

## Closed Caption Log, Council Meeting. 2/12/2009

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good morning. Welcome, everybody. I'm austin mayor will winn, it's my privilege to welcome quentin to lead us in our invocation, please rise. Pastor?

May we bow? This morning, oh, god, we come to you asking for wisdom and knowledge to be executed in this place as the cares and concerns and people of this city are heard and prayed for the leaders today, that they might be able to have understanding, might with great diligence execute the tasks set before them. Those things spoken here today will be heard not only from the mind but from the heart. We thank you for this opportunity to be able to come together to make this city a great city, for the challenges that we face, we pray that we can do them together. This is our prayer. Amen.

Thank you, paceston, the ministry worships up in far north central austin off of rundberg lane. There being a quorum present, at this time I will call to order this meeting of the austin city council. It is thursday, february 12th, '09, APPROXIMATELY we are here in the city council chambers of the city hall building, 301 west second street. Before I walk through the changes and corrections to this week's posted agenda, this time we try to take an opportunity to -- to alert our colleagues, the public, as to what we think might be some upcoming issues or even potential items from council over the next meeting or two. I welcome any comments. Hearing none, what I would like to do is read into the record our changes and corrections to this week's posted agenda. ... on 9, we should note that it comes recommended by the public health and human services subcommittee, the city council. Items number 24 and 26, have been withdrawn by their sponsoring councilmembers, item 24 is related to essentially the federal stimulus package and item 26 related to the families and children planning advisory group. We expect those -- in some form or fashion to come back at a later time. 45, we should note that -- that the zoning should have also included the phrase and therefore the -- the category of conditional overlay and so therefore the zoning category recommended 45 is sf 6 co. Combined district zoning. 61, it should also read council lake watershed as identifying the 1406 parker property. 65, we should note that the central austin combined neighborhood planning area is bounded by 45th street on the north. You should also note that items 72 and 73 will be postponed as part of our consent agenda vote to our APRIL 23rd, '09 COUNCIL Meeting. Our schedule today after we -- after we pass our consent agenda here in a few minutes, we will have likely a handful of discussion items that -- to take up this morning before we -- before -- that leads us to our noon general citizen communication segment. Sometime in the afternoon, we will have our afternoon briefings, we have three posted for today. The first is regarding a briefing on

the proposed board walk trail at lady bird lake, no action posted. Just a briefing. The same with -- with briefing number 2, which is -- which is -- presentations by the new comprehensive plan finalists, those being hntb corporation, acp visioning and planning and wallace roberts and todd llc will give us their presentations as the three finalists for the new comprehensive plan. And then our third briefing will be of the administrative and management review of the east 11th and 12th street redevelopment efforts, also known as the ara, redevelopment efforts. we will take up our zoning 30 we break for live music and proclamations, our musician today is dan dyer, i encourage you to stay tuned for dan. we take up our public hearings. So, council, so far, a handful of items have been pulled off our constant. I have pulled both of the -- of the austin energy generation related items, 3 regarding the south texas nuclear plant 16 regarding the proposed solar array on our webberville tract. There's a handful of speaker for both of those items, we will hear from roger duncan at austin energy as part of those presentations. Also we have a handful of speakers have signed up on 8 regarding the federal legislative program and item 9 regarding deer feeding. And so we will take those two items also off the consent agenda. So far items 3, 8, 9 and 16 have been pulled off the consent agenda. Any additional items to be pulled off the consent, council? Hearing none, I will propose a consent agenda numerically. It will be -- to approve 1, the minutes of OUR JANUARY 29th, 2009 Regular meeting. From austin energy, to approve item no. 2. From our aviation department, approving item 4. From our contract and land management department, approving items 5, and 6. From our economic growth and redevelopment services, approving item 7. From our law department, approving item 10. From our neighborhood planning and zoning department, approving item 11. And the number of purchases from our purchasing office, we'll be approving items 12, 13, 14, 15, 17, 18, 19, 20, and 21. From our treasury office, approving item no. 22. 23, on our consent agenda, are our board and commission appointments, and I'll read into the record. Nominations, to our austin community education consortium, sarah stone is my nominee. I have also nominated david bennison to the environmental board. To our renaissance market commission, monica kidd nominated by councilmember morrison and to the sustainably food policy board, rhonda rut ledge has been nominated by councilmember martinez. 23 on our consent agenda. We will also be approving item 25, 27, 28, and 29. And we will be setting the public hearings by approving item 30, 31, and 32. So I will entertain a motion on that proposed consent agenda. Motion by councilmember martinez, seconded by councilmember shade to approve the consent agenda as proposed. Council, before we take up some potential council comments, we do have a -- we do have a couple of speakers who wanted to address items that are now on the consent agenda. Let's see. 7, which regards our business retention and enhancement program related to a public presentation we got back in january, gus pena signed up wishing to give us testimony. Welcome back, gus. You have three minutes, welcome. mayor, good to see you all again. Councilmembers, city manager. Gus pena, item no. 7. It is styled the business retention and enhancement prograble. Good, we support that. Also I need for you all to be educated on east austin business, small businesses east of i-35. I'm just not speaking because of east of 35, I am a native east austin night. We had jean southern comfort restaurant close, two mexican food restaurants close one on east seventh, one on cesar chavez, i believe one or two art shops also closed because of the bad economy. Now, this bre, according to the backup that I picked up, should have helped these individuals, but where was the educational process to let them know that this is available and maybe we could do a better job of -- of enriching and enhancing the education of the availability of - of funding for these type of initiatives. We spoke about this this morning, but the hispanic quality of life

initiative, to these businesses are -- are mexican, former -- are from actually immigrants from mexico and they lost their business because of the lack of funding. They would probably qualify, they do qualify to enhance their opportunity -- anyway, that's all that I have to say. But we do support this. Please east of i-35, closing a lot of business because of -- because of not enough funding to keep the businesses open. Thank you very much.

Thank you, mr. pena. Then we will just note, a couple of folks signed up in favor of item 25, but they -- they have indicated they do not wish to speak, so we will note their support for item 25 for the record. So, council, I believe that's all of the citizens who wanted to give us testimony on items that are on the consent agenda. So with that I will open up for comments from council on our -- on our proposed consent agenda. Councilmember martinez?

Martinez: Thank you, mayor. Just wanted to -- to make a few mentions on item 25, this is -- this is -- the work that's come forward from our waterfront overlay task force. I just want to thank the task force members, I want to specifically thank my staff member, andy moore, who attended every single one of those meetings. They have come forward with -- with a host of recommendations, we are moving forward with -- with the top five priorities of -- of the waterfront overlay task force. And so -- so I do want to encourage staff, though, that once council adopts this, item 4 is a very difficult -- very difficult conversation to have. Item 4 is related to density bonuses within the waterfront overlay. And what exactly constitutes a community benefit for that density bonus. So I will -- I would encourage staff that we -- that we continue moving forward as quickly as possible, creating the advisory board so that they can begin this difficult discussion as soon as practical. So that we can come, you know, to a full understanding of -- of what the rules are, moving forward within the overlay. But I watch to thank my council colleagues who helped sponsor this item and this task force and -- and, you know, look forward to working on it some more.

Mayor Wynn: Thank you, councilmember. Further council comments on our proposed consent agenda? Councilmember cole?

Cole: Thank you, mayor. I wanted to comment first on 16 that we postponed. That -- that I fully support the idea of allowing our large industrial users to have more time to understand how this purchase power agreement may affect their rates. And I think -- but I do think that it is a positive move forward and it gives a new -- a new vision for the land that we own in webberville. And I also wanted to comment 7, the business retention and enhancement fund. This is an item that I -- that we originally did not support, but I am supporting this time because it does not allow for -- for forgivable loans. And finally, I wanted to 25, the waterfront overlay task force, I wanted to direct the staff to continue to give council discretion in the appeal process to allow for variances.

Mayor Wynn: Thank you, councilmember. Further for the record, item 16 has been pulled off the consent agenda, hasn't been postponed yet. There's enough folks to speak, I would prefer to -- let's hear the presentation, I have heard there might be a council motion to postpone after we hear that presentation. .. any further council comments on the consent agenda? Mayor pro tem? Or councilmember morrison? regarding the waterfront overlay task force work that councilmember cole just

mentioned, the issue of discretion or not, I think that that needs to be -- i would ask that that be looked at -- you know, with regard to what the task force recommended. And -- and if there's -- and then that we have -- that we have conversation about it as a council, as opposed to just strictly going down this that direction.

I'm just asking that it come back to us for discussion, not that it actually happens without our approval.

Okay. Great, thank you.

Mayor Wynn: Mayor pro tem?

McCracken: I wanted to find out what the -- how the planning and development ordinance is proposed at this time to be part of the waterfront overlay? Because we, as in all of our other ordinances, say that the development ordinance was something that was able to have council review and -- and so that it would -- in effect govern our decisions as opposed to any of the overlays? This -- on this -- it would likely be something in the boards and commissions process. But greg maybe you can give us guidance for this?

Mayor Wynn: Mr. Guernsey?

Hello, mayor and council, greg guernsey with the neighborhood planning and zoning department. I guess that we would take a look at that in light of the 1986 ordinance. With the revisions recently approved last year, that really wasn't probably -- probably looked at as closely with the task force as it could have. So we will probably go back and examine that and see what the potential impact would be.

I'm not sure that i understand that answer. But -- but I think that it's important, that we have established a process through the planning and development ordinance where -- where we can consider exceptional developments, including height bonuses, that have -- that have community benefits assigned to them. Associated with them. I -- I personally don't want us to lose flexibility to ordinance too available to us, even in the waterfront overlay cases, so that we could consider items such as community benefits and exchange for, say, greater height or other issues, but so in other words that tool will remain a tool flexibility available to us.

Understood. Probably what you may see if were to come in, we had a waterfront overlay on an advisory board, they would also take a detour and reviewed by them as well as the council, those applications.

McCracken: Greg, is your understanding then that the process would be p.u.d. Allocations could still come to us even with the -- with the proposed amendments before us?

Yes, I believe they could and would and may make a detour in the planning -- advisory board as well on some of those applications. Usually when we used to have the waterfront planning advisory board in the 1980s, they would review site plan applications that -- that came through the waterfront overlay area, staff would offer recommendations and be reviewed by that -- by that particular body, it was one that

was -- that was made up of and usually with the parks board, but before any recommendation went before the planning commission at that time, we would have the advisory board's recommendations to present to them. That may be similar in this case, depending on how this falls out and start working with the actual amendment that might go to them and then come to you, even on a p.u.d. amendment or a p.u.d. Zoning case.

McCracken: Okay. I think you are agreeing that the council would retain it's flexibility in the ordinance.

I am agreeing with you, saying you would still go through the same process but also may make a detour to the video sorry board for their -- advisory board.

Okay.

Martinez: I'm glad this came up. I agree, I think we should be able to use the p.u.d. Ordinance, specifically i think we should be able to that we just adopted last year at cws as a model. They were able to come and we strict themselves to -- restrict themselves to 96 feet of height, give tremendous benefits via the trail. Absolutely I think the could be a great tool, proven to be a good tool especially in that particular case.

Mayor Wynn: Councilmember leffingwell.

Leffingwell: Frankly, I'm a little bit surprised that there's a question about this because my is is basically a zoning category that assumes and outlines all of its own land development regulations. And -- and the fact that -- they are not even called , they are called exceptions and that they are different from the code. I don't think there is now or has ever been a question would continue to function as it has in the past with reference to the existing code, but in effect replacing the code. guernsey, we know how early in the day this is for you.

Cole: Mayor. I have another question, i just want to clarify that the properties on rainey street are cdb and that the d will not be affected by the waterfront overlay as they are in waller creek as a part of the t.i.f.

The rainey street area is within the waterfront overlay boundaries. There are property that are zoned several years ago, we zoned them to cdb, they had some additional restrictions that -- that actually took advantage of the waterfront overlay district and you could -- you could achieve additional heights if you did certain community benefits. So that was one of the first districts that -- or the first areas of the city that actually took advantage of a program where you could get more height if you did certain enhancements at ground level. Or any [indiscernible] type things for additional heights.

Cole: I just wants to emphasize when we are drafting the ordinance that with the major investment and depends on development of those properties and that we need to consider that cbd in the height requirements that are there as opposed to the limits. Waterfront overlay.

My department is also working on the waller creek plan, I will make sure that the staff is working on the code amendments, also talking very closely with my other staff, regarding those issues so we can look at -- look out for those things.

Thank you.

Thank you, greg.

Mayor Wynn: Any further council comments on our proposed consent agenda? We have a motion and a second on the table. Hearing none, all those in favor please say aye.

Aye.

Opposed? Motion passes on a vote of 7-0. Thank you all very much. So, council, that leaves us with -- with a handful of -- of discussion items this morning. Two of them relate to austin energy and broadly speaking their generation plant. I would like to set those aside if a few minutes, if you don't mind, mr. duncan. We have two other items where enough citizens have signed up to take an item off the consent agenda. So our first item that we'll take up before we go back to austin energy will be item no. 9, I'm sorry, item no. 8, Which relates to our federal legislative program that we have put on our agenda for passage and a number of folks took interest in that. So -- so perhaps before we hear from the citizens, let's see, john hernser is in the audience, perhaps he can sort of set the stage as to -- to, you know, frankly what it is that the council will be approving by if they 8, which is the -- which is the federal legislative program regarding the first session of the -- of the 11th CONGRESS -- 111th Congress.

Thank, I'm john hernser, government relations officer for the city. What I'm asking you to approve today is our program for the federal government like we do for the state. And this is for the current congress, the first year, of the session, it includes general statements of our positions on typical sorts of things that we encounter at the federal level. Plus it includes the items for which we are seeking appropriations earmarks. This has nothing to do with the stimulus. This -- the list of projects for which we are seeking funding are those projects that we are asking to be attached to the fy 2010 appropriation bills. Those bills will -- will probably start moving through congress later this year, pass maybe in sent. If we are lucky. In september. If we're lucky. If they're passed the projects, funding for those projects would probably be available to us in the late summer of 2010. The stimulus, which is getting a lot of attention, that bill, which is on the verge of passing, the funding for that will be an entirely separate process. We will see funds through the various programs that are funded in the stimulus, they will be administered through federal agencies using existing federal programs, we will apply for those programs, under the terms that are set by those agencies. There's a separate agency for oversight and accountability that's overlaid over that normal process, which I'm sure we will be involved with as well. With the stimulus, we will be coming -- programs will be coming back to you later. This is for -- this is for the fy 2010 appropriations.

Mayor Wynn: Thank you, again, not only this -- is this not the stimulus package, a number of these programs are programs that we have been in partnership with the federal government for years on, for

instance the onion creek flood control project, our sanitary sewer overflow project, this is just our continuation of requesting continued federal help with projects that -- some of which we have been working on for a number of years and have been receiving annual funding from the federal government for a number of years.

That is correct.

That's right.

Obviously in the case of onion creek, the citizen bond vote in 2006, for funding that project we are working with it with lcra as well. And that's the bulk of the request actually.

Mayor Wynn: Right, thank you. hernser before we take up some citizen testimony?

Martinez: John, wasn'ted to speak specifically on some of the funding items for the police and public safety. Just as a precautionary, i want us to keep in mind that -- that if we see grant funding for certain police programs, that this council ultimately -- ultimately makes that decision on whether or not we receive those funds after we look into the requirements of -- of the grants. Specifically related to things like -- like dwi programs that would require blood draws or d.n.a. Sampling, those things that have become controversial and have been in the news the last few days, I want to make sure that -- that while a grant seems like a good thing on the surface, just because it's free money it doesn't mean it's a good thing in terms of policies that change, that come with that. Secondly, I wanted to get more information on this -- this -- this training module apparatus that's -- that's in the package, not today, not right now, but I want to share my concerns with you and then make sure that before we receive any apparatus such as this one that's in the package, that we understand all of the issues related to it. I realize that the department of justice is asking us to improve on our training scenarios, so that our police officers can make split second decisions in very dynamic situations and I think that this -- this training module can reside that. But we're going to be using live ammuniton, it's going to be moving all over the city is my understanding. So I would just like some -- some historical information as to how safe it is, how -- have there been any incidents, what do those look like, is there neighborhood impact when -- in close proximity to neighborhoods, things of that nature. If that opportunity comes our way, I would like to have that information and have council at least have the opportunity to say decree or no in receiving that -- yes or no in receiving that before it comes to austin.

That's a good point. First of all, I would like to say there's no -- no blood draw, no money for blood drawing either for -- for dwi or for d.n.a. Sampling in the requests. The item for the police technology for the training trailer we've talked to the police department and they are planning to -- to try to get the manufacturer to bring one soon so you can look at it and get more information on it. But what I have recommended is that we do that review very quickly so that -- so that if we have reservations about it as we look at it, that we pull it before it goes through the process, the congressional process, which -- which will take most of this calendar year probably, but I want to give our delegation a heads up as soon as we think we don't want to proceed with it.

Thank you, further hernser before we hear from our citizens. Councilmember cole?

Cole: I have noticed that this federal legislative program really was very comprehensive throughout the departments, but what process do you use to try to determine that we are getting -- [indiscernible] in the city, I tell you why I ask that is because we are looking at budget cuts in so many areas that I think it's important that we look at all of our departments and try to make sure that if there is federal money available for them to use, that -- that they are included in that process.

What we do for these, these are -- these are appropriations earmarks. And congress decides how they are going to do these appropriations. And some bills have -- have programs in which earmarks by individual congressmen or delegation to get funded for cities for these specific programs. There -- you -- each request needs to tie into a specific program on a particular appropriations bill. So we work with the departments to see possibilities of programs that they are doing that can match -- match the opportunities for funding them on legislation. Realistically, there's a limited number of probably -- if anything, our list this long -- this year is already too long. Congress is moving in the direction of fewer appropriations earmarks. Because the politics around the issue. Typically the amounts that you request are from several hundred thousand up to about two million for each earmark. And so we work with the departments and with council members about three weeks ago, we alerted council offices and I had meetings with each one, while we were still in the middle of it, with the departments and then I went back to the council offices as that list became -- became closer to being finalized. So that was the process that we went through. The particular reason that is on today's agenda that one of our congressional offices requested that we get the list of our requests to his office by tomorrow. So that he could begin an internal process of determining which -- which earmark requests he will -- he will try to attach to appropriation bills.

That's my last comment. I want to thank our particular congressional offices that are working with you to try to work on our legislative program, and we look forward to working with them.

Thank you. Our congressional offices have been great. We have a fine delegation who works hard on behalf of the city. Incidentally, I should mention the fy 2009 appropriation bills have not passed yet. Congress will take them up after they do the stimulus. So while this fiscal year BEGAN OCTOBER THE 1st, Congress passed some appropriations but most were funded through a continuing resolution. So that there were -- there were not opportunities really for our -- for our municipal earmarks to get in that continuing resolution. So we still have an opportunity for funding in the fy 2009 appropriation bill.

Mayor Wynn: Thank you, mr. hernser. Again, so council, we have a handful of citizens who would like to give us testimony on this item. Let's take them in order of -- they signed up. Our first speaker is debbie russell. I saw debbie earlier, welcome, debbie. Let's see looks like marcello [indiscernible] wanted to -- toyoya. There he is. Up to six minutes if you need it, followed by nancy robins.

Good evening, debbie russell, central chapter of the afl-cio of texas. I want to speak to a couple of items on the program. I will start with on page 20 we have surveillance cameras under the police technology item and I want to point out that I just sent you an e-mail that has a link to the guardian uk, a story that



has -- is describing studies in london and the that show that police surveillance cameras have been a waste of money. There's the potential violations with these cameras are too great. The costs have been too great and return and benefit have been too little. If you read recently in the news, governor perry had us put cameras at the border which costs us \$2 million, netted three arrests, we are not actually preventing crime with cameras, only displacing it. It gives a false sense of security. The incident that happened the other day that the chief is talking about being a successful use of the camera by the lottery commission didn't actually prevent the crime. The -- the video didn't actually provide the officers to respond to the scene immediately. All of that was done later. So it didn't actually divert the crime or catch the crime in progress. So we need to look very carefully into those and i invite you to study that more and I will provide you more and more resources to do that. Now, on page 5, I want to point out that tuesday night locally a new documentary was aired and that is a documented on tulia, texas, if you are not familiar with tulia, a very big story several years ago where half the adult population, african-american population, was incarcerated because on the uncorroborated evidence of one single individual later found to be completely untrustworthy. That individual basically turned that town upside-down and this is all -- was all done and predicated and end ailed by a grant program known as the edward burn grant program, which we have been using for several years and which is included in this package that you are going to approve today. This incident in tulia is a scandal that still -- it plagues, it plagued texas and the scandals have continued since then. It's not an isolated incident and it's not just about a few bad apples that have -- that have gotten away with -- with almost murder if not that. Many other states and many other cities have suffered because of these grant programs not having oversight, not having accountability from these federally funded and state managed and locally staffed programs where there's just simply the task pairs do not know -- payiers do not know what's going on, you have not been able to approve these grants, they have not been run past you. So we need to look very carefully. The cops programs are also very problematic, these programs are -- are solely based on netting higher numbers of arrests which provide city of san antonios for more and more local -- incentives for more and more lower levels of arrest. Which does not deter crime. Simply enables the revolving door that we have seen as actually -- emphasizing more and more low level crime and it is not actually taking care of violent crime or investigating violent crime. So because of these racial disparities, the police corruption, the over incarceration and civil rights abuses recognized by many teens, not just acl ru -- many entities, aclu, united methodist churches have board has been talking about these problems. I'm asking you to pull these two particular grant items and not pass those today. The -- the -- the -- there's three reasons that I am asking you to do this. One I just mentioned that you are not seeing these grants, we don't have a good process by which to vet these grants and, two, is we actually have community call if you are not aware of it right now, until the department of justice recommendations on our use of force policies are fully complied with, texas civil rights project, naacp, several groups have called for a halt on federal grant until all of that is settled and in place. So -- so they are asking for a halt on all federal dollars until we get that -- those reforms in place. And thirdly, there have not been the reforms that have been called for the record years at the federal level on these grant programs, right now not one reform has been made at -- as it's being folded into the stimulus package and we can't bring that corruption, those abuses that go along with these packages into our city. We can't afford to do that anymore. I'm asking you not to incentivize bad policing, not to bring in these grants that encourage these low level arrests which do nothing to curb violent crime. I want to point out one thing, bush administration even saw this

as too corrupt program, both the burn policies. -- They drastically cut funding a couple of years ago on these items because they saw that they were not able to demonstrate an impact on reducing crime. And so until we figure out a better way to vet these grant programs in the -- and the public can be involved, the council can be involved, please pull these items before passing the program -- the whole of the program, thank you very much.

Mayor Wynn: Thank you, ms. russell. Next is nancy robbins, welcome, nancy. You will be followed by vicki carp, is kathy brewer with us? Kathy brewer here? I asked because she offered to donate time to nancy. Our rules are that you need to be present in the chambers in order to do that. Somebody waving. Okay. Kathy is here. Nancy you will have up to six minutes if you need it. Followed by vicki carp. Welcome.

City council members, mayor wynn, people of austin, thank you for allowing me to speak today. My name is nancy robbins, i have been a resident of austin for five years. I see a lot of changes come to austin in that time, some of them good, some of them are bad, some of them we absolutely need to stop. I would like to express my appreciation for those councilmembers who have voiced their own concerns over this type of program. Part of my purpose here today is to encourage the council to deny chief acevedo's request for permission to install security cameras, I have here an expert regarding the \$800,000 request for funds from the federal government. I quote, federal funding in recent years has enhanced austin's public safety efforts and given city police officers the tools they need to protect the public. The city will use the requested federal funding to install security cameras in pedestrian heavy and high crime location. This technology will allow the austin police department to "expand its police force" by providing the capability to monitor activity from a central location. First, I would like to point out one teeny tiny little problem with this. Article 10 of the u.s. Constitution states expressly that the federal government does not have the authority to disburse funds of this nature. To take money under such a pretext is in direct violation of the u.s. Constitution. This is the same federal government that's wasting our money and devaluing our dollar that is driving our country into ruin. Perhaps it is time we start telling the feds to stay out of texas business. They seem to have a few problems of their own to deal with at this time. People tell me don't say this, don't do that, don't do this, don't do that, you will get put on a list somewhere. These types of initiatives where we bring more federal government in, more observation in, more infringement on me personally, these are the initiatives that are the type of things that fuels the paranoia of the people in regards to their government. We have to ask ourselves, is this really the type of country we want to live in? To live in fear of getting on some list that keeps you from flying, that keeps you from getting a job, and keeps you from having the rights of life, liberty and the pursuit of happiness. I don't hear people talking about long term plans anymore. It's about how are we going to make it just through the next two years. How the government is encroaching further and further into our lives, to what end? To control us? Make us safe? I have news for you, no one can keep you safe from everything, there's no guarantee from that. Nowhere in the free society is there a place for cameras to track on every move, and don't give me the same old tired line if you don't do anything wrong, you don't have anything to fear. On the contrary, we have everything to fear for a government that seeks to super seat its just and lawful powers in order to control its population. History has a way of repeating itself. Is this really where we want to continue to go? Programs such as this putting cameras in to track our every move, this is the road that it takes. Paved with the good intentions of protecting us. Do you want to live

your life in fear of what government is going to do to you? Of what else is going to be denied to you because somebody else doesn't approve or doesn't like you. I speak out against this now while I still can. I can only hope that the members of this council decline the federal grant and stop this further incursion of federal government into our cities. We are no longer a government of, and by the people. We are a people in fear of our government. It is time we stop being afraid and stand up and say no. Now chief acevedo is in favor of taking our blood just if we are stopped on a class c misdemeanor. Where does this stop? Is the end goal to have the people of austin fear the police? I respectfully request that the members of the council either vote no or at least delay a vote on approval of a.p.d.'s security cameras. We should have time to discuss other options available to us in order to have a safer city. Let's find a way that we can work with our law enforcement, with each other to lower the crime rates. Austin is currently the fourth safest large city in the country to live in. It certainly doesn't sound to me like we have a serious problem here that would require we give up our privacy. I cannot believe that more surveillance and more big brother as it's been called is the answer that will preserve what's left of our free society. I thank you for your time.

Mayor Wynn: Thank you, ms. robins, vicki carp. Three minutes to be followed by john bush. >

owe.

Good morning, mayor wynn, city council members, my name is vicki carp, I have lived in the austin area for 35 years. I have been working for the last five years with the vote rescue, an election integrity group based here out of austin. The goal of which is to return our elections to totally transparent and accurate by unplugging all of the electronic voting machines and going back to hand counted paper ballot elections with enhanced security procedures. But today I am here to speak 8 and ask that the council vote no on the federal funding to place more security, cameras in high pedestrian areas, and high crime areas. Understanding that we are living in what is often referred to as a post 9/11 world, I ask you to consider whether we are still living in the free society that we are hoping to protect and that we try to protect. When we already have cameras installed, on almost every major intersection in the city, and every citizen must undergo practically a strip search in order to get on an airplane to fly anywhere. In the name of protecting the people, the federal government has wire tapped the phones of regular citizens, passed federal legislation in the form of the patriot act, which tips off law enforcement officers that citizens who carry pocket copies of the u.s. Constitution could be terrorist suspects. A government which during the last eight years both permitted and condoned torture not only at Guantanamo but at secret locations around the world. This is the same federal government which offers these funds which the police chief would use to further surveil all of the people in austin, not just potential criminals. How many of you have read George Orwell's book 1984? Have you? Okay. Well, I would recommend if you haven't read it, I would strongly recommend that you read it. If you read it like I did in high school, I would strongly recommend that you read it again. Which I did last year. Because as I did, I realized that our society in 2009 already bears a frightening resemblance to a totally repressive and surveilled society that is so prophetically depicted in this book. I submit this program to add security programs on various corners to surveil austin citizens equates to destroying freedom in order to save it and represents yet another Orwellian type of policy, which brings to mind Ben Franklin's famous " , those who

sacrifice freedom for security deserve neither. [ Applause ]

Mayor Wynn: Thank you, Vicki, our final speaker is John Bush, welcome, Mr. Bush, John and a couple of folks wanted to donate time to you as well. [One moment please for change in captioners]

you had to live, did live from has been pit that became in-- from habit that became instinct and that every sound that you made was overheard and every movement scrutinized. Written in 1949, the book was Orwell's prediction of what life would be like that very year. Though George was pessimistic in what he laid ahead, my fellow Austinites, I feel that one day it will no longer be classified as fiction, it will be a reality and be here in the city of Austin. It is often easy to overlook the potential ramifications of such an innocent move as accepting federal monies to set up surveillance cameras to reduce crime in our city. We often get caught up and we fail to take a step back and examine things in a larger context. That bigger picture I speak of today is the ever encroaching surveillance society we see here in the United States of America. Government has been spying on its citizens since 1956 when the F.B.I. developed counter intelligence programs. It used agents to infiltrate political groups such as the Black Panthers, civil groups like the Student Non-Violent Coordinating Committee, with the goal of destroying these groups from within. Since then the government mechanism -- the surveillance mechanism has established itself well within the system. In the wake of 9-11 with fear and anxiety clouding our minds, we began increasing the capability of the surveillance machine. Enter total information awareness. In 2002 in response to the grave threat of another terroristic attack, the defense advanced research project area of the U.S. Department of Defense created the information awareness office. The main component of the information awareness office was total information awareness program which promised to provide total information awareness through large distributed repositories, including biometric signatures of humans and human network analysis and behavior modeling. Although Congress defunded the information awareness office in 2003 due to the privacy implications, many of the programs are still being run under alternate funding. Unfortunately for us, based on my analysis, some of the projects are making their way to a city near you and me. I'm glad Chief Acevedo is here now because after doing research, a lot of the programs he's pushing for directly come from total information awareness. You, the city council will be making a large step towards implementing total information awareness here in the city of Austin. Let me first draw some connections between the long-term plans the chief has for us, some of the things he intends to do with these cameras and the total information awareness program. One of the main TIA programs that is still in play today is now part of the advanced research activity housed in Florida. The core tech tied together numerous information, extraction and dissemination tools developed under total information awareness. It included privacy information technologies that may have been discontinued or scaled back following the move to the National Security Agency. Such programs allow for complex algorithms which had the ability -- which have the ability to take in massive amounts of information, whether it be financial transactions or surveillance camera data and predefine certain events and anomalies. In the interview the chief says some of the technology that's available now you can program it where if someone falls down, automatically that camera will alert and an actual picture will come up at the monitoring station. There are a lot of ways to program these cameras. You could program it to where if a group of more than 10 people are amassing, an alert will come up. Imagine in terms of a medical emergency if someone passes out or fails, we can be alerted right away. They say the road to hell is paved with good intentions, but I didn't know that road was Congress

avenue. It doesn't seem possible that one of the things this program could look for is a man with dark skin wearing baggy pants and a backward hat or another with dark skin, a cowboy hat and some faded paint splattered blue jeans with racial profiling ever present in law enforcement these days, i see the potential for racial profiling going computer style. I mention the capability of the total information awareness to make predictions earlier. Last night at an oak hill association of neighborhoods meeting, chief acevedo spoke of the capability to predict future events and where they will take place here in the city of austin. I know it sounds like the movie minority report, which coincidentally gives us a wonderful example of how another program that's being implemented here in austin will work and look like. Bear in mind all of this will be accomplished with technology that was first put forward to combat terrorism in the wake of 9-11. While using this technology to fight crime here in austin seems like a noble cause, there are far too many opportunities for abuse. Measures such as this one only further push us down the slippery slope where the state has the ability to track your every move. Allow me to further illustrate. A couple of programs are the effective affordable, reusable speech to text or ears program. And the very scary human identification at a distance or human id program. The goal of the ears program is to develop automatic speech to text transcription technology whose output is substantially richer and much more accurate than previously possible. This program focused on translating spoken language, whether it be from broadcast, telephone, intercepts or otherwise like surveillance cameras, they'll convert it into multiple languages. The surveillance cameras we are planning on getting will either come with microphone capability. I'm not sure if they do. I imagine that you guys don't. This is another reason why we need to re-examine this. Or if they don't have microphone capability, they will down the road. So imagine yourself standing on the road telling your buddy that the movie was the bomb and this camera could potentially catch wind of that and focus its sights on you. Or maybe you talk harshly about the police chief or your local government or the president and the all hearing ears could pick up on that and notate it. I know it sounds paranoid but this practice is already taking place in london, england, which has over 300,000 police surveillance cameras which survey every citizen over 300 times a day. Here's where the potential for abuse comes in. While the austin city council back in 2003 voted to condemn the patriot act and I thank the council for that, it's still widely used against activists group across the country. Just about every brand of activism has been investigated and charged under the patriot act. Again, the patriot act, just like the total information awareness program, was originally intended to fight terrorism, now they're using it against the citizens of the united states. So you've been spotted by the all hearing ears of the ears program for possibly speaking out against a particular government possible. Now it's possible for the all seeing eyes of the camera to take effect and this is what's scary for me. Let me introduce you to the information awareness offices's human id program. The goal. Human id program is to develop automatic bio metric identification technologies to identify humans at a great distance. These technologies will provide critical early warning support for forced protection and homeland defense against terrorists, criminal and other human-based threats and will prevent or decrease the rate of attacks on the operational facilities and installations. Remember, this is all intended to fight terrorists. Again, these technologies will provide critical early warning support for protection for homeland it was defense. Here is chief acevedo's way to use it against citizens who are not terrorists. He said as face recognition technology becomes available, we will be able to alert when we see a wanted person on that camera. He then went on to say, this is a long-term project that has other capabilities in the future. A long-term project. Has this issue truly been given the scrutiny it deserves. [ Buzzer sounds ] I ask the

council to please consider pushing this back so we can further hash it out because if chief acevedo has long-term plans for this, we need to know about them. Thank you. [ Applause ]

Mayor Wynn: Thank you. That concludes our citizen testimony in this item number 8 regarding our federal legislative program. Further council comments or questions of staff? Anybody else? I'll just point out i appreciate the comments from councilmember martinez earlier about fundamentally what this step of a multi, multiprogram, multi-year process technically is. If we were to perhaps be offered grant funding for some of these programs, we of course then reserve the right to look at the parameters as councilmember martinez pointed out and understand what would be asked of us should we accept federal grant funding, even accepting federal grant funding also requires a separate agenda item on a future city council agenda as would then likely the expenditure of funds if we were to use those funds. So this is the congressional requested first step in a multi-step process. And as we heard earlier, we haven't even seen -- because the '09 congressional appropriations hasn't even been funded yet, and this is the 2010 bill. Further council comments or questions of staff? Hearing none, I'll intraip a motion on item -- I'll entertain a motion on item number 8. Motion by councilmember cole, seconded by the mayor pro tem to approve item number 8 as presented. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of six to zero with commas techily -- with councilmember shade temporarily off the dais. That takes us to number 9, the ordinance amending the ordinance intentionally feeding deer, creating an offense and a penalty for intentionally feeding deer. I see david lurie approaching, so perhaps a brief staff preparation before we then take a handful of citizen testimony. Welcome, david.

Thank you, mayor, councilmembers. Back in december, the council passed a resolution requesting the city manager to explore the possibility of an ordinance to prohibit the intentional feeding of deer in the city of austin. So what is before you today is that proposed ordinance. It would in fact prohibit the intentional feeding of deer within the city limits. It instruct the city manager to create a community education program related to the issues associated with the deer population within the city. It creates a class c misdemeanor and it establishes a fine of not less than \$75 and not more than \$125 per violation. This ordinance would be enforced on a complaint basis. The road and vector control staff within the health department would be charged with enforcement and individuals would also have the right to file complaints with municipal court. We work closely with the austin utility wildlife conservation district -- division, rather, and our law department in developing the language associated with this ordinance. As I'm sure you're aware, there are a lot of challenges with the mix of wildlife and people throughout our community. Other municipalities have been faced with this issue. Sunset valley, the city of lakeway, for example. And anecdotally we hear of increased numbers of automobile accidents associated with deer population mixing within our neighborhoods and also reports of associated property damage. So mayor, that's the ordinance before you today.

Mayor Wynn: Thank you. Questions of staff, council? If not, then we'll go to our citizen testimony. We have a handful of folks who wanted to give us testimony on this item. We'll take them in the order that they signed up. Let's see. Our first speaker is judy harrison. Judy harrison signed up wishing to speak. Welcome, ma'am. harrison, it looks like a couple of folks also wanted to donate time to you. Is debbie p lack with us? How about gale dully? Welcome. So judy, you will have up to nine minutes if you need it

and you will be followed by tony shell. Welcome.

Good morning, ladies and gentlemen. I don't come here backed by some political organization designed to back a lot of things, but I come here to speak on behalf of those who can't speak for themselves. I come to speak on behalf of the deer. When I read the proposed ordinance a couple of months ago, it came to my attention that there are a lot of falsehoods in here. We do not have a lime disease problem in that area. That is in the northeast part of the country. And if you don't feed the deer, they're just going to eat more plants, so then are we going to have more ordinances saying, well, you can't plant roses because the deer will eat them, so we're going to be like albuquerque, new mexico, that specifies what type of plants you can and cannot plant? And if people know that this is a particular deer area that they're moving into, maybe they should move somewhere else? It also states that there are a lot of accidents with deer and cars, that is true, but if you have ever driven down mesa at a time when people are going to work, you will see they are going 45 miles per hour, and money would much better be spent giving tickets to those people who speed on mesa and ledge mountain. We have particularly asked the police in our area to police that of part. They've not done so. We even offered them our driveway because we have a drive-through where they could park their vehicles and wait. They routinely go through the stop sign at our corner of ledge mountain and mountain villa. They speed down ledge mountain, they speed down mesa. We would have a lot fewer accidents with deer if the speed limit were enforced. And also, there is the statement that there is no harm done to the deer if you do not feed them. That is false. I have talked to the parks and wildlife association people. They said, quote, they're starving anyway, so why don't we just let them starve? Well, this ordinance does not propose anything to decrease the population of deer. I would rather see you kill the deer and feed them to the texas food bank than let them starve on my street corner because you have some ban on feeding the deer. The idea of having neighbors report other neighbors reminds me of my jewish heritage where there was a gestapo state in germany and you were supposed to rat on your neighbor and have him arrested. I do not think this is the answer to this problem. We're trying to build neighbors here, not build people ratting on other people. Austin has the reputation of being a sanctuary city, compassion for the homeless, I think that this kind of compassion should also extend to the deer. Thank you for your time.

Mayor Wynn: Thank you, ms. harrison. Our next speaker is tony shell. Welcome, mr. shell. You will have three minutes to be followed by nicholas classen.

Thank you, mayor and councilmembers. My name is tony shell and i live in the area of northwest hills in austin, texas. Over the last four years on my street alone i've experienced and seen the deer population double in count from approximately 25 or 30 deer to over 60 to 70 deer. This growth in population has been promulgated by people that actively feed the deer, which have helped fuel the growth. It is well documented by pro animal rights organizations and state wildlife organizations throughout the country that feeding deer ultimately disrupts the delicate ecosystem within which they participate. Due to a lack of self governor enunanimous, responsibility and civility extended to our fellow neighbors in asking our fellow neighbors to curb their feeding, we've now reached a point where we need the city sto come in and help manage the problem. I'm not sure that an office is going to solve it. It may not, and there probably need to be more drastic measures over time. Donating to a food bank may be one of the solutions. We have leash laws to govern our dogs and other animals. We have laws against the

harboring of dangerous animals. We've experienced a recent surge in typhus, which was also found to be in our zip code of 78731, which are carried by raccoons and skunks and other animals, which have proliferate odd my street alone. But I want to point you to a few events that have occurred on my street and adjacent streets that speak to the proliferation of deer. What actually got me interested in the subject was a buck during the rut season, which is the mating season for those of you that don't -- aren't up to speed on this -- charged my three-year-old at the time. While it may be rare, it did occur and all we need is one particular incident to hurt someone. What prompted our street to get involved were coyote sightings and attacks, preying on small domestic animals. In february 2008, two streets adjacent to me there was a deer gun shooting that was reported to the city of austin and to the police. Nothing was ultimately done because the perpetrator was not found. In march of last year on my street a cyclist was struck by a deer and knocked to the ground. In that same deer scatter, a deer charged and hit a car as opposed to the car hitting the deer. It struck it in the side door. In september of 2008 during a child dropoff time at doss elementary, a deer was struck adjacent to the crosswalk and floundered under the vehicle that hit it, and many children witnessed this. And as recently as last month in the 6,000 block of highland hills drive, a deer was expertly shot with a bow and arrow and left for dead. This is not an uncommon occurrence, but it has occurred several times over the past few years as marksz men will come in to seek their trophy buck. So we ask that you step in and help address this issue. Thank you.

Mayor Wynn: Thank you, mr. shell. Our next speaker is nicholas classen. You will have three minutes and be followed by james barnes.

Mayor wynn, ladies and gentlemen of the council, I'm nick classen, board member of the northwest austin civic association and chairman of that association's wildlife committee. Well intentioned residents have fed the deer and baited them, if you will, with deer corn mainly, which is bait, and they've been attracted to the area. And this has had somewhat of a domino effect. As the last speaker pointed out, the corn also attracts mice, rats, racoons, possums, skunks, and then coyotes. And coyotes in that area have been a problem in the past. We were able to get that eradicated to some extent. Now they're coming back, and they in themselves are a danger. They attack the small deer, but that hasn't been enough to keep the deer population down. But then they eat our pets, an additional situation. We care about the deer and we'd like to see them managed in such a way that they're not a nuisance and a danger to themselves and to the residents of the area. But unfortunately the deer have become a nuisance and they have become a danger of public health. They carry ticks that can spread lyme disease, fleas that can spread tythus. Safety, vehicular accidents as well as what the last speaker pointed out about direct contact of the deer with the humans. And landscape damage in the many thousands o dollars. They eat everything they can get their little teeth on. And feeding them has not stopped that. Many of the residents of the area are tired of the deer, and some of them are taking matters into their own hands as the last speaker pointed out. You can imagine how scary a shotgun blast in the middle of the night might be, not knowing where it came from, where it's going or for sure what it is. And the archry is a good thing under controlled situations, but the one that was cited by the last speaker was not a controlled situation, it was just a random shooting. [ Buzzer sounds ] so we urge you to pass this ordinance and help us start toward proper and safe management of the deer. Thank you.



Mayor Wynn: Thank you, mr. classen. Let's see. James barnes, welcome mr. barnes. You too will have three minutes to be followed by roy whaley.

I'm a world war ii veteran, the eighth air force. Came to austin where I live in great hills was not in the city limits then and there were deer there then. And if you can see this picture, --

Mayor Wynn: If you hand it to our technicians they can put it on the screen for you.

These pictures were taken out by then window. I have fed as many as 40 deer, and it's really great to walk out and walk among the deer and feed them. I've never been attacked by one. I've fed them out of my hand. Bucks, does, the little ones don't come up that close, the off and ons don't. I just enjoy them. I never thought I could look out my window and see a 12-point buck and take a picture of it when I was growing up. I've never shot a deer, and I don't intend to ever do it. I've never seen the deer attack anyone. If someone -- if a deer attacked a three-year-old, the parent must not have been very close. I don't -- I think we can drive slow enough that we don't bother the deer. I plant rye grass in my front yard. I've never had to mow it. I have water because the creeks are dried up, and right now there are many pregnant does in the woods and in the area, and I don't want to see them have problems with their young. It is some expense, of course, to feed the deer, but I'm glad to do it. We also, of course, have other animals. At night when the fire trucks leave on blue grass, you can hear the coyotes howl just like the dogs do. And you can pinpoint where they are. I have had coyotes to kill a deer in my backyard. Fortunately the city arranged for them to be picked up. I put it in a box. I already enjoy the deer -- I really enjoy the deer. This morning I fed 15. One of the pictures I have is what -- I went out one morning about six weeks ago and the hogs had completely torn up the -- my backyard, so I had to put in a fence. So now I feed them outside the fence. I called around and tried to get somebody to do something about the hogs. Everybody gave me the sad story about they couldn't control them for some reason. And if you would walk out and see a pretty lawn one day and go out the next and see this, it really does bother you. I don't think they will control the deer if we don't feed them. What we feed them, that corn is only a small part of their -- what they need everyday. Thank you for your time, and I hope I can keep feeding my friends, the deer.

Mayor Wynn: Thank you, barnes and thank you for your service during the war. Roy whaley is our final speaker. Welcome, roy.

Howdy y'all and happy lincoln's birthday. I serve as the chair of the austin sierra club; however, I'm not speaking in that capacity this morning. We have not taken this up as an issue. We have discussed it, but we have not made any motions and taken a stance on this. However, as -- it's hard when the spokesman for the other side is bambi to talk about the damage that it does to feeding deer. There's only about a six to eight percent protein content in deer corn. The rest of it is all carbohydrate. It's like feeding your children a diet of candy. Unfortunately, it's fun to feed the deer. My backyard used to be the city limit of austin in north austin back into the robinson ranch, my old backyard. And I loved feeding the deer. I also had them eat out of my hands, but as I learned more I started seeing that the same deer that were off and on were showing up with huge tumors on them later. And it's because if you feed someone a diet of candy, they are not going to have a healthy immune system. And wildlife biologists

will tell you that it leads directly to several different diseases that essentially will just be a slow death for the deer. So while I think the deer are beautiful as an outdoors person, I hate to see them fed this way and I hate to see that we have to do that. From a safety standpoint, Texas is number 9, I believe, in deer-related car collisions. We're looking at, what, overall 150 deaths, 1 billion in vehicle damages. And that's just vehicle damages. That doesn't include the damages to the deer. So while it's a hard thing to stand here and say I don't think we should feed the deer, unfortunately I don't think we should feed the deer. It's just not healthy for them. It's fun. And if you like watching the deer eat, and I do, their diet is primarily any broad-leafed plant. They do eat grass, but only sweet grasses like the rye, which is actually not good for the yard anyway, and acorns, etcetera. And they do love to eat landscaping. So if you want to - if we pass an ordinance for for bidding the feeding of deer and you still want to feed deer, plant flowers. Stay within the law, plant a nice garden and they will always show up because they love to eat at the salad bar. Thank you very much.

Mayor Wynn: Thank you, Roy. Council, I think that's all of our citizens who signed up to give us testimony on this item, number nine regarding feeding of deer. Further questions of staff, Mr. Lurie or others? Comments? Motions? Councilmember Shade.

Shade: This has been a tough issue and I do appreciate all the people who have participated in the process here. And I don't think that anyone believes that this is a silver bullet, but I think that it does give some neighbors some relief that they're looking for and I do applaud the staff for working on this. I'd like to -- and my colleagues. I'd like to make a motion that we pass -- I'm going to be supporting this and I would like to make a motion that we pass this ordinance as recommended.

Mayor Wynn: Right. So motion by Councilmember Shade, seconded by the Mayor pro tem to approve this ordinance, item number 9 as posted and presented, that is related to the intentional feeding of deer. Further comments? I too appreciate the testimony and will also be supporting the motion. All in favor of the motion, please, sir say aye? Opposed? Motion passes on a vote of six to zero with Councilmember Cole off the dais. Council, that leaves us about 15 minutes before our general citizen communication. That might give us enough time to take up our two Austin Energy items. Item number 3 is regarding the potential expansion or the potential city of Austin participation and the planned expansion of the South Texas Nuclear Facility. Then item number 16 was regarding the proposed solar array on our land in Webberville. Welcome Mr. Roger Duncan. And let me check the number of speakers who have signed up. It looks like we could probably get through item number 3 before our noon break and we might get to take up number 16 right after citizen communication. Welcome Mr. Roger Duncan.

Thank you, Mayor and Council. The agenda -- I would like to briefly talk about the existing nuclear generation and proposed new units and what our consultant on this project has recommended to us and finally the staff recommendation. The existing project is jointly owned between Austin Energy, the City, Public Service of San Antonio, NRG Company and those proportions you see on your screen. The current project produces 2,725 megawatts of energy. And of that 436 megawatts come to Austin Energy. The partnership agreement between us and the two partners provide for additional units to be built at an option to participate at the same ownership share. In other words, we have the option to participate in 3 and 4 at a 16% ownership share. The proposal from Mrg is for two advanced boiling water reactors at a

capacity of 1350 megawatts each. Our share at 16% of those two units would be a total of 432 megawatts. The estimated cost to build based on our consultant's estimates is currently at around \$2 billion. The consultant that we brought on board to analyze this is worley parsons. They are one of the leading nuclear consulting firms in the world. They've had over 40 years of experience in the nuclear energy and they have been involved in both the permitting of plants, the design of plants. They have been the engineer of record on several nuclear plants in the construction and they have worked with the operation of plant. They are truly one of the leading international experts in the nuclear industry. We asked worley parsons to look at several risks involved, the licensing and engineering risks, the construction and schedule risks, and the effectiveness of the management organization for the units 3 and 4. We also asked them to look at the ERCOT, the electric reliability council of Texas and to look at the financial analysis of this project. The analysis they did ranged over 14 economic and business environment scenarios. They looked at variables such as fuel costs, power price, interest rates, construction costs, construction duration, capacity factor of the units and operational life. And you see on your screen the two extreme ends of the 14 scenarios. The scenario where everything went wrong in their opinion and the scenario where everything went right. And the all negative scenario, the net present value to Austin would be a billion dollar loss. The rate of return would be a loss and the cost of power comes from the unit would be 4 cents per kilowatt hour. And the positive narrow where there were no cost construction -- the all positive would be a 3 billion net present 2 percent rate of return and the cost of energy would come in around six and a half cents per kilowatt hour. Worley parsons said that in their opinion the expected scenario for this plant is about a two billion dollar 3% rate of return and the cost of the power coming out of the plant would be around 8.4 cents. The conclusions they reached and delivered to Austin industry was first that we have insufficient owner protection for scheduled cost, contractor and regulatory risk. Again, we are a 16% owner in this project. If there were further cost overruns schedule delays, we essentially have no vote to change that. They concluded that there would be large cash contributions from the city of Austin on this project through at least 2016. Possibly longer. And that this large capital cost risk is without our control. Because of those two factors, they also concluded that there's certainly a potential downgrade of our bond rating associated with this. Bond rating agencies have historically looked askance upon nuclear projects, and if we have to put up large amounts of cash without getting any energy from it for a long period of time, it would put our bond rating at risk. And finally they said that the rate of return, even under the positive scenario, was less than is generally expected for projects of a similar risk. In other words, even investor owned utilities going into a project like this usually look for a higher rate of return to take the amount of risk associated with this project. And for a public utility such as Austin Energy with a government agency that is generally risk averse, it is an unacceptable amount of risk for us to take. So their recommendation first they asked us to please put it in context. That worley parsons is indeed very positive on advanced boiling water reactors and the STP project. And they are strongly supportive of the resurgence of nuclear power in the United States. Their recommendation is based solely on their assessments of the business proposition before us and its risk profile to Austin Energy. Based on that, they recommend that Austin Energy not take an equity participation share in the South Texas project's 3 and 4. Our staff recommendation finally is the same. We recommend that we decline participation in proposed STP 3 and 4 projects for the reasons that worley parsons stated in terms of a two-million-dollar open-ended financial obligation and a nine-year open-ended project schedule. In addition to that, we think there are other reasons to deny the

recommendation and a primary one being we simply do not need 400 megawatts of base load generation at this time. Council has seen our load generation forecast to 2020 and we're undergoing a public participation plan to look at our generation options. And if you recall under that forecast, by 2020 we only have about 238 megawatts of gap on a hot summer day, and that is almost all peaking generation, not base load. We simply do not know what we would do with 400 megawatts of base load generation at this time. And then finally, the nuclear waste issue is unresolved and that's another reason to turn down participation in this project. I would like -- the conclusion of my recommendation. I've had question, if i may, about the public participation process. And where we stand in that and particularly feedback we may have gotten in response to either the nuclear plant or solar plant or others. So I have a couple of slides at the end, if i may, on our public participation process, somewhat of an interim report. Very briefly as it relates to this, we have had over 8 town hall meetings so far in our public participation process. 239 People have attended with over 320 questions asked. We've put up a website on it that has had over 205,000 hits on that website. We've published a resource guide. As part of this process we have sent out a survey asking -- given our current and future mix, do you want more, the same or less of these different options of coal, nuclear, solar, wind and so forth? Based on that, this next chart shows the survey responses, and this was a little less than 300 surveys we've gotten back so far. Based on that, on our current resource mix, you can see people want much less coal, much more wind and solar, and the nuclear is split. The number of people who want much less nuclear is just about the same or a little more than the people who want much more nuclear. It's a di vice sieve issue. When you look at the slide for our future resource mix and the surveys on that, everything stays pretty much the same except on nuclear some of the people who want much less or much more have moved into the current column and want it to remain the same. And so that's the feedback we have so far from our public participation process and that completes my presentation. Thank you.

Mayor Wynn: Thank you, mr. duncan. Roger if I can a couple of comments or questions before we take some citizen testimony. I appreciate the recommendation. It's multifaceted and really for seemingly -- and four very reasonable reasons why the recommendation is to decline this participation opportunity. You talked about -- one of our components was risk. And you did a good job of -- with the help of worley parsons as well, of trying to in an objective way, mathematically, financially show that risk, show the spread of potential returns good and bad should different scenarios occur. But just sort of inherent in that it seems to me is just the size of the financial risk as well. So at two billion dollars,ry mind me, that - - remind me, that more than doubles the current debt that austin energy is carrying, correct?

Yes. Let me give you two statistics to put that in to perspective. The total debt of austin energy now, all our power plants is in the range of one and a half billion dollars. So this would more than double the debt of the entire utility while giving us only 400 megawatts of capacity. To look at it another way, the total capitalization or asset of it is in the range of three to three and a half billion dollars. Again, a two billion dollar plus debt for a company our size so that it is too big a risk to take.

And at 400 megawatts.

And we're at about 2600 megawatts right now.

Mayor Wynn: That's right. Okay. Thank you, roger. Further questions of duncan before we hear from our citizens, council? Comments? If not, we'll take some citizen testimony. We have a handful of folks who want to give us testimony. I apologize for folks who are here for citizen communication. I would like to go ahead and try to get through this presentation and then we'll take upset 17 communication immediately after this. Our first speaker on this item is matthew johnson. Welcome. Is luke metzger here. Thought I saw him earlier. How about brook ferguson. Welcome, brook. So if you need it, matthew, you will have up to nine minutes. You will be followed by paul robbins.

Thank you. I woapt need nine minutes at all. This will be a very quick comment. And good afternoon city council. My name is matt johnson. I work for public citizen, which is a consumer advocacy, public interest organization based here in austin. And I usually work on energy efficiency issues, but today I'm here speaking on the nuclear issues. And we hope that this finally puts this issue to rest. This is the second time that austin has asked for an analysis of this project, and both times your consultant has come back saying it's not a good idea. I'm sure you're all aware that the accord was reached in the last 24 hours on the stimulus bill in washington, and that bill, that stimulus package, no longer includes \$50 billion, proposed billion dollars for loan guarantees, which makes not only this project, this energy cps project more unattractive, it also makes the comanche peak expansion more unattractive and the other plant less attractive. So we will commend council on passing on this nuclear project and hope that this finally puts this environmental eco logical, environmental, economic and intergenerationally damaging energy source to rest. Thank you.

Mayor Wynn: Paul robbins. I saw him earlier. Welcome back. You will have three minutes, to be followed by robert duncan.

I'm paul robbins. I'm an environmental activist and consumer advocate. There's a very recent washington monthly story about nuclear power, and in your free time -- that's a joke. In your free time you might want to take a look at it. It first starts off by discussing the new technology as it's being installed in finland. Finland decided for reasons of reducing its carbon dioxide to go nuclear. And now this has been delayed several years. There's a huge overrun and they're worse not meeting their carbon dock, side reduction. They placed all their debts on nuclear and now they don't know how they're going to meet their kyoto protocol mandate. Another thing about the washington monthly story is that it mentioned the real world costs of a nuclear plant will be 5,000 and more like \$7,500 per kilo watt. That survive hundred dollars per kilo watt would be going on 300% of what our current nuke costs. Regarding the nuclear renaissance -- and i have to ask, where do they get these names? !?? The only reason that the renaissance is happening is because of low interest federal loans. And there's only an amount of money that might cover perhaps six reactors. Before the tax incentives, before these guaranteed loans, you would have to be -- if you were a utility, you would have to be crazy to build a nuclear plant. And now that these loans for these six plants have been established, you would have to be crazy not to. The main point being that that's the only reason this is happening. And if that loan guarantee were to go away, I think you would see most or all of these proposals around the country for new nuclear plants being withdrawn. Just to provide the barest amount of history, our nuke, the one in our backyard, had a 460% overrun. Unit 1 was eight years late in coming online. Nine years late in coming online. And unit 2 was seven years later in coming online. And within most of its history it has rarely operated cost

effectively. Thank you.

Mayor Wynn: Thank you, mr. robbins. Our next speaker is robert duncan. Thank you. And is jackie kelly here? Welcome, ms. kelly. So robert, you will have up to six minutes if you need it and you will be followed by matthew kresha.

Okay. I'm no relation to roger duncan. I'm a research scientist WITH A Ph.D IN PHYSICS And I'm here to urge the council to sign into the nuclear deal. I'm urging this simply because I care about the environment and our wonderful city where I've been here in 21 years. I'm a liberal democratic, I'm also a bike riding, vegetarian, save our springs kind of guy and I'm pro nuclear because I'm deeply concerned about global warming. Austin should stop burning coal at its dirty fayette plant. With clean electricity, austin energy could dramatically cut down the coal burning by 84% and in this way slash its global carbon footprint by 60 sperrn. 60% By 2016. This would also end tens of thousands of tons of other coal pollution, acid rain-causing, sulphur dioxide, nigh truss dioxides, low level ozone causing gases. Nigh trows oxide is 300 times more potent as a greenhouse gas. So this could be cut down by 84% as early as 2016. Now, signing on to this is not just right for the environment, it's crucial for austin's economy. There's a convergence of factor now, national security, economic, environmental factors are all telling us that we need to get to change the way we consume energy. We need to wean ourselves from foreign oil. So plug-in cars will certainly be on the roads well before 2020 and they'll need to charge at night. These plug-in cars in austin energy's projections for future electricity needs are not mentioned at all. What will happen then if we don't sign into this nuclear deal is to meet the new command without any nuclear help, austin energy will have to ramp up the intear mediate load gas plants all night and because the cap and trade system will be in place according to austin energy's own projections before 2014, it will have to buy carbon credits. This will drive up bills enormously. Natural gas is the most expensive form of fuel and also these carbon credits. If you really follow austin energy's ideas, it will have to also buy cawrn offsets. So I'm saying electric rates will soar and the economy and the environment will suffer I'm telling you this will happen if you don't buy into this deal. If you buy into it, austin will be ready for plug-ins with carbon-free nuclear energy. And when the reactors turn on in 2015, the city will enjoy a windfall of carbon credits probably worth many hundreds of millions of dollars. We'll also save 50 to \$260 million in fuel costs annually. If you look at the recommendation to the city council about this council, this presentation that roger duncan just gave, it reads just like a corporate report. It says we should turn down the stp because of financial risks. But two things are missing from there assessment. It doesn't discuss the risk to the city of opting out and this is a real risk. Ae has not figured in -- secondly, ae doesn't even mention in its risks -- in its assessment the effects on the environment of turning down stp. In a world with melting polar ice caps, looming sea levels, vanishing coral reefs, ae does not plan to put out any fossil fuels. As I see it, your choice today is simple. You can maintain the status quo of carbon dioxide emissions and pollution, coal strip mining, or let the world know that you're recognizing environmental imperative, which isn't even mentioned in ae's recommendation. You realize that we have a duty to future generations to seize fossil fuel burning as snoon as possible. Roger duncan said we have no need of projections for 400 megawatts of new base load capacity, but fayette is a base load generator. It's generating more than 400 megawatts. The idea is to shut it down. If the council doesn't take action on that, ae won't do it before 2020, they've told you that. They probably won't do it forever because they want to keep fayette running because of a need to study out erratic wind

power. We need to pollute the environment in order that we can have a small fraction of our stuff be this wind power. Okay. You hear a lot of misinformation and fear mongering about nuclear power today. The truth is nuclear power provides 20% of our nation's electricity, but not a single person has ever been killed in a commercial nuclear power accident. Not in 52 years of service. That's a safety record that's unmatched in heavy industry. As for nuclear waste, the amount produced in supplying electricity to an average american for a full year is this amount. That's how much. That's 35 grams, the weight of seven jefferson quarters. This tiny waste stream is 400,000 times smaller than the waste from supplying the same amount of electricity from coal. Nuclear waste has never hurt anyone and there's no good reason to think it ever will. It's very easily managed. Nuclear activists will also say that nuclear energy is an an bomb nation of nature. Nuclear energy is a wonder of the natural world. It's a legacy of stars that died long before the earth formed. Nuclear reactors are not unnatural things at all before. Are not natural things at all. They're not unnatural. Two billion years ago in west africa, nuclear chain reactions occurred -- I've got like four more sentences.

Mayor Wynn: Take a minute and conclude. Thank you.

That's what that means. Okay. Two billion years ago in west africa, the fish and chain reaction smoldered in underground nuclear react easy. Nuclear energy still keeps the earth's core hot rg driving the plates that move whole continents and shape our planet's surface. This form of energy is no less natural than the sun and wind is no less wonder rouse in its own way. It's our most powerful tool for fighting bloab gloab will warming and we should use it. California won't do it, but austin texas can show the way right here. We can show the way with wind and solar and nuclear. We can cut back our greenhouse emissions as quickly as possible and have a truly sustainable future. Thank you.

Mayor Wynn: Thank you. We appreciate your e-mails that we have been reading. They're very informative. We always like vegetarian, bicycle voting liberal democrats. Wheatsville co-oping. Let's see, matthew is our next speaker. Welcome. You will have three minute as well. To be followed by roy whalely.

Hello, and fellow citizens. I'm here with the students association and I am asking you to vote this down. Eliminate four tons of co 2 a year. So if that's really what you're after, these are -- that is very cheap. Much cheaper way to do that than building a nuclear plant. A lot of our things could be accomplished through efficiency such as that kind of program. I'd much rather you focus on wind and solar and geo thermal. As well as the health impacts of nuclear if something goes wrong, the health impacts on humans and the environment will last for generations to come. And right now the current waste plan is to bury it under yucca mountain, which is on a fault line. It's a bad idea. And until we solve the waste problem, nuclear energy just really isn't viable. That's about all I have for you.

Mayor Wynn: Thank you. Roy whaley is our final speaker. Welcome back, roy.

Howdy, y'all. I am roy whaley and I am speaking now as the vice-chair of the austin sierra club. And I too am a bike rider, cedar-hating, fajita munching, beef or chicken, save our springs kind of guy. I get the rare opportunity to agree duncan and mr. duncan this morning. Mr. duncan is right. We don't have

any business being in the nuke. As far as expansion or our current ownership or further even if we don't choose to expand ownership, let's not choose to have purchase contracts. From the nuke. And I also get to agree duncan that we have no business being in the coal energy consumption either, which puts us at the opportunity to rapidly expand our solar. And our other alternative sources. And I believe that is the way to go. That's the sierra club's way of looking at it. And we can -- it a big gap we have to make up, but we have to get aggressive with it. And getting to work on our energy conservation program, we need to make that a minimum, doable, mandatory program. And also in regards to the nuke, we have to look at it as a water issue because of the knee more must amount of water that lcra will have to provide the st and p for cooling. And we're already in trouble with water as it is. And our conservation program is working and i hope it continues to work, but it not working to the tune that we can feed all the water that a nuclear plant will need. So we need to stay out of the st and p and phase yourself out completely. We need to move away from the multi-leveled cost of fayette and the coal consumption there and get to work on putting solar farms up. I'd love to see that take place someplace besides webberville because that's a beautiful piece of land, but I understand from what roger says we need I would love to see if there's a way for to us look at that and spread it out ailing bit. But the sierra club says no thanks to the nukes, no thanks to coal and let's go get them on renewables. Thank you very much.

Mayor Wynn: Thank you, mr. whaley. Council, that concludes all of our citizen testimony on this item number 3 regarding our notice of participation and the proposed expansion of the south texas nuclear project. Further comments, questions? We'd like to put a couple of things into perspective. duncan's preparation, roger's, was very well done. It speaks to the multifaceted analysis that was attempted as we tried to have an objective discussion about this. A point that wasn't brought up earlier, only indirectly, then duncan talked about it briefly, our fayette coal plant that is troubling for us in many ways, certainly environmentally, is about 600 megawatts. At times we actually today are ramping down that power plant to as little as 100 megawatts in order for us to accept our west texas wind when the wind is blowing. So contrary to popular belief, we actually do vary our load at fayette based on how much wind we're receiving from west texas. That brings us the whole concept and the challenging part of with the exception of our bio mass plant that we approved earlier this year, renewable energy is not dispatchable. We can't turn it on and turn it off when we need it and don't need it, but when the wind is blowing in west texas, we do ramp down the fayette plant. Ultimately I think when I looked at the presentation, both in closed session earlier with some legal issues and what we saw here today, is really comes down to a relatively simple business analysis of how much debt it would be compared to the asset size and the current debt load of our utility. The fact that we are such a minority would be -- would be such a minority participant in that expansion at 16%, we would have literally, technically, legally no control over some of the operational decisions, some of the construction decisions and inevitably as more value engineering occurs, as potential cost overruns or time delays are decided upon by the controlling entity there, we wouldn't participate in those decisions. So from a simple business risk standpoint, I think austin energy and our consultants and team outlined I think a sound reason why I will be supportive of the posting, which is the formal declining of our participation. Further questions for staff, council? Additional comments? Then hearing none, I'll entertain a motion on this item number 3, which is posted as formal notice declining our participation in the expansion of the south texas project. Motion by councilmember martinez, seconded by councilmember leffingwell to approve item number 3



as posted. Further comments? Councilmember shade.

Shade: Just because this has been an issue that we've gotten so many comments on, I just wanted to clarify that i will be supporting the recommendation as well, but that this is -- this is something that I know that council looked at a similar proposal from nrg back in march. We've looked at this a second time. What we're doing here is unequivocally saying no on this financial question, our participation in this is a no. And it doesn't mean anything beyond the fact that we're not going to be participating in this current (indiscernible).

Mayor Wynn: It brings us a point just to clarify. When we said no several months ago, it was also sort of a qualified no in that we in our opinion didn't receive enough information, enough of the details, the data for us to appropriately make that decision. I want to commend our current partners, nrg, the amount of data that they buried us in these past few months regarding that participation was impressive, was appropriate. And so this is a -- this is the final no in my opinion because I think they did sort of satisfy our need for information on this decision. There's still some additional operational discussions that we'll have ongoing. We'll still be a partner in the existing units down there, but as far as the information that we needed to make this decision, I believe that our partners satisfy that and so I would also characterize this as a final no on the formal participation of the expansion of the facility down there. So again, we have a motion and a second on the table. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of six to zero with councilmember cole off the dais. Folks, I apologize. I know that a number of folks are also here on a -- another austin energy issue, which is item number 16, our potential solar array out on our webberville tract. We have 45 minutes or more worth of speakers just on that item. We have a number of folks who are here because of sit accept communication and we're running 20 minutes behind for those folks during their lunch hour. Without too much heart burn or inconvenience for folks, I just want to suggest that we'll take up our citizen communication speakers now. That should take approximately 30 minutes. That will take us to around 1:00. The council does need to take a couple of items up in closed session. While we also grab a quick bite of lunch. And so I'd like to suggest that we take up item number 16, our solar facility, just in advance -- in association with our afternoon briefings, allow folks to go ahead and go grab lunch themselves, go back to work or go home for awhile, and based on when our citizens come back, we can take up that item sometime after 2:00 p.m. So again I apologize for the inconvenience of splitting up two austin energy issues, but based on the rest of the schedule we have today, I think that will serve most folks best. So again we'll take up item number 16 early to mid afternoon. No earlier than 2:00. And essentially as soon as folks are here ready to testify. So council, that takes us to our noon general citizen communication. We have nine folks who have signed up to give us testimony this afternoon. Our first speaker is gus pena. I saw gus earlier. We might hold his spot. Paul robbins has signed up. you will have three minutes to be followed by roy nadler olenick.

Permission to roll this speech into item 16 after 2:00?

Mayor Wynn: Sure.

Thank you.

Mayor Wynn: You bet. Then our next signed up speaker for citizen communication, welcome back ms. nadler olenick. Sorry if I mispronounced that. She's here. She's loading up the presentation. You're up, ray. Welcome back. Take your time. You will be followed by pat valls-trelles.

Good afternoon, mayor wynn and councilmembers. My subject is water flor addition. But I also bicycle for transportation, so i hope I can get a few extra points for that. Last week my husband kind of chided me --

Mayor Wynn: I'm sorry to interrupt. We have just lost our quorum. If you wait a minute, we need to have four members of council up on the dais to continue business. I think a councilmember or two is just off the dais. And do note for folks, when a councilmember or more step off the dais and come back with children, there is already on video back behind us, so we're actually here and can even see the telephone when we're not on the dais. We need to have four here present to conduct business. And that being accomplished, rae, welcome.

Okay. Thank you, good afternoon, mayor wynn and members. Last week my husband kind of chided me for distributing a handout that shoid the american dental association still firmly behind their misguided water fluoridation policy decide having just warned against it moments earlier. But I did that on purpose to showcase their inconsistency and their untrustworthiness in this particular matter. It would seem that wants universal water fluoridation, but not the liability that might go along with it. The warning a.d.a. Issued was against mixing fluoridated water with baby formula in order to avoid unsightly flor dough sis in the infant's teeth. They attribute it as cosmetic, but we know better. It is a sign of fluoride poisoning. It can cause osteoporosis. Remember when brittle bone disease was considered primarily the problems of elderly women? No more. Men get it too now, especially active men who consume a lot of water like athletes and construction workers. Bone cancer called's towio sarcoma was almost unheard of in 1973 when 10-year-old ted kennedy junior came down with it. Its incidence has shot up five fold since then and it's five to seven times more frequent in fluoridated than non-fluoridated areas. The victims are mainly young boys. Thyroid dysfunction. Goiter along with all the attendant problems of an underactive thyroid had all but disappeared from the american scene by the 19 50's. Now it's back thanks to fluoride's ability to displace vital iodine in the body. Kidney problems. Anyone with chronic kidney disease, some 26 million americans according to the national kidney foundation, is placed at additional risk as they're already underperforming kidneys struggle over time to eliminate the poison. Arthritis that's related to bone loss is another one and I could go on, but not in three minutes. I will call your attention to the national research council's comprehensive 2006 report on fluoride toxicity, which covers all this and more. The report is available free online in a searchable form. Their web address is too long to give her here, but if anyone wants to contact me at info at com, I'll send you the links. For the last month, my blog at fluoridefreeaustin .c c om had been coming up first in a google search on the two words fluoride and austin in that order. But a few days ago another document replaced it. Somebody is apparently paying attention and I'm delight that had they are. I'll talk about that document next time. Thank you.

Mayor Wynn: Thank you, rae. Our next speaker is pat valls-trelles. Welcome back. You too will have three minutes to be followed by matt marcelissen. Welcome.

Thank you, mayor and thank you cowbsz for the opportunity to speak. My name is pat and I am here to talk about animal issues. The one I am going to talk about today is a little different from the one I had expected to talk about because of an incident that has just occurred. I talked to someone who was driving out in blanco county this sunday and picked up a stray dog that was almost hit by a car. Because he didn't think anything was open on sunday in blanco, he brought him into the town lake animal shelter. The staff person there said he wanted to check for a microchip, which of course seemed like a good idea, but then when no microchip was found, the person was sold he could not take this dog home and keep him in his home while he looked for the owner. That resulted in this person being very fearful. His name is mike, being very fearful that this dog is going to be put down. Over the years I have received many, many calls like this of a good samaritan who picks up a lost dog or cat, brings them to the animal shelter and then does not get good customer service in terms of assuring him that everything possible will be done to save this animal's life. I think that in the cases where there's been publicity, like this one that was posted on craig's list, eventually does have a good outcome. But at what cost in terms of fear an consternation and also what about the people who don't get this help, don't publicize it? So I'd like to ask for a few policies that will fix the problem. First of all I think there should be a sign doort of the animal shelter of the lost and found office that says, if you drop an animal off here, we will do everything possible to work with you to save that animal's life. And if you believe that a staff person has not done that, here's a number you can call. And then that number can either be an ombudsman or the shelter director or one of y'all if you're willing to put your number on there. I'm just kidding. Secondly, the staff person talking to a citizen should inform that person that they can choose to take the dog home after taking a picture that will be put on the website. That will save the city money and it's just a good idea to keep that dog out of harm's way. There should be a policy that if a citizen decides to leave the animal there, at the end of the hold period that citizen should be allowed to either foster or adopt the dog. Fourth, I think there should be policies and procedures manual that requires each and every staff member to provide this customer service in such a way that when the person leaves there, they say, wow, how wonderful that they helped me save this animal's life, instead of the many complaints i get and I'm sure you get as well that make people feel the other way. Fifth, the animal friendly policies should be assisted by the technology that we now have available. Where a person who has dropped an animal off can look on the website on whether or not that animal has already found an adopter or their owner. Thank you for your time. I hope you consider this.

Mayor Wynn: Thank you, pat, for the suggestions. Let's see. Matt marcelissen. Sorry if I mispronounced that. He signed up wishing to address us. Welcome, matt. You will have three minutes and you will be followed by linda green.

My name is matt and I'm here to speak with you today with some of my neighbors about the late night concrete pouring for the w hotel site. Last june council passed an ordinance allowing late night construction pouring between the and 6:00 a.m. This decision has severely hindered the lives of many downtown residents. We can't sleep, we can't function and we can't continue to live downtown. Last fall I moved into the amli downtown. During my second night in my new home, i received a nice house

warming gift. Five cement trucks were lined up leading to one of the loudest cement pumps. I called 311 because i certainly knew they were breaking the law. The police called me back and told me that they had the correct permits. I just thought it was a mistake. I spent the entire night unable to sleep because the noise was so loud. I called the city the next day in hopes of an explanation. I was shocked to find out that city council had actually passed an ordinance to allow this disruptive noise. What, I thought, this can't be right, not my city, not my austin that so promotes downtown living and health. Late night cement pouring at the w site can be up to four nights per week. I am not sleeping and i have the bags under my eyes to prove it. My roommate is not sleeping. He is forced to sleep in a battened tub with a pillow pins his head during a cement pouring. And my neighbors and their children are not sleeping either. The day after I'm kept up all night from concrete pouring I am useless. I am drowsy, I cannot think properly. My productivity decreases and I can feel my body becoming drained. Due to my lack of sleep I have fallen more ill since I moved to the amli last october than i have in the past two years giend and the thought of living like this until any lease is over nine months from now is hard to dprend. Earlier this week i posted a note on my neighbor's doors alerting them of my efforts and trying to aid them. I heard similar stories of sleep loss, loss of productivity at work and illness. This is why I'm here today to plead with you to help us downtown residents get the full night's sleep we deserve. Because now we are not being treated as fairly as others. I've lived downtown since 2002. I know it's not as quiet as the suburbs and i don't expect it to be. I'm okay with daunt construction. start of sledge hammers serves as a great secondary alarm clock, but what I can't live with is the city disregarding the sleep of hundreds of residents to allow a developer more flexibility. For a city that has such ambitious plans for downtown population growth, not allowing downtown residents the opportunity for a good night's sleep is counterproductive. Second street motto is live, work, play. Without sleeping we cannot work. Without working we cannot play. Without either we cannot live. Thank you.

Mayor Wynn: Thank you, matt, and for your neighbors for being here as well. I'll just say that this past monday the city manager and I met with the ceo was stratus properties who is the owner and manager of the project as well as the construction foreman to go through -- learn about all the different moving parts, the challenges of the -- the physical challenges of trying to construct a very complicated project. But also communicating all the different comments we've received by phone or e-mail or people approach me frequently to talk about the issue. And a number of mitigating items came up. We did analyze the whole transportation timing to figure out the transportation issue, vis-a-vis rush hour traffic to get concrete trucks in and out both for the flexibility of the project, for the safety of people commuting and just for traffic in general. A number of items were brought up. A number of -- we expect a number of changes to be made with the actual construction techniques. We're going to reconvene, I believe, the first or middle of this coming week. And so I thought it was a very productive meeting. They're very sympathetic. They want to be very good neighbors. There's a number of moving parts and issues here, including technically the city has them under a deadline to finish the project or they face big penalties from us. So we're analyzing that. So I hope to see some mitigation occurring soon. And they did share with us what I thought was a reasonable amount of consistent information with your landlords, with the amli folks, and they were disappointed, I think, to hear that perhaps certainly not all of that communication filters down to the actual residents themselves. We'll work on that as well. [One moment, please, for change in captioners]

you can get waivers from that when you have a proper amount of posted flag men behind trucks, so they have agreed to do that. So there's a number of things that -- that there are -- there are real constraints, but they are trying to work around all of those constraints to make it as -- as empathetic as they can be. We will figure out how to get that information back to everybody as soon as that list is compiled, next week.

Would it be possible for one of us to attend one of those meetings.

Mayor Wynn: It would be. I would be happy to host some type of -- group meeting or town hall meeting about that.

Wonderful, thank you.

Mayor Wynn: Mayor pro tem?

McCracken: I think it would be helpful for all of us to hear the information because -- because I've developed a level of empathy with the -- with both the mayor and with all of you, I'm not at the triangle, but I live at north lamar, i live with -- I sleep with white noise machines and that works, but that's because any night that there's any kind of -- if a busings by or -- bus goes by or any kind of heavier kind of vehicle other than just cars, boy I'm -- you know, it ruins my night. So I can really empathize with what you all are going through. I can somewhat empathize. I do think that we need to find some approach that has -- has a hard cut -- either sound or hours or both. Because -- because, you know, we did the ordinance to try to address one problem, but it -- it -- i think one of the things that -- the information that we are learning in light of that effort very well intentioned that other problems have been discovered. I personally urge whatever solution it is that we reach on block 21 include some sort of hard cut off, decibel cut off. I think having you all in the meeting would be very helpful so that we can have some -- some verification and judgment for affected residents, that the approach is addressing the problem and so -- so it may be that we can address the current situation and I anticipate we're going to actually need to go back and look at the ordinance as well. Because -- because it does -- it is not what you are going through, we're sorry about that. Let's figure out how to fix this, maybe at our next city council meeting we can get an update, if you all are designed up for citizens communication from our staff, about what the status is of those discussions.

Mayor Wynn: Thank you, councilmember morrison? mayor, i appreciate you working with the w and all, I think that having some residents there in the meeting will really help because they will be able to talk about what are the most impactful sounds, things like that, hope to focus what the mitigation efforts are. I was not on council when this ordinance was passed. I wanted to -- so I went back and was looking at it and wanted to point out that -- that the -- that the conditions for the permit being let says that the -- that the director may issue a term only if -- and then some more words, only if it's in the interests of public health, safety or welfare or is justified by urgent necessity. So -- so clearly it's not really in the interest of your public health or welfare, so we go to look at the urgent necessity, i understand that the issue about -- about concrete trucks being caught in -- in rush hour traffic. But I would really urge us to -- to, number one, not just give blanket all night for months of construction. To me we need to make sure that our --

that our construction schedules don't assume that they are going to be able to do that. Because that's not an urgent necessity. That's just a plain old construction schedule. And I also think that if we could adjust the ordinance like the mayor pro tem said, so that for instance it's -- it's during the late evening hours instead of the late night hours, at least you all would be able to get six hours of sleep, perhaps, instead of none. So I appreciate everybody's work on this because I think we really have room for improvement and I've -- I've been impacted by this myself. A couple of years ago, and I know that it's really hard to say sane if you can't sleep. Night after night. So it's in the best interests of all of us that you all get your sleep.

Thank you.

Mayor Wynn: [Indiscernible]

thank you all very much.

Thank you. Let's see our next speaker is Linda Greene. Sorry to delay you so much. Welcome, three minutes moderated by Pat Johnson.

Okay. I have a double deal with fluoride in the water, the mayor's neighborhood garden project. I'm going to try to tie them together. I JUST TURNED 60s, IN MY 20s I left my job as a child care worker in Texas and moved to Denver where I started taking courses from an organic gardener, he taught nutrition and taught me back there in my 20s that fluoride is a toxin. It's poison. It's been used in rat poison and it's a byproduct of the petroleum industry. And so that was a long time ago. And we're still putting fluoride in our water. From what I understand, Jane Broser from the City of Austin water utility said that our fluoride was put in the water as a result of a referendum in 1992, I believe. And so I believe that our citizens were hoodwinked into believing that fluoride is a good thing. It doesn't on -- doesn't disinfect anything and it's not required by the E.P.A. It's toxic. And we're spending maybe a million dollars a year total with the cost of -- of what we spend to -- to put it in our water, measure it and I think that the -- that the water -- the money we put into -- fluoridating and poisoning our water would be better put to the mayor's garden project which I helped start in Denver. About seven of us went to THE MAYOR IN THE 70s AND We asked the mayor to start a neighborhood garden project which is still functioning today. Just a couple of nights ago I saw where two-thirds of the world's population is going to be short of water in 20 years. Yesterday, Mexico is having water disasters. So I think we need to take good care of our water and I would like to just read this one evidence compiled by the World Health Organization, shows no advantage in levels of tooth decay in countries that use more dated water, compared to countries that do not. But health officials do not -- but health officials do know that too much fluoride is bad for us. It can accumulate in the bones, make them brittle and causing them to fracture, increasing the risk of osteoporosis. It can damage tooth enamel. It has been found to facilitate the absorption of heavy metals such as lead and aluminum in the brain, especially in children and can inhibit the immune system. Fluoride can even be found in bottled water and packaged foods and beverages. By the way, Wal-Mart sells fluoridated baby drinking water. Fluoride occurs naturally in the appropriate trace amounts our bodies need. This was a doctor. My recommendation, leave it out. And this is a book called Fluoride Deception, this man has done his homework for you. It was published in 2002. I read it a couple of years

ago. My 30-year-old son just asked to borrow it. But I would be happy to lend it to any of you. And I quoted -- I gave you a few quotes from this book and only you can get rid of fluoride in our water, without having to spend a whole bunch of money and take it back to the people. And I beg of you to please, city council, get rid of our fluoride. [ Applause ]

thank you, ms. greene.

Thank you.

Next speaker is pat johnson. Welcome back, pat. You, too, will have three minutes to be followed by allan roddy.

Good morning, council, i have some kind of bad news. I buried my mother tuesday. Passed away to quickly. My mother was loved by many, many people. Because there was -- 263 flower arrangements, if you can imagine how many flower arrangements. She knew everything that i have done is for the betterment of the public, not about me. I would be reading a newspaper about the budget cuts that we're going to have to implement. Now the enforcement unit has made great strides over the last three or four years, mccracken upper part of that, mayor, you were, too. Cutting any funding for that unit for the strides that we have made, we have the blocks in place to make a difference for victims of illegal towing. But we still lack the outreach to the many victims that are occurring every day. One of the issues that we have seen right now is the detectives don't even have a vehicle to go out and to conduct an investigation. Those issues have to be addressed. Because these criminal enterprises, which are members of the austin towing association, have continuously over years and years abused the public. Now, what you are seeing up on the slide here, residents living or working in the montopolis area are encouraged to join the montopolis crime reduction task force. There is so much strife right now. Strife right now in that neighborhood association that was formed, with fred McGEE THE PRESIDENT, AND The executive secretary, banning members from being on a community block site. fred McGee even suggested -- his suggestion to members of the association to go out and meet with your drug dealers on your street and work out a truce. Well, we don't advise this. Because we don't want people to end up dead. In order for us to reduce crime in our neighborhood, we have to have a relationship between the community and the police. And people who do not want to be a part of that relationship do not need to be in executive roles in the association. So -- so it's just really, really sad, I'm neighborhood watch captain in my neighborhood. We have seen a reduction in crime by 60%. Because my residents out there know if they see someone that they don't recognize at their neighbor's house to call 911. And that took a lot of coaching and talking because 95% of the residents of my neighborhood are from mexican descent. [Beeping] we're making strides in protecting the public. When you are going to talk about cutting -- cutting funding for specific programs, look at the work and the groundwork that we have laid to come to this point. So I ask, very specifically, council, and I know that -- that councilmember leffingwell and councilmember mccracken are running for mayor. What we did in the past has finally come to occur. We have two da's in travis county that finally see things our way and interpret the law. We have a new district. And a new grand jury. That are seeing what they are doing to our citizens is criminal. And with the funding that's required to accomplish these goals, we can make our city a friendly city again and instead of somebody coming here on vacation and being victimized by a wrecker driver a parking

lot for money they're not entitled to. Thank you.

Mayor Wynn: Thank you, mr. johnson. Condolences regarding your mom. Next speaker is allan roddy. roddy, you you will have three minutes followed by ronnie gjemre.

I have an information packet for you, I don't know if it's going to be passed out now. It also contains some information about the resolution that the parks board passed earlier this week, an exam he will of why that's so -- example of why it's so important. I'm here to talk to you again about the damage being done to lake austin. About a month after I asked the environmental board how many of them had taken a boat ride on lake austin, only one of them raised their hand, just like only one member of the council has been on lake austin. It's not a good thing when the decision makers haven't been out on lake austin. Again, I would like to mention that my family has been blessed to live on lake austin since 1963. Again I will say this statement. I include myself in it. Every property owner along lake austin has a moral responsibility to respect and protect lake austin. No one person, no group of people are more important than lake austin. Lake austin first must meet the criteria that guides your decisions and policies. Lake austin is our water supply and economic, recreational, environmental and educational resource vital to the future of our city. Like mountain bonnell, zilker park, wild basin, the cliffs of austin are another jewel in our city's necklace of parks and nature preserves. For those who have not had a chance to enjoy lake austin. If you take all of the above jewels of austin that I just mentioned, rolled them up in one big ball, stretch them out over 20 miles you would have the cliffs of lake austin, by the way lake austin is just as chilly as barton springs is. My main concern and passion is protecting the cliffs of lake austin, the cliffs were declared critical environmental features decades ago and important to the future of this city. Although zoning along lake austin only allows 35-foot height limb, people are told -- limit, people are being told they can build a 300-foot tall metal structure without a permit. I don't know where in the city of austin anybody can instruct a -- a 300-foot structure without -- without a permit. I -- since living here since 1960, I know that anybody that nails three two-by-fours together better have a permit to do that. So anyway, do you remember the intel building? And how the metal frame looked in downtown austin? Now imagine 200 to 300-foot tall metal frames, taller than the university of texas tower in the state capitol being built every 500 feet along the shoreline of lake austin. In this packet I have a few ideas for the city council. One of them is -- is a tour of -- of lake austin by city council, city manager, city staff, boards and commissions. And how can you all be making decisions about lake austin if you never visited the lake. Consolidate city staff that deal with lake austin issues into one office dedicated to managing and protecting lake austin. The city has a more focused city staff looking after the music industry issues than it does the city's water supply. [Beeping] deal with the property owners encroaching on park property, and i would like for you all to declare lake austin a scenic corridor to protect it close to lake austin, just as the state of texas has created protective view corridors, of the state capitol, i would like for y'all to -- to help protect the view along lake austin. And there's a few other ideas, but I'll cut it short to -- because I have run out of time, but I have noticed this article in the westlake piquayne where some of you attended a if I should raiser for the hill country conservatory. I would like for you to put your guitar money to good use and help buy up some of the land along lake austin and create this protective view corridor, thank you.

Mayor Wynn: Thank you, mr. roddy. Ronnie gjemre, so if I'm mispronouncing your last name, ronnie.



You have three minutes, welcome.

Great, thanks. And -- proudly I'm a ron paul enthusiast, obviously. Briefly I'm a wheatsville enthusiast and a life long democrat before the clintonian couple took power. Proudly a ron paul republican. The big news this week, what I'm here to talk about is in israel that bigoted socialistic criminal to the regime, the results are meaningless because a whole lot of people were not allowed to vote and our zionistic controlled media ignores that fact pretending pesky palestinian should only vote among themselves for their own tribal leader who by the way has no real power. In review, palestinian land was occupied after world war ii, so as to punish nazi germany? Huh? said so as directed by harry truman and in reality deep rooted anti-arab bigotry ruled then as now. Because the republicans, the tag along republicans lock stepping along with it. Israel by the way is founded by and financed by criminals. Has never been a democracy. And here's a -- here's an afp that's my hero, ron paul writes for them, the ob/gyn dr. ron paul. Because -- like I said, israel has never been a democracy because they forever denied palestinians the right to vote on their own occupied territory. Then as now, we all pretend that's okay. In fact we supply often free of charge those israeli zionistic bigot thed socialistic oppressors the money and top of the line weaponry to continually punish those freedom fighting pesky palestinians that just want their country back. Years of targeted killings of palestinian political leaders and others are tolerated by the pundits in our own national press schemology because supposedly we don't want the israeli assassins to do targeted killings here. But guess what they do execute political leaders. Think about jennifer gale. And of course our last president with the guts to stand up to israel, jfk, who just said no to david ben gurion's demands, he paid for that with his life, you can read about that and final judgment by michael colins who writes for american free press, also another book that I had up there that they are not showing right now. But every president following jfk out of fear, there you go, every president following jfk out of fear has surrendered our own national sovereignty to israel in every single way since. in defines of our benefits and principles. Dutifully continually exercise our veto power over any and all -- that's why the rest of the world hates us, not our freedom, it's our hypocrisy, supporting that bigoted socialistic to the tall attorney criminal regime. If I can, I just wanted to mention that for example sadam hussein was of absolutely no threat to our nation, but israel told us to get rid of him. And that's -- we're not any kind of super power. Since jfk was killed we have been biennial the number one super running dog to israel.

Ronnie, please conclude, your time expired.

Just one sentence I'm sorry. For example obama put israel's interest above our own by selected his very own super powerful chief of staff, israeli veteran and police officer officer rahm israel, tells them what to do every day in service to israel's schemology. , don't miss it.

Thank you, ronnie, I see that gus pena has joined us. Welcome.

I ditto everything gus has to say. Almost every time. Thank you.

Mayor, councilmembers, ronnie is a frequent also at the county commissioners court. I appreciate your kind words, sir, I don't deserve them, thank you. We understand the budget dilemma and funding level,

but please go cognizant of the fact that morris williams golf course is in need of repair and equitable repair process. [indiscernible] who is dead was very involved in the civil rights project, naacp president for many years. May he rest in peace. overton, junior is very involved in the equitable repair and improvement process of morris williams golf course. Please meet with him and others. Specifically I spoke to mary around and jim walker have agreed to assist overton in this process, I know there are priorities for funding. I know that they have been speaking about the need for increase in funding for social service agencies, the poor get poorer and the gap widens between the have and have nots, I will say this much. I want to thank the haves in west austin and other portions of the community for helping out the have nots and the city of austin residents, travis county residents are second to none in being generous, caring and giving to the people who are in need. I challenge the united states of america to be as generous and giving as our folks in west austin who have, to help out the have nots, I know they have done a great job. I would ask that the police chief be cognizant of the fact that if you take detectives off the caseload to do patrolling, it's going to take away from their time in doing, in investigating cases they should be resolving immediately because the crime and safety does have the impact on the quality of life of a lot of people. So I spoke to the chief about that I hope it doesn't happen. I'm fully supportive of wayne vincent who is the president of the austin police association and his position, all of the officers who are not taking the detectives off their case work, not productive. I want to also -- say to the chief and others, I want to commend the two officers responding to my 911 call at westgate. Waiting for the bus. Suspicious individuals in a suspicious vehicle incidents. They got there timely. I don't know what occurred. But I tell you what, darned good job officers, I am proud of you, I fully support you all. If something negative happens I will not support you all obviously. The chief knows this, also regarding the hispanic quality of life. Please don't forget the african-american quality of life initiative. Let's have a fair and equitable process. I heard the press conference out there, I just wants to know who these 100 people were who are interviewed. I am concerned a lot of grassroots people and community leaders have been left out of the process. I don't need to be on there. I don't care if I'm not there or not. I don't care I have other priorities for my family and people who need help. Please be inclusive in the problem involving other grassroots community leaders left out of the process. You want to know combat. These are things I have been telling you about the quality of life, improvement for the quality of life of people in east austin, austin a whole, anglos, african-americans, asian americans, I will wrap up mr. mayor. Please remember, be cog distant and inclusive, it is not a good process so far. Hold absentee landlords accountable for the abandoned property on riverside drive, people are going there, using drugs. Let me tell you homies, you keep on following people you are going to have a federal offense on you. You just don't follow people like that. I don't intimidate. I'm not scared of anybody, law enforcement will take care of you, I will, too, thank you very much for your time, goodbye.

Mayor Wynn: Council that concludes our general citizens communication agenda for this week's council meeting. Without objection, we will now go into closed session 071 of the open meetings act, to take up potentially items 33, legal issues regarding property located at 328 heartwood, item 34 legal issues regarding the lion's municipal golf course, 36, travis county health care district, 37 legal issues regarding -- let's see, an application of the hays county water control improvement district number 1 regarding discharge into bear creek. We make take up pursuant to 072 of the open meetings act, real estate matters, item 34 regarding the lions municipal golf course. 35, Excuse me, I anticipate this closed

session lasting an hour or two. So -- so we likely won't be back in open session until mid afternoon, probably 00, whereby we will take up our remaining discussion item, item 16 regarding the solar facility in webberville and our three afternoon briefings, now in closed session, thank you.

Mayor Wynn: Ended our closed session. We took up 33, 34, 36 and 37. We also took up real estate matters items number 35. We are now very delayed getting back into open session. I'm going to apologize. We had one discussion item from this morning, item 16 regarding austin energy's proposal for solar development and we appreciate a staff presentation from roger duncan. I hope a few of the people who were here this morning to sign up to give us testimony about the item, they are certainly still welcome to give us testimony. I think there might be a council request in a few minutes to postpone any action on this item for some period of time; however, I thought nce some people were geared up to give us testimony and duncan certainly is, it would probably serve everybody to at least get the information available as quickly as possible independent of when a decision might be made. With that I would like to welcome mr. roger duncan.

Thank you, mayor and council. This item is in the 30 mega wastewater project at the webberville site. I will start by indicating the solar goals that the council set in december of 2003 as part of the austin energy strategic plan. A goal was set to achieve 100 megawatts of solar power by 2020 and the following increments that you see on your screen, 15 by 2007, 30 by 2010, 50 by 2014 and in the end 100 by 2020. We did not achieve the first 15-megawatt goal by 2007. At that time we deemed the prices of solar to be too high to proceed with the goal at that point. The second goal is due the end of next year at 30 megawatts, and this project is designed to meet that goal and have online generation of 30 megawatts by 2010. Currently we have one and a half, maybe two megawatts through our solar rebate program. The benefits of doing this program, as stated before by council, solar, of course, produces no carbon meeting our climate change goals as well as producing energy. And I want to emphasize that we believe that this is the lowest cost option in the long run in terms of the next two bullets, it being coincidence with our peak demand and there's no fuel costs so we have savings opportunity over the long term. This will work very much like our green choice program works. You may recall that we had green choice initially offered at a price that was higher than the fuel charge at that time, but the price was locked in for 10 years. As people bought into that program and the fuel costs rose, they were actually achieving a discount on their fuel cost bills because of green choice. This is very similar. The price of this electricity is just a little bit higher than our peak prices are today for austin energy. But this price will be locked in for 25 years. And we meet our peaking load through natural gas production. And we expect both the price of natural gas to rise over the next 25 years and we expect there to be carbon legislation that will add to the cost of natural gas over the next 25 years. Because of those two factors, we expect that although this energy may be a little more expensive than our peak costs when it first comes online to very quickly it will be at a discount to our long-term peak energy production costs. Other benefits from solar energy are green collar jobs. I think we have other people here who will speak to this, but my understanding from the manufacturer and installation companies are there could be as many as 600 green collar jobs during the construction phase, some lasting through o&m and the total benefit to the city on the order of 35 to \$45 million from the project. Finally, one of the reasons that we want to locate this project at webberville in addition to it being land that we already own is that it's on our side of the ercot transmission grid. And whereas with wind, we are experiencing transmission

congestion problems in getting the wind from west texas to austin, there will be no transition congestion for this solar power into oursyst. The process that we have followed, we notified the council actually july of last year. That should read 2008, excuse me. And then in september of last year we issued an r.f.p. I have seen some discussion lately that perhaps we should have done what san antonio did and -- because they issued an r.f.p. I want to emphasize we followed the same process that san antonio did. , the same as us, and in about a month or so I understand they will be going to their board of directors with a purchase power agreement based on that the same as we have brought you a purchase power agreement. It is the identical process. We have talked about this for months in terms of town hall meetings. We've had eight town hall meetings. We've had stakeholder meetings with various groups and this has always been part of the presentation. We've briefed the resource management commission and the electric utility commission. Both of them have voted to recommend this project. We met with our key account customers on february the 3rd and we have provided them with information. And then just earlier this week we met with the park springs neighborhood, which is the neighborhood association adjacent to this project, as my understanding is that they have sent a letter to mayor and council supporting the project. I believe they have a representative here as well. that we sent out was to purchase 30 megawatts of solar capacity and energy at a fixed price for all the energy capacity, renewable credits and environmental attributes. It is a 25-year purchase power agreement. We provided the land at our webberville site. The proposer is responsible for all the america mitting, design and construction and maintenance and we expect this project to be delivering to us by the end of the year 2010. This is a graphic showing the webberville site. This is a conceptual that we put out earlier in the year of how it might be arranged. This is not the final design. However, the project will fit within the footprint that we have designated for this project. We received 15 responses to our r.f.p. All the responses were for photovoltaic systems. Five systems were deemed nonresponsive and then the final evaluation matrix represents the best and lowest fixed price proposals for 10 proposals. evaluation overview, the evaluation factors were corporate and professional experience, financial strength and structure, operational viability, and by far the largest part of the evaluation as per state purchasing laws were for the total cost of the delivered electricity. The recommended proposal is for gemini solar. Gemini solar is a 50/50 joint venture of sun tech power and mmar. Mma renewable ventures. Sun vent is the largest module producerrer in the world. They are headquartered in affiliate in san francisco and they have four production sites in china and one in japan. Mmarv develops, finances, owns and operates renewable projects in the u.s. They are currently managing 29 other solar installations. Their largest project to date is a 14 megawatts ground based installation at the nellis air force base in nevada. And I have a picture of that later. This project, our understanding is that it would be the largest single solar photovoltaic project in the united states. There are other solar purchases that are larger. Southern california edison just announced yesterday a 1300 megawatts purchase at multiple sites. There are single sights that are solar thermal projects that are larger, but as far as a photovoltaic project, we believe this will be the largest one in the united states and about the sixth largest in the world. It has approximately 171,000 sun tech poll I crystalline silicon modules, it is ground mounted on a single axis track we are 20 degree tilt. It will take up around 300 acres of the webberville site and be connected to our 138 kv transmission system. This price does include the decommissioning of the plant and recycling of pod calls at the end of the term. The next slide is just a picture of the facility at nellis air force base in nevada and gives you a picture of the type of facility we will be putting on at webberville. We also spoke

to m.b.e./w.b.e. Rules, these participation goals and gemini has executed a third-party commitment to meet the goals. Finally, the staff recommendation is to recommend an agreement with gemini solar. They are the best evaluated proposal for 25-year agreement online by the end of the year 2010 with a fixed price with total estimated amount of \$250 million over the term of 25 years. That's it. Thank you.

Mayor Wynn: Thank you, roger. duncan, council? Comments? As roger pointed out, and i hope they are still here, we did have a number of folks this morning who wanted to give us testimony about this item and I apologize for the delay in getting back to this item. I'm not sure how many of these folks have remained with us, but I'll walk through the sign-up sheet and see who would like to speak. Our first speaker to have signed up is david power. Welcome, mr. power. Appreciate your patience. Come forward and use either podium. You'll have three minutes and you will be followed by roger wood, if roger is here, and/or john williams. mayor, someone and city manager. My name is david power. I'm a representative of public citizen in austin. We're a public policy group. We do encourage and are glad that you are considering this proposal and we would like to make sure that it is constructed without any delay. There are several concerns that we have. One is the instability in the financial markets that are occurring right at this time. We want to make sure that the proposed contract is executed in a timely manner to make sure funding is available to the construction company. We are also aware what's going on at the federal level with proposed renewable portfolio standard and a possible carbon tax that could be coming out later this year. The renewable portfolio standard as proposed has already been announced out of committee though it hasn't been voted yet. One of our concerns is if this does occur in a reasonably timely fashion, that there will be a considerably larger number of players that will go I need to get myself some solar dan it could cause the project of the solar project to change if it has been delayed. Lastly, one of the things that we are concerned about is that if there is any sort of substantial delay that the project would have to go out for rebid. I understand that there are time limits in any kind of project and we want to make sure that this price which we think is quite fair is agreed to and executed in a timely fashion. The price that they are talking about when it breaks down into a kilowatt, as roger stated, is a very cost effective price compared to the peaking, and if the city ends up having to purchase a new single cycle peaking generation facility, it could exceed the cost of a -- the solar rate so we would end up with a gas turbine putting volatile materials into our airspace when we could have had a solar plant instead. I'll go ahead and let somebody take the podium so we can get through this agenda, but thank you.

Mayor Wynn: Thank you, mr. power. And roger wood signed up. Roger wood? If I call your name, if you could be prepared to walk up to the podium, it would help us speed up. Followed by john williams. Welcome, mr. wood.

Hey, mayor and city councilmembers. I appreciate the opportunity to talk. I'm with the corporate facilities group with rescale semiconductor here in town. Related to the power plant, the 30 megawatts solar plant, we understand the cost from the plant is going to be approximately 60 1/2 cent per kilowatt hour, that's over 400% of the current fuel rate that we pay. So this will increase ae's large industrial customers by potentially millions of dollars over the contract period. While free scale supports the development of solar power and is a green energy choice participant, we feel timing for the project is premature for a variety of reasons, not the least of which is the current global economic downturn that's

forcing many austin businesses, including free scale, to make significant cost reductions in the face of declining revenues. Therefore we urge you to delay funding approval until the ongoing smart energy public input process is complete and state solar and federal stimulation and other initiatives currently being formulated are available to help fund the project. Free scale is a top 10 austin employer with over 5,000 employees locally. And we're committed to being a strong environmental corporate leader participating in various environmental programs such as austin energy green choice as well as various internal energy water and solid waste recycling, reclaim initiatives. We welcome the opportunity to work with the local government in the private sector entities to evaluate this and all environmental programs. Thank you.

Mayor Wynn: Thank you, mr. wood. Let's see, john williams. Welcome, mr. williams. You will have two minutes to be followed by tim lasaki and/or luke metzger.

I'll be very brief. Mayor win, mayor pro tem, councilmembers, I'm john williams, president of the park springs neighborhood association. We've sent you an e-mail already expressing our position. I want to take this chance -- this opportunity to publicly thank austin energy for involving us and our neighborhood association because the land at stake is within our association's territory and to express our appreciation to austin energy for agreeing to continue to involve us and the neighbors as the project proceeds, assuming it does proceed. I'd encourage you to do the same and make the same commitment for the entire rest of the webberville tract. Thank you.

Mayor Wynn: Thank you, mr. williams. Is tim lasaki here? I hope I'm pronouncing that right. You will be followed by luke metzger.

Hi, my name is tim lasaki, I'm a vice president of gemini solar development company. I come here today to express our excitement about the opportunity to work on this project and the excitement we have o commitment of austin energy and the appreciation we have of austin energy as a partner going forward. We want to emphasize the immediate benefits of job creation and investment that will occur from this project, while any impact to rates would not occur until 2011. When it comes to jobs, we're talking about development and construction of which about 50% of the labor would be austin based. With respect to the panels, the final assembly is in china but I wanted to emphasis 75% is poll I silicon of which sun tech's biggest supplier is an american company based in missouri and also has silicon production in texas and in the of pasadena near houston. We're pleased to be selected, we're pleased to be bringing proven technology and ownership of solar projects to the city of austin. And finally meeting the energy independence and goals of this community, the state, the country and really putting texas on the map with one of the world's largest solar projects. That concludes my brief statement. Again, thank you for your consideration of our proposal.

Mayor Wynn: Thank you, mr. lasaki. Luke, welcome back. You too will have three minutes to be followed by paul robbins.

Thank you, mayor, mayor pro tem and councils. I'm the director of environment texas. We're a statewide citizens advocacy organization working for clean air, clean water and open spaces. We strongly support

this project. Austin has the opportunity to be a world leader in solar power and this project is really puts a stake in the ground to make that claim. And if we reject this project or delay it, you know, we could really miss out on a major economic driver for our economy this century. Already other cities are looking at far more aggressive projects. The city of los angeles is talking about doing 1200 megawatts in solar power by 2020. 400 Megawatts of that would come by 2013. So if we miss out on this opportunity, I think it's a major step backwards certainly for the potential for developing the solar industry in austin and in texas. But then certainly for the environment. You know, we know that in order to stave off catastrophic climate change and to achieve energy independence, we need to move to a point where we're repowering our country with 100% clean renewable energy. To get to that vision, solar power is going to be far and away the largest source. We need to get in on the ground floor developing that technology and we can benefit from it. We know the public really supports solar power. You saw a slide that shows far and away the single generation source the public wanted to see more of was solar power. Our staff goes door to door talking to people, lots of them talked to 25,000 more austinites about solar, incredible enthusiasm. Other polls have shown that more than 81% of texans support solar power and they want -- they are willing to pay extra on their electric bill to see it developed. Incredible excitement and i urge you to move forward with this project. If you are going to delay it, please don't delay it longer than a couple weeks, otherwise I think you will be killing it and that's a major step backwards. Thank you.

Mayor Wynn: Thank you, mr. metzger. Paul robbins. Welcome back, paul. Without objection, I would like to give paul six minutes, granting his request earlier in citizens communication and paul will be followed by david beck.

Thank you, mayor. Paul robbins, environmental activist and consumer advocate. I have not been exactly shy about criticizing the utility when I disagree with them but in general I support this project. I have analyzed the proposed solar project a number of different ways and when you compare solar photovoltaics to the cost of a new peak natural gas unit, it competes fairly well. Peak power uses the most expensive fuel in the most inefficient way and it only operates a short number of hours in a year, so the capital costs per kilowatt hour is high. Could you put the slide up? This isn't anything complicated, but according to the numbers that I ran, which were all based on either austin energy statistics or the energy information administration, with low gas rates, you're going to see an anominal cost of about 14 cents a kilowatt hour. If you add in a carbon tax or credit or whatever you want to call it, that's going to kick it up to almost 16 cents a kilowatt hour. With high cost gas, you are going to -- going to get in the range of 22 to 24 cents a kilowatt hour. Again, I compare this to -- excuse me, I am comparing this to 16 1/2 cents for the estimated cost of a solar cell plant at webberville. I'm sure none of you missed the front page story a few days ago about the battery consortium that people are trying to get to locate here, and I think this would accent the effort to attract that kind of clean tech to austin if you all were to pass this. I think it would reinforce those efforts. I'd also like to speak to the protests by some of austin's largest industrial customers. I do agree with them when they have complained that there was not enough time to understand the proposal, and I would like to suggest in the future that any contract like this have 30 days for the public to be allowed to study it. I think good public policy is not rushed. Regarding their concerns about increased bills, I feel compelled to remind people that larger users have much lower electric charges per unit, per kilowatt hour, than residential customers. Typically it is on the

order of one-third lower than residential customers. In the spring of 2007, there was a rate decrease given specifically and specially to large users. It passed unanimously. I don't think this council can be accused of being hard on major industrial customers. In fact, Judy Fath just brought me the revised chart. Can you -- would it be possible to -- [audio difficulties] but this tracks electric rates throughout, oh, I guess the last 20, 30 years for various rate classes. And the top red line shows the increasing rates for residential customers. That's rates without fuel. And the bottom green line shows the major industrial costs. And that last little dip is the special rate break you gave about a year ago. Excuse me, about -- forgive me. Was it in April of 2008 or April of 2007? Thank you. So that you can compare about 5.8 cents to about 2.8 cents. Again, this council cannot be accused of being hard on industrial customers. The ideal thing for these large industries would be to set up a cogeneration system to generate power on site. I am partially aware of the barriers to this approach, but if we don't press hard to remove those barriers, if we don't press hard for a better future, we don't stand a good chance of getting one. Thank you for your time and, again, I support this project.

Mayor Wynn: Thank you, Mr. Robbins. Let's see, David Beck is our next speaker. Welcome, David. You too will have three minutes to be told by Robert Duncan.

I won't need all that. Thank you for listening to us today. First of all, I want to commend whoever is driving this, I want to commend them for taking this first step towards renewable energy. Someone said earlier they think it's premature and I agree. I think as a nation we're way behind. But I live out there next to this property and I just want to plead with you today to remember us that live out there. We are the ones that are going to look out our window every day and see the nation's largest solar array. We're the ones that's going to have to live next to that. And although I'm personally, you know, I'm for it, some of the neighbors out there are very concerned with how the land may be treated during the installation of all this. A lot of the pictures that I've seen thus far of these installations is that they are in the desert. That land that we're talking about, the Webberville tract, is not that kind of terrain. There's trees, prairie land. I would like to see this be put in as gracefully as possible without the destruction of trees that the wildlife depend on. That's all I have to say. I just hope you keep us involved along the process and thanks again.

Mayor Wynn: Dr. Duncan. Is Robert still here? Welcome back. And you'll be followed by Brooke Ferguson. Robert Duncan, a research scientist, and I think Austin's rooftop solar program is a great motivator for citizen conservation and participation. But giant solar arrays like the one proposed are another matter. Remembererville will be able to produce only one part in 200 and this represents the most one percent carbon emissions reduction. Austin Energy will pay \$10 million and sell it to Austin ratepayers for less than half that much based on average selling price over the whole utility. This means that over 25 years Austin ratepayers will pay more than 125 million in rate hikes to get 1/200 of their carbon free. If Austin went all solar and got all its power this way, it would have to more than double its electricity rates permanently. This is actually a significantly less cost effective way to reduce greenhouse gases and nuclear energy. I think this is a sad day for the environment in Austin. The world's climate is in danger and what are we doing, the council turned down a nuclear proposal that could have given 60% carbon reduction and now it's comfortable a relatively cost ineffective for 1% reduction. I think this is like a man trapped in a room filling up with water who decides against opening the door and instead uses a thimble



to bail out through a hole in the roof and as he drowns he says this is the largest thimble in the nation. There's one thing I find encouraging. I've been told austin energy is seriously considering purchasing power from the south texas project and seriously reducing its carbon profile, seriously cutting back on its project soon after stp comes online. I hope we'll at last make serious inroads into our carbon footprint that way. Thank you.

Mayor Wynn: Thank you, dr. duncan. Let's see, brook ferguson is our next speaker. Brook ferguson. To be followed by ron rogerson. Ron rogerson also signed up to give testimony as has matthew cressa. Matthew cressa? Sorry. Ron, you can speak while matthew gets ready. Is roy matthew still here? Roy wanted to donate time to you, ron. Our rules are they have to be present in the chambers in order to do so. Sorry. Couldn't see you waving. Ron, you will have up to six minutes.

Thank you, mayor will wynn and city council. I'm ron rogers, senior facilities manager at [inaudible]. I'm here to talk about the solar project and its impact on us. Spansion is supportive of environmental issues, energy conservation and renewable energy use. We buy 12 million-kilowatt hours per year of green choice. Our water conservation, we dropped our usage by 1.5 million gallons per day. This is a 60% decrease since 2000, the year 2000. Our electric power consumption we reduced by 4,320,000 -- i mean 4,320,000-kilowatt hours per month in the last two years. We understand the impact of foreign oil on our costs and on our fuel and our power. Fuel charges for us have gone up 106% since 2001. Fuel charges for us represent 6% of our electric power costs. With today's environment where we're all fighting budgets with the slow economy this is a significant impact. The bio mass project which we've already approved and supported will cost us between 608,000 to 975,000 per year. The solar project, which is up for today, will be an additional 160,000 to 212,000 per year. These are all based on the estimates received from austin energy. The bio mass we got this week and last friday was when we got the solar information. We've been participating in the public process, comment process. We've only had one of four meetings. We have not discussed costs for any of the proposed resource plan yet. That will be at the next meeting. We believe that if there is a viable resource plan, it will help us stabilize costs and improve our reliability of our power so that's a significant thing we look forward to, but we also are concerned about the cost and economic impact to us, the city, city customers and the commercial industrial customers. The big picture has to be looked at. The timing of the project is a big question for us. Pickup participation process is just getting started. We believe it should wait until the public process is heated. We believe there's a lot of unique initiatives such as pecan street initiatives that are out there that could lead to significant changes in this process. We believe that solar technology is just on the verge of improving. If you look over the last couple of years you've seen significant changes both in technology and costs. We also believe with the federal government offering incentives coming up soon that there will be additional rebates and opportunity for additional savings. And wouldn't it be better to wait than wait for our grandfather clause that may or may not be there. Energy conservation is another consideration. Energy conservation is much cheaper than building any form of new generation. If there were an austin energy program that looked at improved incentives, that would improve the payback period, it would lead to much better projects and reduce consumption for all of us. Finally, we ask that you delay the power -- the planned solar farm until better economic times and this plan and future plans have been evaluated and discussed by the public comment process. Thank you for your time.

Mayor Wynn: Thank you, mr. rogerson. Let's see. Matthew, welcome back. You too will have three minutes, to be followed by shana lee.

Shana lee is not here. I represent the renewable energy students association, co-founder and co-president. Shana is another member and she had to pick up her children so I'm here representing them. I know they can't donate their time because they are not here. We're students, we're at acc. We're getting an associate's in renewable energy. And we strongly want you to not delay this project. I want to you vote it up. We all do. Because this is going to give us a place to go. There's, I'd say, about 50 students enrolled in this program. Most of us have been looking for work. This is going to give us a place to go. If we're being trained and sponsored by the city and acc, this would give us a chance to do that. It's a great green collar job. Energy prices are only going to get more volatile as things dry up globally. And I want to commend you and austin energy for this -- for their proposal of 20% by 2030, which is in line with the department of energy, but it's -- it's -- it needs to be the first step. This needs to be the first step to avoid catastrophic climate change and we have less than four years to go major revamping of that. I would suggest that you guys look into the google plan which is 100% by 2030, and they have a very -- it's very drawn out very well how that works. Texas has the opportunity here to be, as we have been, an energy leader in the nation. This is our opportunity to reclaim that. And the future is renewable energy. This isn't job loss or sick children, it's -- it's not that, it's job creation and a future for our children. Because if we don't change the way we do things and one of them is energy production, there's not going to be a future for our children to have. So again, I urge you to pass this, and as we've been shown, this is already viable. And having a federal administration that is favorable to this, it's only going to get more and more viable. And as well as technologies are going to come in place like distributeive storage of electricity. Solar is going to be the no brainer. I think that the -- the industries have been given enough time to review and make these [inaudible] and I feel like this is a stalling tactic. This project needs to go through and needs to go through now. Thank you for your time.

Mayor Wynn: Thank you, matthew. Let's see, roy whaley. Roy signed up to give us testimony in favor. As -- let's see. John sutton signed up to give us testimony. Welcome, mr. sutton. You may be our final speaker.

Good afternoon, I'm john sutton. I'm representing the building owners and managers association here in austin. We have owners and property managers who manage some 35 million square feet of office space in town. We use about 40% of the electricity and pay the bills for that, pay about 60% of the taxes in town. And we have been staunch supporters of energy retrofit and energy conservation here in the city of austin. We were very pleased whenever we were approached several months ago by the smart energy reachout program when they were trying to talk to various stakeholders and different organizations that had stakes in our energy here in town. And we're pleased that they were seeking our input on that. We just, however, we were somewhat taken aback whenever this came up as quickly as it did because this is one of the proponents or one of the pieces of the austin energy 2020 plan and it's a large piece of that program. And that program is not up for adoption until later on in the year. So it seems like we're getting a little bit ahead of the game here by making an award for a big piece of the program. We would like to see it delayed for a few months. Our understanding is that two years ago that the city council considered a bid for solar energy, found the cost too high and now that they've come

back to do a new bid, the cost has dropped some 25 to 28%. Also the technology is improving. So there's a past history of showing that the technology is improving, costs are going what is the big hurry to make an award today. Also I think austin has touted itself as trying to become the energy capital of the world and we're well on our way of doing that. And one of the things I think we have tried to do is attract the solar type energy construction here in austin as opposed to buying it from companies overseas. So again, there's possibility that we should consider a delay to perhaps see if that does come to fruition. Thirdly, the legislation is in session. We have a new speaker whose past history is a very green one and there are indications that there will be new state incentives that will be put forth in energy conservation and new alternatives for power, and also the obama administration has just started and so they are also promising incentives in these areas. We've got several things -- [buzzer sounding] -- on the cusp that we would like to see. We would propose a consortium between the public and the city to continue to study this and develop a program and a proposal further on down the line. Thanks.

Mayor Wynn: Thank you, sutton, for all of boma's work these past couple years. I see roy whaley has joined us. Welcome.

I'm sorry I missed the earlier call. I was outside catching a few rays. There's a lot of sunshine in austin, texas. I'm the vice chair of the local sierra club and I'll be short and sweet. We support solar energy, renewable energy. The worst part about this project as far as we're concerned is that it's located on a beautiful piece of property out at webberville. And we would love to be able to keep that and actually have it be a regional park out there. And I think that would be wonderful. I wish there was an alternative to the location and that's what I would encourage, but as far as the project itself is concerned, sierra club supports renewable energy. Thank you very much.

Mayor Wynn: Thank you, mr. whaley. Council, that concludes all of our citizen testimony on this item number 16. Without objection, I would roner duncan if he may be heard anything he wants to either correct or put into context or rebutt.

Mayor and council, there were only two things that i heard during the testimony. One was the recent speaker that asked why were we bringing this back now before we finished our public participation process, and as I addressed in my presentation, there is a council goal to have 30 megawatts on line by the end of 2010 and that was the driver for us to bring it back at this time. There's 18 months or more of construction that has to take place to get it online, and delaying it six months, a year will not meet that time frame. Of course, that's the council's time line. That could be changed, but that is why we brought it forth at this time without waiting until the end of the public participation process. The second thing I'll address is the representative from span simple on projected a dollar figure for the impact over the term of the contract that was quite large. That may have been a misunderstanding or misinterpretation of data that we gave spansion. It's certainly the first -- what we gave spansion was the impact on the electric bill in the year 2011 in their fuel charge. And there was not intended to say that that is the impact every year for the next 25 years. In fact, as I stated earlier, we expect there to be a crossover point. That impact would be there only if the price of natural gas did not rise, if there was not carbon legislation adding to the price of gas, and in fact we expect it to act like green choice, and spansion is one of our proud green choice members. I think one of the reasons they purchased it is that it's a fuel

[inaudible]. And so the price that they are experiencing in 2011, we expect that is a premium at that point for them. At some point we would expect that to be a discount because we would expect our cost of peaking power to exceed the fixed price that this contract will stay at for the next 25 years. Those were the only two comments I have now.

Mayor Wynn: Thank you, mr. duncan. Councilmember leffingwell.

Leffingwell: Roger, when you say acting like green choice, by that you mean it starts off costing a little more and over time it becomes more and more cost effective?

That's correct.

Leffingwell: You weren't intending to imply that the costs are optional like green choice.

No, sir. No, sir, we did not.

Leffingwell: Okay.

Mayor Wynn: Further -- again, that concludes all of our citizens testimony. Further questions of staff, council? Comments? Councilmember martinez.

Martinez: Thank you, mayor. Roger, thank you for everything you guys have done. I wanted to just start out making some comments and then I'll have a couple of questions at the end, but i certainly support this project and I know that we have to meet our goals as it relates to the green policies that we've set. And we have a goal to reach 30 megawatts of solar by the end of 2010, but when we adopted these goals, nobody could look into the future and nobody had a crystal ball. Nobody knew we would be in global economic armageddon. That's what we're facing right now. So for me the issue is, one is timing, two is I'm really not satisfied that we haven't answered the question completely is this the best deal possible. What if we -- what if we explore what comes out of economic stimulus and can make a 60-megawatt solar power facility by the end of 2011. So I just think that we need to not only just meet our goals but meet them in the most prudent manner possible. We see just today, just an hour ago all of the equipment at spanson was seized by the county. They are in arrears for property taxes, millions of dollars. Many of our large corporations that employ thousands upon thousands of employees are literally struggling day to day and some, like spanson, are filing for bankruptcy. These are thousands of jobs that we're going to lose. So we need to be mindful of the impact of our decision and we need to try to mitigate that as much as possible. As far as green collar jobs, i beg to differ that a construction job is a green collar job. Just because you are working on a solar plant, it's a construction job. The minute you finish construction of that site, the amount of full-time green collar jobs is a fraction compared to the 600 construction jobs. So I think we need to be clear that for me the definition of a green collar job is a sustainable job. In the green industry. Not construction jobs that come in for 18 months and go away. Where are these employees going to go after 18 months? There's not going to be 600 full-time employees running a solar facility. In fact, there might be six at the most. So I just want us to take a little bit more time and try to vet some of the ideas that this council is presenting in terms of looking at

stimulus package money and also let's -- I don't know if it's possible, but roger, maybe you can answer this, can we create these 30 megawatts of solar power into the green choice program to where -- because we heard the statistics. 80% Of texans are willing to even pay a little bit more for green energy. Well, if the numbers are that big, then why not offer that choice? Why not let folks self-impose an increase in electric utility rates if they choose to? As opposed to what the currently proposal does, everyone has to bear the burden of higher electric utility rates starting in 2011 for 30 megawatts of solar power. So roger, I don't know, can we specifically create a choice program out of this and pay for it via those customer fees?

Yes, councilmember, we can do that. We can create a special solar webberville green choice batch, if you will, and customers buying into that would pay a fee. However, I don't want to leave a mistaken understanding. The way our green choice program works is that we offer specific batches of a fixed price and customers voluntarily buy into it. If that -- if that is not sold out, for instance, when we offer a new batch for the first few months, maybe it hasn't been sold out, the amount -- we, of course, are paying the full contract charge for the energy we're getting to supply that. The amount that is unsold still rolls into the fuel charge for everybody. Now, we have sold out all of our green choice batches previously and the one currently has just started and sold out. I do not want to leave the illusion that -- because this will be a fairly expensive green choice batch for the solar webberville site. If it does not get sold out, it would still roll over to everyone's fuel charge both the industrial and residential customers.

Martinez: But that fuel charge, that increase in fuel charge wouldn't be --

it would not be --

Martinez: It would not be commensurate with what's in the proposal now.

That's right. To the extent green choice buys it, it lowers the fuel choice for all the residents in the city. And we could do that.

Martinez: I think that's something we should consider to minimize the impacts because I think we have a community that is so committed to that that we will probably see this batch sold out and those that don't choose or don't want to get in, don't want their rates to go up won't opt in. So --

yes, we could do that.

Martinez: Okay. Mayor, that's all my comments for now.

Mayor Wynn: Thank you. Roger, excuse me, before you walk away, as councilmember martinez brought up the concept of take more time, i see mr. johnson is also here. Technically, how long could we take before we lose this specific opportunity? process and this guaranteed price.

Byron johnson, purchasing officer, we have until the second meeting, that would be the 12th of march. We really have to make a decision by then or the pricing component would go away and we would have

to start over again.

Mayor Wynn: Great. Thank you. So a month from today. Mayor pro tem?

McCracken: I support austin energy's proposal and i want to explain why I think it's important we act now. I can tell you from my personal experience of being part of the original batch of green choice customers is that green choice is created because it was forced on us actually. The state said that renewable energy doesn't make sense and they made us set up a separate accounting system for green choice and not put it into our overall utility bill. At the time that we started green choice, the fuel charge, 7 cents per kilowatt hour. And today if you are just a regular austin energy customer getting coal gas nuclear 6 cents a kilowatt hour. If you paid a little bit more in the year 2000 to be a green 7 cents, you are paying 50% of the cost of a regular customer. So the vision the utility had to move into renewables back in 2000 has proved not to be just visionary from an environmentally responsible standpoint but it has turned out to be a great deal for everybody who was part of green choice in 2000. We've seen this play out every one of our batches. So I do urge our employers, i respect their concerns a lot, and at the same time I think a lot of these customers know from firsthand experience of joining green choice earlier, even if they paid a little more at first, they made out financially very well-being on through the fixed price period. The second thing is the issue about carbon free electricity. I think we are today seeing the clear advantage of solar over nuclear and it's this. Today we had a choice of buying 400 megawatts of nuclear power for -- with a 50-year commitment essentially of owning that power plant and it's going to cost us \$2 billion. And that's -- and that's probably an optimistic assumption. Instead with solar, we're able to get 30 megawatts of electricity and so we don't need 400 megawatts of electricity. We need -- we do need about 300 I think is what the actual estimate is and the advantage of solar is you can incrementally increase in a flexible way and you can address your peak power demands which is where a lot of our extra need comes from. So solar as we improve the technology in particular, but solar is the most flexible way to add new power as we need it and nuclear has the massive capital cost and it is carbon free electricity, but solar gives us other system advantages as well. I'm not going to ask -- sorry. Well, I'm sorry.

Mayor Wynn: If you are asked a question, you may respond to it.

McCracken: There's a -- there's another issue and that is local versus distributed on the green collar jobs and it is true that local distributed, which is the focus of the pecan street project and is the focus of our solar installation efforts, that will be more effective at creating green collar jobs than a large system that is remote. But it is also very true that we are going to need both. You are not going to be able to supply our future power needs with just rooftop solar, that will be an important component and it will be a great help to create green collar jobs, but we have to develop expertise as having renewable power in large concentrations in remote places be it wind farms or solar arrays because we're going to need both to make this utility work while going into the future. And then finally let's speak to what I think is a hugely important reason why we need to be doing this. The backbone, the foundation of our private sector economy is the semiconductor industry, and as we did here today with the challenge spansion is facing, free scale, amd, the companies supplied the jobs, the private sector core jobs for austinites are facing challenges and just about every single one of them has said their number one business opportunity into

the future is going to be solar energy. It's going to be developing these solar technologies. So you have our economic sector which is saying our future is in solar, and if the austin city council were to say no, we don't really think solar is the way to go, we're going to reject it, it's too expensive, we would be doing significant economic harm to our sectors trying to sell these technologies to customers worldwide. So I think that -- I think we would be sending an inaccurate message too. Solar is good. It's good for air quality, it's good for a citizen perspective, good for creating jobs, it's where the future is. Austin should not be the kind of city that follows and waits for others to make the future. This is a nationally significant project that will demonstrate austin's leadership in clean energy and creating a green collar economy so I think it's important we move forward with this. [One moment, please, for change in captioners] blank

yes, sir, councilmember. I agree, I see no down side to this. It is very doable. We have just traditionally not made of decision on whether it made to the green choice charge or fuel choice charge in the process, but that's just a process. I see no problem in committing now to a solar green choice batch to dedicate this contract to.

Leffingwell: Good. I'll say right here in front of everybody that I'll be one of the people to sign up for that.

Mayor Wynn: Further comments, council? Councilmember martinez?

Martinez: I wanted to make a couple of closing comments before I made a motion. This -- adding some time to this process and making it better is not sending a message that austin does not want to lead. We shouldn't be in a race to spend as much money as possible without trying to be as prudent as possible. A little over 24 hours ago we sat in a room and we saw \$20 million in a budget shortfall we needed to talk about. We're going to consider closing libraries, closing fire stations and we're going to consider cutting services. And today we're saying we're going to consider investing 2 fist this will dollars in 30 megawatts of power. That's not what I'm implying here, but we have to be prudent and the taxpayers and the ratepayers have to see that. They deserve that. That's all that I'm trying to do in proposing that we hold off on this decision today, try to bring -- be a little bit more creative, try to reduce the cost and the impact of making this decision. I absolutely am in support of moving forward with our goals, but only if we've done everything we can to make sure that it's the best possible deal. So with that, mayor, I'm going to move that we postpone this item and that we talk -- we bring back to council a proposal that talks about some of the things that -- some of the ideas that we share today and I don't have a calendar in front of me. But I assume sometime in march --

Mayor Wynn: We meet on march fifth and march 12th, the day before which we lose this opportunity.

Martinez: Let's do march fifth in case we need to tweak it one more time.

Mayor Wynn: We have a motion by councilmember martinez that I will second to postpone action on this item until thursday, march fifth, 2009 with additional instruction or opportunity for staff.

Martinez: One last comment. That we make sure that some of our large utility users are certainly a part

of this conversation and a part of coming up with the final proposal and analysis. Thank you.

Mayor Wynn: Thank you. Again, motion and a second on the table postponing action on this item with additional direction to staff until thursday, march fifth, 2009. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion to postpone passes on a vote of seven to zero. Thank you all. Again, I apologize to everybody. That just now takes us to our afternoon briefings. We'll try to reduce them slightly in scope, but i think we should go ahead and take them sequentially. The first is a presentation update on the status of our boardwalk trail at lady bird lake and see stewart strong is here. Welcome, stewart.

Mayor and council, I'm stewart strong, assistant director of the parks and recreation department. We're here to give you a status report and briefing and raise issues that we've encountered along the way. We have a presentation for you. As you know, the trail has been out there for over 35 years. It's enjoyed by a million and a half people. It's extremely popular, part of the fabric of our city. Of course there is a gap in the middle on the southside. It's roughly either side of i-35, about 1.2 miles. Without going out on riverside drive sidewalk there is this gap and you simply can't go east to west. In the past year or so, the council has taken some initiatives to address this issue in the fiscal '08 budget you approved 7 million to begin the design of the boardwalk. In march of '08 you approve add contract to hire a consultant to do the professional design for the boardwalk trail. And then in january you included the boardwalk in the list of federal stimulus programs that you submitted to campo. We have proceeded with the design. Of course, working with the engineering team, the first thing we need to do is establish the parameters of this boardwalk. They submit to us recommendations on the materials, on the width, and on the alignment. We're at the point now where we need to make some decisions. We have worked with the parks board a number of times. It's gone to the full parks board twice. It's gone to the land facilities committee once. It's gone to the joint parks environmental board once. Each time we've had a healthy representation in the community -- and the community expressed their views. At the meeting of january 27th, parks board met. Their action was to proceed with the design of the boardwalk, though they did not give a specific recommendation on the alignment. At this point the alignment is the only missing piece in progressing at this point. We know generally what width would be, generally what the composition would be, but we have some choices still on the alignment, and that's been a point of contention in the community. We will give you today a short presentation on the alignment as we have it and the preferred alignment, which we will recommend to you. We will show you there are two points where there's discussion and disagreement in the community. And these are both around the condominium projects, two condominium projects where the residents have requested we not place the boardwalk in the water in front of them. Happily we've been able to put most -- half of the trail roughly on land, on parkland. The rest is the subject of this consideration. We'll review the project today and we intend to come back on the 26th to get your concurrence with the proposed alignment. I'll review the funding for you. As I said, you have 7 million for the engineering drawings. In december of '07 the city council directed that of the approximately five million dollars previously earmarked for the children's museum in block 21, since that didn't happen, you reallocated approximately half of that amount to the boardwalk, so that is in place. That's what we have. What we need is a construction budget of what we estimate to be about \$15 million when we get to the construction. We don't know exactly what that will be, but that's your target now. Your funding options we've identified would be the potential of a federal



stimulus program, private funds. And we have the trail foundation and others who have committed to helping us raise funds the park dedication fees may come up from time to time and we will allocate those to this project and it will be considered for future bond consideration. At this point I'm going to give the presentation over to david taylor who is our project manager with public works to review the trail and the proposed routes, and then following david susan rankin, the executive director of the trail foundation will speak to you about your vision for the -- about our vision for the trail.

Mayor Wynn: Thank you, stewart. Welcome, mr. taylor.

Thank you, mayor and councilmembers. I'm david taylor with the public works department, project manager on this. As project for boardwalk trail. As stewart mentioned, last summer we engaged jacobson and their design team to help us in this work. We've gone about gathering technical data and input from staff and citizens through a number of private and public meetings. As we gather that information together, we developed a set of goals and parameters to lead us towards this design process. I'd like to go over them briefly. The parks board has particularly directed us to try and route the path on land where possible. This is in accordance with the recommendations of the waterfront overlay taskforce, and we have moved from the investment study's original design that showed pretty much all on water to where at this point we're going to give you a recommendation that's almost half of it on land. In addition, the pathway is intended to be throughout its length 14-foot of width with gradual turns. These meet the recommendations of the bike and ped program at a minimal level and also the national standards for pathways that mix bike and pedestrian traffic in a two-way situation. The pathway needed to be compliant, which generally means that it's typically no more than a five percent grade throughout. Because all of this project is built in the flood zone, it needed to be compatible and durable enough to exist there, so we started on the design that pretty much allows us to be four to six-foot above the normal water level, which is above the common yearly fluctuations of the lake, but would still be built in a way that would be sustainable and recoverable in the case of a 100 year flood. The multi-use services that are smooth enough for bikes and yet have some element of give and particularly on land for the runners is what we have in mind for the project. And then periodic rest stops and other minor support facilities so that runners can feel comfortable through this area. I'd like to give you if I can an overview of the recommended routing. There will be details in the segments as we follow through here. Just to orient you from this drawing, you can see on your far left where the trail currently ends and the east edge of the "austin american-statesman" parking lot. We propose to move this trail along sections on land and over water. Underneath i-35 in the middle of your picture to a new terminus in the lake shore park on your far right. Our recommendations on all these drawings are the heavy blue lines, just to keep us straight on where we are there. This first segment is the cws property, which has an approved site plan that I believe you approved a year ago. With the cws agreement, they are responsible for developing the primary trail that you see on land there as well as a neighborhood connector that's labeled as the east bouldin creek connection there that runs back to riverside. This would be a typical land trail made out of decomposing granite similar to what we have on the trail further west on the lake. The next segment runs in front of the river walk condominiums, and an office building and joe's crab shack. Here we don't have the land available to us at this point, so our recommendation takes the trail out over the water. It would have to rise slightly to go over the outflow of east bouldin creek to some six to eight foot of elevation, and then run at its typical elevation of five to six feet in a location

approximately 25 to 30-foot out from the shore. The gold lines you see there labeled as possible route c were a discussion that we had with some of the board members from riverwalk and we continue to have some conversations about alternatives through this area. The next segment runs us along a city-owned piece of property commonly known as the norwood tract. It includes a connection, a primary trail connection at blunt creek there where an underpass exists connecting to the neighborhood underneath riverside drive. This is a sensitive wet land area, so the design through this area includes significant sections that are built up on stilts so that we don't have to build -- take large construction efforts down into the wet land and floodplain areas here and also to stay above the typical three and four foot floods that we receive every few years. As we move further east, there are opportunities to be on grade similar to the existing trail through the woods there. A very different experience than being out on the water, provides some variety. And that section takes us under i-35. As we approach i-35, of course the cliff gets quite steep and is in excess of 40 feet tall just beneath the norwood estate. So you see that we're forced back on to the water for a short stretch before we can move back to a landing that exists under the east frontage road of i-35. And connect on up to the star of riverside access lane, the eight foot trail there is an obligation of the star riverside redevelopment and the main blue line, the main part of the trail would be built under this project. Just as a quick comment you see there something not included in this project is that future trail head. At some point where the norwood estate and dog park are further developed, there's an opportunity to connect this trail further up there, but again that's not in this particular recommendation at this time. As we move east from star, again the steep cliffs and challenges of the top of the cliff of some strong grades as well forced our recommendation back out into the water. There's a long stretch here we've label the waterfront prom in addition. -- Promenade. We did look at alternatives that ran along the cliff side and on top, but the grades were pushing the costs right back newspaper a comparable level to -- right back up in a comparable level to where we were on the water and created much more environmental challenges in those sensitive zones along the water. You also see in this picture in front of the breakers apartments there an alternative -- a an alternate alignment number 4 that we're currently discussing with breakers to try to bring another 250-foot segment on to the land and provide a little better access for an additional group of nearby residents. The last segment, the last slide is made up of two segments. You see first the amli segment. Amli is another redevelopment currently under reconstruction. In its site plan approval it was also negotiated to build a segment on the land, alongside the water. And in addition to public connections, the one on your far left that's shown as a five-foot trail access and the one on the right that's a seven arrest eight foot wide that runs down the drainageway there. They're included in the site plan requirements before they can reach a certificate of occupancy, and amli continues to support this project through that area. The last segment is labeled lake shore park. It includes 1818 lake shore, and you see there three major alternates that were considered in this process. Really our first preference would have been what's labeled as possible route b, the trail on the land. Lacking any support from the ownership of that land, recommended alignment then falls back to the next least expensive alignment, which is out on the water, which you see there in bright blue. For council's knowledge, we did consider three possible routings represented by the gold lines that moved up that drainageway. We found problems of cost, being at least as much, if not more of the route on the water. Certainly with a trail of 14-foot width, we were trying to deal with difficulties of matching grades and some severe environmental restrictions that would be typical of floodways such as this unnamed creek here. So we have found that the best

recommendation in this area is to stay on land there. And if I can, I'd like to turn it over to our private partner in this process, executive director of the trail susan rankin.

Mayor Wynn: Thank you, david. Welcome, susan.

Hi, thank you. I'm susan rankin, executive director of the trail foundation. I'm here to talk about and explain as part of this ongoing public-private partnership why we think it's necessary to move forward to the next stage of this process so that we can complete the trail, that is, why we need to move from the concept phase, which is where we were, to the design phase. We are committed to raise a portion of the funding for this project. For about five years the trail foundation has been bringing private resources to bear to improve, protect and enhance the trail. We've completed various kinds of landscape projects and user amenity projects. Everything from mile markers to landscaping to planting trees to even building an award winning design award winning restroom down by rain any street. We also do conservation work at the trail with our on going healthy trees for the trail program. We plant trees to diversify the woodlands, to diversify it to the benefit of the birds and other wildlife. And we also have removed a hiewmg number of invasive, non-native trees from our woodlands at the trail. But I think really the most important thing that we might be able to do as an organization is to do this work to both advocate for completing the trail and help fund the completion of the trail. The reasons that we need to complete the trail really only increase with time, and that is because of the huge increase in trail use that most of you trail users have already seen out there. As you know, we need to connect eas west austin. We're all aware of the divide there. We need to connect both spirit actually and physically. We need to resolve the serious safety problem that exist at i-35 in order to access that eastern part of the trail over there you have to cross six lanes of i-35 traffic. It's very dangerous and as most of you are aware, there were three people that died before the pfluger bridge was built. We just don't want to see that happen here. And there are a huge number of people that want to access that area that can't. Another important reason that we're committed to this is that we see the trails as a really important hub in a growing system of trails and greenbelts that connect there, including the guerrero park in east austin, southeast austin. We also recognize the need to just manage the growth that's occurring in austin and the trail users and to franchise the east austin trail users. As you probably know, for about 15 years civic leaders and the parks department staff have talked about how are we going to complete this trail? Let's do it. And in 2007 the trail foundation privately funded and completed the foundational riverside boardwalk investment study. That was done so that we could articulate just the full range of options and issues associated with completing the trail through a boardwalk. And really at that time we assumed that we would have to build most of this boardwalk over water, and as you heard through the diligence of the staff and the jacobs design team, now almost 50% of the trail will be overland boardwalk or overland trail and we think that's a huge improvement in the boardwalk. They've done a reallyio man's job in assessing the topography, the private property issues, factoring in access for mobility impaired people and looking at costs too. Although you're not looking at funding it right now, costs will be a huge factor in getting both public and private funding to do this. We just think that we have to move forward so that the boardwalk and completing the trail can safely serve all austinites. Part of what this will do will provide public access to really what is our lake and our trail. Our waterfront. I think you have some images. So a lot of what you see out there will really look like our trail as you know it now. There will be overlaid trail of decomposed granite and there will be some really beautiful sections of overland boardwalk. Next

image, please. That's just to show you how beautifully board walks can be integrated into the natural environment and would be woven along the edge of the lake. I would like to add that board walks are really not a new or radical approach on how to provide access to public spaces. As you probably have all visited state and national parks that incorporate board walks as a way to access sensitive areas. There's also a number of cities such as Portland with its East Bank Trail in addition that have completed and amended similar gaps for similar reasons with similar waterfront kinds of boardwalk trails. I would like to correct what may be a little bit of a misconception out there. There will be ongoing environmental review as part of this process as it moves forward, but we need to get to the actual design phase to have that environmental assessment of what really will be proposed for the design of each segment of this. If you look at the sections that public works showed immediately west of the interstate where there's public parkland below the Norwood estate, if you go out there, you will see some really beautiful specimen trees like there's cypresses and willows and cottonwoods, but I think what you also would see is a lot of non-native invasives, and we see a really wonderful opportunity to do a lot of ecological restoration in that area and also to address some of the elephant ear issues and other non-natives that are in the zones. We really feel like we need to move the process forward here, and I hope you can understand that we need to have the city address the design and aesthetics in this next phase so that we can move forward jointly and seek public and private funds to complete the trail. As you all know, the city is doing really amazing things and at public parklands, you've all seen Butler Town Lake Park. Nobody really knew how wonderful that was going to be, and I think the boardwalk will be one of those things. We recognize in a city like Austin there's a lot of interested people and there will always be some differences of opinion about what should be done and shouldn't be done and some promotion associated with doing things and changing things for the greater public good. But I think that this new gateway, this trail that will connect and bridge east and west Austin will open up all kinds of opportunities really along the waterfront area. And again, it to allow all the citizens access to what is our lake. It's not a privately owned lake. It's not a privately owned waterfront except in certain areas. It will give people full access to that area and complete the loop. It's going to really make the trail safer and more enjoyable for all Austinites, and we really think it's the right thing to do now. Thank you.

Mayor Wynn: Thank you, Ms. Rankin.

This concludes our presentation to you. We remind you we expect to come back to the 26th and get your guidance on the routing on the trail.

Mayor Wynn: Thank you. So comments, questions of staff? Councilmember Martinez?

Martinez: Stewart, I had a couple of questions. On the trail when I'm looking at it, I remember doing the Star Riverside zoning case where they gave us, I don't know, 100 feet, 80 feet, whatever it ended up being in the zoning case for the trail, but when I look at it, it goes out over the water. Is it not feasible to put a trail in that easement that they gave us or that right-of-way?

We inherit it had from a previous zoning case, which was to get us from Riverside Drive down the hill to the water's edge. They maintained that, but basically a corridor parallel to I-35. So they got us to the water. They showed some improvements that might occur at the water's edge. They will certainly fulfill

those obligations. The design you saw we're proposing that the boardwalk as it goes east would actually come up midway simply to avoid a ramping system going down the steep hill, which would be even more expensive. So we've changed the design slightly. We're going to bring our boardwalk up to the trail that they're obligated to build and then we will descend again and get down to the water. So it will be a more efficient and a cheaper way to go. They are going to basically fulfill their obligations, yes.

So in the areas where we go out in the water, is there going to be enough elevation for kayakers and rowers to maneuver?

At points we'll raise it more, so that will be a funnel going in and out, not only for recreational uses, but of course we have cleanups in the lake periodically. So we need to have boat get in on the shoreline go under the boardwalk and get back in there. We will have a passage under the boardwalk to do that, just as at the mouth of creeks, we want the flow to go through and we will be slightly raised above that.

Martinez: Okay. Thank you. And mayor, I'll just say that I want to make sure that folks understand while we're fully committed to this project, I believe, I don't speak for the rest of the dais, but I can safely say we're committed to it. Folks need to understand because we received a lot of e-mails saying complete the trail, finish the trail, close the gap. What we're voting on today or what we're initially funding this year is simply for design. And as you heard Rankin say, we have to make a serious commitment as a community to help raise the funds and find the funds to actually build this project. So I just want to make sure that folks understand so many e-mails came in kind of intimating that our decision would be to complete the trail. It's actually just to design the actual project. We still need to fund that moving forward and I'll be doing everything I can to help find that funding.

Mayor Wynn: Just to build on that slightly. The plan here, the process here is of course just to do a public briefing today with no action, then we'll come back -- the schematic idea is to come back in two weeks at the February 26 meeting. What staff really needs for us as a council to do is bless the alignment, bless the route. Because the next step, as councilmember Martinez pointed out, is the actual design, very specific design and engineering of what would be the project. Why we need to move forward on that is to choose the alignment and then turn staff loose on the specific engineering and design of that alignment is because Rankin points out, that starts to answer most of these detailed questions, elevation, environmental impact, if any, materials, so it's -- we need to have that stage of detail in order to really have all the specific questions. It is going to be wholly appropriate and we should stress to staff that throughout that design and engineering process, even though we hopefully will have blessed an alignment, a corridor, that all of these meetings continue with particularly the property owners that have land that in theory we could divert back on to land and then save money, perhaps improve some of their facilities, etcetera. But neither side would know sort of what to be negotiating with and for until we have the detailed engineering and design and specifics of a project. So again, just to reiterate what councilmember Martinez point out, I anticipate at our next meeting or two the council will simply be blessing an alignment and then that then turns staff loose to do the next stage, which is significant. It's seven figures worth of engineering and design work, so then we have answers for both ourselves, potential funders, stimulus package, bondholders, voters, but also landowners that may have a strong interest and/or be affected, have very specific answers for all of those questions that should be

asked. Councilmember morrison.

Morrison: Thank you. And I want to thank the staff and the trail foundation and the design team. And I know that there were plenty of conversations about this at the parks board who looked at it over and over. I know there's been a tremendous amount of work to even get us here. I'm excited about it. And to follow up on what the mayor said, I know that there are balances that we need to reach and that we have some really wonderful examples of striking some good partnerships with private property owners. For instance, with cws that that was a real win-win and I'm glad and heartened to know that we really will be able to perhaps continue those conversations and get more of the trail on land. And I do have just two particular questions for you, mr. strong. As we go forward with the design, will it continue to, for instance, come back to the parks board at various points so that folks can stay on top of the progress and comment on things?

Yes, it will. We have committed to the parks board and the joint parks board, they will see this at each stage. They will give us input but that will be a forum for the public to make comments on as we go through.

Morrison: And you may have mention this had already. Do we have funds to continue now with this next phase of the design? Is that correct?

That is correct.

Morrison: And it's the building of it that we will be challenged with.

That's the challenge.

Morrison: Okay. Good. Thank you.

Mayor Wynn: Further comments or questions on our presentation? Again, of course we'll continue to receive feedback from citizens and look forward to council action perhaps as early as february 26th. Thank you, stewart. Council, we still have a couple more briefings to get done before we even start our zoning matters. If we were to be taking these sequentially our next one would be the comprehensive plan finalist presentations. There's 25 or 30 minutes or so before we would then break for live music and proclamation. I don't know what the staff recommendation might be as to what will be our format. My instinct is that we have done this -- similar type presentations before where perhaps each team has six, eight, 10 minutes to present, something like that, greg?

Staff would make a brief introduction, we would have probably 15 minutes per consultant. If you remember we did the library I think we gave 10 minutes to the library and we're talking about the entire city of austin, so i think we're talking about 15 minutes for the entire city e.t.j.

Mayor Wynn: With that in mind, council, my instinct is perhaps we need to wait and start that so we can have all three done sequentially without being split up with a live music and proclamation break. I

haven't heard from staff how long they think the briefing is for 11th and 12th street, but I can see it lasting 10, 15, 20 minutes itself. So without objection, my instinct is we should start item number 40, which is the briefing on the administrative and management review of east 11th and 12th redevelopment efforts. And that might leave us a few minutes to perhaps do a zoning case and/or postponement items before live music and proclamations. So hopefully staff is prepared to give us a briefing number 40. Anthony, welcome. Sorry to throw you off.

We're prepared, mayor. How you doing?

Mayor Wynn: I knew you would be. Welcome.

Thank you. Mayor Wynn and members of city council, my name is Anthony Snieps, Chief of Staff City Manager's Office. I'm very fortunate today to be joined by two of my esteemed colleagues, Chief Mike McDonald and also Margaret Shaw, who will be assisting me in briefing you on our work regarding this operational assessment of the Austin Revitalization Authority. Back in 2008 the City Manager requested an executive review in order to better understand where we've been, where we are today and what the future holds for this partnership during the course of this assessment we've been joined by the office of the City Auditor. Over the course of the last month or so, myself and city staff have worked collaboratively with the Auditor's Office. We've provided all documents in a timely manner and have met them or with them on numerous occasions. We look forward to the upcoming audit; however, we feel that the recommendations that you will hear today are essential in allowing both ARA and the city to function more efficiently and effectively in developing the corridor. The reason we're here today is really to provide you with a brief history of east 11th and 12th streets redevelopment project. And also to share with you the findings of the operational review. Lastly, we plan to discuss staff's recommendation on the next steps that we would pursue. At this time I'm going to ask Chief McDonald if he would to share -- because clearly he has an historical perspective on the development of the corridor, and provides a large amount of institutional knowledge.

Good afternoon, Mayor and Council. Michael McDonald, Assistant City Manager over the Public Safety Departments. I want to start off here with going over some of the problems in the past in the 11th and 12th street corridor area. And with that I want to add some personal perspective to it as well. You know, growing up in East Austin, particularly this corridor area, the 11th and 12th street area, was rich in culture. The African-American community acquired most of its services in this particular area. You had operations or businesses such as Safe Way that was all the way to the west side of the corridor at I-35. You had the Harlem Theater. Marshall's Barbershop, Harlem Cab Company operated there. Chuck Wagon Barbecue, the Victory Grill is still there, which is part of the old Chit-Lynn's circuit. But growing up there just about everything we needed was there in that area and it was really, really a proud area. Shortly thereafter, when I was in middle school, we moved northeast and so I was not in that area quite as much as I was in the past. So later after becoming a police officer I came to know a difference in this area and it was really disappointing in what I found. You know, when I was in the police academy, one of the things that was talked about was you want to get assigned to Charlie 1. Charlie 1 was this corridor area because that's where all of the action was. We once assigned as an officer, I found that the type of action that was taking place in that area was really disappointing. An area that once flourished with

business and growth was suddenly hit by drugs, prostitution, burglary, gambling. You name it, it had one of the highest crime rates in the area. As officers we worked hard to try to change that area, but when you look at the broken windows theory where you have so many other things that are deteriorating in that particular area, no matter what law enforcement efforts you put forward, it's still difficult to make a sustained change. So as I moved through the organization and became an assistant police chief, I was in charge of investigations and in charge of many of the initiatives that we tried to put forward to effect change in this particular area. Although we were able to put offenders away and work closely each with federal thors, the area was -- there was so much crime in the particular area that you had a succession there, no quicker than we would take an element out, it would be replaced by another criminal element. Several years later i was approached by ara and they explained the efforts they wanted to put into this particular area to try to effect change. So what we did was we worked together with ara, affecting change, a combination of that and the efforts by the police department. You will see later in other slides we were able to make substantial changes this that particular area. Here are a couple of quotes from the other america by michael harrington. His book characterizes what takes place in the inner city. If there's a lack of investment. Similar in austin as suburban austin grew and businesses flourished, sections of east 11th and 12th street area deteriorated. In the words of our former mayor gus garcia, the 11th and 12th street area was neglected and we had to invest in order for there to be change. Council, these two charts depict a 10-year history of crime in the 11th street corridor prior to revitalization efforts by ara and the process since that time. The lydia area as i talked about suffered from burglary, auto theft, aggravated assault, trespassing, narcotics, the # hundred through the 1200 block of 11th street, primarily consisted of robbery, rape, prostitution and disorderly conduct. And as I stated, when i was a patrol officer, this area became known as the most crime ridden area of the city. You can clearly see the progress that's been made since a combination of the development that has took place around 1999 and some of the initiatives that were put forward by the police department. This next slide, council, these are some of the early actions for renewal that took place. In 1995 ara created a development master plan for east austin. In 1997 council designated the east 11th and 12th street area as blighted and suitable for urban renewal. In 1999 council approves the urban renewal plan and then later in that year the city, urban renewal agency and ara entered into a tri party agreement defining each party's role and responsibility in the urban renewal project. This -- council, this map of the 11th and 12th street corridor shows the area that has primarily been focused on during the revitalization efforts. As I stated before, the 12th corridor is i-35 to the west up to chestnut. The 11th street corridor is i-35 to the west and then going east to the area of navasota. Council, these are threet guiding principles from the three partners, the city, ara and the urban renewal board. The first principle was to protect public investment, second to ensure responsible development of the corridor, and then finally to address community priorities. And council, this is some history of ara. In october of 1995 ara, a community-based private nonprofit corporation was formed to develop a redevelopment master plan, a marketing plan, and business plan to support the revitalization efforts. Below that it's the mission and vision. The current board chair charles urdy and the president and ceo is mr. byron marshal. This is information about the urban renewal agency, the focus of the agency in the 11th and 12th street area was to produce a mixed use, pedestrian freppedly, 11th street compatibility with existing residential housing, diverse residential products, and commercial development with entertainment, retail and restaurants.



Just one other item. I guess, council, in conclusion, what's important is that the police department, we had many efforts in this particular area, and it was very difficult for us to effect any type of change. Although we had law enforcement efforts going in the area, no one was stepping up to invest in the area. It was not growing the way the rest of Austin was progressing. The city had to take risks to turn this area around, as some of the past councils recognized. Those of us that lived in this area and that have worked in this area know that the decision that you made to take certain levels of risk to invest in this particular area was simply the right thing to do. And what you'll hear today is some restructuring that's going to need to take place since that period of time, but again a lot has changed in that area and it is certainly not the area it was several years ago. Thank you.

Council, as I stated earlier, the team's focus has been on the operations of Ara and how administrative modifications and clarifications could assist us in doing a more productive job in what we're trying to accomplish. Our financial review is very limited on what you will hear today because we did not want to duplicate the auditor's comprehensive efforts. So today we really wanted to focus in on the direction that we've been given by the city manager. We understand that previous -- the previous city manager identified program weaknesses and also internal inefficiencies, and based on that was given some direction to decouple development projects and also to set some guidelines and time lines for development of block 17 and 18. But clear direction from city manager Ott was that he intended for us to try to mitigate the city's risk and protect the public's investment and also to expedite responsible redevelopment of the corridor and also to improve efficiency and effectiveness. The methodology that we utilized, quite frankly, was really to make sure that we had an opportunity to talk with all of our partners. We work with Ara. We also work with a number of our customers which included URA, several of the business individuals in the corridor. We also worked with city staff across service group lines and also policymakers. We've talked with you during the course of this evaluation. This operational analysis factored in a number of things, including review of records, interviews and also some key observations to get us to where we are today, which is a recommendation and some actions that we're proposing. Some areas of focus and highlights for 2008 really was as part of this evaluation to look at development, to identify some projects that could be completed in the 18 month period. To examine a number of our contractual agreements. We looked at nine main agreements, of which six we're recommending today to be modified. We looked at the organizational capacity and then also financial interdependence and whether or not after review and audits were there any concerns that staff were able to uncover. And lastly, to establish mutual goals. We've tried very hard to work collaboratively with the key stakeholders. We've toured the redevelopment area and we also want to make sure that we improve communications between staff and the key stakeholders in this process and we think that has been received well. At this time I'm going to share with you some of the preliminary recommendations and then I'm going to ask Margaret Shaw if she would to give you some more detail related to some of our work. Our recommendation at this point is not visible to continue as currently structured, nor to bring a closure to our partnership with Ara. We believe that some of the recommendations that we're bringing forth today based on the agreement would address contract inefficiencies and also ambiguities. We feel that based on the discussions that we've had with them over the course of the last several months, we are going to hope that we can redefine and clarify roles and responsibilities not only of Ara, but also our other partners like URA. And lastly, we need to specify future projects and partnership, and I think in doing that

we need to be clear on identification of roles and responsibilities and also our expectations. Lastly, our goal is to maintain performance. And we plan to do that by biannually providing the city manager with an update on our progress while at the same time our city staff will be working with our key partners to ensure our ultimate goal, which is the development of the corridor.

Thank you. Good afternoon. Margaret Shaw, director of neighborhood housing and community development. I'm here to walk you through some of the more detailed aspects of the 11th and 12th street redevelopment project as well as our proposals for modifications. We want to start with outlining some of the completed projects that have been done in the last 10 years. We have underway opening next month a 25,000 square foot retail mixed use on block 19. We do speak in code by the different blocks and different zoning blocks. That's actually the one farthest east on 11th Street across from Gene's where the quickie picky is and we'll be opening a commercial and residential building next month with one of our private sector partners that we participated with. We have already opened two community park lots, the 57,000 square foot retail office space on block 17 is the one that my office is currently housed in. And on 11th street. We've also been responsible for 11 single-family homes in Juniper Olive, which is a single-family historic neighborhood between 11th and 12th street and a lot of other issues that go very much unnoticed, but were critical to bringing development over to the east side were the infrastructure improvements, upgrading the water and sewer lines, burying the cable lines, the telecommunication lines as well as the electrical lines and also providing those wider sidewalks for pedestrian friendly retail as well as some of the bus stops and street lights. We've also as the city renovated the historic Connally Yearwood house on 12th street, affectionately known as the pink house and we've also completed some of our seven single-family affordable housing in Juniper Olive. We throw in some photos that you can see in marked contrast that the chief showed from just 10 years ago. The revitalized area that shows the new street lamps, the new buildings and the new corridors along the line. What comes with all of this redevelopment; however, is a rising property values. This area of central east Austin is experiencing some of the fastest -- faster than the city overall rise in property values that comes with some of this redevelopment. We now have in 2009 a variety of different projects that already are underway in the next six months we expect to be out for competitive bid, the you are ran renewal agency is leading efforts for the lands they own on block 16, which is the one just east of I-35, with the historic home on it that the city will be working with to renovate to house the African-American cultural and heritage facility. Block 17 is the residential portion on the north half of the block where our building sits, the office building on 11th. And then we are also putting forward on east 12th some developments they own for some tracts and especially focused with doing community parking for some of the businesses at 12th and Chicon. We, as you may recall on December 18th you supported the new construction of five single-family homes by we are. They've completed and sold four of those. They have one more that they will begin work or put out for bid in the next couple of months. We will also bring forward as one of the modifications to complete the rehabilitation of some historic homes in the neighborhood. And then block 18 as you know by agreements is the large block on which Victory Grill sits on that approved plan is not due until June of 2010. And again the city, my department, is renovating the Dietrich Hamilton house and owns two homes on 12th street. We wanted to show you some photos of the before and after shots of the rehabs. We talk about the Juniper Olive rehab, here is one of the successful ones before and after shots that was sold several years ago. Now to walk you through some

of the details of where where we're coming. snipes referred to, there are nine main dwreaments between the city and the austin revitalization authority. They break down by operation, residential, commercial, and then a prospective one, which is the renovation of the historic homes in juniper olive. So we have a variety of different tbreaments with ara that reflect the variety of different priorities the city has with them. We provide operational support, we support the residential development. We also support the commercial development in the corridor with ara being our preferred developer. The assessment of these contracts in the last few months has revealed that we have a lot of inefficiencies and some ambiguities in the contract that make it difficult for my department and ara to work as smoothly as we wish we could so that we propose that we would modify six out of nine of the contracts. The first one y'all approved on DECEMBER 18th, WHICH Was for the new construction. The next five I'll walk through in more detail after this slide. And then we also propose for the austin housing finance corporation, which is your affordable housing arm, to bring back to the rehabilitation of those six rehabs in juniper olive. We are continuing negotiations on two of those contracts, the hanal east room building as well as our contract with ara. And we are not recommending at this time any recommendation -- any changes to the tri party agreement, which is that fundamental legal document that sets up the relationship between the urban renewal board, the austin revitalization authority and the city. So now let me walk you through the proposed modifications. The first group we've put into just housekeeping modifications. The first one is we have a loan outstanding for \$47,000 for a tenant finishout in the snel building on 11th street. And in reviewing that contract, you can see how it was originally worded that job creation requirements, which are included to meet hud's requirements for the federal dollars could reasonably interpreted as any tenant who then occupies that space has to -- has to file paperwork on job creation, which is not the intent or required under the h.u.d. Regulations. We only need to create jobs through one, and through one tenant. Ones those are met we do not have to do that in perpetuity. We want to clarify that in the language. The next one is our lease agreement. The city's lease with 11 east, which is ara's affiliate organization that manages the property of the building. We have a lease agreement with them, which is managed by the city's office of contract and land management. They have proposed some modifications in our lease term which would help both the city and ara understand record keeping, some of the terms and conditions and provide for some regular reporting and invoice review. Continuing the administrative modifications, we have outstanding a 7-million-dollar loan for the construction and development of the office building. We actually realized in reviewing that we attached incorrect am toreization schedules, so we have clerical errors there we want to work with. We also did not include replacement reserve accounts, which are standard requirements in a commercial building such as this. And so we want to adopt those. We have agreed on the terms and conditions under that. We just need to work through some of the language. The fourth item is in the rehabilitation of these home. We realize again in looking through these contracts that for our other nonprofit housing partners, wurns the house is on sold, the city of austin, the staff verifies the compliance aspects of those contracts. We make sure over the course of the affordability term that the person who purchased that home and qualified for the income eligibility, the city is checking to make sure that that same buyer owns the home. Under the contract with ara they have been required under a monthly basis to report that data when in reality all of our own nonprofit partners don't do that. The city does it and we do it on an annual basis. So we would like to make this contract more consistent with our other partners, nonprofit housing partners. Next slide. We actually have two contracts coming back to you that will need

some financial commitment or address financial issues. The first one as you may recall, there is a loan outstanding, a loan payment outstanding of \$132,000 that ara owes to the city. We are working on a repayment schedule that will begin as soon as possible. And we would bring those modifications back for you for that. And again as I've mentioned before, we would like to pursue the renovation of the six historic rehabs in the area. It's important to move quickly on these homes and move forward because these projects -- these homes right now are simply boarded up structures in the neighborhood between 11th and 12th street. They pose public health and public safety issues. And they also contribute to the blight in the area and we think we can move quickly to renovate those homes and sell them to income eligible buyers and we look forward to doing that with the neighborhood. snipes mentioned, our assessment went beyond the legal contracts. We looked at the organization and some of the challenges we noticed in going through the documents is ara is being asked to do and fill multiple different goals, everything from encourage cultural development along the corridor to do fancy mixed use commercial developments to single-family homes, to even encouraging nonprofit capacity within the neighborhood. That's a variety of different goals for one organization to serve. They like anybody else in the housing market right now and development market are faced with some of the lending conditions that are limited by our national economic threats. So that's another threat to their production and their revenue sources. Their revenue sources are heavily dependent on that development and so the current economic programs that are available are also challenging them. And as many nonprofits and small nonprofits, they are heavily dependent on key staff and they face in the last 18 months some turnover as their staff naturally moves on to other jobs. But that creates a big issue for any small nonprofit. So some of the proposed recommendations that staff upon reviewing this was to secure staff that could help ara build their own capacity, to assist them in creating that five-year business plan that would help them move towards self-sufficiency as well as to help bring in real estate, development, expertise and other training and technical expertise to work on federal reporting requirements. Next. snipes recommended, we also looked at the finances of the organization. We reviewed the 2006 and 2007 audits. Obviously the next audits won't be in until june. We also noted for them as y'all know that there were some concerns about cash flow, some of their financial security and some of the financial activity. There's also as we all know some of their debt paims that are going to spike in 2011 and 2012 with outstanding commitments. So some of the recommendations that staff made is the difficulty with an audit only looks at a 12-month financial snapshot of any organization. And it doesn't get to the long-term viability and the growth of that organization. It also didn't address the fact that we do not have updated appraisals for the existing properties, which are key to anyone's risk as a lender. The city as well as the private lenders. And any loan to value ratio. We'll walk through that on the next slide. So city staff looked at what was the city's potential exposure in the case of default, and I do want to qualify this as in our scenarios in our policy planning, this is what we would call a worst case scenario. So if spho fo some reason the austin revitalization authority had to close its doors tomorrow and for some reason all of its third party investors decided to foreclose on those debts, we tried to assess what that would mean for the city. So if you look down this table, the city of austin's investment in the corridor is the 5.8 million. They have third party investor, so that's other eninvestors that have invested 8 million in the corridor for a total investment of a little over \$14 million. If you look at the travis county appraisal district's 2008 property values for all these different projects that I've been talking about, they added up to 9.3 million. I want to qualify that figure as well. That's the most conservative figure. And in the industry it's not at all accurate in the sense

that a commercial appraisal would also take into account long-term leases and other income revenues that are coming in on these buildings. These are obviously just the property values. But those are 9.3 million. So if we subtract out the third party investors, which means they're in a higher lien position than the city. We would end up with the city's portion of the collateral of about \$800,000. On the hanal building we also have first lien position, which is about \$100,000. So the city's total collateral is 900,000-dollar. So if we go back and we 8 investment from that, one could see that the potential exposure in the case of again ara in complete default would be 4.9 million. I also want to add at this point that under the current third party contracts that we have in the loan structure, the city would actually receive notice from the third party investor of the case of the default and would have the option to enter negotiations with that private party to assume the payments and assume the payments from ara. Our last organization was looking at mutual goals. This has been a long-term project as we snipes and chief mcdonald started with. This project began in 1995 with key efforts at redeveloping and bringing in investments to the east side east of i-35. During that 10, 15 year period, a lot of those goals have changed as i mentioned. Now property values are rising higher than some of the long-term residents can manage. One thing that the staff looked at was seeing that the goals, priorities and the roles and responsibility of each of the tri parties has blurred over the years and ara for example plays multiple different roles. On the one hand it plays a role of bringing in community input. They host community meetings for us to provide feedback for both the business and residents owners on what are changing in the planks. They also are developing in the corridor, which in some cases puts them in an awkward position. The recommendation we make is that the urban renewal agency's board, the ara's board and the city manager's office gather together to outline where we want to go on an ongoing basis and the short-term and long-term and specify what our new roles and responsibilities are. snipes said, after all of this assessment, the city staff do not believe that we should end our partnership with the austin revital asianization, but just modify some of the contracts at this time and redefine and clarify what our roles and responsibilities of the three parties are and to look at specific projects and partnerships so that we are clear on what our goals are and then to review our monitoring and performance and provide regular updates to the city manager. After we had begun our process, the office of the city manager was tasked with doing a comprehensive performance audit of ara. Their time line was to begin in november of 2008 and their report is expected in may of 2009 snipes mentioned, we have been working collaboratively with them providing all information in a timely fashion and meeting with them on a regular basis as requested. Their scope is to look at the effectiveness of ara's revitalization efforts, to look at the long-term financial viability of ara and the redevelopment efforts as well as to evaluate whether the city, especially my department's administration and monitoring of these efforts has been appropriate. So in light of the office of the city auditor's work, the staff has modified slightly some of the recommendations we talked about earlier. We would recommend that we would delay securing those consultants to prepare the business risk assessment as well as looking at real estate and development plans so that we can take advantage of this -- of the auditor's more in-depth financial review of the organization. We also looked forward to their report so that we can implement their recommendations as needed. To wrap up, what we are asking of council is to bring back to you in march six modifications to contracts. There will be five under the council's hat to modify the contracts as discussed. And one under the austin housing finance corporation to provide funding for the rehabilitation of those existing historic homes. We also will continue as a staff to provide technical assistance to ara, improve the quality of their

submissions and our day-to-day working relationship and improve my staff's requests of them and how we request of them. We will be issuing competitive bids for the urban renewal boards blocks 16 and 17. I think in february those will be delayed for block 17 based on conversation this week with the board and to issue bids for developing the dietrich am hamilton house this spring. I turn it back to snipes for conclusions.

Mayor and council, that concludes our report. We would be open to sprain any questions that you may have at this time.

Mayor Wynn: Thank you, mr. snipes. And ms. shaw. Questions for staff, council? Comments?  
Councilmember cole.

Cole: snipes shaw and mcdonald I certainly appreciate the work that has gone into this. I know that the issues surrounding ara and the urban renewal agency and the city of austin have been front and foremost on the city manager's mind and my mind also trying to get a harnl on that because first and foremost we want to protect the city's investment and see that development continues. And that we have the community priorities as you all have recognized in your work. Margaret, I had a -- shaw, I had a couple of questions for you about the finances. I just want to back up. You made five modifications and then on -- I think it was on number 3, you talked about the replacement and reserve account at 4.7 million. I did not understand what you were talking about there. Do you miepped explaining that that and slowing down a little bit? Those were big numbers and I wanted to make sure I got that.

Yes, ma'am, absolutely. 7 million is the contract under which we're referring. It's the loan agreement under which we have as the city a second lien position on the office building, under which we occupy so 11th street. Replacement reserves accounts are standard accounts that you set up in a development agreement to replace major systems like the air conditioning, roof, along those lines. When we reviewed this contract, we realized that we did not have adequate replacement reserve guidelines for how we were going to do that. And when you would -- when ara would collect funds, how much they would collect funds for and how you would distribute. So what we've done is sat down with experts in the field and agreed on how we could work with the superior lien holders so that we can use their guidelines and we can just have a joint account. So it just set up rules. It isn't tied to the 4.7 million. That's just kind of the title of the contract.

Cole: Just a housekeeping item.

Yes, ma'am.

Cole: I also wanted to ask you about it really struck me as odd the tcad values that were used as opposed to the actual appraised values because that made it look like that the city's risk was -- i think you said \$4.7 million. And those weren't commercial numbers. I know we actually reside in the street jones building, so if anything we should know the value of that building and our lease. So I just want to ask you that before you bring this back that we actually get true appraisal numbers for the properties there so that we don't give the public the impression that we are out on a limb for more money than we

actually are simply because we did not -- just in the interest of giving a conservative estimate, especially in these challenging economic times.

Yes, ma'am. We'll do.

Cole: And I'm also very -- I want to compliment you and the snipes mcdonald on working with the auditor's department and the fact that they are also looking into this because we do need to do our due diligence in accordance with our goal of protecting the city's investment. But we also have to recognize that we made a commitment to the area and to the development and that we want to emphasize continuing to move forward with that development in at all possible.

Mayor Wynn: Further questions, comments? Again, we appreciate the report. Thank you all. So council, that takes 30 -- past 30 break for live music and proclamations. Stay tuned to dan dire. A few proclamations and wean we'll reconvene the city council meeting shortly after 6:00 p.m. And begin with the presentation of the three finalists for our comprehensive plan. And likely not be able to start zoning until my instinct is near or after 7:00 p.m. Thank you.

Mayor Wynn: Okay, folks. Welcome back for our weekly live music gig here at the thursday austin city council meeting. Joining us today is singer/song writer dan dyer. Dan's modern soul music can be heard on his self titled album released in august of 2008, which reached to number two on the I tunes r and b album chart. '08 Was a great year for dan, including performances at the austin city limit music festival and voodoo fest vals recognition by the austin conical and the dallas observer for their top album of the year awards. His weekly residences that I have witnessed at momo's are a hot ticket in town and he will be releasing new tracks on his website in the coming month. Please join me in welcoming dan dyer. [ Applause ] [ âTmaâTma music playing âTmaâTma ] a [ âTmaâTma music playing âTmaâTma ] [ âTmaâTma music playing âTmaâTma ] [ applause ]

Mayor Wynn: Well done. If you haven't, dan has essentially replaced the band of heathens as the weekly big draw down at momo's on west sixth street on which night of the week?

Wednesday night.

Mayor Wynn: So if you haven't had a chance to go down, you should go on wednesday night and catch dan's show. Dan, in addition to that, where else can we hear you or see you around town?

I'm doing the antone's cd release for the sounds of austin cd. I believe that's the 22nd. -- 26Th of march. Is that right? Or this month, february? Sorry, I'm not good on my schedule. Around town wednesday nights is my residency. On saturdays, I'm playing this saturday at mom o's for valentine's and just different spots around town. And of course every place else.

Your website lists all those.

Yes, it does. Dandyeer.com.

Mayor Wynn: So you have the album out. Is the album available over at waterloo? Can you get it online as well?

Yes, the album is available at waterloo, online, all that stuff.

Mayor Wynn: And you keep updating your downloadable songs.

Yes.

Mayor Wynn: Introduce.

This is mark williams. [ Applause ]

Mayor Wynn: Before you all get away, the official proclamation reads, the city of austin is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because austin audiences turn off the television, get off the couch and go out and listen to live music produce big legends, local favorites, newcomers alike and whereas we're pleased to showcase our local artists, now therefore i, will wynn mayor of the music capitol of the world do here by proclaim today as dan dyer day in austin and call on all citizens to join me in congratulating a fine talent. [ Applause ] so while dan breaks down on this side of the room, we'll use this podium to issue our weekly proclamations. We use this time each week to try to do a number of things, to maybe raise awareness about particular issue in town, say congratulations to folks, sometimes say good-bye to folks who are retire. My first proclamation is regarding austin energy's regional science fair. We actually call it the science festival. And if you haven't each year gone down to the palmer auditorium. I guess it's the palmer. The palmer auditorium where we have this each year, it's remarkable. It's thousands of students presenting their science project. Like my fifth grader worked on earlier in the year. And if they win their class or their grade or their campus projects around the entire austin region, they end up at palmer. And it fills up the entire facility. There's thousands of individual projects and really proud kids and proud parents. And then there's the big awards ceremony where big winners are chosen and kids go on then to compete statewide and even internationally with some of their science projects. This is the 10th year or so that austin energy, our municipally owned utility, has been sponsoring this. It ties in real well to a part of their message, which is raising awareness and encouraging kids to continue on with science and math, technical careers, engineering, with so many fine professionals that austin energy are. I'll read the proclamation and then we may say a few words about how you can help, out you can come out to witness the program, but also fundamentally how you can encourage kids or kids in your life in math and science and engineering and the sciences. So the proclamation science festival 2009 will showcase the talents of almost 4,000 pre-k through high school students from public, home and private schools throughout the austin area. And whereas science fairs like science festival 2009 with the theme inspiring genius helps spark an interest in children to pursue science, math and engineering careers. And whereas we congratulate the participants, especially those winning projects who as I said will go on to even international competition. And we thank austin energy for their continued sponsorship of this



event, so now therefore i, will wynn, mayor of austin, do here by proclaim february 18th through THE 21st, 2009 AS OUR Austin energy regional science festival here in austin. And please join me in congratulate and thanking carlos and all the professionals at austin energy as he comes forward and tells us a few things about the festival. Carlos? [ Applause ]

thank you, mayor. The austin energy regional science festival has now grown to become the largest science fair in all of texas. And it wouldn't be possible without the help of some of our sponsors. And mayor, the list of these sponsors give you an idea of how also they think it's important for us to grow our own talent here in austin. They include renewable energy systems amaris, also known as res. Bea systems, synopsis and intel. Appeared also I want to thank the more than 500 judges and volunteers who donate their own time to make sure that this festival runs smoothly. Finally I also want to thank all the parents, teachers, and of course the students who worked really hard and spent a lot of time on these projects and they've actually already won at their own schools just to get to this regional science festival. I want to thank them for all the hard work that they do and bringing quality projects to the science festival. As a matter of fact, as the mayor mentioned, two of our students who went on to the prestigious intel international science and engineering fair last week, one of them from westwood won first place competing against the best science fair students in the world in his category. And another student won third place in her category. This is the highest type of award that you can get and the highest level you can get to. One student is now at duke university and the other is now at mit and hopefully somebody they will return to austin. So I want to thank everybody for their continued support and come on down next week, thursday night is the junior-senior awards and saturday during the day is the elementary science festivals. Thank you very much. [ Applause ]

Mayor Wynn: For my next proclamation is regarding take heart america. I'm joined by director services department, ernie rodriguez. After I read the proclamation, ernie will say a few words about the day and why and how we're using it to promote healthier lifestyles. So the proclamation take heart austin is the seventh annual celebration for cardiac arrest survivors, their families and their rescuers. And whereas victims of cardiac arrest in our area are blessed to have access to life saving care 24/7 thanks to the more than 2,000 dedicated members of the austin-travis county system, including paramedics, communication medics, firefighters and law enforcement personnel. And whereas we're pleased to recognize the austin-travis county system for its efforts to improve survival and recovery from sudden cardiac arrest through professional and public education. So now therefore I will wynn, mayor of austin do here by proclaim saturday, valentine's day appropriately, february 14th, 2009 as take heart austin day, please join me in ernie rodriguez. Ernie? [ Applause ]

thank you, mayor. One of the most important things about surviving a cardiac arrest is to understand first that it takes an entire community to save a life. It takes members of the entire rescue system. Oddly enough one of the things that we've discovered about the survival of cardiac arrest situations is the people that are most likely to survive are the people who have family members who know how to do cpr nearby. Those are the ones that have the highest survival rate. And so one of my challenges for this 14th valentine's day is go out and learn cpr. That's the best date in the world, guaranteed. I'd like to also invite everybody to our take heart austin cardiac arrest survivors celebration. It's going to be held at the jj pickle research center that's located at 10,100 burnet road from nine a.m. to 11:00 a.m. And that's on

valentine's day. We'll have the chief there to read the proclamation once again to all of the survivors. And this year we have 65 persons who survived cardiac arrest attending this and their families. So it's a very exciting situation to attend. It's a great event. We'll have heart healthy food there that you can enjoy. And if you want to come to a tear jerker, if you want something to touch your heart, this is it. This is the event to bring your sweetheart to on valentine's day. Thank you very much. [ Applause ]

Mayor Wynn: Okay. We're never too far away from music in austin, as you saw dan performing earlier. My austin now is for austin jazz society day. I'm going to read the proclamation and have steven sumner talk to us about the society here in austin, the jazz scene here in austin, i hope, and then why they are celebrating on the 15th. So this proclamation the austin jazz society is an organization committed to honoring jazz musicians who lived and performed in the austin area, offering professional development opportunities in jazz performance and providing performance venues for current jazz artists. And whereas the austin jazz society's second annual event will pay tribute to three of austin's finest musicians, and whereas the musical tribute will be celebrated by great musicians of today, filling the evening with outstanding jazz along with the awards presentations to families and friends of the honorees. So therefore i, will wynn, mayor of the live music capitol of the world, do here by proclaim sunday, february 15th, 2009 as austin jazz society day. Please join me in welcoming steven sumner who will tell us more about the jazz society here in austin. Steven? [ Applause ]

I have a little token of our appreciation for you. Very, very nice hat to wear when you're biking, things of that sort. It very nice. Howdy, everybody. My name is steven sumner. I am president of the austin jazz society. We're a fairly new organization in austin, but basically our purpose is to ensure that jazz music is preserved and the history of jazz is preserved. We have now -- we're about to have our second annual event where we celebrate the lives of jazz musicians who have played in the austin area. Like the mayor said, john trainer and others will be honored. We're really going to have some great music, a lot of the cats, if you will, that play around the scene. It's going to be at the elephant room. The doors open at 8:30. Music starts at 9:30. Beto and the fair lanes who I play drums with who I play drums with Will be headlining at 30 and then we'll have a jazz jam session after that if you're still awake. So we really would like for you to come out. We have a website, or g. You can go there and become a member. The other point is that that website will provide you a listing of all the current events in the jazz scene. So we'd love to see you. I invite all of you to come, particularly the mayor, city council, so I hope to see you on that day. Take care. [ Applause ] then for our next proclamation I'm going to turn the podium over to councilmember cole who will then later turn it over to lee leffingwell. Sheryl?

Thank you, mayor. I get the distinct pleasure of declaring february 14th as healthy marriage day, not healthy child day, but healthy marriage day. And I can say that that's not a healthy child day because I have three boys. 57600

and freedom in supporting employee participation in america's national guard and reserve force. So the first citation goes to david laurie. And david was nominated by david (indiscernible). And he is building services security manager. [ Applause ] the second award goes to sergeant waip vincent of the austin police department, president of the austin police association and he is nominated by (indiscernible), who is currently serving in iraq and not here with us. I believe we have his photo up there on the screen.

Congratulations, sergeant vincent. [ Applause ] the third awardee is tony arnold from the parks and recreation department, and he was nominated by bo tinsley. [ Applause ] then we have battalion chief robert herbert from the austin fire department, nominate bid angel perez. Nominated by angel perez. [ Applause ] now we have the entire emergency medical services department nominated by yvez michael lynn gainer who is also serving in iraq. Do we have the entire department or just ernie. [ Applause ] the sixth awardee is heather phillips from e.m.s. Nominated by matthew paul. Heather phillips. [ Applause ] the next awardee is debra dibl from contract and land management nominated by garrett cox. Debra. [ Applause ] and last but not least, susan ricaro from municipal court, nominated by barbara laredo. [ Applause ] let's give them all a big hand. [ Applause ] everybody squeeze together so we can get a photo, and we do have some remarks before we take that photo actually from colonel dwayne james who is executive director for the texas division of the employers in support of the garden reserves who manages and promotes this program. Colonel?

Thank you, councilmember. I just want to say on behalf of the department of defense and the employees support of the reserve, how proud we are not only of these recipient who have gone above and beyond expectations and supporting and serving their employees, but you also see before you those in uniform who are in defense of our nation's efforts at home and abroad. And most of these have been overseas and they recognize and respect what their supervisors have done for them, what the city of austin is doing for them today in reintegrating and taking care of their needs at home or abroad. So I think in closing I want to read an e-mail that came in, I believe it was today from one of the nominators, who is not present, but what he says is pretty much i think the same words that each of these would say about their supervisor. It says I feel that I am the luckiest soldier in iraq with an employer like the city of austin who designed a citizens soldier support system in my opinion that is unmatched. It starts with great leaders like sergeant (indiscernible) who often keys me informed of what's going on back home and gives me words of encouragement. A city that assigns alan as the veterans consultant who e-mails me with updates, events and information critical for veterans reentering the civilian world and of course also the austin police association whose efforts to balance the welfare of officers and citizens in austin never stops. After patrolling the street of baghdad for nine months, I'm glad that my time nears to once again patrol the streets of austin. I'm glad that I had the opportunity to serve my country and have experienced a difference over time spent here. The frustration was on every iraqi national's face as democracy was a concept that they did not enjoy for decades, but the time is turning. Over the past nine months i have seen those looks of frustration turn it smiles with their thumbs up in the air. Without the outpouring of support from my family, strangers from across the state of texas and my employer, this would have been a sacrifice rather than an honor. I feel proud to be a part of the austin police association and the work of the entire team that you're now heading, sergeant vincent. This is your day and from the bottom of my heart thank you for what you and your entire staff, and it's signed senior petty officer antonio van bookout. And I think that that message would be reiterated by all of the service members here and those that are not present if they had the opportunity. Thank you, councilmember. [ Applause ]

Leffingwell: Thank you, colonel. I have to say one more thing. This program that the stint has isn't just about giving out a plaque. It is about truly supporting our employees who serve in the garden reserves by protecting their pay. That is the city makes up any pay loss that they may incur when they are called

to active duty. We continue to provide benefits, including health insurance for them and members of their families. And we guarantee that their jobs are there waiting for them when they get back. And in addition to that, alan, our veterans consultant, answers questions from families when their spouses are overseas or have been called to active duty. He does whatever he can for them. I'm told a couple of times he went out and mowed someone's yard actually. So we're very proud of allen. Thanks. [ Applause ]

Leffingwell: Today we have a special award for a special part of our veterans of foreign wars. It is the -- I think they call themselves 40 men and eight horses, or if you're french, which is where all this comes from, notice the french military hat here, it's (speaking french) 40 men and eight horses. And of course, that's -- what that refers to is a box car, very small box car actually that was used in world war I to transport military personnel and 40 military personnel and eight of their horses around to various parts of the battle front. And after world war ii, which I'll read in this citation in just a moment, france sent several of these box cars back to this country to sit on display. And we actually have one here in austin. It's right down here right over that way on veterans boulevard by the vfw post 76. Of course you're invited to go down and take a look. It's in plainview and you can see it. I have actually been out and spoken to this group, as you can see, they have a lot of fun when they get together and it's always a pleasure to see them. So I have this proclamation. It reads, it known that whereas the gratitude train was made up of 49 merci boxcars, one sent by the french people to each of the states in the united states -- there were 49 states then -- in thanks for our assistance to them during world war ii. And whereas the texas merci box car is cared for by the society of 40 men and eight horses made up of dedicated members of the american legion, and we're pleased to welcome members from across texas to our city for the 60th anniversary of the merci box car. And whereas during their pilgrim acknowledge, these veterans pay tribute to those who have fought for our freedom. They also were called the historical friendship that has existed between america and france since before we gained our own independence and emphasized that international friendship is an important community -- important commodity well worth the effort required to preserve it. Now therefore i, will wynn, mayor of the city of austin, texas, do hear by proclaim february 20th thro 22nd, 2009 AS MERCI BOX Car days. [ applause ]

thank you, councilmember leffingwell. He's addressed our group before and his french is better than most of our members. We will be celebrating the 60th anniversary of the merci box car, and on sunday february 21st at nine a.m. Over at american legion post 76 at 2201 veterans drive. We will have a memorial service that is open to the public. Anybody may attend. On that day we will put the plaques on the box car. If you look at it right now it doesn't look like very much because we can't keep the plaques on there full time. But we're working on a project to go ahead and have that box car displayed correctly with all the plaques on it in the future so that people can go look at it at any time and see it in its -- when it's all dressed up. On sunday morning we will put the plaques up and they will be up for sunday morning. I'd like to thank some of my fellow veterans who are here. Horace johnson, 87 years young. navy veteran of world war ii. And jim lyles is hiding over here behind the camera. air force retired, and he served time in southeast asia. Frank flores is an army and air force veteran. He did time in vietnam and desert storm. And if you would like more information on the merci box car and our organization, you can go to com, and we'd love to see as many people out there as possible to come and celebrate this

with us. Thank you. [ Applause ]

Martinez: All right. Next we have a proclamation for austin's professional soccer team, the austin aztecs. I want to invite them to come on down. Owner phil rollins, some of the players, coaches here. For those of you that don't know, we have a professional soccer franchise in south austin, texas. The az techs have moved up to a division this year which includes teams throughout the united states and canada. The official season kickoff IS APRIL THE 18th. And they'll be playing at ray gone high school at -- owe reagan high school at nelson field. But we wanted to recognize them, serm congratulate them for moving up to the new league, but on february 28th there's a few -- I guess they're like scrimmage matches before the season, exhibition matches. The new england revolution will be here on february 28th. If you follow mls soccer, new england revolution is a team that's competed in the mls cup three out of the last four seasons. On march 7th we'll have the houston dynamo here and they won the mls cup in 2006 and 2007. And then on march 14th we have the columbus crew, which is the 2008 mls cup champion. We'll have some incredible soccer matches right here in austin, texas. And we've got a great soccer franchise in the austin aztecs. I'm going to read a proclamation and I'm going to ask the owner and maybe a player to say a few words. The proclamation reads, it known that whereas for the first time austin has a major professional soccer team, the autopsy aztecs, who will play their inaugural season as members of the first division in the united soccer league and whereas the aztecs organization is proud to be bringing the best teams in major league soccer to our city in preseason action, the new england revolution, houston dynamo and dlum bus crew, all mls cup contenders. And whereas the three preseason games should provide fans with a chance to see top level soccer competition, enjoy an overall great at severe and get a good look at the future of professional soccer in austin -- in our city. Now therefore i, will wynn, mayor of the city of austin, texas do here by proclaim february 28th, march 7th and march 14th, 2009 as austin aztecs mls day. [ Applause ]

this is phil rollins. He is the owner of the austin aztecs. I would like to invite him to say a few wordz.

Thank you, mike. I'm honored to accept this proclamation today on behalf of the mayors of the aztecs. And particularly the back office staff of the organization who have worked so hard over the last year to bring professional soccer, major league professional soccer here to austin. Austin is a city known for its live music. It's also a great sport city. And we aim to make it a great soccer city too. We have over 35,000 kids in central texas around austin playing soccer. We have 9,000 adults playing soccer. The game is growing all across the united states and austin is no exception to that. So we're very proud not only to receive this proclamation today, but also to represent the great city of austin playing against teams from all over the united states and canada. Mike, I think it's no coincidence that I notice the emblem of the city is red and white stripes. And the aztecs will be playing in red and white stripes. So we'll be very proud to wear those colors and very proud to represent this great city as we play those games. I've got a couple of small gifts. Thank you. Thank you, everyone. [ Applause ]

I do have to say I think this is going to be an incredible organization in our city for many years to come. If you recall, we tried to do a baseball stadium. It ended up in round rock. We've talked about other professional franchises coming in with public support. But something like soccer, an international, worldwide sport, is I think a perfect fit for austin, texas, and i look forward to having the aztecs here for a

long time. I'm going to be doing everything I can to try to build a world class facility for these guys so they can stay here for a long time. [ Applause ] test test 1. we've been in recess for an hour. I apologize for the extra delay. We've been behind all day. Council, before we take up our last briefing, and that being, you know, the very important presentation by our three finalists for our new comprehensive plan, it's going to take -- by the time we hear the plans, have some -- a little bit of dialogue, might be an hour 00 we do have the ability to take up any postponements or -- any postponements on items later in the agenda, and I know that earlier, at least for changes and corrections, I had noted that staff was wanting to postpone at least a public hearing 72 and 73 into april, I believe it was. guernsey or somebody could help me, if you know of any zoning cases and/or somebody remembers what the suggested postponement date for public hearing 72 and 73, we can at least get that done, and if there's anybody here that has any questions about a case, we maybe can go home early.

Mayor and council, greg guernsey, neighborhood planning and zoning department. I can walk through the postponement items and i could even offer items for the consent agenda under 00, but if you'd just like me to read you the postponement item, I can do that. why don't we go ahead and do the consent agenda. Without objection, council, and just -- on these items that we'll will have no discussion and can send some people home, including some staff in the meantime, while guernsey is doing that, if staff can help me remember when we had suggested that we would postpone public hearings 72 and 73 both related to 328 heartwood.

Mayor wynn: 23r 23rd? Mr. guernsey welcome.

Thank you, mayor and 00 zoning items, contradict restricted cfts. These are -- covenants. The hearings are closed, the 41, case c14 03-0116.01. That was the met center ii pda amendment, located in the 6800 block of burleson road, to zone the property limited industrial service planned development area, neighborhood plan or li-pda-np combined district zoning. It's for consent approval on second and third readings. I believe earlier in the week you received a letter from ron thrower, requesting an emergency passage. I discussed this item with him and I think he no longer needs the emergency passage to fit the timeline of his project. So we would just offer this as consent approval on second and third reading. Item no. 41. 42 and 43 are related np 2008-0025, this is part of the oak hill combined neighborhood plan for tract ag, located at 4808 william canon drive related zoning case is c14, 0115 for the same property at 4808 west william canon drive. We have the property owner requesting a postponement to your meeting of february 26. The neighborhood and adjacent area are in agreement with that postponement request. So it's 42 and 43 to february 26. 44, this case c14-2007-0232 known as the rundberg business park at 320 east rundberg lane. We have an applicant postponement of this item to your april 22 agenda item 45 is case c14, 2008-0128. This is for the property located at 5005 spicewood springs road. This is to approve third reading of zoning on the property to townhouse condominium residence, conditional overlay or sf-6-co combined district zoning. We have prepared an ordinance that reflects some discussion that occurred at council at your last meeting to provide for 500-foot buffer area. That has been included. The applicant is in agreement to provide that, so they would be basically prohibited from developing closer to the creek with the ordinance as drafted with additional buffer area. So we can affair that as a consent for third reading 46 is c14-2007, 0144 for the property at 800 west avenue. We have a petitioner who has requested a postponement to your march 5 agenda and there's an adjacent property

owner that's in agreement -- or excuse me, the applicant is in agreement with the postponement. So we have a postponement on 46 to your march 5 agenda. 47 is case c14-2008-0227 known as the live oak brewing company at 1615 croaser lane. This is conditional overlay or li-co combining district zoning. This is ready for consent approval on second and third reading. 48, 49, 50, 51, 52 and 53 will be discussion. So that concludes that portion of the agenda I can offer by consent. thank you, mr. guernsey. So council, our consent agenda on these cases where we've already conducted and closed the public hearing will be to approve item 41 on second and third reading, to postpone items 42 and 43 to our february 26, 2009 meeting, to postpone item 44 to our april 23, 2009 meeting, to approve on third and final reading item 45, to postpone item 46 to our march 5, 2009 meeting, and to approve on second and third reading item no. 47. Mayor pro tem?

We have request from the applicant for item 41 for emergency passage on second and third reading. we talked through that. He doesn't need it after all.

Mccracken: he does not? Okay. so I'll entertain a motion on that consent agenda, proposed consent agenda.

I'm sorry, mayor,. did we add in the mlk station area plan items. Council member morrison and I are working on trying to get some language ironed out. And I believe we had a productive meeting just last week and I wanted to see if we could postpone these items for a few more weeks so we can keep working towards that. council member morrison? and then the alternative we were thinking about was to go ahead and deal with everything tonight except for the alternative compliance section, which was the one -- so I'm open either way. I think that there might be someone here that's waited thinking that he would have an opportunity to speak, is the only thing.

Mayor wynn: okay. so if you're okay with that -- so that does mean our discussions will continue.

Right. I'm just suggesting we postpone everything because whenever you're in negotiations, if you adopt half of it and not the other half, it severely has an effect on either side you're on, depending on which side you're on. So I want to make sure we're still in a position to continue to negotiate so we can come to some final language. I'm fine with that.

Thank you. and remind me, council member martinez, that would be all the additional -- essentially it would be item 48 all the way through item 53, correct? To march 12.

12.

Martinez: yeah. my proposed consent agenda, council, also include to postpone items 48 through 53 to our march 12, 2009 meeting. So I'll entertain that motion. Motion by council member leffingwell, seconded by council member shade, to approve the consent agenda as proposed. Further comment? Hearing none, all in favor please say aye? Opposed? Motion passes on a vote of 6-0 with council member cole off the dais.

Mccracken: mayo. let me kin 00 zoning. These were the public hearings open. Possible action this evening, and let me read through the items that we believe are consent this evening where there are not citizens to speak to these items. 54 is case c14-2008-0229 known as the wall net forest motel at 11506 north ih service road southbound, which is on the property community commercial dnl overlay or gr-co combining district zoning. The commission's recommendation was to grant the request, and it's ready for consent approval on all three readings. 56 are related items, but item no. 55 is case c14-2008-0232 and is downstream 973 for the property located at 3026 south fm 973 road and this is to zone the property -- excuse me, to limited office or lo district zoning, the zoning and platting recommendation was for limited over, conditional overlay or lo-co combined zoning with condition and this is ready to approve on first reading only. 56 is case c14-2008-0235 for the dean stream 973 property for the property located at 3100 mary street, to zone the property community commercial or gr district zoning. The zoning and platting commission's recommendation was to grant neighborhood commercial conditional overlay or lr-co combining district zoning with conditions, and this is also ready for consent approval on first reading only. 57 is case 7 for the property at 3133 he's state highway to zone the property to general commercial services or cs district zoning and the zoning and planning commission recommendation was to grant community commercial conditional overlay or gr-co combining district zoning. This is ready for consent approval on all three readings. 58 is case c14 h-2008-0038, john henry falk house, 1812 airole way and staff is requesting postponement of this case to your march 12 agenda. 59 is case c14-2008-0039, the morrison-smith house at caswell avenue. This is to zone the property family residence, historic landmark combined neighborhood plan or sf-3 hncc p-np. Impinged district zoning. Staff recommendation was to grant the request and ready for consent approval. Item no. C14-2008-0217, for the property on peaceful hill. Mayor, I believe we have at least one citizen that would like to speak to this item that's in opposition. We got off the consent -- I'll leave that off the consent agenda offerings. 61 is really -- this is also the item no. 62, Case property located at 1406 parker. This is a neighborhood plan amendment to the east riverside/oltorf combined neighborhood plan. We have a postponement of this request to your february 26 agenda. And the related item, c14-2008-0162 at 1406 parker, which is the zoning change that's also a postponement item. And I've got a note down here, it looks like it's actually the 5th. So it would be actually a postponement of item 62 and 61 to your march 5 agenda. I'm sorry, 61 and 62? Or 62 and 63? 61 and 62, both on parker -- earlier I had written down postponing to february 26. that's correct, mayor. I did say that. I have a notation down here because there is a valid petition, and I understand the mayor may be absent on that day, I believe both parties have agreed to march this item to your march agenda. I apologize for that. 61 and 62 will then both be postponements to your march 5 agenda. 63, I'm not sure if you want to talk about that now or -- I can skip that. It's a discussion item and -- let's skip through that. 64 is case c14-2008-0204 the rit property at 65 afternoon 6520 south first street. The applicant is requesting postponement to the 21st. I had a discussion with the applicant's attorney regarding this matter and they're actually going to approach the planning commission, subcommittee with a possible amendment to the code that might provide some relief to their corn, so it's a postponement of 64 to your march 26 agenda. 65 is case c14-2007-0262. This is for tract 10 and is part of the central austin combined neighborhood vertical mixed use opt-in/opt-out, for the property located at 711 west 38 street. The neighborhood and the property owner are working on agreement. It's not yet perfected and request a postponement by the neighborhood, and the property owners agreement to your february 26 agenda: 2/26. 67 are related items. It's npa-2008-



0015.03. This is precinct 1 new office building for the property located at 4705 heflin lane and 1811 springdale road. The zoning case item 67, case c14-2008-0174 for the same addresses. Staff is requesting a postponement of both of these items to april agenda. This is item 66, item item 67 to april 2. Item 68, case c14-2008-0214, the tex-tar waterproofing property at 11600 north i-35 service road southbound. We have a neighborhood request for postponement to february 26. Applicant is in agreement with that postponement. It's a postponement of item 68 to 2/26. And finally item no. 69. 07 known as the leander rehabilitation planned unite 8 for frrm 620 and this is a request from hud to pud to change conditions of zoning. The planning commission's recommendation was to grant the request and this is ready for consent approval but only on first reading only. That concludes the items i could offer for consent. thank you, mr. guernsey. So council, our consent -- proposed consent agenda on these cases where we have yet to conduct a public hearing will be to close the public hearing and approve on all three readings item 54, to close the public hearing and approve on first reading only items 55 and 56. To close the public hearing and approve on all three readings item 57. To postpone item 58 to our march 12, 2009 meeting. To close the public hearing and approve on all three readings item 59. To postpone items 61 and 62 to our march 5, 2009 meeting. To postpone item 64 to our march 26, 2009 meeting. Postpone item 65 to our february 26, 2009 meeting. To postpone items 66 and 67 to our april 2, 2009 meeting. To postpone item 68 to our february 26, 2009 meeting. And to close the public hearing and approve on first reading only item 69. In addition to that, council, of course we have the more popular case of the week, item 63 that we generally refer to as the wildflower commons case, and I know there's been some dialogue occurring about that case, so as I entertain a motion on the proposed consent agenda, I would also open up discussions about what we would do with that case. Council member martinez?

Martinez: thanks, mayor. I know there's a lot of folks here on this case, and it is very controversial. It's a very difficult case. It's over a very environmental sensitive area of our community that we put a lot of commitment into doing everything we can to take care of the aquifer and the springs. Originally I intended to ask you-all for an indefinite postponement, but I don't see how that creates any kind of certainty moving forward. So in order for folks to understand that, you know, this thing won't sneak back up on you or be put on the agenda without notice, I'm going to make a motion that we move to postpone this to august the 20th, but I'm going to make some stipulations, that this would allow the applicant to make modifications to this pud request so that it will meet the substantive requirements of our current new pud ordinance before it comes back to council. And specifically I want to talk about some issues that are still not quite clear. When you talk to each different side of this case, I want to make sure that we have all the information in front of us if this is to come back on august the 20th. Specifically I want staff to help work on the issues that relate to the build-out of the site under the current zoning under the bradley agreement and what is actually able to be built out there. And then a comparative number of traffic trips between that potential build-out and then the proposed pud that's before us. But I also want to add in some information about the -- a comparison of the estimated vehicle miles traveled for the traffic trips under each scenario. The current entitlements and the pud that's being requested. And then I'd like to evaluate the pud proposal that's before us, including the proposed land uses, open space dedication, protection of the ces and water quality treatment facilities, so we can determine if the results in improved water quality -- if the pud results in improved water quality or provides other benefits to the

edwards aquifer recharge zone as compared to the plan that complies with the current zoning and the bradley settlement agreement. So I want to offer that postponement to august 20, but with the understanding that if it comes back on the 20th, that this information be well in hand -- in council's hand before that and in the public's hands before that, and that that pud meet the requirements of our new pud ordinance. so we have a motion by council member martin martinez on the proposed consent agenda including postponing item 63 to august 20, 2009. I'll second that consent agenda motion, and I'll just say regarding item 63, clearly the project case has problems, and so this will be a chance for more specific comparative analysis as to how that can be substantially improved. one of the things that happened, mayor, was we received some zapalac this week, monday, that i think had significant bearing on, you know, making a decision in this case, and this was information that i don't believe environmental board or other folks had prior to this week. So again, I just want to make sure th clear up all the information that's out there and that we have definitive information if this pud is going to come back on the 20th. again, we have a -- technically we have a motion and a second on the table concerning our proposed consent agenda on these cases where we've yet to conduct a public hearing. Further comment on our consent agenda motion? Council member morrison? I do have some comments on that, but -- on the proposed postponement, but often it's our practice to hear from folks that might oppose the postponement. Is that correct, mayor? At least to have someone speak to it? Because I don't think -- I'm getting the feeling that there are some people in the audience that don't agree with that, based on the signs. So I wonder if we could hear from at least one person that might speak to the reason why they -- these folks think that we should have the public hearing now.

Mayor wynn: well, sure. Without objection? I'm not sure who might -- if someone might want to speak to that. roy has been speaking all day. I see robin on her way up. Maybe she could speak to it.

Good evening, mayor, council members, city manager. We'll try to do this without the passion factor that i think a lot of us feel and just go as straight cold to the facts as we can. I think our request is to not have a postponement. I think this tract has been talked to death over a long period of time. There are a lot of facts about this tract, a lot of issues that have already been settled, that have been settled for nine years. Our request is that we be heard tonight, that there be a vote tonight and that the vote be a no vote, a very clear no vote. I'm embarrassed to be standing up here tonight because I know exactly what's really going on in this city. No one is screaming for a high-end shopping mall right now. No one is saying out there, please spend your incredibly valuable time on a high-end destination mall in the most affluent part of town right on top of the aquifer in the heart of the recharge zone. There's only a few people that want you to spend any more time on this than you are, and it's the applicant and his paid consultant team. We're pretty much begging you to return to the really urgent issues of today. The aquifer issues on this tract were settled a long time ago, and there's no reason to spend your unbelievably valuable time reopening a very bitter wound. And we would absolutely beg you, get back to the real people's business, and leave this where it's been, which is settled and done. Thank you very much. [Applause] thank you, ms. rather. Very well put. I tend to agree. I'll interpret my personal opinion on what the value of the time is, four hours of testimony tonight versus clearly sending the signal that this project has to be dramatically reanalyzed before we would spend any of our precious time or ask you-all to stay here, you know, well into the wee hours doing that. ...

[Inaudible] thank you, mr. bunch. So --

[inaudible]

mayor wynn: thank you. So further comments on our consent agenda? Council member morrison. thanks, i wanted to make some comments. First of all, council member martinez you said that it would -- you were directing it to comply with on substantially or substantial requirements. What exactly do you mean by that? Because I read that and i know that there are some preapplications stuff that might not be relevant but there's everything else sure seems significant and substantial. So I wanted to know if you could clarify that. my intention is to -- whatever comes back, that it be reviewed by staff and that staff, you know, make a ruling on whether or not it complies with the -- today's pud ordinance and not the ordinance that it was filed under. and are you asking also that it be heard by the environmental board and zap so that it's going to go back through the same process?

Martinez, you know, I'm not asking that, but i wouldn't be opposed to going back -- I think going back to environmental is absolutely appropriate because this is a very significant environmental case. I'm not sure going back to zap is necessary, but, you know -- well, i hesitate to ask for an amendment to a motion that I'm going to vote against, but I will -- I do want to say that I rely tremendously on the folks that review projects at zap. This is a very complicated case. I think if this motion passes, I think it's entirely appropriate that it should go to zap and none of us have the expertise and the time and all to take that look at a project. I think everybody seems to acknowledge that the proposal that's on the table right now is way beyond the intent of the bradley agreement, which is the thing that I'm certainly looking at. This case has given me an opportunity to learn some history and to read the bradley agreement and to do all sorts of calculations, which was a lot of fun, and I have certainly proven to myself in talking with folks and studying it all that it's not appropriate. So I'm not quite sure what this process does for us versus a new application and letting the people that are here that have spent so much time be heard. I think that that's good government, to be able to acknowledge that. So I don't know what changes are going to be made or what kind of direction the applicant has to make those changes. So I'll just finish with that and say that I won't be able to support this motion and I have -- I wish that we could hear these folks tonight. [Applause and cheering] as a second on the motion, I agree with much of what you just said, council member, and agree that, for instance, the fact that the environmental board that voted in favor of this case unanimously, I believe, didn't have some of the information that has been shared with us in the last couple days. I'm all for the environmental board and the zap -- and or planning commission -- zap, I guess, reviewing all of this when it's appropriate. Again, we have a motion and a second on the table on the proposed consent agenda. was that a friendly amendment you were making or -- well, I think I would consider -- I would ask you as the maker of the motion to consider it a friendly amendment that when and if there's any additional information on this case that certainly wasn't part of the original environmental board recommendation, that go back -- or the zap recommendation that go back to those two boards, in advance of at least the august 20 deadline. Further comments on our proposed consent agenda? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed?

[Inaudible]

mayor wynn: yes, we can. So consent agenda passes unanimously, but please show council member morrison voting no on the motion to postpone item 63. Thank you. guernsey, is that all the zoning postponements?

[Inaudible] guernsey, was that the last of the zoning postponements? mayor, earl other item 44, I had mentioned a postponement date of 4/22 and you corrected me to 4/23, which is indeed a council meeting but the agreement by the applicant was to postpone this to april 2, so if you 44 for a postponement to april 2 and not the 23rd. so I don't remember who made the motion and the second on our consent agenda on the cases where we've already closed the public hearing.

Council member [indiscernible] made the motion and council member shade seconded. well then, from a parliament standpoint can I just ask for a reclarification of their motions?

You can do that, and if none of the other council members objects then it's good. so without objection and the makers of our motion, leffingwell and shade, agree that the intended postponement on item 44 -  
-

guernsey: that's correct. -- was to thursday, april 2, not thursday april 23, 2009, then we will make that correction for the record. mayor, there were two additional postponements I can offer you. 00 public hearings. yes, thank you.

There are two watershed protection development department items. 72, is regarding appeal to to the property located at 328 heartwood, fp 73, this is for the same address regarding the construction of a retaining wall and floodplain variances. I understand that we can offer these for postponement to your april 23 meeting. These are public hearings for item no. 72 and 73. On your 6:00 agenda. on so council, I'll entertain a motion on postponement for hearings of 72 and 73 to our april 23, 2009 meeting. Motion may mayor pro tem, seconded by council member morrison, to postpone items 72 and 73 to april 23, 2009. All in favor please say aye.

Aye.

Mayor wynn: opposed? Motion to postpone passes on a vote of 7-0. and mayor, that includes what I can offer for consent and postponement. You still have one zoning item left where I think you have one person in opposition.

Mayor wynn afternoon briefing, specifically our final one, which is our -- well, I guess we could end on the -- so -- well, we have one speaker on one zoning case. So let's do that. So without objection, then, 60, our peaceful hill lane case.

Thank you, mayor and 60 is case c14-2008-0217. Property located at 8425 peaceful lane. This is a zoning change request from sf-2 single-family to general commercial services or cs district zoning. The zoning and platting commission recommendation was to grant gr-co combining district zoning with a conditional overlay, limited for building maintenance as far as use and all other lo uses. Lo development regs except for height, limited to 35 feet, vehicle trip limit and request for public covenant, that relate to hours of operation and construction, and prohibit exterior loud speakers and lighting being limited. I'll note that the building maintenance service use is actually not a use that's permitted in the gr-co district category. It's allowed in cs and it's allowed in w/lo. Since the zoning and platting commission's meeting, the property owner's representative, jeff howard, has been meeting with an adjacent neighborhood, and has agreed to w/lo zoning, which is a warehouse limited office district zoning, with the same trip limitation of 300 trips that the zoning and platting commission recommended to limit it to lo uses, save and except the building maintenance services use that they had been seeking and the commission also had recommended. And then to prohibit additional civic uses that would normally be allowed in the lo district. So you would have a lo -- lo uses, save and except the building maintenance service and then prohibit some civic uses which would include club and lodge, college university facilities, commercial -- or excuse me, communication services, communication service facilities, community events, community recreation, both public and private congregational living. So these would be additional prohibited uses that would be in this district. On the property itself is about .68 acres. It's surrounded by industrial and single-family zoning. There is an existing impound yard to the west -- or excuse me, to the east of the facility across peaceful hill drive. To the north there are some single-family residences. There's also single-family residences within the park ridge subdivision. That's the subdivision where howard has worked out an agreement with -- further to the west there are single-family residences on some large lots, and also one of our austin fire stations. Located in the onion creek watershed, and if you have any questions I'll pause at this time and answer them. I also believe, mayor, you may have one additional speaker since the last time I brought this to your attention that may be speaking in favor of the request. we do have one citizen signed up to answer questions if we have them of her, but she is in favor of the case. Right. howard I believe is in the audience to speak to this item, if you'd like to hear a very brief applicant. well, then, technically -- we'll follow the code and set the clock for 5 minutes and allow for applicant or agent presentation, and then we'll hear from folks in favor of the zoning case and then hear from folks in opposition, with the agent having the ability to close. Welcome, mr. howard.

Among mayor, good evening. I'm jeff howard, on behalf of green scapes, which is a landscape maintenance business which is the applicant in this case. As greg mentioned, on the screen in just a moment, the property is located at 8424 -- 8524 peaceful hill at the corner of ralph and peaceful lane. The area is a mix of industrial and residential. The property is here outlined in black, and to the east is limited industrial zoning and it's an automotive impound yard. Immediately to the north is li zoning and it's a fiberglass supply company. Immediately to the north is also li zoning and it's a sheet metal shop. To the west we have gr zoning here, a vacant tract that used to be some auto sales there. Further -- further to the west we have a police substation and fire station, so a very large facility. And then of course here in this area we have more industrial and cs zoning. So it's -- it's got quite a bit of commercial services and industrial zoning. What you see on the aerial is what was the prior use. The

prior use had a very rundown single-family house that was frankly a place where crime occurred, according to the neighborhood. They tell us that there was a lot of crime that was occurring out of that house. My clients bought the property to put a landscape maintenance business there, cleaned up the house, removed the uses that were going on there and have got plans to provide other beautification and landscaping in the area. We -- as I said, my client is green scapes, landscapes for businesses. 50% Of its clients on nonprofit organizations and it's their business practice to engage in environmentally friendly practices. What we've asked for initially was cs zoning. We went to zoning and platting commission and council member morrison i heard you say and I know this is important for all council members, the zam recommendations are important for you. Zap actually recommended gr-co. We were under the impression at the time that that would have allowed this use. They recommended that unanimously. They had a public hearing, heard from neighbors who were concerned and a lot of the neighbors expressed that crime has actually improved since we've been there. We have worked diligently with the neighborhood to the south which is the park ridge neighborhood. We've worked out a comprehensive agreement that deals with everything from lighting, loud speakers, to dumpster locations, to the hours that the dumpsters would be picked up to, you know, height of building, additional prohibited uses, hours of operation for the business, et cetera, et cetera. It's exhaustive list and it's very complete. We had hoped this would be a consent item and we learned about three or four hours ago that the neighbor to the north here who had previously signed a letter in support is now opposed. I'll let her speak about her concerns but I think some of her concerns have to do with the trucks that come on-site. Those trucks are medium size trucks. We can move those locations where they come. We've addressed the hours of operation, as I said, already, and I don't know if she was aware of that. And so of course we'd have to comply with compatibility standards. So given that we've got neighborhood support, given that our zoning is now w/lo, which is even less intensive than the gr that was unanimously recommended zoning and platting commission, we'd like to offer this for your consideration tonight, and i would say that you'll hear from susan hambright who is with the peaceful hill neighborhood association. She'll be able to tell you about the history of this property and what goes on in some of the surrounding properties around. This is a compatible use. This is actually a situation where we've got a good use that is provide a transition between the industrial uses that are going on out there and the residential uses. We've worked out a comprehensive agreement. Compatibility standards will apply and we're hopeful you'll approve this. I'll be happy to answer questions if you have any. I have lots of pictures but I won't go over them -- lots of pictures of the commercial activity in the area and if you like I'll show those to you. I'll be happy to answer any questions you have. Thank you, mayor.

Mayor wynn: I have a question. council member leffingwell. I understand your amended request is w/lo-co.

Yes, sir. 300 trip limit with the only w/lo use being what?

Business maintenance services. business maintenance services and the other uses would be lo uses. So essentially it's an lo case with the addition of that one lo use.

Correct, and then we've eliminated about five or six other lo uses as prohibited uses and I can provide

that list to you and we can provide that copy as well.

Leffingwell: okay.

Mayor wynn: thank yo. Questions of the agent, council? If not, then we will hear from folks in support of the zoning case. I think we -- susan hambright had signed up to answer questions, but this will be a time for you to give us any supportive testimony if you'd like, susan. Welcome. You'll have up to three minutes and you'll be followed by guilda martinez.

Thank you. Good evening, mayor and council members. I've been here in front of you before. Usually in opposition to zoning cases ann I'm happy to be here tonight to be able to support this zoning case. We've been working with these folks for several months now. We've come up with an agreement that certainly meets our needs. We feel they've improved the property, they're going to improve the property even further. I tried to talk with the lady who's going to talk to you a few minutes who is opposed to tell her most of her concerns are covered in the agreement we've made with applicant, and I think once you -- if you haven't read our agreement, once you hear her concerns and know that our -- her concerns are covered in our agreement, i think you'll be able to discard most of those. This property before was zoned -- this is a certain case where zoning isn't in the best interest. It was zoned sf. The folks that lived there where there were criminals that lived there, our children had to walk to school past this property. We were terrified for them. So what's there now is such an improvement and we're happy to see it and we do support it wholeheartedly.

Mayor wynn: great. Thank you, susan.

Okay. And thank you for letting us go. We sure appreciate it. [Inaudible] is pregnant and she's starving.

Mayor wynn: I see. So -- so that's all the folks who signed up in favor of the zoning case. Council, we do have one person who signed up in opposition, gilda martinez. Welcome, mrs. martinez. You too will have three minutes and if need be will be followed by mr. howard.

Good evening. I'm here to let you know that I'm not happy about the -- I live next door, just like 5 feet away from the trucks. They make a lot of noise in the morning. And also I'm concerned because at the beginning they told me there were not going to be no pesticides, and then I find out they're moving some planks with gasoline and diesel. It seems to me like it's dangerous. And there's a lot of noise in the morning, and sundays too, and I just -- before it used to be that place -- the house that was so run down, that the owners that owned the lot, they cleaned that up, and they cleaned it up and sold it. But I'm just here because it's just too -- a lot of noise. I think the lot is too small for -- it's too small for that kind of business trying to set up. It's just -- the noise is right on my ears. I mean, I'm concerned about the gasoline and diesel tanks that's right underneath the tree. If I could -- I'm opposing -- it's hazardous to me and my family. Just too much noise. I think before they were across the lot and now they're right there next to my bedroom. I thank you for your hearing -- for hearing me.

Mayor wynn: great. martinez, for being here. So, council, that's all the folks also in opposition of the

zoning case. howard is offered a three-minute closing testimony. howard, if you could try to address some of the concerns we heard from martinez, we'd appreciate that.

Yes, mayor, thank you, and I'll be brief. The -- the project -- her property will trigger compatibility standards. That's going to require any improvements to be located at least 25 feet away from her property line, let alone her home, so we will of course make sure that any trucks or vehicles are an appropriate distance away. We also -- because it triggers compatibility standards we have to comply with noise requirements. We also have hours of operation standards, so we don't operate too early in the morning and we certainly don't operate on sundays. That's in our agreement with the park ridge neighborhood, and so that will be included in this approval. And as far as the diesel tanks, they did express a concern about pesticides and hazardous materials, so we don't store any pesticides or fertilizers or anything like that. We didn't understand that that included the diesel. The diesel is a biodiesel. It's actually very environmentally sensitive. We actually have solar panels. It's not triggered by electricity. We did that because it was kind of the environmental right thing to do rather than just going and buying diesel at the gas station, which we can do, we're happy to remove those diesel tanks if there's a concern about that. My understanding is they're in osha approved containers and they're not flammable. But if there's a concern about the diesel tanks we will certainly remove them. We wish we had known martinez's concerns before today. We certainly thought she was supportive and we would have addressed them and we would love to continue to work with her to address them. We'll move those trucks away from her. We'll respect early morning operation and we will remove any diesel tanks if that's a concern of council as well. thank you, mr. howard. Questions of the agent? Council member martinez? I'm sorry -- council member morrison. and I apologize if you already mentioned this, but do you operate on sundays?

No, we don't.

Morrison: okay. further questions for our agent or anybody else for that matter? Comments? guernsey, remind us -- otherwise you are prepared to present this for consent agenda on all three readings?

Mayor, it's only ready for first reading this evening, and also just to clarify too, compatibility standards were required -- would require any kind of waste disposal, basically dumpster or whatever, that would also have to be screened. There would have to be a screen provided at the property line that would be a solid masonry fence or a solid fence, a wood fence that would have to be provided in addition to those setbacks that were mentioned by mr. howard. So there are some other things beyond what howard had mentioned that would be required by our code to change the use on the property to a commercial use. further guernsey, council? Comments? Then if not I'll entertain a motion on item no. 70. mayor, I'll move to approve the applicant's amended application -- are we ready for all three? first reading only. for w/lo with the conditions identified. motion by mayor pro tem, seconded by council member cole to close the public hearing and 60, first reading only, motion identified as the application plus those additional amendments and/or conditions as discussed and outlined by mr. guernsey.

Guernsey: earlier. earlier, yeah, thank you. Further comments? Hearing none, all those in favor please



say aye.

Aye.

Mayor wynn: aye. Opposed? Motion on first reading passes on a vote of 7-0. thank you, mayor and council. That concludes the zoning items this evening. thank you, mr. guernsey. So council, actually we have a number of folks signing up for our two remaining public hearings, so these folks have been waiting for so long, I think we need to go back now to our afternoon briefing, that being our presentation by our three finalists regarding our new comprehensive plan, and perhaps have a staff presentation or orientation about our process here. Mr. guernsey? thank you, mayor and council. My name is greg guernsey and I'm director of neighborhood planning and zoning zoning I'm pleased to bring this regarding our comprehensive plan this evening. I think we've probably got some slides. You can probably start with the first one. Thank you. The purpose of this briefing is to hear from our three finalists teams that have submitted applications to assist austin in the creation of a new comprehensive plan. Why our comprehensive planning is important ongoing tool to anticipate the future and maintain austin's quality of life. Let me give you a little bit of background. Council, in december 2007 you passed a resolution that did two things. One, you authorized an interrupt date to our existing plan of record called the austin tomorrow plan. That was part of the resolution when you completed it and when you approved the interrupt date in november of this past year. As you recall, the limited update was limited in scope, and basically reconciled the old austin tomorrow plan adopted in 1979, and the existing conditions and subsequent council policies that you have adopted through the years since that time. That resolution also recommended looking at austin's long-term planning needs for the future. In response to the second part of the resolution you authorized the creation of a new comprehensive plan with the approval of the budget in 2008 and 2009, and i thank you for that. And after the budget was approved, austin's standard rfq process was put in place and we initiated to hire a consultant team. It's been a while since austin has developed a comprehensive plan so before I turn it over to mike trum bell with the department of land management, let me talk about our planning as it's required by our austin city charter. The charter requires a plan to be adopted by ordinance after receiving a recommendation from our planning commission, and we actually have two -- well, we have two commissioners here or at least one commissioner here. Another commissioner here. I appreciate them coming out in support. The planning -- the comprehensive plan is a comprehensive -- comprehensive in the sense that it represents the community's vision for the future development of the austin city limits and our , which goes out five miles from our city limits. The charter requires that our comprehensive plan contain the city's policies and plans for growth and development. The charter sets up an ongoing process to implement, review and update the plan, and anticipates the completion of a major review every five years upon adoption. Let me tell you a little about some of the key components of the rfq. One is to create a plan that's consistent with the ten elements identified in our charter. These elements include a future land use element, a transit element, a wastewater, solid waste, potable water element, conservation and environmental resources element, recreation open space element, a housing element, which is extremely important, public services and facilities element that includes but not limited to a capital improvements program. So we will tie our capital improvements program to our plan, which I think is a long time coming. Public buildings and related facilities element, economic lieutenant for commercial industrial development and redevelopment, and health and human services element. Some other things

that this will include is created creatively and actively joining the citizens in the plan and I'm sure the developer got a piece of that and I hope they keep that in mind as they make their presentations. Focus on the implementation plan and achieve the above in a timely fashion. So let me go through probably the anticipated plan components. That speaks to the vision and policy framework, which lays out the vision for our community and incorporates and integrates the key things that respond to the questions, where are we going? The city charter requirements as well, and it's the second component that would deal with more detailed policies, plans and implementation strategies, in the form of the ten city charter required elements and addresses, how do we get there? So at this point -- and I'll probably do a little summary at the end after you've asked questions of our consultants, but right now I'll turn it over to Mike Trimble and he'll go over the RFQ process. Thank you, Greg.

Thank you, City Council member. Mike Trimble, director for contract and land management. I want to talk about the process that we followed for the comprehensive plan, the RFQ process. The process we followed is our standard RFQ process. It consisted of four phases. The first phase was receiving the submittals from our respondents for qualifications and experience. That has been completed. Phase 2 included interviews and presentations with the respondents for -- with the evaluation panel. That too has been completed. And that brings us to today where we have the three finalists to do presentations to council. Past this will be phase 4, which will be two weeks from now where we bring back the item for potential council action and awards and that will include the evaluation, materials and scores and staff recommendations based on the composite scoring through phases 1 and 2. Just to let you know about the results of the process to date. The RFQ was released on September 30, 2008. Six proposals were received. Five were evaluated and one team was deemed noncompliant. Short listed -- there are three short listed firms for the interview phase, and all three of those firms that were interviewed in phase 3 -- or phase 2, rather, are brought forward today for phase 3. So we're doing the presentation today and then the award will be coming back on February 26. So the finalists we have that were produced through phases 1 and 2, in a randomly selected order of presentation for this evening, are HNTB Corporation, ACP Visioning and Planning and Wawz, Roberts & Todd, Limited Liability Corporation. Each finalist will have 15 minutes for their presentation and that will also be followed by question and answers based on whatever questions you have for the finalists. Following those presentations, and we will handle their responses to your questions in a rotating order so they all have an opportunity to answer at different points. Just to let you know what the finalists are going to be covering in their presentation, it's going to cover the similar presentation format or interview format for phase 2 and includes a project team organization, team's project approach and similar project experience. In addition it will include creative methods to engage the public and techniques to keep the project on schedule. A couple of things to note that were found out through phases 1 and 2 for this selection process is that all finalists have vast experience providing comprehensive plan services, nationally recognized firms with substantial experience completing regional and city comprehensive plans and also very strong teams of subconsultants that have been proposed to effectively execute the work. And with that I will turn it over to our first firm to do the presentation, which I believe is HNTB. Thank you, Trimble. Time to get set up or get their powerpoints ready. A slight addition to Mike's suggestion, similar presentations like this we'd have all three teams present and then start the Q and A as proposed to interrupting the sequence. So we'll set the clock for 15 minutes and welcome HNTB.

corporation.

Very good, mayor. Thank you very much and good evening to you-all. My name is dave wenfall. I'm the vice president and national chairman of urban design and planning for hntb corporation. You are probably familiar with our austin office, which is just about two blocks away here and has about a hundred people, but I wanted to talk to you about our national practice and pledge to you our national resources as hntb. Hntb has been in business for over 90 years. Coincidentally, one of our longest standing projects was started in austin 90 years ago. We have been a sustaining business, and you can't be a sustaining business for 90 years unless you develop some strong business practices. Why is that important to you? Strong business practices are important to you and my communication of that is that what we have learned is that it's important for us to develop a commitment with the client and with the public, a commitment that is tailored to that client, and we've listed this commitment or promise above. This commitment is -- and i won't read them, but to develop a strong vision, a creative vision to involve the public, to involve the public to help implement the plan and to complete this project in a timely manner. And I can say that we are committed to doing this based on two reasons. The first is business practices, which I'll talk a little about, and then secondly our technical competency. Business practices and how this relates to our ability to do this project in a timely manner and deliver it is that we are a -- we are a multi-discipline firm. We are very accustomed to dealing with complex processes. This is a time period in our history as a country where budgetary constraints are very -- on everybody's mind. We cannot afford the language in this process. -- To languish in this process. We have very strong business practices to move the process, to solicit the input. We are accustomed to dealing with large teams and managing large teams, and for this project we are committing our strongest planning project manager, phil honograph who you'll meet in a few seconds. He has over 30 years of experience, he's done over 30 complefns plans. Empties the author of the 2006 apa plan of the year, which was the chicago framework plan. The second part of why we can make this commitment is our technical competency. We put up a chart here that lists our large-scale, not all of our projects because it would cover the map, about you our large-scale planning-related project, to show you that again, we have worked in very complex urban environments, even more complex than austin, if you a little more complex. We completed the comprehensive plan for washington, d.c. We've completed major comprehensive planning efforts in five other state capitals. We have the business acumen to keep this process moving but to solicit the public in creative ways. We also have the technical competency to do this. I'd like to turn it over to phil to talk about specifically our approach to this project and how we will get through it.

Thank you, dave. mayor, members of council. It is an honor and a privilege to be here. This is an important time in the history of the city of austin. 30 Years commenced since you last went through this exercise, and expectations of the community are high. You've committed a lot of money and resources to improvement of the community. The community is very active and engaged in the order of business that you do. We understand that, and one of the first things we thought about was establishing a team that would resonate with the community. Our team is 100% involved in the community. Everyone in our -- in our team, which includes group solutions, with rabina webster who is here this evening. Txp, which is represented this evening. Knutson and associates and a number of others that are here with us this evening. Also with us is mark mathews, our deputy project manager. Dave mentioned the scope of our

team, the scope of the project and our ability and need to manage this very effectively. Austin has a full range of issues. This is a list that just starts to top the cake. What I think is very important is the last bullet, which is a lack of a current community-based vision. Again, your plan is 30 years old. This model which you use. This is on your web site, and this is the framework for determining the role of the plan. The city vision is at the top. The council priorities follow, with long range policies and other more day-to-day activities. Since the plan that you have is 30 years old, it doesn't really adequately address the needs that you have today, particularly the ones that you were talking about this afternoon associated with sustainability, climate change, environment. So what makes a vision? If a vision needs to separate itself and becomes powerful and strong enough that implementation follows in every respect, then let's talk about what makes a vision. This is savannah, georgia. Savannah's vision when it was established in 1733 was the idea of a series of blocks or wards around public plazas. When you think about savannah in a physical context you understand savannah and its beauty and character due to the establishment of its plazas. There's a lot of new urban areas but this is the icon in savannah. When we're looking at a place like paris, we think about the boulevard in paris. There are a full range of boulevard and some that are very important, including one which sits with the arc de triomphe, but this is the plan of 1850, which introduced a whole series of boulevard in the city, established the claim for this community. This is chicago, and chicago celebrates this year, the burnham plan, which was originally established in 1909, and a hundred year anniversary. This is what's known under the burnham plan, the city beautiful, the emerald necklace that surrounds lake michigan. So what creates a vision? What I've talked about are primarily physical references in terms of history and communities and things that people recognize, but today's visions are much more complex. We understand that. We've heard a little bit about it this afternoon and the community engagement surrounding it. We think that our experience in planning and development is very relevant. Dave mentioned the d.c. Comprehensive plan. In this plan one of the important features was neighborhoods, looking at how an urban design and land use framework for the community overall overlays neighborhoods and what is the role of that plan in neighborhoods and what is the role of neighborhoods related to that plan. So one of the key vision elements here in the case of d.c. was neighborhoods. Raleigh, north carolina which we're currently working on, and we know that your staff has looked at some of our work there. This is a very collaborative effort between hntb and raleigh staff. We enjoy engaging collaboratively, working together with our clients, not only for saving resources but for transferring ownership of the product and an understanding of implementation once the plan is adopted. In the case of raleigh sustainability was very important. They have committed to a decrease in carbon -- of 20% by the year 2011. Very, very aggressive, so sustainability is an important part of this plan. Kansas city focus, which was the plan of the year in 1999, had a very, very strong focus on smart growth and urban infill. And two improvements, one which is completed and one which is forthcoming, is the -- is the bus route, the transit system, which is a part of the system, the mack system, which was recommended in the plan, was designed and implemented by hntb and now we're working with the community on looking at alternative corridors for light rail systems. So looking at transit as a method of sustainability and smart growth was an important vision in this plan. And then finally while a regional plan covering 262 communities within the chicago region, the idea of trying to get communities to understand their role in controlling the amount of travel demand, the need for building roadways and the impacts on natural resources were very fundamental elements that we focused on in trying to divert growth within the urbanized area. We received approval from a 34 board member on

committing to a 15% in vehicle miles traveled, just simply by trying to contain development and emphasizing multi-modal systems within the region. We were asked to comment on our process, and we agree with the staff and the community with respect to the basic four steps that were released as part of the rfq. There's two things I want to talk about here that are extremely important. We are state of the art in almost any kind of public involvement method, and we could talk about that extensively, but the idea of integrating public involvement based on needs that are seen in the community and based on your input and working with staff to make sure that the methods that we're using to reach the public first of all, to get them involved in the process and to educate on one hand, and then to make sure that there are effective venues for which we can engage are very, very important elements in the public involvement plan. We clearly understand that. And we also think that it's very important for both the commission and the council to be involved at the end of each of the major steps. We know that implementation occurs here as well as within the community, with the public and private partnerships that you build. But in the end it's primarily the planning commission and the council that will be stewards of the legacy of a new vision. And so it's really important for us to finish this, as Dave mentioned, on time and on budget since we know ultimately this plan will be adopted here that the commission and council are involved. In terms of methods, we believe that public involvement should be directed to implementation. A vision is very important, but a vision has to be implemented. And so when we're talking about alternatives, we're talking about rationalizing alternatives for land use or methods for managing transportation, can those ideas be implemented? They need to be discussed through the process. So very defined decision-making process is part of it to come to those conclusions, and we also believe that a citizens task force that is comprised of a range of citizens within the community, that is advisory in nature, that collects information from the consultant, from the community, reviews data and works with the consultant in developing alternatives or specific recommendations is very, very important. It's more or less of a clearinghouse or a clearing step that we would then bring their recommendations or ideas to the council and the commission, and we would work with the council and the commission in understanding what preferences should be. And we're also talking about an interagency group. This plan needs to be comprehensive and inclusive. There are many agencies, organizations and institutions in the region that play a hand in your future. We want to organize them at the staff level. We want to engage them regularly. We need to understand their programs. We need to understand how the recommendations that we're making affect their programs. So that becomes part of the decision-making process. We meet with this task force and with the planning commission and you. We could talk all day about methods, but we think those are very important fundamentals to do this on time, on budget and on schedule. We have a variety of scenario tools that we can use. Sketch plan builder is a trademark tool for preparing scenarios which we developed and manage ourselves. We have proprietary tools such as that, but we also suggest the use of tools like community viz. It's a predictive scenario making tool. You can plug variables in and it will play out the variables in the region and the community. What's important is that it's commercially available. You can buy it, own it, train on it and continue to use it once this process is over. I think there's value rather than the consultant just walking away with the tool and you having to pay to use it again. We have a strong commitment to sustainability and today at our booth we've been sharing a document or an article called think magazine. I think one of the things that differentiates us from our competitors is that we build infrastructure. We are in the business of looking at developing green infrastructure. In addition to

planning. We're planning best practices within our corporation for predesigned, design and construction activities and we're also civically involved. In the Chicago area we're working with three universities. We funded a project to put together the idea in science, geo thermal technology and fuel cell technology to apply that for reduced carbon on a major infill development site. We spent time talking with citizens today. It been productive for us. One thing I want to mention about our booth and something we think is very important in the process is understanding that there's a bilingual need in this community for both American and Spanish, and both sides of our board today provided information in the two variables. We want to be sure that we engage the community in ways that they can understand and can commit to that in terms of the we get. [One moment, please, for ]

50% of our team is based here in Austin. And we wanted to have the team to be a true mirror of your community in its diversity. And we believe that this combination on national perspective and local knowledge will really help address what we think are the two most compelling elements of the Austin Comprehensive Plan. The first one is to engage the community with an extensive, inclusive, transparent public involvement process. The second one is the requirement to provide the city with the best comprehensive planning and technical expertise that we can bring together. We are very excited at the opportunity to work in Austin, a community that is known for its participatory tradition, and I think a few minutes ago we saw some of that right in play right in this room. And we are looking forward to working with you, with your staff and with your citizens to build a plan that is yours, to build a plan that is real, and to build a plan that reflects the values and aspirations of this community. There are three firms that constitute the core group of the ACP team. The first one is ACP Visioning and Planning. We are committed to public involvement, but also we are committed to integrating public involvement with technical analysis, with technical work. We believe that intuitive side that the community brings to the table should be worked with, integrated with the informed side that comes from the analytical process. And we never want the two parts to separate from one another. We never want the intuitive and the informative to be so far away because that leads to misunderstanding, leads to disappointments, really leads to putting the brakes on the plan. In the aftermath of 9-11, the attacks of 9-11, our firm was asked to conduct Imagine New York, which was probably the most comprehensive and inclusive public process that I have ever done. For that one we won the American Vision Award, the first and only American Vision Award that was given by the American Planning Association. The second of our core team firms is Clarion and Associates. Clarion is an association known for its work in land use, growth management and planning, but more importantly for the emphasis on sustainability and their emphasis on implementing the plan. We both believe that the plans are really created so that we can implement them. And in 2007 Clarion won the Daniel Burnham Award for the best comprehensive plan in the country for their plan. Now, if you look at this map, developing public sector policies is what we do and what we look back and I've conducted successful vision, comprehensive plan and regulation work in nearly all states in the country. Finally, the third core member of our team is TPG Partners, they're based here in Austin and they are an urban design landscape architect cultural firm. Their approach to planning is embodied in some of the great places that they have designed for your community. Great places that the community enjoys. So here you have the three cornerstones of the comprehensive plan, public involvement, public policy, and place. Because at the end of the day a plan should create great places and should create great places that the community comes together with and enjoys. Now, let me just close by saying this

part of the presentation, by saying that people that you will see here tonight and hear tonight are the people that are going to work with you, are the people that are going to work with your staff, are the people that are going to work with your community. We are doing that so that we can build a plan that accomplishes three major objectives, inclusive, sustainable and efficient. You will hear these three words repeated many times tonight. We will explore each of these three areas by giving example of our work and drawing from the example conclusion for austin. And to do so, let me introduce jimmy green, who is the second principle of acp vision and planning that will continue the presentation.

Thank you, johnnie. Good evening. As johnnie said, my name is jamie green and my role in this project is as the project manager. The first of our three cornerstones is the concept of inclusiveness. We recently completed a project for columbus, ohio, which we're sharing it for a number of reasons. One is because there are some similarities. Columbus is the 15th largest city. Austin is the 16th largest city. They're both state capitols and homes to major universities. You may have heard of the ohio state university here in austin. More importantly, we're sharing this example because of the vast and diverse participation that we were able to gather in this community as well as the results that were achieved. In order to be successful, there were a host of meeting engagement tools that were used from a think tank that moved its way around the community to neighborhood conversations, to a citizens summit that brought together 1700 people in columbus on one night using electronic voting devices to give their preferences for the future of that community. Our pioneering work at acp has been highlight understand a book that was just published about nine months ago called visioning and visualization. This book highlights a tool box of techniques that are creative, fun and educational and that can be brought to bear here in the austin comprehensive planning process. The point of the inclusiveness of our work is that we believe that it leads to implementation. That engagement and ownership leads to implementation. And last fall, last november, the conclusion of our visioning process, but in the early but obvious stages of a national economic crisis, voters in columbus went to the polls and voted for a 6 billion bond package that is the foundation for the implementation of that community. We, acp, have couple our national experience with what we believe is exceptional local expertise in engaging the public in the form of beverly silas. Her success at invision central texas, the vast knowledge of local networks in your community as well as working effectively with austinites we believe is a successful part of the comprehensive planning team. Beverly?

Thank you, jamie. With invision central texas, there were a number of things that made the process very successful. We pulled together people representing neighborhoods, developers, businesses of all sizes, mom and pop, for-profit, not for profit, large scale companies. We had people representing roads and transit and environmentalists and cyclists. We had all heritages. We had all orientations represented. We even had participation from elementary, middle, high schools and various parts of higher education. In addition to this, another point that made invision central texas successful was that we kept it on the front burners of everyone. Whether it was through tent cards in coffee shops, signs on taxi cabs, signs in buses, outside of buses, everyone knew about invision central texas and knew how they could participate in the process. In addition to all of the public meetings as you can imagine, there were a number of targeted audiences that we addressed on a small scale basis and we also had a lot of one on one conversations. This was not only to gain support, but it was also to educate the public so that in addition to being included in the process, they were aware of all of the elements of the process. As the

former executive director of InVision Central Texas, what I bring to this team and also hopefully to the plan is the fact that not only do I bring the institutional knowledge of the successes, but I also bring the networks and the contacts and the social infrastructure that I established then. Now I'll turn it over to Ben Herman.

Good evening, to all of you. The third cornerstone or second cornerstone of our approach is sustainability. I wanted to take a couple of minutes and talk about that. First of all, how do we view sustainability in its broadest possible sense? To our team it's a balance of the environment, the economy and the community. And I want to touch on a few projects to illustrate how we've been approaching the concept of sustainability in our work. But first is a plan that Clarion and ACP recently completed together for Charleston County, South Carolina. Unique, beautiful part of the Southeast Low Country of the U.S. The plan focuses on really two things, the outstanding sense of place, the communities and neighborhoods, but also the unique, fragile riparian environment that encompasses the region. The focus was on stewardship and on balance between community, sense of place and resource. The second project, and this is one I'm currently involved in, is a combined plan and code for the City of Boise, Idaho. Like Austin, Boise is also a state capitol. It's a university town. It shares Austin's rep, if you will, as being one of the great places to live, and is really reemerging as a new leader as Austin has in creative class they come. It builds on five key themes that you can see in my slide and the purpose is really under Council's direction to determine how the city in the future is going to become a place that's socially and economically sustainable through land use, arts, culture, connected community and a progressive, vibrant economy. The last project that we're currently involved in that I wanted to speak to as Clarion is Salt Lake City visibility. We're engaged to understand a comprehensive top to bottom evaluation of all of the city's policies and regulations related to land use and its plans and codes. What's really interesting about this is it's really all aspects of that, not just land use, but also alternative energy, housing accessibility and diversity and most importantly, how to implement these things top to bottom in the city and the way it does business both public and private investments. So for Austin, what this means in terms of our approach is first of all to consider sustainability as a unifying theme of this process. How economy, environment and community can achieve the kind of future that you want. And secondly is to tailor Austin to focus on that as quality of place and quality of life. With that I'd like to introduce Tom, who is going to speak to our third cornerstone, which is efficiency.

And very efficiently, I might add. Plans have economic and financial implications. We recognize that. And because of that we know we have to make sure there's a fundamental economic support program built into this because you as stewards of city investment and of public requirements and public benefits have to manage that. You need to understand those economic and financial implications of planning decisions and recommendations. We want to leverage private investment, but we want to protect the city's interests, particularly in these times. This kind of economic and financial analysis is important because it will help the plans streamline city processes. That's what developers want, that's what citizens want. It will also provide better ways to preserve both the natural environment and the man-made environment in the ways they interact, high priorities for Austin. And save resources, financial and natural. With that I'd like to turn it back over to Tom.



Mayor Wynn: 35 seconds.

Austin is a place of people. As you know tonight, austinites are very passionate. They're passionate about our environment, our cultures, our neighborhoods, and as the parent of three i can tell you that we're passionate about our future. Austin is also a complex city. In the best of times we face -- best of times or any time we are facing a host of challenges. This is a very complex process. Austin deserves and should demand a team that brings great ideas. [ Buzzer sounds ] and the greatest expertise to address these challenges. This is a team that knows austin. And finally I would say that austin's a city of great ideas. Now is the time to make it happen, and this is the team to do it. Thank you.

Mayor Wynn: Thank you. Thank you, ladies and gentlemen. Well done. We'll give the team a couple of minutes to change, switch out, and our final presentation will be from wallace, roberts and todd. Welcome.

Thank you. Good evening. As my partner is joining us at the other podium, my name is john furnsler, I'm a principal with the firm of wallace, roberts and todd. And I'm here with my partner.

I'm the designated project manager.

First of all, we want to say thank you to the mayor and council and staff for such an interesting day in austin. Being able to dialogue with citizens about the nature of this challenge and how we will work together with citizens to envision the future and how to plan on how to realize that vision. I'm going to jump right into our team organization. This is a little tough to read, but david and i will be the leaders of this effort throughout from beginning to end. And we have assembled a terrific team, predominantly austin-based firms, and we've organized the team around these six focal themes, sustainability where deb will take the lead, assisted by criterion planners, the national leaders in testing scenarios for sustainability, in planning with leadership by wrt, and assisted locally by amelia who is here. The leadership by deb ortiz, assisted locally by donna carter. Transportation and infrastructure led by terry watson and raymond chan for transportation and infrastructure respectively. Community engagement will be a partnership between rabina and marion sanchez from group solutions. And last but not least, the economic development aspect of this will be led by austin-based angelou economics represented by justin (indiscernible). Just a few preliminary words about wrt and our background. We're a 200 person multidisciplinary firm with offices in texas and throughout the country. We've been in business for in excess of 30 years and throughout our experience we have maintained a leadership position in growth management, in sustainable planning before sustainability became such a watered down word. A few thoughts about how our experience closely reflects the challenges here in austin. One is our track record in shaping some of the most successful urban communities in the country. We took a leadership role for 20 -- a leadership role for 20 years in guiding baltimore back to its renaissance period as a thriving economic center. We've recently completed an effort to reshape the urban form of omaha and we're currently engaged in leading the design effort to transform the trinity river corridor as a major catalyst in an attempt to reinvigorate urban life in dallas. We've also worked in -- but we've also worked in many of the nation's leading exceptional communities for quality of life and sustainability. Here in texas, nearby in georgetown, recently completed their plan. The woodlands in texas, we were the original planners of

one of the most environmentally sustainable communities in texas. And flower mound outside of dallas, we led the effort to plan and design sanibel island, florida, and we have experience working in university communities that value their quality of life and character, chapel hill and annapolis, maryland.

We are national leaders in growth management, working with communities similar to austin, which are addressing issues of how do you balance reinvestment, revitalization of the center core of the region with sustainable growth at the fringe? So a few examples on the screen are award winning plans for lancaster county, greensboro, in north carolina and the florida keys. Our commitment to sustainability really dates back before the term was even invented, going back to firm CO-FOUNDER ian McHeart who wrote a book called design with nature. That is really the drive of our practice today and is reflected in projects. I won't go through all of these, but for example our green infrastructure plan for philadelphia, the philadelphia green plan, which is part of sustainability initiative at the citywide level. We're also national leaders. I have a very strong practice in open space and greenways. I personally do a lot of work in this area. Another example is we're currently completing a citywide green infrastructure plan for atlantis called project green space.

We believe it's absolutely essential to actively engage the university in this planning process. Not just the process to provide input, but to have them take on a role in partnership with this city in shaping the future of the community in response to the vision. And we have a track record of engaging universities to help leverage improvements in their host communities. We engage the university of arkansas to reinvest in a neighborhood they had long impacted with their expansion. We engaged florida state university and the state capitol in tallahassee in the top right to rebuild a major urban village in a declining area as the connective glue between those campuses. And we engaged georgia tech to build off campus a major technology square, technology incubator. We know how to engage downtown partnerships.

And we do not plan for cars. We plan for people first, pedestrians, bicycles and cars. You have to look at all those modes of transportation together. We have a lot of experience doing this at scales ranging from transit oriented development, transit -- station area planning. We've done a number of station area plans for dart stations in dallas and looking at multimodal transportation planning at the citywide level. We have experience across the spectrum.

Our team has already had a great influence on this community date dating back to our plan for lake austin in the 70's. We believe there is no one that has a better sense of the pulse of the economy than an angelou economics. Donna carter has had a great experience in creating some of the terrific urban places within the community. Both marion and rabina and their firms know how to reach out and engage the most difficult to engage segments of our community. And kimly horn has had a terrific level of involvement in various initiatives with regard to transportation and they understand the mobility challenges here in austin. Now, I'm going to shift a gears and tell you honestly what we think it's going to take to get this right. There are three things that I think are most important. The approximate first is community engagement. And by that I don't mean just getting public input. I mean getting the public and public ownership of the planning process. And we do that in traditional ways, community meetings, stakeholder interviews, community surveys. We believe strongly in the appointment of a broadly

represented steering committee to get folks from the different interest areas to get them together tawing with each other, but we recognize that a lot of folks are not going to come out and participate in those traditional means and we have to go get them in other ways. Through an interactive website for this large tech-savvy community. Make this a fun sell bratory process with community events and open houses like we sperpsed today, which was terrific. We need to gauge the media, not just to report, but to advocate this process. Most importantly, we need to make a special effort to engage the youth of this community at all ages. Because as we found in almost every other community, it's the youth that have the most unfettered, creative ideas and imagination about the future of the community and finally we need to make a special effort and be resourceful in reaching out to those who don't always get heavily involved and have discourse around the university community, the developer and business community and the disenfranchised where we will need to find a way to talk with them on their turf and their comfort level.

As a second key challenge that we see is defining a sustainable future for the city of austin. This plan is really the single most important document that will get you to that status, and you have a lot to build on. If you look at what's been happening, there's positive trends, demographic shifts that are leading to people to make life-style choices, living in more compact development patterns, choosing that allowed them to use the automobile less. All the work that you've been doing with neighborhoods and protecting natural areas, aquifer recharge areas. As a matter of fact, wrt was involved in some of the original planning for lake austin back in the 1970's. And I don't actually need to belabor this slide. We've seen it a couple of agenda items already that sustainability is not just in the city level in the work you're doing, but throughout the community and there's a lot of private sector innovation going on in things such as alternative energy. And this really needs to be harnessed and brought forward in the framework of the comprehensive plan. Very important goal of this process.

As david touched on, there are a lot of things that austin is already doing very well in terms of sustainability. There are other areas where we need to focus our attention and do a better job. One of which is recognizing the pattern of obsolescence that is beginning to merge particularly on older highway commercial strips and we need to think about transforming them into more viable mixed use, lively centers as we did in this slide as a part of our comprehensive plan in port smith, virginia. We also need to focus our attention on what is happening at our fringe in terms of resource consumption and begin to think about encouraging more compact forms of development that more gradually transition from urban-suburban to rural character areas. Obviously we need to focus our attention on what is happening in the e.t.j. That's the area where we need to look carefully at the rate, the quantity and the types of developments that are taking place and ensure that it is within the limits of essential measures of carrying capacity, environmental and infrastructure. And also raise the bar of austin's leadership in the region with regard to regional growth management.

And the third key challenge is capacity building for implementation, which in simpler terms is you don't want a plan that sits on the shelf. You want a plan that gets something done. I think you know about that in this community. But just to take a broader perspective, our civilization really is undergoing a fundamental shift and we see it all over, from cheap energy, abundant resources, taking advantage of those resources, for example, green field development, to scarce energy resources, to a need to look at

restoring natural assets and leading to things such as revitalization, infill development. We think austin is in a very strong position, and at a point in its history to capitalize on these and build on the assets moving forward. But your plan needs to be both visionary, but you also need to focus on what can get done. Focus on the possible. Focus on practicalities, not platitudes. So in simple terms, to do that you need to set that strategic direction, the overarching direction, but you also need in your implementation to think about what gives you the maximum return on investment? What can leverage funding opportunities? And also in these uncertain times, your plan needs to be flexible enough to allow you to steer a course that adjusts to circumstances as they change it seems like on a daily basis in recent months. Partnerships are key. The city can't do all this by itself. You need to involve different levels of government, the institutions, the university, the corporate sector, nonprofit, citizens all need to be involved and have a stake in the implementing the plan. And where the rubber meets the road is really in that action agenda. This along with the vision is probably the most important part of the plan. How are you going to actually get things done? You need to set out those actions in clear terms, priorities, responsibilities, who is going to do what. And also you need to have a measure set up to assess progress moving forward to make sure you're getting to where you want to be. And actually, john mentioned earlier we had the firm criterion planners on. These we will bring in as part of this action agenda.

And the final step here I want to talk briefly about a common sense, step by step, easy to understand planning process with two tracks. The first vision policy framework, which sets out the destination for the future of the community, and the second track, the actual plan development which says this is our road map to getting there. And each of these is composed of asking simple questions. What do we want to be as a community? What are the shared values we hold in common? What are we actually in the process of becoming? We've said what we want to be, but what are we actually in the process of becoming and will achieve if we don't do something differently, the trend growth? And how does this trend growth scenario relate to the vision that we said they wanted to achieve? And finally, logically, if we're off course, what are the strategic directions that can influence the patterns of growth and change to get us on track to achieving our vision? And then moving into the plan component, how do we apply these broad strategic directions in a policy framework for each element, land use, transportation, infrastructure, capital improvements? How do we shift from policies and strategies to measurable, time specific actions. [ Buzzer sounds ] -- can we have one second or should we stop there?

Mayor Wynn: Take a minute and conclude. Finish your thought.

And then finally and most importantly, how do we motivate all of the constituencies in the community to take ownership and to move seamlessly into plan implementation?

Mayor Wynn: Thank you, sir. Thank you all. Very impressive. So council, we now have heard from all three marked for of the finalist teams, hntb, acp visioning and wrt. Questions? Comments? Actually, perhaps before we start questions, if trimble or guernsey could walk us through what staff's recommended time line going forward, when this might be posted for final decision, and what might be some parameters that we should keep in mind between now and then.

Right. And I'll let greg speak a little bit to some of the other components of the process, but a couple of things that i want to mention is that this represents phase 3. On so phase 4 will be bringing this back for council action and award. I'm sorry, it's getting late. It will be two weeks from now on the 26th. So at that point we will bring back this item and then again we will have the scoring from phases 1 and 2. There are some other components and there will be some other information that will be available to council, and maybe I'll let greg speak to that right now.

I'll speak to this now instead of later. We have a meet and greet going on, so citizens that are here, they can still go out and we're taking comment outside. We're trying to compile public comments and get those to you before your meeting on the 26th. And they can be done through our website that's been displayed. Also you can find out more information regarding it and we're taking comments. My staff is out front. You had mentioned some key dates, and just very quickly, we're having a briefing here today, but overall once we select the team, in the end of this month we anticipate a public kickoff in the spring of 2009, the draft vision and policy framework plan to be done for public review. At the end of '09. And then going through the year 2010 to 11 hopefully for adoption in 2011. That's kind of an overview of what I was going to say just in a couple of minutes. Mayor and council, i want to tell you, i really respect the three times teams that have come here. They all have agreed that they would respect each other and make their presentations and the firms that were not presenting in time elected by themselves to stay out of council chambers, so they weren't biased or had any, let's say, advantage over the team that went first or last in listening to their presentations. And they have also agreed that they would alternate the questions that you asked on a rotation basis too so as you have a council question it would go to one firm and then they would rotate next to the second. I just wanted to point that out to you as well.

Thank you.

Mayor Wynn: And guernsey, the time decision is the council's, but when this comes back on the agenda owe.

On the 26th.

Mayor Wynn: Will there be a staff recommendation based on the scoring?

I'll turn it over to mike and ce go into the details of it.

Yes. When this item comes back to council on the 26th it will include a staff recommendation and that will be based on the composite scoring by eat valuation panel for phases 1 and two, phase 1 being the scoring of the submittals and phase 2 is the interviews and presentations. It will only be based on that.

Mayor Wynn: Thank you. So council, questions? Comments? Councilmember morrison.

Morrison: Before i guernsey, when you were talking about the questioning process here, were you assuming that each firm would answer the same questions or we would be directing questions to

particular firms?

Yes. It was my understanding that if you asked one, you would probably want to hear from all three.

Morrison: I will probably just ask a couple. I would love to sit and chat with all of you. I would love to hear from everybody on these. One is I think it's really important for our city for this to be, as we've said, a comprehensive plan, and we have the elements of the plan that are laid out in our charter. I think there's 10 of them. And I think one of the hardest things for citizens to get a grip on is, for instance, one of the elements is health and human services. Could you give a little bit of a description of how you might see that playing into this process both in the development of our plan and then what that element of the plan would look like? When we're done. And just briefly, I know it probably something anybody could -- any of you could talk about for a long time.

Mayor Wynn: Why don't we start with the second team that went so we'll go -- since it was hntb, acp, wrt with the presentation, this first question let's present it first to acp and then we'll hear from wrt and then finally hntb.

Let's see if I have my alphabet soup correct here. Ben clarion responding here for the acp team. First of all, we have matt, who is unfortunately not here tonight, who is a specialist in that aspect of a particular - particularly as it relates to sustainability. The way we approach it in the plans we do is, as you said, it's one of 10 elements. Really the way we look at it thaiklike that is there are no dividing walls between them. When you start talking about human services and current thinking it goes beyond simply provision of services. You start talking about healthy communities. You need to look at its impact two way on things like transportation, mobility. I mentioned some of the aspects of sustainability in my initial presentation to you. So that's really the way we see it. We have a member of the team who focuses on it from a technical standpoint, but we really look at it in terms of how it's integrated with other aspects of the plan. So they're not essentially if you will, pillars. They're elements that need to be integrated.

Real quickly, i wanted to follow-up on that issue about what it means to the public. We will run a process that doesn't have a prestatd agenda. When we start the process, there's a blank piece of paper. And to the extent that the public identifies issues that are important, the health and human services, we have a way of capturing that and then integrating it with the work that matt and other members of our team would do.

John furnsler with wrt. I would just say fundamentally that a key element of sustainable development is planning in a fashion where we develop the patterns that promote human health and well-being, whether it's walkability or integrating greenways and trails to allow school hirn children to ride their bike to school, but I'm going to ask don thatna to speak -- donna to speak more specifically on the topic. I'm donna carter, and one of the things is that it's all interconnected. And through some of my work with local not for profits and also working with members of the city staff, I understand it in terms of healthy must not, so I've been working with david lurie, with the homelessness problems, and housing problems and how that stretches into affordability. But it really is a network and part of that is how do you develop the infrastructure to allow people to get out of situations or to provide support, how that looks within the

community. And then as you're looking at infrastructure, it comes down to implementation, which is what does that do to our capital improvements and how do we want to track that as we go forward? So there is a policy aspect to it, there's a physical aspect to it and there's a capital planning aspect to it. And we really have to bring all those three things together. There's a community facilities component of this question where in an inventory needs to be undertaken of the services that are currently provided in the community and gaps identified where services are not both at the local, county and the state level. Those are all major service providers. You're familiar with them. So there's the focus in that arena. And then there is the liveability element. We speak about obesity in this country, the very fundamental level, and we talk about physical design neighborhoods providing sidewalks, creating opportunities and encouraging activity and then there's another technical element that I'd like John Hokenous to talk about a little bit.

Mayor, members of council, I've switched careers in a lightning speed here. I'm now a health and human services expert. We have a specific person on the team, Robin, who runs a consulting firm called RH2 here in town. Her policy focus is on health and human services issues. I've had the opportunity to work a couple of times with Robin in the recent past, in fact, we just finished a project right now looking at some of the implications of implementing a three-share program for six different communities here in the state of Texas, three share being the employee, the employer, and then a third party. And we in the community are facing a restructuring economy where the place where you get health insurance isn't necessarily at your job anymore. I've done some projection work for one of the big hospitals here in town, and best guess is within 10 years, less than 40% of us will get our health insurance from our place of employment based on current trends. Obviously that's going to have some implications as we think about the future of health and human services here in Austin.

Thank you.

Morrison: I'd like to ask one more question of all of them, if that's all right. Our city auditor did a really terrific report sometime ago. I think it was in 2006, talking about Austin's need for an updated comprehensive plan. And one of the things that was spoken about in that report was doing a fiscal impact analyses of various planning scenarios so that you can really sort of look at the financial sustainability of the growth patterns that you might be considering and whether or not you can expect your employment and your revenues to really stay in the city. So my question is do you see that kind of analysis playing into any of the work that we would be doing?

I think the sequence now is Wallace, Roberts, ..

Thank you, David Roust for WR. You're absolutely right. This is an important part of this process and it's part of a larger process in which we will be developing scenarios as we go through the planned development process. We're going to be looking at fiscal impact, but also a lot of other aspects such as sustainability. And I mention will Erwin Center criterion planners will actually be modeling different land use and development patterns based on what kind of sustainable development that they produce looking forward. In terms of fiscal impacts, we have Angelou Economics on the team. I'm going to ask

justin to get into this issue.

Fiscal impacts as part of our planning process as a team, we like to look at these different planning scenarios. Certainly how development is created and the density that it's at has an effect on public services. And how much it costs to deliver those services. Denser development tends to be a cheaper delivery, cost of delivery for various services. So we like to look at that aspect of sustainability, how can the city fund ongoing services, whether it's fire, police, emergency management, based on the level of density and some of the growth scenarios that we've developed.

Okay. I'm back to being myself now. I must have done -- i would say at least 50 different kinds of fiscal impact analyses looking at all different kinds of projects, sometimes in conjunction with the economic impact analysis, sometimes as a stand alone thing. In addition to that, about five or six years ago I actually built an online modeling tool for the city of san antonio to do this kind of analysis as well. So there are well recognized sort of processes and procedures in all that, but there are hard questions have you to ask before you turn the computer on and before you start doing the modeling effort and making decisions. For example, when you're talking about the cost side of the equation are you going to talk about the average cost or the marming national cost? Are you going to talk about transition from the marming national cost to the transitional cost over time? So we as the team i think have a very strong record and capacity and phil will tawng a little bit about some of the tools that hntb has as well. Before we get to the tools we have to make some decisions collectively as the community about how we'll structure the inputs into the modeling process once we've done that, then we can run the analysis and we can be confident that the outcome is consistent with both ha our vision is and what sound practice is. Phil, do you want to talk a little bit about it?

Thanks, john. We have to know what's important and what we're measuring. John alluded to it in terms of the way you look at marginal versus direct and other cost measures. But what's important between sustainability and how you measure sustainability, environmental, the value of development and the relationship between value capture meaning where you look at transportation improvements and how is value capture or access creates additional value that didn't exist before and highway do you leverage that for the benefit of public good. That's a conversation we need to have before we prepare scenarios so everyone is on the same page about what's important. As john mentioned we have several tools, one which of is a proprietary tool. It's a great tool to use in a community environment dealing with small group work because unlike some of the scenario building tools that you use some small group work, you don't get results reported out at the meeting. We can murphy's kel impacts, we can measure general traffic impacts. We can talk about land use changes. We can talk about a variety of things as people are working at a table if that's the venue. We're going to have to go to larger scenarios at some point and paint the picture for the community as a whole. That's community. It's predictive. It will take assumptions and judgments that we make about values coming out of fiscal analysis, the conversation we have about the variables that are important and turn that into a model and it will predict the outcome based on certain values. So you change the values, you change the outcomes and the public can then be making really informed judgments about what works and what doesn't in different policy sites. Thanks.



Mayor Wynn: Additional questions, comments? I'm sorry.

Tom from the acp team. Two things I'd like to say about this. Economic impact is about jobs and fiscal impact is about net cost and benefits that are generated. The methodologies that are used to calculate these are fairly standardized nationally and I think all three teams have people who are competent to do that. I think what's important about this aspect of this comp plan is austin's history. For the last century your population has roughly doubled every 20 years. When austin tomorrow was enacted in 1979, the city's population was about 340,000 people. The regional population now is a million six. Unlike many cities, you have a very clear need to be able to plan what does it mean to continue to grow? Even if it's a slower pace, austin's not going to stop. And that means infrastructure, that means schools, that means health, that means city investment and return on investment, and you've already taken some important steps. We have to look at the employment characteristics that are distinctive here because the technology focus and other things that are coming down the pike that we're aware of, and we have to be able to look very carefully at costs to the city in a time when public funding is going to become harder to finance, more costly, and be more limited. So we have to look at every aspect of sales tax revenues. The other thing that's interesting about this plan to us is that you're not just existing in a vacuum and with city limits and extraterritorial jurisdiction zone. You are part of an msa that involves other counties, you're own county and others around you and that gets complicated. There are tough choices that have to be made application of incentives, direction of development, infill development and the model that we will build with you, that we think is fundamental to a plan, has to acknowledge all that and demonstrate what the results are, otherwise you won't know where your exposure is.

To put a cap on tom's answer. It's interesting we don't often get to hear our competitors. They're smart people. As tom said there's great technicians. We all know how to do great models. I think for us the key question is particularly in these times, economic times, 2009, how do you explain this to the community so that they understand that there are choices to be made and there are consequences and trade-offs inherent in those choices. So for us it really comes down to two things. You will hear this theme from me a lot in my answers, how these things are vertically integrated and how do we convey this into the community and to into the public process. We can all have great models and it can be the greatest model in the universe, but if we can't convey that information to the community and put it to them in a clear, compelling way so that they can tell us what it means to them, that's really for us. That's our passion. That's how we view that integrating it in with the planning process.

Mayor Wynn: Thank you. So additional questions, comments? Councilmember martinez.

Martinez: I had one question and it may be a question for mike or may be a question for one of the teams. It relates to coming up with a comprehensive plan and potential code amendments that will come out of recommendations from the plan. So does the comprehensive plan go simultaneously with code amendments or do they present the plan to us and then we put it through a code amendment? We put code amendment amendments through the normal process?

We would do the plan first. And it may come out of the plan that there would be a recommendation to update the land development code, but that would be after. And we would get through the plan. We

need to figure out where we're going before we actually start changing any ordinances that would assist with that implementation.

Martinez: So do the teams stay with us during this code amendment process so we get it right? Do we use their expertise?

This proposal would only deal with the plan. And back when we did the original comprehensive plan, back in 1979, it was followed at that time with an update to our zoning ordinance. That took about four and a half years. We've worked with a different consultant than we did when we actually did the comprehensive plan back then. So it's a different process that would follow this step, which would be the first step to do the comprehensive plan.

Martinez: So maybe the teams can respond. Do you guys work with the communities in helping them address potential code amendment issues after you've presented your plans?

After this we'll go back to our original finals presentation rotation, which will be http,acp and wallace, roberts and todd.

As part of our work effort, we would do what's called a code diagnosis, which would look at the plan and what's being recommended and where are the misfits in your current codes. But that's where we would draw the line, and we do not do that specialized work. There are a lot of other firms that specialize in that, but we focus on the vision, the planning and the diagnosis of implementation strategy and then draw the line.

In our view, the plan starts with the vision. And the vision is coming from the community. And through that process of interactive, actually having a dialogue with the community where we talk to one another, where the technicians learn from the community and the community learn from the technician, it's really a two-way process. We develop the vision. And the vision creates the policy framework. Neither the vision nor the plan at the end will really deliver the kind of place, the kind of community that the comprehensive plan envisioned or the vision itself until we focused on how to code the plan and until the plan actually becomes implementable over time. So I would like to ask ben herman to continue this.

Councilmember, I'm glad you asked the question. There's two things I'd one is the reason that acp and clarion often work together is they focus on vision and plans, we focus on policy and implementation. I think some of you know matt, he's one of our partners. He and I are the two principals to be involved in this. About half the work is implementation, writing ordinances, regulations of all types. Often we do those together. There are some communities who choose that. It's a little bit suicidal. It involves a number of meetings you take for planning, you double it. It's very intense. We're doing that now in boise. We're doing their plan and code at the same time in a two-year process. It can be done. The second thing I would say is that I talked earlier about what we need to put out to the community is they need to understand choices, trade-offs and consequences, but they also need when we're asking them about those choices, they need to understand what it will take to have those things occur. So you heard some tough words tonight about zoning. People need to understand that certain choices about a different

future for austin might involve changes to zoning, changes to how things are funded. So we view that as part of the ongoing dialogue and not something you put off to the end of the process.

David roust for wrt. I actually agree with everything my colleagues from acp and clarion have said. It's really important to consider this plan as a framework and separate it from the zoning ordinance, but it's a framework that needs to move seamlessly into the zoning ordinance. Actually our practice we do a lot of that kind of work. We do comprehensive plans and then we lead teams to do zoning regulations to implement them. I'm going to ask john to talk a little bit more about this.

Let me say a couple of specific things. At minimum the implementation element of the comprehensive plan will contain a regulatory framework where we will have diagnosed the way in which the code must change in order to pursue the policies and strategies in the so that becomes a mandate to follow plan adoption with code revision. However, that said, while we recognize that you have not asked for this assignment to include a code revision, we would suggest that you may wish to consider at some early point in the planning process initiating the process to revise the code. That's for one very good reason. It's going to take considerable public and political will to adopt a bold pped and visionary comprehensive plan. The risk is if you entertain following that plan adoption another year or more to work on the revised code. You risk the erosion of that will to act. So we believe it makes certain sense to once we have at least an adopted vision to begin the process of diagnosing the code, number one, and at the time where we have consensus on a set of directions to initiate the process of structuring and implement that so that immediately following plan adoption in a period of months you can be ready to adopt that code revision without unnecessary delay.

Mayor Wynn: Further questions, comments?

Cole: I have a question, mayor. I appreciate the different teams' testimony about work they've done in other cities and I know other cities probably struggle just like austin with the issue of undesirable land uses located in one part of town as opposed to another part of town. And we have an issue here in austin where we have a perception sometimes of two austins. And I'm hoping that the beginning of the comprehensive plan will be the beginning of a first step of making one austin. So I'd like to get your comment on how you see the equity issues playing out in the comprehensive plan. [One moment, please, for change in captioners]

let me share with you an experience we had in recent years in a community that was horrifically divided along racial lines and along environmental lines. In the city of greensboro, north carolina, that had never before had a comprehensive plan, that were still dealing with leftovers of the lunch counter incident, that a set of haves and have-nots, that was contemplating a new interest rate that would have horrific impact. That was the beginning of our process. So that entire visioning process was focused not just on saying this is the kind of community we want to be but getting these various groups that perceived these broad divisions to sit down together and begin to establish a rapport in a common language, and it was only until we were able to do that that we then took the next step to say, this is our vision, and this is our strategy, and these are the resources we are -- we agree that we're going to put forward on this effort to

the benefit of everyone in the community.

Well, it's only been about ten years since i stood at one of these opposed yums. One council member may remember, you've seen me a few times before. Equity in austin is an important issue, but there are many austins. There are a lot of ways of looking at austin. It's like looking at a diamond and seeing a different dimension every time you turn and see another facet. I think the key for us is, one, making sure that there is access in this process so that we can define a vision, create -- connect the dots so that everybody says a picture for themselves and a role for themselves in austin and how they fit into this community, and perhaps in a way that they haven't seen before, not in an reactive in a proactive way where they come to the table and have a conversation with the rest of the community as equals, but also in an affirmative way rather than we have to play defense because we are a smaller part of this community or an unrecognized part of this community. Another part of this community that I think i just want to mention, it's an area that we don't often think of in the context of an urban city, and a city that looks at questions about growth and density and how we manage growth, is that we also have to understand that one aspect of this community is beyond our current borders, in the e.t.j. area. We really haven't -- in our presentations I don't think we've really addressed that idea that quite often we are forcing parts of our community to move farther and farther out because it's more affordable in some ways, and we have to find a way to make sure that those people, when they come -- every part of this community when they come to the table they have the ability to live anywhere in the city they want to live and get access to all the services. So we also need to address not just what happens in the urban core very clearly but how we address and what kind of codes and what kind of incentives and how we think and the environmental issues out there so we can protect that and make sure -- and to do that I think we have to look at the equity issue that you raised. Thank you. further questions, comments? Council member shade? so citizen involvement is really, you know, important aspect. I know that you've hit on it and you have considered this in your plans, but I had the opportunity to meet with some citizens prior to this, and I asked them, have they ever seen a process in austin ever work with respect to citizen involvement, and they answered no, never ever have they seen a process where citizen involvement has worked. So it's a very tough, tall order, but I'd like to hear how each team would address the notion that citizen involvement can't work in austin, or wouldn't -- no process would be good enough. I'd like to just hear how you might react to that notion, please.

Do whatever -- robert wallace todd, and followed by hntb and then --

I'm going to introduce our community facilitation folks, rabina jackson and marian sanchez to answer that question.

I guess what I would say is that we have so many different austins that we have to go out of our way to make sure that we bring them all the way to the table. With regards to never having seen one that works, i believe it's important or is going to be very important that we establish very realistic goals, what are we wanting from the public, how their information will be used, and then we have to go out of our way to listen, that we make sure that people understand we're hearing what they're saying and that their input has been included. It troubles me a little bit to hear that folks think there's never been a successful one, because i know there are a lot of us out there trying very hard to make that the case, and i think on

this one we're going to be trying even harder again to get people to the table, to identify what interests they have, to make sure that they understand how that input is being used, and ultimately to get their buy-in for implementation.

I'm going to add that it's important to think about the audience. Austin is very diverse, and we're going to use the same tools with every community. By austin being, for example, very computer/technology savvy, we need to make sure we address social media, and that would be myspace, facebook and so forth. We also have our communities in east austin, where we have to print a flier and basically put on the [indiscernible] for aisd. So what I'm trying to say is as we look at our audience and look at the target group we're trying to reach, we need to be creative and don't think in a box and think, what is the best way that I can give the information, you can come and let us know, how would you like the city to be shaped.

Let me just make one final note, and that is one of the questions that we were to deal with is how do we avoid delays, and I think one of the ways you avoid delays is avoiding consensus paralysis, and I think we have to be realistic about the degree of consensus that is achievable, because if our aim is complete consensus, we may still be planning a number of years from now. So at some point we have to say, these are the things we can agree on, and these are the things we must act on, and let's get out of the weeds and focus at an altitude of 30,000 feet and agree to do what's best for the community based on where the consensus actually is and move on.

Start again with the hntb team. Couple of points I'd like to make. First off, it's important in this process that we understand whenever you convene a public process like this you're looking for legitimacy, and that means you need a sponsorship, and this is really a process that in my mind the council and the -- they are the sponsors, you really are bringing to the table the sense of importance to this process, that you are -- the legitimacy to it. And in essence, you're the champions. We're really just going to be the people who implement that process for you. In austin, actually, it has worked, and it's worked -- i have direct experience I can talk about. When I was an assistant city manager I worked on several processes where we had a consensus and we moved forward on projects. We wouldn't have an airport today if it weren't for our consensus process. We wouldn't have the balcones conservation if it weren't for a consensus process, we wouldn't have rr if -- if it weren't for the consensus project. Jumps to travis county, travis county did a consensus process in recent code changes for water quality and conservation development ordinance. It works because you have a champion or a group of people who step up and say, yes, we want this process to happen and we are going to be behind it. So you lend legitimacy to the entire process, and urgency to it. So you are sponsors. And also I think the other thing to recognize about how we generally get into our dialogues in austin is that we quite often end up with groups in negotiation, or we always tend to think of them as negotiation processes, where we are laying out our positions and counterpoint, point, counterpoint. This process really calls for an interinterest space approach, where we look at the interests at the table and balance the groups, the input, so no group is overpowered, no group is left behind, and everyone feels like they have been an inclusive -- it's been a inclusive endeavor. So we really have to have a process that's balanced, it has to be interspaced, we have to have your legitimacy to sponsor, but it has to be in automatic. We have moved forward on a lot of projects. We just don't often celebrate them enough because we come to a

consensus and success.

Again, this needs to be a bilingual process, english, spanish, asian, we need to be able to reach out to the community effectively on terms that they understand, and as joe said, the process is transparent and real, and it is -- it is endorsed here. In chicago we held several hundred meetings. Those meetings were looked upon as an opportunity to find common interests. We knew we were not going to reach consensus on every point, at every step and every issue in the process, but we focused on the key issues that we could understand each other on and move forward with an implementation strategy. We did it on a subregional basis and then we did it on a regional basis. I call it community-based planning and we rolled it up and it was very effective. , we did the same thing. there is eight wards or eight neighborhoods, and we didn't want to change the structure because it meant to change the representation structure, but we did find in two locations we needed to change geography to represent interests, so we validated what was there but we knew in each of these large neighborhoods there were subinterests. We did the same thing, interest-based understanding, elevate those things that you can celebrate, and, in fact, as people see that you're interested in that and you have success, other issues come along in the process. You find that people start talking and become a little more constructive. Very difficult. Austin is a very challenging environment. People are very, very passionate, but I agree with what's been said, that it's not exclusively about consensus and that there needs to be champions that will make decisions about some of the tough choices. Our job is to make sure that all of those choices have been entertained, they've all been considered and aired, and we're sharing with you the implications, positive or negative, either way, when a decision is made.

The division zoning and platting. I think the question is really important, and nearly left me speechless, because -- because it's so complex. It really is a complex issue, and we live in a society where the process of participation, which doesn't seem to be the case in austin, but the process of participation is not the first thing that people will do. In columbus, that jimmy green presented before, when we had the congress there, we ultimately convened 1600 people. The city insisted we could not book a room for 1600 people, that we have to book a room for 600 people, because there's no way that a community is going to come out and respond that way. In new york city when we did actually the old region, the tri-state region where we did much in new york, it's very emotional, you can imagine right after 9/11, emotional context, we were told the same thing, the people will not come. This is a city where people don't participate. I think that there are three key things to really establish a successful public participation process. The first thing is that the process itself has to be very clear. People have to understand where it begins, where it ends, what is the purpose of the meetings where we call them to participate, and in that sense we have participate a very simple process. We want to listen and there is a generative phase, that's where we start on our slate. We want an -- we put the technical information with the input. There might be places that we need to deal with, and that's what we need to work with. And then the final phase, which is very important, because you need to have some kind of a community catharsis, yeah. The community has to really say yeah, this is it, is a deliberative phase, where technology actually comes to great help because you can -- we have adopted this keypad technology where we can get instant feedback to any questions with thousands of people in the same room. In terms of outreach, another fundamental thing. Outreach has to be very clear, has to be demographic so that every demographic, every age-group would constantly do meeting with high school students, it's

their future. So I think that it's critical that we look there. Demographic -- geographic, different pockets in the community, areas where people are less likely to participate, and ensure that all the special interest groups are at the table. Visualize -- visualize, visualize, visualize, because it's very clear to us after 30 years that we're doing this, that it's very difficult sometimes for the participant to understand the implication of some of their own words, and that's what that book that jimmy showed. And then there is the face-to-face meeting, face-to-face, small group, small group discussions, small group negotiation, because unless we do that we are not going to be able to percolate all the way down to the community and then be able to say -- and you will be the first one to ask that question, were my people there? And to answer that question you need to have a very clear process and very strong outreach and you need to have the ability to bring the people together. And I would like valerie to say a few words about her experiences.

Thank you, john. One of the things that i think is very important is what we did previously, and that is to help build awareness. That's just to punctuate everything else, that the other teams said and we said too. If you initially make people aware of, number one, there is something happening. Number two, educate them about what that something is, and then, number three, give them the opportunity to be involved, and number four, let them know how they can participate in the process. And then give them feedback about their input and the results all along the way. Then the process will work and they will feel that they are -- have helped to create that. And that is what we do, is we help to create awareness and make people feel and know that they are a part of the process and how they can be involved and to make the process work and the project work. further questions, comments? Mayor pro tem? the first question I have is how do you-all intend to account or ask participants in the community to account for population growth and planning in the sense that if we don't account for population growth we could end up with development plans that produce sprawl. If that's what the community wants, we should that have factored in, or at least have it articulated at the outset.

And for these responses the order will be hntb, followed by act and wallace roberts todd. If it's okay we'll limit the answer to three minutes each.

Only three minutes? Come on, guys, we can talk demographics all day, right? Obviously, you know, there's a number of different scenarios we would look at, and I think -- there's standard population forecasts out there. The texas state data center has actually in the last couple days released a brand-new forecast for the austin metro area based on migration patterns over the last seven years.enarios they've done. The water development board does a scenario. I do my own. I've done some for the rma. Other people have done some. What I think would probably be helpful in this process would be to throw a number of these scenarios on the table, understand what the assumptions underlying them are and then test them through a modeling effort to say if we start changing transportation, were we change land use patterns, if we make some high level big picture decisions how does it affect some of these different scenarios we're talking about. That's part of the technical work and the technical capacity that our team would bring to the process so that citizens can say, let's play what if games. Let's do this, let's do that, let's see what happens as we go forward in the process.

Phil, hntb. That's a very good question, because the scenarios process should start early in the planning

program. 100,000 People a year within the region looking at going over 3 million in 2040, just for population alone, is a big issue. Associated with that are many other questions. Where are those populations going? Where are they working? Are people driving to pay for housing because they live and work in two very distinct locations? So there's a series of relationships that talk about related to scenarios and where populations go and what their relationships are to housing, housing costs, housing affordability, job housing relationships, environmental issues associated with population growth. Clearly early on in the scenarios process we're going to develop a very fine layering of varying environmental and sustainability issues. One of the issues you were talking about tonight is the effects of development on sustainability. We can forecast a good amount of that. So it isn't just about housing, frankly. It's about all development and how population begins to affect choices or actually drives markets to change development patterns. And we want to educate the community and the population about that early. But what are some of the fundamentals about decisions and land use and what their effects are, and so that when we start modeling there's a framework for understanding in the process. Everyone was talking at this point about starting early and often and with public involvement, and I think talking about the tools early and what we're going to do in the steps to keep it transparent is very important.

Jamie green with acp. I'll answer a question but i couldn't help -- the last sequence of questions where there were a lot of good answers about how to get people involved and have a process that works, i couldn't help but think about the project that we recently completed in amherst, massachusetts, college town, three institutions of higher learning where it's a tough place to work with the public. In amherst they have a t-shirt that says, amherst, where reality is a choice. So, you know, we have a lot of good techniques to bring people together, but the truth is that people do have their own reality, and we've got to account for that in the process. In terms of your question about the projections and what that means in terms of the process, you know, we've got to make that issue real and the consequences of that issue real, and what we would focus early on in this process is the questions of where and how do we grow. In central ohio, the columbus project we talked about, we looked at the long-term projections and they said that the region was going to grow by 36% in the next 25 years. And then we communicated to people that if you looked at the patterns and your tendencies of the last ten years and you applied that to that additional increment of population, you would have to consume 86% more lands to accommodate that, that the -- the trend, the recent trends, the consumptions were completely out of whack with proportion, and we had a process, a tactile engaged process to bring that home. When you've got to distribute 700 square mile chips on a big map you get the point of what kind of consumption will be needed in the region. Our focus is really about trying to understand where and how and how is really about the patterns of growth, because we can do projections. We don't know if the population is going to come sooner or come later, but what is the pattern of land development that we want and then building a framework and policies around that to support it.

David rows, wrt, I'll be brief. I think that obviously we need to account for population projections, but the important thing to remember in this is the population projections by technical experts aren't what should drive this plan. What should drive this plan is your vision and the citizens -- and the -- what the citizens say and the consensus of the -- in terms of what you want your community to be, how you want those development patterns to establish themselves in the future. And in this process what we often do is we look at the trend growth, the wake-up call, what trends will be moving forward, but also contrast that to



what the citizens say in terms of what their desired future growth of the community will be. And I think I'll stop there. how can you separate that out? I don't -- if you have a -- if you are developing a vision that is fundamentally unrealistic --

well, it's really a -- process. You need to develop the vision together with looking at what the development scenarios are and what the projections say in terms of moving forward, but the thing to remember about projections is they're just a guess. There's uncertainty about what's going to happen. You have to look at things such as demographics. Yes, we talked about those earlier in our interview. People are starting to move and look at more compact development patterns, for example, lifestyle choices toward the smaller household. All these things need to factor into this process of comparing the vision and what -- what the community wants for the future with what the reality -- what the projections are looking towards the future. I'm sorry, i want to follow this up, because let's say that you don't have any plan -- that you minimize your analysis of future population growth and people say our vision is lots of single-family neighborhoods with cul-de-sacs, you may need to plan 8,000 square miles more than you'd be planning otherwise. I think one of our challenges in this community is then that you do have to be realistic about our population growth so that we can seriously make those choices about where we put everybody. Because we can't say that we want it all to be single-family cul-de-sac neighborhoods and we also don't want suburban sprawl. Those choices do not work in this city.

You're absolutely right, and I think you need to basically illustrate the consequences of those choices, how much land is consumed. It's not just an issue of land and sprawl, but it's a cost of infrastructure and services and the cost of city government providing services for a dispersed population, the environmental impact, and you need to again evaluate the consequences of your scenarios to illustrate what the choices are and the benefits of different choices such as compact development that promotes transit services. All those things need to be laid out in a clear fashion for -- in the public process so people can see the consequences of their choices. We may want to live in single-family homes on cul-de-sacs, but what does that mean if everyone does that -- does the same for the future? You're absolutely right.

Mccracken: I have. -- your -- your time is up, mayor pro tem. [Laughter]

mccracken: fair enough. Good point. I'm tired. My next question is, how -- I can't remember which of you said this, but one of you-all cited the savannah plan, and then there was a -- which centered around, I guess, not plazas or infill plazas, and then of , which definitely organized the city around open space as well. So can each of you all describe your approach about integrating open space planning into your comprehensive plan? My judgment of the most successful comprehensive plans that have endured is they have successfully planned open space planning, which has been a challenge for us to get to -- to occur in our tod planning, for instance. So I want to get a sense of how you see that to be happening since that seems to be so critical to the success of an enduring plan.

Do you want our response to this question is atp vision and planning, followed by wallace and todd, followed by hntb.

Ben herman, and we'll try to keep our answers brief. I know we're going a little bit long. I think our fundamental philosophy is this. Again, my theme is integration. There are three layers to what we need to do. There's land use, there's green infrastructure, and there's pipes -- gray infrastructure, and we need to continuously look at how the three of those integrated. I don't see open space planning as being a separate and distinct function. I see them as a unit, if you will, or as an integrated approach. Land use, green infrastructure and gray infrastructure.

David raus, wrt. Green infrastructure planning is actually a major focus of our practice and we really see it as a key to sustainability. We've done recent green infrastructure plans in atlanta, philadelphia. It really helps to visualize or think about green infrastructure in terms of not just as an amenity but a necessity and the many benefits and functions it provides. It can save lots and lots of money in terms of storm water management, provides recreational benefits, provides access to residents, community health. It just provides economic development. So it really needs to be a key in the integrated -- and be integrated in everything we do. Think about open space and green infrastructure as a form giver and shaper for urban growth moving forld. Critically important and something we focused on in our practice.

Carter with carter design associates. I think another element of that is how we integrate it with other things that we're doing. A case in point or an example would be something like community gardens and how that is -- goes across the age issues that we have, so that would be something that elderly, that you could have in your own particular property or house, but also children in schools. And so it's the integration of that green space that's part of the physical education, that's part of what we see, and it's part of what we can use and actually start to see it ourselves as well. That's just one example but I think we have to look at green space, open space, how we use these spaces and how they're integrated, again, with the infrastructure of the built environment.

I'm phil with hntb. This is one of those issues or subjects that you can decide that fundamentally you're going to frame your community around, that you are going to make a decision consciously beyond the technical components, because this is a strong visioning and a strong technical need, because it serves a lot of functional needs. If we're talking about open space for recreation as opposed to open space for conservation, they're fundamentally very different. The community understands that very well. , I learned tonight. But in terms of your future vision, there may be some fundamental ideas about how you want to use and organize open space as a method of organizing your community, along the ideas that I had mentioned earlier. That's one method. The other way is to look at it from a functional standpoint. We talked a little bit about social equity, we talked a little bit about fundamental needs in terms of recreation, living and standard of life within the community. That all communities in a technical way in their comprehensive plan address. So I think we need to focus on both, the big idea as part of the vision that drives a fundamental change perhaps and how you looked at open space, and then the technical side of it. And I'm going to let -- I'm going to let joe talk a little bit more.

In terms of focusing very quickly -- I want to talk fast so try to get through it quickly. In terms of an example that is -- central texas example of starting with that as the context of open space and the importance of it, is when we -- when i facilitated the southwest travis county [indiscernible] we had large property owners who wanted to develop their property. We had the smaller property owners who

wanted to retain the rural character of southwest travis county. They thought they were at odds but what we found in the dialogue process by listening to them and into an interspaced approach, both sides began to realize quickly that their economic future was tied to the preservation of open space, that the unique character of southwest travis county is what created value, sustainable value, and both sides of the table very quickly came to the realization that we had to have open space, we had to have conservation development, and that's how they came together in a process that started from that as a pretext.

I'll take the last 45 seconds. That understanding that open space is, in fact, an economic amenity that has value that can be translated to tax base and formed work we have down now in williamson county, and hays county, and with joe, comal county putting together habitat financing plans, because at the ends of the day once you articulate a division we're talking about here, which is the community defining exactly what wants it wants in terms of open space, then you have to talk about how we pay for it, structure it, how we bring our technical expertise to the equation and marry it up with a vision. one final point. This is a question -- an answer -- a specific one for each team, tell me -- us about the change -- the most significant enduring change that you want us to understand from one of the communities you did a plan in. An example could be, say, you know, -- could say i created the washington plaza and the government buildings around that. Tell me the most significant change from the plans you've done.

The order of responses will be wallace roberts todd followed by hntb, followed by acp.

And let me clarify the question. You're asking the single most dramatic change or influence that we have planned -- a plan that we've done has exerted on a community? yeah, something tangible so you can go, man, I can remember what -- you say, okay, in omaha, if you go there today you'll see the city is done this way and it resulted from our plan, and so something from each of you that can point to.

Fair enough. The example that I will use is the city of baltimore, where we began working at a time when our firm founder was, in fact, in charge of redevelopment there, and it was the transformation of the urban core of the community at a time in the late '60s, early '70s, when the city was hanging on by its fingernails. And the beginning of that vision was a vision called -- center, was the first major center built in baltimore in decades. That was followed by the clearance of a allow decrepit harbor and a the structure of a public promise nad around the waterfront. That was followed incrementally by the world trade center, by the national aquarium, by harbor place that really put it on the map and continued with a network of public plazas and fountains that made it a major regional destination that at the time had more visitors than disney world, and it continued more recently to our design and introduction of hamden yards baseball as a complete ensemble that brought that community back from near death to one of the most thriving urban centers in the country and we had a continuous involvement from the initial idea for, I want to say more than 25 years of helping them implement every step of that renaissance process.

Phil -- I'm with hntb. I think that it's an important question because it poses a challenge for austin, and I'm going to put it in context of chicago. Everybody wants to deal with issues in silos. Everybody wants to deal with issues and topics that are important to them, and the idea that there are shared

consequences and decision-making is a very, very important part of this. What we did in Chicago was we said, look, if we continue to develop the way we do, we're going to sprawl the size of Cook County, Illinois, 6,000 square miles. Is that what we want? So I think part of answering the question is understanding internally how do we organize ourselves, first of all, to answer those questions, and then look at how -- with the tools that we have, can we accomplish it. And in Chicago some of the things that we talked about were multi-modal transportation, very important topic here. Environmental resources, very important topic here. So, you know, the example relates both to process and outcomes, and I really want to emphasize that. Thank you.

ACP: I want to tell a personal story, and it has to do with the city of Chattanooga, Tennessee. In 1984 was one of those communities that was high unemployment, was kind of losing it, and that's where we developed the first vision in the country. And that vision and plan that came out of it was extraordinarily transformative. For years I visited the community working on behalf of the foundation and I would take a cab from the airport to the city. And in driving through the city I would always ask the taxicab drivers, what's going on in the city? What's good here? Tell me. And they'd say, where are you from? You got an accent. I'd I'm from New York. Why did you come here? You got Broadway, all those wonderful things you have. So that went on for a while. And then about four years after the vision was completed, four years, not particularly long period of time when you're looking at cities, I took another cab from the airport to the city, and I asked the driver, what's going on in this community? And he pulled down the visor of his taxicab and said there are 23 things you can do in this community. The meaning of that that process of involving the public was transformative. It transformed the place, the physical place of the community, but it also transformed the people in that community. And not just the people that are in the know, but the taxicab driver. And so that is perhaps the biggest legacy that a client can give or leave to the community, and it is empowering it. So that today practically all decisions in Chattanooga are made on a very inclusive, very open, very transparent process of involving the public. Thank you all. Further questions, comments? Council member Leffingwell? I'll just have one quick question, and that question would be in the comprehensive planning process, how do you address the sometimes competing values of density versus historic preservation, gentrification, affordable housing and especially affordable housing as it relates to single-family versus apartments and condos?

The order of responses will be HNTB, followed by ACP, followed by Wallace Roberts Todd.

Austin has been focusing on activity centers, and I think that's a good idea because in the neighborhood context in established portions of the community, we can help define and refine the idea of activity centers, different scales, and having different implications for different areas of the community. Within an activity center you can accommodate a variety of needs, and sometimes activity centers that are built with scale give you the opportunity to be inclusive with things like affordable housing. Of course there's a variety of regulations that you can use and incentives for things like affordable housing, but there is a basic strategy, one of which -- one of which is preservation, and the other which is providing more supply. So, you know, we need to be -- we need to be thinking about -- about those generally. But in terms of the competing interests component, I think one of the issues about -- about being fair and equitable is in our scenarios looking at where are we putting job-rich locations, what kind of housing are we expecting within job-rich locations vis-a-vis the density you're talking about, so you're looking at

opportunities where there may be changed patterns that you can also attach other needs to, such as affordable housing. I think density has been a long conversation within this community, and it comes up in context of neighborhood planning all the time, and I think the point about looking at neighborhoods from the standpoint of overlaying an urban framework, a larger plan that has the facilities and services to meet the needs of the community in the future on top of neighborhoods will also result in the conversation about density, housing, multiple family, single-family, different forms of housing. And then there will be the tough discussions in other areas of the community where we're talking about fair-share housing, where there isn't a driver that's going to suggest that density should occur by reason of another vehicle. And we're going to have to have conversations within the neighborhood and interest-based decision-making to see if those are things we can accommodate. You do sometimes reach a po in the process where you can't agree on a conclusion and a decision, and we have to be ready for that. What the one thing is we don't want -- we don't want to do is extend our expectations beyond what we can realistically accomplish, but it's very important for us to say at certain points in time where we don't think that we can move forward, that we don't. Thanks.

Thank you, jamie green with the acp team. An excellent question. In our public involvement work around the country, there are two sort of fundamental things that people are adamantly opposed to in our work, when we talk about growth and development. One is density, and the other is sprawl. Right? So it is an issue that has to be addressed in this process. And clearly if you're in a community that has a strong sustainability and stewardship ethic, the issue about wanting to intensify is going to be there and you're going to want to encourage it. So the question becomes how do you do that? And I would like ben, ben herman to speak about a specific example he's working on now.

Thank you for the question. It's pretty insightful and i know you're seeing that coming our way in this process. I wanted to talk about boise, where we're working now, similarities, a community that wants to grow inward at the same time that it's also growing outward. I think some of you talked about the future of austin. As progressive as you might become in terms of infill and redevelopment, we still know there will be green field development. How do you deal with both at the same time, how do you address some of the concerns you raised. What we're doing in boise is working with about 30 neighborhood groups. We had them step through a process to help us identify areas of stability and areas of change, and I think it's recognizing that all neighborhoods are not equal. There are some that are stable, that probably shouldn't change and won't change, number one. Number two, what are the areas that change might occur and change might be acceptable. What might that change be? So we're having the neighbors help us identify what kinds of change might be acceptable. The third piece is whether the tools you need in order to have that change happen successfully. It's one thing if you just have a policy that says we want infill, we want redevelopment, we have granny flats, skinny lots. How do you do that? What are the tools you need to do to implement that and that process has actually worked quite well because a lot of the issues you raise are frankly fear of change. Not so much -- everybody knows change will happen, but the question is what kind of change is going to be run -- is going to be run away change, will there be change at the end of the process we don't like what's happening. So again it ties back to the process but recognizing that it's not a black and white issue. There are shades of gray depending on where in the community, but finding those tools that will get you to what would be acceptable to the

neighborhoods.

I might add one final comment. If you think about the cities that are beloved, that are enjoyed, that are chosen, much in the way austin is chosen, they are not cities that are all about maximizing real estate value to the ultimate degree in every location. You have to have historic buildings. You have to have historic neighborhoods. You have to have bearing scales. You have to have affordable housing. If this comprehensive plan doesn't incorporate all those things this will all fail. Can you imagine downtown austin without some of the old buildings and the new buildings on congress avenue or on sixth street or in historic neighborhoods or in neighborhoods that are in transition? You have to have that. Those are core principles that don't -- the city plan won't work if you don't have them.

I've life leave -- I'm john with wrt. I think choosing between protecting the historic neighborhoods in the community and accommodating density and changing lifestyle and housing preferences is a false choice. We must not, should not choose between those two. The fact is that historic and cultural resources is a way that austin and its neighborhood define themselves and we must not and need not compromise that. I think we will find, as we have in many other communities, and david will give some examples, there are inevitably areas in this community that will be transitional, either now or over the next ten and 20 years. Where change is inevitable, and those areas can be targeted as opportunities for change in intensification if they are located such that they do not impact these neighborhoods. So I think the simple answer is we must seek to do both and not to identify winners and losers in a false battle. David?

In the interest of time I'll give just one example, the comprehensive plan we did for the town of huntington on new york, a town of 200,000 people where urban and density are dirty words, and the principle that came out of that is they have established single-family neighborhoods. Those neighborhoods are sacrosanct, and that's carried through the plan, but they also had commercial corridors with obsolete land uses, areas subjected to change, and what the plan really focused on was looking at those as opportunities to retrofit the land use pattern, accommodate some pressing needs they had in the community for affordable housing and start thinking about moving towards more sustainable development patterns. And by acknowledging that basic principle, those neighborhoods were sacrosanct, we were able to actually overcome a lot of this kind of diversity and competing interests that you're talking about.

The question that you asked us as the consultant, and it's actually a conversation that has to go on throughout the planning process, so it is not a discussion about what I'm going to get out of the process but what we as a community are going to get -- where we are going to go forward. Because the plan ultimately is a framework. It is one that must be tested, and, you know, as the years go on, and may indeed have to be changed. And so it is really that conversation that says, how do we want to go forrd, what do we want to be able to see as ourselves, because as we said, the cultural resources, they are a reflection of who we are and who we have been. We want to see how do we relate this across, actually providing and uplifting the services, because housing is where people live. We do not want to put people in situations where we have to offer even more social services. We want to have stable housing conditions, stable communities, so we can continue to go forward. So for us it's a conversation, that

question goes into every sherette, every meeting that we have with our community. again, further questions, comments? We greatly appreciate the effort and time and expense that already has been expended, obviously for you-all to get to where you are now, and we look forward to another very difficult decision here in a couple weeks. Well, thank you all, and very much thank you to staff for this effort. So council, I think that leaves us with a couple of public hearings.

Mayor, I wanted to say one more thing and to the consultants and the public for listening to all of us. And the input process will continue, and we can go on-line to our web site and email our office. We'll be taking the input in via our web site and through email and through comments, and then on tuesday, the 17th, we'll be closing off that input and then providing you, council, copies of the comments that we received. Earlier this evening before -- maybe about an hour and a half ago we had already received 50 comments, I think, on the different consultants that you've heard this evening, and so we're going to pass on those comments to you. So our web site is on the screen. If you go to that web site you can make comments. Like I said, the 17th is the cutoff only because we want to make sure that the council has an opportunity to review those so you can take that into your consideration as well. Thank you very much, mayor and council. thank you, mr. guernsey. So council, that leaves us with two public hearings. Item no. 70 and 71. I guess we'll just take these sequentially. Item 70 is a public hearing to consider an ordinance amending the code regarding our TODs related to compatibility standards and affordability requirements. So I appreciate a staff presentation. Welcome back, mr. guernsey. hi, mayor and council. I'll start off the presentation and let sonya lopez finish the presentation. This is to conduct a public hearing and consider an ordinance amending chapter 25-2 of our city code under our transit oriented development relating to compatibility standards and affordability requirements and to eliminate the height prohibition in the plaza saltillo TOD and the other conforming amendments necessary to reflect the adoption of transit oriented development and base zoning and station area plans. Back in november the city council recommended second reading, as part of that approval you directed us to process a code amendment to address the TODs in order to adopt station area plans as proposed, and these amendments are as follows. Number one, we would remove a provision that states that compatibility standards are not triggered by single-family properties inside a TOD. Once a station area is approved, and this would be applying to all our TODs. Two, removing the provisions that prohibit a height increase through a height bonus on properties and the community preservation and revitalization district [indiscernible] less than 25% affordability is provided. And this is necessary to allow a height bonus strategy in the mlk and the plaza saltillo TODs, station area plan areas, where a height increase is required to provide affordability with city financing. The gap in order to reach the 25% goal. 3, removing the provision on which prohibits a height increase through a height bonus on properties in the plaza saltillo to the outside of the 11-acre capital metro property. This is necessary to allow the height bonus strategy in the plaza saltillo station station area plan, on 11-acre capital property and other properties in the station. I'm not sure, mayor, how many speakers that you had. This was an item that did go before a planning commission. I don't believe we had any speakers at the planning commission. It was recommended by them. well, we have roy waily has signed up wishing to speak in favor and a couple folks signed up to donate time for roy, but I think roy has left. So we'll note roy's support for the record. we do have the ordinance and it has been prepared as per your direction and so we're ready to act.

Mayor wynn: okay. Well, so is there any citizens that would like to give us testimony on this 70,

regarding our todos and compatibility and affordability requirement standards?

[Inaudible] motion by mayor pro tem, seconded by council member morrison, to close the public hearing and approve this amendment on all three readings. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on all three readings with a vote of 7-0. Takes us to public hearing 70, which is to consider an appeal -- sorry, 71, excuse me. that was 70. Item 71 to consider an appeal by ajhsccm, andy martin regarding the zoning and platting commission's decision, a recent decision. mayor, I have a question for tom. I'm going to -- I'm planning on making a motion to deny the appeal based on standing, and I'm wondering about the legality of that.

Well, the code says that the body hearing the appeal, which would be the council, is -- shall determine standing before you open the public hearing, so actually under their code it's the first order of business you need to take up, procedural, procedurally. If you have substantive questions about the standing issue, I'm going to defer to brentwood to answer those, but procedurally it is the thing you're required to do first tonight before you open the hearing.

Cole: okay. Then I would like to make a motion to deny the appeal for lack of standing on case no. 71. so a motion by council member cole denying the appeal based on the lack of standing, seconded by the mayor pro tem. Further comments? Well, I think what we're trying to determine here, martin, I'm going to ask a couple questions for myself, we have a motion and second on the table. But I think our advice is we need to first determine whether we're even going to have a public hearing, and so with this -- I do want to nichols, what might be the process for us, you know, to deliberate and get evidentiary testimony or something to that effect as to the standing question.

Obviously I think it would be prudent if the motion is to deny the standing, to at least hear the applicant's side of the issue on standing. You probably ought to hear from staff as well. So probably staff first and then the applicant. we'll hold the motion, without objection, and --

part of discussion on the motion. I would like to have a staff synopsis of the case and then if I can lead into the technicality of standing.

Okay. Mayor, members of the council, city manager, brent lloyd from city legal department, and I am just prepared to address the issue of standing, and in doing that I'll cover a little of the background facts, but if you're interested in kind of more of the details, I think you'll need to get a presentation from our staff person, linda courtney. Standing, as you're aware, requires that someone be an interested party and that there be an appealable decision, and the issue with standing in this case, and it's our conclusion that standing not present here, is that there is no appealable decision. Under title 25, a decision is only appealable if it is expressly identified as an appealable decision, and what we have here is a decision by the zoning and platting commission that was made on november 18 of 2008 to approve



environmental variances to a site plan that had already been approved and released. Basically what happened is the applicant got a site plan approved, a hill country site plan, went out to construct and found that there were steep slopes that hadn't been evident based on the engineering that he had when the site plan was originally -- when the site plan was approved. So at that point he submitted for a correction, and staff determined that it needed to be treated as a revision because it involved more than moving more stuff around than you could do through just a correction process. And so it was put on a revision track, and variances were then noted before the zoning and platting commission, environmental variances, specifically to allow construction on steep slopes. Those variances were approved, as I said, on november 18, 2008, and at that point following approval of the variances, staff made a minor administrative revision, approved a minor administrative revision to the previously released site plan to allow the buildings to be moved around a little bit in light of the slopes. The appeal that is before you today focuses on that action of the zoning and platting commission on martin, representative for the adjoining landowner, has a number of very interesting points about the process and has a number of arguments that he can make in regards to the city's overall processing of the application, but the facts that I believe are relevant to standing are is there an appealable decision, and what we have is a decision on variances and environmental variances are not appealable to the city council. The planning commission under our system is the sovereign body with regard to those variances. And then we have an administrative revision, and under 25-5-61 of our code, administrative revisions to a site plan are not appealable. They're intended to capture very minor changes that don't require submission of a new site plan and there's not a right of appeal provided. So it's our position based on that that there simply is not standing in this case. If there are no questions, I'll yield the floor to mr. martin. see if we have any questions of staff first. Hearing none, without objection, I would like to martin, but appreciate staff's advice and recommendation.

Actually, two other people have signed up for this item, tore viscog and tom -- martin, we're about to vote that you don't even have standing and we're not going to conduct a public hearing. We want -- I think as a courtesy, despite the strong recommendation we have from staff, I think we would like to hear some of your points as to why you have standing, or rather, why this is an appealable decision back on november 18, and there may be the will of the council to conduct a public hearing, but the council decision -- if the council decision is there is no standing there will be no hearing. So welcome.

I understand that. I would appreciate the opportunity to provide some rebuttal to the -- to the presentation that you just heard. I have a powerpoint presentation that lays it out for you, and I really do think you deserve the opportunity to hear why we disagree with the staff and why I believe under the code we do have standing, why the assertion that the staff is making sthaj is a minor revision -- that the staff -- that this is a minor revision, totally ignores the very section lloyd referred you to, 25-5-61, and if I have your permission to use the powerpoint as an assistance to the presentation to that portion of the argument, i promise you I will stop before we get to any discussion of the merits and wait for your decision on whether or not this appeal may proceed. The first portion is totally and straightly, you know, related to standing.

Mayor wynn: fair enough. It's without objection, council.

I appreciate that. I still have to figure out how to do this. Okay, we'll just go straight to it. motion by the mayor pro tem, seconded by council member shade to wave council rules to go past 10:00 p.m. All in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes unanimously. Continue, mr. martin.

Thank you, mayor pro tem. I appreciate that. Talked about environmental variances aren't appealable and a minor -- that this was done as a minor revision. Let's talk first about environmental variances. You've already decided -- or this council has already conducted and heard an appeal of a hill country roadway site plan, including variances, where you were advised that you had the power to consider every part of that site plan that could have been considered and was considered by the zoning and platting commission when they heard it. This was the potters dentistry hill country site plan back in 2005. So you've already been advised and proceeded to hear environmental variances in connection with the hill country roadway site plan that was appealed to you, and no member of the council and no member of staff told you that you didn't have the jurisdiction to consider that or that the neighborhood organization people bringing that appeal had no standing to bring that appeal. So let's go straight to what really is the big issue, and that is whether this was, in fact, a minor revision. They're wrong. It was not a minor revision, and it can't be a minor revision. The reason for that is that section -- subsection c of 25-561 that brent just told you about has criteria. The two criteria are the applicant shall submit a written request to the director and that a formal application or public hearing is not required when you're talking about a site plan correction. Applicant's engineer did file a site plan request in june. It was not -- it was not approved. It was denied. He was told as brent just -- just told you, that it had to be a revision to the site plan, and that's the application that was filed. That's the response from the staff. You'll note that it does not say approved down in the corner. It says revision. And that's the formal revision. This is all in the information that I provided you, the packets that were provided to your offices within the past day or two. So in response to the determination by staff that this could not be a site plan correction, the applicant, as instructed, filed a formal site plan application on july 30. On july 3, paid fees of 752.50. Quite honestly, council, and I asked staff by email earlier, I don't find any evidence that the fee for the variance that was requested has ever been assessed or paid. So that's just one of the numerous mistakes that i think you might want to satisfy yourselves to as a factual matter before you make any decisions on this case. That is the first page of the application for the revision. It was processed as, all the way through, a site plan revision. I challenge the staff, i challenge you, to find a single situation where the staff has accepted and prosed something as a minor reprocesed something as a minor revision under 561 where they have signed an r 1 to it. The practice is you take an original miler and you note a correct was made administratively. That is not the case in this situation. Above and beyond that the additional criteria for treating something as a minor revision is this fundamental determination that the director has to make, that the minor revision does not have a significant effect on a neighboring property, the public, or person who will occupy or use the proposed development. Is there anyone in this room who truly believes that putting -- authorizing 11 structures on a 25-degree or greater slope that are illegal otherwise, and that slope is uphill from bccp property, that that does not have a significant effect on the public or neighboring property? I cannot believe that you would sanction that type of decision-making,

even if all the other criteria that I've already established and demonstrated to you were not met was met. Even if that was the last remaining thing. So in response to what Lloyd has said, the city's records themselves establish the staff considered and denied the written request to approve the revision as a minor revision, that the engineers for the applicant did file a formal site plan application, and it was assigned the r 1 number, just like every other formal revision to a released site plan is assigned. I'm just going to go past that one. It's not a minor revision. It can't be a minor revision, and for them -- for it to be -- for them to tell you that it is bog he wills the -- boggles the mind, in the face of all this evidence that is right in front of you that is contradictly contradictory to the authority that they have been delegated and authorized to use for site plan corrections, for little bitty changes, putting 11 buildings on a greater than 25-degree slope is not a minor revision, and to pretend that the previously approved site plan that shows those buildings on that 25-degree or greater slope is an exercise in imagination that you should not ratify. Those -- that previous site plan where those buildings located -- where they were, is not worth anything. They cannot build on those slopes without having obtained a variance and without having processed and gotten approval for a revision to that released site plan. They haven't done that and to pretend that they could build those on that slope is -- it's astounding. It's just incredible. So that -- oops, I'll go back. That is the presentation that I have to you to respond to the staff's assertion that this was processed properly and in accordance with the rules and the laws of the city of Austin. and therefore not appealable because it's --

no, sir, it is appealable, because this was not a minor revision and it can't be. I will add this final thing. If for some reason on November 18 the zoning and platting commission did not actually have a revision to the released -- the released -- a revision to the released site plan in front of them, and I contend they did and the record indicates it, because there was numerous references to spo 411, cr 1, okay? But if for some reason it was just being there for a site plan variances -- I'm sorry, for the environmental variances, then it still needs to go back, and when it goes back and they act on it, we can appeal it, just like any other hill country roadway site plan corridor site plan. That has been the problem here from the beginning. There was no authority to treat this as an administrative revision. I cannot understand why the staff has done so. There is nothing in the record that supports their decision, and I'm just amazed that this has gotten to this point. thank you, Mr. Martin. Questions of Mr. Martin? Council, before I might ask staff then to make a response, if you will, from what we just heard from Mr. Martin. Mr. Lloyd or anybody else.

I may just briefly respond to a couple points. First of all, the -- essentially a correction request was filed, and the way staff processes corrections, and I think it's spelled out better in the administrative criteria manual than it is in the code, but they essentially look at -- they'll process a correction if what the applicant is asking to do is something that would be exempt from the site plan requirements to begin with. In other words, if they're making a change that were it a new project would be something that would be completely exempt from site plans. So they look at, in determining whether something can be processed as a correction, they look at the exemption section for site plans, which is at 25-2 section 2, and the staff person -- and depending on the level of detail that you'd like, she's available to address some of the issues, but the staff person, Linda Courtney, determined that because it would involve modification of more than 3,000 square feet, but it wasn't exempt from site plan requirements and therefore it couldn't be treated as a correction. So she noted it on the track of a revision, a minor

revision, an administrative revision is a category revision, and the zoning and platting commission issued the variance, and it was then determined that to allow movement of the buildings around a little bit on the site fit within the criteria of a minor revision, and it would be obstructive at this point to briefly read the criteria. The criteria for a minor revision, it does not have a significant effect on a neighboring property, the public or a person who will occupy or use the proposed development. And that decision is not -- is not one that's appealable. It's staff's determination that simply moving the buildings around, as was done here, was not going to have a significant effect on neighboring property or the public. martin disagrees with that decision and makes a number of good points, but it is not an appealable determination, and it was staff's determination. The other issue that I want -- and martin has brought up the case of potters dentistry, and I want to just briefly touch on that. That was a case from a few years ago that involved a situation where the zoning and platting commission made a decision not only on variances but on a site plan as well as variances all at once. And then there was a timely appeal filed of the site plan, and as part of council's action on the site plan that was properly appealed, which can be appealed under the code, they also made determinations with respect to the variances that had been issued. And I want to make two points in regards to that case. First off, it's distinguishable from the one that's before you now. The one that's before you now does not involve appeal of a site plan, of a hill country site plan. It involves only the appeal of the decision on variances. And secondly, the law department, having discussed potters dentistry at some length, believes that the advice that was provided by terry on that narrow issue of whether variances could be heard on the site plan, our conclusion is that advice was probably not correct. But again, I think the important point to keep in mind is that this is a different situation. You don't have a timely filed appeal of a site plan before you tonight. You just have variances that are not under the code subject to appeal. thank you, mr. lloyd. Questions of city staff, council? Comments? Council member morrison? lloyd, if i could just ask you to come up one more time, i'm sorry. In my experience with the code, it's very clear when something is appealable or not. For instance, I know that there was -- overlay variances that used to be appealable and then they weren't and now they are again because council went forward to put that in. So is it your opinion that it's very clear whether these -- you're talking about two issues, whether they're appealable or not, right? The minor -- the determination of whether it was a minor revision and the environmental variance, those two things. This is very clear in the code.

There is not a right of appeal, council member morrison, for either one of those, and it's worth noting in passing that environmental variances are appealable when they're made -- when the variances are made in connection with a preliminary plan. The preliminary plan goes before council and council can then consider the environmental variances, and the code specifically says that. But just an environmental variance without more, it's fairly straightforward under the code that there's not a right of appeal there.

Morrison: thank you. further questions of anybody? Comments? So technically we have a motion and a second on the table. Make sure I do this right, mr. nichols. If I look at the posting of this item no. 71. Denying the appeal based on standing and therefore not needing -- not require the public hearing. Further comments on our motion? I'll just say it's difficult, measurably troubling to me that we have, you know, a couple of very good, sound legal minds in significant disagreement about this, but ultimately i do rely on city attorney's office for, you know, specific advice, particularly as it relates to the complexity

of our codes. So I'll be supportive of the motion. Further comments on our motion? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion to deny the appeal based on standing passes on a vote of 7-0. There being no more business before the city council, we stand adjourned. It is 10:19 p.m. Thank you all very much.

**End of Council Session Closed Caption Log**