

Closed Caption Log, Council Meeting. 3/5/2009

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good morning, I'm austin mayor will wynn, I'm my privilege to welcome rabbi neil blumofe, congregation agudas achim to lead us in our invocation, please rise, rabbi? Honorable mayor, distinguished councilmembers, guests, let us pray. Let us accept the challenges that are before us with grace and dignity. That we find it necessary to rise above our more coarse nature as we serve diverse constituencies and guide our districts and our beloved city. May we hold on to the firm example of those whom we admire. And let us constantly appreciate the responsibility that rests in this chamber. Let us not become numb to the majesty of humane life as we struggle with numbers of our budget and as we allocate our resources, let us all participate in necessary sacrifice, but let us act as superlative stewards of the opinion's trust. Oh, god let us cultivate compassion and let us model kindness and concern as we ensure the fewer of our community. We ask for blessing and insight of our elected leaders and their families. We request for them visionary ways, patience and diligence. May the strengths of our traditions bring us together, past fear and simple curiosity. Let us be bound by our common wheel, not casting judgment on our nature and casting judgment on our neighbors. May we rededicate ourselves to the liberty by virtue of our actions, recognizing that all moments in our lives are fleeting, yet our reputation rests on our nobility in crisis. Let us honor the timeless words of great faiths. [Speaking hebrew]

the day is short, and the task is very great. And while we are not obliged and obligated to finish the work, neither can we turn from it. Give us strength, amen.

Thank you, rabbi, many of us of course have known neil as kantor all of these years, so congratulations on the new title, rabbi. There being a quorum present at this time I will call to order this meeting of the austin city council. 20, we're here in the city council chambers, 301 west second street. Council, before I walk through very briefly changes and corrections to this week's posted agenda, we try to take this opportunity each week or each meeting to -- to alert staff, our colleagues, citizens to potential initiatives or items from council that may be forthcoming over the next month or so. At this time I will -- i will welcome any comments about upcoming items. Councilmember martinez?

Martinez: Tha mayor. Councilmember morrison and i, really our staff members and a lot of stakeholders in the community have been working on finalizing the live music task force recommendations. And so we are this close to -- to complete agreement on this. So -- so hopefully by tomorrow we will have that complete agreement and post an item for next week to come back for -- for the final recommendations

from the live music task force.

Thank you, councilmember, further potential items? Hearing none, if not, i would like to read through briefly our changes and corrections to this week's posted agenda. The agenda I would characterize as being relatively light. Good to see such few changes and also a very light executive session agenda. So our changes we should note that items 26, 27, 28 and 49 are all related. We should note that on item 38, the central austin combined neighborhood planning area, it should read that the first reading for track 10 was approved on FEBRUARY 26th, 2009, ON A 6-0 Vote with the mayor off the dais at the time. 42, that -- the zoning case involving mr. David we should note a valid petition has been filed in opposition to that zoning request. Our calendar today here once we get through our consent agenda, I think there's likely going to be a few discussion items late this morning. Likely will then take us to our noon general citizens communication. We probably will have a brief executive session or closed session agenda early in the afternoon. So there be sometime after we can take up our afternoon briefings, staff briefings. The first is a briefing on our neighborhood housing and community development's austin housing market study. Then the second is the austin city council agenda process briefing. we start our zoning matters and public hearings. 30, as always, we break for live music and proclamations, stay tuned for rattletree marimba, our musical group and noting -- looking at the -- at the setup already, it might be a lively performance here. , we start our public hearings for the evening. So, council, so far, only three items have been pulled off our consent agenda. 4, which is a service extension request known acetone ridge is pulled because we have six speakers that would like to give us testimony about item 4, we will take it up as soon as we conclude our consent agenda. Stone ridge. 10 related to the resolution approving the legitimate of our board walk trail at lady bird, I have pulled off the consent agenda, we have a number of speakers that would like to give us testimony on that item. 16, The contract execution with gemini solar for the large solar array in webberville. So far items 4, 10, 16 pulled off the consent agenda. Any additional items to be pulled before I proposed the consent agenda? Hearing none, then our proposed consent agenda this morning will be to approve item 1, which are the minutes of our february 26th 2009 MEETING. Austin energy approving items 2 and 3. From our contract and land management department, approving items 5 and 6. From our health and human services, approving items 7 and 8. From our management services department, approving item 9. From our police department, approving items 11 and 12. From our public works department, approving items 13 and 14. From our purchasing office, approving item 15, 17, 18, 19, 20, 21, 22, 23, 24, and 25. From our transportation department, approving item 26, 27, and 28. Item 29, our board and economics appointments that I will read into the record, we just have one nomination. That is to the travis county health care district board of managers, rudy -- rosy mendoza, sorry, rosy mendoza is our nominated reappointment for the travis county health care district board. 29 on our consent agenda. We will also be approving item 30. We will be setting the public hearing by approving item 31, then finally we will be approving our 49 as part of our consent agenda. I'll entertain a motion on that proposed co agenda. Motion made by councilmember morrison, seconded by councilmember cole to approve the consent agenda as proposed. Council, before I ask for council comments on our proposed consent agenda, we do have a handful of citizens that would like to give us testimony on some of these items that are on the -- on our consent agenda. 2, which is an austin energy solar rebate for the austin travis county mhmr center, I see carey ferchill, sorry if i mispronounced that carey wishing to give us testimony. Come

forward at this time. You can use either podium. You will have three minutes.

Won't take three minutes. My name is Carey Ferchill, the chairman of Solar Austin. We support the project. We've -- we've spent some time reviewing the proposal and we want to applaud Austin Energy for the work they have put into it. And we hope this is the beginning of -- of further consideration of alternative renewable energy projects.

Mayor Wynn: Great, thank you, Mr. Ferchill. It's always rewarding to see -- you know, our Austin Energy solar rebate program is open to all folks, both individual, single family homeowners as well as even large businesses, also frankly additionally rewarding when we see somebody like our MHR Center take advantage of that program. And get a significant rebate for the installation of solar panels. We have schools, non-profits. We have the faith community taking advantage of this program. Just like we have individual homeowners and businesses, it's always very encouraging to see that. Thanks for your comments, Carey. On items 11 and 12, the Austin Police Department is accepting grants through the -- through the state. For different programs, Mr. Gus Pena signed up wishing to give us testimony on these two grant items. Welcome, Gus, you, too, will have three minutes.

Good morning, Mayor, Gus Pena. The -- the information that is being passed around is the stimulus package that's being proposed by -- accepted by the governor's office, I'm going to talk about that in citizens communication. But number one I want to talk about item 11. It's a good projectment back in 1994 we brought in the United States Attorney's office and the federal organized crime unit to combat involvement in gangs here in Austin. And it was very effective with the special agent Byron Sage and special agent [indiscernible] former agents now spearheading the effort. , also, 11, prevention and education of gang involvement is very important to the kids out there. You all know, I'm going to be honest with all of y'all here, the youth, the homies are watching me here and also at the county commissioners court. They are observing everything that I say and everything that I do. So I don't care, I just want them to know that their participation in this illegal and inappropriate involvement and activities is not acceptable. I'm not scared of anybody, you know, I'm a former federal investigator myself. The issue is this, that -- that evaluate this program and see who is being targeted for involvement in this program. See if there is effectiveness in the certain youth target ages, areas. If this program is truly effective, expand the programs and we need to guide and educate our youth to enter society as productive members of society and not into the juvenile justice system. It's very key and critical. We have been working with the youth for many years. I'm not here to toot my horn, I don't care about that. The issue is to save the kids, keep them from getting involved in inappropriate activity. 12, very supportive, we have been working with our youth to educate and prevent violence against anybody, specifically women, including spousal abuse, child abuse and senior citizens abuse. These two items are very important, if possible ask that they expand and ask for more funding. It's very critical in today's society to keep the kids out of everyday involvement. Thank you very much for that, I applaud the city of Austin. Mayor, your leadership, Mr. Ott your leadership, also, on all of the issues, look forward to talking with you all at other issues on citizens communication, thank you very much for this.

Mayor Wynn: Thank you, Mr. Pena. Council, I believe that concludes all of our citizen testimony on items that are on our consent agenda. Again, we have a number of folks to give us testimony on items

4, 10 and 16 here later this morning. So I would like to open it up for potential council comments on our proposed consent agenda. Councilmember leffingwell?

Leffingwell: On 29, just a comment. Rosy mendoza was recommended by the subcommittee for public health and human services to the nominee for the travis county health district. There's one other nominee to go, that will be a joint city and county appointee and a joint city county group of people -- a group has been convened to come up with a nominee for that appointment. That will also have to be approved by both the city and the county, it will be coming shortly.

Mayor Wynn: Thank you, councilmember. Further council comments on our proposed consent agenda? Hearing none, again we have a motion and a second on the table to -- approving the consent agenda as proposed. That being all items on our agenda this morning excepting items 4, 10 and 16. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0. Thank you all very much. While a few folks exit the 4 from our water utility is regarding the potential approval of an scr, service extension request, ser, commonly referred to as stoneridge property. We have a number of folks, six or seven folks signed up wishing to testimony. So perhaps our -- I don't know if our director or acm might could give us a brief explanation of this ser request to set the stage before we take citizen testimony. Greg, welcome.

Thank you, mayor, greg [indiscernible] austin water. This is a service extension request to extend an 8-inch sewer line approximately 600 feet to serve a property that would have a -- about 14 homes. What makes this unique is, one, it's in the drinking water protection zone, but also a part of the robert e. Lee resolution consensus report that the city council adopted in the late 1990s. The consensus report really spelled out areas that the utility would serve with centralized service, what areas that would be recommended to be served with decentralized service in the areas that the utility would not serve. This particular track is in the area that's been designated as only decentralized sewer service, not centralized sewer service. Because of that staff recommended do not approve on the ser because council adopted this consensus report and we've really followed it in terms of boundaries of service for our sewer utility over about the last 10 years. That's kind of a quick snapshot. There's a lot more detail to consensus report. But that's the essence of the request today.

Mayor Wynn: Thank you, greg. Again, just a quick summary. Staff recommends denial. Is this also -- has this gone before the water and wastewater commission.

It went through two commissions, environmental board recommended do not approve. Our water and wastewater board had no recommendation. The vote was really split with some against, some abstaining and some for. So it comes to you with no recommendation from the water and wastewater and a do not approve recommendation from the environmental.

Mayor Wynn: Great, thank you, greg, questions of staff, council, before we hear from the citizens

testimony? Thanks, greg. So, council, then without objection, we'll go to our citizen testimony. We will just take them in the order that I believe they signed up. Our first speaker is jim robinson, welcome. You will have three minutes to be followed by sheryl robinson.

Thank you very much, I'm jim robinson representing three neighborhood associations along stoneridge road. You will have to excuse me, I don't have much experience here in front of the city council. But thank you very much for each one of you guys have been very responsive to my neighbors and myself in speaking to us personally. And on the telephone. And I think whatever happens today we've had our voice heard and I really appreciate that. The gentleman before me really summed it up. It's a sewer line allows mary leiten a lady living on our street to develop her lot into 14 houses. We have two problems with this. Lee relief interceptor study, voted unanimously against that, the wastewater commission actually only had one positive vote that was for that and the rest either were against or abstained. I think one of the speakers following me who is for aeryan he's going to tell you all of these reasons why we shouldn't follow that study. He will have to enumerate those, but I want you to keep in mind he was one of the signatories on that study 10 years ago. I guess he's pointing his gun in a different direction today. The last reason that we don't support this is -- is 14 houses in this area that she's developing is a very dense development. Our neighborhood is -- is essentially a one house per one acre development and the infrastructure of our neighborhood does not support this dense development. The good news is if you vote against this, it really doesn't hurt anyone. Leiden is an elderly woman, she can develop this in -- [indiscernible] thank you very much. I don't think we have any other speakers from the neighborhood. Great, thank you, jim. We do have a few folks signed up at least telling us they wanted to speak. Sheryl robinson. Okay. We will note your opposition as well, sheryl. Let's see our next person signed up was martha gerrin. So we will note your opposition as well. Martha. How about brian [indiscernible]?

Okay. We will note brian's opposition for the record as well. Then finally gary kyle signed up wishing to speak. Also in opposition. And for the record, we have a number of folks who signed up not wishing to speak, literally dozens, and we gentry for the record as well. Finally, terry eryl has signed up wishing to speak, I believe in favor. Welcome, you, too, will have three minutes.

Good morning, mayor, members of the council, I am representing mary leiden, an will 8-year-old woman who has lived close to 50 years on this property. This property was annexed for limited purposes back in 1983. And as -- it's -- it's come in as sf 2. robinson said, the densities are kind of mixed in this area. Out of the original parent track of 100 acres that went from walsh tarlton to 360 along stoneridge, there's a rudy's barbecue on one end, 65,000 square foot office complex, there's a five acre tract just across the street on the north side of stoneridge that's developed at sf 2 density, to the leiden's track on tarlton lane, there's a development there at sf 2 density, so the densities are mixed. The applicant is requesting that they be allowed service. We prefer sewer service, but even decentralized service that would allow development to the sf 2 density. I was a member of the robert lee consensus building group that made the recommendations and I can tell you that what the recommendation said with respect to this property was at the time 11 years ago the utility had constraints in its lift stations. It wasn't able to provide collective sewer service. The utility now acknowledges that it does have the capacity to serve. The prohibition in that report was no additional commercial service along loop 360 and west of loop 360. What it said for this area was we encourage the exploration of decentralized service strategies. Utility

has been doing that for 11 years. We haven't gotten any yet. But even if you were to do that. We would think that this property ought to be in line for that. But as -- as it was stated by the environment -- but the watershed protection department at the environmental board, but for this resolution they would be recommended this. And they would be recommended it because collective sewer would be environmentally -- environmentally -- a better alternative than -- than a decentralized system. I -- I do want to point out that this property is in -- is in the eanes creek watershed. It is not in the barton springs zone. And it will be developed under current ordinance requirements. So there will be environmental safeguards. The application was up to 14 lue's, that wouldn't happen anyway by the time there was compliance with all of the watershed requirements it would likely be more in the nine or 10 unit category. [Buzzer sounding] for all of those reasons and because this property has been a limited purpose zoning for 26 years at sf 2, we do request that the city may ma this service available so that we can develop the property consistent with the way that the city that zoned it for the last quarter century. Thank you.

Thank you, mr. eryl. Questions, council? Thank you, terry. So, council, I believe that's all of our citizen testimony on this item no. 4. Further questions of staff? Or anybody? Comments? Motions? Councilmember leffingwell?

Leffingwell: Mayor, I'm going to move to adopt the staff recommendation and deny the ser based on the resolution of 1990 something. Until those boundaries are changed, I believe it would be inappropriate for council to make a decision to disregard the resolution and approve the ser.

Mayor Wynn: We have a motion by councilmember leffingwell, seconded by councilmember morrison to approve staff recommendation there be not approving this ser, item no. 4. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0. Thank you all. So, council, let's see, that takes us now to item no. 10. 10 is a resolution approving the alignment of the board walk trail at lady bird lake as a preliminary concept for purposes of beginning planning and design phase of this project. I think -- I think perhaps our -- our stuart strong is here to give us a brief presentation to -- to sort of put it in perspective. Then we have a number of folks who want to give us testimony both in favor and opposition to this resolution. Welcome, mr. strong.

Good morning, mayor and council. City manager. I'm stuart strong assistant manager of the director of the parks and recreation department. Our objective is to close 2-mile gap in the lady bird lake trail which you find on the south side, the middle of which is roughly i-35. This has been an effort by the community for over 10 years. In 2007 the trail foundation produced investment studies showing the advantages of completing the trail. We received your approval in the 2008 budget to start the 7 million, we are in the middle of that. You approved the hiring of a consultants. They have been working with the community. We spent the summer working with the stakeholders, anyone that wanted to come and comment on the potential for this trail and the design. We now have a preliminary routing, parks board has looked at that, [indiscernible] facilities committee has, it's gone to the joint committee of the environmental board and

parks board. And they recommend this project. As you remember on the 12th, I GAVE YOU A Brief briefing on the alignment. We are recommending a specific alignment to you. And we go to the -- the second slide, summarizes that presentation for you. In this picture, what you see is the alignment that we recommend. We have attempted to keep much of the trail on the land as possible. Roughly half of it would need to be out in the water on a board walk. At this point, what we're asking is your endorsement of the recommended route. From here on, what we would do is continue design working with the stakeholders and landowners to -- to maximize the amount of the trail, which is on land. We will of course come to full compliance with the environmental requirements by the city, state and the federal government. And the funding to construct the -- the board walk will be a future action by council. That's my presentation.

Mayor Wynn: Thank you, sir, questions for mr. Strong? Councilmember martinez?

Stuart, maybe you mentioned this and I missed it. What did we -- what was the amount we originally dedicated from proceeds of block 21?

Just short of two and a half million. 95 in that fund, 50% went to the construction of the board walk. So just short of \$2.5 million.

Martinez: That's just for the design.

That's for construction. You approved 1.7 for design. We have that, we are spending that now. But we have your allocation 5, which is the wait for the rest of the construction money.

Martinez: What was the estimated cost of the complete buildout?

Right now we are estimating a high of \$15 million.

Martinez: So -- so we really aren't -- when we vote today, I just want to make sure that folks understand, we are not voting to build this --

that's correct. This is only the design portion. We will have to come back for your concurrence on funding to build it. We are not doing that today.

Martinez: Thanks, mayor.

Mayor Wynn: That just points out, before we hear from some citizens, so again stuart and the councilmember points out, this next step is the design, additional design and planning step that will allow us as a community to answer a bunch of very appropriate questions. What will it look like, what will be the materials, what would be the elevation. So the important stuff certainly as we then think about the future of funding the actual hard construction costs. Meanwhile, technically, this resolution also instructs staff to continue the important dialogue that has been ongoing really for at least two years of the investment study so not only continuing to talk to stakeholder but, you know, frankly very specifically

talk tenant property owners because -- adjacent property owners because there's privately owned land as we all know along this route and essentially for every foot that this trail is on land and not in the water, it saves us about 2500. The cost of a board walk out in the water is about \$2,500 per lineal foot. So to the extent that you can get a couple hundred feet donated to you, some type of agreement by an adjacent private property owner or a group, it not only probably improves the trail itself, significantly saves, you know, future money. But in the meantime, I think it's very important that we continue with the next planning and design step for us to have answers for very specific questions about material design elevation, et cetera. So -- so thank you for that clarification, stuart and councilmember. Again, sorry, further questions of staff before we take up citizen testimony? I imagine this will probably inspire a few more questions of staff here in a few minutes. Thank you, stuart. So again council we have a -- a bunch of folks signed up on this item. Luckily not all of them want to speak. In specific numbers 47 folks signed up in favor, 24 folks against and a subset of those two groups do want to give us some testimony. As opposed to a zoning case where we hear from folks in opposition or folks in favor, you know, as they -- as a group, without objection I will just take these in the order with which folks signed up wishing to speak and their -- their position is sort of irrelevant. To the sweeps. I think that we have -- to the sequence. I think that we have about 18 folks who currently have signed up wishing to speak and so if everybody does speak, we have -- we have a solid hour and a half or so worth of testimony, we will see if that's all required. Our first lindsay davis wishing to give us testimony. Remind me when I call shelly's name up, we will donate your time to her. We will still put this in sequence. Lawton smith. Is mr. smith here in? Well, okay, when I call somebody's name and you want to give testimony or donate time, please just remind me. Frederick kibler, welcome, you are welcome to give us testimony. Either podium. You will have three minutes followed by fred schmidt.

Thank you mayor and council. I'm also known as rick kibbler, so lawton's time is going to me which doesn't appear I'm going to need. I'm speaking first as an owner, I'm an owner and an hoa board member. As an owner of the river rock community the building of the board walk across the lakeside will greatly deteriorate and destroy the view of the river walk condominiums, the environmental impact will be considerable. There are migrator waterfowl that rest at the waterfront. Based on the current economic conditions and current city departmental reductions this is not the time to be committing resources on recreational luxuries at the taxpayers' expense while possibly jeopardizing the safety of the general populace. Based on these conditions i would like the council to continue to consider the alternative route, one that continues along the existing riverside trail, riverside drive with the opportunities for improving the trail that the river walk community could afford. At a tremendous cost savings to the city and possibly a temporary resolution for an on land trail. As an hoa board member, i appreciate the opportunities that david taylor and his team has afforded the community. And in the design of the trail and in good faith plan to continue further negotiations. Thank you for your time and consideration.

Mayor Wynn: Great, thank you, greg and for your continued time. Involvement. Let's see, fred schmidt signed up, welcome, fred. Let's see eric fisher wanted to donate time to you. Is eric here? Our -- I ask fred because our rules are that you need to be present in the chambers in which to donate time. How about john irsskin, welcome. Fred you have up to six minutes.

I don't need that much.

Followed by nancy redding.

Thank you. mayor, councilmembers, thank you very much for hearing us this morning. I'm not quite as well organized as I usually like to be with my presentation to you. If you have seen the business section of today's paper, in my real job I'm also trying to bring and keep real work here in austin with new jobs and a new game company we're trying to get going here in town. In my public service hat I'm here on behalf of don't pave our lake. My name is fred schmidt. I'm a trail user and a kayaker. Here's my simple position don't pave our lake. For reasons I don't understand you all are not listening, I will have to address my comments over your head to the communities at large. Forgive me rabbi while i raise my voice. Wake up austin! This project is neither a board walk nor a trail. At 14 feet wide, 6 feet above the water, 30 feet out from shore, made of concrete planks on concrete pilings with steel rails it is an elevated concrete human highway. More so, it is intended now as a bicycle super roadway. Instead of using the same eight to 10-foot widths of the existing land trail, which all of us users happily enjoy every day, you have imposed a federal guideline of 14 feet intended for bike lanes along roadways. Right now bikes are permitted on the town lake trail but they are the users with the least right-of-way. The overwhelming majority of trail users are pedestrians and runners. Due to this one reason only, there are sections of the trail extension that could go on land where it belongs that you are forcing out over the water. It is the same standard or if this same standard is applied to the rest of the existing trail, which it then will logically have to be, our beautiful river should expect to be assaulted by even more board walks popping up around the austin american-statesman, and also the entire stretch in front of the hyatt regency hotel between congress and first street bridges. And we, the majority walking, running user of the trail can look forward to more high speed bikers now four abreast mowing us down. That's why the bicycle coalition is so excited about this. This project should not be here at city council today for approval of alignment. It is still far from ready for that. Originally you intended for 100% of this new concrete roadway to be out over the water. But in just the past few months, because of our public pressure, 50% of it now is already on land. All the rest of it can and must go on land where it belongs. You need to stop rejecting land that is trying to be offered to you but has just been rejected like at the river walk condominiums. You need to use the land that you already have, like at star riverside and [indiscernible] business school instead of letting star riverside build a swimming pool in our easement because you are going to spend millions of dollars to go around them over the water. You need to seriously negotiate in good faith with the breakers apartments and 1818 waterfront condos for the final couple of pieces. You are failing the public badly on all of this. Since the very beginning, the process of this project has been seriously flawed. The trail foundation study that started this whole escapade failed to include any of the affected stakeholders, even though we said we would be included. You the council have railroaded this project through the boards and commissions review process and proper public input. Why? What is the rush? Usually there is some evil developer type behind these sorts of nefarious projects. But this time, sadly, it is you, the council itself, that is that evil developer. And it is an election year. How convenient. Please do the right thing. Return this project back to the parks board, land and facilities subcommittee. Where it last was -- was looked at for important conversations and due diligence and they said in november that it would still be with them for some time to come. Next thing we knew, it was at the parks board, next thing we know it's with you for approval of an legitimate that is not finished.

We need an alignment that is on land and with a natural design that is compatible with all of the rest of the existing trail we enjoy. Thank you very much.

Mayor Wynn: Thank you, mr. smith. [Applause]

Mayor Wynn: And good luck with the -- with the game company. Sounds exciting. Nancy redding was our next potential speaker. Nancy redding signed up wishing to give us testimony also in opposition. To be followed by deborah gunn, welcome, ms. gunn. You, too, will have three minutes to be followed by steven title I hope it is steven. Sorry. mayor, council people. I have had the privilege since 1997 to live 50 feet from the end of the existing hike and bike trail. 30 Feet off of the river. I have watched this river. I enjoy this river. People must enjoy it. I am all for the hike and bike trail. We have something that nature gave us. Let us preserve it. My biggest concern, the gentleman who just spoke has brought up many I think very sound questions. Taking a body of people and having them walk out into a national, navigable river, is something that is -- has got to be studied. If precedent could be sit here, and I have found no one -- nothing written about this or said about it, but if we allow a board walk conveying human people, are we not opening it up to 20 years of floating snack bar? A floating restaurants? If our gambling laws were to change, we could have casinos out there. We have to look at this at many different angles. It needs to be studied more. It needs to be people who are experts. Mingled with the community. This is a community area, ladies and gentlemen. It is not an easy task. All you have to do is go south for one hour and look at how the river walk came about. It came about starting in the early '30s, interrupted by warlord war two, interrupted by korea and financial problems. Then all of a sudden, [indiscernible], that is what started this. It took the voices of a small garden ladies group to say no, don't fill this in for building. Let's do something with it. It has been an arduous stretch and I have watched this concept since the early '60s, when I was at michigan state university and knew a professor who was a part of planning and getting the river walk done. I have known this professor for 54 years. It has worked out. They've had many pitfalls. Screaming battles. It has been an arduous task. But look, when you took time, got everybody together, civility set in, the groups actually started listening to each other as well as talking. Talking [buzzer sounding], gentlemen and ladies, please, we need a lot more study before we even go to a concrete plain design. Thank you.

Mayor Wynn: Thank you, ms. gunn. Our next speaker is steven title or tittle. So if I am mispronouncing that. A number of folks wanted to donates time to you as well. Is jeff taylor here? Welcome jeff. How about tim floorer? Hello, tim, welcome as well. Felipe [indiscernible] sorry if I'm mispronouncing that. How about elizabeth [indiscernible] welcome. So steven you have up to 12 minutes if you need it. Welcome, you will be followed by shelly meyer.

Thank you, thank you city council. For hearing us. I'm steven tittle, with 1818 lake shore boulevard. I am an owner and a board member. I'm speaking to the -- on behalf of myself and the board. I would like to present a presentation in which I show different conditions on the ground and offer different opportunities for completion of the trail. So with that I will start. Is there a way to have it -- have it stop pacing through? Right there. I would like that to stop right there. At first I will address different aspects. This is a -- this map was generated by the parks department and all the groups that have been working on this. I thank you for y'all's time and work. This particular map was generated in I believe or presented

in -- in 12 -- 12-08. It showed four possible routes. And today I would like to speak to encourage the city council to -- to c or d, which would be these -- sorry ab that. Routes c or d, which would be the two most southern routes. I believe that it -- it is the best route can -- considering the time constraints. Considering the economic downturns. I also -- also considering the participation that you would receive from the landowners. That being said, c or d, i believe, would complete a safe, usable trail. It would utilize existing easements on amli. It would utilize existing owned land which is already a park-like setting. It would facilitate a pedestrian traffic from the it would preserve the sangty of lady bird -- sanctity of lady bird lake, which was a major point throughout the design process on as little water as possible. I believe it would come at a significant and less cost to the city, especially with the waterfront condominiums contribution, it also would preserve my association's ability within the framework of the waterfront overlay to redevelop the property and then contribute route b. This is an aerial generated by google in 2003. If you will notice, the south portion of that is the land in question. City owned land. It is -- it was the current trail and location and is the current trail location. As you can see, the creek line, the opportunity for c and d, which would be the amli side, we actually own some of that to the amli side that we are willing to contribute. This is the land in question to the south of our property. It is a 60 feet by 400 swath of land. To the right you can see the trail adjacent to it. It is a -- what we consider and many consider a park-like setting. Obviously the trail connectivity, it would be a simple task to just extend that trail. Placement would be anywhere that the city wants because that's your land. It could be as far as 20, 30, 40 feet off the roadway, which should facilitate a safe, usable trail. This is from the other perspective. This would be coming from the amli side. Once again, a swath of land that's very park-line and usable. It is already currently the -- the trail. Pedestrians and cyclists have a choice of being on the sidewalk or just off the -- off the roadway. There's already a worn path where many users are -- are enjoying that land. This is -- this is approximately 2,000 feet away, it's an aerial of the youth hostel. It's very similar condition to 1818 lake shore boulevard. The current trail placement you can see on the left, comes to the roadway, along the sidewalk and then across the two entry points and exit points. It's -- it's -- the current trail placement, to my knowledge, the trail foundation nor the parks department have complained about safety in that location. I'll -- one more word on that. It also comes off the water and wastewater. I believe that's another key component for choosing the -- the desire for route a. The two at the bottom have a very similar entry and exit point to 1818 lake shore boulevard. This is the current trail in front of the youth hostel. This is an overview of the entire acreage, maybe 50 acres of land. We have the 1818 to the left, north, we have the youth hostel. Clearly see the trails and how it loops through. I show you this picture today to talk about the south side [indiscernible] in which that 34 acres of all of the property to the south are being redeveloped. I have spoken with the developers and they are in agreement as far as the pedestrian bike path that would go along their portion of the creek. It would allow for pedestrian bike path from riverside drive across lake shore boulevard with some sort of traffic dampening at that intersection, connect with c or d, connecting the entire trail, users to the north and south. The -- on the that point at lake shore boulevard and the creek would essentially be a break points and users could go right, left, north, south. Ments I'm trying to address the safety concerns. I believe that the safety concerns are not, will not come primarily from -- from pedestrians or hike or bikers going across our entry and exit points. The real safety concerns would come from the 34-acre development across lake shore boulevard and plan a does not address any of that. I feel like the -- the -- we could create a very safe trail system in front of -- to the south of 1818 lake shore, even safer than what

currently exists with the youth hostel. Once again I believe that route c or d, combined route c or d would complete the safe usable trail, would utilize existing easements from amli [indiscernible], facilitate a pedestrian traffic from the new south , would reserve the sanctity of lady bird lake, would come at a significantly less cost due to waterfront contribution and would preserve our ability within the framework of the waterfront overlay to redevelop our property and then give route b as soon as the economy turns. Thank you very much.

Thank you, steven. Visuals help a lot, too. Shelly meyer is our next speaker. Welcome back. Somebody wanted to donate time to you, right? You will have up to six minutes if you need it, followed by tom athy.

Thank you. Yes, I'm shelly meyer, i walk on the trail every day. But I'm not here to advocate for wider or more trails. I've been a renter and owner on the shores of lady bird lake for about 10 years, but I'm not here today to speculate on the rise or fall of my property value based on the trail. I'm here to advocate for something that doesn't have a voice, and that's our lake, lady bird lake. Austin is hyper developing and begging for more parks, begging for green space to be left untouched. Go to any neighborhood association or parks board meeting, and thank god to these associations for save town lake and the waterfront overlay task force. Against all odds they manage to win a few and lose a few to ultimately preserve about 100-foot strip of green around the shores of this lake. Highest and best use, the condo high rises take every foot of land yont that and there are -- beyond that and there are more coming. What's left? Well, we think we'll always have the lake, they can't develop on that space because it's water, right? Well, apparently wrong. Now the city itself is subjecting us to another situation of highest and best use, but this time it's our lake. We have got to have another 14 feet, ah-ha, we will just go over the water. By its reflective nature the lake magnifies green space. And an 8-foot gravel trail around the edge weaving in and out of the trees gently integrates man and the environment. A 14-foot wide half mile long concrete platforming running out over the top of the water covers up this reflective green space and it's not a good thing. Take yourself out to the shore of this lake, which is really a narrow river. And look at the small sliver of reflection between you and the opposite shore. Imagine this structure topping out at nine feet including pilings, decking, handrails, slicing down an entire horizon 30 feet out in front of you. Many people have and will share insight with you today as to why this is happening. Some of the reasons are good. Some of due to impatience, some are due to the economic forces of development in our population growth. But our lake is our lake. And it must be preserved. Once you fill it up or cover it up, it's gone. This is the wrong solution. I've been accused of saying not in my back yard. But this lake is not in my back yard. It's ail of austin's back yard. And I'm saying like many others don't pave our lake. You are voting today to start spending money next week to lock and load this routing, according to david taylor that's about \$40,000 a week, and you yourself say it can change and it still should change yet you are going to start designing it on this proposed routing. I agree it can and it should change and we should take the time to get this routing in the right place, which is on land, before we spend another nickel to design it. Thank you. [One moment please for change in captioners] I've toured cross-country and I've ridden recreationally for as long as I can remember. When we bought our house in 1987, the primary reason for purchasing in that location was the proximity to the town lake trail. It seemed a little odd at the time that there was a gap in the trail on the southside and that it was necessary to detour along the sidewalk on riverside, but we just kind of assumed that that would be something that was dealt with eventually. Now it's been 20 years that we've been living there. I've ridden

that sidewalk thousands of times, literally thousands of times. This is a very dangerous stretch of sidewalk, and even so it's better than riding on riverside. I do not ride my bicycle on the street on riverside. There's too many cars, too fast, everybody is in a hurry and it's a dangerous route. Fast moving traffic, and to have pedestrians and bicyclists using the adjoining sidewalk recreationally approximate puts a large number of people at risk ever single day. 5-mile stretch of sidewalk, and I know it 2 at the river, but if you take the detour 5 from the condos on east to the american-statesman building on the west, there are points that are mostly driveways, a couple of streets, about half of those points you can get a car coming from either direction, a car coming off of riverside, coming out of a driveway or out of a condo. That's 32 chances to directly interact with a car in a 1.5-mile trip. And over the years I've had a lot of close calls on this stretch. I know there's some obvious danger spots along the route. If you know the route, obviously the interstate, the access roads are very dangerous. A lot of fast moving cars. People on the phone, constant noise. It's very dangerous crossing the interstate right there. But there are also subtle dangers all along the route. There is gravel, glass, narrow sidewalks, construction debris, cracks and uneven sidewalks, weirdly positioned telephone poles and fire hydrants, not to mention the steady flow of runners and walkers and bikes. It's a gaunt let. It's noisy, it's stressful. It's unpleasant and it's an accident waiting to happen. I strongly urge the council to move forward towards implementing a timely solution to this problem. I know there are issues of design and cost and environmental concerns. My main concern is safety. As someone who is out there several times a week going down this route -- [buzzer sounds] -- I think somebody needs to be done quickly. I appreciate your attention to this. The longer this risk remains, the more chance there is that a tragedy will occur. Thank you.

Mayor Wynn: Thank you, tom. Let's see, our next speaker is john trailer. Welcome, john. You too will have three minutes to be followed by kay morris.

I actually believe i voted for every member of this august body. Which is nice for a change. I am a landowner at the river walk condominiums at 500 east riverside and I'm a former member of the board. I'm currently not on the board, so I'm just speaking as a landowner and I applaud your efforts to expand the trail because I too am I a trail user. I do believe there are alternatives that need to be addressed in this alignment issue. Personally I would prefer to see the sidewalk improved out front, remove the utilities and things of that nature so that the sidewalk can be made better, reduce the number of cuts to the sidewalk. Then over time as properties come up or redeveloped, the city could take actions at those times to claim river front banks. But if you want to go forward with the boardwalk, I would advocate at least along the skylight segment, which is what I'm referring to today, the area along where I live, that the boardwalk go further offshore. Yes, I'm concerned with the way it's going to appear, but I do believe like a monet painting that something right up close to you may look rougher than something a little bit further away from you. So I have looked at the hydro logical surveys at the bottom of the lake and i know from our lake shore it's 11 feet deep right off the shore, but it only drops to 13 feet when you go a third of the way into the lake before the original natural channel of the colorado river. I would advocate through the skyline segment that you connect from the current "austin american-statesman" trail head, bypass cws and us with a further offshore option that would bypass the reparrian zone, the sandbar zone, all of the delicate ecosystems that we're so concerned about, and then connect that trail stop to the east blunt creek, new connector their talking about and the parkland there passing beneath the

interstate. By being further offshore, i believe that it would do a number of things. Of course, it would not impact the ecosystems, the riparian zone and the sandbar which are nesting areas for migratory birds. The route further offshore would not reduce the outflow from east bouldin creek. I've lived there for 20 years and I have seen that creek do some pretty astonishing things with outflow in heavy rains and I'm really concerned about the issue of having a path close to the shore that could catch the debris and the trees and things that are washed out of south austin that could cause a backup and potential flooding to our properties and other properties along east bouldin. As I've stated before, the water depth off our property is 11 feet. Of course, the sandbar is much shallower, but you could bypass the sandbar and stay within just 13 feet of water so that the construction cost between 11 feet and 13 feet of depth of water should be relatively minuscule and bypass our property and protect our privacy. I'm very concerned about having the path very close to our property and having people looking up at us. [Buzzer sounds] I'm very concerned that there could be a situation where you may have a woman with an abusive spouse or something and that spouse could then go out and stand on the public trail and look up at our property at that person who is trying to live in their home privately and be stalked from that trail if it's too close to our property. So along the skyline segment, I would encourage y'all to push it further offshore, the depth of the water is not really an issue. And it would improve the viewing of the skyline, the fireworks, and it would not impede any sort of traffic because it wouldn't be in the channel and we could use the skulling races and the boat races from that point too if that goes forward. So if it has to go forward, I encourage you to go a little further offshore. Thank you very much for the opportunity to speak to you.

Mayor Wynn: Thank you. Kay morris is our next speaker. Kay morris signed up wishing to speak in favor. Let's see. We'll note her support for the record. Charles betts signed up wishing to speak. Charles betts also signing up in favor. Susan rankin. Susan. You too will have three minutes to be followed --

mayor and councilmembers, I'm susan rankin, executive director of the trail foundation. I think you're ought at this point in time very familiar with the reasons that we're proposing to complete the trail with the boardwalk, everything from finally connecting east and west austin in this most important of our public spaces to resolving the safety issue to providing full access for all users, including mobility impaired users, to completing the hub and austin's pedestrian and bicycle system of trails. And also enabling unique conservation efforts in this beautiful area. Again, we're going to enable people that use our parks to have access to what is now an inaccessible, beautiful piece of parkland just west of i-35. I think that some of the people that are questioning moving forward at this point are talking about the alignments and different ways we can work on this. Again I'd like to emphasize what stewart strong says, the staff and the team has really worked on the alignments. They have a recommendation. In order to move forward with the design we have to have somewhat of a decision made so that they can go forward and have the specific designs for the over land and over water portions and also continue with the ongoing environmental assessments that will be part of this process. In order for the core and for the city permit process to move forward, there has to be a determination, a decision about what route it will take. I think there's plenty of opportunity to continue talking and having constructive dialogue with all the people, all the private property owners along, but we do really need to move forward with the design phase so we can get construction drawings and decisions about this. Again, the trail foundation plans to provide the private portion of the funds that are necessary to have this move forward and we

look forward to working with the city staff to develop a beautiful and environmentally responsible trail along the boardwalk. Any questions?

Mayor Wynn: Thank you, susan. rank-in, susan, and for the work of the foundation. Let's see, a number of folks here who have signed up in favor and are here to answer questions if we have them, council. charlie McCab has signed up in favor. I wanted to make sure charlie had a chance to testify if he would like. Charlie, welcome.

I guess I only get a minute half. charlie McCamp mabry, austin parks foundation. We are in support of moving forward with the concept al part of the trail. We're working with the trail foundation. We encourage the city to continue the dialogue that's been going on. We think it been very fruitful. I want to say a few things about the importance of trails in austin. The number one amenity according to city and county surveys about the last 15 years is trails. We have 117 miles of trails in the city. We perceive many more hundreds of miles that could be planned. We're working with a number of nonprofits and different government agencies to see if we can double or triple that number of trail miles out there. And just want to underscore the importance of how many people will be actually using this trail and how this can be the center of a greater hub of a trails network. We see lady bird lake as kind of the hole in the middle of the donut that actually radiates out. And like we started planning back in the early '90's, into the mid '90's, we see a huge t network out thank you for your support. We appreciate it.

Mayor Wynn: Thank you. Any questions for charlie, council? Thank you. And again, council, we have some folks who are here as resources if we have questions on the proponent team. And for the record, gentry will note the several dozen folks who have signed up not wishing to speak, both in favor and in opposition. Council, I believe that concludes our citizen's testimony on this item number 10, the boardwalk resolution. With that I'd like to open it up for questions of staff, comments, council. Or motions. Again, I'll just say and reiterate, and we greatly appreciate the testimony both for and in opposition to this resolution. I feel strongly that what this resolution fundamentally does is gives staff the direction they need to continue the detailed planning and design work for this potential project, there by allowing us to answer some very specific questions, everything from environmental impact studies, questions about aesthetics, questions about how far if at all out into the water as we heard trailer talk about, but then also very specific questions that can be answered with work -- by working with adjacent private property owners. I remain very supportive of this resolution. Again, just taking this next step. I look forward to having a bunch of answers for specific questions so we can then as a community figure out what will be the final design and project and then we have the -- what I think will be challenging, but opportunistic chore of pulling together the capital dollars to actually construct and complete the link around the lake. Again, further questions of staff, council, comments? Councilmember morrison.

Morrison: I wonder if maybe staff could talk to this a little bit, assuming this does go forward. How might we expect to be seeing the design effort being made available to the public for conversation? I presume it will be coming back to the parks board, for instance, on occasion?

That's correct. The parks board has offered their services to be the point of focus for public discussion about the design. So our discussion so far with them has been we would be back perhaps on a monthly

basis or more frequently as needed to show the stages of development, the plan, get citizen comments, have a full discussion. So the parks board would be the point of public discussion.

Thank you.

Mayor Wynn: Again, further questions, comments? Motion by mayor pro tem to approve item number 10 as posted, seconded by councilmember leffingwell. Further comments? Mayor pro tem.

I just want to say one of the great accomplishments in this state's history is the open beaches act, which all of us like myself who grew up on the texas coast recognize meant that the shoreline was open to everybody in the public. In that same principal i believe should apply to our community lakefront as well. That's why I move to approve the resolution.

Mayor Wynn: Again we have a motion and a second on the table approving item 10. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you all very much. Council, that takes us to item number 16. I'm just looking at sort of our citizen testimony sign-up, but just coincidentally we have about half an hour or so worth of testimony should folks want to take that opportunity. So I think we might can squeeze this in so to speak before our noon general citizen communication. So without objection or further adieu, I would like to turn it over to austin energy general manager roger duncan who can again sort of capsulize this project that we've been talking about in detail here at least here for the last month or so and then we'll hear from our citizen comments. Welcome back mr. duncan.

Thank you, mayor and council. At our last meeting the council asked us to do about two or three things and consider for this next meeting. I would like to briefly run over those items. The first item was to meet with the large customers. And we had a second large customer meeting on february the 19th. There were many segments represented in that meeting, the large industrials, including high-tech, manufacturing and data centers. The large commercials including office buildings, hotels, hospitals, government sector and school district. And we discussed with them at length the green choice options and also the economic stimulus package opportunities. I would like to go into detail on those two options that we discussed with the large industrial customers. First on the federal stimulus package, the benefits to private industries such as gemini are predominantly tax related and not available to the city of austin being a tax exempt entity. When luke at and analyze this, and we've looked at it from several different viewpoints, our own internal government relations staff, the city's government relations staff. We've had pfm, which is the city's bond counsel, look at it. And then I have spent the last two days in washington meeting with officials from the department of energy and other people who are intimately familiar with what is in the economic stimulus package, what is in it, the language in it and what might be applicable. The conclusions from all that are there is an extension of projection tax credits for renewables, including this package. This is already included in the price that gemini gave us. What was in the stimulus package was an extension of the time that this was available, but it had already been included in the price we received from gentlemen any. There was an extension of the 2008 increase in bonus depreciation for renewables. Again, that was already considered. The one area that may need an additional pass-through is the investment tax credit with a tax grant option for renewables. And the

investment tax credit -- it's not the production tax credit that was included in the price, it's the investment tax credit that was included in the price. The difference that the economic stimulus package is that it has the opportunity to take that investment tax credit and forward it or roll it into a cash grant at the beginning of the process and that calculation could save money and lower the price if it was applicable. I had concerns and our staff will locally that that gemini would not be applicable for this extension, this cash grant option because of the buy america clause that is in the economic stimulus package. However, I spent yesterday morning meeting with jeff ginzer in washington. He is probably one of the leading experts in washington on the federal monies involved in this. He showed me the clause and assured me that in fact they could apply -- buy america clause would not apply to them because of the language as written in the economic stimulus package, and they probably could apply for this. However, he pointed out that this is not a department of energy grant, this is a treasury department ruling. And the treasury department rule making has not occurred yet and it's not going to be a quick process. Over the last two days that I've spent in dc meeting -- we had meetings with matt rogers, who is the senior advisor to secretary chu, department of energy secretary, he is the person that the secretary has designated to push out the door. All the economic stimulus package for energy from the department of energy. It has become clear that the different portions of the stimulus package are moving at very different rates, and that the rule making, the application forms and such for most of this has not been determined yet and are going to be determined at different speeds. So I'll get back to this in a moment, but that's one area, that may be applicable to this project. The other area was applicable manufacturing facilities. That is not applicable to this. That is the manufacturing of more advanced technologies than anything we received in our bid package. And finally, gemini has agreed to pass through all available benefits prior to closing of their financing. We expect that to be later toward the end of the year and we believe that this time frame that we have gotten from them will allow the rule making to be done and the application process to be completed prior to the financing. I need to emphasize that, again, it is a tax benefit that they are receiving that is not applicable to the city of austin. So gentlemen any has to apply for this. The city of austin cannot apply for these cash options ourselves. So any agreement for pass-through with gemini has to include some benefit for gemini in order for them to apply. On the next slide is the green choice option. Council asked us to consider putting this into a green choice charge. We will establish one or more green choice options. It might be a solar only green choice based on this particular project or it might be a blended green choice option where you combine this project plus some of our wind energy and maybe some of the bio mass energy. That would lower the price of that particular offering and it might be easier to get it fully subscribed if we blend it with other renewable options. All the offerings will reflect the actual cost of the supply of what's in that batch. I'll repeat again that energy not sold will apply system supply and will be recovered through fuel charge that will go to all the users. We will bring this to the council for a tariff closer to the date that this project goes online. That's the standard procedure for all of our green choice options and we do it closer to the date it actually goes online because there are elements in any tariff such as ERCOT fees that cannot be determined until you get closer to the actual date that the energy is going online. So our recommendation is essentially the same as last time. We recommend moving forward with this agreement with gemini solar development company with one additional recommendation, and that is that the award be subject to the pass through of all applicable stimulus benefits that we discussed earlier. We think this is the best evaluated proposal. It is a 25-year agreement. It should be on line by

the end of 2010 with a fixed price of total estimated amount of \$250 million over the term. I will end with a final slide reminding council of the benefits that -- for the reason we wanted to move forward with this. There is no carbon. It is part of our plan to reduce the overall carbon footprint of austin and austin energy. There's no transmission congestion involved in this and as you know from the problems we've had with wind energy, locating facilities out in west texas has caused us real problems and getting that energy to austin, this will be located on our side of the ERCOT interconnect. And there's no fuel cost and the savings opportunity over the long-term. And I want to take this bullet to emphasize again something on the price. This is a very, very good price for solar. I can't go into the exact price. Frankly, I don't think Gemini wants to be put in the position of offering this price to others. It is the largest facility of this type in the nation. Volume counts in this business. We got a very low price on this. Earlier today you passed an item on the agenda to give solar rebates to the Travis County Center. The price of energy coming from this solar is substantially lower than the price of energy that would be coming into our system off those solar facilities than what we give out as rebates. We have reverse engineered the pricing structure they have given us and to a dollar per watt basis and we are extremely happy with this. We haven't seen this low a price for solar anywhere in the nation or the world at this point. So it is a very good price. We think this will have a minimum impact to the 2011 5 cents for the customers. If there were no green choice at all. And to any extent that it is subscribed, it will lower that 1.5% impact. The other point is this production is coincident with our peak demand. And I know others have come up and said, well, this price is very high compared to our average cost of energy. I don't think that's the comparison. It is true that this will be producing energy at many different parts of the day, but it is producing energy on that hot summer afternoon and we have peaking turbines that sit idled for most of the year and then they are fueled with natural gas on those hot summer afternoons. The price of energy coming out of those turbines is very high. It's our highest form, highest price energy from austin. The price of this is just above that, just above our peaking cost. This price will be locked in for 25 years. We expect our peaking cost from those turbines to be going up over the next 25 years, both because of gas and because of carbon legislation. So we expect similar to the green choice options people have taken fairly soon this price will be actually at a discount to our peaking power cost that we have at austin energy. With those -

- I did want to make one final mention. Some of you have seen that one of the partners in the Gemini coalition, MMA Renewable Ventures, has been purchased since the last time that we met with council by a Spanish company. I have an east Texas pronunciation of the company. This company is primarily a Spanish company, although they are 32% owned by General Electric. It does not affect the financing of this deal at all. In fact, it adds strength to the financial sheets of MMA Ventures and will make them solely a solar company now whereas they were doing other things besides solar in the past. We've talked to purchasing, we've talked to the partners. We see nothing that affects this deal. In fact, we think it strengthens it. That's my presentation, Mayor.

Mayor Wynn: Thank you, Mr. Duncan. Duncan before we hear from our citizens, Council? I expect we'll -- the testimony from the public very well may inspire a few more questions. Council, then without objection we'll hear from folks who signed up wishing to give us testimony in this item number 16 regarding the contract with Gemini Solar. Let's see, our first speaker signed up looks like is Roger Wood. You will have three minutes and be followed by Ron Roverson.

Mayor, Councilmembers, I appreciate the opportunity to speak. My name is Roger Wood with Freescale

semiconductor here in austin. Freescale has supported austin energy's conservation initiatives for many years, and currently we employ about 5,000 people at the austin sites. And since the '70 we've had energy and water conservation programs every year internally. We've learned that conservation is by far the most effective way to reduce our carbon footprint, while at the same time it reduces our consumption and demand. Each year we set sustainable conservation goals and aggressively act on them. Over the last four years energy conservation has reduced our consumption by over 250 million-kilo watt hours. We have also sported ae's goal to transfer to renewables by 2020. We've been a green choice subscriber since 23. We support ae's solar goals and realize getting there will be a very large power purchase commitment totaling well over \$10 billion if you look at all the things that have to happen in the future. This translates into significant increases in the fuel pass through charge for all rate payers by as much as 100% through 2015, even according to the austin energy numbers. Scope, timing, technical, financial, legal and regulatory details associated with these renewable purchases all have significant costs in tax. So based on our experience with the recently improved 3 billion biomass purchase and this 250-million-dollar purchase, we're concerned about how these details are being managed and the lack of stakeholder visibility and include into this management process. For example, there's no current cost budget or cost targets included in the current resource plan. Implementation of the plan is entirely by austin energy, even though austin energy has no financial stake in the plan. The plan continues to be implemented based on austin energy system demand forecast developed prior to the economic downturn. When we've asked for a new forecast, austin energy has responded it would not be available for several weeks, but informally has acknowledged that the demand has dropped. For both bio mass and solar projects our involvement has been -- has been to see ae high level summary presentations of projects after the bids were received with approval of funding scheduled to follow within days thereafter. And that's pretty much been the process for us so far. Just austin or two week -- just one or two week catching up with the project. The stakeholder input, we've attended those meetings. We've been told to change the plan must be communicated by stakeholders directly to city council since austin energy's directives is to implement the plan as is. [Buzzer sounds] what is the purpose of these meetings? Moving forward, we and other commercial and industrial stakeholders respectively request the following: Visibility, involvement in renewables implementation process, including project development, review, accountability to council that this involvement is being provided and stakeholders are paying all costs and taking all the risks, not austin energy and coa. So we should have that involvement. In addition, we request much more emphasis on energy conservation to meet carbon goals. This reduces carbon footprint several times more than what renewables do. It reduces our consumption and our cost whereas renewables do not. And even for a given fuel mix, reducing a load in the system increases percent renewables. As stakeholders, freescale and other key customers can help austin renewable goals and control costs. We're ready to participate, but need a mechanism that allows this to happen. We're requesting that you the council provide that mechanism. Freescale welcomes the opportunity to discuss this further with councilmembers. Thank you.

Mayor Wynn: Thank you. We do greatly appreciate the corporate citizenship that freescale has shown all these years and desperately value those jobs that you all cling to with us. And I think there's solid consensus on the dais about the need for particularly our large industrial users to be an integral part of this planning process for the long-term viability of our utility as we see that industry changing

dramatically over the foreseeable decade or so, particularly with carbon legislation on the forefront of congressional leaders. Thank you. And you have my assurance that we will continue to try to perfect that format and forum and arena for you and other large industrial users of austin energy to help us be the best utility we can be.

Okay. Thank you, mayor. Thank you, council.

Mayor Wynn: Our next speaker is ron rogerson? And is roy matthews here? Yes, sir. So ron, roy has offered to forego his three minutes. If you need it you will have up to six minutes and then you will be followed by michael lumly.

Thanks, mayor, austin city council. I'm ron rogerson, I'm a senior manager with spangs. At spangs we're very supportive of green initiatives and make protecting and improving the environment our everyday goals. As one of austin energy's key companies, we have been integral in making the green choice program work. We're 66% of the total available green choice power has been purchased by industrial commercial customers. We support the solar program coming out of as a green choice option. We supported renewable energy as a means for improving the environment, diversifying austin energy's generation portfolio and helping to stabilize the energy costs. Our concern is with the current stakeholder process, communication about the projects, the timing and costs of the projects during a significant downturn. The current public participation process has not allowed for input and is not working. A better process that allows for stakeholder input should include appointments by the austin city council with regular updates to the austin city council, compose the members of all sides of the issues. Stakeholder representation should be based on the proportion of energy consumed. Stakeholder meetings should be led by an outside firm that is neutral to the issues. Stakeholder process should take into consideration job creation, technology, opportunities and advancements, energy costs and forecasts. Future state and federal legislation and city of austin climate control goals. Green choice option if done correctly will bring about -- will bring out the willingness of the people of austin and its customers to support the council on its goals. We believe that energy conservation initiatives will have to be increased to meet the resource goal plan. Energy conservation is more cost effective than building any form of generation. We look forward to working with the austin city council and austin energy in moving forward and approving the stakeholder process. We hope to bring about a future generation resource plan that all of austin can support. Thank you.

Mayor Wynn: Our next speaker is michael lumly. Welcome back. You will have three minutes and be followed by michael faciliano.

Thank you, ladies and gentlemen of the council. I come before you today to present a petition from the city of austin in support of the webberville development project. This project not only represents the first step towards bringing sustainable power to austin energy's portfolio, but also demonstrates true commitment on the part of the city of austin to renewable energy integration. Aside from all the real benefits of 30 megawatts of clean energy, that project in combination with the pecan street project will have austin as the e.p.a. Center -- epicenter. I would like to talk about the fuel charge increase and how it might impact the large scale power consumers. Though the rate increase doesn't occur until 2011 or

the end of 2010, therefore wouldn't be a part of the current downturn per se, i would like to offer a potential solution preventing an increase for these apparently vulnerable organizations altogether. If austin energy were to design an implementation incentive program similar to the one available to residential customers, austin energy could lock in current building practices for participants on the large scale customer's schedule who have the ability to implement solar solutions at their collection loakses. The balance could be recowpped by austin energy, keeping part or all of the realized savings generated from those arrays on the customer's properties until such time as they were repaid and then the savings could be passed on to the large scale consumers themselves. This would not only help insulate the large scale consumers, but would also satisfy the green space advocates and the local austin solar community who has been somewhat be grunled by not -- begrudged by not being involved in the process. Companies could improve their fiscal solvency while reducing peak demand. It would create a market for local solar manufacturers and design and installation firms. It is my opinion by proactively addressing the concerns of the webberville project we can not only remove the impediments, but create a wealth of opportunities for businesses, large and small, solutions that are achievable. I e-mailed the link to the petition online to the city council and you can view all the signature online.

Mayor Wynn: Michael also signed up wish to go address us. Welcome, michael. You too will have three minutes to be followed by luke metzger.

Thank you so much. I would like to state that i am not a resident of austin. I am actually from north texas. I'm a resident of texas. I've been a professional here in the renewable energy here for years now here in texas. I just wanted to state a few things for you to help illuminate and give some increased perspective to touch on some things that roger also mentioned. The need for renewable energy is pretty obvious. We all know the main reasons which are things like reducing fossil fuel usage for the sake of global warming, reducing transfer of wealth through purchasing fossil rules fuels from oversees as well as hedging against volatile energy rates which have stayed pretty constant or at a lower inflation rate here in austin than they have in the rest of texas and across the country. But I think we're all in agreement that energy will go up over time if not in the short-term, due to the economic downturn. Texas is one of the fattest growing states in the nation as far as population is concerned. It's important to keep in mind that every new person that comes into texas consumes energy upwards of three times as fast or three times in volume of other states in the country like california or colorado because of our heightened climate here. Our hvac load is roughly 70% of the load on a home here in texas, which grows our energy usage that much faster and forces utilities like austin energy to grow their infrastructure that much faster. And if it does not come from renewable sources, it is at least a significant part of that mix, it will have to come from natural gas or coal fired plants in texas, mostly being natural gas, which is a cleaner fuel than coal, but still not as clean as solar. And extremely volatile as the global market for energy and the negotiable population increases and the migration of population from, let's say, what's considered to be lower class to more of a middle class through brazil, china, india and russia. The consumption of energy across the world will force energy rates back up in a short amount of time. We're already starting to see that through the rebound in oil and it will happen in natural gas as well. I'm here to tell you as a professional in the industry that there's only eight gigawatts of solar energy production globally right now per year. What that means is as all the stimulus plans roll out and china and across many nations which I can give you great detail on, and the hundreds of billions of

dollars focused on infrastructure growth, the eight gigawatts available right now, which has stopped in its expansion due to economic downturn will very quickly within the next few months be absorbed by the world from a solar perspective. I'm here to agree with roger, as somebody that bid on this project and lost, I'm here to agree with roger that your price that you've received for this project is far and away below market. [Buzzer sounds] and those market prices that you have the ability to capture will not remain due to increase in demand, increase in infrastructure funding by multiple nations. It's my opinion you approve of the project based on the value proposition that you've received and i appreciate your time.

The next speaker is luke metzger. You too will have three minutes to be followed by david power.

Thank you, mayor and councilmembers. I'm metzger, the director of environment texas. I will be brief today. I believe you've heard from hundred of austinites now since the last council meeting urging you to support this project. I do once again urge you to go solar. Thank you.

Mayor Wynn: Thank you. David power also signed up wishing to give us testimony. Welcome, mr. power. You will have three minutes to be followed by tim (indiscernible). mayor, thank you councilmembers. I'm a public citizen, the deputy director and representing its members. We congratulate you on successfully moving through what I know to be a very complicated process. We've heard from some of the industrials who have expressed their issues with the stakeholder process, and understand their concerns about increase in utility rates in general. We did hear some language about the process that this has gone through. I did notice that somebody mentioned based on consumption. We would like the council to consider an open forum if they go forward to improve this process, but not based on consumption. That almost sounds like for every dollar I spend I get a boat. We'd like to see it a more inclusive process representing all the populous and all the industrials. So once again, thank you for spending a considerable amount of time including all of the members and populous and industries in austin. Thank you very much.

Mayor Wynn: Thank you. Tim la saki? Welcome. You too will have three minutes to be followed by catherine bisner.

Thank you for holding this meeting today. My name is tim. I am the spokesperson for gemini solar development company. Gemini is very proud to be here and to be considered for this important project, which will be the largest solar project in the u.s. Once constructed. In addition this project will create immediate investment and clean energy in texas jobs. It is exactly the type of showcase project that manufacturers look to when picking states to expand and create jobs. Gemini is committed to buying locally wherever possible and at this time we expect around 35 to 45 million in local labor and materials in support of this project. Much of the equipment used in the webberville project will be made in texas. For example, silicon is one of the major items in the solar panel, the solar pv panel. And one of the largest suppliers of sun tack is mmac, which I pointed out haft time they have production facilities in pasadena. We also expect the final assembly of the tilted tractors to occur here in texas close to austin, if not in austin. There's also concrete manufacturing and construction and development jobs. All in all we expect about 50% of the total labor requirement to occur here in austin. We're also pleased to have

received over 50 distinct inquiries from local vendors and service providers. Our phone literally rings three ta times a day from interested pearce, interested engineering firms and we will be excited to kick off our formal discussions with folks following today. Also as austin energy indicated, we will work together to identify and apply for stimulus benefits with the utility. We're excited about working with him as a partner in this regard. Finally, we're very pleased to hear the support of the webberville neighborhood association and we work forward to working with them throughout this process. Thank you very much.

Mayor Wynn: Thank you. Catherine bisner. Welcome. You too will have three minutes to be followed by paul robbins.

Hello members of the council. Thank you for your service to austin. I'm very proud of our city and I think you're all doing a wonderful job. I'm here today to advocate on behalf of the webberville solar power plant. Austin energy has requested this power plant. We need it to increase our peak energy capacity. We need this plant to attain renewable energy targets and we need it to reduce global warming. Barack obama and the congress are aggressively leading the nation toward a new green energy economy and austin should be supporting and leading in that effort. Austinites support having a solar power plant and are willing to pay a little more for it. Let's move forward with this power plan. Austin should have the bragging rights of having the nation's largest solar power plant. And austin should be a leader in the fight against global warming. Austin energy should be supported as the most progressive utility in the nation and a leader in the transition to a new green energy economy. This is the austin that we love and this is the austin that we want and this is the austin that you helped create. So let's continue on that right path today. I know budgets are tight and the economy is faltering, but this is a long-term project. This solar plant will provide local green energy for decades to come. And as other fuel prices increase and as carbon taxes are leveed, this plant will be immune to those costs. Unfortunately our planet is I am perilled by carbon emissions and we know we need radical and rapid changes in how we consume and generate energy. Will our grandchildren's planet have the same familiar signs we have, the same die byeio diversity of species, including polar bears, the same snow capped mountains? Will all the treaties and meetings and even the fashionability of going green, carbon emissions continue to increase unabated. We need to do more and we need to lead. It's not just about 30 megawatts and it's not just about austin. It's about doing all we can to be the change we need. And in doing so leading and inspiring others. So do you trust barack obama's vision for a new green energy economy? Do you trust austin energy and roger duncan's expertise and do you trust the will of the people to austinites that want this solar power plant? As I said, I'm so proud of austin and I hope you will make me proud again today with your vote and I hope you will enjoy your vote, vote fog a solar power plant is a step in the creation of creating austin as an epicenter spho a new green economy. It's a vote against global warming and a vote for the environment. Thank you very much.

Mayor Wynn: Thank you. Paul robbins? Welcome back. You too will have three minutes to be followed by john sutton.

May I go at the end?

Mayor Wynn: Sure. Which is coming right up. John sutton? Welcome. You will be followed by dan vogler.

Good afternoon. Thank you for allowing us to speak. I represent bottomer, the building owners and managers association here in austin. We manager our own -- 90% of the commercial office space in the city. We've been very active in the energy conservation arena, particularly with the environmental protection agency and the energy star program. This week the environmental protection agency announced that austin is amongst the top 25 cities in the country for having achieved energy star certificatefications. Good for us. Austin has been very active in that program. We have been in support of alternate resources for energy. We do support solar energy, but we're concerned about the timing. With the economy, the cost of solar and this particular project does not really create more than two or three green collar jobs. What we would like to do is roger had suggested is that there will be itc's available and what we would like to see is that any itv or similar rebate incentives recovered through the solar project be passed on to the city and austin energy and be used solely to buy town the cost of the project related and the green choice batch. We would also like to see the creation of a stakeholder's taskforce that would mention, and it will be made up of members of all sides of the issue and it would be formulated based on usage. We'd also like to see a moratorium on the projects until a stakeholder process has been created and approved by the city council. And this project be proposed to be added to green choice in such a manner as to test an gauge the community's commitment to solar. Thank you.

Mayor Wynn: Thank you. Dan vogler? He signed up wishing to speak in opposition. Let's see, I believe that leaves us with carey virhill. Welcome back. You will be followed by paul robbins.

Hello. I'm with solar austin. We support this project and we've put a lot of study into not just this project, but the entire generation planning process that austin energy is currently going through. And in our view this is an incredibly well planned, well thought out project. It's a very smart investment. As smup who spent a lot of time researching this subject, I can tell you it's a very good deal. So the city should be proud of this project.

Mayor Wynn: Thank you. That leaves us with paul robbins. Welcome back.

That's right. You're left with me. [Laughter] I have three minutes on citizens communication. Can you please transfer those minutes?

Without objection, council, yes.

Mayor, council, citizens of austin. I'm paul robbins and I'm an environmental activist and consumer advocate. First I'd like to show the numbers. Could you cue the first slide? The beginning slide was taken from austin energy, their public participation process, and represents proposed additions to the electric system. And please note the second column. It predicts the need for new natural gas power plants. In 2009 there will be 100 megawatts of (indiscernible) added. In 2013 there will be 200 megawatts of combined cycle intermediate power. The up front costs of these plants are large. 65 Million for the peak plant, and \$160 million for the combined cycle intermediate plant. Total is \$225

million. The yearly cost of these plants is nine million dollars for the peaking plant and \$21 million for the combined cycle plant. Total of \$30 million. This is just for the yearly mortgage and the operation and maintenance. If you add the cost of fuel, which is a pass-through, it's \$76 million. Next slide? This final slide -- well, this slide compares the cost of natural gas to photovoltaics on a kilo watt hour basis. For the peak plant the lifetime, 25-year average is almost 19 cents a kilo watt hour with a 30-dollar carbon tax and we don't know what carbon is going to cost yet. So I just use that as a number to work from. It would be about two cents higher, almost 21 cents a kilo watt hour. If you average the cost of the two new power plants together, the peak and intermediate plant, if you have the intermediate plant subfor what isn't provided by solar during peak, you're going -- it's going to cost 3 cents a kilo watt hour with carbon 17 cents a kilo watt hour. In some cases it's less, in some cases it's slightly more, but we're in the ballpark if you compare this with the new natural gas plants. Now, I want to address the complaints of the large users. Could I have the chart, please, sir? Now, I showed this chart at the last meeting, but it bears another viewing. Notice the top red line. This is the residential base 8 cents per kilo watt hour. Notice the bottom green line. This is for large industrial customers and it is about 2.8 cents a kilo watt hour. Industrial base rates are literally half of residential rates, including fuel costs. Industrial rates are about one-third lower. What is not on this chart, but bears mention is that low industrial rates are locked in until 2015. You could spend two trillion dollars on upgrades on the and the industrials won't see it until at least 2015, as i understand this. And so the \$30 million that I just stated for the cost of natural gas, the increased cost of these plants, this will not be seen by the large industrial customers until at least 2015. But it will be seen by all the rest of us, all the rest of the commercial customers and all of the residential customers. 5% increase for the large industrial customers on the fuel charge, just like the rest of us. But they're getting a real good deal. And it's sort of like how low do they want us to go? They are getting charged slightly more for the renewables, but they're not getting charged for the rest of it. Regarding -- there is a proposal and it's really a rumor at this point because I have not seen wording or heard what it might be, that there's going to be some kind of possible stakeholders process or taskforce. We do have two commissions now that deal with this, but if the council feels the need for some kind of new process, I would ask that the large industrials of course be given access to it, but not be given vote tow power. -- Veto power. Thank you for your time.

Mayor Wynn: Thank you, mr. robbins. Council, that concludes our citizen's testimony on this item number 16. Further questions of staff, comments?

Cole: I had a question of mr. robbins real quick. You had made a statement about carbon cost and the effects that it was going to have on natural gas. And the fact that we really didn't know what it was, but I think you estimated it at 17.5 or so per kilo watt. I'm just wondering what -- how you kind of came up with that because it really does impact our --

I came up with it because --

Cole: I just wondered what you knew about what was going on with the carbon tax. I guess it's just a general question.

Barack and I ate lunch yesterday -- [laughter]

Cole: What did he tell you? [Laughter]

no one knows what's going to happen in the next two years, councilmember cole. I was trying to use it as symbolism to say something indeed may occur in the next few years, which will mean that natural gas or any fossil fuel will cost more. It may be \$20 a ton, it may be 50. I use that as an example. And anyone listening, that's all I used it for. I have no inside information.

Cole: Okay. Just checking.

Mayor Wynn: Further questions of staff, comments? Councilmember martinez.

Martinez: I'll be brief, but I want to thank staff for taking this back and tightening it up. Had we adopted this two weeks ago we wouldn't have the pass-through provision and it wouldn't be green choice. Minimizing the overall impact on rate payers is in my mind significant two weeks later. So I really appreciate staff doing that and working on it. I would like to say, though, that since we have time to do this, I would really like for us to consider rebranding and reinvesting in terms of our messaging for green choice. We know that in the future in order to achieve our green goals, this community is going to have to step up and we're going to have to start buying into green choice, so I really hope that we ramp up a rebranding of green choice so that this batch can be offered in a way where folks will opt into the program. And I would be glad to be the first one to sign up, but I think councilmember leffingwell already beat me to that. Thank you guys.

Mayor Wynn: Again, councilmember leffingwell.

Leffingwell: I'm ready to offer a motion and the motion would be to award the negotiation and execution of the proposed gemini contract as described in item 16 with additional direction that the contract with gemini will include a provision for any investment tax credits or similar rebates or incentives recovered through the solar project be passed through to the city of austin and be used solely to buy-down the cost of the project related green choice batch and to reduce any related fuel cost charge passed on to the utility customer base. And second the creation of a stakeholder process by a council appointed taskforce composed of members from all sides of the issue to work together to formulate the renewable energy plan, including a focus on conservation, financial climate, updated demand forecast, changing technology and state of the federal stimulus programs that allows for input prior to the project selection by austin energy for bid or proposal. The taskforce should be diverse, represented of all sides and not weighing in favor of any particular interest. And finally, number 3, that the project as proposed will be added in to a green choice program for solar only.

Mayor Wynn: Motion by councilmember leffingwell, seconded by councilmember martinez approving item number 16 as presented with the additional caveats regarding potential pass-through of economic gain, stakeholder process and our green choice program. Further comments on our motion?

Councilmember morrison.

Morrison: I just want to clarify that that's -- in terms of financial benefits coming along in the future, what you've proposed, councilmember leffingwell, is a little bit different than what we heard from duncan this morning, which is where the agreement stands right now. I just want to confirm that that's true. You're talking about anything that comes -- any windfall from governmental funding that comes forward in the future regardless of when.

Leffingwell: I believe I've word that had properly duncan answer that question for himself.

Mayor Wynn: duncan, if you understand the motion we have on the table.

I do understand the motion and I understand the distinction being made as opposed to anything negotiated between now and the financing date, which is what has been proposed to us by gemini. And the councilmember's motion, which is any benefit at any time in the process. And all I can say is this is a point that will have to be negotiated gemini appeared it is contingent upon their acceptance.

Morrison: Thank you. I want to say that i strongly support that portion of your motion, councilmember, because that's, as I understand it, precisely what we did with our bio most contract and i think I expect the same kind of approach with this because there are many unknowns. I appreciate the work that you have done on trying to dig through what potentially could be there in the stimulus package for us. And I don't think it's fair to the citizens of austin for us to be subject to timing of rule making, and who knows what else is going to be out there in the future. It's my understanding that the bio mass pass through agreement is 90-10. Do you want to speak to that a little bit?

I'm going to ask our chief operating officer if i COULD, mike McClusky, who actually negotiated the contract on the bio mass plant, to clarify that.

Mayor Wynn: Welcome.

Yes. We have provisions in the bio mass contract for certain future benefits. These are mainly things like carbon credits and other type of environmental credits that really don't exist today, but we expect will exist at some point in the future. There is the type of shared mechanism for those things that you mentioned, 90-10 type tiep split.

And councilmember leffingwell, I have a question for you. It was mentioned before by duncan that the pass-through might include some small portion, like 10%, I guess, that would go to gemini because they would need to have an incentive to actually apply for it. So did you intend to have that be part of your suggested motion?

Leffingwell: That was the intent. I deliberately didn't specify any percentages because I would consider that to be a negotiable item, but we have that 90-10 target out there. I don't anticipate that we would be able to achieve that for various reasons, but serm that should be the -- certainly that should be the

target we should be looking for.

Morrison: Thank you. I appreciate that. I also want to mention i appreciate all of the input that we've gotten on this project and all the folks that I've spoken to that have a variety of perspectives. It was very informative and helpful in making this decision, and I know that it challenging to make this kind of decision in tough economic times, but where i come down really is that we really do need to stick to our goals and moving forward and I think this project makes good sense.

Mayor Wynn: Thank you, again we have a motion and a second on the table. Further comments?
Councilmember cole.

Cole: I think we are having to make some very hard choices as we try to meet our renewable energy goals, but that we have to continue to reduce our reliance on fossil fuels. And at the same time looking at the future of carbon robbins so eloquently pointed out, we have to recognize that that will apply to natural gas and to coal. And so we also have to say that we appreciate our key account holders and the fact that the motion is currently going to include them in the process. And I really want to say thank you to the electric utility commission for all their work that they've done on this. And we recognize that moving forward we are going to have risk associated as we adopt renewable energy goals. But austin is trying to be a leader in this area and leadership takes risks. So I will be supporting the motion.

Mayor Wynn: Motion and a second on the table. Further comments?

McCracken: I apologize that I got here --

I apologize that I got here late. I wanted to speak for I had three minute.

What is your name?

Roger duncan, research scientist. I understand that --

Mayor Wynn: We have a motion and a second on the table. You gave us significant testimony last time we discussed this publicly, dr. duncan. robert duncan, research scientist. The thing I want to say is there's something per nishes about the webberville project and that is that it gives the city the self-satisfied illusion that it's making real progress, real progressive effort in controlling greenhouse gas emissions. I think austin has now chosen a choice which does no such thing. The proposed solar array will reduce the greenhouse gas emissions by 3.5%. That's only one part in 200. When I say this I think that people don't believe me, so I hope that roger duncan will confirm today this this number is correct. So far in all his presentations and public duncan has avoided mentioning the crucial question of how much energy the array will actually produce per year. The council's whole grand plan for 100 geg meg ga watts of solar capacity by 2020 will reduce the city's carbon dioxide emissions by less than 1.8 percent. Austin's rooftop rebate program, which is very expensive to austin energy and its citizens, so far has reduced electrical carbon emissions by about 02 percent, two parts in 10,000. duncan for confirmation for correction. Perhaps he estimates optimistically that it's three parts in 10,000. It's very

discourage to go hear the mayor pro tem make statements about the obvious (indiscernible) as he rejects the plan that could have reduced our carbon emissions by 60% by 2016 and in favor of solar energy plan that would reduce it only by 1 point % by 2020. If the city of austin was going to make a real concerted effort in fighting global warming it would dramatically scale back its coal plant. The nuclear deal could have accomplished this with 60% carbon reductions, but this was rejected and this is an important part. Coal burning an fayette is ramped up and down many times a day. Ironically it's because austin loves renewable energy so much that austin energy will keep pumping out what I think are obscene amounts of carbon at least through 2020. I still have hope that the city will recognize that I'm saying something truthful here and do the right thing. [One moment, please, for change in captioners]

further comments? Council member shade? I met with many of those of you who are in this room and I also I thank you for adding your input and i look forward to supporting this understanding that there are areas we need to be improving on. I guess ultimately, you know, I just came down to the notion that this is not a luxury item, it's part of our long-term generation plan, and I look forward to working with the stakeholders, and I'm very appreciative of that addition to the motion and i again thank you all and your voices have been heard. Thank you.

Motion and second on the table. 16 with additional points. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion pass on a vote of 7-0. [Applause] thank you all very much. I apologize to folks who have been waiting for our noon citizen talk. Waiting to give your testimony. So if you could take out your conversation to the foyer so we could take up citizen communication. Council, one speaker has dropped off our list, michael lum bring gave us -- -- excuse me, if you could take your conversations out to the foyer. We have to continue business. Michael lum by was kind enough to give us testimony earlier so without objection I'd like to offer his three-minute slot to steven trucedale who needs to get back to work. So welcome, steven.

Thank you, mayor, mayor, council, city manager. I appreciate you working me in today. We had a very important issue, obviously, that's been addressed and we had nearly 100 firefighters that showed up this morning showing their support for any intervention in the proposed cuts to firefighter staffing, and I think that just shows you how important it is to our firefighters and their families. And since we've had that conference this morning, the city manager put out a memo saying that he is going to -- or has instructed the fire chief to delay the implementation of a flexible staffing model to allow for more time for community input and the possibility of exploring alternative solutions and I want to thank the city manager for that and I think this is exactly what we've been asking for. I know that several of the council members have been working on this issue. Council members morrison, shade, martinez and leffingwell, I want to specifically thank you for your work to revisit this and encourage everyone to reconsider. I know that we've been working towards four-person staffing long before I came into the department. It started in the late '80s and we've gotten very close to being fully staffed on our engines and ladders and

I think it would be a huge step backwards to back off from that. I understand that we are faced with tough economic choices, but I think that public safety and public safety staffing in particular, has to remain our top priority. I think that there are other alternatives out there within the fire department's budget. I think we can look at different means of redeploying firefighters from support positions into firefighting operations to ensure that those fire trucks are fully staffed, and I know that the fire chief has said -- pointed out that we've been fortunate to not have a line of duty death that's been attributable to inadequate staffing, but I feel that we've been just lucky, just plain lucky in that regard. I know that this is a nationwide goal, like I said, international association of firefighters, and we've been working on it in austin, and we've had recently, even since we've been adding firefighters to fire trucks -- we have had several close calls. We've had firefighters who have had to bail out of windows, that have been burned and injured, and oftentimes we're seeing that on our ladder companies that are not fully staffed. So again, I am optimistic that we now have an opportunity to revisit the situation. I know that the austin firefighters association and the men and women of the austin fire department are ready to work with the fire chief and the command staff to find alternative solutions and to preserve our four-person staffing on as many trucks as possible and continue working forward to achieve full four-person staffing. Thank you. thank you, mr. truesdale.

Mayor.

Mayor wynn: mr. martinez? steven, thank you all for coming down here today and keeping us informed on what's going on. I want to be real clear about something, though. You know, working with the other council members in trying to find budget savings elsewhere, other than in staffing in the fire department, is what we've been working on. This is in no way, shape or form holding the fire department harmless from the economic crisis we face, and I fully expect and believe that the fire department can find savings. I just believe that we didn't work hard enough to look for those. I was able to just in a curse ri look through the budget come up with multiple suggestions for ways of creating efficiency and/or reducing budget items that could restore the staffing if we still needed to find that \$200,000, and I also appreciate the city manager holding off on the flexible staffing position so we can take a look at some of these items. And I want to thank chief cur to spend time over the next few weeks and find out how we find cost saving measures without compromising firefighter safety and citizen safety. Thank you. thank you, council member. So, council, our next speaker signed up for citizen communication. Rae nadler-olenick. Welcome back, rae. You too will have three minutes to be followed by sylvia mendoza.

Good afternoon, mayor wynn and council members. Last week I was going over a short document called fluoride in drinking water, which contains seriously misleading information. I had covered four points and I'll finish the last two now. Point 5, quote, the beneficial aspects of fluoride are widely recognized, unquote. It goes on to list supposedly impartial groups endorsing fluoridation, the american dental association, the texas dental association, the american medical association, the world health organization, the centers for disease control. Okay. how impartial are these groups? Answer, they're not. The first -- the first three, the ada, the tda and the ama, despite their reassuring names are marketing oriented organizations more focused on the well-being of their membership than the public. They're about profits as well as health. Since fluoride product sales are a huge part of the dental profession's bottom line don't look to these trade groups to kill their golden goose anytime soon. Then

there's the cdc, the same cdc that calls water fluoridation one of the 20th century's ten greatest public health achievements, yet warns against it for infants. The cdc that recently conceded that fluoride's benefits, if any are derived topically but not ingested, still insists it belongs in the water, the same cdc that claims it's more beneficial to tooth decay than healthy diet. I kid you not, drinking fluoridated water is more important than brushing your teeth, according to them. So much for the cdc. The fda is not mentioned in this list for good reason. It hasn't weighed in on fluoride since approving it for a rodent policy in the 1920's. The world health organization endorses fluoride but with hesitation. They at least take into account the total amount of fluoride a person is likely to receive from all sources, an idea that's anathema to our american trade organizations and alphabet agencies and it's present in our food from the fluoridated pesticides widely sprayed on crops. Also produces charts like this one, comparing the decline of tooth decay in fluoridated versus non-fluoridated country over many years and it clearly shows there's no advantage to fluoridation but they support it anyway. Go figure. Finally, point 6, the paper invokes the fda as guardian of our safety. In fact, the fda's regulatory limits for fluoride in drinking water are so outrageously high that thousands of their own employees have rebelled with a petition denouncing the standards and demanding a halt to all fluoridation. Those professionals are questioning authority and so should we. Thank you. thank you, ura rae. The next speaker is sylvia mendoza. You too will have three minutes to be followed by melissa perkins. If you just hand that to council member cole, I'll bet she'll kindly pass them down for you. Welcome.

Once again, I'm here to complain about yet something else that evidently is not getting done. It is the responsibility of one of the city of austin's departments to put up traffic signs wherever needed, for instance, no right on red or watch for pedestrians or are no left turn. Certain departments are not doing their job or being responsible to provide a safe environment to the city of this city. I was under the impression it was the responsibility of the city to meapt safety for citizens. Some years ago I told a department employee that a sign was need order bluff springs. It was put next to the bus stop. It cannot be seen. I called and asked for it to be moved and put up top by the traffic signal. It was moved but it didn't work well because people would be crossing throughout the day. That was also the location of the south austin transit center. What was the answer for it being moved? The answer is because you requested it. I thought when I called the area would be evaluated and the sign that worked best would be put up. That wasn't the case. I was on the phone a third time requesting for a no right on red to be ongoing and the sign that stated when pedestrians are in crosswalk, be there also. It was put up but no one can read it. The sign stating pedestrians are in crosswalks the lettering is too small. For that matter, the sign could say hurry up or speed up when pedestrians are in the crosswalk because that is what drivers do. Bus driver are in the area on a daily basis and some can't make out the sign. They just guess. I asked them to read what it said and they couldn't. These pictures show how dangerous it is to cross in front of traffic when there is a walk signal yet vehicles come within feet or a few inches of hitting pedestrians. I I put my life on the line to take some of these pictures. I certify vaid drivers and pedestrians in the area where I live. I surveyed. It needs to be done right. They need to get it right. I have visited the department located at 505 barton springs road on several occasions. I have talked to anthony alvarado, city of austin transportation department. I was told, quote, it is now another department's responsibility. Sometimes I am told that this -- it is this person's or that person's responsibility. Sometimes I'm told there's a lot of red tape to get a sign moved. This all to no avail. I'm

sorry tired of doing the city of austin's job and since I'm not on the payroll I took a bill to there. No one knew what to do with the bill but it was accepted after a few calls were made. That doesn't mean I'll get paid. I haven't received correspondence. East austin traffic sign up great and walk through. Thank you. Oh, but on another note, about the firefighters going down to a -- to three instead of four, I talked about that subject about a year and a half ago. I spoke to give them additional duties to help the city. I talked to the city council member mike martinez that they could stuff envelopes or some other duties. Now there are consequences for your actions. Now that decision is on the agenda. You see, people from the outside looking in can sometimes be better than the people who are in. Thank you. thank you, ms. mendoza. Our next speaker is melissa perkins. Welcome, ms. perkins. You too will have three minutes to be followed by gus pena.

Hello. Good afternoon. My name is melissa perkins and I'm here on behalf of the citizens of northeast austin. Last week the press covered piles of as a result vultures dumped near the lil landfill. The landfill along with bfi wants to say that this species of bird migrates to the power lines around the landfill. This is not fact qul. If it were -- factual. If it were fact we'd see them citywide but they migrate to a sustained working force as we see on the working faces of the landfills or at least I see on the working faises of the landfill every do. Both bmi and bfi have been bad stewards and careless neighbors. The vultures is the latest in a series of problems that act as harbingersers to exist of these landfills. We realize that our trash has to go somewhere, but we also, I think, are prepared as a city and as a public to find a better solution, look for a better way. In 2002 bfi applied for a modification to make changes to their existing permit. Nowhere in that permit, that modification, did bfi indicate that seven years later there would be a 300% increase in the drainage affecting a property owner's land that's adjacent to their landfill. The same 300% increase has continuously knocked down this property owner's fence, it's a 5-foot fence, not a small fence, and as well caused flooding and now he finds silt in his pond that's on his land. So again, just a symptomatic problem of a larger issue. This 300% is not an arbitrary figure. It was recently revealed in a court case that is ongoing against bfi. As we continue to move through this process, we are asking for your support. The city of austin now has the leverage to deny the newest permit. To approve this permit would mean a seven-story expansion, and based upon the information presented to you over these last two months, based on bfi's history of not telling the truth and in the face of strong community opposition, including concerned parents of sick children, we ask you, as stewards -- we have entrusted our community to you. We implore you to take this final opportunity to deny this permit. This is not in line with austin's green goals, and we must, and I think we are beginning to, but this is a wonderful opportunity to walk our talk. By denying the permit before the city, you adhere to our desire as a community to lead the nation's efforts in sustainability. Their bottom line is money. Your bottom line should be quality of life. Thank you very much. Have a nice day. thank you, melissa. Council member morrison, of course?

I want to ask the city manager if we might be able to get a follow-up report on that issue in terms of the drainage permit that is -- it's currently in process, i think it's under review right now, and I think it would be helpful if at least myself, and I'm sure my colleagues would also appreciate it -- if we could get comments from watershed -- or whoever is in charge of reviewing it, i presume it's them -- about our -- the status of it and what our authority is in terms of -- and responsibility in terms of approving or denying

that permit.

That work is being done. We'd be happy to provide an update.

Morrison: thank you. and welcome back, mr. pena.

Good afternoon, mr. mayor. I'm gus pena. Let me read into the record my comments under -- the comments under -- increase funding for social service agencies, hoping also will benefit from the stimulus package from washington if governor perry elects to endorse it in accordance with it. Please don't lay off employees. Unemployment ranks are high enough. Please pray for and support a veterans reentry programs. Men in pt need treatment. Thank you for the community forms on the budget, mr. city manager. That's very much appreciated. Do not cut funding for youth and senior citizens program. One of the most important topics that I ever had the pleasure of being associated with is of course the stimulus package that is before the select committee on federal economic stabilization funding. Representative jim doneham is the chair. I've attended the frequent meetings and they solicited our income and key issues are page 6 dealing with the homeless issue and to prevent being homeless and also the people who are at risk to foreclosure of their homes. I have also been in contact with governor perry's chief of staff jay kimball, to urge that the governor really do support and accept the stimulus package. A lot of the funding, of course they claim to have strings attached to it. Forget about the strings. Go ahead like the person said prior to me, the speaker, it's a quality of life issues. The texas department of house communitying affairs, youth employment service funding, child care, very important. I think in the report that i gave you is -- I know dated january 27 but nonetheless there have been other meetings and it's on the web and I know you have employees that can do that. But it's very important to support this package. It will generate economic development and other issues and it's important for the city of austin. We know this is a bad, bad time for economy and the poor, the needy, and the have-nots, but we need this to recharge and reenergize our economy over here. Anyway, keep up the good work, mr. city manager. Again, thank you for extra consideration, the fire department. It was the early 1990s when we started with chief -- upper 1980's. I was involved in process in agreeing to the four personnel firefighters on an engine, but you know what? You have our prayers. Everybody has our prayers because it's tough. We don't have the funding. It will get worse. But remain cognizant that we're here to support you and help you in any way we can in dialoguing and helpless enthe pain. Because it's painful for the poor and needy and have-nots. We support our police officers, firefighters, first responders, we all have to do something to tighten our belts. I've lost enough weight i can tighten my belt. Like paul robbins, I have a sense of humor. I don't want to share it. Anyway we're here to support you-all and pray for our veterans and senior citizens and youth and thank you very much for the hard work. Have a good day. thank you, pena, and you're looking good. Let's see, robert macdonald has signed up also to give us testimony. Welcome back, mr. macdonald. You will be followed by jill chamberlain.

Good afternoon. Hi, will. Boy, I was out there for the jennifer gail memorial, and you were out there, some of you that were out there aren't up here right now. There's a little plaque down there. It says homelessness, it is the essence of depression. It is immoral. It is socially corrupt. And all city managers should know that. And it is an act of violence. How violent is the act of homelessness? How many

homeless guys did we have in -- died in austin last year? 22. Had 136 homeless people died in austin. That's six times the rate of homicide. Now, your police department is doing one hell of a job, or the criminals aren't killing enough people or we are failing the homeless. Now, out of three prospects, I think the police department is doing a pretty good job. I like the fact that we don't have a lot of gang activity in austin. That leaves only one. The correct answer is that we have failed the homeless, and as a chronic homeless matter, as a business owner, I find it appalling, and i think we have blood on our hands. Because I have not done enough to stop homelessness in this town. And you people up there have not done enough to adjust the fact that homelessness is here and it is violent, very violent. Don't cut funding of the homeless, because how many people are fixing to lose their homes? How many people just got fired from high tech jobs that used to make a lot of money and are not going to have the money to make their mortgage payment? They don't get another -- if they don't get another high paying job. Do you think those high paying people are going to do something like me, go rake a yard so I can eat for the day? Or are they just going to get depressed, sit around and wait till the unemployment goes away? We need to do something. We need to really address the homelessness. It's violent. It's way more violent than anything else out here. I'm not worried about a nuclear plant melting down in texas. I applaud you for approving the solar plant in webberville. I have another suggestion. The city pays for streetlight poles every night, right? Do you want to reduce your budget, your city budget? Let's put a solar panel on every streetlight pole. Reduce the city budget directly. Take a portion of that savings and designate it towards preventing homelessness and stopping homelessness. \$250 Million, how many light poles in austin can i provide a solar panel for? And an inverter from -- what's that company name? From in-phase, has single -- one panel on one pole directly fed and to the electric grid. The city -- the power company already owns the poles. You don't have to worry about buying land. You got thousands -- hundreds of thousands of poles. I don't know, a simple solution for a big problem. thank you, mr. macdonald. Let's see, jill chamberlain would like to give us testimony. Welcome, jill. You too will have three minutes to be followed by mike abkowitz.

Thank you. I'm jill chamberlain. I'm the property owner at the waterfront, and I'm also a boat owner who docks my boat there and regularly uses the eastern portion of the lake which is really the only portion wide enough to sail. I'll show you -- here's a picture of my -- why don't you just hand them to councilman. We'll pass them down, save you some time. Thank you.

And the alignment you just approved this morning of course will render it unusable from the dock because the alignment a that was shown on the map, as you know, blocks us in, literally makes a moat, a 4 to 6-foot high moat that there's no way a sailboat could pass under them. Not just sailboats, there are also fishing boats I've seen that are hire. I'm not the only sailboat. There's a boat launch right across the way at fiesta gardens for the same reason that this is the only part of the lake wide enough for sailing. And I'm very disappointed that you were goaded into approving this boardwalk site alignment. You just voted for the wrong plan. This was not the plan that was approved by the parks commission meeting on january 26. I was there. They specifically had the other three routes on there with a strong recommendation that there be due consideration to work with the private property owners. The plan that you approved has been condemned by all the neighborhood associations in the related area. Matter of fact, the only organization I know of that is for it is the town lake foundation. You-all kept saying it was not about funding, it's just about moving forward. This is just about the alignment. But it's the alignment

that's the big problem. And once again, you directed the parks department and the project manager to work more with the property owners and the public in trying to move more of the trail on land, but they -- the project manager and the parks department have repeatedly ignored our suggestion of a better way to complete the trails, in specific -- specifically around the waterfront area. This would be a much more environmentally sound way because it's 100% on land. Obviously whenever you're doing any kind of dredging, you're necessarily going to do some damage to the environment, and completing the trail on land would be much more minimally invasive. It allows trail users to enjoy a natural environment, not an artificial walkway 6 feet above the lake, which they don't actually have access to this lake. It's a much, much cheaper route, if not, frankly, free. That is that my time? And that is of course the cd route, but I'm very disappointed you went ahead with approving without that on the plan. Thank you. thank you, ms. chamberlain. I do know that there's lots of designs still to be had, including the whole concept of appropriate sailboat access to current property owners on the lake.

The one note that was on that map.

Mayor wynn: thank you.

Thank you. our next speaker is mike abkowitz. Sorry if I mispronounce that. You'll have three minutes to be followed by girard kinney.

Thank you, mayor and council members members. I'm mike abkowitz, president of the board of front steps. It manages the resource for the homeless, the arts under contract with the city. We provide transitional house thanking and last year a piloted recute ra tif center for homeless clients exiting the hospital. My comments address the community development consolidated plan. The benefits of providing housing for homeless people have been well documented from both cost-effectiveness and humanitarian points of view. Despite the success of a every day affordable housing in the austin community, due to unfounded neighborhood fears it is unfortunate that several potential programs never came to fruition in the past year. We cannot give you up. I encourage the city council to join echo, the end community homeless organization, in working with communities so that we can overcome the myths and prejudices regarding homeless people. The consolidated plan should include funding for more single room occupancy facilities as well as for a campus concept of housing as advocated by mobile loaves and fishes. It should include smaller facility, such as boarding homes, that are less threatening to neighbors. Boarding homes are appropriate for some clients, particularly those who need assistance. Unfortunately much of the existing boarding homes in the community are run for capital basis. Finally, the consolidated plan should include funding for homeless clients who use public services such as hospitals and shelters. These clients are among the hardest to serve. What other cities have done and saving considerable tax dollars while improving behavioral outcomes for the clients served. In conclusion, the efforts to house homeless people have just begun. We need to continue our efforts to provide an array of housing that meets a wide variety of needs. Thank you for your time and consideration and continued support of the arts and front steps is available to assist you in any manner that we can. Thank you very much. thank you mike, and for your service. And finally, girard kinney. Welcome back. You'll have three minutes.

Thank you, mayor, and members of the council. I am here representing the cherrywood neighborhood association. For about a decade we have been working on a little -- a little park, a little pocket park in our neighborhood called cherrywood green. The picture you see there is when we completed the drinking fountain that we built last year, finally completed last year. It was a collaboration with a couple of artists and myself in the neighborhood. how many architects does it take to build?

Just one architect there, but there's a lot of hardworking neighborhood folks. The -- what has happened is -- during this whole decade we've been trying to get rid of some very, very ugly cables that hang across the middle of the little park. We call it a park. The city has been calling it a drainage way, but I think recently they determined maybe it actually was a park. I do want to thank council member cole and her staff for helping us with this. We're making some good progress, we think. But the next picture you see coming up here is when -- is the way we learned that at&t, who has cables out on that ugly pole that's in our park that we've been trying to get removed for a decade, the way we found out that they were about to add two new telecommunication boxes next to their existing box, actually offset picture off to the left, and so we, of course, were very upset about it, and not only where they were putting it but the fact that looked like there were going to be -- this were not only going to be not removing the cables but adding to them. So we got in touch with them. At first they were not really responsive because they said their deal really is with the city and not with the neighborhood. But in dealing -- in working with them over time we have come to an agreement with them that would give our support of them having the boxes, not where it's shown on this picture, but nearby, and they have agreed to relocate a tree -- or to try to relocate a tree. We don't know whether it's going to live or not and they're not guaranteeing it, but we're trying to relocate it, and that they will bury cables to the site -- the new cables, not the old ones. And so this -- for one thing, I want to thank at&t for their -- you know, they have -- they have worked with us on this, but there is a much larger issue here that has to do with the telecommunication companies throughout the city and throughout parks throughout the city and throughout public spaces. There needs to be a notification process where when they get -- they have to get a permit to do this stuff and when they do that the neighborhood associations need to get notified ahead of time so that we have an opportunity to talk to them about it. With bridges, with reclaimed water towers, with electric substations and with overhead utility lines, design matters. It matters throughout the city and there needs to be a better process and we want to be a part of it. Thank you. thank you, mr. kinney. Council, that concludes this segment of citizen communication at this week's city council meeting. There being no more discussion items on our agenda prior to at least our afternoon briefings later today, without objection we can now go into closed says 071 of the open meetings act, take up a single closed session agenda 32, legal issues regarding possible settlement of an epa claim related to the malone service company superfund site, texas city, texas. So we're now in closed session. I anticipate -- you know, this session lasting for an hour or so, taking us to our afternoon briefing that i suspect will occur sometime just prior to 3:00 p.m. We are now in closed session. Thank you. S

Mayor Wynn: At this time I'll call back to order this meeting of the austin city council. It is approximately 3:38 p.m. We've been in recess now for a couple of hours, having earlier finished our executive executive session agenda for the day. We took up item 32, legal issues regarding a possible settlement of an e.p.a. Claim. No decisions were made, so we have ended our executive session agenda for the day. Now back in open session, we'll go to our afternoon briefings that will then take us into our zoning

matters today. Our first staff briefing this afternoon is on neighborhood housing and community development's austin housing market study. margaret shaw. mayor, councilmembers, city manager, city attorney. My name is margaret shaw, director of neighborhood housing and community development. I'm joined today by heidi agler of the bbc research and consulting firm in denver who is going to present their findings and recommendations related to the housing market study of. Before getting started i wanted to give a brief context and background on why the city commissioned this study. First and foremost, in order to receive federal grants from the united states department of urban house -- of housing and urban development, federal regulations require that participating jurisdictions such as austin prepare a housing market analysis and needs assessment of the low to moderate income residents every five years. That every five-year period is coming up this year with our consolidated plan and data from the bbc report fulfills this report and their data study and market gap analysis will be included in the fy 2009-2014 consolidated plan, which is underway, the final report on august 15th, 2009. Next on june 7th, 2007 the austin city council passed resolution number 59, which supported the recommendations of the affordable housing incentive taskforce and one of those recommendations was to conduct a housing market study. And council included in the fy 2007-'08 budget \$3,000 to complete that study. This report fulfills those recommendations. I do want to add we did not use the full \$300,000 for this study, only about 150,000 and then another 100 of that went to downtown plan's affordable housing recommendations. The housing market study was also identified by numerous other organizations and boards and commissions as an important planning tool, notably the general obligation bond oversight committee and the african-american quality of life neighborhood sustainability subcommittee raised the issue of having a comprehensive market study of austin's housing needs. Bbc research was select bid a competitive purchasing process and stakeholders in the public had extensive interactions on this process from commenting on the scope of work before the request for proposal was issued to interviews, stakeholder meetings and focus groups conducted by bbc this year. Council approved the contract award on august of last year, 2008, and the contract was executed on september 15th. Bbc based these findings and recommendations on their research, interviews and professional expertise. Today's briefing and the complete study are available on the city of austin's website so that's city of austin.org/housing. The presentation will be posted currently. The report was posted yesterday. And bbc will also be here tomorrow to present the public, the same , so that's friday, march 6th here in council chambers at city hall at nine a.m. Tomorrow to present the same presentation and be open to questions and answers from the public. And I'd like to add by accepting this report, the staff does not endorse or concur with these recommendations, but after a few weeks while we've had time to digest this report, we'll bring the bbc representatives back to town so they can have another q and a session with the public. I want to stress that throughout this process it's been an open, cordial and i respect them for all the work they've done and we look forward to continuing the dialogue on increasing affordable housing in had austin. Thank you very much. With that I'd like to turn it over to heidi.

Mayor Wynn: Thank you. Welcome back, heidi.

Thank you for the introduction, margaret and welcome, everyone. It's nice to be here this afternoon. I want to talk a little bit about who bbcs I don't think we've been in front of you for sometime. We're a denver-based consulting firm. Our only office is in denver. We have a number of specialty areas. One is housing and real estate, which I manage. We also do a lot of resort and recreation work, natural

resources, arts and culture. We've been around for more than 40 years. The folks you will be hearing from today and tomorrow morning are myself, I'm the managing director and as I mentioned I direct our housing practice. That includes doing housing market areas, consolidated plans for housing studies. I have spoken numerous times for h.u.d. on fair housing. I came to bbc from the federal reserve where I did economic research. I'm also a former bank regulator with the fdic. Joining me here today and who will be presenting tomorrow is rachel thompson, she's an associate with bbc. She came to us from our metropolitan planning organization, the denver regional council of governments. I do want to make sure folks understand that we are trained as economists. We look at housing -- at your housing market from a supply and demand perspective. We're not planners or attorneys. This is an economic-based study. Just a sample of some of the things we've done recently, we have quite a presence in the southwest, including texas, and I've done quite a lot of work in colorado and new mexico over the last few years. I want to start off by getting a basic definition of housing affordability. Many of the preparations I do I'm asked kind of halfway through the presentation could you stop and define affordability for us. government standard that the housing department needs to manage too and cities and states manage to when they are processing grants for applicants. This is based on the area median income where you might hear this as the median family income, ami or mfi. That figure was \$69,100 for austin as of 2007. We take that and we break that into different categories of affordability respecting the government's definition of affordability. When we think about what a household can pay in housing costs we use the industry definition that no more than 30% of their gross household income should go toward housing cost, and that includes utilities and taxes. Margaret talked a little bit about the purpose of the housing market study. In general the city hired us to create a factual framework to support policy makers, staff and community leaders and decision making related to austin's housing market. They wanted to provide a data center, the foundation for city and regional long range planning efforts and provide recommendations to best practices. What we've seen that has worked successfully in other communities. I'm not going to walk through it in detail, but it gives our scope of work. In general we did a lot of data analysis. We used a number of primary data sources. We didn't rely a lot on secondary data. We collected a lot of data ourselves and we relied heavily on local data. As margaret mentioned, part of the study will consolidate your h.u.d. Planning process. We do a lot of consolidated plans, so we wanted to make sure you weren't doing two studies and the data we collected would work for the consolidated plan. We did a number of community medina counties which I'll talk -- community meetings which I'll talk about in a moment. The next two slides list the number of data that we relied on and collected as part of this study. You will just note that we used a number of local projections such as data on population, projections from the city demographer. census bureau. Where we didn't have local data we used they're survey, so I'm not using 2000 census data. These are estimates from 2007. We received a gracious donation from the austin board of realtors that gave us all units that had been on the market, listed or for sale, for the past 10 years, that allowed us to do a lot of comparisons. The for sale market. We also used data from austin investors interest for your rental market and compared it to other sources as well. Finally we did three different survey efforts to make sure we captured the various populations in austin. We did a statistically significant telephone survey of residents representative of the overall. We did a subsample of low income citizens as part of that telephone 98 and then we made an online survey available to residents making less than \$100,000 per year. So a variety of ways to participate in the process. We also as margaret mentioned interviewed and did focus groups with a number of different

people of a variety of interests throughout the course of the study. We estimate we talked to probably about 100 individuals throughout the course of the study. They represented affordable advocates, policy advisers, the neighborhoods, affordable housing developers, private sector real estate developers, business leaders and representatives from large employers. I do want to start off before I talk about the demographics and the housing market, and certainly acknowledge the wide variety of resources that Austin has at its disposal. Many of these efforts are local efforts so in many of the areas in which I work cities rely on federal funds which we know has been declining in the past and certainly inadequate to meet needs. So the recent recently was successful in passing a general obligation bond to fund affordable housing activities. You're one of the few cities in the nation to be able to do that. You provide funds annually to support affordable housing activities. You have a policy, the redevelopment proceeds of city owned property will go to affordable housing. I do want to reiterate these are very progressive policies, unusual to see altogether in one city. So the remaining of my presentation is going to talk a bit about demographics. I'll talk specifically about housing needs, the housing gap is where we've done the modeling effort that I'll talk specifically about, the mismatch in the market. Then we'll talk a bit about Austin's future. Let's run through some demographics. Current population is about 750,000. Austin makes up currently about 47%. City of Austin 47% of the MFA. However between 1970 through 2007 Austin represented 34% of the growth that occurred in the MFA, meaning that growth was much stronger outside the city of Austin. When I'm talking about a household, I want to make sure that folks understand that a household includes all persons who occupy a housing unit, whether related or unrelated. The way that the census defines a family, which is different, is a related party. We use a household comparison because that brings in unrelated parties such as students, couples who are living together who may not be married and single people. We look at Austin's residents overall, they're mostly non-family households. 19 Percent are married couples with children. On the far right hand graph gives you the numbers of the population by age. And on the bottom axis you can see the proportion of Austin's overall population at these different age cohorts represent. The interesting finding when we did the age analysis was that adults age 18 to 24 are declining as an overall proportion of your population. And the number of baby boomers consistent with national trends is increasing. We did our income analysis, we found that about one-third of your households are moderate to high incomes, those are households earning more than \$83,000 a year. About 18 percent of people in Austin live in poverty, equivalent to about 129,000 people. And we look as the chart does at poverty by age cohort, we learn that the age group that has the highest level of poverty in Austin are your children as well as your 18 to 24 age cohort, which will be represented by students as well. In most cities in which I work children represent the largest proportion or have the highest incidence of poverty, so this is unusual especially for an urban area. We did a lot of mapping, a lot of GIS analysis in our report. This map in particular shows the location of low income households in Austin. Generally concentrated in east and south Austin as well as around the U.T. Area. We looked what we call tenure, meaning home ownership versus renter occupied households. You were estimated to have about 54% of your households that are renters, 46% that are owners. I did a little exercise where I looked at what would it take for Austin to reach a 50% home ownership. And to get there in the next 10 years, with 85 percent of your new households would need to be homeowners. The conclusion is that rental housing will play a large part in housing Austin's residents in the future. The graphic here shows tenure or the distribution of home ownership and renter occupied units over time. We'll talk a little bit about home prices. The median for sale price of all units,

all units that were for sale or listed during 2008 was \$240,000. When we break that -- that down by product type we see 73 percent of those were detached single-family homes. 26% Of that total were single-family attached homes, condos and seven percent were multi-family. It's a pretty small part of your market. That would be consisting of duplexes and triplexes. Over the last 10 years the median price has increased by about \$100,000. So that means that the average household would need to earn \$35,000 more in order to afford the median priced home. And if we look at teacher salaries, for example, over the last 10 years and look at average wages, their salaries have increased by \$10,000. So that compares with a 30,000-dollar increase that they would need to have occur in order to buy the median priced home. So what we've seen happen over the last 10 years is that the Austin MFA has played a bigger role in providing home ownership and renter occupied housing for your workers. There's more housing stock available than now than in 1998, and that's due in part to some of the policies that you have encouraged which have spurred development in Austin. The new areas of housing density that are affordable for moderate income households have occurred mostly outside of Austin. And this map here compares the location of single-family detached units that are affordable at 81% to 95% of the MFI's. That's folks making between 55 and \$65,000. In 1998 to 2008. And what you see when you look closely on that map is that there are parts of the city where density has increased. The darker shading indicates darker levels of density or more units that are concentrated in those areas, but you also see a spreading of that density outside city boundaries over the last 10 years. This graphic here compares the price distribution of homes that were on the market in 2008 by type, so we have attached housing at the top, which are condos, single-family detached housing in the middle. These are your detached single-family homes. And then multi-family are duplexes and triplexes there on the bottom. What's very interesting when we examine is this that most of those units are priced for households making between 50,000 and 100,000 regardless of product type. That's where all of the peaks are occurring in the market. There's not a great tremendous price differential by product type. We examined the condo market in particular since there's been so much activity in the condo market and concluded, this compares price distribution of condos between 1998 and 2000. The market is not doing a whole lot to alleviate affordable housing pressure for home ownership because the prices have gone up so much over the last 10 years. Average rent in Austin was \$843 a month. That's as of the third quarter 2008 according to Austin investor's interests. Austin's rents are slightly higher compared to similar cities. You're about where Seattle is when we look at the median rent in 2000 and 2007. We asked renters as part of our survey, three different survey efforts, if they wanted to be homeowners. And a good proportion of renters said I'd like to continue to rent, but the majority of renters for all of our samples said that they would desire to become a homeowner if they could. So let's talk about the options for renters to become homeowners first and then we'll talk about low income renters and their options for renting. Households earning \$50,000 who want to be homeowners can afford about 36% year attached market, but remember that's smaller in numbers than your detached market and 16 percent of your detached units. So if I am a renter and I am making \$50,000 a year and I want to buy in the city of Austin, I can choose from 16% of single-family detached homes. If I'm making \$75,000, I have a lot more options, but only 13 percent of your renters earn this much. So therefore we conclude based on our analysis of your for-sale data that there is a need for homes priced between \$113,000 and \$240,000 to enable renters making between 35,000 and \$75,000 to be able to buy in Austin's market. And this is what we call our gaps analysis, which is a modeling effort that I won't go into in great detail, but we take our households, we

separate them by tenure, so we take our homeowners and our renter households and you will see this in the third of boxes there, 46% of our households are owners and 54% of your households are renters. Let's start with the owners on the left-hand side. Of those 141,000 households, if we look at increasing converting renters from homeowners and look at their price options, we learn from analysis of data in 2008 that renters earning less than \$35,000 a year could afford three percent of your detached home and 10 percent of your attached home. Not a whole lot to choose from. If you're earning \$50,000 a year, and I mentioned this in the slide prior, you can afford 16% of your detached homes and 36%, a little more than a third of your attached homes. Now, if I'm making \$75,000 or more I have a lot more options. I can afford 44% of detached homes and about 64% of attached homes. The far right-hand column describes the rental needs in Austin, which I haven't talked about yet. Bear with me as I walk through this column here. Of your 54% of households that are renters, that's equivalent to 166,000 households, 27% of those households earn less than \$20,000 a year. About 45,000 households. If I take those households and compare them to the number of rental units that are affordable at their level so they're not paying any more than 30% of their household income in costs and rent and utilities, I find that only four percent of your rental units are available to serve those folks. And that leaves me a gap of three thousand six hundred units. 3,600 Units. Those would be units serving people making less than \$20,000 a year. We talk about this in the report. We do a little analysis trying to ascertain what proportion of those renters are students since you have such a large student population. And based on an analysis of census data, some data that we examine from the city demographer, we believe that about 25 percent of your lower income renters are student. So in examining that gap if you wanted to take out the student effect, you would multiply that 3,600 by 35% and that would give you the non-student gap. Let's talk a little bit about Austin's future and what we project will happen. Austin is a very desirable place to live by many measures. It's hard not to google Austin and come up with many, many references to what a wonderful city it is, how affordable it is relative to other communities and how much growth is likely to continue, mainly because of the industries that you have attracted here.

Mayor Wynn: Weird pops up a lot too on Google and Austin.

I didn't actually specifically Google for weird. But certainly a characteristic that attracts people as here as, we think your growth is going to continue except in some type of very extreme circumstance. And growth is likely to put pressure on housing supply. And any community in which supply is constrained and demand exists and demand is how ground zeroing, housing prices go up. This graphic here, we did a little comparison using something called the national association of home builders home ownership opportunity index. It's a real quick way to compare housing costs, affordability across large metropolitan areas. And basically what it does is it looks at the shares of homes affordable to a median income family. So what you see here is about 62 percent of your homes are affordable to the median income family. That's a higher number than in many communities such as San Diego, Seattle, certainly San Francisco and New York. Your median home price is relatively low compared to all these surrounding areas. So I do believe because of the quality of life here, the employment growth and the general attractiveness of Austin that you are poised to continue to grow. Assuming that you will continue to grow, let's talk about how you can grow. We work in a lot of communities in Colorado that have adopted -- that have intentionally adopted slow growth policies. They've intentionally slowed their growth by restricting the number of building permits they will allow in a different year, in a given quarter. And as a

result of that, these communities are communities in which there are a lot of demand to live, housing price goes up and we see a leap frog effect in that the communities outside of those end up filling that demand and growing rather rapidly. Cities can increase density to try and capture more of that growth internally. And we've seen this in a lot of communities in which we've worked in which cities grow up a little bit more and they relax the density limitations so that that gives the market a bit more of an opportunity to respond to the pressure of demand. Consequence of a slow growth policy which we see a lot -- certainly see in our backyard in boulder, colorado is increased sprawl. So if you're not meeting that natural demand for housing and someone outside of your community is, then you're likely to just grow outward if you're not growing up as well. The reality that I want to note is that your growth will probably be a mix of the above. You can't control all the market forces. But it is important to strike balance and make sure you are providing housing for the variety of workers and resident in your community. So our recommendations which we outline in more detail in a chapter can be categorized into three different buckets here. The first is to build on the strengths. I mention in an earlier slide all the wonderful things that austin has been doing to address affordable housing, but being such an affordable place to live and being that you will have growth pressures, you probably need to keep working on that and do more in the future. To the extent you can, continue to seek out new financial resources to supplement the existing affordable housing resources that you have. Continue to develop the innovative affordable housing strategies that you have in place. Look and see what other communities are doing and embrace those if you feel like those are right for austin and continue to maintain strong partnerships that you have in place with affordable housing developers, housing authorities, private sector developers to keep increasing that supply of affordable housing stock. We also recommend that austin challenge itself to raise the bar by setting affordable housing targets. In many communities in which we work, not only communities that have inclusionary zoning policies, affordable housing targets are set as something to manage to. So a certain proportion of your rental stock would be affordable housing or you would monitor your for sale stock -- for sale stock to ensure that a certain proportion are affordable to people below fifty thousand dollars per year, for example. We recommend that austin consider establishing a land bank. It's a very easy process to set up a land bank in order to acquire property or put city-owned property in a land bank that could have the potential for housing development in the future or could be traded for other land that has more potential for affordable housing development. Establish alternative housing sources. One of the recommendations we have is to expand your existing community development financial institution or cdfi network to include loans that enable private and public sector developers to get interest rate on loans at very low interest and acquire properties quickly and then they're taken out by cdbg and other loan sources so they can act quickly to acquire land or acquire properties to rehab and then leverage those dollars with other financing sources. Collaborate across city departments to identify and evaluate barriers to affordable housing development. We do understand that you are -- you may in the future launch a comprehensive plan process. We did not do a detailed analysis of barriers to housing development as part of our study, but we talked to a lot of folks who helped us identify barriers which are outlined in detail in our report. And we recommend -- our position is that all cities can generally do better when they're looking at the development process that barriers to affordable housing development exists in all cities and that's something to keep on top of and look at and make sure your city departments are working together to mitigate those barriers. Finally, focus on the -- finally, focus on the

future. We understand you have a lot of limitations because of Texas state law. You can't do many things that are done in Colorado and California and many other communities in which we work, but to explore alternatives and working within the constraints of what you can and cannot do, just keep being a leader on best practices models around affordable housing for Texas. We also recommend that the city evaluate the zoning and development process, particularly the neighborhood comprehensive plans and how those interface with the city's comprehensive plan overall to make sure there's adequate zoning, adequate opportunity and that the process is streamlined for affordable housing development. And finally, examine improving development incentives to produce affordable housing, look at your fee waivers, look at density bonuses. We're big fans of density and are embracing density. I think it's a good solution to face affordable housing. So with that I'm happy to take any questions.

Mayor Wynn: Thank you. Actually, before council, on an earlier slide, I saw on income you showed that Austin has relatively high -- I think median family income, almost \$70,000, something like that. A correlated number was that a third or so of our citizens are characterized as being moderate to high income. And on the same slide I think it showed that about 18 percent of our citizens are in poverty. So I guess I wanted to see if off the top of your head if you could help me understand that dynamic or that ratio. That is, part of me thinks maybe it sounds good. Maybe that's not a good thing and that somehow it implies perhaps a stronger dichotomy than in other cities. So can you help me understand that income issue?

A couple of things that require definitions. When we talk about poverty, we talk about people. And when we're talking about household income, I'm talking about households. There's a bit of an apples to oranges there so that 18 percent of people that I'm saying are living in poverty are people. And where that gets interesting is when we have large household sizes. If we think about the household of let's say five, that is living under the poverty level, they would be counted once when we're doing a low income -- as a low income household, but they would be counted five times if I'm counting people in poverty. So there's a little bit of an apples to oranges there, but poverty is generally reported and thought of in terms of population, in terms of people. 18 Percent of people in poverty is really neither high nor low. It may be a little bit on the high end for a metropolitan area, but I didn't have a strong reaction when I saw that. So I wouldn't say that you're off the mark there, particularly with your student population. That's not being adjusted for students. So I think your poverty level for an urban area is probably about average, I wouldn't worry too much about that. When we looked at -- we have a graphic in the report that's a pie chart where we took people and we broke them into those household categories, 0 to 30% of mfi extremely low income, low income. We were very prized, it's as if I took a pizza and cut it into fifth equally. So you really have a fairly balanced. We don't have the bar bell effect that I see in some communities. Right now you seem to have a fairly distributed distribution of people by income level. You don't have these large proportions in any one category. By comparison in Denver, 41% of our renters are low income. So we have a much lower income distribution in our renter population than you all do.

Mayor Wynn: Okay. My left question then -- my last question then, and you may have touched on it, and you may have thought through it the way you all as economists do and had a slide about it, but two figures that also stuck in my head were the median family income of 69,000 and change I think it was, and then the median home price of 240,000. I never saw those two actual sort of compared. I guess my

question is, they're never the same people, so if your median family income in your city is 69,100 and the median sales price of a home is 240,000, help me analyze. Is it appropriate to even analyze it.

Yeah. Basically what you do, and it's a little bit what the housing opportunity index does. The quickest way to do it is take that median income and multiply it by three and say someone earning 70,000, median household earning \$70,000 a year could afford a home of approximately 210,000. And that's a real quick way that people talk about affordability in many community. The housing opportunity index that I showed is a bit of a more precise look at that because it's taking in more housing costs than -- it's not just that simple multiplier. In simple we drill down a little bit further and you will see that in the report graphically as well as in our tables. I don't worry as much about that median as people who are earning different income levels. And I talk about affordability by income level because I think that's easier for folks to grasp than to always go back to the median and have to do that calculation in your head. You will see our report segmented into -- much as our graphic does here, renters earning less than 35, earning less than 50,000. We typically use income ranges. I think it's more accessible.

Mayor Wynn: Councilmember Martinez.

Martinez: Hi some similar comments on some -- I had some similar comment on some of the numbers that your presentation has in it in that you talk about renters versus home ownership and maybe trying to increase home ownership. Are you talking about renters as individuals and then ownership as households?

Wynn: Renters are actually in terms of -- renters are actually in terms of renter households.

Martinez: So when we say 50% -- 54% of the citizens are renters, if we achieve 50% home ownership, a single home may have two adults and two children. How does that -- how do you extrapolate that out?

It's a very good question. That household of two adults and two children would be treated as one unit. So one renter household. So I look at their household income and look at what they can afford in the market. So I add up -- if there are two earners, I would add up their income and treat that as their purchasing power. If there was one earner, I would -- if there was one earner I would add that up and treat it as the purchasing power. What's difficult to understand the way we've done that for this gap summary versus what you typically see when you all are being presented with how the city is going to fund programs through CDBG is that it's in terms of median family income adjusted by family size. So for programmatic reasons, when you're doing grant funding, there's a more specific adjustment, more detailed adjustment that's being done to qualify households for the programs.

Martinez: Okay. Thank you.

Mayor Wynn: Councilmember Morrison.

Morrison: Thank you. I appreciate that work. It's a lot of very interesting information and informative. On the slide that says what we know about Austin's residents where you talk about the 18 percent of people

that are living below the poverty threshold, i thought -- can you talk about exactly what that poverty threshold is for -- I think that's illustrative for all of us trying to absorb this information? What are we talking about?

It's adjustd for family size so poverty is hard to understand. Poverty is consistent -- the definition is consistent for every community in the nation. So your poverty threshold is the same as poverty threshold in the nation. It's \$21,000 or less for a family of four.

Morrison: That's not very much.

No, it's not.

Morrison: I know one of our organizations here in town did a study and probably this is done all over and that is what does it really take to have -- to sustain a safe household. And that comes out to be more like twice the property level, I think, for the city of austin. So I think that's important information for us to just keep in mind. And then on the gap summary, I think that's really helpful information. And the way I see it, if we look at -- if we were looking at renters, the 54% of the renters, you said, for instance, especially if we adjust for students it looks like we have a gap of rental units of about, say, roughly 30,000. And that's just when we're looking at the folks that make below \$20,000 a year. Is it safe to assume that there are folks in the 20 to 40,000-dollar income range that also can't -- that there's a gap in the housing for them also?

It's interesting. The way the gaps work is typically they starting to away once rents reach a certain level and then they come back at the highest renter income level. And I see that in most communities. I would caution communities that because I'm showing a gap for high income renters doesn't mean you should build a lot of high income luxury rentals. A lot of time they're renting because they're saving for a home. There may be penitentiary-up demand there but I don't have a good sense of where that demand is. This is where your broadest gap is. Is goes away after that. Most renter markets are fairly narrow. Rental units might be priced between 850 and \$1,200 and the large portion of the distributions fall in that narrow band. What we see is that everybody making less than the incomes that can afford that narrow band of rents have a housing need and the folks making more than that. This is why your core is. Saits safe to say that folks making more than that don't have as great a need because they have higher incomes and they're finding units they can afford. I want to note on the gap as well we do take into account your section 8 vouchers, public housing units. So all of the subsidizing units that are out there that exist on the market are taken into account there.

Morrison: It's interest information because it does, as you say, sets a target for us and that target is for today. Five years from now probably even a bigger. Bigger challenge. Thank you.

Thanks.

Mayor Wynn: Further questions, comments? Again, very -- obviously very comprehensive report and we appreciate the work. I know that our staff and us and colleagues and the community will use it

judiciously.

Thank you very much. Thank you for the opportunity.

Mayor Wynn: Thank you. So Margaret, was that the gist of the briefing? And we will hear some of this or have more discussion this evening, correct?

Yes. I just was going to remind folks again, tomorrow morning Heidi will be back with Rachel right here in council chambers to deliver the same presentation to the general public and let them have time for their Q and A. We will be hosting the community development -- the community needs assessment for the consolidated plan in front of city council.

Mayor Wynn: Correct. Thank you, Ms. Shaw. So council then that takes us to our second briefing, which is a staff briefing our presentation regarding our agenda process. And welcome Anthony.

Good afternoon, Mayor Wynn and members of city council. My name is Anthony Snites, city manager's office. I will be joined today by Greg Guernsey, director of neighborhood planning and zoning for this presentation. Additionally, Mona Ruiz, our agenda coordinator and Jenny Gilchrist from our legal department will be available at the end of the presentation to answer any procedural questions that you may have. Underlying all of the review that you're about to hear is the fact that the city council establishes and controls the procedures for its meetings. With that backdrop, the purpose of this presentation -- the purpose of this presentation is to review the city manager's office administrative changes to date and also to discuss additional possible management and council options for consideration. Lastly, we plan to obtain council endorsement for some suggested strategies and next steps. Before I cover some of the administrative processes we've gone on over the next several months I wanted to talk about our current agenda process. As you are well aware, council meetings are approved by the city council typically every November of each year. Our current agenda cycle involves a schedule of approximately four weeks. Week four involves an extensive review by the city manager's office on those particular items. I think it's important to note that prior to week number 4 the agenda is vetted through a number of city departments, including the finance department, the legal department, our purchasing department. After the preliminary agenda is distributed, your council offices have an opportunity to submit any questions regarding any of the agenda items. On Friday, one week prior to the council meeting, the agenda is posted and also published on our website. The agenda has council questions received and submits those responses to our council offices on or before the Wednesday prior to the council meeting. On Monday the week of the scheduled meeting we typically develop the changes and corrections and distribute the late backup at that time. One of the things that's important over the last three months and prior to the three months of this evaluation you had a number of questions related to our zoning backup and Greg Guernsey is here to provide you with some of those areas when that occurs.

I'm going to cover the agenda process and the backup you receive. Just about every week regarding zoning you have a zoning staff report. There's area maps, zoning ordinance. Typically you will receive comments from citizens, letters from citizens. That will be part of your backup. In addition you will

receive some subsequent information that may come in. These may be petitions, letters of concession by a developer. And you will see those that will come in the following week. If we have cases and everybody is trying to work together, you may actually have the zoning ordinance that might appear on the following week's agenda. And if it an item that you consider on first reading the week before. In the majority of cases we have applicants that will work with neighborhoods and negotiate with them, at least meet with them, but on cases that are difficult, you may have letters of postponement that you might receive the week of your meeting or there will be a discussion of postponement. So I think you may have one of those a little later tonight. Let me give you some examples of things that you might receive. Restrictive covenants, a lot of times we want to make sure that the owners have signed the appropriate documents before you take final ordinance reading and so those documents where they've actually been executed may appear in yellow paper on your dais the week of third reading. Zoning ordinances that i mentioned before, we're trying to make sure that all the conditions are correct from the first reading. Correspondence from neighborhoods, applicant, postponement requests, petition requests, board and commission updates. Sometimes we have board and commissions that will actually reconsider items and send you additional information after they've taken their first action. And many times you'll have councilmembers that -- like yourselves that will go out and want to take a look at the project. Darrell slusher said I'd like to go take a drive by on this before I take a final action. And that got a lot of chuck else, but he actually went out and took a look at those before he took a final vote on an item.

Remember, slusher uses the term drive-by differently than most. [Laughter]

state law also speaks to certain requirements that you really must consider before you take action. And one of those is a petition. We do not have it under state law a specific deadline to accept a petition. Sometimes they're actually brought to the meeting and then I'm forced to come before you and say council, staff has not had the opportunity to validate petition or not. So you have knowledge that it may be required to do a three-quarters vote, six out of seven votes of council, in order to proceed over the valid petition that's brought before you. And that could either be from the owner, which is very simple to validate. We just have to make sure the owner has actually signed, or by those property owners within 200 feet. Also we must have the action by the planning commission. Sometimes I come before you and say, council, the planning commission postponed this item to a certain date or has delayed action on a reconsideration. And if that is the case, then you cannot take action on a case until the planning commission or the zoning and platting commission has actually acted. Those are two instances where you're actually prohibited from taking an action under state law. At this time I'll turn it back over to anthony and he can continue with the presentation.

Thank you, greg. Key in our administrative review, council, was our desire to really review all of the charter requirement related to the agenda procedure. And I'm now going to go through each one of -- I'm not going to go through each one of these, but some included council having the ability to adopt rules in order of business by ordinance, which is referenced in code, chapter 2-5. Some examples of nonessential council agenda procedures, and I want to make it clear that we're speaking more specifically to the time to present and not the relevance of the topic, but council action to set a future public hearing scheduling business that must be considered at a certain time. The specific time for

consideration for an agent item included citizen communication, proclamations and also public hearings. So with that backdrop and that background, the city manager commissioned a city project team in october of 2008 to do a number of things. One to explore what supporting documentation is required to be attached at posting, specifically interlocal agreements, to review the current zoning process and provide reasons why late backups occur. I think greg shared a member number of those reasons previously. Lastly to assess key component of the agenda process to include our agenda process deadlines, our agenda review, council q and a, agenda posting and also our changes and corrections. One of the key things that the manager wanted during this evaluation, he set some guiding principles for our review. He wanted to make sure that in all of the recommendations or initiatives that we brought forth that we bring accountability to the process, working with our departments, that we ensure transparency with our citizens. That we eliminate communication deficiency and we make it clear to our departments the importance of getting items to -- on the council agenda in a timely manner. Our project group consisted of a number of key stakeholders. We held over 10 project group meetings between the months of october and march. We convened meetings of the city manager office staff, the city attorney's office, the departmental single points of contact, the neighborhood planning and zoning department, the city's clerk's office and also the city council aides. We convened a number of these stakeholders on march 2nd to review comments and feedback from benchmark cities and also our internal stakeholders. We also met with your council staff on march 4th to provide some of those findings. And we're here today, council, to provide you with some of the internal and external feedback as well as some future options for consideration. During this evaluation we heard a number of things. It's suggested that we benchmark ways to streamline our current agenda process, that we consider removal of the fee waivers, \$500 and below, and clearly that can be administrative working with the council. Consider shortening lengthening zoning posting language, condense speed limit signs to go before council a quarterly or by annual basis. I want to know that several cities of our benchmark cities actually do that currently. Also, it was referenced in talking with our city clerk and the number of citizens, some of them on occasions are confused on whether they should be for or against certain items, so we want to expound on that later on. Then -- [laughter] it was also discussed about considering more precouncil meetings. In our benchmark analysis it showed a number of cities do utilize precouncil meetings as well as several of your council aides talked about more information, working with their offices about future agenda items before the final posting. The participating benchmark cities that we worked with included a number of key texas cities as well as national benchmark cities which are listed. This particular table shows actually all of those cities. And evaluating not only the texas cities, but the national cities that we benchmarked, the average number of committees or council committees was eight. The number of meetings that were on average that were held is 44. And actually austin's numbers are the first on that particular table. And the number of agenda items on average was 1,979. The average number of agenda items per meetings totaled about 47. [One moment, please, for change in captioners] on the consent agenda usually in, I think, three of the cities, they address all of those items when they actually come up to the podium. and sessions for administrative and zoning, and lastly, posting language is limited to case number and address of the zoning area. does austin have an a.m. and p.m. again. [Laughter]

you're right, mayor. Well, in light of all of the things that we reviewed, there were some actions that the

manager did direct us to immediately address, mayor, and these are some of those. We replaced our weekly departmental director agenda review to a more condensed group. We formalized standard operating procedures. Prior to our arrival there really wasn't one, and we said that was important to make sure that we have uniformity across all of our departments. We instituted a late rca approval, and we call it the purple slip, which documents late submittals of agenda listens and allows our acm and our departments if there are problem areas to address those by providing the manager with quarterly reports on those violators. We also instituted a council request tracking system, and I just want to notice, in the final test phase the system will be used to track progress of council progress of agenda items and will track staff action related to agenda items. The system will be able to provide status reports to you on whether or not those items are closed or whether or not they're currently we also have modified late backup, and right now if items will not -- at this point we share with our departments, items will not be posted without supporting documentation unless there is a very, very extreme reason why those need to go forward. Other actions, as you know, we've been working for the last year and a half, or actually previous to that, with the austin go project, which is our web redesign initiative. Back in the summer of 2008 the city manager asked for me to be the executive sponsor for both the go project and also our agenda management system. We have an rca scheduled for march 26, and then we also want to stress the importance of how we're really trying to change how we do a lot of things. As you know doing this rfp process we've instituted a new google search engine on our web site. We have flash video, council video on demand, so that our citizens, whether they are at their homes or in the libraries throughout our city, are able to view you firsthand. And also we have recently completed our intranet redesign phase. Once the consultants are in place, which we estimate to be the end of march, beginning of april, the reorganization of all content and implementation of content management and our newly designed look and feel is anticipated to be completed by the end of the year. We also are in the process of finalizing -- evaluating our current agenda management system. Right now we're going through an evaluation of all our technical solutions and we're gathering requirements from our users. We've interviewed other cities in trying to get an idea of whether or not we have the yell ideal system for our process. We've conducted studies and we viewed product demonstrations and viewing an internal prototype to see if there are any glitches in the system which we've identified a couple to take it to the next level. We also are in the process -- -- some possible procedures, and council, i want us -- before I get into possible procedures for your review, I want to note that as we move forward over the next three months and a new mayor and council is elected, whatever conclusions or modifications are made to the general process will be a council-driven process, because very few exceptions, council always typically establishes the procedures for its meetings. So these are just some things along the way, whether that's through the benchmark cities that we interviewed or working with our internal stakeholders, some of these things were noted. Reducing the number of time certain items is an option. I think having few of those allows the mayor here more flexibility for running the meetings, simplify the posting language. Our goal would be to review the current practice of having long postings. We currently far exceed the legal requirements due to our open meetings act. Establish deadlines for items under negotiation and also to establish procedures regarding postponement announcements. Again, these are not any recommendation for action but really some things that we've been able to look at for consideration for the future mayor and the council. Consider starting zoning items where public hearings have been closed at an earlier time, to consider holding non-controversial public hearings earlier in the day, and

then consider eliminating council actions actionsto set upcoming public hearings. Also to consider items on the public agenda to see if there were any items that could be eliminated. One of the things in our evaluation of other cities, they looked at those items and were able to reduce the number of items and expedite their meetings better. Lastly, to consider current rules considering complicated amendments and require all amendments to be placed in writing before a vote is actually taken. So those are some possible procedures for council review. Our hope is that over the coming months and with the election of the mayor and knew council members we'll be able -- will be to assist the council as we deliberate on protocol for the meetings. I'll be open to answer any questions council might have at this time.

Thank you, mr. snipes. Questions for anthony, anybody? Council member martinez? well, for you mayor, it's only eight years and ten months too late. [Laughter] [laughter]

mayor wynn: [Laughter]

some of these changes. But in all honesty, you know, a lot of this is very appealing. You know, we struggle with, you know, the lengthy meetings that we have, and i know that the city manager has committed to doing everything he can to try to help us improve that process. And so some of this I think is going to be great, and enabling us to do that. I wanted to go back to slide -- I don't know what number slide it is. My pages are numbered but my slides aren't. It's the one with all the other cities, the benchmark cities slide.

Yes, sir.

Did you guys look at their items from council -- does every other city do items from council?

They do. Not all of them but a good number of them do do items from council.

And so did you compare how many items from council are being directed towards staff compared to other cities?

We didn't go in that detailed of analysis, council member, but by all means if that's something you would like for us to examine, we can.

I think it would help, i guess, drill down a little bit and determine the workload that staff is being asked to accomplish, comparable to our other cities of similar size and then we can compare their staff sizes to ours as well to determine if we're deficient or if we need to, you know, create some efficiencies in our staff. The other question I had is when you replace -- on the actions taken to date departmentally, when you replaced the weekly department agenda review with condensed group meeting, who is that condensed group?

The condensed group consists of all the executive assistants. As you know, the executive assistants for the acm, assistant city managers, are responsible for a service group. Departments consist of that service group. So all the executive assistants now are in that meeting, our purchasing department,

austin energy, our legal staff, and then our agenda coordinator. So we're able to go through that and in most cases the executive assistants have worked with all the departments and actually work with their acm prior to that meeting. So they are informed to answer any questions that mig a arise. on the council request tracking system, is this going to be something that is put on-line for the general public to track things that we've adopted and things that staff is working on?

We're in the process of evaluating. No determination has been made on that. The key goal, we're in the testing phases now. The key goal is to make sure that we're responsive to your inquiries and your questions, which in some cases come from citizens, but we'll work with the council and move forward. The manager -- would council have access to it?

Yes, sir.

If I could supplement the answer.

Please do.

Just a little bit. Are you talking about the automated staff action tracking that we talked about in the meeting the other day? The intent is to make it accessible because we want that, you know, to be transparent to everyone, the council, the staff, the citizens, and if I could hedge a little bit because what I'm saying to you right now I didn't say to him directly. That's why he said it like that. But we want it to be transparent to everyone. Not everyone would be able to manipulate or change it, because we don't want that -- that would just cause confusion in terms of getting the work done associated with those after-action tasks that we would have to do, but certainly we want everyone to be able to see what's going on and where things are at.

Martinez: thanks. A couple more questions. On the modified late backup distribution, is this -- i assume it applies to items from council as well, so i just want us to have a complete understanding of what this means in terms of having enough late backup for it to be accepted as a posted item from council. You know, sometimes we literally scrap something on friday and you guys have to stay late and law has to stay late. I just want to make sure we're all operating under the same rules.

We understand. I'm going to ask minor miyrna to assist on that to answer that question.

Afternoon, mayor and council. Myrna diaz. Agenda office. We do -- or we do not allow any items to move forward without the supporting documentation, in your case, items from council, all resolutions ordinances will be attached to that posting.

Right, so in some cases we actually have the backup in the form of a resolution, but it hasn't been reviewed by law,.

No, they should be -- they should have already been reviewed by law. so it doesn't get posted until law

reviews it or it gets posted and then law reviews it? How does it work?

No, those items are entered into our agenda management system. We set a work flow which will push all that information to our law department, and the attorney assigned to that one item will prepare the documentation, and we attach the resolution or the ordinance to the appropriate item. So yes, the law department will review all the documentation prior to posting. and so will we maintain the 12 noon policy on friday for submitting items for the follow week's agenda?

I'm sorry. it's like -- we get told that the agenda office is closing on friday at noon.

Right. I sent those emails only so that we can allow our attorneys the appropriate amount of time to review the -- or prepare a resolution, or in other cases an ordinance. So when I say we close the agenda, closes at noon -- correct. I totally respect and understand that and I think we're doing everything we can to try to achieve that, but I -- you know, I want us to understand that by law we still have some flexibility as it relates to posting an item on an upcoming council meeting. And then the last comment that I'll make -- thank you, myrna. The last comment that I'll make is that the final bullet point in this presentation says that staff recommends we move forward with requiring all amendments to be in writing before a vote can be taken, and while I certainly understand the concern with complicated amendments, especially in certain zoning cases we get very detail-oriented, I'm concerned about removing the flexibility of allowing this governing body to be able to make decisions and make amendments as necessary. So I hope that we can talk about that a little more and maybe get to the issue -- is the issue complicated zoning or is it just making an amendment? Because if it is, I don't think -- like this morning on the solar array, we made some amendments to the motion that I think improved it significantly, and, you know, I don't think it was that complicated to where it would have had to have been in writing for everyone.

Jenny gilchrist with the city law department. What this bullet actually refers to is you will actually have a rule that relates to ordinances that specifies that any written amendment to an ordinance has been presented to council -- or any amendment has to be reduced to writing and then distributed before it can be adopted. We don't strictly adhere to that, if it's something that is clear and you-all give us a clear indication of how -- how to make that amendment. We don't think that we'll misinterpret council's intentions, we move forward without complying with that written requirement. But if it is complicated, you-all have already adopted a rule that does require it to be reduced to writing. So I believe that this bullet just goes to further refining that rule.

Martinez: okay. Thanks, jenny. Thanks. actually, before, I'll just say, council member, one of my favorite benchmarks is that there's a handful of cities in this country where the mayor doesn't even attend the city council meetings. [Laughter] that's a benchmark. [Laughter]

mark, I think I lost my friend of thought. [Laughter] no, just -- council member martinez was asking myrna 00 on friday, and I just think from a practical standpoint the intent there is to have some sort of a cutoff just because of, you know, needing the ability to have enough time to get the work done; is that not correct, myrna? I mean, it's really just that simple, isn't it? Okay. Good. further questions of staff,

comments? Council member morrison.

Morrison: thank you. I appreciate this work and i guess I wanted to comment that coming on as a new council member, it's a huge challenge to get in the rhythm, but now that I think I'm in the rhythm, i think - I sense that -- i know you are, I can tell you are too, council member shade. It's all very -- it's a big machine and I appreciate the effort to, you know, try and tune that up a little bit. I think that's always a good idea. My first question is, who has the most purple slips? [Laughter] are you handing those out to council members also or is that just to staff?

Well, one of the goals, council members, is to really to bring about accountability, as I stated earlier, the city manager wanted to make it clear to departments that that's not our mode of operation, and our goal is to be transparent in whether or not those individuals are doing what they need to do to get things to you in a timely fashion. So we'll -- hopefully the manager will be able to give you updates, but I think he'll -- we hopefully won't have any in and all of our departments will be working to ensure no purple slips. right, and I do understand -- I mean, i think some of this conversation -- part of the genesis was we have two issues, really. We have sometimes backup is late, not available or ready. Other times backup is incomplete. And that's a little harder to judge because only the person that's posting it really knows what it is. And so that's certainly a challenge, and it's for staff and for council. I appreciate that, that we need to be able to -- in terms of serving the citizens and making sure this whole government bureaucracy keeps moving, i think that in terms of late backup with zoning, it's really a different situation because a lot of -- I've only been on council seven months or whatever, but I've been involved in zoning cases for several years, and I think we all know that a lot of the action on a zoning case happens when there is a hearing that is scheduled. It's just the nature of the beast. So it's sort of inherent that there is going to be late backup, and I think that our staff does a great job when -- when things are moving so rapidly and all, trying their best to keep folks informed and all. When I look at these recommendations, and I'm sure we'll have a lot of time to discuss them in the future, I just want to urge all of us to keep in mind that this whole agenda serves the council, it serves the staff and it serves the citizens. So each of these -- every time we're looking at a possible change or how something is working, i think we really need to keep those three -- three different perspectives in mind. And so on that note, in terms of moving forward, certainly we -- we're going to have some changes in late june, and -- with the elec but is there something, are you going to be moving forward to collect council office comments on all of these or what's your plan for the next steps?

For our next steps, council member, really is to -- after this presentation, to continue working with our project group and wait on some direction from council, when the newly elected mayor and council convenes, they then have an opportunity to decide how they're going to operate in the coming year. And our hope is that all of the data and the information that we've been able to research will be able to provide that information to them -- or to you, and then at that point you can make some determine aigs of nextations of next steps.

Okay. Thank you.

Nawng. further questions or comments? I will say this, back in june there was a reasonably large

attempt to do this and there were some rule changes made, and this was slightly before our electronic agenda, for instance, but there was -- it's very appropriate for us to be doing this at this time and to take advantage, frankly, of a changing dais makeup here in the next few months, to really have a chance to structure -- restructure how we try to conduct the public's business.

Thanks, mayor. Mayor, I just want to conclude by thanking staff, particularly rebecca briton in our office and maria for the hard work they put into this project as well as all of the project team for the work that they ended up doing to get the job done.

Mayor, I have a quick question.

Mayor wynn: yes.

You talked about most of the texas cities conduct a precouncil work session. Did you get a chance to delve -- were those executive sessions?

No, ma'am, in most cases they examined briefings. They had most of their briefings in their work sessions and in precouncil sessions. In there are some items -- a num of the precouncil sessions had actions because it was the full council, not many, but the vast majority of the precessions were designated for briefings. And usually it was an average of three to four briefings at that time. well, I think this is excellent work and we'll use it going forward.

Thank you, council member. thank you all. So, council, let's see, that concludes our two afternoon briefings, and so that takes 00 zoning matters, and welcome back, mr. greg guernsey.

Guernsey: thank you. My name is greg guernsey with the neighborhood planning and zoning department, and I'd like to 00 zoning ordinances and strickt covenants, items where the hearings have been closed. First item I'd like to offer for your consideration -- let me first say item no. 35, Case c14-2007-0144, for the property located at 800 west avenue, shortly after 00 today the applicant notified me, and I believe the mayor as well, that this application has been withdrawn. So no action is required in 35 for the property at 800 west avenue. 36, case c14-2008-0217 known as the peaceful hill lane property at 8524 peaceful hill lane. This is to zone the property to warehouse limited office, conditional overlay or w/lo-co combining district zoning with conditions. This is ready for consent approval on second and third readings. 37 is case c14-2008-0221 known as the could not conn tract at 11821 through 12124 south ih-35 northbound to zone the property to general commercial services mixed use conditional overlay or cs-mu-co, combining district zoning. This is ready for consent approval on second reading only. 38 I understand will probably be a discussion item. I believe there may be a council member that would like to ask a question of a citizen or two that may be in the audience. So that would conclude the items I could offer for consent at this time. That would be just 36 and 37. thank you, mr. guernsey. So, council, our proposed consent agenda on these cases, for we have already closed the public hearing, would be to -- we'll just note for the record that 35 has been withdrawn -- we would also be approving on second and third reading item 36 and approving item 37 on second reading only. I'll entertain a motion for that

proposed consent agenda.

So moved.

Motion made by council member cole.

Second.

Seconded by council member shade, to approve the consent agenda as proposed. First comments?
Hearing none, all in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. thank you, mayor and council. 00 zoning and neighborhood plan amendments items. These are the public hearings are open. There's possible action. 40, which deals with property along parker, will be discussion items, I believe. You probably have several people that may have signed in for both of these items. 41 and 42, we have postponement requests that have been offered by the neighborhood and also offered by the applicant. However, there's a disagreement on the postponement dates, item no. 01 for the property located at 3301 kings lane. This is a neighborhood plan amendment and the related 42 is case c14-2008-0223 for that same property for a zoning change. The applicant has requested a postponement of both 41 and 42 to your march 26 agenda. It's my understanding that the neighborhood has requested a postponement of both of these items as well, but to your march 12 agenda. So we have a discussion postponement of those two items. And we could, I guess, invite both sides to come up and they could state the reasons for the different dates of postponement.

So council, without objection, we would like to I guess, hear from both sides regarding the proposed postponements for combined case 41 and 42. We'll hear from the neighbors first and then perhaps the applicant or agent. Welcome, mary.

Thank you, I'm mary engle and I'm a co-chair of campac which is the co-planning group for 7 neighborhoods and this is a plan amendment from the heritage neighborhood. We're requesting the postponement date to be march 12, and it is particularly because the most affected neighbor works for the legislature and his schedule is really getting packed, and I would really like him not to be jeopardized by not being able to come to the hearing. If it's later in the month. So we would like this case to get settled and to move forward. thank you, mrs. engle. Perhaps somebody from the -- I was looking for the agent regarding these items, and I don't see him in the audience. My division manager, rusthoven has gone out into the lobby just to see if there's there, but right now he's not found.

Mayor wynn: okay. So council, again, we have two discussion items here on our public hearings and now we're considering the postponement -- or the length of the postponement for items 41 and 42. rusthoven is coming back empty-handed. My recommendation is that we -- we always -- council always, of course, has the prerogative to continue postponements, and so it seems to me the appropriate thing

to do here would be to postpone for one week, for the 12th, and then depending on just the nature of how this continues to go, you know, council could always -- always reserves the right to postpone for a couple more weeks time after that. So without objection, the proposed consent agenda on these cases where we have yet to conduct the public hearing would be to postpone items 41 and 42 to march 12, 2009 meeting. I'll entertain that -- a motion on that proposed consent agenda.

Cole: so moved. motion made by council member leffingwell, seconded by coal, to approve the agenda as proposed. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion to postpone items 41 and 42 passes on a vote of 7-0.

Gue thank you, mayor and council. george adams and he'll briefly 38, which is case c14-2007-0262.

Afternoon, mayor and council, I'm george adams, neighborhood planning and zoning department. Item 38 is zoning case c14-2007-0262, central austin combined neighborhood planning area, vmu, opt-in/opt-out process. Just a brief overview of the actions to date. On january 29, council approved first reading on all the subject tracts within this planning area except tract 10. The council adopted the neighborhood recommendations and applied three conditions to the vmu tracts that are in the heritage neighborhood portion of the neighborhood planning area. These conditions included that a 15-foot sidewalk is required for all vmu projects, that only residential use is permitted above the first floor of a vmu project, and that on-street head-in parking is prohibited ---in parking is printed on february 26, 2009 council approved first reading on tract 10 by a vote of 6-0 with the mayor off the dais. Per an agreement between the neighborhood group and the property owner, the front portion of tract 10, which is zoned gr-co-np and is now referred to as tract 10 a, was to stay within the vmu overlay district and it would receive the dimensional standards and the additional uses in office zoning districts. There would also be some conditions applied to tract 10 a. Those include that on street head-in parking is permitted and that 50% of the usable condition square footage above the first floor will be residential. The rear portion of tract 10, which is now referred to as tract 10 b, will be excluded from the vmu overlay district, but there will be a condition placed on tract 10 b that would -- that would read -- excuse me -- no dumpster or loading dock shall be permitted within 70 feet of the south property line of tract 10 b. That is my understanding of where we're at on the conditions that apply to this property. It's also my understanding that there is a citizen who wants to speak to the tree protection on the site. So with that, I'd be glad to answer any questions and at the appropriate time perhaps read a couple of changes to the motion sheet to reflect the conditions that I just mentioned.

And, mayor, that was -- i have a question for for professor greenberg. very appropriate. Mr. greenberg? Mayor pro tem has questions for you. in y stalwart absence, we had a little miscommunication. I did not realize greenberg wanted to speak, so one thing I wanted to find out is if you could tell us your perspective on ways we could protect trees and accommodate the general consensus motion of the property owner in the neighborhood.

We -- I did prepare a presentation, if that's okay. that's -- yes, ma'am.

Okay. So this is about the trees at 711 west 38th street. The trees at that address are mature trees that line 38th street, west avenue and kings street. Most of them are native live oaks and most are within 15 feet of the street. I'll give you a brief tour of the trees on the street. This is kings street. This is particular -- this is my favorite, the tree at the corner of kings street and 38th street. It's particularly nice and provides shade on both streets. There's -- going along 38th street in front of building a 1 and then in front of building b 1. Those two trees are -- two buildings have trees that are a little bit further back, like 25 or 35 feet from the curb, and then as we continue on 38th street the trees are all within 10 to 12 feet of the curb, and we continue. There's a lot of nice trees. And along west avenue the trees are again within 10 or 12 feet of the curb. The neighborhood felt that incorporating these trees in the vmu development would preserve the natural and existing feeling of the neighborhood streets, and it would also offset the effects that a large vmu development is likely to have on the neighborhood. I spoke to the city arborist, and he felt that it would be difficult to protect the trees and still honor the new zoning, so he encouraged us to request conditions to preserve the trees. The neighborhood has a request that was given to the property owners. We agreed to this request. Steering committee agreed, and then when we didn't get a chance to speak -- we had our general meeting -- member meeting on the 2nd of march, and the general meeting membership also voted to proceed with this request. The request was that all the trees within 15 feet of the back of the curb on 38th street, west avenue and kings street would be preserved. If that meant that the sidewalks needed to be altered, that was okay with us. In addition, we'd like those trees in the front of building 1 a and 2 a on 38th street to be preserved. This is what we requested initially of the property owners, and the response that we got was that they would comply with the code. The problem is that the code allows even protected trees, the trees that are more than 60 inches in circumference, to be removed, just to allow reasonable use of the property, and with the vmu the concern of the neighborhood is that this would be reasonable use of the property. Mitigation is sometimes required when trees are removed, but that typically means there's replacement trees, and the replacement trees are likely to be a whole lot smaller than the existing trees, such as those that are planted at guadalupe 31. It's not such a good picture, but you can see a little bit closer up what those replacement trees typically look like. So the neighborhood is just asking for help to preserve the street trees on 38th street, west avenue and kings street. That's the end of my presentation. I'd like to thank you for giving me the time today, and I'm happy to answer any questions. thank you, ms. greenberg. Very appropriate presentation. Questions for ms. greenberg? I'll just say oftentimes as we have the inevitable sort of struggle or sort of exercise and force trade-offs when it comes to tree protection while at the same time trying to encourage and even craft the urban development that so many of us would like, is just -- is oftentimes the trees are, you know, set in the interior of a block, and that causes the big -- the big rub. An example that I point to frequently is the horrific mistake that was forced upon stratus properties across the street here when there was a single live oak, well in the interior of this block 21. Block 21, if you remember, was about as ugly a block as existed in all of downtown, and I'd like to point out to the taxpayers that we owned it for 30 years and we let it look as bad as it did. There was a single tree, and the opportunity was, of course, to sell that block for \$16 million in unbudgeted one-time capital gains that now we're putting to good use, and more importantly, to deliver \$300 million of tax base. 40% Of that increment now perpetually funds our affordable housing trust fund here in austin. No matter how

you look at it, a remarkable success across the street, from an environmental standpoint and financial standpoint, et cetera. There was a single tree. Some people liked to use that single tree as a way to stop development and to continue to have a horrific surface parking lot across the street. So as a compromise stratus was forced to pay \$80,000 and bring in the most internationally acclaimed tree relocation firm in the company, loaded it -- spent about a month and a half, loaded it up on a 42 wheeler, not an 18-wheeler, a 42 wheeler. We shut down cesar chavez for half a day in order to move this tree at about 2 miles an hour. We put it across the street here, just as we were about to open this beautiful cesar chavez promenade that so many citizens sent us complimentary emails about. Go over there today. The horrific eyesore of what otherwise is a spectacular urban development is that dead tree. Stratus was forced to spend \$80,000, that now we, our parks department, is going to have to spend thousands and thousands of dollars to go fix a stupid mistake and right in the middle of the most, I think, attractive, urban pedestrian setting in this state, we have a gigantic dead tree on a 45-degree slope that now we have to remove, have to, you know, keep the slope from failing because of that. Those \$80,000, had they been directed to tree folks, tree folks could have planted 4,000 trees. 4,000 Trees. And better yet, tree folks would have planted them precisely where they should be, along the right-of-way, just like the majority of these trees are, because trees there shade 100% of the concrete sidewalk and at times 50% of the asphalt of the streets that adjoin. Significant benefit in our attempt to combat the heat island phenomenon that most downtown have. So what I like very much greenberg's presentation here is the location of these trees are important. You know, I hate the cases, frankly, when there's a gorgeous specimen live oak that is in the interior of -- and then we have this heart wrenching struggle, and my opinion is the easiest answer, as painful as it might seem, is to figure out that value, donate that money to something like tree folks and have thousands of trees planted precisely where we need them in rights of way. So I'm just suggesting that here's an opportunity where we have mature trees, gorgeous trees that you know, had they been planted tomorrow they might be a little bit closer to the curb, they might shade more of the asphalt of the streets. They weren't, they're not, but I think -- I sure would support some concept of trying to protect these trees because they're so closely located to where we would otherwise plant them, which is along the property line, along the right-of-way, shading both concrete, sidewalks and asphalt streets. So I sure like the greenberg, and hope that we can figure out an appropriate way how to deliver both the urbane development that we want there, vertical mixed use development, while at the same time allowing those trees to do the glorious work that they should be doing for us, which not only is helping us aesthetically, but helping us very much on the environmental front, particularly when it comes to combatting heat island.

There are some interior trees on that property, and we didn't ask for those to be preserved. It's just the street trees that the neighborhood thinks is possibly to be preserved.

Mayor wynn: all right. So thank you. I have a question real quick. So what is the -- is there a recommended sidewalk configuration from the applicant and the neighborhood? Because -- under our new sidewalk ordinances, the trees are ideally placed along the curb line to protect pedestrians, in addition to providing shade. So if they're not going to be on the curbside, which, an appropriate example such as where I live, the triangle, but help us, guide us, on what amendments we're asking so we can still get the wide sidewalks that provide pedestrian access and protection.

Well, the trees are generally 10 to 12 feet from the curb, and I think the neighborhood would be just fine with having the sidewalk on the other side -- on the street side and the trees on the -- you know, slightly interior to the property. But it most likely means that the building is not going to be 15 feet from the curb. Otherwise too much of the root zone would be covered. I think an arborist would be in a better position to recommend an exact configuration.

Mr. Whalen?

Michael Whalen on behalf of the applicant. We had talked initially -- frankly the landowner is the one that brought up the trees in our initial discussion, and we had a proposal at one time to provide that flexibility. We had said as a possibility, sidewalks on west and king may be a minimum of 8 feet wide with a 4-foot wide tree/vegetation zone as a way to offer that discretion at site plan to -- to the site plan reviewers as a possibility, and we could do the same thing, I guess, on 38th street. So we had that in here, and then -- but I mean, in all due respect to the steering committee president, there was also an agreement ultimately that involved a lot of give and take where we ultimately came back to a development control and deal with tree preservation and respecting the trees at site plan. Our hope, of course, would be that something like 8-foot or 12-foot wide sidewalk with a vegetative zone that prefers the trees is one that would -- would work for the neighbors and the site plan reviewers. We're also welcome to doing something like this that we had offered initially as a possibility to recognize the value of the trees on the street scape. So that's always been the issue. There are -- that has always been something that we had offered and discussed. The issue that the mayor brought up was one that we were not willing to manage because it did not -- it wasn't -- it was just a few trees that were 35 feet in and would have created a 35-foot setback. That is what was unacceptable to the landowner and I'm glad that that's now dropped off and we are talking about something which really should be preserved, and that is the trees within the 15-foot buffer. There isn't -- the flexibility is left to the site plan reviewer ultimately. There is a way here where we could do something. But again, I feel compelled to have a opportunity to make sure the neighbors are we've worked hard with the president, Ann, and Jolene, who are on the steering committee here, in that regard.

Mayor Wynn: additional?

Hi, Jolene Cobas, a member of the steering committee. We never -- there was never an offer on the table to preserve the trees, and it was just the language that the tree ordinance would apply. I guess what we're trying to find out is what are the sidewalk standards going to be? What's the recommendation on that? Is there a recommendation?

Do some of those trees have recommendation?

Is there a staff relies --

Yeah, that's we're arguing about is the trees maybe -- well, no, because that's 12 feet. What if they're 12 feet and 1 inch in and they're not protected. Adams, do you want to help us out sneer.

Yes, sir. What I wanted to speak to is, you know, the design standards lay out the sidewalk standards that would apply to the various roadway types. Within the design standards I think there's abundant flexibility to deal with the tree issue. There's the alternative equivalent compliance process, which is used frequently in these kinds of cases, and there's also another section that titled minor modifications that allows flexibility specifically to protect trees. So in terms of flexibility at the site plan level, i think we have that. Now, whether we want to apply some specific standards or limitations as part of the ordinance, that's, you know, obviously your decision. But I think the flexibility is in the design standards ordinance. well, I think then what we could do is move -- sounds like the motion would be to approve on third reading, or is it second and third reading? Approve on second and third reading -- the first reading motion, but to include the tree protection standards set out by the campac neighborhood planning group. I'll second that motion. we have a -- first we have a motion and a second -- motion by mayor pro tem, seconded by council member cole, to approve on second and third reading our first-reading motion with the additional language regarding tree protection from our steering committee. which set out the protection of the street trees along 38th -- along the property perimeter of tract 10, is that correct, within 15 feet in back of the curb. And within 35 feet back of the curb in front of buildings 1 a and 2 a on 38th street.

That's the 35-foot setback, though, that we hadn't bargained for. We had been agreeable to 12 feet. I can see where 15 feet since that's the sidewalk, but that's a -- the reason why they want 35-foot setback is that it is a significant set back. You can't -- you wouldn't be able to do any building in that 35-foot setback according to the way they've written it there. That's why -- we have no problem with the first two sentences of the request. It's that last sentence that we have objected to was always part of this agreement. We made good-faith trade-offs throughout this process, and it's hard to ask landowners to make good faith trade-offs through a process and then at the last minute, as we've experienced over and over again, have additional requirements thrust upon either neighbors or landowners. This was not an issue that was not debated. We debated this issue. which ones are buildings 1 a and 2 a on 38th street? That might help us know, like if it's a small or large percentage of the frontage.

It would be -- the two -- the 1 a and 2 a are -- these are all one-story buildings. It needs to be redeveloped. I mean, you've seen this. It's a large site across from the hart hospital. I had to get an mri on my shoulder there last year, and this is about as poster child for why we need vertical mixed use --

this is very much a vmu site and that's why saving the majority of the trees -- more than the majority, 80% of them, is very important, especially the street trees, but this issue of the 35-foot setback was one that was sent to me by email from the neighborhood back in february. and if we could see -- that might help. What I don't think we have a sense of is it a small percentage of the frontage or two-thirds of the frontage.

No, so that very large tree is within 15 feet. You can see. is there an airle -- is there an aerial of the site? Okay. So -- so which --

[inaudible] so the northwest corner, that's building 1 a and 2 a both?

[Inaudible] the next building to the left is building 2 a. And so the two biggest trees -- so the northwest corner.

The two biggest trees that you see are set further back. My guess is that those were trees that were existing when that property was developed in the '70s. And that's why they're much bigger than the others. The corner tree in particular seems like it would be a shame to take down since it provides shade both on 38th street and king street. I think it is 25 feet. yeah, I'll stick with my original motion including the 35-foot setback on 1122 --

mayor and council, at the risk of unleashing chaos, i just wanted to provide a little additional information. guernsey has informed me that he believes we would have to capture the tree conditions through a restrictive covenant, private restrictive covenant. It could be public, and i whalen is not amenable to that approach. There is also another issue with the condition that i mentioned on tract 10 b. I just wanted to put that out there. I can give you the details when we get to the -- to the appropriate time. and I think laura and i, who are -- have to bear a heavy responsibility for unleashing the larger mischief on this -- the overlay, my sense of it is that we -- we did leave it open for the creation of conditions, and maybe that's something we can adopt on second reading. How about I amend my motion to say only on second reading with a staff recommendation about how we can achieve the intent of the motion to include the 35-foot setback for the 1 a and 2 a building site in the 15-foot tree -- protected trees within 15 feet of the curb line for the rest of the perimeter. and that's acceptable to me, and I'd also like staff, before we come back to third reading, to look at the language dealing with the minor modification and see if we can bring the parties close together on the tree. You talked about the fact that the land development code had provisions for, i think, street setback, having to do with minor modifications, and I'm hoping that there's some language in there that we can get the parties a little closer together on this.

Okay. And if I may, if I could just speak to the condition on tract 10 b that i mentioned a minute ago. In my introductory remarks i said is that that rear portion of tract 10, which is now tract 10 b, would be excluded from the overlay district but there would be a condition applied to it to limit location of dumpsters. I've been -- there's been a back-and-forth discussion with legal staff and I've since heard from them that if we are taking that property out of the overlay district, or excluding it from the overlay district, we're unable to apply that condition to it. I believe the parties have reached an agreement on how to get to that condition in the future, but that wouldn't be part of this action. we have an amended motion for second reading only with further suggestions and instructions to staff regarding the tree protection piece before coming back for third reading. Council member leffingwell? the motion sheet shows this as opted in, 10 b as opted in. That's incorrect. That's what you're saying?

That's correct, yes. and my recollection is that there was also a limitation on the number of units on tract 10 b.

There may have been at one point in the discussion, but I believe the term sheet that I saw last week, that condition had been dropped out. so it's a straight -- the straight zoning with the only co being the location of dumpsters?

Well, actually what I -- what I have -- what legal staff has told me is that we're unable to apply that condition since in effect that rear portion is -- is no longer part of the zoning case. What the parties have agreed to do, I believe, and correct me if I misspeak, is whalen is going to file a zoning case on that tract 10 b to impose the condition that it would be a separate zoning case that would come forward in the future. so the motion before us is only tract 10 a?

That's correct. again, we have a motion and a second for second reading only for tract 10 a. Did I state that correctly, mr. adams?

Well, I'm -- the motion would apply to the entire planning area, but tract 10 b would not -- the condition would not apply to tract 10 b. and again, this is second reading only.

Right. further comments? Hearing none, all in favor please say aye.

Aye.

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

Thank you. thank you, george. guernsey, that leaves us then with our discussion items 39 and 40, correct? yes, mayor, we can't do those in two minutes, I'm sorry.

Even as fast as you can talk we can't do that. So then council, without 25 at this time we'll recess this meeting of the austin city council. Stay tuned for live music and proclamations. Our musicians today are marimba. And we'll have a few proclamations and reconvene the council meeting approximately 6:00 p.m. We are now in recess. Thank you. Welcome back to our live music rig gig at the austin city council meeting. Rattletree marimba. Since 2006 rattletree has been making their music mark, with zimbabwe and marimba. I've been to zimbabwe. High energy music is featured monthly at the last saturday event at copa. They use hand crafted instruments and has been featured in numerous festivals including south south by southwest, band leader joe has apparented -- has partnered with many non-profits around the region to increase awareness of various causes including the simms foundation, save austin music foundation and the epilepsy foundation. Please join me in welcoming rattletree marimba. [Applause] [music playing] shade. that was fabulous. Introduce your band to us,.

So my right is karen green.

Mayor wynn: hello, karen. [Applause]

behind me on the giant bass marimba we have darren dyke. [Applause] and on the paired down marimba in the corner the is wayne salsman. [Applause] first before we hear about how we can hear you more frequently or where else you gig around town, tell us about the instruments, handcrafted, obviously.

I built all the instruments myself. They're based on the sim bob wayan marimba orchestra and

zimbabwean traditional instrument comes from the embira so we take them off that and put them on the marimba.

So apparently you have a monthly gig at copy copa.

Which is the last saturday of each month.

Last saturday of each month, we have a different local band playing with us. We also feature a different local nonprofit every month. It's a great time. It's a dance party.

And then if somebody wanted to try to partner with you as you do downtown, do you have a web site on how can we learn more about the music.

We do, it's rattletree.com.

Mayor wynn: Rattletree.com. com and hit the contact button and that's the way.

Any cd in production or any way we can listen to some of the music on-line or how would that work?

Yes, we have the music on-line on our web site. We're also working at our most recent full length album here locally, so that should be out in the june, is the projected date.

Mayor wynn: fabulous. Before you get away the official proclamation here today folks reads, the local music community makes many contributions towards the development of austin's social, economic and cultural diversity and whereas the dedicated efforts of artists further our status as the live music capital of the world, therefore i, will wynn, mayor of austin, hereby proclaim today, march 5, 2009, rattletree marimba day in austin, and join with me in congratulating this fine talent. [Applause] and so while joe and some power cranes try to break down the band on that side of the room we'll use this podium to do our weekly proclamations but before I do, a little point of privilege, folks, please join me in congratulating gail chavez on her birthday today. [Applause] gail is the very patient person who each week -- in the course of a month, really, gathers all these different requests to do all these proclamations and figures out how to somehow choose the winners and sort through it and craft our sort of -- along with rows rias, craft this live music and proclamations. Thank you, gail. Because what we do each month -- each week is we try to use this opportunity -- with our proclamations to oftentimes say congratulations, to raise awareness about a very important event. Oftentimes we say good-bye to retiring city employees. So we take it seriously. We enjoy doing it and gail makes it very enjoyable. So our first one -- I'm joined by tarie belden, because our first proclamation is regarding registered dietician day so I'll read the proclamation and tairi will tell us about why we are trying to promote the work of dietitians. You may know in 2004 i formed a mayor fitness council to try to continue to raise awareness primarily about the cost of health care and how much of that can be avoided by doing some simple things. A little bit of physical activity during the course of your day and week, being very much aware of your nutrition, avoiding risky behaviors, like tobacco use, primarily and then thinking about things like your body mass, weight index and those types of things. So avoid wasted health care spending so we can spend health care dollars

judiciously on the right stuff. So we try to partner with dietitians, with psychologists who deal with behavioral change, with senior advocates, with children advocates, public sector, private sector, to try to have as much of an outreach as possible. So very pleased to read this proclamation and have tairi follow it up with additional words. Our registered dietitian day proclamation reads, registered dietitians are the food and nutrition experts who can translates the signs from nutrition into healthy living. Registered dietitians have degrees in diet ix, I guess, it is, public health or related field from well respected, accredited colleges and universities, have completed an internship and passed an examination and whereas registered dietitians work throughout the community in hospitals, schools, clinics, nursing homes, fitness centers, the food industry, universities, research and private practice, promoting science-based nutrition in the hope of helping our citizens chief optimal health. Therefore I will wynn, mayor of the city of austin, texas, do hereby proclaim march 11, 2009, next wednesday, as registered dietitian day here in austin, and please join me tarie belden. Tarie. [Applause]

I i want to thank mayor wynn and the city council for recognizing the sometimes unrecognized nutrition professionals. He pretty much said everything I want to say but I want to say march is national nutrition month and this year's theme is eat right. And basically it wants to help people make informed food choices as well as getting good behaviors of nutrition and physical activity. A registered dietician does get either a bachelor's, a master in science or accredited doctorate degree. They go through intense tif internship program and pass a national exam that needs to be accredited through the american dietetic association. We are licensed in the state of texas and maintain yearly education hours. We really want to help to get texans to be healthier, so anyone wanting to see a dietician can help prevent chronic diseases such as diabetes, heart disease, high bangladesh. Blood pressure. So if you want to find a local dietician in your area we want you to check out the dietic association and that would be eatright.org. Thank you ve much. [Applause] good deal fanned so my next proclamation is a point of personal privilege as well. I'm very proud of casis elementary. I happen to be a proud father a casis elementary fifth grader, having had my oldest daughter go through all of her five years there as well. This next proclamation is technically a certificate of appreciation to casis elementary school for a really impressive food drive that they have had recently john's community is our benefactor of that and perhaps bill will say a few words about how it is all put to good use. So I'll read the certificate of appreciation. Start here with fourth grade teacher larry sullivan and star pupil jake, who also might say a few words about the program. So the official city of austin certificate of for their exemplary efforts on john community center pantry casis elementary school is deserving of public acclaim and recognition. For the past 18 years casis students have collected food john community center pantry during the thanksgiving and christmas holiday seasons. In 2008 alone they collected more than 5,000 pounds of john residents. This certificate is presented in recognition of their long-time generosity and caring spirit this 5th day of march, year 2009, signed by me, mayor wynn, but acknowledgedly the entire austin city council, a certificate of appreciation for casis elementary school. Jake, congratulations. [Applause]

as the late paul harvey said -- the rest of the story -- the casis elementary school in the last 18 years has given over -- helped collect over 100,000 pounds worth of food john's community center. This is a unique group. We have schools. We have private companies like at&t, and we have churches that work with the john's community center, and I'm happy to say that the casis elementary school is one of the

largest contributors to this.

Mayor wynn: larry? [Applause]

first off I'd like to thank mayor will wynn as john's community center and also jake, he's got a plus for the rest of the year for coming out to support me and support our school. It's great, this year we focused on not necessarily -- in the past we've kind of made a class competition, see how many cans each can bring in. This year we focused on finding a reason to give and not giving just -- a pizza party at the of the year but basically finding your reasons to give, and donate, whether it be to help others, help yourself, to make yourself feel better and reach out to people who are in need. So that was our main driving force and so people brought in their cans from all over, every area from pre-k to fifth grade in our school and baskets were full of cans and we had the john's community center come pick them up and there was just a two-week adventure that was amazing and these kids brought these cans in and it was really amazing to see all that generosity. We had a giving tree about why you give and so why everyone needs to find their reason to give. So it's really important tweants about winning this party. It wasn't about the accomplishment of just your class winning but it was about giving and finding your own reason to help others in need throughout the year. It turned out very well. I thank our vice principal to co out and supporting us. [Applause] [applause]

mayor wynn: jake?

I really want to thank mayor will wynn. He really leads austin greatly, and that's all i have to say.

Mayor wynn: all right. Thank you, jake.

Thank you.

Mayor wynn: thank you. [Applause] psa so for my last sort of proclamation before I turn the podium over to council member shade, these are certificates of congratulations for our clean air psa winners. Lee and christina have joined us because they won our contest. Dina helps us by running the clean air force here in the austin area. You probably know that as austin has continued to grow, one of the challenges that growing cities face is urban air quality. We are fortunate in that we are a very about city that still technically hasn't violated the clean air act. That is, we are what is called -- we are in attainment. Virtually every city our side and many cities smaller have already violated the clean air act, they're in non-attainment because of -- my home town of beaumont was the very first city in 1990 to violate the clean air act. So what we do here in austin and central texas is band together elected officials, the different governments in central texas, the private sector, which helps dina with her clean air force board and we try to raise awareness. We try to let folks know how they can help, everything from athe kind of lawn mower you might use, what time of day you fill up your car with gasoline, how you can help us with commuting, having more effective mass transit and to see the young people step up and help us deliver that message is very, very rewarding. Of course it's their city, their planet that they are inheriting from us fundamentally, and so it's with great honor that I get to present these two certificates of congratulations. My guess is they're probably the same awarding, so i think I'll read one and we'll give christina -- i t'y

second place. So christina got a second place award so she'll get the certificate of congratulations as well as it looks like deanna has an I pot we'll give the rest of the students and lee lee is our grand winner. So I'll present the proclamations and we'll present these. So the certificate of congratulations from the we are pleased to congratulate kristina powell and lee mendez. Christina goes to stoney point high school and lee is at austin high school, for taking in this case -- christina is taking second place in the clean air of central texas's high school of public service contest. Christina created a thoughtful research on the rlg texas. Her worked encouraged people to take active procedures in air quality. We are pleased she is taking an educated role in helping herself and her community on air quality issues. This is presented this 5th day of march, 2009, signed by me mayor will wynn, but acknowledged by entire city council. Congratulations to kristina powell. [Applause] of course after I said all that i realize the certificates are slightly different and so i want to read lee's as well because it describes his fine work. And so lee's certificate of we're pleased to congratulate lee mendez of austin high school for taking first place in the clean air of central texas high school public service announcement contest. Lee created a well-researched and thoughtful psa, again on the topic of air quality here in central texas. His work challenged citizens to take proactive measures to improve our area air quality and we're pleased he's taken an active role in educating himself and our entire community on how important air quality is here in austin and central texas. This certificate is presented in recognition the year march, 2009, signed by me and acknowledged by the entire city council, a certificate of lee mendez. [Applause]

hi there, I'm deanna aten hoff, and I want to say thank you for mayor wynn, who is one of our clean air force board members for this opportunity to recognize these students' work. I know they worked very hard. Both of their psa's and really appreciate it. This contest was open to high schools in the five-county region, and we will be -- unfortunately we don't have them to show you right now, but we will be showing both of them at our april 1 ozone sick kickoff right here in the atrium with mayor wynn on april 1 at 10:30. I want to recognize the parents and principals and teachers that are here supporting these students, and lee mendez's parents are here, linda and david mendez, so thank you so. [Applause] and also lee's teacher, gill garcia, up here, taking photos, and for second place winner, kristina powell, i want to recognize her mother, anna powell. Also a special guest, former city council member margaret hoffman is here who happens to be christina's grandmother. So I want to say thank you so much for coming. [Applause] [applause] and also christina's principle, bret carmier is back there. So thank you so much. [Applause] very well done. Thank you. so for our final proclamation I'll turn the podium over to council member randi shade. Council member?

Shade: nice to meet you.

Same here.

Thank you. How about here. Well, I am very, very honored today to get to -- on behalf of the city present a proclamation recognizing the national council of jewish women's 25th anniversary for being here in austin. I guess it's an organization that's over a hundred years old nationally, but it has strong -- it matches the austin culture very much. It's all about women showing courage and activism, grassroots support for very important activities and activism and social justice in all things that we take very seriously here in austin. I am please thad one of the members here is -- pleased that one of the

members here is even a cousin of mine and my mother is a member of the organization in dallas. So again, I'm just really honored that I get to present this proclamation. Be it known, whereas, the national council of jewish women is a national organization that has been at the forefront of social change for more than a century, championing the needs of women, children and families, and whereas the austin section of ncjw has more than 150 volunteers and advocates who have been serving austin for 25 years, turning progressive ideals into action and whereas the austin section brought the comben race for the cure to our city, brought happy home instruction program for reschool youth to aisd and found the coalition against dismix violence, they do service advocacy and education. Now, therefore, I will wynn mayor will wynn, of the city of austin declare march 9, 2009 as the jush women's women'sjewish women's austin section and thank you for all you do.

Thank you. [Applause]

thank you very much to mayor wynn, to councilwoman randi shade for those kind, kind words and I'd like to just say a few words about national council of jewish women. It's the oldest jewish women's organization in the united states founded in 1893. Although austin's section is only 25 years old, we have done quite a number of things, we believe for the city of austin and look forward to many, many more. I wanted to mention one of the programs that you highlighted, which is called hippy, and hippy stands for the -- let's just find it, the home instruction pro for youth. Preschool youth, and this came out of headstart and many other programs, and actually we got involved in this back in the '50s and '60s when israel was bringing many immigrant families into their country and they weren't familiar with the culture and they found through their research here in the united states that the best teachers are parents, and the best teachers are care takers who are with the children all day long, and that headstart and preschool training i one of the most important things we can do for our youngsters. So based on that ideal and idea and theory, and ncjw did a lot of work to do preschool instruction, and we shipped that whole program to israel for alle immigrant children. And guess what? Hillary clinton we over to israel and said, why is this over a news reel? Why don't they have it here, and she brought it to arkansas. And we brought it to austin. And over the years after some tending, it became part of aisd's community in schools program. So one of the things that ncjw does is that we find a need in the community, we address the need and we turn on it over to existing or new organizations to carry it forward. We're not married to a particular project forever. So I've mentioned -- you have mentioned very kindly some of our local projects, and so now at this point I'd like to take a moment to recognize some of the current leaders who were with the ncjw austin section today. Ellen sable, andrea abel, lisa lodski, betty foreman, susie, leslie arsham bow, and I'm augusta gelfand. Thank you so much for your attention to us. We look forward to our day on the 29th. Thank you again.

Thank you. [Applause]

thank you all for everything you do. Diepenbrock teri there being a quorum present at this time I'll call back to order this meeting of the austin city council. It's approximately 6:15:00 p.m. We've been in recess now for about 45 minutes. I appreciate everybody's patience. Council, before we get started on our remaining zoning case, we do, legal has confirmed a joint postponement request of the public hearing item no. 48. I believe our requested postponement of this appeal is to april 23, 2009. So I will

entertain that motion to postpone.

Motion made by mayor pro tem, seconded by leaf well, leffingwell, the site plan petition to thursday, april 23, 2009. All in favor of the postponement please say aye.

Aye.

Mayor wynn: aye.

Mayor wynn: opposed? Motion passes on a vote of 4-0 with council members coal, morrison and shade off the dais. guernsey, that takes us back to our parker lane zoning cases, I believe.

Yes. Thank you very much, mayor and council. My name is greg guernsey with the neighborhood planning and zoning department. I'd like to offer our next two cases and bring both of up at the same time. 01 for the property at 1404, 1408, 1504 and 1506 parker. This is to consider an amendment to the east riverside ol terve combined neighborhood planning area, a portion of the austin tomorrow comprehensive plan to change the land use designation from single-family to multifamily, and the zoning case-related to this is case 40 on your agenda for that same property, to consider a zoning change request from family residence, neighborhood plan or sf-3-np combining district zoning to multifamily residence, medium density neighborhood plan, s mf-3-np. The approximate is 180,700 square feet and composed of four lots developed with single-family homes. The applicant is considering a proposal to construct approximately 18 condominium units on the property. The planning commission's recommendation was to deny the applicant's request for a land use designation of multifamily, and to recommend approval of staff recommendation to a higher density single-family with the neighborhood plan amendment. This was approved on a vote of 6-2. The related zoning case, the planning commission did not recommend the applicant's request to mf-3-np combining district zoning. They recommended that the staff recommendation of sf-6-co-np combining district zoning with a restriction of two stories or 35 feet in height and a 25-foot setback on the rear with vegetation being applied. The applicant did have meetings with the contact team and the east riverside/oltorf combined neighborhood planning contact team voted not to support the zoning change request or the neighborhood plan amendment, and they were joined by the south river city citizens neighborhood association in the opposition to both the zoning change and the change to the future land use map. There is a petition that's been filed in opposition to this rezoning request, and it is in your backup, and was opposed to the zoning -- zoning the property to any other classification than sf-3, sf-3 being only the district that would allow single-family and duplex or two family residential, basically no more than two units on the property, on a lot. The reason for this was there was concern about building height, that there is an increase in population density, increase in impervious cover, and i think there are some exhibits in the backup with concerns about drainage, and that there are no multifamily properties that are needed in the area. Neighborhood plan cited all concern about having rental property and trying to get more ownership types of property. The petition was mostly signed by those property owners that reside in single-family homes on the back side or the west side of the property along elmhurst. The property along the north is developed with townhouse condominium type of development as well as to the south, there's multifamily zoning to the north, and to the south of the property. To the east across

the street there is mf-3 properties for apartments, and along the rear or the west side of the property is single-family. The traffic impact analysis was not required for this case because the proposed zoning would not generate more than 2,000 trips per day. At this time I think I'll pause and let ryan diepenbrock come up and make his presentation. I know that there are several members of the neighborhood that are here also to speak to this item. If you have any questions for me at this time, I'll be happy to answer them or you can ask them later. thank you, mr. guernsey. Questions for staff, council? If not, then we will conduct our public hearing, and let's see. Our agent, ryan diepenbrock, hope I pronounced that correctly, ryan, will -- we'll set the clock for 5 minutes, but however if the folks wanted to donate time to you -- is danny horseman here? Hello, danny. I don't know if I pronounced that correct. How about jerry diepenbrock, excuse me. Jerry, welcome. So ryan, that buys you six more minutes if you need it, so we'll set the clock for 11 minutes and let you make your presentation and then as you may know, we then hear from folks who want to support the zoning case and then we hear from everybody who wants to oppose it and then you have a three-minute rebuttal at the end.

Thank you, mayor and council members. My name is ryan diepenbrock and I appreciate the opportunity to be in front of you again. This piece of property that my partners and I purchased three years ago has been discussed, and some of you may know it. I tried to highlight this map just basically to clarify the multifamily or commercial zoning in yellow and then the single-family neighborhood mostly interior to these larger streets in white, obviously. One -- one thing I think everybody agrees upon is that parker lane is a street, especially in this -- this proximity to riverside and the riverside corridor, that needs some improvement and has started to see a little bit of that in the past years, and i think that our property is extremely important, probably the only important property, to continue that. We have had one redevelopment along the street and a little bit of improvement to some of the apartment complexes. In our vision and desires are very well aligned with the neighborhood plan and with many things that greg guernsey mentioned that everybody would like to see. We are just trying to do it in a way that works for all parties and works for a development to make it as good as it can be. That -- we've also made numerous modifications over the past year or two, and I'll quickly highlight those. Those have all been directly in response to a question or concerns from property owners, owner occupiers around this property, and that's why we do have quite a bit of support. You should have received a handful of letters from owner occupiers that are right next door to us, as we have been able to spend quite a bit of time with some of the owners in the area, making the proposal and the hopeful project that follows as good as it can be and taking into account everybody's concerns. And so that's primarily what I'm going to show you guys here today. Just to clarify a little bit guernsey mentioned to you, it looks like some -- I guess it's okay on the screen there in front of me, so it's cut off, but what we looked at is what's the appropriate density for this area when you stand on our subject property, you will see all multifamily around you. Some apartments and some condominiums. So we looked at it from a number of units, and you see our request. We are agreeing to a 16-unit limitation, and also just kind of size and scope, and we quantified that as bedrooms, and you see those numbers there. So from size and mass standpoint, we are -- we're probably less than all the surrounding property on parker lane. Here's our third or fourth revision of a potential site plan. This is definitely something that is feasible, and it takes into account a handful of things I'll mention here. But mostly it provides an attractive curb appeal type of layout with some density to it, trying to balance those two ideas. So a few of the points that we've talked to

surrounding property owners about, a flooding issue or water detention issue is a major one, which is one of the strengths of a multifamily development, and those requirements that follow. The trees and vegetation, especially in the rear of the property where it does abut single-family owners, was also from the beginning something very important, and I think we've got a handful of good and easy ways to take care of both of those two items. One example of this is a project my group is doing right now. It's about 60, 70% complete, right near Zilker Park, and we did a concrete stub wall to help some of those water flooding and control issues, and this -- this particular case right here was not a requirement at all in terms of a site plan or zoning issue. That was just something we -- we did because we were trying to control things the best we could on the site. There's a detention pond on another portion of the site that controls -- or that handles some of that as well. This is important to the Parker Lane property. There is a lot of water that we can help control, and our project and a zoning change would mandate that, basically. Height, privacy, those kind of go hand in hand. We've been able to with a multifamily 2-based zoning keep the height to two stories, which is also unique to the properties around us. That's why we think the size and scope -- scale of the property really fits in and gives it that transition between a hard, kind of rough street, like Parker Lane, and the interior neighborhood. Guest parking, we have had some of the residents along Parker Lane ask for a couple more guest spots. That's something we would plan to accommodate, but that's one of the areas where we've been -- we really do need the impervious coverage that mf-2 allows for. Even things down to headlights and cars shining in, that goes back to our site plan of having a way to really keep those headlights within the property as opposed to any of the three sides. Of course not across the street as you enter or exit on to Parker Lane, but the other property owners adjacent. So taking into consideration the number of these items, and again trying to limit the density to something appropriate. We can do that here. The staff recommendation of single-family 6 really comes down to the difference of having fewer larger units. It's not a floor to area ratio or a building coverage ratio or a size, especially with a two-story limitation. It's really just dissecting those into a few more units to provide a more affordable condo home, especially in this market. Apartment condition and something we're okay with. That's something that's part of sf-6 automatically, but I don't know why it couldn't be easily applied to an mf zoning. Our Zilker area project, we're tracking well above 5 green stars right now. It's not said and done yet, but green building is part of all our projects, so we would always agree to a minimum of that as well. [One moment, please, for] share with you guys, so if you have any questions for me, I can take them.

Mayor Wynn: Thank you, Ryan. Questions for our agent/applicant? Thank you, Ryan.

Thank you.

Mayor Wynn: Let's see. So Council, other than the folks that donated time to Ryan, there's no one here to give us testimony in favor of the zoning case. We now go to folks in opposition. Our first speaker is Tony House. I saw Tony earlier. I can't hear you.

We have a lead speaker for the neighborhood and that's Mark Teranelli. Thiel speak later.

Mayor Wynn: Fair enough. So Mark, it looks like folks wanted to donate time to you, so is Bradley Bows here? Welcome, Bradley. How about Lucy (Indiscernible)? How are you? And Carl Braun? Welcome. And

jim woodcock?

Jim had a flight to catch.

Mayor Wynn: Okay. So mark, you will have up to 12 minutes if you need it. You will be followed by either richard bowls or tony house. Welcome.

Thank you. Good evening, mayor and councilmembers. My name is mark teraneli. My wife and I live at 1702 helm hurst drive and have lived there since 1984. We are members of the south river city citizens neighborhood association. Our home abuts the parker lane lots on the west side and the rear of our home where our main living space is located sheriff's department within 20 feet of the -- is located within 20 feet of the property line. We oppose the up zoning of the parker lane lots from single 3 to multi-family 3 co for many reasons. We support retaining the east riverside oltorf combined neighborhood planning area future land use map, single-family 3 designation for the four lots in question. We believe the big picture concerns of the neighborhood planning area were fully considered during the approximately three-year planning effort that it took to complete this area's future land use map. The single-family 3 designation of these lots is appropriate for lots bordering our single-family neighborhood. They provide green space and buffering from the commercial and multi-family zoning to the east. This area of town has significant soil and drainage problems which will be exacerbated by more impervious cover if additional multi-family units are built. Shortly after moving into our home in 1984, we began to experience drainage problems caused by the parker square condominiums located on the south border of the proposed upzoning area. We and our neighbors fear more problems will develop with any new multi-family development on parker lane. We have been frustrated in our efforts to get help from the city with our drainage problems and have been told that it will take a capital improvement project to fix our storm drainage problems. We welcomed the dewpoint of duplexes or single-family homes on the four parker lane lots currently zoned single-family 3. As I am sure that you are aware, this is the second application for rezoning of these lots by this developer. After 14 meetings with the applicant, it is our current understanding that he will not alter his plans from mf-3 zoning to build the 16-unit condo development he's proposing. His drawings are not quipping to us that he could fit that 16-unit development under an mf-2-co guideline. We've -- since the applicant has no apparent interest in the smaller condo development and has stated that duplexes are his only other consideration for development of these lots, we've advised him that we support a duplex or townhouse project. We support maintaining the west side of parker lane in its current zoning configuration so that it can effectively serve as a physical border and buffer for our single-family neighborhood. Currently this dense commercial and multi-family development begins on the east side of parker lane and continues to the east riverside corridor. We oppose further infiltration into our single-family neighborhood by unplanned multi-family development. Our area, future use land map, has designated jean russ amount -- generous amounts of multi-family zoning of development in other areas of our combined neighborhood. We support maintaining the west side of parker lane in its current zoning configuration so that we can retain the green space existing there. It should be noted that the riverside neighborhood planning area has only three percent green space, even though it is the most densely populated area of the three east riverside oltorf combined neighborhoods. Without sf-3 zoning, we essentially have no green space. We support planning -- the planned development of the east riverside/oltorf neighborhood planning area. As

it exists in the future land use map. We support austin's neighborhood planning process and the single-family zoning designation for these parker lane lots, which was done in light of planning concerns for the entire eroc planning area. Consideration was given to the interest of property owners, developers, business people and city planners as well as to infrastructure needs. We asked you to support the eroc neighborhood planning map and retain the single-family zoning on these lots. Finally, I want you to be aware that in the final negotiations of the first application for resoaping of these -- rezoning of these properties, the applicant withdrew his application rather than accept a compromise single-family 6 zoning that the city council had directed him to consider. The abutting property owners and representatives from the neighborhood association at that time went to great efforts to draw up a compromise agreement to accept the sf-6 upzoning with conditions requiring a restrictive covenant and performance bond. Thus far the applicant has refused to agree to providing a restrictive covenant and performance bond to assure us of his intentions to stand behind his plans and would prefer to negotiate on a handshake. We prefer that he develop duplexes or townhomes under the current sf-3 guidelines. I'd just like to show you a few picture and I'll be done with my presentation. I just wanted to show you a bit of the single-family neighborhood, the three abutting properties that this is our home on elmhurst. The next shot is david, who is also abutting property owner. The final picture there is richard bowls. The three of us run down the western border of that project the the land that is being considered for development is higher than the surrounding single-family neighborhood. That picture shows of back of my home standing on ground level from the property in question looking down. Just another picture that demonstrates that's looking over the back fence and down into our house and how vulnerable we are to height there. bowls' home standing at the front edge of his house and looking back. And the house in the background is the rental property on parker lane which the applicant says is -- you can only see multi-family from his property. And in fact, he's surrounded on the back side by single-family neighborhood. Okay. And this is again just to show you kind of the slope and the water issues. This is standing on parker lane looking at the southern end of his property. You can see the grade goes back towards the single-family and then slopes down toward riverside. I appreciate it. ..

Mayor Wynn: Thank you. Questions for mark, council? Thank you, sir. Tony house? And/or richard bowls? Mr. bowls, welcome. You will have three minute house or dawn sizemore. mayor, council people. My name is richard bowls. I li 1704 elmhurst drive. I've lived there for 39 years. My property backs up to that house that mark just showed, which is incidentally condemned and no one has lived in it for years. Apparently the applicant is happy with that condition. He failed to show the other two houses down the street which some of y'all might be interested in driving by some day to see. They're very poor houses. I don't know how anybody could live in one of them to tell you the truth. If the city ordinance was obeyed, I'm sure they would close up those properties there. But anyway, aside from that, from where we are together right here now, there's a place of business over on congress avenue that has a motto that says, we're from here. That's what my neighbors and I are on elm hurst drive. We're from here. We've been here for a long time. We're not looking for a vine-covered cottage in the woods. We're happy with where we're at, we're happy living in the city of austin and we don't appreciate what's been done on the back of our property. And this is the only opportunity that we have to express the position that we feel coming before this august body. But be that as it may, i would imagine that this fellow that talked first would agree with me that he has got the worst looking piece of property in south austin, at

least in the zoned area that we're in, and that would include from ben white down to riverside drive and from 35 over to the west side of town or east side of the town. The property is poor. It used to be where you could see -- if you saw at least a piece of property you figured that whoever owned or operated that property was an individual that you could respect and that you could count on. But that's not the case in this thing. He's got property there that is just unreasonable and he doesn't want to do anything about it. He bought the property, as my neighbor had just said, that already was zoned for single-family. And now he wants to come before the council and change that ordinance. You know, the council -- i think everybody here would agree with me -- is not in the business of seeing that a developer makes money on his investment. It's up to him to do that. We're also aware of the fact that there are a number of builders and developers that are happy and content with a reasonable amount of profit. Then there are those that would like to have an unreasonable amount of profit. [Buzzer sounds] I think we're considering one of those at this time. mayor, I see my time is up. I would ask that you vote no on this zoning case and keep austin weird. [Laughter]

Mayor Wynn: Thank you, mr. bowls. [Applause] tony, you can try to follow that.

I know, it's tough. My name is tony house. I'm a secretary of the east riverside oltorf neighborhood combining planning area. I would like to point out that it is the property owner's responsibility to keep his properties up. Applicant knew the condition of those properties when he purchased them. He knew the zoning. And if he didn't know, he should have known what our future land use map had -- what the staff and stakeholders had recommended the zoning be for those properties. It's a common tactic among developers especially in our area to allow their properties to become run down so they can make the argument, well, they're only good to be reyesed to the ground. I have to have an upzoning to do this. And that's not right. I would also like to point out that the single-family properties are located within the riverside neighborhood planning area of eroc. The 2005 housing data from the city's comparative neighborhood reports really puts the raise in this proper perspective. In 2005 the riverside npa had 510 single-family units. 528 Duplex, triplex and four-plex unit, and a whopping 6,050 multi-family units. Since 2005 over 2500 multi-family units have already been approved and are either under construction now or in the planning stages. This is going to increase our multi-family units to more than 8500. And we have more coming down the pipeline -- or that will be coming before you very shortly. We do not need more multi-family units, especially not on our single-family border. And this is riverside's only single-family neighborhood. So we ask -- truly, we ask that you stop offering us up to developers and a cheap date. Please start being choose si and thoughtful about the location and the type of development that you approve for riverside. Deny this rezoning request and planning amendment. Thank you.

Mayor Wynn: Thank you, ms. house. Let's see. Our next speaker is dawn sizemore. I saw dawn earlier. Welcome back. Let's see. Is david smuk here? Welcome dawn has offered you her time. You up to six minutes if you need it.

Good after, councilmembers. I'm a member of the east riverside/oltorf neighborhood planning contact team. And participated for several years in the neighborhood planning process which added up to hundreds, actually thousands of hours of citizen time and staff time. And during that process there were extensive discussions on what was appropriate density and what were the positive things of the

neighborhoods in the area that needed to be maintained and which things could be changed. And a number of compromises and trade-offs were made during that process and one of the goals, stated goals and objectives of the neighborhood plan is to retain and protect the single-family neighborhoods that are long established and thriving. People come to our neighborhood and are often surprised. If you just drive down riverside and just see some of the urban decay in those areas. Some of our neighbors have lived in their homes for over 50 years and some are third generation in that neighborhood. These four lots, it's not one property, but four single-family lots, are part of our historic and cultural diversity that has been a characteristic of our neighborhood for many years. I have participated in many discussions with different kinds of developers and planners and also I walk the neighborhood not only as a matter of something to do, but also delivering news letters and I'm very aware of our steep hills, grades, tree lined streets and the way that the neighborhoods were designed by the previous developers who built subdivisions there in what is a very hilly terrain. And so -- and in addition, I talk to many of the people, including the elderly people, and they're aware of the many creeks and springs and other kinds of natural features in this area. And the slopes and different varying elevations. One thing no one is not clear if you just look -- one thing that's not clear if you look at a plat map is these properties, these four single-family lots have -- they do slope down and there is a creek underground, goes underground for part of the way and it surfaces again on the other side of the asphalt mess that is riverside. The water has to go somewhere. Detention is important. More multi-family, just because there's multi-family across the street, I think that's not a very valid argument. We have seen in our area how too much multi-family has contributed to serious social and community problems. It's a different thing to see what happens five, 10, 20 years down the line. And it isn't a very healthy thing to put a large multi-family type development right backing up to a neighbor's house. I have personally seen in my house -- I live only a few hundred yards from these properties. There's streets and other adjoining street appeared there are other properties there that have a multi-family apartment building right behind them and they have a lot of difficulty selling their house for what their fine homes are worth. And one property owner had to actually pay to have the apartment behind him painted, the apartment house painted behind them because it was so unsightly and there's only so much you can do to screen out that type of very unsightly -- there's noise, there's disturbances of other kind, and so neighbors look down the line. And I ask you as planners to look down the line and see that inserting more multi-family zoning or use into a single-family neighborhood is questionable. We have already lost just recently several other landmark properties along Parker Lane and some that got zoning changes and are now in a very sad state. I believe that the overall purpose of the neighborhood planning process is to limit the spot rezoning and do a comprehensive type of looking at all of the factors involved. And so I recommend that you see these as four single-family lots that are part and parcel of a single-family neighborhood rather than just another place where you can put up some multi-family uses. There are, as others have said, many, many multi-family properties available with appropriate zoning that -- in our area and there are relatively few neighborhoods as nice as ours. [Buzzer sounds] so thank you. And I ask you to respect the neighborhood plan and respect the valid petition and deny this inappropriate rezoning request. Thank you.

Mayor Wynn: Thank you. Council, I believe that's all the folks who have signed up wishing to give us testimony. For the record, Gale Golf, Linda Land and Malcolm Yates also signed up in opposition, not

wishing to speak. brock that gives you an opportunity to have a last word or perhaps rebut something you heard. We'll set the clock for three minute.

I won't rebut. I want everybody to know and understand that I have three tenant who have been living in three of the four homes without any turnover since we acquired the properties because I might self have worked with them to do the best we can keeping the properties liveable for them and keeping the rents at the price they can afford. I've been over there many, many times. A lot of the comments that were made are almost surprising because I think our development would balance those better, especially water type issues. The size and scale really isn't what we're talking about, especially with subdividing single-family three. There's taller height allowed in single-family 3 than what we're suggesting and different setbacks probably closer to some of the neighbors' homes that spoke. There's too much detail to get into, and what we found is that -- some of you guys know how much time I've spent on some other cases, when we do get to sit down and get to the core issues, there is a way to invite everybody and find an agreement that works. And that's why we do have a number of people who have supported us. They aren't here tonight, but they did send letters to you guys. Because we were able to do that with a number of the people who would like to see these improvements. So we're really talking about the appropriate number of units to make the project work, not really the size and scope. A single-family 3 zoning and development would be nearly impossible when we're surrounded by other condo, multi-family projects, and to get in and out of parker lane with a single-family 3 structure just doesn't work. It wouldn't be attractive or feasible. So that's why we came up with the best plan we could to present to you guys. Thank you.

Mayor Wynn: Thank you. So council, that concludes the public hearing aspect of this case. Questions of our applicant/agent, staff? Anybody else for that matter? Comments? Motions? Councilmember morrison.

Morrison: I have a question probably for mr. guernsey. I understand there was a piece in the not too distant past on the same property, and sort of the same request. I wonder if you could give us a little review of that.

Yes. There was a case that was filed on the same property, and in your backup material, let me flip back over to that, it was withdrawn in june of 2007. It was a request for mf-4 zoning. The planning commission recommendation, staff recommendation in that particular case to recommend denial. That case did not go forward. This case is less intense in the sense that it is a request for mf-3, it allows building height slightly less or actually less. Instead of 60 it would be 40. And less density. So with any application, even though a case may be withdrawn from your agenda or even if it's denied, an applicant can refile an application of less intensity less than 18 months or 12 months that might be prescribed by our code.

Morrison: So it went to planning commission and they recommended denial?

The previous case for the mf-4.

Morrison: And it never went to council?

It was withdrawn at council. It was placed on your agenda and withdrawn.

Mayor Wynn: Further questions of staff? Comments? Motions?

Cole: Mayor.

Mayor Wynn: Councilmember cole.

Cole: I appreciate the testimony of the applicant and also of the neighbors, especially with respect to the riverside area. We know we've had a number of cases that make that area challenging because we do want to maintain the single-family aspects of it while we recognize that it has often had a high number of student population. So with that I'd like to make a motion to adopt the planning commission recommendation.

Mayor Wynn: We have a motion by councilmember cole to close the public hearing and accept the planning commission recommendation, which first reading only, mr. guernsey is asking.

Cole: Yeah, first reading only.

Mayor Wynn: And remind me, mr. guernsey. The planning commission recommendation --

Cole: Sf-6-co-np.

The planning commission's recommendation was to recommend on the future land use map a higher density single-family and for the zoning would be sf-6 with a conditional overlay and within the neighborhood plan combining district area with two limitations, a 25-foot set back along the rear with vegetation and limit the height to two stories or 35 feet maximum on the property. And we do not have an ordinance prepared for those because we are aware of the opposition coming in to this evening to the case, so these would only be ready this evening for first reading.

Mayor Wynn: And that also is staff recommendation as well.

That's correct.

Mayor Wynn: We have a motion from councilmember cole to close the public hearing and approve planning commission recommendation as guernsey on first reading only. Seconded by the mayor pro tem. Further comments? Councilmember morrison?

Morrison: I think that the numbers that were presented in terms of multi-family and single-family and the goal of the neighborhood plan to be able to maintain the single-family property that does exist now, as minimal as it is, I think that it's really important that we stick with what was adopted in the neighborhood

plan and not upzone this even to a high density single-family. So I won't be able to support the motion.

Mayor Wynn: A motion and second on the table, first reading only, planning commission and staff recommendation. Further comments? I'll just say I will be supporting the motion, but as is often times the case, would appreciate frankly a little more analysis of the impact of that zoning category and those conditions on the actual zoning. Further comments? Hearing none, all those in ? Opposed? Motion passes on first reading only on a vote of five-two with councilmembers leffingwell and morrison voting no. Thank you all. So council -- mr. guernsey.

I was going to say that concludes our zoning items this evening. 00 public hearings.

Mayor Wynn: Thank you, mr. guernsey. So again, we heard, council, that ends our zoning cases for the evening. We now have I believe five public hearings to conduct. Seeing how we have already postponed item 48 for a month or more. So it looks like our first series of public hearings or annexations, welcome back ms. virginia collier.

Yes, sir. My name is virginia collier from the neighborhood planning department. This is the second of two public hearings for the following set of three full purpose annexation areas, items 43 through 45. Council will not be taking action on these items today. An ordinance readings are tentatively scheduled for APRIL 2nd. Item number 43 is the barclay drive right-of-way satisfaction area which 10 of an acre and extends the northernmost extent of barclay drive which is approximately 400 feet noartsdz of intersection of barclay drive and wild briar pass. This is currently in the city's limited jurisdiction and includes a small pors of right-of-way that has been previously included by previous annexations, the most recent occurring in december 2008. I've brought copies of the service plan and put those out front this evening. Upon annexation the city will provide full municipal services as described in the service plan and this concludes my presentation for item 43.

Mayor Wynn: Thank you, ms. collier. Questions for staff, council? Let's see. Are there any citizens that would like to give us testimony on this public hearing, item 43 regarding the full purpose annexation of the barclay drive right-of-way annexation area? Motion by mayor pro tem, seconded by commas to close the co--- committee councilmember shade to close the public hearing. Motion pass odds a vote of six to zero with councilmember cole off the dais.

Item number 44 is the international residence apartments annexation area which includes approximately four acres locate understand southern williamson county at the northeast corner of the intersection of copper creek drive and pond woods road. This area is currently in and includes the balance after multi-family property that was annexed in december 2008. This area is adjacent to the city's full purpose jurisdiction on the north and west sides and annexation of this area will help ensure appropriate emergency dispatch and increase the efficiency and delivery of public safety services. Again, copies of the service plan are available this evening and I would be happy to answer any questions you have on item 44.

Mayor Wynn: Thank you, ms. collier. Questions of staff, council? Are there any citizens that would like

to give us testimony on this public hearing, item 44 regarding the full purpose annexation of the international residence apartments annexation area. Motion by the mayor pro tem, seconded by councilmember shade to close the public hearing. All in favor please say aye. Opposed? Motion to close the public hearing passes on a vote of six to zero again with councilmember cole off the dais.

Item number 45 is a south i-35 annexation area which includes approximately 58 acres in southern travis county east of i-35 approximately one-half mile south of the intersection of i-35 and onion creek parkway. This area is currently in and is adjacent to the city's full purpose annexation on the west side. This is an undeveloped piece of property and the owner has requested annexation facilitate zoning of his site. The city will provide full municipal services as described in the service plan as present this had evening. This concludes my presentation for item 45.

Mayor Wynn: Thank you. Again, council, questions for staff on item number 45? Or are there any citizens that would like to give us testimony on this public hearing, item 45, regarding the full purpose annexation of the south i-35 annexation area? Hearing none, I'll entertain a motion to close the public hearing. Moved by mayor pro tem, seconded by councilmember morrison to close the public hearing. All in favor please say aye? Opposed? Motion to close the public hearing passes on a vote of seven to zero. If you don't mind before we go to item 46, we have a number of folks who I think we can sort of hunker down and end the evening with. Item 47 is to conduct a public hearing regarding an ordinance for appealing and replacing certain articles of what we refer to as our electric code. We would appreciate a brief staff presentation.

Good evening, mayor and council. Leon barber, building official. Item 47 is requesting council approval to move forward with the 2008 national electrical code. We are currently under the 2005 electrical code. And this 2008 also includes some local amendments that will allow a bit of cost savings through some of our builders too. That was my presentation. If you have any questions, unless you have anything that you want to ask of me.

Mayor Wynn: Remind me, this comes to us recommended by our electrical board.

Yes.

Mayor Wynn: Council, any questions for staff? Comments? Are there any citizens that would like to give testimony at this public hearing, item 47 regarding replacing certain elements of our electric code? Hearing none -- motion by the mayor pro tem to close the public hearing and approve on all three readings. Seconded by councilmember morrison. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero.

Thank you, mayor and council.

Mayor Wynn: Council, that leaves us now with our final public hearing of the evening, item number 46 is to receive citizen input regarding essentially our consolidated plan and margaret shaw. mayor, members of council. My name is margaret shaw, director of neighborhood housing and community development.

This is our annual process, part of an annual process. We're actually kicking off our five-year plan to receive housing and urban development block grants. So for the federal regulations require that we have a certain series of public input. I have a few slides here to walk you through the context of what we're doing here tonight. The consolidated plan as i mentioned is a five-year requires us to do to get the four block formula block grants that we receive. On an annual basis we prepare an action plan. There's a distinction between the two. The con plan that you can see from right now is from 2004 to 2009. The next one will run from 2009 to 2014. The components of every city over 50,000 that receives grants are a housing market study, the results of public participation that are required through the h.u.d. Process as well as the community setting its priorities for the use of these housing and community development block grants. And the housing and community development strategic plan. So how over these five years they're going to use these, identify your needs and then use these funds to meet those needs. The public input process, which is also required by federal regulation that austin has chosen for itself is to do five initial public hearings which are needs assessment hearings. We're right now in the middle of that towards the end of it. We have this one city council hearing. We have two community -- two public hearings before the community development commission. The last one of which will be monday night, the nine here in city hall. We also have one before the community action network and held one before the hiv planning council. One of the grants that we receive is called hopra, housing people for people with aids, so it's important for us to hear directly from the hiv/aids community on how to spend those funds. We also do a series of stakeholder meetings. The plan is then drafted by staff and released for a 30-day public comment period. That will be roughly the month of june. And the final report is due on august 15th of 2009. This body will see another hearing at the middle of the summer, june/july. Then we'll take action on the plan itself. We come out, this is our department's budget, so we're a little out of order with the rest of the city's budget. That causes some confusion. You can also go to our website, cityoforg/housing for some other opportunities for input. I'm proud of my staff in that we have our online survey for the first time we're focusing on throughout this process and give us some comments through next week. Next slide is the steps to creating a plan, again what every community goes through, the plan has identifying the needs. You heard a preliminary presentation from bbc research and consulting who we hired this year to create those gaps analysis and look at those. We also have public input and an inventory of all of the available resources for housing. The next aspect of the plan is to set community priorities on what is our priority for spending funds. For example, in our existing consolidated plan, one of the items that cdbg funds for, but the community decided was not that important were public facilities. So building more buildings that serve the public, they decided as we've had for years on end that affordable housing, job creation and child care were the three most important issues, so other things rank a little lower and public facilities for one was not included. To give you an example of what some of these bureaucratic terms mean. The programs then that we will have to respond to those needs and then how are those funds going to meet those needs? Next is the funding that we have available. Again, we have four formula grants that we received from and a formula is based on a complicated formula based on poverty, population and other factors in the city for the community development block grant fund. We also get home investment partnerships, which creates new housing for people earning less than 50% of the median family income. Emergency shelter grants are focused on a homeless population and serving them. Again as I mentioned earlier, hopfa for people with aids and hiv. In addition to the federal grant funds, h.u.d. Considers the city of austin a best practice network.

In fact, they've referred our department, many people to our department because we are one of the only communities that puts all of our funding in our consolidated plan. So you can also go to one document to see our general obligation bond funds, any of the general funds or any other local resources we have. Our program income, which is what's generated off of our entitlement programs. Next we have the eligible. Activities underneath this funding. Obviously it's a very, very broad category. We've highlighted some of them here, affordable housing from either rental or home ownership to down payment assistance of putting on a roof, rehab, rental and utility assistance. We have one of our popular programs and one we've heard this year, more popular than usual is our tenant based rental assistance where we help some of the folks coming out of homeless shelters. Creating jobs, small business development, public facilities as I mentioned, public services. We can only spend 15% of our monies on these, but they include things like child care, assistance to youth and families, senior services, commercial revitalization, many of the achievements that you saw a few weeks ago on the east 11th and 12th street revitalization were done through cdbg and the section 108 loan program offered through cdbg as well as the homeless shelter operations and again help for people with hiv and raids. Our priorities for '04 to '09 considered high again as I mentioned are housing, all as speks of affordable housing. Smowbs development, commercial revitalization, which are a key job creation programs and public services. So that's again child care, senior services, youth services. Our priorities for this year, so coming up for the next five-year plan will be set by council in the summer of 2009. And last I also wanted to add, because we're all starting to hear a lot, the federal government released the symptom must package. Just last week, and I wanted to highlight for folks here that while we know some, but not a lot, we did receive the city of austin an additional two million dollars in community development block grant funds so it will be issued by that formula. We do not know yet when or how we will receive those funds. But I do want to highlight for both the public and the council that as you know, the stimulus package for the city will be treated as a package in and of itself, so our cdbg programs, you'll see that under the city's stimulus efforts, not through the consolidated plan. At this point the government is requiring us to do amendment to our action plan to receive this money. So for our current year budget we would have to amend it to include these two million dollars. Right now our plan would require a 30-day comment period and other council public hearing. Many of the cities have then in washington that if we are trying to obligate these funds in less than 120 days, it could be difficult to do that with such a long public input process and we would shorten it to one more like the caper where we would have some public input, but note that would slow down the ability for us to obligate the funds in 120 days, which is also required by the law. So I just want to throw out that for stimulus. Unless you have fi questions for me, I would be happy to turn to the folks who have signed up and come out tonight. Thank you very much for your support.

Mayor Wynn: Thank you, ms. shaw. Questions for staff, council? Before we conduct our public testimony? If not, then we will go to we'll take these in the sequence that I believe folks signed up. Our first speaker is helen varyd. I saw her earlier. Welcome back, helen. You will have three minutes to be followed by joe quinn, who will be followed by lindsey harvel.

I'm helen varyd, the director of front steps. We do work with the homeless and other good stuff as well. The consolidated plan need to include housing for austin homeless citizens including those suffering from chronic alcoholism. Some people might wonder why we would house someone with chronic

alcoholism. Some would say we are giving something to undeserved people. Others will say this we are giving up on treating the alcoholism. I believe that we need to help austin citizens view alcoholism from the medical model. The chemical reactions that institute the disease of alcohol is to take place in the core of the brain. In human developments, this is the oldest part of the brain. If you were an alcoholic, the same part of the brain that tells you to seat, breathe and run for your life is telling you to drink. This part of the brain can employ other parts of the brain, hence rationalism and a little cunning, baffling and powerful disease. I know this sounds harsh, but we must recognize that alcoholism is a physiological disease and like any other disease the job of this disease is to destroy the host. A life preserver will always be available and a few even in the late stages of this disease will be able to grab hold. I understand that finding a location for housing chronic homeless alcoholics will be hard, but other cities have done it. Alcoholism is a physiological progressive and often fatal illness. We don't let people with cancer or diabetes die on the streets. Last year 135 people died on austin streets. No more people in austin should die on the streets. Thank you. [Applause] mayor, members of the city council. My name is jo catherine quinn and I'm a department director at caritas of austin. Earlier today in the market housing study briefing you saw the gap in available housing for people making less than \$20,000 per year. Not counting students, the gap is about 28,200. In austin's consolidated prioritize housing to fill this gap and housing for the chroniclely homeless. Homelessness is not a necessary social ill. It is a symptom of systemic social failure which we can reverse. We can make homelessness rare and episodic and a range of housing options is the missing component for our community to realize this goal. Let me tell you of the story of jack sanderson to illustrate my point. A real person whose name I've changed. Prior to becoming homeless, sarndson was a stable, successful accountant who did tax work. At some point, we're unsure of the time line, he began to sperps bouts of dilution, started self-medicating with alcohol, lost his job and became homeless. sanderson had numerous, though minor convictions for homelessness related crimes. None violent. And lack of housing stability contributed to his poor health. His delusions continued and he developed diabetes and hyper tentative heart disease. Last april jack attended caritas' monthly orientation to learn about services that could benefit him. He quickly engaged with his case manager. He proactively addressed his health and housing challenges by attending outpatient alcohol abuse treatment, seeing a physician at health care for the homeless, getting treatment for delusions and applying for housing with a local affordable housing provider. In spite of tremendous progress on jack's part, he was denied housing due to his criminal background. He and the case managerred talked for him. Numerous letters were sent to the housing provider on his behalf. He was still denied, but he kept appealing. During the process of his appeal on september 4th, 30 in the afternoon, jack was found dead by a jogger on lady bird lake. The coroner's report said sanderson, age 52, died of hypertensive heart disease with no signs of trauma. Housing could have made a significant contribution to stabilize this man's health. Affordable housing is so scarce in our community that even affordable housing providers can exclude people from minor criminal offenses. Housing that could have saved his life. Caritas stands ready to work with the city of austin and all interested parties to employ our knowledge to create opportunities for every person to be housed. Thank you.

Mayor Wynn: Thank you. Earlier I had called lindsey harvil's name. You can come forward. Okay.

Thank you, guys. I work with joe catsd rin quinn. My name is lindsey and i work at caritas of austin. I work directly with people who are homeless. I'm asking that you prioritize and remember the homeless

population when you make decisions about the city's consolidated plan. Basically the issue is that we are experiencing a new type of problem with homelessness. I'm going to illustrate the severity of the problem with the story about a client. I have a client who is 45 years old. He works full time. He does not have a disability, but he will wait a minimum of three to five years on the housing authority list. This is way too long for us to even consider it an option. His physical and mental health will soon deteriorate if he stays on the street that long. His only option is the private market. But guess what? Even though he works full time, he still can't afford the private market. We've had many conversations. He feels like giving up. I encourage him to keep going, but what really shocks me about his situation is here is a man who is physically and mentally healthy. He's working full time, has no criminal record and still the door is shut for him. He comes in every session and tells me how he fears that life on the street will eventually catch up to him, costing him his life, health or his job. The emerging problem we are seeing is a result of the economic downturn. It's basically a drastic increase in people who are starting out in good physical and emotional health and they don't have a disability. What happens is that they usually get full-time jobs again, but they still cannot afford the market rate rent. What I'm talking about is we need affordable housing for people who are making under \$22,000 a year. Basically I wanted to illustrate this on the city of austin's housing continuum. This is basically the goal of the city of austin is to get people from emergency shelters all the way to home ownership, but what happens is that we have such a gap here in assisted housing, affordable units. What I'm talking about is housing units where rent is around \$400 a month for people making less than \$22,000 a year. Because of the gap here people really need this to get to here because they just need a chance to get stable again, start saving money again, work on their educational goals. Without this basically we're seeing more and more people that are going to be seeking emergency services at the city of austin. You guys, we're going to have so many people overcrowding the shelters and sleeping on the streets that you're eventually going to have to put money here in emergency shelters instead of housing. So sometimes what these clients do manage to do is they save up a month's rent or two. They can get back into the private market for a month or two. They cycle back into homelessness. So basically these clients are sitting on our caseloads and we're getting more and of them. If we do not create affordable housing units for people making less than \$22,000 a year, I'm really worried about what will happen with the city. Thank you for your time. I really appreciate it. [Applause]

Mayor Wynn: Our next speaker is jennifer mcphail. Welcome. You will be follow bid joanna green.

I'm jennifer mcphail with adapt of texas. I'll start out by focusing on a truly affordable housing for people with disabilities who are extremely low income. Most of us who receive ssi make about 674 a month, which comes out to be about \$8,088 a year. While I agree with the previous speakers that we need to focus on housing -- focus on housing on rents below 22,000, we also need to concentrate on very much lower affordable housing because there is a demand for that. And as people get older and need more assistance, they're going to become poor. That's typically what happens. So the next issue is somewhat more complex because most of you may not be as familiar as we are with the program, but you have the architectural barrier removal program, which assists people with disabilities who have mobility impairments that have barriers in their housing that they need to have removed so that they can access their housing. There are differences in interpretation. Recently with the eligibility for services that we're concerned about, what had happened for quite awhile for decades is that you went by the individual's

income and made sure that the project as a whole was geared towards those below the poverty level so that you had some flexibility in who you served. But now neighborhood housing and community development is requiring that the entire project that they make the changes to be below poverty level. So that if you're a person with a disability who has a section 8 voucher who goes to a market rate apartment complex to live, if your section 8 voucher is taken, then you're not allowed to access avr program because you're not living below poverty as a whole. The entire complex. And we think that that's a misinterpretation of the requirements. When we brought this up, we weren't on the section that required that, we were given all of the requirements. We still haven't been able to find the section that requires that change. And then one of the other important issues is enforcement of housing laws that require accessibility. The tenants council gets 60 percent of all their tenants rights complaints based on disability. So that people like me who are looking for an apartment to rent in the community are being discriminated against 60% of the time. That should not be tolerated and they should get more funding to more aggressively enforce the law because it's incredibly important. We would also like to say on record that we still support separating services from housing. If you have one of those landlords that is not as open to serving people with disabilities and on top of everything else they provide your personal services, that can make your life very difficult. And last but not least, we would also like to expand accessibility requirements in single-family housing. Thank you.

Good evening. My name is johanne in a green and I'm a case mrpg at caritas of austin as well. I work directly with people who don't have homes. And I urge you to please remember the homeless population when you make a decision about the consolidation plan. When we first meet with our clients, the main question we always are asked is when are we going to get our house now or a place to live. This is the answer and the barrier that we continually are coming up against. The market, the housing market is not affordable for clients receiving fixed income like social security or have barriers from their past. I have a client with a steady income, but because of a past criminal history she is still denied affordable housing and cannot afford the fair market rates. She works really hard and still the door won't budge for her. Being front lines of the homeless epidemic has shown many gaps in the system that continue to keep on our individual -- to keep individuals in the shelter if they're lucky enough to even get into the shelters. Most individuals are stuck in a cycle that shows no help hoap for obtaining affordable housing. Other agencies working with the same population run into the same brick wall. Nowhere for a person to exit for safe, affordable housing. Housing is not an issue, but affordability is. With the shelters maxed out and the growing population of single homeless them, they have become major targets of victimization. I have women's group and 98 percent of the women in my group have been sexually assaulted, raped and/or dealt with domestic violence. Safety is such a concern i have recently had clients choose between shelter or do a good job. Knowing the risks that she would have to endure on the streets forced her to leave a high-paying job in order to keep her bunk. We have to find a way to allow client the safety that all people deserve. Money should be used for the poor people that have limited resources so they can improve their quality of life. The impact of this economy has sent more and more people to our reinjure orientation. When I first started orientation, it was about 15 to 20 people. Now we're up to 50 plus. Our caseloads are maxed out. We're overwhelmed with clients playing by the rules, making good decisions, working hard on their stability plan, but we can't serve everyone and many fall through the cracks. If the housing barrier continues, the cycle continues. Having support

tif housing and case management service goes hand in hand. They are successful. To be able to be effective at advocate for our clients, we need the resources. The homeless population is not going anywhere until these issues are resolved. And the increase of the specific population is only going to grow as the economic crisis shows it's ugly face. [One moment, please, for change in captioners]

we can treat one another with dignity and respect, provide opportunities to grow to our fullest lives and help one another discover and develop our unique gifts. We can extend this to others. I urge you to extend it to others. I thank you very much for your time. thank you, ms. green. [Applause] hiams flores, you'll be followed by charlene.

I'm matil, flores and i am the coordinator for the austin coordinator. I also work for aids services of austin. The core sorch you mean serves five areas, including travis county we help with rent, mortgage and utilities. It offers case management to persons with hiv and/or aids and we serve 333 clients in 2007-2008. Research shows that housing stability with persons with hiv indicates the following. Persons with stable housing are less likely to engage in sex and drug-risk behaviors than those who are homeless or not in stable housing. This is crucial to hiv prevention. As housing status improves, so do health outcomes such as reduction in hospitalizations, improved medication adherence, reduction in sex-trade activities and improvement in mental health status. The consolidate plan needs to include more long-term affordable housing, as you've already heard several times tonight. Many hiv clients are eligible for section 8 and public housing, but it can take 18 24 months after applying to receive public housing and three years or more to receive section 8 once on a waiting list. Many hiv clients are forced to live on 65078 a month from their disability checks, so they have to have subsidized housing. The plan needs to include more transitional housing. There is a need for immediate transitional housing that meets the hiv client needs for medical and confidentiality issues, especially for the homeless and those with criminal background histories. It's difficult to preserve confidentiality at the salvation army or arch. The plan needs to include more affordable housing for those with criminal background histories. You've heard this before too. These clients have an uphill battle with obtaining housing. Most complexes that offer low income housing, public housing or section 8 housing will not rent to clients with past criminal histories. Some landlords won't allow any felonies, when in the past the case managers used to get approval on these and get exceptions made. The plan needs to include more affordable housing for those with credit rental history problems. These serve as barriers and clients frequently are rejected because of past credit difficulties and/or history of addictions, and as other speakers have mentioned, housing chronically -- chronic substance abusers needs to take priority. When affordable options are eliminated our clients are often facing chronic homelessness. I have a client all right. Residentletter I'm going to try and read this. I got on section 8 after one year waiting several yrs. I had to check with 30 places to get accepted for housing due to several charges committed years ago prior. As a person receiving section 8 housing it has greatly improved my quality of life, meaning I'm able to pay my monthly expenses, adhere to my medical needs without distress of finding a plift place to live or distress of most of my disability check going to rent. I have an affordable place to live that allows me to take care of myself both physically and mentally. [Applause] thank you ms. himes flores. richardson, you'll have three minutes to be followed by jason harris.

I'm charlene richardson. Hello to everyone. I'm an employee with aids services of austin and I've been

doing outreach work and I've been going to places like the arch, salvation army, you know, just giving out information. And one of the things that I've found, homelessness is real here in austin, and affordable housing is very much needed. So what I would like to say is this. The existing agencies that are doing things like section 8 housing, austin housing authority, we need to continue to implement those services and maybe it will help some of the people that are without. Thank you. thank you, charlene. [Applause]

mayor wynn: jason harris? Jason harris signed up wishing to give us testimony. To be followed by elizabeth dosman.

Hey, good evening. Thanks for having us today. I just wanted to tell you that my name is elizabeth dosman and I am a case manager at the austin-travis county mental health mental retardation, specifically the care program. We work with hiv positive clients that are also affected by substance abuse and mental health. I wanted to tell you about a plan I have been working with trying to get as much help as possible. His name is steve. I started working with him when he was in the hospital at brackenridge. He had knew moneyian and he knew money pneumonia and full bloan aids. He was going to be discharged to the street. He already had social security so he had a \$674 income. He had had a past clean time of over two years from his crack addiction. He also had had much success with his hiv medication as well as his schizophrenia medication. So he had gotten healthy. He had been able to calm the voices and was doing a great job until he relapsed. But now he's in the hospital. He hasn't been on medication. He's hearing voices, and he's about to be on the street. So what are his options? He has a drug flown, and he needs to limit where he can stay. He can't get food stamps because of that drug flown. Felony. He also has an old utility bill so if you have an old electric bill, his is \$800. He would have to pay that off to get on the haka list to get into several project transitions and other opportunities for people that are living with aids. And he's trying to get clean. So that's a little bit hard to do on the streets. So what options do I have for him? I have the shelters that everyone told you up here, fleece a lot of drug use going on. There's a lot of alcohol. You have to leave during the day and where are you? You're at 12th chican, you're at 7th street. Weekly hotels. That's another option I can get him into. Okay. That's not the best situation for someone trying to get clean and trying to make doctors' appointments, take his hiv medications as well as his schizophrenia medication. Other ideas, I would love to have some. Boarding homes. They are hit and miss. Sometimes they are great, and they are wonderful for people that only have \$674, but they can just as easily turn into a crack house in three weeks. So for home like steve and other clients I work with that are living with hiv, i need your help and provide funding for that. So I thank you for your time. thank you, ms. dosman. [Applause]

mayor michael laster. Welcome, you too will have three minutes to be followed BY joyce McDonald.

Thank you. Three minutes, no time for eloquence. Michael lastitter of the rice kate wellness center. I've worked on hiv people with four and a half years. Austin's primary homeless shelters are crack houses. They should be safe places to spend the night, a stable platform from which our down on their luck citizens were launch their efforts at rejoining mainstream society. Instead they're places to get high, robbed, beaten or pimped. A solution with voluntary security for residents who want to do right and spend the night in safety. Clients who want to recover from drug addiction, no jobs, no place to live

except boarding houses, halfway houses, sober houses. Owners are crooks, promises not kept, houses not drug free, recovery threatened, no recourse. Solution, housing authority should run them, allow successful residents to graduate to public housing communities. Public housing. Two-year wait, even when prioritized as disabled. What to do in the meantime? Pay 70 to 80% of social security check toward rent. How do you live in austin, texas on \$650 a month? Solution? More public housing, more section 8, more money to successful programs such as project transitions and foundation communities. Gigantic light bills haunt my clients, a decade or more. They prevent move ins and new housing. let them work it off through community service and better educate utility customers on closing out accounts. Illegal immigrants, disabled, can't work, no income, not eligible for social security, not eligible for public housing. Transitional housing available, but nothing permanent, nothing to transition to. Go back to mexico? No treatment, no hiv meds. Go back to mexico is a death sentence. Solution: time's up. [Applause] that's mr. laster. joyce McDonald. Okay. How about rory o'mally?

Good evening, mayor and members of the council. My name is rory o'mally and I'm with the frameworks community development corporation. We're a hud approved housing counseling agency that does home buyer education and we also do foreclosure prevention counseling work with families in the austin area. And I've just handed the technician a flash drive that's got a map on it that you can see. Foreclosures have been increasing dramatically in the austin area in the last 18 months. What you have before you is a map that shows the single-family foreclosure postings for 2006 through 2008. In that time period there have been 9300 homes that have been posted for foreclosure, and then there have been an additional - - and that's just single-family homes. There have been about an additional 2,000 condominiums, townhouses, mobile homes and other -- duplexes and other kinds of housing. What we're seeing is that with, you know, a combination of adjustable rate mortgages, subprime lending practices combined with family spacing, loss of employment, a substantial reduction of employment, we're getting an increasing number of families who are facing mortgage delinquency and potential loss of their house. We think it's really important to the health and well-being of those families and to the community as a whole to keep them in their housing so that they do not become a burden on the community through homelessness, through mental health problems, through health issues, through children being disrupted from their schooling and having to move around. We also think it's beneficial in that they maintain their housing, they protect it, there's less crime, there's less decreases in property values, you know, for the surrounding neighborhoods. So we think it ought to be a priority in this neighborhood to keep families in their housing. Now, there's been -- you know, in the last two weeks and today -- or yesterday, president obama's plan to help in this crisis, and there's some tremendous strides in those programs to help refinance in certain circumstances, to help modify loans in certain circumstances, to give lenders incentives to modify loans and work with families. But it's been our experience that the big problem is not with the loans that are secured by freddie mac and fannie mae, it's the loans to the subprime lenders, that constitute about 45% of the loans that are the big problem and the toughest to work with. Framework does intensive foreclosure production, counseling work with families. We help them to create action plans. We help them to negotiate with lenders for plans which are feasible for the family and acceptable to the lender, and we urge you to put funding as a part of the consolidated plan in the foreclosure prevention counseling services. Thank you very much. thank you, mr. o'mally. Mr.-- mally. [Applause] eric rivera signed us to give us testimony, as did edward McCOURSE. WELCOME,

MR. McCOURSE. You'll be followed by ted hughes.

Good evening. I am here on the ending community homelessness community, which goes by the name of echo and you may be familiar with that. Echo is a coalition of the service -- the agencies in programs in the austin area that provide services to homeless folks and help them get back into housing. I'm here today to ask that you continue the high priority that you placed in the 2004 plan on providing transitional housing and affordable housing, rent utility assistance. The one additional item i would ask is that when you do that, you put a priority on making that transitional and permanent housing supportive housing, and that is housing that is tied to s services that allow people to successfully remain housed on their own and to move back into the community. Echo recently coordinated the application of the austin area's hud continuum of care application. As a part of that process the agencies that were participating made a commitment to moving towards more housing that included both those types of housing. As a result we were able to get an extra million dollars through the coc funding this year, through the sacrifice and commitment of those agencies that gave up service dollars to refocus on housing dollars. And so as we move into these plans we need the help of the community to help -- through this process to help us get money back, help provide the services that will keep people housed. My second request is that as we move forward on the consolidated plan, we coordinate it with echo's ongoing process of reviving austin's ten-year plan to end community homelessness. We will be coming out with that plan and I anticipate we'll be bringing it to this body towards the end of may and that is intended to have objectives as well as some specific strategies for addressing the homeless population and getting them into housing. You've heard from many members of the echo coalition here tonight. They've explained the need. I don't think anyone will leave here tonight wondering whether there's a need for homeless services and housing for the homeless in austin. But we ask that as you move forward we recognize the community priorities and find the ways that will be most successful in transitioning people away from the condition of homelessness and into housing. Thank you. thank you, MR. McCOURSE. [Applause] ed wilkins. You too will have three minutes to be followed by joseph --

I'm ted hughes. Thank you, mayor, and council members. I'm on the board of the austin chapter of the national alliance on mental illness, and I'm coming here tonight to support everything that's been said so far. I think you get the message. Many of the people that are homeless, many of the people who are ill-housed in our city are suffering from mental illnesses and many of those people are suffering from co-occurring substance use disorders. It's a very difficult group to treat, and they're a growing group. All of you on the dais tonight are too young to remember, but we once had a president from central texas who launched a war against poverty and then followed him with a president who launched a war against drugs. And for the past 20 years we have been filling our prisons and jails at an enormous pace. We have not followed that up with any kind of reentry program, no coordinated effort. What I'm calling you on to do is to include in the consolidated plan and in all of your planning, budgeting for the city, a -- an office or an agency that you create to pull these things together. There are people in-housing, there are people in drug treatment, there are people in mental illness. There are people in criminal justice. They don't talk to each other very often except when they need something from one another. The courts, I can assure you, are very well aware of the need for sentencing alternatives or sometimes what's called jail diversion. They don't have anyplace to divert people to. You cannot treat these co-occurring disorders unless you treat them simultaneously, and you can't treat them simultaneously unless the

people are properly housed. We've got to do something to coordinate all of these efforts. I come to you to congratulate you, mayor wynn, for joining with the other mayors of the largest cities in texas. Nobody has mentioned this, but you're asking for \$25 million from the state legislature for supportive housing, and we need that. Maybe, mike moncreef from fort wert, he said, housing work cannot work alone, se cannot work alone and we can't do anything if we don't do something. So we've got to get together on this. We've got to make this an urgent plea. We're wasting money, hand over fist on running these people through the criminal justice system. It's a revolving door. You've all heard the metaphor before.

Here here!

But it's true. And we'll say, we're trying to do the same thing again and again hoping for a different result. We've got to change our approach and we've got to start by taking it seriously, making it an urgent need in the city. Thank you. thank you, mr. hughes. [Applause] joseph wilkins, you'll have three minutes to be followed by francis ferguson.

Joseph debogy, for the special needs housing coalition, and we are a consortium of consumers of mental health services, chemical dependent services and providers of housing for that population. One of the keys to successful outcomes for those with special needs is effective case management, and this is one of the problems. Mhmr, for example, is being devastated by an explosion in the special needs population. At the present rate of their enrollment, in two years they should have 25,000 clients. They presently have over 900 applicants waiting for enrollment for clinical services, and although they do have a mandate for housing, they've been unable to meet that because of the crisis they have merely for clinical services, and the -- each -- each case manager -- each hmr case manager has 500 clients, which makes case management capability practically impossible. One of the members of our housing coalition has three boarding houses where they have been training case managers, resident case managers, and this is a program we're entering into, is the training of case managers. Five states have done that successfully, and what i would ask for from the city council and the mayor is that rather than have periodic meetings to discuss long-term goals, that we meet an immediate crisis and that we expand -- the mayor stone, the mental health task force, and what I would ask for and our coalition would ask for, is a motion from the council to have that task force expand itself and coordinate mental illness with housing and other cogent crises and to initiate immediate meetings to involve all stakeholders to discuss our proposal and also other proposals that have been presented by the last few presenters to remedy a state mate that now now -- stalemate that now exists for the mentally ill, for the chemically dependent, for the housing, for those in prisons so we can keep people out of hospitals and keep them out of prisons, which our prisons are fast becoming hospitals for the mentally ill. Thank you. [Applause] thank you, mr. debogy. Ms. ferguson. You too will have three minutes, to be followed by dora louise, to be followed eve mira montez.

Thanks for letting us speak. I serve as chair of housing works austin. Housing works brings together developers, home builders, major employers, neighborhood leaders, people from the faith community and all parts of town to support policies that support the vision that the voters support of all kinds of homes in all parts of town. First of all I'd like to congratulate you and your staff. The market study you've just released is an outstanding accomplishment, and it clearly documents what you're hearing about

today, and I think if you just stand back and intuitively look you know that we've been moving home ownership in that price range of 100 to \$200,000 out of the city limits for many years and folks who need rental housing until \$425 have very few places to turn, and yet that's about an \$8 an hour job, so there's lots of people who need that housing. The -- we've been working with the urban land institute, real estate council of austin and austin area research organization to be looking at how to close these gaps, and we're developing a separate discussion piece there, but we really view the consolidated plan as an important tool for you-all to use, for us to use as a city to really address what you just saw come out in the market study. We think the market study is accurate and well done, and so we need to close the gap. We need numerical goals all over town so that -- because what we can see and what we have documented is that if you -- if you look to the market to solve this problem, you end up with income segregation and income segregation leads to all the problems of concentrated poverty and increased crime, schools that can't succeed, et cetera, et cetera. So we really urge you to take advantage of this time with the consolidated plan to, to enter a comprehensive plan which is that we close the gaps and that we have numerical goals all over town for supportive housing, affordable rent, and we'll also have to look at other kinds of policies around planning and construction rules for home ownership. Finally, we certainly understand the city can't do this alone, just as the previous gentleman said, the cities are uniting, go to the state on supportive housing. We're working at a state level to go for additional state funding for affordable housing trust at the state level we'll probably need cooperation of other governmental entities and you certainly can't solve it just through your housing department because they have money but they don't have all those other land infrastructure and those things. So it's a city-wide problem but we look forward to your leadership to using the plan for a citywide housing plan and not just how to allocate public funds. thank you, ms. ferguson. Dara ruiz, sorry if i mispronounced that, welcome.

Hello, I'm dara ruiz, I'm a case manager with safe place. I work with families and individuals that have experienced domestic violence and sexual assault. Specifically I worked for a program called passages. It's a transitional housing program for families that are leaving our family shelter and trying to rebuild their lives and move back into the community. The program particularly that I want to discuss is the tbra housing voucher program that helps families with subsidized rent for one year move back into the community so they can focus on their education, their employment. Most importantly stability in keeping their family safe. It's really important and it's a very important program for our families that enter into safe place. It allows them to be able to not gain -- if they lost their jobs due to domestic violence, get their jobs back and really focus on their education. It's so incredibly important. Also, with the passages program and the tbra housing program, we help pay their rent, utilities, housing deposit, and this really - - this one-year program allows them to be able to not only focus on their education and their employment but create a stable housing rental history, which is, again, a barrier to finding affordable housing. It allows them also to wait for their time for public housing or section 8, because, again, it takes a very, very long time. So it again allows them to be out in the community, to work, to be successful, to stay together as a family and stay very safe. Specifically two families that have experienced domestic violence, the tbra voucher is accepted all over the community, and this is really important because a lot of times families need to relocate to different parts of the community where their abusers don't know where they are. This is very different than if they were accepted into public housing and they don't have

a choice of where they go. And oftentimes they go back to parts of the neighborhoods where abusers are and family members are, so it's very important that with the housing voucher program, that they go out into the community and they can decide where they want to be. I'm really fortunate today to have a client here with me that has been extremely successful using the tbra housing voucher program, and her name is eva mare montez. She's next. Thank you. thank you, ms. ruiz. Eva, welcome. [Applause] you too will have three minutes to be followed by stewart hurch.

My name is eva, and this is my advocate, and without her and the tbra I tell you, I really wouldn't know where I would be today. It's been a struggle through the things I've been through but they helped me learn a lot of things when I was there, you know,, support like life skills, class in self-esteem, builds yourself back up. Money management, I've learned a lot through that because when you're in a situation and you don't know where to go, when you're in safe place and -- it gives you something to look forward to, if you know what I mean. It's helped me -- I have learned structure with my family. I'm a mom of two girls and a grandson that are with me. It learned me to have -- to be a role model again, because things weren't going so well. It also helped me achieve financial and emotional independence through the tbra. But I'm -- I'm nervous so you got to excuse me. you're doing great.

My family and i, we became a lot closer since I've been more independent and learning things all over again. I'm the happiest I've been because of the tbra, because like I said, I would not know where I would be today if it weren't for this program. And I finally got placed so that's another plus for us. I no longer need the tbra because I'm doing it now. And actually I would like to say it's a really, really good program and there is a lot of people who do benefit from it, and other good citizens and just do what you got to do to be happy, and I thank them for the opportunity of helping me. So thank you for your time. thank you, ms. maramontez. [Applause]

mayor wynn: Congratulations, and thank you to safe place, ms. ruiz.

Stewart herch, you look well. Thank you, mayor, members of the council. I'm stewart herch, a retired city employee who lives south of the river and like most austinites I rent. 54% Of us according to your market study. I'm here tonight to support my brothers and sisters who are speaking to you about very low income renters and the gap that exists for them as well as for low-income families who continue to struggle to try and buy their first home. To set priorities under the consolidated plan, i recommend that you take four actions relative to federal funding. As some of the previous speakers have mentioned, that you increase home funding for tenant-based rental assistance, what they've called tbra. The second thing that we've discussed in the public hearings at the community action network and the community development commission is expanding community development block grant funds for case management so that tenant-based rental assistance can be much more effective than it is. The testimony I've heard is that if we do something on the cdbg side, it can enhance what we can do on the home side. The third recommendation is to maximize the home allocation, to build the capacity of our not for profits when the -- who in the housing business we call choatas, community housing organizations, so they can build low cost housing for low cost renters and low income home buyers. We also need to seek a hud waiver and repay our debt sooner rather than later for the millennium youth center and the austin resource center for the homeless. Our gold card, we've been making minimum

payments on. The time has come to pay off the debt and free up that cdbg money so that by the time our new census data is received in two years we can actually use all our cdbg money to meet all the needs that are being described tonight. On the non-federal side, we need to fund the housing trust fund for new rental and home buyer counseling as well as for new rental and home buyer construction, and I have three resources for you to do that that don't cause you to take away from anybody else. Repay the fee waivers from the non-complying smart housing builders. They've put a lot of money in the general fund. None of it has come back to affordable housing. Secondly, send all the nhcd and hfc program income into that fund. You'll have a readily available source every year to help make that fund work, and third, put the property tax revenue that you receive under what we affectionately call the alvarez resolution, former council member raul alvarez since 2000 has got us to dedicate former tax revenue on former city sites to affordable housing. That money if it goes into the housing trust fund will make sure there will be sufficient funding for that trust fund. And finally I want to humbly suggest that we recognize that what warren buffet said about his own company applies to us. I violated the noa rule. Predicting rain doesn't count. Building a does. Thank you very much. thank you very much, mr. hurch. [Applause] ?a marilyn hartman? Marlin hartman signed up wishing to give us testimony, as has eric bloomberg. I saw eric earlier. Thanks for your patience, eric. You too will have three minutes to be followed by douglas crawford, sorry, after we hear from marilyn. In fact, eric, you're welcome to come over to this podium here and be ready to go when marilyn finance.

Good evening. I'm marilyn hartman, I'm a member of the national alliance on mental illness and I'm the parent of a son receiving medication management through austin-travis county mental health and mental retardation. I'm here to speak for those mentally ill who cannot speak for themselves. And first may I say I'm disappointed that the housing survey does not consider the mentally ill, who of systematically over the years been ignored, undeserved, been in unlicensed homes, discriminated and abused. I know you are concerned about public safety. The numbers associated with mental illness are staggering. Mental illness affects one in five families, including suicide it accounts for over 15% of the burden of disease in the united states, more than caused by all cancers. It's the leading cause of disability for ages 15 to 44. 6% Of the general population has a severe mental illness. These are people who can't care for themselves. 6%. That's a very high number. So what do we have? Too many homeless on the streets of austin, a very high percentage who are mentally ill, and not receiving treatment. Jails and prisons overcrowded because 25% are non-violent mentally ill, likely with substance abuse as well, who would not be there if they had received the services they needed. There are 1,000 people, approximately, on the mh side of atcmhmr waiting for services. This is up from 600 something six months ago. The mentally ill cannot wait for treatment, and if they do, they may be self-medicating on drugs or alcohol, which increases their risk of engaging in criminal activities tenfold. Recidivism is 50% in this group. And there are people cycling in and out of state hospitals where they may be discharged before they are sufficiently stable because there's a shortage of beds. And then they show up in emergency rooms that are not equipped to handle them. What does the person coming out of the state hospital, the mentally ill coming out of the jail and the mentally ill homeless all have in common? There is no housing that is safe, publicly funded or otherwise affordable and has the care support services that they need to continue on the road to recovery rather than on the road to recidivism or rehospitalization. My personal story relates directly to the need for housing with care supports. My

34-year-old son is a wonderful human being. He's never been in jail. He's not a substance abuser and he's very bright. He's a graduate of Yale University, but about nine years ago -- I'm sorry, may I continue my personal story? if you can take a moment to conclude, yes, ma'am.

Was diagnosed with schizophrenia nine years ago, has been severely disabled by his illness. For the first three years he cycled in and out of mental hospitals 13 times, staying in several for the maximum three months. The last time six years ago at Austin State Hospital, or Ash. For most of that time he had an apartment, but four walls and a ceiling were not enough. We were fortunate to be able to place him at the Mary Lee Foundation here in Austin, and in the six years he's lived there he has not been hospitalized once. Here's what made the difference. Besides feeling safe there that his 24-hour on-site staff and policies that ensure he stays on his medications and avoids substance abuse, staff takes him to his medical appointments, prepares food, work with him on caring for himself and his surroundings and provide opportunities for him to socialize with individuals like himself, free of stigma. My son and many others need this kind of care, and it's unaffordable, unfortunately, to those people. That's why we do need public funding for this kind of housing. Thank you.

Mayor Wynn: Thank you. , Ms. Hartman. [Applause] Eric Wilkins,.

Thank you very much Mayor, and Council members, for the opportunity. Having a home is a universal human need and one that is necessary for adequate psychological health. Without a home people have trouble recovering their health, becoming self-sufficient and reclaiming valued roles in their families and communities. Unfortunately many people with serious mental illness are extremely poor, and that poverty combined with the lack of affordable housing and support services in our nation's communities cause people with mental illness to cycle among jails, institutions, shelters and the streets, to remain an unnecessarily -- to remain unnecessarily in institutions or to live in seriously substandard housing. We have heard about the needs in this community for people who have disabilities, who are homeless. I have a possible solution. I have researched and looked into a program that is used in dozens of states throughout the United States. Unfortunately not yet in Texas. It is called a bridge rental subsidy program. It is a program whereby funds such as home funds or HOPE funds, through tenant-based rental assistance are provided for that assistance until a person receives a person housing resource such as a Section 8 voucher. In other words, if a person has a disability, is homeless, and is on the Section 8 waiting list, they are eligible for bridge rental subsidies. In other words, they can move directly into a home that has been inspected by HUD where the landlord accepts those vouchers and they can then live in that home until their name comes up on the Section 8 waiting list and they can continue to live in that home, because the bridge rental subsidy would be replaced by the same amount of a Section 8 voucher. I talked recently -- by the way, I've worked for MHMR, Austin-Travis County MHMR and I'm the consumer liaison at that facility, at that agency. I talked recently with the director of our Access Path program, which deals with mentally ill folks who are homeless. We have 400 of those folks who are currently on our rolls. 100 of them at this particular time are on the Section 8 waiting list. If the city were to put into their consolidated plan to recommend the development of a bridge rental subsidy program, it is quite possible that all 100 of those people currently living on the streets of Austin with a serious mental illness could be in a home, have a roof over their heads. They could continue to receive services from MHMR, and they would stand a heck of a better chance of recovering from their mental illness or

substance use disorder than they stand today. Thank you very much. [Applause]

mayor wynn: thank you. Welcome, mr. crawford. Let's see, is vaughn harris here by chance? Hello, mr. harris. crawford, she's offered to donate her three minutes to you so you'll have up to 6 minutes if you need it and you'll be follo christa.

Thank you. I will need every bit of it. I'm very thankful to be here today. I see familiar faces. Councilman sheryl cole. The last time I saw you was at the memorial for the homeless. Mayor, last time I saw you was at sky line terrace at the ribbon cutting. Since then, mayor, I hurt myself on the job. I hurt my back, and i couldn't pay my rent. I got evicted. I'm very passionate about what we're doing here today. I'm a survivor. I recovered. I spent six months homeless, and now I'm [indiscernible] caritas. I'm in my place program and I'm going back to college. I have to retrain. I can't do what I used to do. I spent a month and a half camping out. I got two camping tickets. I did community service to take care of that. I get involved with the arch and [indiscernible] two very powerful organizations and i love them and I pray that you will always help them. They've helped me and many people like me, who may have had problems in the past, to be able to get our lives back together, and it's because of that I'm where i am today and involved where I'm involved with. I spoke with support programs from the arch, came right as, my place, sky line terrace, spring terrace, garden terrace. I also support any kind of education and training rewards programs that are out there for the homeless. Education is the key. It help people be able to discover what they have within themselves. It also gives them tools to take and find themselves employable jobs so they can become a tool to the community. I can't afford housing in today's market. I just got denied by ssidi, got my denial letter. I don't believe that I have to go that route. I believe I can -- I have an iq of 128. I believe our president has about that iq. I believe the one before him had less. The fact is I'm a very smart man, but the problem is i made a lot of bad decisions in my life. I suffered lot of trauma. I suffer from posttraumatic stress disorder. I suffer from clinical depression and I suffer from adhd. I'm here on behalf of a lot of people that have mental illness. I'm also -- I've got a drug addiction problem. I've been clean for 21 months. Special needs and housing coalition, which I like to call sync, is an organization of people that take care. We have housing out there available to people who have mental illness, like harris, she runs three of them in the city. There are badz one out there but she runs good ones, i believe with a proven track record we can get the rights ones out there and help them broaden their respective area. We need accountability and we need homes that work. Personally for the organization, I'm a resident manager in training and what I do is train people to be able to take on the responsibility of looking at over people, to make sure a home run is right, and they can take actions they'll be held accountable for, train people, make sure they go to classes, make sure they go out and look for jobs. These are the things that i do, and I also work with the shack, I don't know if you know what the shack is but it's part of the mental health consumers here in austin, and I do all this because I want people to succeed. I can't find work right now so I volunteer approximately 40, 50 hours a week. That's what I do. I want you-all to take a good look at what you're doing. I want you-all to help out people, because not all people that are homeless are [indiscernible] and not all people who are homeless are failures. Some of us out there, we live in fear because we don't know, people just don't care, and we get categorized. We got put, labeled. You walk down there to arch 00 in the morning, I can see why you might put a label on people that are homeless, but if you walk into arch and look at the few people that are in there that are actually taking advantage of the programs, that are actually doing the

right things, it would change your views. It would actually show you that what is happening is important. We have made progress. Right now what we need to do is get the groups together. We need to get some different organizations together. We need to get people together and I highly request that you get communication going. I ask that you take and put these organizations together, hold them accountable but also look at what works. Explore it. Make a committee. Do whatever you have to do to find out what the solution is to our problem. I don't want to be homeless again. I don't want to be -- i promise -- reduce it by one. I said I'm going to try to reduce it completely. It's a promise I couldn't keep. But I want to help as many people I can and I want to lower that rate of death on the streets in the city of austin. I can't do it nationwide but I can do it right here as best I can. I turned my life around almost two years ago because I camped 100 yards away from a woman who got murdered, and I went to the cell vacation army arc for ten months, and I went to sky line terrace, and I got hurt. I tried all kinds of -- you know, what, there's people out there like me who want a chance, and people out there like me who want to do the right thing for the right reasons. Do your best, and don't let people like me end up dead on the streets. Thank you. [Applause] thank you, crawford, and ms. harris. Welcome, ms. nolan. You too will have three minutes to be followed by frank fernandez.

Good evening, mayor wynn and city council members. My name is costanola and i work for the community partnership for the homeless and I'm going to start with three broad strategies and end with four specific strategies. I'm going to talk fast so i apologize, I'm trying to get through it all. First we want to prioritize preservation and rehabilitation of affordable housing especially west of i-35 and in central austin. Second, homeless prevention and support for families at risk for homelessness. Third, increase the inventory of permanent supported housing, not emergency shelter. The specific strategies. The first one is to continue to execute city partnerships with local choatas for local housing development. For example, land ownership. The second, tbra's, a hot topic this week. Broaden the definition from chronic homeless to include the special needs population of disabled, aging and families that are impacted by domestic violence. Currently in the past five years only 50% of tbra funds have been spent. Additional funds are not necessarily needed. We just need a broader definition and potentially additional providers to utilize and spend down 100% of the funds we're receiving. With tbra we would also like to see a housing stabilization pilot in a neighborhood with extremely high mobility rates, such as pecan springs elementary. This pilot could positively impact the schools, decrease homelessness and help strengthen the respective neighborhoods that the school is in. Lastly, we would like to ask you to prioritize the housing first model when considering your future investments. Thank you. thank you, ms. nolan. Frank fernandez, welcome. You too will have three minutes to be followed by adrian moore.

Good evening, everyone. You've heard a lot of good testimony so I won't try to rehash what you've already heard besides to say that I'm very supportive of investing in folks who are very low income. The only thing I would say we've always had this big gap, folks in poverty, struggling with homelessness, and this will only guess worse because of the economic times we're heading into over the next year or two and it's important we invest in that now. What I'd like to mostly do is just testify as the -- for the choato roundtable and testify about what we're concerned to as concerns the conn plan. The first thing is we have a good, robust nonprofit community here. What we don't have, though, is enough folks doing -- or enough folks doing it at a certain scale, because the reality is the kind of housing everyone has been talking about today, for the most part your private developers are not going to do. It's really the

nonprofit their going to do the yeoman's work on it and for that to happen we have to help them get to scale and that means investing in -- to help non-profits get to do that. That's a critical way we'll be able to address that gap we have currently. A second point that I would want to emphasize is really thinking about when we're looking at the conn plan, as francey said, it's not just about funding allocations, it's a planning document. And thinking about what you-all documented in two years ago from -- the task force, deeper affordability, long-term affordability and geographic dispersion. Right now the core bonds does a good job but that extended to how we plan, and a couple very important quick examples are thinking about publicly owned land. It's kind of been alluded to. And the reality is, again, if we're going to get any type of affordable lower income housing west of i-35 or any kind of scale, it's really about having a more active city and thinking about some of the land they have, what is the best and highest use, because as manies of you recall, in my organization, was embroiled in a very highly contested project and a lot of what people's concerns were about is why is this only east of i-35? And you only address that concern when you start -- are able to do more projects on the west side, and that is about the city stepping up and taking part in that. Another specific point i would raise is thinking about tax credits. Tax credits are going to be one of the primary funding mechanisms that we have for being able to achieve affordability not only in, you know -- east austin but around tod's and west of i-35 and right now the city consistent with core values, should be thinking about how can it prioritize projects that meet those core values that are geographically dispersed, that are affordability, that do speak to long-term. So thank you. thank you, frank, for all your work. [Applause] adrian moore, I believe is our final speaker. mayor, and council members. My name is adrian moore. I'm executive director of the council on at risk youth here in austin. We're a private nonprofit 50 1c 3 with a mission of helping you promote safe schools and safe communities. With your support and the support of many others we serve about 600 high-risk kids who are at risk of violence each year. There's a relationship between youth violence and problems and issues in communities and in homes and with homelessness issues and so on. I have circulated a handout. I think youth violence is a serious problem in austin. You will note, if you will look very quickly, that in the past decade for school-age kids, 10 through 20. We have more than 100 arrests for murders, 1200 for aggravated robbery, 2,000 for aggravated assault, 15,000 for other assaults. I know that austin is rated as the second safest city in the nation. We're proud of that, but that is relative, and we need to remind ourselves, we need to look back at the data and remind ourselves that we need to take more assertive action at youth violence prevention. It's a public health issue. It's a community issue. It's a neighborhood issue. We do need to address ourselves to it. A community action report in 2000 entitled "public safety crime prevention and victimization" called for a balance between funding for incarceration and funding for prevention and intervention. So council -- at risk use is hopeful that you will prioritize youthful violence prevention highly so that we don't repeat in this decade the kinds of figures we haved in the past ten years. Thank you so. thank you, mr. moore. Council, that's all the folks who have signed up to give us testimony on this public hearing in order for us to receive citizen input. Comments, questions? Council member martinez? No? shaw, do you want to help us remember what the next few steps are now?

Thank you, mr. mayor. You are very good at this process after a few years on the dais, but yes, I just wanted to remind folks and folks at home that we are having our last community needs assessment hearing on monday night, with the community development commission. 30 on monday night, the 9th,

here in city hall in the boards and commissions room. We appreciate everybody who comes out to these meetings both at council and all the other hearings. It does make a real difference in helping the staff draft that plan. Thank you very much and appreciate your attention tonight. thank you, ms. shaw. Again, further questions of staff, council? Comments? If not, I guess technically this was a public hearing, so motion by council member martinez, seconded by council member shade, to close the public hearing. All in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion to close the public hearing passes on a vote of 7-0. There being no more business before the city council, we now stand adjourned. It is 8:29:00 p.m.

End of Council Session Closed Caption Log