclamations, many of us are going to run outside and do a photo op with big red fire truck -- and our new fire chief is dressed in red, appropriately. So after live music -- folks can go ahead and go out there by the fire truck if you would like. As soon as amy finishes I'll run out and join you all. So we are now technically in recess for live music and proclamations. Thank you. [00:38:50]

Mayor Wynn: Folks, welcome bock-back to our live music gig here at the austin city council mieght. Joining us today is indie song tres amy cook. Her folk style can be heard on her fort coming album produced by austin musician. The album will feature songs written by amy and an austin based musician ben queller who we met. She is the subject of a documentary film yet to be released titled when nobody is listening. Sounds sort of like a city council meeting. [Laughter] just kidding. It's about her life on the road. Amy's songs have appeared in a variety of films and tv shows including laguna beach felicity. Join me in welcoming amy cook. [Applause] [?? music playing ??] [00:40:17] ??? [00:42:45] ??? [applause]

Mayor Wynn: Well done. All right. So -- very good. I can talk real loud. Okay. All right. So amy tell me, alejandro is helping to produce the upcoming album. When will it be released?

I am in preproduction now. That means we're think being it. [Laughter] we do a lot of thinking about the record. Hopefully I'll release it in the fall.

Mayor Wynn: Independent of that new upcoming album, how can we hear you? Do you have a website that lists your gigs?

Amycook.com. You can download that song for free on my myspace page and on my web page, [00:44:01] amycook.com. I have other stuff for download there, dem mows and old stuff. A record at waterloo you can go get.

Mayor Wynn: Fabulous.

I'm opening for alejandro at the cactus cafe on february 12 the and 13th. Get your tickets soon. I have something for you, mayor. You've been an inspiration for me. When I first got here you came to one of my shows and left a card that said glad you're here and that's really nice to be a musician in austin. It's a really supportive place to be and work.

Mayor Wynn: Great. Thanks.

I just wanted to say happy amy cook day really. [Laughter] [applause]

Mayor Wynn: I bet a one of a kind. Amy cook day. All right. Well, so then I've got to reciprocate here. The official proclamation be it known that whereas the local music community makes many contributions towards the development of austin's social, economic and cultural diversity and whereas the dedicated efforts of artists further our status as the live music capitol of the world, so now therefore i, will wynn, mayor of the city of austin, do here by proclaim today, january 29th, 2009 as amy cook day here in austin. [Cheers and applause]. And please congratulate this fine talent. Thank you so much.

Mayor Wynn: Folks, while amy breaks down on that side of the room I have to run outside real quickly for a quick photograph with this wear red day. We'll have a proclamation here in a few minutes about it. But they've pull up a big red fire truck outside, so we're going to take a quick photograph, I think [00:46:00] literally in 45 second. Then I'll run back and we'll do our proclamations. Please be patient and I'll be right back. Thank you. It's back. It's back. We've had crazy things all day long, mayor.

Mayor Wynn: Okay. So I think we're back up, yes, with our mics here. Apparently it's working back home, right? Well, actually, typically we [00:52:01] take this time each week or each city council meeting to say, you know, issues and proclamations to say thank you, congratulations, say good-bye sometimes to retirees, but often times also try to raise awareness about important issues that folks need to be aware of whether it's health related or otherwise. Occasionally the city of austin actually gets to be the recipient of some type of award. And with that I'd like to turn this over to some professionals here with our health plus program. And I think carol calvin is going to say a few words about it. Carol, welcome.

Thank you, mayor. Hello, my name is carol calvin and I'm the wellness director for united health care, the health insurance carrier for the city of austin. We are pleased to be here to tell you about a new program that united health care launched this year called well deserved. It's an employer wellness recognition program and the program is designed to recognition united health care customers who demonstrate a commitment to improving the health and well-being of their employees. I'm very pleased to announce that the city of austin has been selected as a recipient of the 2008 united health care wells deserve award. United health care received over 60 applications for this program and selected the 10 top recipients from the entire nation who demonstrated the highest level of commitment to workplace wellness. Of the top 10 winners representing companies in the public sector and groups across the country. So it's with great pleasure that we award the city with the well deserved trophy and a check

from united health care. [Applause]

Mayor Wynn: Thank you so much.

Okay. We also have some representatives from the health plus program here. We have christie hanson, who is the wellness consultant [00:54:00] from the health plus employee program and russell nash, the benefits manager from the city. And they're going to come to talk a little bit about the program.

Thank you, mayor wynn. Thank you to the representatives from united health care who are presenting this award to the city today. A culture of wellness has emerge understand our workforce thanks to the strong support for wellness programs from our city leadership. Mayor will wynn, city manager marc ott, assistant city manager rudy garza and karen sharp, tommy tucker and russell nash in the human resources department are committed to providing employees the support and tools they need to lead healthier lifestyles. Together the city's health plus employee wellness program and the pe department led by sherri bailey are committed to strategically developing opportunities for employees to eat well, get fit, quit tobacco and manage or prevent the chronic diseases that hurt their quality of life and harm the productivity of our workforce. Most importantly; however, are the people who help make all of this happen. In a workforce as large and diversified and spread out as the city of austin, it takes the support of many employee volunteers to reach everyone who works for the city. The health plus wellness liaisons who currently work in and represent 20 different city departments are charged with coordinating and promoting preventive health screenings, flu shots, group exercise classes, educational wellness seminars and other key programs for their fellow employees. Pe captains are instrumental in motivating their working, running, biking or swimming groups, ensuring them success. Without the effort and dedication of our colleagues and the commitment and support from our city leadership, all we have [00:56:01] accomplished, including this award, would not have been possible. Thank you very much. [Applause]

Mayor Wynn: By the way, our attitude here at the city as a major employer we understand, and as individuals, we can't do anything about the cost of health care. We're not going to do anything about the cost of prescription drugs or the cost of medical procedures, but we can do something about the need for health care. Being more conscious about nutrition, about getting more active and be physically fit, concerned about our weight and avoid risky behaviors like tobacco and cigarette smoke. So again, we greatly appreciate the award and we take it very seriously as a major employer. Thank you all. Our next big fun proclamation is regarding our annual black history month. Nelson, I see we have a lot of friends here. Would you come forward, please? [00:58:33] For our next proclamation I'm joined by councilmember cole, a bunch of friends and colleagues as we kick off the annual celebration here in austin for black history month. I'll read the proclamation and I'll have either councilmember cole and/or nelson linder from the naacp come up and say a few words about all the different activities, why we bother to do this and cr we're proud of the success over these last few years. Okay. So our proclamation reads: The nation's 33rd and austin's celebration of black history months celebrates the naacp and is built around the theme quest for black citizenship in the americas and whereas an event at the george washington carver museum on february 6 will feature a screening of the locally filmed award winning movie kings of the eesmg depicting the struggle and successes of african-americans during the

great depression era. Whereas we recognize the austin convention and visitors bureau, austin energy, our parks and rec department, the downtown austin alliance, the george washington carver museum and cultural center, the heritage society of austin, historic landmarks commission and picture palace films for contributing to our observance this year. So therefore i, will wynn, mayor of the city of austin, here by proclaim february 2009 as black history month in austin and -- actually, first as a point of privilege, please join me in welcoming austin city council cheryl cole. [Applause]

Cole: I am very proud of having the opportunity to speak today and recognize that we are at a place in our nation where we are very proud of our president and that historic election, but just because that has occurred, that does not mean that we do not have a ways to go in term of the progress of african-americans throughout the country. So people may ask why do we still have to have event like black history month and conduct celebrations and seminars and discourse. The reason for that is that the civil rights movement was not only about one person or one office. It was about moving a group of people forward who had been denied many, many rights. With that said, I will introduce the president and leader of the naacp who tirelessly focuses on civil rights issues for the city of austin and as long as i have known him he has never looked tired. [Laughter] but I know that must happen on occasion. Without further adieu, mr. nelson linder. [Applause]

the city of austin convention bureau, to our mayor and council, we accept this proclamation on behalf of this entire community. We have seen the fruit and benefit of our quest for citizenship on a national level, and also on a local level as well. We also realize that what makes this occasion so very special is the fact that so many people have given tremendous sacrifices to make this moment happen. To everyone we say thank you very much. Our work is not complete. In fact, we're going to work harder than ever to ensure that progress in this city continues. As a final thought, black history is also american history. And at some point we should celebrate it as an entire nation. It's that important. As we go forward, please use the upcoming events in our city and every community as a way to close the gaps that remain in economics, politics, social activities and cultural event as well. As a final thought and a final note, we've had a lot of things here happen the past few years that have been pretty much outstanding for a city. The city manager an african-american first, fire chief female. That deserves special recognition. Without leadership that wouldn't happen. I want to thank our mayor. He's been very inclusive the past four or five years since I've been here in terms of addressing issues and being supportive on every level. And also our councilmember cole is outspoken when necessary, inclusive, but also totally supportive of our quest here to ensure our rights are respected and that our social, economic and other gaps are closed. Thank you very much. Join us as we go forward and make the city a better place for everybody. And also this country. Thank you very, very much. [Applause]

Mayor Wynn: Okay. For my next proclamation, this is regarding national wear red day. If you haven't already guessed, as we talked about earlier we use this time each council meeting to try to raise awareness often times about health issues and this of course will be about heart disease. I'll read the proclamation and missy man dell will come say a few words about the day of celebration and ongoing efforts and everything from legislative to medical efforts to help the cause. So the proclamation reads: One american woman dies each minute of heart disease, stroke or other cardio vascular diseases. Heart diseases claim more lives than the next five leading causes of death combined, including all

cancers. Whereas go red for women is the american heart association's national call to increase awareness about heart disease and to inspire women to take charge of their heart health, and whereas making the right choices relates to proper nutrition, physical activity, doctor visits and other life-style mets, that's essential to leading a heart healthy life. Now therefore i, will wynn, mayor of austin, do here by urge citizens to support the fight against heart disease by wearing the color red and to here by proclaim february 6, 2009, a week from tomorrow, friday, as national wear red day here in austin and please join me in welcoming missy mandell who will say a few words about the campaign. Missy? [Applause]

thank you, mayor, members of the city council, and fire chief and all of the staff that are here and the staff of the heart association and the volunteers from the community. I'm here on behalf of the american heart association and on behalf of the go red for women campaign. February is national heart month, and it is our job during february to let the women of austin and central texas know three things. We want to make sure they're aware of three things. Our message is that first of all heart disease is the number one killer of women. Second of all, we want women to be able to recognize the symptoms of heart disease. And thirdly we want women and everyone in texas to learn what they can do to prevent heart disease. It's -- there's many of us that are involved in this movement because we are survivors of heart disease. There are many of us who are involved in this because we're concerned about our mothers, about our sisters, about our children. And so I want to thank everybody who has been involved with this and again I want to thank the city of austin. We appreciate it so much. You will be seeing a lot of red in the month of february, so please join us and wear red on february 6. Thank you very much. [Applause]

Mayor Wynn: Okay. For my last proclamation before I turn the podium over to councilmember martinez, technically it's a certificate of congratulations. Earlier we talked about history, we talked about science as it relate to health. This is a fun certificate for me to award. We'll hear a little bit more about what all richard sort of did for us here bostd at city hall for science students in austin, and really just for the continued cash shea our city has, but also fun stuff. I'll read the proclamation and we'll hear from richard and richard is going to present us with a gift in return. This official city of austin certificate of for extending his adventures bond ertd and into space and for sharing that experience with austin students, richard gary yot is deserving of public acclaim and recognition. Richard included mayor wynn and aisd science students in a conference call during his 10-day mission and also carried a city of austin flag on his trip to the international space station this past fall. Since his return, richard continues to inspire students during school visits with tales of his experiences as the first and second generation austinite -- first second generation astronaut as well as his success as a video game developer. His example hopefully will encourage many of them to continue their study and pursue technical fields, particularly math and science, so that they can follow in his footsteps. gar yot's many accomplishments bring honor to our city and we're please congratulate him on his latest successful adventure with this certificate presented the 29th day of january, 2009, signed by me, but also acknowledged by the entire city council. We present this to richard garriott.

Thank you very much. Thank you very much, mayor wynn. And you know, I have to say when I realized I was going to be able to fulfill my dream of going into space, i knew almost right away that one of the primary objectives I wanted to do was to get in contact with the city, able to take a flag of the city into

space and be able to celebrate things like austin being the live music capitol of the world while I was in space. So I took an ipod of austin music that I played for all of my fellow astronauts and cosmonauts on orbit and had talked about the city of austin and our -- as a live music city and lots of my discussions from space. But more importantly, as you mentioned, my father was a nasa astronaut also and so as the first second generation space bearer i wanted to make sure that i was doing more than what I'll just call a very expensive personal vacation. It was important to me that I demonstrate that a private participant in space flight could significantly contribute in the areas of scientific research and commercial space development as well as educational outreach. I spent probably about a third of my time contacting students around the globe from space and connected especially with groups called the challenger center across the united states and around the world and the british national space center in the uk. Really globally I've had that opportunity. And one of my greatest joys has been to come back down now and get a chance to connect sometimes with the very same students i contacted from space or same schools, but now I reach out to more and more schools to try to inspire kids to participate in math and science and take an interest in space. Thank you very much. I'm very thrilled to be able to bring back to you now this flag, which technically is slightly younger now than it would have been if it stayed on earth the whole time I was gone because due to relatively since we were travelling slightly closer to the speed of light, this flag is now aged slightly less than it would have otherwise, as I have. So thank you. [Applause]

Mayor Wynn: Thank you so much.

Mayor Wynn: For our next proclamation I'll turn the podium over to councilmember martinez.

Martinez: Thank you, mayor. It's my honor to recognize this next group. They're called the street soccer austin. And it's a part of street , which is a network of street soccer , and around the world, and they promote the annual homeless world cup. The program aims to generate excitement in the world's greatest game, encourage routine purpose and self esteem, sustain genuine comad radry and promote physical fitness. Last year the austin entourage finished ninth in the u.s. tournament. And one of the entourage players, tad christie, who is here with us, standing right behind me, he also qualified for the u.s. National team that played in the homeless world cup in melbourne, australia. So this is a great accomplishment for all of the players as well as the volunteer coaches. And today we have some of the members here with us, and as well as one of the coaches, sabelyn is here with us and we'll have her say a few words in a minute. But needless to say I think it's great that these guys did so well this year and especially tad who was able to play in the homeless world cup. I also wanted to let them know that we were contacted today by the owner of the austin aztecs, phil rollins and they announced their new season this year, professional soccer in austin texas is going to be plaidd at nelson field this year. But they're bringing in three mls teams at the end of february. Major league soccer teams are going to come play and they have invited your entire team and coaching staff to come and join rollins as guests during the opening game of the mls soccer competition. So with that I'm going to read a proclamation and then I'll ask sabelyn and even stad if he would like to say a few words much this is a certificate of congratulations. This certificate is for having been the first texas team to compete in the national homeless soccer tournament. The austin entourage is deserving the people acclaim and recognition. Team, the captain and several players finished cup tournament. Tad christie who also qualified to play

for the national team that competed in the 2008 homeless world cup in melbourne, australia. Recognition also goes to street soccer austin, the team's sponsoring organization, which provides the venue, coaching and support for austin's homeless population. Street soccer austin transforms lives by providing a healthy alternative for players that administers to their spirits, body and minds. This certificate is presented for a job well down for austin entourage players and coaches this 29th day of january in the tweer 2009 and it's signed by mayor will wynn and the rest of the austin city council. Congratulations. [Applause] I'd like to introduce sabelyn, who is one of the coaches.

Thank you very much for this recognition. We appreciate it. We invite austin to support your team, the texas team. You can follow us at org as we cup coming in july. I would like to introduce carlos hamilton, the coach for the 2008 team. And tad christie who traveled to australia. Carlos?

I wanted to thank all the organizations that was sponsoring the tournament and the trip. And I just want to give my regards. Thank you. [Applause]

I just want everybody to know that it was definitely an honor to be able to represent austin in dc and then to go and wave the texas flag with the united states of america flag in melbourne with all the other countries. We're very, very grateful that I was in austin and i had this opportunity. Hopefully we can get more spoar for what we've got going. Hopefully the aztecs will pick it up from there too. [Applause] test test test test test googins there being a quorum present at this time I'll call back to order this meeting of the austin city council. It is 6:34 p.m. We've been in recess now for about an hour while we enjoyed live music and proclamations. We still have posted three public hearings, although i believe staff was suggesting that two of them were to be postponed so we could take those quick postponements up and then conduct our one remaining public hearing. So again, I believe earlier staff was recommending postponement of items 53 and 54, is that right?

Yes, mayor, items 52 and 53 staff is requesting postponement until october 12.

I'm sorry, 53 and 54.

Mayor wynn: that's right. So council, I'll entertain a motion to postpone items -- public hearing 53 and 54 until our february 12, 2009 meeting. Motion by council member leffingwell, seconded by council member morrison, to postpone these two items as presented of the further comments? Hearing none, all in favor please say aye? Opposed? Motion to postpone passes on vote of 5-0 with mayor pro tem and council member cole off the dais. Final item of the hearing, 52, regarding local standards of care for parks and recreation children recreation program for 2009.

Good evening, mayor, council members, assistant city manager. I'm farhead, assistant director for parks and recreation department. This is our annual ordinance in regard to local standards of care for children in parks and recreation program under texas human resources code. This -- this ordinance is required by state law to be reviewed and adopted by city council. Also, parks board has reviewed and approved all the ordinance and all the changes. I just want to make a quick correction on the information that we gave you guys, and it was about the staff is required to know how to swim to take children to our

swimming facilities. I just want to make that correction. That was a typo that says staff -- and this coming from our former direc of aquatic services, mr. medani.

Any questions? questions of staff, council? Comments? And for the record, we have no citizens who are here to give us testimony on this public hearing, item 52. I'll entertain a motion, i presume, to close the public hearing. Motion by council member martin, seconded by council member shade to close this public hearing, item 52. All in favor please say aye.

Aye.

Mayor wynn: opposed? Motion to close the public hearing passes on a vote of 5-0 with the mayor pro tem and council member cole off the dais. Mr. medoni? So, council, that's all of our items before this meeting of the austin city council. We stand adjourned. -- whoop, sorry. Do we need -- should we have adopted something with that -- oh, excuse me.

Thank you. so the amended -- for the record, the amended motion and second by council members martinez and shade in item 52 was to close the public hearing and adopt the ordinance as presented. As a formality, all in favor of that amended motion please say aye.

Aye. motion passes on a vote of 5-0 with mayor pro tem and council member cole off the dais. We stand adjourned. It is 6:37 p.m. That might be a record.

End of Council Session Closed Caption Log