

Closed Caption Log, Council Meeting, 04/02/09

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Good morning. I'm austin mayor will wynn. It's my privilege to welcome rabbi david komerofsky, executive director, texas hillel, who will lead us in our invocation. Please rise.

Good morning. Our source of strength and inspiration, we ask for guidance and wisdom for this city council in their deliberations today. May these people seek truth and fairness in the spirit of compassion and righteousness, may they listen to each other and to their citizens from many quarters. With their eyes and their ears and their hearts and minds attuned to the voices of their own best instinct. Let these good people be agents for what is right, helping us to move from what is to what might be. From what can be to what should be. And may all of their inevitable disagreements be for the sake of heaven, civil and fair. Amen.

Amen.

Thank you, rabbi. There being a quorum present at this time I will call up to order this meeting of the austin city council, it is THURSDAY, APRIL 2nd, '09, , we're here in the city council chambers of the city hall building 301 west second street. Council, before I walk through some brief changes and corrections to this week's posted agenda, we try to take this opportunity each meeting to -- to bring up any potential upcoming items from council or council sponsored initiatives that -- that we should be aware of. Councilmember shade?

Well, I just wanted to say a special thank to the rabbi for coming today to do our invocation. I wanted to remind everybody that next week, of course, is passover as well as easter, I wanted to wish everybody a very happy holiday season. I know those are really important events, so I just wanted to recognize that and thank the rabbi for being here, wish him a happy passover and thank you for all of the work that you do at u.t.

Mayor Wynn: Agreed. Councilmember leffingwell?

Leffingwell: This may or may not be an upcoming item, but I wanted to comment very briefly on an item that's in the news about dangerous dogs. And if possible get a very brief update from the city manager, staff, on the status of our dangerous dogs ordinance and of the enforcement of it. And what -- just a

very quick update and see perhaps where we need to go from here. councilmember leffingwell, we are aware of that -- that news item. And I've had some brief lurie, I'm going to ask him to come up and tell you where we're at, what we intend to do.

Welcome, david.

Mayor, good morning. There's -- there are a couple of elements to -- to a designate relative to dangerous dogs. One is the actual review that's done, excuse me, by animal services and in all of these cases we have staff who have been out investigating. The next phase is a -- is an administrative hearing and in the past we've used -- excuse me, I'm just kind of out of breath from running in here. [Laughter] in the past we've -- we've been using municipal court for these administrative hearings. That's been a very effective process and recently there was a vacancy, so we have a -- we have a vacant position in municipal court. We also have the option of using other resources within the health department to -- to conduct hearings. So we will look into it, councilmember. But I think in the interim we will at least make sure that the hearings are -- that are occurring and in the long term we hope to reestablish that capacity within municipal court. Thank you.

Mayor Wynn: Thank you, mr. lurie. Councilmember martinez?

Martinez: Thank you, mayor. Just wanted to -- to let council know that -- that HOPEFULLY ON APRIL 23rd, I Will be bringing an item from council that is actually the work of the city manager and I wanted to thank him and acknowledge the work that he's done. We will -- we have a plan in place to -- to support and keep the pecan street festival up and running and going. I just think that this is one of the annual events where -- in fact it's the only annual event, it happens twice a year, that i have ever taken my kid to sixth street. It's the only time that i bring my kid to sixth street. With that in mind I think that it's critically important that we maintain event like this where families can be welcomed downtown and have a good time. And we're going to come forward with a plan that supports them, but with fees related to -- to street closures and -- and security and police and I think the city manager has put the city in the most advantageous position, not only will we support them monetarily, but based on the success of pecan street that money could also be reimbursed based on the contract that's going to come forward. I think it's a great place for us to be, keeps pecan street alive and well and we'll be bringing that item in a few weeks.

Thank you, councilmember. Again, further upcoming items from council or council initiatives to be aware of? Thank you all. So with that, I'll read changes and corrections to this week's relatively modest agenda. 35 as part of the items from council, we will note that councilmember martinez is an additional co-sponsor. 52, regarding the property at 1406 parker, we should insert the phrase higher density single family use and also note that this is in the -- in the -- in the town lake or lady bird watershed. So our -- our schedule for today here after we get through our consent agenda and depending on whether there are discussion items or not, at noon we will go to the general citizen communication, sometime we will have 2 staff briefings. The first one is the general overview and a progress update on the mueller redevelopment, our old municipal airport here i think in the next month or so we will be celebrating the 10th anniversary of the opening of bergstrom international and so we will take that opportunity to look at

the remarkable progress that has been made at our old airport transforming that into the city within a city that is soon to be. 00 we take up our zoning matters. At 530 we break for live music and proclamations, our musician today is larry wilson, stay tuned for that, we will conduct public hearings. So far, council, no items have been pulled off the consent agenda. So at this time I will ask if there are any items to be pulled by councilmembers before I propose a consent agenda. Hearing none, I guess technically for the record i do need to read these into the record. So our proposed consent agenda this morning numerically will be to approve item 1, the minutes from our march 26th meeting, from austin energy approving items 2 and 3, from our contract and land management department, approving items 4, 5 and 6. To our health and human services department, approving item 7. From our law department, approving item 8. From our library department approving items 9 and 10. From our neighborhood planning and zoning department approving items 11, 12, 13 and 14. From our parks and recreation department, approving item 15. And from our purchasing office, approving items 16, 17, 18, 19, 20, 21, 22, and 23. From our transportation department, approving items 24, 25, 26,, 27, and 28. From our watershed protection and development review department, approving item 29. 30 are our board and commission appointments that I will read into the record. To our ethics review commission james henson is councilmember martinez's nomination. For the council subcommittees and other intergovernmental body appointments, we will -- we have nominated duane lofton and gilbert to rivera to the capital area council of governments. Or capcog general assembly. 30 on our consent agenda. We will also be approving items 31, 32, 33, 34, 35, per changes and correction, 36, and 37. And we will be setting the public hearings by approving item 38, 39, 40, and 41. I'll entertain a motion on that proposed consent agenda.

So move.

Motion made by councilmember cole, seconded by the mayor pro tem to approve the consent agenda as proposed for -- before i ask for council comments, we do have a couple of citizens who I think would like to give us comment. Let's see, gus pena signed up to give us testimony on 10, which I believe is the acceptance of some grant funds for -- from -- from humanity of texas. Gus pena who I saw earlier. Wanted to give us testimony in favor, we will hold mr. Pena spot for a few minutes. Before I ask for council comments, if you don't mind, 32 is a resolution directing the city manager for the city of austin's participation in what we're " that is yesterday, april 1st, IS THE KICKOFF OF OUR Traditional ozone season. And this is a very, very important ozone season because you probably know has strengthened appropriately the standards by which the cities or metropolitan areas are measured in the health of their air quality. So based on that this season, the readings that we get from air monitoring around the austin area is the air that we either be designated as non-attainment or non-compliance with the federal air act or we remain in compliance or attainment. Really important stuff. Has a dramatic impact, of course, for public health. That's why the clean air act was passed originally the federal government, but also has a dramatic impact on the cost of transportation planning and the complexity of it, of our economy, our efforts to grow jobs, very much can be constrained by emissions. It's really important that we all work together to stay out of non-attainment, that is stay in compliance, i have asked kathy stevens, who is staff with campo to -- and coordinates the staff -- much of our clean air activity here in central texas, to perhaps give us a -- a quick synopsis or briefing not only of the resolution the action today but fundamentally the big push program and why we are trying to raise awareness of about what we all can

do as individual commuters here in central texas to protect our air quality, kathy, welcome.

Thank you.

I first would like to commend our city for its leadership role in reduction emission, the region is now in it's third voluntary ozone reduction plan, these have largely been successful, in a large part due to city leadership. However, we now are facing a new challenge as the mayor mentioned, the e.p.a. Strengthened the ozone standard. To be prisoner protective of public health, very vital. One monitor in travis county at murchison middle school is out of compliance with the standard. The average 75 parts per billion. The governor has recommended travis county be designated not attainment this year. will make decisions next year in march, although the governor recommends just 's presumed default area is the msa, so it is very much a regional effort. As also the mayor emphasized, non-attainment first and foremost means your air is unhealthy. Not something we want for any citizens. It also can increase costs for businesses. Requires offsets for new industries that come in. And it can dramatically affect the transportation planning process and can delay regionally significant transportation projects. One of the big things about non-attainment is many of these requirements will apply for 20 years after the region regains compliance. This is a very long term effect and could have significant impact on the economy. We do believe it's possible to regain compliance before makes the designations. The 2000 ozone season is critical for that. We need a 77 part per billion or less part reading at the murchison monitor to regain compliance. We know this is possible because in 2007 the reading was 76. And in 2008 it was 74. We did have favorable weather conditions then. It's not something we can count on, but we know that it's something we can do. So the region has gathered together to do the big push, a very big effort on part of local governments, businesses and citizens to get us back into compliance by reducing ozone forming emissions. So far, most of the cities 's in williamson county have committed to do additional action and support the big push, as has the city of pflugerville. Also the capital area transportation coalition, the real estate council of austin, and the home builders association are supportive. The city of manor and sunset valley will be considering this very soon and yesterday in a big action the san antonio local elected officials have also decided to join into the big push, so it will be a super regional effort. We are very pleased about that. The main components of the big push are -- number one, gathering all of these additional folks to participate. Number two, identifying and implementing additional reduction measures as appropriate. [Buzzer sounding] and u.t. Is working a lot on that. Number 3 is really maximizing public outreach. In addition to all of the clean air activities ongoing, there will be a media campaign kicking off in the next couple of weeks asking folks to try to do at least three things to reduce emissions. Most of those things are very simple and will also save people money, drive smart, maintain your vehicle, drive less, combine errands, walk, try transit, power down, turn off lights, unplug your phone chargers, turn off your computers, et cetera. All of these are very small things that everyone can do, but together we think many small actions can produce very large results. And I'm happy to answer any questions.

Mayor Wynn: Thank you, ms. stevens. Questions for kathy, council? Thank you very much, kathy. Related to that, I think on 32, scott johnson has signed up wishing to give us testimony. I saw scott earlier. Scott johnson signed up in 32 and wishing to address us. We will save his spot. And again earlier I called gus pena who wanted to give us testimony on item no. 10. pena back in the room? Okay.

Thank you, gus, we will show you in support of item no. 10. So, council, I believe that's all of the citizens who have signed up to give us testimony on items that are currently on our consent agenda. With that I would like to open it up to comments from -- from the dais. We have a motion and a second on the table. Councilmember leffingwell?

Leffingwell: Building on item 32 in a very small is item 33, which the resolution directs the city manager to participate in voluntary efforts with the and the downtown austin neighborhood association in a voluntary effort to -- to turn off non-essential lights in the downtown area, the weekend BEGINNING APRIL 17th, Which is the weekend of earth day. And it also directs the city manager to initiate a broader conservation about how city buildings can participate in the effort to turn off non-essential lights. This is an energy saving effort. If just half of the lights in the downtown area were turned off, for one night, that would be equivalent to the energy consumption by the average single family home for an entire year. So it's a small thing, but it does relate to energy consumption which relates to greenhouse gas reduction, it's an entirely voluntary effort and so one -- one more small step towards that goal.

Mayor Wynn: Thank you. Again, further comments on the consent agenda? Councilmember cole?

Cole: Mayor, I would like to draw attention to 15 and thank the parks department and legal department for working with my office to actually bring more community members to the austin rosewood corporation. This corporation actually oversees the contract with the millennium center and what we did was add more community members who were interested in that service and I've -- I would also like to thank councilmember randy shade and laura morrison and martinez for being so supportive.

Mayor Wynn: Thank you, further comments on our consent agenda, councilmember shade? I just wanted to call attention to number 31, which I'm co-sponsoring with mayor wynn. This is bringing a very successful event from houston to austin. It's called lemonade day, everybody get ready on sunday to drink lots of lemonade. I want to thank the folks at the fire department, city manager, staff as well as the libraries for making this -- allowing the city to participate. The -- the entrepreneurs foundation, junior achievement, several other local non-profits are the ones who are really bringing this to town, but it's a great way for young people to have the chance to set up their own entrepreneurial venture for only for a day and sell lemonade. I want to thank everybody. I think the press announcement is going to be tomorrow. As I said the lemonade stands will be all over town ON SUNDAY, MAY 3rd.

Mayor Wynn: Thank you, councilmember. Again, further comments?

Martinez: Mayor?

Mayor Wynn: Councilmember martinez.

Martinez: Thank you, mayor, I wanted to call attention to a couple of items. The first one being number 5 for folks up in the far northwest austin area, we are finally going to break down and build a fire station in avery ranch. This has been delay and folks up there have been anticipating the station for some time now. I'm glad to see this agenda item moving forward. It does have 365 day contract. So within a year,

folks up in northwest austin will finally be able to be served fire station. 6 is actually pretty important as well for the holly neighborhood. This is moving into phase 2 of decommissioning and demolishing the -- the holly power plant. This is something that has been an ongoing saga for many, many years. I know that the community in that area simply cannot wait to decommission and demolish the plant and redevelop into some really beautiful open space. And that segues perfectly into item 34, which is an item being funded by the holly good neighbor program. As you all know, the good neighbor program is a one million dollar annual investment in and around the holly area for rehabbing homes, but as well there's \$100,000 provision for cultural arts events. We -- I am asking the council and with the co-sponsors we are asking council to -- to sponsor fiesta, which is the organization, the non-profit organization that does -- has done the diez y sies for many years in that park. But over the last several years, cinco de mayo has fallen by the wayside and the previous non-profit just simply wasn't able to host the event and have a successful event. So we are going to be supporting fiesta to take over the cinco de mayo festival and I'm really looking forward to seeing a great celebration this year in the park. So I invite everyone to come down to fiesta gardens and enjoy the celebrations this year, thanks, mayor.

Thank you, councilmember.

Mayor Wynn: Again further comments on the consent agenda? Councilmember leffingwell.

Leffingwell: Yeah, i would like to propose a friendly amendment to the consent agenda on item 38. Item 38 is a public hearing on the waterfront overlay and just gotten word that the parks board is going to hear this item on april 29th. And it would be helpful to have their input before we begin that public hearing, so I would like to -- the friendly amendment would be to postpone the public HEARING UNTIL APRIL 30th.

Mayor Wynn: Well, smith we could just change the proposed date as part of this consent agenda. As opposed to a postponement, just correct it and change from april 23rd to april 30th at 6:00 p.m.

Excuse me, mayor. Yes, I think it would be appropriate just to say the motion is amended to change the date. I'm looking around to see what date would be appropriate.

Mayor Wynn: Well april 30th would be the following council meeting and the day after the parks board act. So councilmember cole and mayor pro tem, do you consider that a friendly amendment to the existing motion? Thank you. 38 again we will set that public hearing for THURSDAY, APRIL 30th, here at city hall. Again, further comments on our consent agenda? johnson has joined us, welcome, scott. You signed up to give us 32, welcome.

Thank you, mayor, the wind was blowing me backwards on my bicycle as i was coming down here today. Mayor, mayor pro tem, ott, city staff, ladies and gentlemen, my name is scott johnson, I'm here to speak on item 32, an item which i support. I did look at information on the website after the meeting was put together about what the components are of the big push. And most of what I see are efforts to reinvigorate existing processes, outreach, get other cities involved, ask some entities to do some things

and some of the entities that the counties and cities are doing some things. Some of the more important measures that are part of this, I -- I enumerated in a recent letter to you and to your policy director, who is no longer with you, mayor wynn. And one of those has to do with finding a way to reduce diesel construction equipment emissions. This is probably the largest a of emissions that form ozone that we are not gaining ground on or reducing well at this particular time. There is a grant program that the state has that comes up every several months that we can apply for grants for the city and private sector firms. We don't have enough grant applications going into the system, the current grant applications that have since closed this past month, have had about 1050 applications state-wide, this region had less than 100. What I am proposing is to have at least a part-time grant coordinator, someone that could help write grants for the city, more grants than we are writing now as well as private sector companies. These emissions that are created from vertical construction and from road construction not only contain nitrogen oxide emissions which is a principle ozone precursor, also contain particulate matter which we know prematurely causes folks to pass on in addition to other ailments that they already have that are related to lung and heart disease. Another item that I brought up in that letter is to develop an environmental section of the austin police department. The austin police department is charged with enforcing the smoking vehicle statute that's been on the books for at least 20 years. State statute. As well as the newly created law or rule that tries to reduce idling from large vehicles such as dump trucks. On road vehicles. This is something that's very important again for nitrogen oxide emission reduction, which is a primary component of ozone as well as particulate matter. In addition to carbon emissions. So this would be helpful if the city would look at the budget, to pay -- to pay folks over time if necessary. And to create the structure for an environmental section of the a.p.d. Also, landscaping equipment is not a sector that we are addressing well through the current plan. Commercial landscaping activity goes on without a check and a balance from the city government, there's -- there's no incentives in place for them to upgrade their equipment other than knowing we are grappling with non-attainment.

Mayor Wynn: Actually, council, without objection, stevens, if you perhaps could give my colleagues and I a quick update, mr. Johnson was referring of course to the terp fund, the texas emission reduction program. Whereby the state has a fund available for -- for owners of big polluting pieces of equipment to -- to be retrofitted or permanently replaced. Could you tell us what if anything as a city and region we are doing to try to expand our participation in that state-wide program?

I know that every time that the terp has a program call, we have been on the -- we typically contact the association of general contractors and they put out a call to all of their remember members, we have -- we have reached out to various governments, we always let everybody know when that is going on. Capcog has offered to help people fill out grants if they need help filling out the application, because sometimes that's a little cumbersome. We have had, we believe, considerable success in the region. I think one of the reasons that -- that we don't have as many as -- as dallas or houston is in addition to their size, they also have a lot more industrial activity than we do. But I know in this past round we even had a lot of -- of agricultural tractors getting replaced or retrofitted. So we feel like there's a pretty good reach out there. There may be ways to do it better. But we believe we're doing pretty well.

All right. I do know just statistically the austin msa is about 7% of the state's population. So -- so my hope would be that we at least figure out how to -- you know, hold our own and maintain I guess

[01:52:01] approximately a 7%, you know, allocation of state-wide fund. I think the stats that mr. Johnson talked about approximate that. But at the same time it would be encouraging to know that we're doing all that we can to make sure, particularly the private sector who owns far more, you know, diesel off road pieces of equipment than does the local governments, is aware of that program and somehow we can get more of those state dollars into our local efforts.

We will be happy to work johnson and see if we can come up with additional ways to do outreach.

Thank you, kathy. Further questions for -- for stevens or anybody else for that matter? Again, we have a motion and a second on the table approving an amended consent agenda, approving all of the items on this morning's agenda. 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. We don't --

no executive session.

So, council, there being no discussion items before us and no closed session agenda for this week, at this the austin city council and we will 00 noon for our general citizens communication. We are now in recess. Thank you.

McCracken: It's noon, so we will call to order citizens communication. I'll call back to order this meeting of the austin city council. Our first speaker signed up is linda green. Our second speaker signed up is john bolton. John, you're up. You have three minute.

My name is bill bolton. I was here five weeks ago on the same issue where my neighbor continues to make false 311, 911 calls. And if this happened a few times it wouldn't be a big issue, but it has happened hundreds of times over the past two years. I address this had last time I spoke from a budget perspective. I'm addressing it today from the really correct perspective, which is law enforcement. I gave you copies of the criminal codes that the police department gave me that indicated these were the possible codes that are having violated and laws being broken under this. I was here five weeks ago as I said, then I was reported for spying with binoculars and rigging a camera to a videotape under clothes. Since then I've gotten a letter from animal control over a false dog attack. The police called this a feud. It's not a feud. It's a mentally unstable filing intentionally false reports to austin police, fire, zoning, animal control and then I'm having to answer to all those various departments. This has gone on for two years. I've been trying to get the police to do something for two years. For two years the -- this neighbor has been allowed by the city of austin to commit these criminal acts, and these are criminal acts refuses to investigate. They told me to get a lawyer. You know, they gave me the penal code showing what the laws are being broken, but told me to get a lawyer. I'm not breaking the law. I am not breaking the law. Here's just -- in two years I've asked for 311 call reports and tapes. In august of 2008 to february 2009 there's 30 calls. August 2007 to march of 2008 there's 60 calls. That's just -- I didn't get the other one year. I even have a case in travis county of an individual who was convicted of making a

false 911 call, one, just one. And I have dozens, hundreds. Tens, scores of these things. And I'm being told to get a lawyer. The city of austin has become complis it in this harassment, and there is a penal code for harassment when I'm having to answer to 30, when I have to answer to zoning, false animal control, vicious dog hearing, all unsubstantiated. I'm not breaking the law. I've never been arrested. There's never been an issue come out of any of these calls. When the police show up there's nothing for them to see, yet they keep coming. There's no record. The police don't even have an entry in their database about the history of false calls or probable false calls coming from this address. So they treat each one like a fresh case and I have to go answer to it whether it's 30 in the morning or whatever. This has to stop. I'm going to keep coming back until this stops. Investigate it. I want to know which one of you councilmembers will help let me meet with you, will look at evidence that I've compiled that the police have refused to look at and help me. That's all I want is resolution for this. I want it to stop.

McCracken: Thank you, mr. bolton. Because this is a law enforcement matter, I know we have the management here as well as members from the city attorney office. I guess I'll ask for the advice of management in the best way to handle this just because we're not a legal forum set up to handle this in public, but --

I understand. I don't want to debate this at the time. What I would like to add, though, is I have come down here presenting my issues and you have people who are appointed to be here to meet with me and there has been no substantial follow-up after any of these meetings. I spoke to rolando --

McCracken: Just a second.

He's about to anowledge the very point that I was going to make, that after his appears rans here last time, we did have rolando fernandez in my office working w bolton, and row lan tow is still in -- rolando is still in the process of trying to assess the circumstances that this gentleman has characterized. So that effort is not complete, but rolando is involved in investigating it. We're not sure that there's anything that we're going to be able to do. It begins to strike us almost as a private matter, but as I said, we're still trying to see what if anything we can do to be of assistance.

McCracken: Okay. Thank you, mr. bolton. We have linda green is our next speaker.

I just want to give every one of you -- [inaudible - no mic]

McCracken: You can pass them to the end there. green --

[inaudible - no mic].

McCracken: You can hand them to the end and pass them down. Thank you.

[Inaudible - no mic]. In our rocks. Maybe they came from west texas. I don't know. I'm speaking on neighborhood gardens versus fluoride in our water. I came and spoke her february 12th and I made two mistakes last time I spoke. I said that we had been spending millions of dollars since 1992 to flor date

our water. It's actually been since 1972 that we've been poisoning our water and paying for this poison. And I've had lots of interesting conversations since my little three-minute speech in front of city council. I have a friend who said linda, it's not a matter of whether fluoride is good or bad, it's a matter of whether we have the right to choose to put fluoride in our water. When I go to the store, i can choose fluoride with -- fluoride toothpaste with or toothpaste without fluoride. But when we're spending millions of dollars of our taxpayer money to poison our water, we're not given the choice. And 97% of europe has chosen no longer to flor date their water. And I pulled up some information from the world health organization. They're actually paying millions of dollars to get fluoride out of the water that occurs naturally all over china where it causes not only dental flower row sis, which is the first sign of fluoride poisoning in your teeth, discoloration and actually breaks down the amount of enamel of your teeth, and osteoporosis or crippling, permanently crippling of people's skeletal body frames because of fluoride. And so we're not given the choice to put fluoride in our water. And the other mistakes that I made when I spoke last time was I said that the fluoride we put into our city water here in austin comes from the petrochemical industry. I kind of had that in my mind because a lot of fertilizers are made out of petro chemicals. We get our water, according to the city water utility department here in austin, from a fertilizer industry in florida. And it actually comes from the scrubbing towers of the fertilizer industry. It is a waste byproduct. Fluoride is a waste byproduct from the nuclear industry, it's a waste byproduct from the nuclear industry and it's a waste byproduct of the fertilizer industry. And I have given the book which ray nadler has come and discussed for seven months in front of city council and the mayor, fluoride deception. You can get it at brave new books. You can get it at casa de luz. Nobody seems to be interested in checking out the book, fluoride deception. It has 85 pages of footnotes. So now I have a movie for you to watch because when we met with one of our councilmembers aides last week, that aide told us there's no interest in removing fluoride from our water.

McCracken: Thank you, ms. green.

I'm here to generate interest. Who wants to take the movie on fluoride. One of you.

McCracken: Our next speaker is gus pena.

Thank you.

Mayor pro tem, city city manager, gus pena. I have a whole lot of issues to discuss that concerns the community, but I will say this first and foremost. We have a couple of business owners here from east austin that have had problems with some city operations, specifically the water and wastewater or just the clean water issues, but I want to marc on the, city manager, and also councilmembers and specifically nancy wilson and andrew moore for meeting with the business owners. zapata, raise your hand, please? zapata is the owner of city limits limon is director of those businesses in east austin. We've had this problem before in east austin. I want to say about november or december of construction and closing up business and it's causing businesses to lose business, so to speak. At risk of running -- anyway, I want to thank you ott and councilmember martinez and councilmember leffingwell's staff for meeting with them and helping him out through this maze of problems. Thank you very much. I believe strongly in acknowledging people that help out other people. Thank you very much for that. Gus pena to

discuss the budget and again inform city council of the needs in our great city. Crime is on the increase. I have discussed this with our chief of police. Also my intention is also to , atf and dea regarding the gang issue in austin. It's become agriculture big problem. We need to have more officers patrol our streets. Please no layoffs. Please if possible increase the funding for the social service agencies. If you call a social service agency for help, we don't have any money. There is a big need out there. Please, I have discussed this with the county commissioners court also to see if there's any way we can increase funding for social service agencies. Adopt a needy family, help them in their time of need if possible. Please pray for the military personnel. Their needs are tremendous. Help our youth and senior citizens in the time of let's bring equity and fairness and repair morris williams golf course. Again, the funding is not there, but I want to thank ott, councilmember morrison, councilmember cole, mary has made positive remarks, councilmember shade, councilmember martinez, councilmember leffingwell for setting the precedence in helping people in east austin to continue to improve the quality of life. It's very important. There are so many years of neglect and I know golf courses are low on the funding, but if you go and see it that brings hope to the people. That's great. I like to hear that. I thank you very much for that. And calling (indiscernible) and supporting this issue. Anyway, other thing also, the last thing I have to say is this, if anybody can mentor and tutor a child or a student in algebra, math, trig no, ma'am try, whatever, the kids in austin independent school district need your help and please volunteer to mentor to them. Thank you very much.

McCracken: Thank you, mr. pena. Our next speaker is robert thomas.

Thank you, mayor pro tem ott and honorable members of the council. I am indeed honored to speak with you today in concern of the labor industrial relations at the rosewood park recreation center. I'm robert thomas with the labor union of north america, formerly with the changing for wind coalition. And I am the advisory counsel from the international -- for the revitalization projects at the rosewood park and recreation center. And previous times I have worked with my franchise in the national football league, washington redskins and the world football league, san antonio wings and the united states football league, san antonio (indiscernible). And then we had this semi pro football, austin texans and san antonio toros. Within the span of about 23 years we've been involved with organizing and promoting and counseling and getting highly skilled manpower for industrial trades and construction industries at the rosewood park. It was in that span we had grown into a valid agreement with the builders and the park director asked me to submit a written agreement in concern of developing manpower. I still organize construction and labor and i did this. And then they in turn spoke and gave me the position as program supervisor, but they breached y'all's agreement during the span of 22 years up in the current period in which the latest adventure at rosewood was still bonds. This time I had recently met with rolando fernandez and took my agencies and my attorneys to speak to him about the agreement. I to spoke to (indiscernible) and put them to understand the texas public information act, which has to do with the transition of public property like rosewood and all of the documents that brought in the structure of business. Now, I need the time from city hall now to meet with fernandez again so he could affirm that we could struggle better with the information act. He called me and said that he had known -- his supervisor at rosewood had known of the projects that we had developed, but yet he's yet to find the documents that I had submitted. [Buzzer sounds] it was in 1987. So I need another meeting with

rolando, if I can get within the structure of his meeting.

We'd be happy to help rolando follow up again.

McCracken: Thank you. Thank you, mr. thomas.

You will follow up on it?

Yes.

McCracken: Our next speaker is ken vasseau.

How you guys doing today? [Inaudible - no mic]. You didn't even have to have a card. You could go ahead and get this little deal anywhere. And the reason their passing these little cards out is because of the level of economic activity that's going on out there. You don't even have to have a card to get a deal like this. And the reason is -- the main reason why I'm here is because there's just -- you know, there needs to be a body to encourage economic activity, maybe something like a private corporation called the austin economic development corporation, that would bring new business to this community. And the reason why we had to cut our sales tax revenue down is because there isn't enough business activity going on. And one thing that we can do, and I'm going to suggest this, is austin needs a theme park. And that would increase business activity around that theme park. I'm going to give you an example. Like whenever I was in college, a buddy of mine, we went to visit an aunt and uncle of his down in clear water, florida, and it was the first year or two that disneyworld had opened. And here we go to disneyworld. Now we get to there and there's this huge parking lot and there was a gulf station, self service, had 60 pumps in front of it. And that's all there was besides the park. And now, 2002, I decide to take another trip to orlando. Neiman marcus had opened and I thought, well, there's something there that -- there's a real job there that has real money there. And I could make it there. Okay. I go back to orlando and all of a sudden I don't see this empty parking lot and 60 gas pumps. I see hotels, I see restaurants. It has built up around it. And just because disneyworld had put a -- planted a seed there, all this other activity had built up around it and that generated jobs, subsequently sales tax revenue. And that is one of the things that we wonder, well, we know that austin is going to grow, but we've got to plant a seed to encourage that growth. And a theme park is something that would encourage activity like that. And it would change the face of austin. It would become more like -- you know, how is austin going to grow in the future? It can become a vacation destination just like orlando or like in southern california. And that was -- that's how i picture austin being in the future. It's just another idea that I have. [Buzzer sounds] I think that we should maybe, you know -- I just planted a seed there. Because there are a lot of people out there that are really hurting right now and that's why I'm passing these little cards around.

McCracken: Thank you, mr. much, ken. Jennifer berliner.

Good afternoon. My name is jennifer berliner. Thank you very much for the time today. I would like to introduce you to the sport of hand ball. I'm curious to know if any of you play racquetball? Okay, good.

I'm going to say that handball players believe that if god intended you to play racquetball, he would have given you webbed fingers and hands to play with. [Laughter] that's a joke that fell flat. Anyway, handball is a sport that's very similar to racquetball. It is played indoors and outdoors. Hand ball is -- you wear a glove and you play it on a court similar to racquetball. And in texas and the country we have a thriving handball community. We have tournaments, we have juniors, collegiate level, professional tournaments. All of this brings industry and people love coming to austin, of course. And a couple of years ago austin had an outdoor handball court on a private property at saint edwards and in their infinite wisdom they decided to change those hand ball courts into storage. So you can imagine the greivance that befell the entire handball community because there's no longer a place outdoors in austin to play handball. It is a very low cost sport. It is a very easy sport. It's open to all ages. All you need are hands and a ball. If you wanted to play a higher level, competitive version of handball, you would wear gloves, but those are optional. And I know that one of the goals of the city of austin is to be an urban, suburban community. And urban in my eyes, i don't know about you guys, but it joins very much in line with our rich cultural music and downtown revitalization, our light rail. And outdoor handball courts I think falls very much in line with other urban communities such as los angeles, chicago, new york, but at the same time keeping our small hometown feel. And so I would like for the city council to just sort of plant the idea that our handball community is going to start pursuing the city, including the parks and recreations department, to start the discussion about building handball courts in the city whether we do private fund-raising or we can actually take advantage of some bond money, that is our goal in the next few years to come. And I'm pretty realistic because I recognize our current economical -- economic situation. At the same time, we've got to have a little fun in these sad times. So we will be approaching the parks and rec. We will be speaking at their board. I hope when the issue does come to our table, cross our fingers, that you would be in support of making the outdoor handball community more notable or bring it back because we have a great indoor community, but we need to enjoy the austin sunshine and bring tournaments and so forth. Does anybody have any questions? My husband, the handball junky is over here. He was a former state champion for handball. [Buzzer sounds] we have some pros here and in san antonio. Thank you for your time.

McCracken: Councilmember martinez.

Martinez: I just had a question. Do you guys in your organization, if you were to create a local chapter or maybe you already have --

we do. We have associations local.

Martinez: Would that generate fees to help offset the cost of actually building the courts and maintaining them on an ongoing basis?

Councilmember martinez, i know that this would come up. The idea of maintenance is often more expensive than actually the initial setup and building and our hand ball community would be more than willing to help with adopt a court and paint it if graffiti were ever an issue. And maintenance. We as an association would have to bring that up to our group and adopt that and so forth, but I think the community is so supportive, I would find it very reasonable to throw some money towards it yearly to

maintain it. We could have a handball tournament fund-raiser to make that happen. I don't have any concerns about financially the couple hundred dollars it would probably take. And/or the volunteer labor to maintain it.

Martinez: I would encourage you to introduce sarah hensley, who is our parks director sitting right behind you, and hand you one of your packets.

Thank you. That's exactly why I'm here is to find out who the right people are. Thank you very much for your time.

McCracken: Thank you. Our next exer is michael men dose is a. -- Michael mendoza.

Good afternoon. Mayor pro tem, city manager and city council, my name is michael mendoza. I work for echo earth media. We're a full service media company and a certified austin business. We like to work with local business, sister cities international, and we recently documented an educational fair. Over the past few months we've been attempting to partner on a new marketing campaign with capital metro, specifically for the capital metro rail service. Which is indefinitely suspended for the time being as we know. We believe the city now has the opportunity to encourage capital metro to include in their current capital metro rail marketing plan a strategy to inform the general public of the project. In particular informing drivers during their commute. Currently capital metro has an award winning effort in schools, especially schools near the proposed route of the capital metro rail. However it's become clear to me that there are no plans for a campaign specifically targeted to drivers, nor to my understanding are there any funds to do a campaign specifically targeted to drivers until october 2010. Even with the original launch date of march 28th, which you recently passed. This is a concern it me as a citizen and to others. I'm currently attempting to find federal funds for a project of this sort through the website provided to me by senator kirk watson's office. If federal funds were unavailable and if capital metro rails fully launches before october 2010, I ask the city to strongly look into providing some city funding towards some sort of campaign directed towards drivers themselves. During my research, it came to my knowledge that houston had no campaign to inform its drivers of houston's light rail project. When it was finally online, the houston community was relatively caught unaware, resulting in a number of accidents. Even with news reports and articles fully covering capital metro rail's progress, drivers have a habit of ignoring signs, barricades and even news reports themselves. A state level educator and expert on this topic of railroad safety shared with me statistics on railroad cro ising accidents in texas. That person told me although the incident and likelihood may be low, it's usually just a matter of time before an accident happens. That being said, it might be a good idea to start looking into a new phase of public safety announcements geared towards drivers in their cars than to find out later that citizens were unaware of capital metro's launch. I'll be happy to share my ideas with any of the city council and I can be reached at michael@echoearthmedia.com.

Thank you.

McCracken: Our next speaker is robert mcdonald. The next speaker is yesenia garcia. And our final

speaker signed up to citizen communications is paul robins. I see paul walking in.

It's not funny. That's not funny either. For the audience, councilmember martinez is making light of the fact that I don't weigh as much as he does. [Laughter] and that I might blow away in the wind. Now that we've had our humor for the day, citizens of austin, council, I am paul robins, an environmental activist and consumer advocate. I'm here to invite you all to a city council candidate forum on the environment. Get your pencils out, audience, to write this down. This forum will be thursday -- next thursday, 30 9:00 at city hall chambers. This is sponsored by 22 environmental groups to ask council candidates to speak on the issues. These groups include the save barton creek association, austin metro trails, public citizen, clean water action, and the sierra club. Again, that's thursday, 30 to 9:00 at city hall chambers. Thanks to councilmember morrison who is not running in this election for procuring this venue. Now, I want to remark on a few problems having to do with the use of the chambers for this event. First, candidates who are verbally asked -- who are verbally asking the public for their vote are not technically allowed to circulate literature that asks the public for their vote. The rationale given for this is that it's political and politics are not allowed in city hall chambers except on tuesday. Hmm. Politics not allowed in city hall chambers. This reminds me of the scene in the movie casa blanca where inspector renault was looking for a way to close rick's gambling casino, so he screamed, I'm shocked to find gambling going on here. !?? Council, this is ridiculous and it needs to be changed. Second, the forum will not be broadcast on channel 6. I realize that it costs money to pay a technician to tape this, but what if the organizers of the april 9th forum provided the tape or the disk? Council, it was common for forums and events like this to be taped and played by channel 6 at the old city hall. And austin really has not changed that much. Let's let the public know where the candidates stand. This is a responsible government function. Third, the organizers of the april 9th forum are being charged about \$50 an hour for the use of chambers. [Buzzer sounds] this is justified for the air conditioning, but no one has been able to provide me with documentation as to why it costs so much. For some groups this is prohibitive. So to conclude, I hope you all will look into reasons that the policy needs to be changed. And I invite citizens to come to the april ninth, thursday, candidate forum 00 where they will be asked -- where candidates will be asked to comment on their stands on the environment. That's 5:30 to 9:00. Thank you.

McCracken: Thank you, paul. So I'll try one more time. Robert mcdonald? Or yesenia garcia? That concludes citizens communication. At this time the city council will go into recess. According to mayor wynn i anticipate -- mayor wynn has asked to inform that he anticipates calling the meeting back to order at 3:15 p.m.

There being a quorum present at this time I'll call back to order this meeting of the austin city council. It's approximately 4:04:00 p.m. We've been in recess now for a few hours. Real quickly, our strategy here is to take up our zoning cases that he think will go rather quickly, finishing well before our 30 break, and so immediate le after zoning we'll then take up our two afternoon briefings by staff, the first progress report on the miller redevelopment and the second briefing on the transition with our travis county healthcare district, and so with that we'll turn jerry westhoven. Welcome, jerry.

Good evening mayor and council members. I'll do your zoning agenda today. First item is item 44, case c14-2008-0159, the 3rd and colorado hotel located at 311 and 301 colorado and 114 west 3rd street.

This is to approve on second and third reading rezoning of the property from central business district to central business district, central urban redevelopment, combining district zoning item 45 is case c814-2008-0146, oertli pud, located at 12422 and 12424, dessau road and 1200 east parmer lane, rezoning the property from development reserve and single-family residence standard zoning, the pud zoning with conditions. Item 46 is case -- jerry, sorry, as you read these into the record please read the staff recommendation as to agenda. so item 44 is for second and third reading and the same for item 45?

Yes. And item are 46 is case 02000 the 1600 of eet nlg, 1601, 1602, 1606 east mlk boulevard. We have a request for a postponement request to april the 23rd council agenda. Related item is c 47, 20080099 the 1600 block of mlk again located at 1600, 1602, 1604 and 1606 east mlk boulevard and we have a request for postponement to april 23 by the applicant. boulevard station area plan. This is a discussion item. 49 is case c14-2007-0232, rundberg business park located at 320 east rundberg lane. On this we have a postponement request to the may 21 city council agenda. Item 50 is to approve consent on second and third reading, case 07, the leander rehabilitation pud amendment no. 8. Located along 620, change of zoning from planning and development to planning and development to change a condition of zoning and again we recommend this for second and third reading. Item 51 is also recommended for second and third reading. This is case c14-2008-0221, the conn tract located at 11821-12124 south i-35 service road northbound. This is to change the zoning from interim-rural residence, rural residence zoning to commercial general sfctions, mixed use, conditional overlay combining district zoning, and again, this would be for second and third reading. Item 52 01, 1606 parker. This is to amend the east riverside/oltorf combining neighborhood planning area, future land use map from single-family land use to multifamily land use, for the property located at 14506, 1408, 1504 and 1506 parker, and this is recommended by the staff for second reading only. The related zoning case is case 53, case c14-2008-0162, again, 1606 parker located at 1406, 1408, 1506 and 1508 parker lane. It's on second reading only from family residence-neighborhood plan combining residence zoning to condominium and townhouse, neighborhood plan combining district zoning. And that would conclude the cases for which the public hearings are closed. thank you, mr. rusthoven. So council, our proposed consent agenda on these cases where we have conducted in closed public hearing would be to approve items 44 and 45 on second and third reading, to postpone items 46 and 47 to our thursday, april 23, 2009 meeting, to postpone item 49 to our may 21, 2009 meeting, to approve on second and third reading cases 50 and 51, and to approve on second reading only items 52 and 53.

Also, the applicant on 50, the leander rehabilitation pud has one change they would like to make to the ordinances before you. I don't believe staff has an opposition to that change and I'll have the applicant present it to you right now.

Mayor wynn: thank you.

Sorry, mayor.

Thank you, mayor, council. The ordinance which we were finalizing today has one omission in it that needs to be corrected, and it's on page 2 of 4 under part 4 a, subsection 2. It has a parcel that has an impervious cover percentage that is excluded from the 85% impervious cover section. That parcel

needs to be added to the 75% impervious cover section so that part 4 a 2 would read to allow impervious cover to be increased to 85%, for cre 6, cre 7, cre 14, save and except the area located at the southeastern corner of lago drive and arbor way and cre 15, and 2, 75% for parcels eco 3, cre 8, cre 9, cor -- I'm sorry, co 1, cor, cor 4 and that portion of cre 14 located at the southeastern corner of lago drive and arbor way, if the standards are met as set forth in exhibit e 3 a. That needs to be made to that ordinance to correct the inadvertent omission in that part. so you're howard, that all of that language needs to be added in order to -- i guess what concerns me is that much language. nichols or rusthoven, can you somehow confirm -- howard read is already in the ordinance. Staff has direction -- i think we understand clearly what he would like to change and we can change it. It's not as much as he read in. He was reading the whole paragraph that already exists in front of you. So -- it's just changing one of the one of the parcels numbers and we can do that. and so this would come with staff recommendation?

Yeah.

Mayor wynn: great. Thank you. So then council, again, our proposed consent agenda would include this amended language on the ordinance to 50 on second and third reading. I'll entertain a motion on this proposed consent agenda. councilman leffingwell? Joo well what was the proposed on 52 and 53? second reading only. Only.

If I could add on that item 53, we have a valid petition on that item. The item passed on first reading on a vote of 5-2. Ultimately when it comes back for third reading it would need 6 votes to pass. is that the sole rationale for why staff is only proposing second reading or is there more work to be done on actually drafting of the ordinance or --

no, the applicant has to have it out for second reading only at this time. well, then -- then perhaps we, you know, tee it up appropriately on third reading to get into more detail. So, you know, I'll entertain a motion on this proposed consent agenda. Motion made by mayor pro tem, seconded by council member cole, to approve the consent agenda as proposed. Further comments? Council member leffingwell? I'll be voting nay on 52 and 53. we will note that for the record.

Also -- she'll be voting no on 52 and 53. so we'll have the same 5-2 vote on second reading as we had on first reading, and I'll just say that I --

[inaudible]

mayor wynn: okay. 52 and 53 passes on second reading on a vote of 4-3 --

hang on. [Laughter]

I'm sorry --

if it's ready for third reading, let's just put it on for third reading and take a vote because -- that would be my -- I don't understand why staff is proposing this for second reading only. So council, let's -- without

objection, then, mayor pro tem and council member cole consider removing item 52 and 53 from the proposed consent agenda, we will take this up as a separate discussion item. So again, it's our -- our proposed consent agenda on these cases where we've already conducted in closed public hearing would be to approve on second and third reading, items 44 and 45, to postpone items 46 and 47 to our april 23, 2009 meeting, to postpone item 49 to our may 21, 2009 meeting, and to approve on second and third reading items 50 and 51, noting this additional language for the ordinance on item 50, so that is our proposed consent agenda, motion by the mayor pro tem, seconded by council member cole. Further comments on our consent agenda? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion on the consent agenda passes on a vote of 7-0.

Mayor, that takes us to 00 zoning items in which the public hearing are open. First is item 14, which is case c14-2008, 0242, the mill your austin energy located at 5203, 51st street. We have a motion for postponement to the may 21 agenda. Case 55 -- item 55 is case c14-2009-0003, the austin chinese church located at 11118 dessau road. This is a request on first reading to change the zoning from single-family residence standard lot district zoning and townhouse and condominium residence district zoning and planned unit development district zoning to office to district zoning with the conditional overlay. The staff recommendation is to approve this as well as the planning commission, and again this case is ready for first reading only. Item 56 03, precinct 1 new office building located at 1811 springdale road. We have a postponement request on this case by the applicant to the may 21 city council meeting. Item 57 is case c14-2008-0174, the precinct 1 new office building again located at 1811 springdale road and 4705 heflin lane, and again on this related case we have a postponement request by the applicant to may 21. Item 58 is case c14-85-339 (rca) the east yager lane restrictive covenant lane. We have a postponement request by the applicant on this case to may 14 city council agenda. And finally related case is item 59, c14-2008-0193, the 500 block of vfw and yager lane rezoning located in the 500 block of vfw road, r, and again the applicant has requested a postponement of this case to your may 14 council agenda. thank you, mr. rusthoven. Questions for the staff, council? If not, our proposed consent agenda on these cases where we have yet to conduct the public hearing will be to postpone item 54 to our may 21, 2009 meeting, to close the public hearing and approve on first reading only item 55, to postpone items 56 and 57 to our may 21, 2009 meeting, and to postpone items 58 and 59 to our may 14, 2009 meeting. I'll entertain a motion on that proposed consent agenda.

Move. motion made by council member morrison, seconded by council member leffingwell to approve the agenda as proposed. We have no citizens signed up on any of these items. Hearing none all in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. Thank you, mr. rusthoven. Again, why don't we go back to our discussion items -- let's see, I guess 48 and then 52, 53. molly scarborough from our

office will be presenting item 58.

Mayor Wynn: all right. welcome, Scarborough. Good afternoon. Item no. 48. If you recall on March 12 of this year council approved on third reading the MLK Jr. Boulevard station area plan and a regulating plan and rezoned most properties in the station areas to TOD-based district zoning. At that time council postponed discussion and action on what is known as the feather light properties within the station area and that is what we're bringing forward today. So we propose -- staff recommends adopting TOD base district zoning for tract 15 a, 15 b, c, f, which are in your backup, which are known as the feather-light property within the MLK Jr. Station area. On March 12 council also postponed discussion of what has been known as alternative compliance, and at this time we understand that council members have had some discussions with representatives of the property owner and the neighborhood, and so we open it up to council direction on that. Thank you, Molly. Questions for staff? Comments? Council member Morrison?

Morrison: thank you. This has been a very challenging issue to deal with because we have on the one hand a situation where there has been some great philanthropy ahead of the game in terms of donations that have been made to a nonprofit organization that will be doing some affordable housing in the general area, which is somewhat akin to a fee in lieu. On the other hand, that's not something that is controllable by the city. We're not exactly sure where that affordable housing will end up, and we as a city have a commitment to our policy for affordable housing within the TOD area and I should say that the community, the neighborhood there is very committed to affordable housing within TOD area. And so what we've been trying to do is really balance -- find some kind of solution that balances those two sides of the issue. We do know that there is relative certainty that those funds will be used for affordable housing within a sort of broad central east Austin area that's been well-defined by the Austin Community Foundation, and we appreciate that commitment that they've made, but it is well beyond the one-half-mile boundary of the TOD. So what I'd like to suggest and have thrown out as something that might be a middle compromise there is to -- to basically afford the featherlight tract a waiver for density bonus of 50,000 square feet, which is half of a million dollars. The donation could be measured at a million 3 million, and we are talking about a fee in lieu in the rest of the stationary-plan of \$10 a-square-foot. So to put a waiver in to give an outright 50,000-square-foot extra density bonus, and then at the same time if, in fact, the -- that affordable housing money that the nonprofit is going to be using, if, in fact, it's used within the half mile boundary -- within a half mile of the TOD boundaries, then to allow that density bonus waiver to go up to 125,000-square-foot -- square feet. So this might sound a little complicated, but it seems to balance the needs of certainty, boundaries and all, and I know that legal has done a really terrific job of drafting some language that would actually put this all into legalese and be able to be included. So basically we know that -- we have a commitment that there will be affordable housing within a larger area, and for that it's sort of a half-credit of a density bonus, and then if, in fact, it complies with what we already have for fee in lieu constraints, then the density bonus could go up to 125 square feet, which 25 million in normal fee in lieu terms. So my motion would be to do all of that -- to do all of that for the featherlight tracts, 15, a, b, c, d and f -- this allows us then to remove the alternative compliance section altogether, and I think that's the motion that I need to make. Maybe you can help me, Mr. Knuckles.

We, you've got -- we've handed out the draft language on the dais. You also have a draft ordinance on your dais. This language would be part 5 of this ordinance morse.

Yes, right. So this draft language -- the motion is to include the draft language as part 5. so this is a motion for approving the mlk boulevard station area plan on third reading with this specific language referring to as -- what we have been referring to as the featherlight tract.

We have approved everything else in mlk tod before so it's really just mlk tod for these tracts.

Mayor wynn: right. So seconded by council member shade. Questions, comments on our motion? Council member shade? I'm really just echoing what council member morrison has said, that this has been challenging to mitigate the impact of contributions that were made to the community benefit but before this ordinance actually existed. And so, you know, the challenge is to make sure to incent the kind of development that we want in the tod but at the same time, you know, move forward. And so I compliment the work that's been done by a lot of the neighbors, certainly by the legal department and by the development team as well. So I'm very happy with where we landed. a motion and a second on the table, third reading, the final of the boulevard station area plan tracts. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on third reading on a vote of 7-0. Thank you all very much. Council, that takes us to items -- related items, i think, items 52 and 53. Again, we have already conducted in close public hearing and approved -- rusthoven you can help me again. On fired reading we approved on a vote of 5-2 the --

on the neighborhood plan amendment you approved on a vote of 5-2 a change in the east riverside/oltorf combined neighborhood plan, a change from single-family to higher density, single-family land use, and on item 53, the zoning case, you approved a change in the zoning for sf-3 zoning to sf-6 zoning with a conditional overlay, 1 a, 25-foot rear setback and 2, a height limit of two stories or 35 feet. That was done on march 5 of this year.

Mayor wynn: correct. So council, questions of staff? If not, recognizing that there's a valid petition filed on this zoning case -- technically I guess we don't have petitions on the future land use map.

We have -- and it is the petition on sf-3 zoning and the petition is valid at 25.66%.

Mayor wynn: right. So then I guess my recommendation, council, is why don't we take up item 53 first. There's a valid petition, and if -- well, because essentially there's different votes required different -- different votes required to approve item 52 and 53 so we'll just take these up separately, i guess. So I'll entertain a motion on either, 52, which is the land use map, or item 53, the actual zoning case 1406 that has the valid petition. Comments or questions of staff? I'll entertain a motion on either cases. I'd suggest we go ahead and vote on the zoning case first and then if that doesn't receive six votes, therefore, if the

higher density single-family zoning is not approved, then we take up a quick vote on item 52 regarding the map. Mayor pro tem? Gerns. I think it's been a few weeks. I think it would be helpful if we could get a refresher of the situation for us.

The applicant filed a rezoning request from sf-3, or single-family residence zoning to mf-3 mp zoning. The staff recommendation was for sf-6 zoning. When the case went to the planning commission, they adopted -- they recommended the sf-6-co combining district zoning with a 35-foot height limit or two stories, and a 25-foot rear set-back, and again, when we brought the case to the council on march 5 the recommendation was to change the flum from single-family to higher density single-family and the change of zoning to sf-6-co with a 25-foot rear setback and the two-story or 35-foot height limit. The case has a valid petition. It passed 5-2 on first reading with council members morrison and leffingwell voting know, no, and right now we have a case before you for second and third reading and there's several possibilities. One would be that do the case on second reading only, in which case it would only need 4 votes to continue to third reading. The other option is if the case does not get four reading -- four affirmative votes at this time, then the case would be denied. jerry, could you tell us briefly -- the basis for the staff recommendation of sf-6?

Yeah, the staff recommendation was thought that the mf-3 was too high density. If you see on the map, the property has single-family zoning behind it. It does have multifamily zoning to the north and south along parker lane. However, those two cases have conditional overlay so you essentially restrict the density on those to the equivalent of sf-6 densities. So we thought that although there was multifamily on both sides of it, two to three sides of it, it was really sf-6 density, not multifamily 3 density. diewn1 in -- looking at the map here, the properties on each side of the subject properties have baskly the same zoning ag as what is the staff recommendation?

They show up on the map as multifamily but they have restrictions in the density, single-family 6 category. what is the staff thinking about why sf-6 is superior -- a superior -- or on a more appropriate zoning than sf-3? [One moment, please, for]

however, the staff did recommend a 50-foot rear set back and the planning commission adopted a 25-foot rear setback and they added the height limitation of two stories or 35 feet.

Cole: Okay.

Mayor Wynn: Again, further questions of staff or comments? If not, my suggestion is we take up item number 53, the zoning case first, and that will dictate any potential action on item 52, the land use map. Further comments or motions on item number 53? Mayor pro tem.

McCracken: Can y'all give us some guidance on the basis of recommending a 50-foot set back, rear property setback as opposed to the 25-foot set back recommended by the planning commission?

I believe the staff recommended the 50-foot setback just to provide a greater buffer between the single-family, the existing single-family, and the proposed development. I would have to go back and research.

I believe that we may have looked as well in the setbacks for the adjoining properties. I'm not sure off the top of my head what they were, but I think we looked at those as well and came up with the 50-foot.

Mayor Wynn: Mayor pro tem.

McCracken: Mayor, I'll make a motion on 53 that given the fact we have a staff recommendation and the properties on either side actually have more intense zoning than the staff recommendation, albeit with the overlays, I will recommend the staff recommendation on second reading, but with the planning commission's height restrictions included.

But for second reading only, mayor pro tem?

McCracken: I'm [03:36:00] suggesting second reading simply because we're changing a meaningful condition from what we added on first reading. I'm fairly agnostic on whether we have second and third or just second. But if we're going from 25 to 50-foot setback, I think there's some cause to look at the impact of that.

Mayor Wynn: So we have a motion by mayor pro tem that I will second on item number 53, our zoning case, to adopt the sf-6 zoning with the conditions including the staff 50-foot setback conditioned and the planning commission 35-foot height condition. Second reading only, item number 53. Further comments? Councilmember leffingwell.

Leffingwell: I'll make a substitute motion to deny the request on item number 53.

Mayor Wynn: So we have a substitute motion by councilmember leffingwell to deny. Seconded by councilmember shade. To deny the zoning item number 53. Further comments on the substitute motion to deny sf-6? Hearing none, we'll now vote on the substitute motion to deny. All in favor of the denial, please say aye?

Aye.

Mayor Wynn: Opposed?

No.

Mayor Wynn: So the motion to deny passes on a vote of 4-3 with the mayor, mayor pro tem and councilmember cole voting no. So based on that then rusthoven, item number 52 --

the staff would recommend therefore that the council adopt a motion on item 52 to leave the future land use map and the east riverside oltoft neighborhood planning area neighborhood plan for 1504 and 1506 berker as single-family land use. [03:38:00]

Mayor Wynn: I'll entertain a motion. Motion by councilmember morrison, seconded by councilmember

martinez on item number 52 to leave single-family designation on the flum for 1406 parker lane. Further comments on the future land use map designation? Councilmember cole.

Cole: I have no comment.

Mayor Wynn: Sorry. All in favor of the motion on itemaseay aye?

Aye.

Mayor Wynn: Opposed? Motion passes on a vote of seven to zero.

Thank you, mayor and council. That concludes your zoning items.

Mayor Wynn: Thank you, mr. rusthoven. That takes us now -- i appreciate your patience and flexibility. That takes us to our afternoon staff briefings, the first of which is a general overview and a progress update on the mueller redevelopment, and rodney gonzalez will open the presentation and i think ultimately introduce our partners at catellus.

Good afternoon, mayor and council, rodney gonzalez, acting director for the city's growth and redevelopment service office. Today's briefing will be presented by matt weigh less than. He is the senior vice-president of catellus. They are the master developer selected by the city to transform the 700-acre site of austin's former airport into a master planned community. Matt will provide an overview of the progress at mueller, including home and commercial activity, infrastructure and parks, affordability, sustainability and the upcoming p.u.d. zoning map.

Mayor Wynn: Welcome, mr. whalen.

Thank you for opportunity to present an update on what we've been working with the city on out at mueller. Here we go. Obviously I'm here today to provide an update on the activities of the redevelopment of the former [03:40:00] airport. One of the things that truly sets mueller apart is that the city and the community establish a clear vision for what would happen with the property. And that is it would be an interactive mixed use community, residential neighborhood, retail shops, services. And that it would become a model for responsible urban planning and development. Along that vision it established six goals, fiscal responsibility, east austin revitalization, economic development, diversity, affordability, neighborhood capability and sustainability. Those principles govern everything that we do out at the mueller redevelopment. Quick time line. The airport opened in 1930. The city processing and community involvement relative to crafting the vision and direction for mueller began in earnest in 1984 with the starting of the taskforce. Roma was brought in in 1997. In sneen the airport closed. 2000 The city adopted the official redevelopment plan. Catellus selected in 2002. And our agreement with constituent consummate understand late 2004 and then brings us to today, 2009, and a proposed amendment to the p.u.d. A couple of photos of the airport as it sits today. This one shows the residential, actually looking to the northwest and remaining runways, abandons runways. This is a view across i-35 looking towards the dell children's hop, the retail built at the residential to the back right.

What's happened since 2004. 400,000 Square feet of retail has been complete. It's producing sales tax for the city. 3 Million square feet of commercial and institutional space has been developed and is occupied. A large percentage of that with the dell children's hospital built by seton as well as the university of texas academic health center. 75 Acres of parks are available and in use by the public. occupies [03:42:00] their first building in may of this year, there will be 3,000 people who will show up to mueller to go to work. Two corporate headquarters are open with people working there. Over 473 families will go -- drive to their homes at mueller and sleep there tonight, and the first 441 apartment units are under construction or completed. As a model, mueller is attracting national attention as a model for responsible development. And our position as catellus, we receive calls and interest from literally around the world from sustainable development, public-private partnerships, how the success of this partnership has evolved, the strides we're making with affordable housing, chambers of commerce call us and come want to see how the things that are happening at mueller can be replicated in their communities. And awards. New urbanist awards as well as awards from national league of cities. Infrastructure. To date this image shows all of mueller. The green colors indicates the areas where infrastructure is completed. The brown color denotes design that's in progress. So you can see we've made tremendous strides since 2004 with over 100 acres of commercial land that has been platted, 75 eakers of parks completed and 671 single-family lots have been platted with infrastructure development. The sustainable development highlights mueller as a single project is the highest concentration of green built buildings in texas, possibly the nation. We're participating in the usgbc pilot for lead for neighborhood design. The single-family homes, all of which are green built, we have 64 homes that are five-star rated in austin energy's program. 12 That are four-star and the balance, 462, that are three-star rated. On the commercial development, truly [03:44:00] starting at setting the bar for sustainable development and green building, led by seton's commitment to -- and ability to deliver the children's hospital to lead platinum designation as well as the ronald mcdonald house achieving the same. Our offices, the redeveloped mueller central's lead goal, the administrative offices for seton lead goal. Southwest educational development labs, lead silver and the retail, all of which is either three or four-star. Parks and greenways, 75 acres of parks are built complete, sustainable landscape that we've been working with the lady bird johnson wildflower center, particularly with the southwest greenway where we established a 30-acre park that actually restored the blackland blacklandecosystem. Public art is a major focus. And areas -- the top image here shows our lake park. This area literally was tarmac four years ago. So truly a remarkable transformation. The affordable homes. We're on track to achieve the 25%. We made the commitment that we would deliver 25% of all the housing to affordable levels and we're on track with that. To date 107 homes have been delivered and sold to people, families earning affordable incomes. There's another 26 that are under construction. And the first 44 apartments are underway as well. We're currently working with a senior affordable housing project that will bring another 220 units of affordable housing. They're pursuing the tax credit financing now. And their ambition is that a portion of their project will be available not only to people earning 60% or less of mfi as the minimum commitment, but a portion would also be available to people earning 50% or less of [03:46:00] mfi. And another portion available to people earning actually 30% or less. So truly bringing in the mixed income community. Our commitment was to deliver 25% affordable housing and to work with the city to look for creative innovative ways to increase both the duration of affordability as well as make more homes available to people with more modest means. To that end, we created the mueller

foundation to become a nonprofit community foundation that would support the social goals, establish for mueller long-term when catellus is gone, and our role is the developer, but it would be there to look after those goals with the fees that are in place, ongoing in perpetuity, as well as the shared equity proceeds from the for sale homes. Again, 107 affordable homes have been closed and the fund-raising mechanisms of this foundation has been in place and are establishing funds to protect the social goals of mueller long-term. Diversity. A broad mix of uses and job opportunities at mueller. The homes just from a diversity of price range alone, size and shapes, they range from anywhere from 120,000 up to actually some homes that will be over a million dollars. Not very many of those, but there will be some. Outreach, minority, women-owned businesses, nearly 22% of all the infrastructure work at mueller to date has been completed by m/wbe, certified subcontractors. And again our commitment to local businesses and the town center with a 30% commitment there. The economic impact to date, our estimates is that there's been about \$620 million brought into the austin economy by virtue of this project. That includes the work that catellus has done as well as the building activities of seton, of the university of texas, of all the home builders, of simmons [03:48:00] vetter, southwest educational development labs. There's been over \$100 million in new public infrastructure constructed, and estimates to date is the \$550,000 in sales tax revenue collected and nearly 700,000 in property tax revenue collected. Mueller now. The balance between work and live, the ambition of 10,000 people working at mueller and 10,000 people living to establish that mixed use balance obviously was important. How we're doing so far, we have about 1200 residents that call mueller home. Living in 900 residences with the apartments just now starting to lease out. So predominantly those are single-family homes, which is about 20% of our ultimate development. There were 3,000 employees, 42 businesses, so about 30% of the way there. And then the play, five parks and 75 acres is a little bit over 50% of the ultimate parks that are planned for mueller. These are just some images recently taken. The life. Truly the ambition is we focus our efforts on the infrastructure and on the square footage of commercial being developers and the number of houses, but truly what's amazing, the transformation is the energy and the life of the people who are living there, who are truly embracing the values that mueller was founded on. Best buy. This is the very first green built best buy in the country. They have over 900 stores nationwide and this is the first one built to green sttdz and has now become a model for how they will replicate they're green building. Southwest educational development labs headquarters. This image was taken i believe within the last two weeks at the mueller lake park. Residents enjoying movies in the park. The evolution of the plan. As I mentioned mueller [03:50:00] has a clear vision, but a plan that allows some flexibility. You know, we are taking this opportunity to look at the parts of the plan that are now chises he chiseled in stone that we've developed and that are the opportunities going forward? So develop new design directions particularly on the housing to allow market rate housing at more attainable price levels without additional public subsidy. Also to develop the market district area with a mix of commercial and residential allowing the town center to become a more densely urban pattern of development and also to create a smoother transition to the east of the medical commercial areas and also to the north of the town center. The public process as we look at the evolution of the plan, over two years of discussions, working closely with the mueller plan implementation advisory commission or mueller commission. We've had town hall meetings, meetings and information sessions with our residents, both formal and informal. And ultimately have gained the support of our proposals from the mueller commission as well as neighbors and residents. The key changes is a redistribution of some of

the uses within mueller. Basically to take advantage of some of the opportunities for slightly different, denser development in the area close to the hospital. Also a change in lot size. We're proposing to look for actually smaller allowable lots in certain areas so that we can develop a higher density, but family-designed homes that will help provide market rate housing below some of the prices that are currently available. Looking ahead, priorities, our p.u.d. Zoning amendment that's under proposal. Also the educational plan for mueller. The demographics. While we have a very broad and diverse demographic, we do have a strong component of [03:52:00] young families. The elementary school that was planned for this area I think is going to be something of extreme focus in the coming years and important to the continued success of mueller. Also, the evolution of a bunch oning community. There's new residents, new stakeholders that have issues that are different than what was present during the creation of the vision. And certainly the economy. The economy has changed over the last six months pretty dramatically. You know, and how is that going to impact mueller? It's been a question that we receive regularly. And the short answer is it's going to change the pace of development at mueller, certainly. The pace going forward in the near term will be slower than it has been over the last several years, but it's not going to have a change on the vision and what mueller will be when it's ultimately some of the things that are still active currently and moving forward, the houses continue to sell. There was 16 sold in january, 17 in february. Those are very strong numbers. We're working to finalize our business terms with the austin children's museum as well as interest from other commercial users. So again the pace will slow, but the ultimate development will not be different. Thank you. I'll be happy to address any questions or talk in more detail about any item.

Mayor Wynn: Thank you, matthew. Questions for mr. whalen? Comments? I'd just like to point out, matt, some folks forget, but it was as late as the spring of 2003 we had approved the master plan -- actually, my first summer on the dais in 2000. And where the children's medical center sits today was essentially an office complex. They had a couple of major office employers as that fundamental [03:54:00] employment base and the office market was in the ditch, you know, post the 2001-2002 economic downturn. Seton had just purchased land up on parmer lane and announced they were going to build a children's hospital in the city of austin, but in williamson county, where there was a measurable amount of growth and made some sense demographically and really just in a matter of weeks we were able to tee up the concept of removing that office designation from the center of that approved master plan and inserting what became the dell children's medical center of central texas. And my hat's off really to the team, particularly the advisory team that we had in place that enabled us as a council that time in spring of 2003 to amend the master plan that was 10 years in the making. We amended that in a matter of just a few weeks and then, of course, the folks at seton worked closely with us. We rezoned their land up on parmer land to frankly give them some value while we came in and sold them the track with you all -- the tract with you all on the site. And within probably 30 months later, they cut the ribbon on what i think is one of the most spectacular assets in this part of the world, and really has been i think disproportionate impetus for this whole concept of the balance of housing and employment there on that tract of land. So a remarkable -- the overall story is remarkable, but we should all be very proud of the flexibility and focus that was paid to that really important decision back in '03.

I couldn't agree more. I would be -- there's been obviously over the last several years a tremendous amount of progress there. I'd be remiss if i didn't mention that it [03:56:01] is only possible because -- in

my opinion because there was a clear vision, very dedicated efforts from the city staff as well as leadership. Also all the staff in our office at catellus as well as our partners with the community and a phenomenal consultant team. It takes a very large group of people all pulling in the same direction to cover the kind of ground that's been covered over the last several years.

Mayor Wynn: I guess we were pleased to -- aunt board of realtors hosted one of their big quarterly or by annual luncheons out at mueller just a couple of weeks or so ago where they brought in bus loads of realtors from across the city. Many, many were coming there for the first time since the redevelopment has been up and operational and the comments we were receiving from the realtors was amazing and very positive. And then I believe in may of this year the parade of homes, the area home builders essentially, chose the mueller neighborhood to do their very impressive parade of homes where i think they take just five or six homes -- i think actually they will do the v upscale, very expensive homes out there, but each one of them, these are approximately a-million-dollar homes, each one of them are five-star green built homes. As recently as a year ago there were only 31, five-star rated homes in all of austin. There are now 164 just at mueller, and all five of these homes on the parade of homes at mueller next month are all five-star. So just a remarkable -- attention is also being paid to the long-term economic sustainability those green homes being built there. I just think the acceptance in the re community is starting to show. Councilmember morrison.

Morrison: I wanted [03:58:03] to mention from a more personal standpoint, I've been over to mueller most recently for a house warming party and we've talked about it from the broad point of view what a great development it is, but I can tell you that these were folks that are near retirement and they're so excited to be there and to hear the neighbor girls practicing her violin across the street, moving in from suburbia. So it's really provided them a great option and a lot of enthusiasm for this community living. And I wanted to thank whalen, and your team because I know you have done a great job in terms of staying close to the vision and making sure that that happens. And you bring a lot of terrific perspective and openness. And I know that one of the things that had come -- been raised recently is the whole austin energy substation that the windsor park neighbors were interested in talking about. And I appreciate your openness and willingness to continue the conversation with them about that too. Thank you for all your work.

Thanks.

Mayor Wynn: Further comments, questions? Councilmember leffingwell.

Leffingwell: whalen, what's the status of the sun flower solar panels?

They are nearing completion. There's a tremendous amount of things that have gone very well at mueller. There's one thing that has taken a little bit longer than we had hoped. The status currently is the last panels should be complete, fabrication of them april 15th actually, tax day. That makes me a little nervous, frankly, that that's the date. They'll be delivered and installed in the weeks following. We were able to work out some -- with austin energy on the rebate program for the solar panels on custom panels is much more difficult than non-custom panels. But we're able to come to a resolution several

weeks ago. They should be finished now.

Mayor Wynn: Further comments, questions? Comar. Councilmember martinez.

Martinez: Thank you, mayor. I'm trying to figure this out, is it miller or mueller?

It's mueller. The family pronounces their name mueller as did robert himself, so i think we should honor the family's pronunciation --

Martinez: Fair enough. I'm getting corrected either way. I want to know what group I'm in.

Mayor Wynn: It is mueller. You're welcome. Further questions, comments? Well, thank you, matthew.

Thank you.

Mayor Wynn: Council, that leaves us with one more briefing, this final staff briefing this afternoon is a briefing on the transition to the travis county health care district. As you well know and remember, it was 2004 that the voters approved the travis county health care financing district and that led to appropriate, but complicated transition issues because we were transitioning both city facilities, clinics, and city employees into that system. So I appreciate how difficult the analysis has been and the hard work by staff. And I think they are prepared to tell us we are about there, correct, burt? Welcome.

Thank you, mayor. City council, good afternoon. Butter lamb bexar yas, assistant city manager. It's hard to compete with the sun flowers, but I can tell you that this has certainly been a very complex transition. I know personally for myself I've been with the city a little over two and a half years and it seems that that's about all I've worked on. But I can tell you that it has been a very successful transition in many respects and we'll cover that this afternoon. The goal of my briefing today is to kind of give you a short briefing on the transition overall that has occurred. Essentially as you indicated, mayor, the transition of our community care of services department and our employees, and then there's going to be some related staff actions that I'll be discussing with you in more detail and then also some staff recommended agenda items that we will be targeting to bring before you for the april the 23rd city council meeting as well. And also prior to that i do want to mention that we do plan to go before the public health and human services subcommittee first before we do actually bring to city council. If I may, let me start off with a little brief history. As you know, the voters of travis county on may 15th, 2004 approved the creation of the health care district as a limited purpose taxing district. And the district assumed the responsibility for funding and providing for specific medical and hospital care primarily for our indigent and needy in travis county. They serve a tremendous need in our community. The district is funded primarily through property tax dollars that is collected in our county and they do also have other sources of revenue. I can tell you that we have enjoyed a very good relationship with the district over the years. The original interlocal agreement called for the city's community care department to operate the community health center clinics on behalf of the district as well as provide management and administration of the -- what we term as the map program, which is the medical assistance program. And the administration of certainly community health care contracts. To give you a little synopsis of

completed actions, the transition target date was set for march the 1st of this year, although some of the items that we worked on as was noted earlier were extremely complicated and complex in many respects. There were some things that were pending, but -- and then other things that we are going to bring before you for council action. What group I'm in.

Mayor Wynn: It is mueller. You're welcome. Further questions, comments? Well, thank you, matthew.

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Thank you, mayor. City council, good afternoon. Butter lamb bexar yas, assistant city manager. It's hard to compete with the sun flowers, but I can tell you that this has certainly been a very complex transition. I know personally for myself I've been with the city a little over two and a half years and it seems that that's about all I've worked on. But I can tell you that it has been a very successful transition in many respects and we'll cover that this afternoon. The goal of my briefing today is to kind of give you a short briefing on the transition overall that has occurred. Essentially as you indicated, mayor, the transition of our community care of services department and our employees, and then there's going to be some related staff actions that I'll be discussing with you in more detail and then also some staff recommended agenda items that we will be targeting to bring before you for the april the 23rd city council meeting as well. And also prior to that i do want to mention that we do plan to go before the public health and human services subcommittee first before we do actually bring to city council. If I may, let me start off with a little brief history. As you know, the voters of travis county on may 15th, 2004 approved the creation of the health care district as a limited purpose taxing district. And the district assumed the responsibility for funding and providing for specific medical and hospital care primarily for our indigent and needy in travis county. They serve a tremendous need in our community. The district is funded primarily through property tax dollars that is collected in our county and they do also have other sources of revenue. I can tell you that we have enjoyed a very good relationship with the district over the years. The original interlocal agreement called for the city's community care department to operate the community health center clinics on behalf of the district as well as provide management and administration of the -- what we term as the map program, which is the medical assistance program. And the administration of certainly community health care contracts. To give you a little synopsis of completed actions, the transition target date was set for march the 1st of this year, although some of the items that we worked on as was noted earlier were extremely complicated and complex in many respects. There were some things that were pending, but -- and then other things that we are going to bring before you for council action. There were a number of things that I do want to highlight as completed action items that i think are very noteworthy. First off, the district did receive the federally qualified health care provider designation, the fqhc designation. And then with that the federal grants

associated with it did transfer from the city to the district on february the 28th of '09. Actually, the designation that they received was just a few days prior to that. For those of you that may not know, the fqhc program is an invaluable program. It's one that enhances the provision of primary care services. Primarily in underserved, urban and rural communities. The status of -- one of the biggest benefits. Fqhc status is that it has significant grand funding that is provided to communities. It also includes enhanced medicare and medicaid reimbursement and a litany of other things that it provides as well. The other thing that the council may recall on february the 26th, we did bring before you required real estate transfers from the city to the district that the council did approve. These actions included everything from deeds for certain tracts of land and execution of leases for certain clinics and office space. In addition, it also involved a major transition, which was transitioning over 450, close to 450 employees to the district. And this occurred effective march 1st of '09. In another remaining item that we did bring before you and the council did approve on march the 5th was a records agreement. As you know, when you're dealing with a large number of patients and city employees, there was a lot of records twith. So the records agreement that we brought before you essentially said that the city would retain ownership of those records, but then we would be custodian of those records and maintain ownership, but we would transfer possession of those records to the district in order for them to be able to continue to provide the needed services. Related actions that have been resolved, and this is I think a very big one because this was a significant issue for us. As we went through this transition, particularly with our employees, i can assure you that there was some enormous steps that were taken to make sure that this transition was as smooth as possible. There was a significant amount of communication that was conveyed to our ccsc employees. It was started early in the process. I do recall even a year out before the actual transition, there was an employee benefits package that was afforded to the employees letting them know what type of -- what the district was all about and the benefits associated with that transition. And a number of media outlets were used to make that successful. In keeping with the city council's goal of proportionate retirement for our transferred employees, both the city and the district worked extremely diligently on this specific issue. Let me kind of share with you some of the specifics. The district's corporate governance structure included a nonprofit corporation to be able to operate the clinics. In 2008, ccsc staff received initial offer letters from the corporation. Employees were scheduled to start to work for the district, and with the nonprofit on march of 2009; however, we did run into an issue related to the retirement system with the city of austin's employee retirement system where it would not recognize the proportionate retirement system for employees working for the nonprofit unless it met specific requirements. And essentially what it meant is that the legislation controlling the creation of the proportionate retirement system for the nonprofit required them to be able to have specific determinations. And so in order for them to be able to move forward, those determinations were needed both from the and the department of labor. In response to this issue, the health care district and ers agree that all employees working for the district and not the nonprofit would have proportionate retirement systems, so really the solution came about that the district does meet the requirements that the legislation ird and essentially as long as they remain employees of the district they would have the proportionate retirement system. So to follow up on that, in february of '09, the district did send out new offer letters to employees and it essentially told them that they would be working for the district instead of the nonprofit, and we did -- staff did provide some additional information to council where you will see that there is a letter of commitment from trish young, ceo of the district, where she notes that all affected

employees have signed and returned the acknowledgment and have become employees of the district as of March of 2009. So there was a commitment from the district. That commitment has been honored and the bottom line is all former city of Austin employees that were with the city's community care services department currently have proportionality. So we feel that that is a significant issue. Let me discuss some remaining action items. There will be five council action items that will be scheduled FOR APRIL THE 23rd. In some earlier discussions we had noted that there were four, but there was one other one that we did add and I'll try to cover that. It has to do with the fqhc board that is at the very bottom. Essentially what we will be target to go bring to city council is the first one is the post-transition interlocal agreement. The second would be the interlocal agreement for services to the district's m.a.p. Clients. And then two, Ryan White HIV grant fund items for the David Powell Clinic. One additional item that we did include in here has to do with the status of the fqhc board. As I noted earlier, the district did obtain the fqhc designation, so with that comes the responsibility of being able to have the board. And so the item that we will be bringing before you would essentially be that now that the fqhc designation is with the district, in the past the city was able to -- because we did have the board, we were able to share appointment responsibilities with the county. Essentially the item that we will bring to you is that essentially we would do away with that board and that board would revert to the district. Some additional items that were specific to the post-transition services interlocal that we would bring before you include the district will reimburse the city for any negative balance resulting from the difference between funding provided by the district and costs incurred by the city as of February 28th of this year. The city will remit any positive balance to the district. Another item is that as part of the city's fund transfer obligations, the city will transfer the positive balance that was remaining from fiscal year 2008 in the amount of about \$900,000. In addition, there were some capital project funding that was set aside by the district in the amount of \$2 million that will also be transferred. The action also -- one of the items that we will bring before you will also formalize the agreement regarding how we will address lead time for all former employees with the city. Essentially the city agrees to pay the district for the value of transferred city obligated leave time. I may want to make a note here. As you recall, the city did go above and beyond. Essentially the city did obligate to pay all leave that was on the books, and per city policy, but the district as an incentive did offer to pay for all accumulated leave for employees and essentially offered that as an incentive to be able to have -- encourage the employees to transfer over to the district. So we think that that was a tremendous benefit for our employees. There is another provision in here where it will address telecommunications and network issues. Specifically what that is is that the district is going to pay for the cost of separating what we have determined are network agreements at shared clinics and administrative offices. Because as you know, we've had a facility where we've had both community care service clinics and neighborhood center clinics operating out of the same facility. So the district has offered to pay for that separation of those -- of that network equipment. In addition, the city would be able to purchase certain computer and telecommunications equipment from the district at fair market value, vice versa if the district had an interest as well. And then the city will continue to provide limited network and telecommunications support for a period of up to 60 to 90 days. There is a requirement in here for the district to prepare any Medicaid and Medicare costs and grant reports on behalf of the city. A transfer of agreement and vehicles, the district would purchase two vehicles from the city and the city would transfer a van that is used to provide dental services to the district. Let me discuss a little bit about one other agreement. Fee agreement. Essentially the city and the district have

agreed to a capitated or a capped out fee arrangement for ground e.m.s. services. The amount that we have included in here is \$350,000 for a 12-month period beginning on march the 1st of this year. This fee is based on what we have concluded is historical utilization with a predetermined estimate of about 1800 patients that would be served. The district and the city as laid out in the agreement will meet during the initial term of the agreement to review the service utilization of the patients, m.a.p. Patients. There is a provision in here that within the first 120 days the district would implement what we have classified as a iewt lization management -- utilization management process, essentially being able to assess the patients who are using the service and determining which ones are necessary and which ones are not. And also there was another provision where we concluded where no later than 90 days prior to the expiration of the initial term the parties would sit down and utilize the -- evaluate the utilization data and determine whether we can negotiate under the current terms or under different terms should that need arise. Two other items that we will bring before you have to do with the ryan white hiv grant funds. The health and human services is the administrative and the fiscal agent for ryan white. This does include funding for the david powell community health center, which has transferred to the district. The item that will come before you will recommend that the city will award grant funds under these two agreements under the central texas community health centers, which is the nonprofit arm of the district and it is affiliated with the district and is a co-recipient of fqhc status and it does qualify as a grant subrecipient. And as I mentioned, these are for the david powell community health center. So mayor, the next steps essentially what we would be doing is for april the 21st we would be bringing the five items for consideration. First of all, again to the public health and human services subcommittee and we would target april the 23rd for city council. So that concludes my presentation and I'll be more than happy to answer any questions. I do have a number of staff and we do have a couple of representatives here from the health care district as well that certainly are available for any questions. [00:16:14]

Mayor Wynn: Thank you. Questions for staff, council? Or perhaps our partners with the health care district? Comments?

[Inaudible - no mic].

Mayor Wynn: Councilmember morrison.

Morrison: Yes. A couple of questions, but first thank you for all your work and staff work, especially with the special care and making sure that the employees that are transferring over that it's done in a fair way and that they don't lose any of their seniorities, their retirements and all. Could you talk just a little bit about the reason as I understand it that it's gotten held up, the approval of the retirement for the 501(c)3 is that we're waiting for two organizations to approve it? Could you talk about what's holding those up?

Sure. Essentially as I noted earlier, there are two determinations that are very critical to that transfer to the nonprofit. They have to do with being able to set aside one requirement. One of those is with the i.r.s. And the district did submit the paperwork for that back in february of 2008. And so essentially what -- they feel like they're going to get the approval, they just haven't gotten it yet. The second one has to

do with the department of labor. The district submitted a request for an advisory opinion to the u.s. Department of labor back in september of 2007, so that one is much longer. However, what has happened with the dol is they currently have a moratorium on issuing out any determinations. So essentially waiting on when that moratorium will cease. But the reason for the moratorium is that it's pending the publication of rules. So they're specifically working on some rules so mayor not issuing out any determinations. But those are critical because those two determinations are required by the legislation. Essentially requiring that the nonprofit be a governmental entity or a qualified plan that meets specific requirements. So without those determinations, proportionality would not be in effect.

Morrison: And we fully expect that to happen, we're just not sure when. there any time for the rules posting for dol?

No. And I know that the district and I'm sure sally can speak to that. I know they've been in constant contact with them and no specific word on a specific time line.

Morrison: But what we are doing is making sure that the employees are all working for the district now so that that is assured. And once it does get approved, they will move over to the 501(c)3. Just in the off chance that it doesn't get approved, would they just remain as district employees forever and sort of change the business model? [00:19:11]

Yes. The discussion that we've had with the district is because the district does meet the legislative requirements in terms of it being a governmental entity and it does meet the requirements of the qualified plan, a possibility could be is that those employees that have already transitioned over to remain with the district. Then in the future, you know, if there's any need for anything within a nonprofit, future employees could be hired under that corporation. But I can certainly ask sally to come up and see -- I believe I'm characterizing everything correctly, but I'll let her speak on that issue a little bit more as well.

Morrison: Thank you.

That's all correct. I would just add that the employees -- the bulk of the employees that would have otherwise been working for the 501(c)3 except for the retirement issue are assigned to work for the corporation. So the corporation is still an active corporation. It still has its 501(c)3 board which serves as the fqhc board. Should it occur that those approvals don't happen, which no one expects, they would just remain district exeez. So all the transitioning employees would have their retirement proportionality protected. Hor more and how many employees are working for it?

About 430 right now on the payroll and there's about 55 employees of the district. But 423 are assigned to community care.

Morrison: One last question that you might be able to answer. In terms of the -- the benefits. We have domestic partner benefits that are covered for employees of the city. Is that also the case with the

district?

Yes. Domestic partners are covered by the benefits except for short-term and long-term disability, which i think is similar to the city structure currently.

Morrison: Great. Thank you very much.

Mayor Wynn: Councilmember shade.

Shade: Some of my questions were just asked, but I am curious in terms of just the communication plan for the public to understand who these entities are now that the dust is settling and things are finally starting to take shape. Who is driving that? Is that the not for profit that would be driving that? Is that the district that's driving that? Is it a combined effort? Are we using outside contract? How are we communicating to the public? I notice you have a new logo, but --

yes, there's a variety of activities that have been going on. There was actually a press conference last week that unfortunately was not well attended, rolling out the new name of community care. There are new signs either already up at all the sites or will be up shortly. And there will be ongoing efforts to notify partners in the community, and that's basically the effort of the community care organization, but certainly with input and cooperation from the district. [00:22:10]

Shade: Is that internally driven or is there an outside resource that you're using like an outside firm?

The district has contracts with an outside firm, and community care can access that contract for services. So it's a pretty multitiered approach.

Shade: Okay. I heard it was low attended and that worried me. Because this is really -- it's been years and everybody is kind of wondering, so i really hope we'll improve because people need to know who they're dealing with.

Absolutely. I'll pass that on.

Mayor Wynn: Further questions? Comments? Comar.

Martinez: Thank you, mayor. I didn't really have a question. I did want to make one comment, though. Because we keep saying things like we want to make our employees whole. I think we've done everything we can to make them as whole as possible. But I wanted to be very clear. They're going to be operating under a complete separate standard as it relates to vacation, sick time, and even productive work time. The paid timeoff model literally says if you run into an illness and you have an extended illness, you can use your paid time off, but it may mean you don't get vacation later in the year, a vacation. Or it means if you show up for work today and we don't have the demand in the clinic and we send you home, you won't get paid unless you use some of your paid time off hours. I think that's -- that is significantly different than our current system where they're full-time, 40-hour employees

with sick leave, with vacation. I know that we're trying to be fiduciarily responsible as well and that most health facilities operate under a pto schedule, but it's not something that these employees have been under and are accustomed to. And I think for me i think it's really important that we make sure they understand that the shift, which i don't think is slight. I think it's pretty significant. If you've been a long-term city employee with benefits and vacation and sick leave that are going to significantly change, i want to make sure that our employees know that.

Mayor Wynn: Thank you. Further comments, questions? Councilmember leffingwell.

Leffingwell: So as I understand it, the transfer to the health district itself is only because of the fqhc designation. Which has not been approved for the nonprofit organization yet, but has for the health care district.

The health care district and the 501(c)3 applied jointly. They were co-applicants for the designation. The district is called the grantee. The 501(c)3 is a co-recipient. So we're fine with fqhc transfer. Everything is in order on that. [00:25:05]

Leffingwell: Then I'm confused because i thought the reason for transferring them to the health care district itself instead of the nonprofit was because the nonprofit was not yet fully qualified.

The way the federal government looks at it is it's a public entity model. So you still have the governmental entities, the district, also holding the status, but you have the 501(c)3 carrying out the operation of the community health center. And that's the preferred model of persa as opposed to when this was the city we always kind of called it a square peg in a round hole. They didn't really like the public entity also holding the clinics as a city department. They preferred it be a somewhat separate 501(c)3 nonprofit corporation.

Leffingwell: Then why not transfer them to the nonprofit right now?

Because we wanted to protect the retirement proportionality. That is the only reason we did not transfer them.

Leffingwell: Okay.

But at the time we get the federal approvals for the proportionality, they would transfer to the 501(c)3.

Leffingwell: And the proportionality will survive that transfer?

They will only transfer if it does survive, yes, that's correct.

Leffingwell: Okay.

Mayor Wynn: Again, further questions of staff? Comments? If not, burt, we appreciate the presentation

and all the hard work to get us through the transition. Thank you all. So council, that concludes the two afternoon briefings. That now leaves us with our live music and proclamations. Our musician today by the way is larry wilson. Stay tuned for that. We will then conduct -- we have two posted public hearings this evening. Although we only have folk here signing up for one of the two. But so shortly after six we will conduct our two posted public hearings. The one that's drawing the most interest is on the street closure taskforce. And so until that time I'll now formally recess this meeting of the austin city council. Stay tuned here in five minutes we will kick off live music and proclamations with larry wilson, conduct a few proclamations and then our public hearings beginning at 6:00 p.m. We are now technically in recess as we conduct our live music and proclamations. Thank you. [00:32:57]

Mayor Wynn: Okay, folks, if I could have your attention. Welcome to our weekly thursday live music gig here at the weekly austin city council meeting. Joining us today is blues rocker larry wilson. Larry has been performing in austin for more than 25 years now. He's toured with jimmily favre for 17 years, performed with jimmy white and jimmy dale gilmore. He just released larry wilson and the blues city nights live. Please join me in welcoming larry wilson. [Applause]

thank you, mayor. [Cheers and applause] thanks to all you folks for coming out. We'll have some fun. Here's a song I wrote about austin, texas, for you and you and all of you. [?? Music playing ??] [?? music playing ??] [00:36:58] [?? music playing ??]

thank you very much. Thank you. Cloop clap.

Mayor Wynn: Sounds like a new theme song to me. So larry, tell us, on you and the blue knights, where can we hear next? I guess the cd is available at waterloo, i trust?

Available at waterloo or at larrywilsonmusic.com. I think we'll get that up on the screen. How about upcoming gigs?

Tonight I'm at the saxon pub with the blues 00 until they kick us off. Sunday we're doing the bunny run for the food bank. That's going to be a benefit. That should be a lot of fun. It's going to be out there -- I think it's called south point off there off manchaca road.

Mayor Wynn: Good cause.

And golly. If you go to com/larrywilson m com/larrywilsonm usic you can see my whole schedule there. I've got a bunch of stuff coming up. Still playing in bastrop too.

Mayor Wynn: Travelling soon? Touring?

We're fixing to start travelling. We go to ireland and italy barking at us, so we might get out of texas pretty soon. Mayor well, I suggest a trip to our sister city in germany too and take our austin music with you too. Before you get away we have the official proclamation that reads: Be it known that whereas the local music community makes many contributions towards the development of austin's social, economic

and cultural diversity and whereas the dedicated efforts of our artists further our status as the live music capitol of the world, now therefore i, will wynn, mayor of the city of austin, do here by proclaim today, APRIL 2nd -- IT'S NOT An april fool's joke -- APRIL 2nd, 2009 AS Larry wilson day in austin and all on all citizens to join me in congratulating this fine talent. [00:39:17] [Cheers and applause].

Thank you, mayor. I appreciate that.

Mayor Wynn: Thank you.

And I brought a little gift to you, mayor. It's the lyrics to the song I just sang. It's the studio copy to you. Take it home and crank it up on 11. You will have a lot of fun with it. Thank you, mayor. [Applause]

Mayor Wynn: While larry breaks down on that side of the room, we'll come over here and use this podium to do our weekly proclamations. We take this time each week to try to do a number things. We try to raise awareness about some local issue or cause. We often times say congratulations or good-bye to retiring employees. Say thank you to a lot of folks here in town that help us with this great city. Today we have a handful of proclamations, but the first one is particularly rewarding and fun because we're issuing a bunch of honorary citizen certificates to visiting students from our sister city in germany, koblenz. And they're able to travel here and stay here in austin because of sponsoring kids and their families. So we have both our german visitors, our new citizens to be, as well as their host student friends and family members here. So I guess what I'm going to do is turn this over to margie and so what we do is I guess I'll read one of -- just show off one of the official honorary citizen certificates and then we will read off all the names of our visitors, have them come up, get their citizenship and then we'll try to get everybody coordinated for a group photograph, including, I guess, maybe one with just our new citizens and one with our host families as well. So ladies, can you help me here?

Thank you. The german teacher from anderson, julia lesher, is going to read the names for us.

Mayor Wynn: By the way, if you haven't, you need to -- for our austin citizens here, if you haven't visited our sister city koblenz, i suggest you do. It's a fabulous city right on the rhine. A fabulous city founded by the romans almost 2,000 years ago now. The mayor has come to austin a couple of times. I think he's planning a trip next spring before he leaves office, i believe, in april of 2010, something like that. But it's a fabulous visit. We have a very well organized sister city committee here in austin. We send our help a bunch of high school students mostly from anderson go over there. I traveled over there with 100 or so students from both anderson high school and hill elementary a couple -- summit elementary a couple of years ago where we toured the learn school there in koblenz and the high school. It's a great trip. If you do go there, please do let folks in koblenz know you're from austin because there's this great working relationship between the two cities, educational, sort of historic, business, cultural, and so it's always fun to welcome young people from koblenz here to austin w that I'll turn it over and I'll hand out the certificates as you read the names. Is that fair? [00:43:16]

(Reading list of names)

(reading list of names) (Reading list of names) [00:46:44]

we have a new teacher with the exchange, tanya munz.

Jacob higdon and family. Jessica ply and family. Catherine zeiler and family. Bryan menkee and family. Kevin wang and family. Grace maverick and family. Lena nelson and family. Anne smuller and family. Bess wert and family. Will dunn and family. Zach martin and family. Travis (indiscernible) and family. Sarah jura and family. Abby gutsmer and family. Karen evans and family. Elizabeth mclean and family. Dylan vaughn and family. Jennifer millkin and family. Patrick brinkman and family. Anna getter and family. Claire wilkes and family. [00:51:18] (Indiscernible) and family. Marissa vger and family. And andrew glen and family.

We also have three returning teachers, hannah trump. Are you there, hannah? Sandra (indiscernible). Sandra. And crystal schulinski. And they've each been here a number of times and are very good leaders of the group. Tanya, who is new, you are in good hands with them. We do want to thank mayor wynn for all of his support through his two terms as mayor. I think we've had three groups come during that time, and he's always been most gracious in recognizing them here at -- them here in council chambers. We cial appreciate it. -- We really appreciate it. We do have a really impressive group this time, including two sisters, sophie and marie. Is that right? Step forward. They won a very prestigious prize that i don't really know the name of. But it was nationwide in germany. And they were recognized nationwide. So yay. We're very happy to have them here as part of the group. [Applause] and renata anderson is our fearless leader who got us organized back in the late '80's and we owe here a great deal. Without her none of us would be here today. So thank you, renata. [Applause]

is there a spokesman for the group? If the spokesman would come up. Kim claifer. And michelle liendorf. wynn, dear host families and last but not least citizens of austin, we the german exchange group from koblenz would like to thank you for welcoming us as your guests in austin. We are standing here now excited because we have the unique opportunity to be in austin and to see so much of austin and the surrounding area. And full of joy because of our nice host families. Many of us have not been able to get to know our see austin before, but we are sure that the new and old friendships will continue to thrive and we can visit each other many more times to explore more of the surrounding areas. And of course we are so thankful to be here now. [00:54:42] [Applause]

furthermore, this day is giving us the chance to learn new things about different cultures, so improve our language skills and to make new friends. We would like to thank our host families who gave us all a warm welcome and also anderson high school, the school we are attending, which showed us a different but exciting a school in the u.s.a. can be. We all hope that this school exchange will continue and help us understand and respect the different cultures. Thank you for making us feel so comfortable here in your wonderful city and we are all looking forward to seeing and hosting the american students in koblenz next year. Thank you. [Applause]

Mayor Wynn: Thanks, everybody, for their patience. We always enjoy welcoming the kids from koblenz and thanking the kids here in austin who make their trips so much more enjoyable. For my next

proclamation it's national public health week. Actually, next week. So I'll read the proclamation and david lurie, our acting assistant city manager who oversees our public health departments and others will tell us a little bit about why we bother to have a public health week and what we're doing here in austin. The status is very positive, but we continue to have big, big challenges as a growing, diversified city. The proclamation reads, over the past half has achieved significant increases this life expectancy and reductions in the innocent of injury, disability and disease due to large part to a public health approach. And whereas public health protects every austin resident everyday from infek chus diseases and environmental threats and edge indicates us about the benefits of healthful behaviors and avoiding chronic diseases and whereas public health surveillance and preparedness programs play a key role in emergency response to natural disasters such as hurricanes as well as our battles against potential pandemic flu or man-made events like bioterrorism. So now there therefore i, will wynn, mayor of austin do here by recognize the people and programs that make up our public health infrastructure and do here by proclaim next week, april 6 through 12, 2009, as national public health week here in austin and as I ask david lurie to come up and say a few words, please join me in thanking all of the men and women who delivered health and human services, particularly our public health department here in austin and travis county.

Shannon jones who is the assistant director for public health services. The role of public health is threefold, one is to promote wellness community wide, we have parks and recreation department, the mayor's fitness council, many community-based organizations working to promote physical activity and good nutrition. We have a very robust well news program within the city of austin for our work force. The second major role is to prevent disease, and that includes things such immunizations and screening programs so people can identify early on if there are issues or needs which by intervening quickly they can prevent the development of disease and finally protecting the community, and that's from environmental hazards and infectious diseases and we have a very active disease surveillance program. We inspect food establishments. So as you can he a wide vaing of interventions. These are community focused, population focused, so public health interventions have an impact on the entire community and the health of our community. I want to mention a couple events we are sponsoring next week and have scheduled first of all. On tuesday, april 7 at the south austin neighborhood center, community walk in gillis park and that's at 12:00 noon. On wednesday april 8 at rosewood saragosa neighborhood center, we have an employee wellness fair at 11:30 a.m. to 1:00 p.m. And on thursday april 9 at the black land neighborhood center in partnership with the university of texas and gus garcia middle school staff, healthy eating is a family affair, and that's an event where we'll have presentations by ut students and that's at gus garcia 00 to 7:00 p.m. And then on friday, april 10, at the east austin neighborhood center, a health fair and healthy options program for the elderly from 9 to 11:00 a.m. So you can see in terms of these events, focusing on a broad range of the population. So again, you have a lot of folks working very hard to build a successful foundation for a healthy austin. We're very proud of their work and we appreciate this proclamation very much, mayor wynn. Thank you.

Mayor wynn: thank you. [Applause] thank you you-all for all you're doing. Lurie michael green audio [audio difficulties brackets [inaudible]

sees the need, not the cause. For seeing a coworker's need and responding in amazingly gracious and

generous manner, michael green is deserving of public acclaim and recognition. Ctm employee anthony breckenridge had been on a five-year waiting list for a kidney. When his coworker michael green found that out, he had himself tested for compatibility, found that he was a match and then signed up to be the donor for anthony. His only criterion for giving his light altering gift was that anthony, quote, needed a k quote. This certificate is presented in acknowledgment of michael green's noble, selfless and big hearted gift to a fellow city of austin employee, on this 2nd day of april, 2009, distinguished service award to mr. michael green. [. [Applause] [applause and cheering] do you want to say a few words?

Well, I mean, there's not much for me to say after that, but basically what i want to say is to michael, thank you. [Applause]

well, I appreciate the proclamation. I didn't really expect it, didn't do it to get anything out of it, but like I said before, he was in need, i saw it, and I went and got tested. He didn't even know it. I just got the information out of him little by little and called the hospital and said I want to get tested. And then once I found out we were compatible, then I told him. But I thank my friends and family and coworkers for this. Thank you. [Applause] and so for our final proclamation this week is regarding a commuter challenge, a bicycle commuter challenge that actually hill and I and rob spiller, our transportation director for the city of austin, issued this morning. You may not know but may is bicycle week, and we have been doing a lot of things. We can always do more and we're struggling to figure out how to do more when it comes to raising awareness about cyclists here in town, both making it safer for them to ride for recreation, for exercise, for training and for commuting by, you know, adding to our system of bike lanes, by trying to build some segregated bike facilities from automobiles, and also just raising awareness amongst drivers about how critical it is to share the road with cyclists. There was a nice little story that we here at the city of austin were offering bike-share programs for our employees. There are six city of austin office buildings within about a one-mile radius here of city hall. I should know this, probably, I'm guessing three, maybe 5,000 city employees here in the downtown area, and so I put a little plug in for hill's shop. We actually bought 18 bicycles from a bicycle sport shop at a very night price, thank you, hill, and put three bicycles at all six of our facilities downtown for city employees, if you want to go from city hall from to one texas center, from there to the parks department or from parks department to the wastewater department on water creek waller creek, you could probably get there in a five-minute bike ride and why not get exercise and not enclosing up our streets with another car and not continue to add to pollution, while we also are struggling to stay in attainment this summer. So in addition to what the city is doing, we now with hill's help are issue an austin commuter challenge -- if you're already commuting our bike and thousands of folks are, figure out how to register and how we can help the folks who are are, and if you're not, figure out how to get out on a bike once a week, once a month and see how easy it can be and hopefully how safe it can be, and meanwhile you're always welcome to give us more feedback about what we can do to make that infrastructure safer and friendly for potential commuter. I'll read the proclamation, and abell will talk about the challenge and give the web site address and that. the austin commuter challenge is a friendly competition to increase cycling trips for work, school and errands, and whereas the city has a goal to become a world-class cycling city, and whereas austin recognizes bicycle commuting as a benefit to our health, environment and community by reducing our carbon footprint. 300 Bike riders averaging 6 miles a day can reduce 97,000 pounds of carbon into the atmosphere, save \$22,000 in gas money during the challenge. So whereas the city of austin and bicycle sports shop invite

citizens to discover the joyce of bike riding and seeing austin in a different light by participating in the city-wide commuter challenge. So therefore i, will wynn, mayor of austin, here by proclaim essentially the month of may, may 4 through 31st, 2009, as the commuter hill abell to give us more details about the program and how you can see the challenge. Hill? [Applause]

thank you, mayor wynn. As our community relations manager pins on a bike pin and we have several more if anybody in the audience would like one this evening. My staff and I at bicycle sport shop are always looking for ways to help people ride their bicycles, because we believe that support and encouragement can bring a lot of people along to use their bicycles for transportation. The reality in the united states is that 50% of all car trips are three miles or less, and that is the length of trip that is ideal for bicycle use. You can get around the most dense part of austin in about 15 minutes traveling three miles. So it's a great way to get around. It enhances our air quality. It's good for your health and well-being, especially your mental health, because getting out, moving your body, is just so good for all of us. And we have the austin commuter challenge. It's austin commuter challenge.com. We have sign -- sign-up has started today, and it will go through may 2. It will kick in may 4 and run through the end of may, and it's a great interactive opportunity for you to track all of your cycling mileage. And commuting does not necessarily mean just going to work but also could be going to the grocery store, going to visit friends' houses, going down to the pool or the park, because there are so many opportunities to trade your car for short trips or even longer trips, and use your bicycle. We're here to help support you and it's going to be fun and we encourage you to come out and join us. Thank you. [Applause]

mayor wynn: good. Thank you. So austin bicycle challenge.com.

Right. so that's the last of our proclamations so here in a few minutes I'll roust a quorum of council members up and we will begin our public hearings. Thank you very much. Rows test test lost my quorum. So, folks, so as soon as i get a quorum here in just a couple minutes we will start. We actually have two public hearings to conduct this evening. One of them has nobody signed up, so I'm going to let the staff knock that out here in a minute. It will take probably 60 seconds and we'll send some staff home. Then we'll hunker down for the rest of the item for our 60, which is our street closure public hearing. Just to let you plan the rest of your night. We have 102 folks who have come down and signed up, many of them are trying to curry significant favor with the council. They signed up not wishing to speak. [Laughter] but letting us know their opinion via the computer system, and we appreciate that. We do have about 45 folks who do want to speak, and so my computer here tells me that would be about 138 minutes worth of testimony, which actually isn't that bad, you know, two hours and change. In order for that to be only two hours and change and not four, I'll ask you often -- when I will call a speaker -- we'll just take them in the order of folks signed up outside or at home, I guess. As I call a speaker up, know that we can use both podiums here, and I'll also announce the next speaker, and so if you are to be the next speaker, I'd appreciate it if you could -- you're welcome to just to go ahead and come on down and stand at the other podium or just stand in the wings behind the person speaking so you can step up and begin giving us testimony within just a few seconds delay between each speaker. So that will get us through the public testimony quicker and ultimately will get everybody home earlier. Still waiting for my quorum. I do know that we will start that public hearing with a staff presentation, so staff will give us -- and/or task force presentation. So we'll get a summary in some form or fashion from both

the task force on, you know, the public hearings they held, the input that they took, and their recommendation, and then we will -- and/or we will hear from staff relaying that recommendation and any additional ones that staff may have. So hopefully with that summary initial presentation, it might actually answer some of the questions that some of you may have before we then take up your testimony. Again, just appreciate everybody's patience and flexibility, and I think we can get through this in, you know, three hours' time or so. Also know that depending on how the -- both the testimony and then the council dialogue goes afterwards, it wouldn't surprise me, it's common on an issue like this, that staff may have an ordinance crafted, that is, there may be a document, you know, of a dozen or more pages that the council, if the will was there, could vote on all three readings to approve an ordinance. Frequently, however, there will be just enough, you know, dialogue and disagreement, frankly, on the dais, as to the details of a few of the items in that lengthy ordinance that oftentimes an ordinance might get passed on first reading only, thereby not becoming law, and then we oftentimes take that opportunity to give staff further direction to then, you know, change the ordinance, redraft it, add language and, you know, take a week to make sure the eyes are dotted and the t's are crossed and get that new document back to us at our next meeting. So just know that if I had to bet, I would be very surprised if an ordinance is passed tonight on all three readings, so know that -- which I think is a good thing. I think it's good when you have this much testimony that we're going to hear tonight, and then likely have the dialogue that I anticipate here on the dais following that, I think it makes for a better product when staff and legal staff particularly go back and try to document some of the comments and then council members are able to look at that and actually read it, you know, over the next week or so before we then likely finally vote on a second and/or a third reading. Know that technically it takes three readings for an ordinance like this to become law. We have a quorum. There being a quorum present at this time I'll call back to order this meeting of the Austin City Council. It is 6:30 p.m. We've been recessed for about one hour. We appreciate everybody's patience. We have two public hearings to conduct. Our first public hearing that we will conduct is item 61, and we welcome Juddy Plumber for a brief staff and presentation.

Thank you Mayor and Council. 61, I should say, comes with park board recommendation. It is a change in use in parkland. The new bridge across Bull Creek will provide a much safer access for vehicles, pedestrians and bikes, and the legal fact finding for this public hearing is that there is no other feasible and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park. Thank you, Ms. Plumber. Questions for staff, Council? Comments? We have one person who signed up on this public hearing. He's really currying favor. He signed up not wishing to speak in favor of this public hearing so I bet he's going to get his wish granted here in a second by not speaking. That -- so we'll note. [Laughter]

We'll note Scott Stevens' support for this resolution, for the record. Further questions of staff? Comments? If not, I'll entertain a motion to close the public hearing and pass this ordinance -- pass this resolution as presented by staff. Mayor, I move to close the public hearing and pass the resolution in item 61. Motion by Council member Leffingwell, seconded by Coal, to close the public hearing, item 61, and approve the resolution as presented by staff. Further comments? Hearing none, all in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Resolution passes on a vote of 4-0 with the mayor pro tem and council member shade and martinez off the dais. Thank you, ms. plumber. So a great lesson in civics, that when you sign up in favor of something don't speak, it passes. That was a joke. Because there's really not sort of a for and against on our next item. I was just trying to be -- well, so, I think we're -- i anticipate the other council members are going to join us here any minute, so with that let's go ahead and take 60, which is our public hearing regarding street closures and right-of-way event rules. I haven't asked the city staff or management this. I trust there will be some type of staff presentation. rod spiller, director of transportation.

Thank you, mayor, council members, I'm rod spiller director of transportation for the city of austin. The reason I'm here today is as you know, right-of-way management, which is deeply involved in this process is now part of austin transportation, and I'd like to just make a very brief presentation if I could have the slides. Oops. That was unintentional. [Laughter] it was very brief. [Applause] [laughter] just advance it for me one, please. rob is really trying to curry favor.

I'm really trying. [Laughter]

let me start, if the slides will catch up to me. I want to give you a chronology of how we arrived here today. The task force that we are all aware of completed 19 meetings. It was disbanded december 2008 having completed their work as directed by city council. A staff report was given to council last week on the 26th. At that time there were proposed ordinances and rule changes to council. We were asked by council to provide to the members of the previous task force and to council a matrix of the differences between the recommendations from the task force as well as what council -- or what staff had recommended. Hopefully you-all print today out on 11 by 17. It goes through in detail the recommendations made by the task force and the response by staff. Following that -- production of that matrix we met with the members of the task force this past tuesday, as asked by council, and we're back here today to talk to you about this ordinance and participate in this hearing. I've brought staff from my right-of-way group here as well as my planning manager, so that we can participate and hopefully answer questions. I want to point out one thing before we go forward here, is that there are two processes being discussed here. There are rules being proposed as well as the ordinance. The hearing tonight is really on the ordinance, as you know, which is required by law to give the public an opportunity to comment on the proposed changes. Following the passage of the ordinance we plan to go through a formal rule-setting process as defined by city code. We will post those rule changes that will deal with administrative issues related to handling special events. The reason some elements are in the rules versus the ordinance is to give that administrative flexibility so that we can respond to changing needs over the years and not have to come back to council every time a rule needs to be adjusted. That rule posting process will give 30 days for the public to comment. We are committed to continue that dialogue and be very proactive with the members of the former task force as well as the public at large, and we are happy to brief council on the outcomes of that discussion before we formalize those rules and show you how we incorporate that comment. The slide before you, really, I think, encapsulates why the importance for special event management. This is actually one of the

bridges across the lake, and as you see here, someone has stopped their baby carriage in traffic -- whoops -- to allow themselves time to pick something up. Could you go to the next slide? Okay. Technology has failed me. That's okay. Thank you. The previous picture, please. There you go. And again, just the importance and the complexity of running a special event, trying to maintain mobility at the same time that we facilitate the events. It's very challenging. We could go to the next slide, please. One more. Another slide, again of a moving race. Again, the complications of trying to maintain mobility at the same time of facilitating races and special events. I'd like to spend just a couple of slide here pointing out the major changes that are proposed in the ordinance that you have before you tonight and that we hope to gain comment. Temporary street closure for a parade has been merged with the proposed special events ordinance. One of the major comments and impetus for moving forward with this new ordinance is that previously we had separate ordinances for parades and special events. This puts all the language in the same place. It makes it easier for promoters or sponsors to go to a single place and find the information they need to. We have also removed the definition of large public gatherings. We are pulling that out of the proposed ordinance. What we have found from our conversations with the police department, that that was a clause in the previous ordinances that was never used. And so in an effort to have good government and good policy, we're recommending that that piece of the legislation be pulled out, that all the special events and races and so forth and parades, that we contemplate coming in under this ordinance can be handled under the current proposed legislation. Application and submittal time frames, deadlines, if you will, have been doubled. One of the recurring themes that we heard in building towards this process is there's just not enough time. Things tend to get crammed at the end both for staff as well as promoters, and so we're doubling those times to give everyone more heads up about the coming events, give the community a better time to respond. The time, manner and place clause added to enable staff to change routes and event times for public safety, in other words, it gives us that flexibility that when we see a safety issue on the day of the event, that we can make minor changes to take care of that. And then also an office of special events is being developed to allocate sufficient resources and manage special events. Again, we know that special events are a major business opportunity and bring money to the city of Austin in terms of business revenues. They are important to our community. We are the capital city for the state of Texas, and so we understand that's important. A special events office will help facilitate that process, but not just for the promoters but also for the neighborhoods and the affected folks around these special events, to give people a single point of contact that we can help not only promoters navigate the necessary requirements within the city but also give the neighborhoods a strong voice to make sure that there is a compatible relationship between those two. I'm afraid to touch the button at this point, so thank you. The major proposed staff changes, and these really go beyond what we heard from the community in some cases. We removed the restrictions on the number of times a road can be closed. We believe the revised ordinance accounts for that by giving the public that are affected the opportunity to say no or to ask for mitigation to specific events. We also think that this is important because we have certain events like the farmers market that would certainly exceed any limit we might put on an activity occurring in a single space. So we believe that the new 20% denial process or vote process accounts for that and gives the public the opportunity to manage their streets. Sign-off requirements have been changed to a disapproval system requiring 20% or more affected persons on an individual block to voice opposition to an event. It maintains our citizens' voice yet significantly reduces the efforts on the special events. Prior

to this the special events had to obtain an 80% approval rate per block to have an event. This way it switches the responsibility to the folks living on those blocks to come forward and voice their opposition, and so we think that's a very positive approach moving forward. Requirements for events have been unified for our arterial collector and residential streets. That really allows us to remain -- maintain consistency in the ordinance, but also makes it just plain simpler to understand. We've also gone through the ordinance and cleaned up definitions and just some minor administrative issues to make sure that the ordinance itself is very readable. That concludes my presentation. Again, I brought staff here should you have questions, we are ready to respond when you can. I'll let you know, we've also been fielding questions since we met with members of the former task force this week. We've been responding to those questions, and I know that they've been thankful for that information as it comes back. Thank you, Mr. Spiller. Questions for staff, Council? Comments? If not, we'll conduct our public hearing. Thank you, Rob.

Thank you, and I'll be available throughout.

Mayor Wynn: Thanks. I apologize, folks. I meant to do this earlier. Some of you probably know, because of the really, really high winds we had earlier, Austin Energy lost about 9,000 customers today, and just know that if you are affected we think we're down to about 1,100 homes are without electricity right now. That's down from 9,000 early afternoon, that they anticipate that everybody's lights should be back on by 8:00 p.m. tonight. So those of you-all who have been affected by the winds, know that crews are out -- have been out full-time all day hitting dozens and dozens of different spots. Since what happens is the limbs -- a limb doesn't have to be blown off a tree or knock down a power line. If a limb simply blows into a power line, touches the power line enough that it surges, then the fuses that are associated with those transformer boxes on the power poles go out on purpose to save the transformer from being damaged and causing, you know, millions of dollars worth of damage. So just the tree limb touching a power line can actually knock out electricity for four to six homes per block. And so we had just dozens and dozens of spots around town where we've lost thousands of homes to power outage, and we think we're under control, but just know that if you're -- if you've been without electricity today, we think the last of those folks will get their lights on here in about an hour. I appreciate everybody's patience with that. Okay. So we will now just conduct our -- receive public testimony regarding the proposed rules, and we'll just take these -- again, our system is normally set up for zoning cases, and so you're either -- usually either for a zoning case or against a zoning case, and so folks bothered to check, I guess, whether you're for or against, and we recognize different kind of product in that there's so many elements to this proposal. We just welcome all comments about different pieces of it. Different people have different thoughts about different elements of it, so we'll just consider everybody -- everybody against it and we'll figure out how to -- [laughter]

So with that said, as opposed to taking all the folks who check for or checked against we'll take them in the sequence they signed up. Our first speaker signed up is Dave Sullivan, to give us testimony. Dave, welcome, you'll be first, so I appreciate you coming over here, and then our second speaker will be Dan Cairl, so if Dan -- to be followed by Michelle Graham. So if Dan and Michelle can start coming forward as Dave gets his three minutes and we'll keep moving. Welcome, Mr. Sullivan.

Thank you, thawn, mayor. I stand before you tonight to humbly request that you reject the ordinance before you as presented at last week's city council meeting and instead encourage you to adopt the downtown street closure task force final recommendations as originally proposed. After six months and countless meetings, this highly motivated and dedicated task force can came up with a plan that accommodated all needs regardless of the nature of the event or the constituency served. When it was published at the end of december we at first night austin were glad that every event, stationary or moving, regardless of size, was in the plan and keeps the traffic flowing and prevents each attendee regardless of its location in austin. The adjusted plan presented to you in last week's meeting made two significant changes to the original concept. First, that cesar chavez east/west route must always remain open, and that two, the north-south access must now have two sets of routes, congress avenue or guadalupe and lavaca, as well as the i-35 service roads and san jacinto boulevard and brazos coupled together. When it was instead originally recommended that any two of those four, east-west access would be meaningful to the project. If this ordinance passes as it is presented, it will seriously jeopardize the future of first night austin and it creates a safety hazard for the 100,000 attendees that we expect annually. Additionally, if cesar chavez is forbidden to be closed for our event two major elements of first night will cease to exist. We will be forced to eliminate the grand procession and the midnight finale, reducing the magic in the general bill to our joyous marking of time and change from today into next year. First night austin is an ebb and flow event with small groups and large crowds joining performances and take into creative and magical installations using our incredible urban vimpler as a stage. By not allowing cesar chavez to close, the sad results: One that this city's premiere festivals will be cut in two. I have racked my brain as to where our festival would go this this ordinance was adopted as written and i move to any other move to any other location outside of our urban core would not only dilute this event artistic intent but it would add to our budget. Our mission proudly proclaims the following. First night austin is a celebration of the arts and revised tradition and marking of events through art, and festival. It is an annual free family friendly intergenerationally programmed nonalcoholic new year's eve celebration in downtown austin. I know the mayor, who helped found this event, and the city council are very strong partners with first night austin and turn around and applaud -- I have just a little bit more and applaud our activities, but after only four years of first night austin it has grown to be the large second largest first night in the world. I'd like also us to keep the most important thing that reflects to the city. If this ordinance passes as is and forces first night to adjust itself, I would like to bring to your attention the economic impact of this event. Based upon first night international commission survey by penn state university, first nate austin last year -- night austin last year brought in \$2,317,000 to the revenues of the city plus the \$400,000 operating budget of which we paid back to our local people. I appreciate you letting me speak, and I ask you to let me speak to the safety of the movement of cars, instead encourage you to return to the task force final recommendations and embrace all modes of transportation, amplify everyone's belief in downtown as a destination suited and accessible to all regardless of motor transportation and to bring forward the -- please conclude, mr. sullivan.

That you artists. Thank you.

Mayor wynn: thank you. Next speaker is dan carol, to be followed by michelle graham. Welcome.

Mayor -- councilman martinez?

I just wanted to make one point because I think it's not completely accurate to say first night wouldn't be able to happen as it happens now. There is a waiver of provision that you simply have to make that request and the points that were made will certainly be considered.

Mayor wynn: welcome, dan. You too will have three minutes to be followed by michelle graham. mayor and city council. I represent the austin racing events alliance. There are four of us speaking tonight. My role is to kind of introduce the group and let us -- let you know our position on this ordinance and the rules. Our group is composed of race directors and event managers, and we produce 25 events in austin each year. Collectively these events bring in over \$18 million of economic benefit to the city of austin. They contribute more than \$3 million annually to local nonprofit organizations. They have 100,000 participants, and an estimated 100,000 spectators. These people are residents, churchgoers, business owners, public officials and community activists. Many of them live and work in the downtown austin neighborhoods. The purpose of the austin racing events alliance is to be a collective and collaborative voice for issues that affect racing events in austin. Our aim is to achieve harmonious balance between special events and the neighborhoods, residents, businesses and especially the churches. We believe that special events can exist in the downtown area and be to the benefit of all parties with good communication and diligent planning. Our goal tonight at the public hearing is first to applaud the work of both the task force and city staff. We witness on a weekly basis at the tuesday meetings how much effort city staff puts in to making sure special events happen in this town, and we know that they put an awful lot of effort into this ordinance, and we as the members of the alliance are very motivated and dedicated to working both with city staff and all the stakeholders to construct an ordinance that ensures both the sustainability of downtown special events and also protects the interests of the churches, residents and businesses. We feel we're very, very close, but there are a few points in this ordinance, and especially in the rules, spiller explained, that the rules will be decided later. What we're asking for is to be part of that process for defining those rules. We feel we're very close, but the ordinance in its current form, if passed today, I think would -- could severely impact the sustainability of these events, and therefore we request that city council does not do that today, and instead encourage that the ordinance go into further review with the relevant stakeholders. Thank you.

Mayor wynn: all right. Thank you, mr. carol. Michelle, welcome, you too will have three minutes to be followed by john connelly.

Thank you, mayor wynn, members of city council and guests. We appreciate your efforts to maintain a balance between neighborhoods, businesses, churches, non-profits and events in regards to the use of our city streets. My name is michelle graham. I'm the owner of balanced marketing events and a member of the austin racing events alliance or area. It's my privilege along with dan, john and dave to introduce to you today all of you and your aids should have received our letter of introduction and organizing documents with a list of our 22 founding members. I'm just one part of a much larger group which represents more than 100 event participants and 100,000 spectators and many local businesses and non-profits. As you're aware events bring considerable contribution to say the city of austin. A handful of our events raise more than \$3 million annually for our local non-profits, most of which is

reinvested in the community. Our additional economic impact is estimated in 6 million, again, per year. We have organized together in order to serve as collective, representative and collaborative voice for issues relevant to success and sustainability of our racing events not only in downtown but in the entire city. Our mission is to be aware of, responsive to and engaged when necessary in issues, activities and public policy making and impact austin racing events. Certainly this is the time to be engaged and responsive. We appreciate the work that both this task force and city staff have done on the ordinance. However we are concerned that this revised ordinance will negatively impact all racing events. We urge you to delay passage of this ordinance as we believe it is not adequately and appropriately address the challenge of street events in our growing city. We have previously met with the director of transportation and his team. We are very, very encouraged by these discussions. However, we have not had the opportunity to reconvene since the release of the revised ordinance. We are ready to work together with his team and all stakeholders to ensure the success of the street events ordinance and the rules process for the entire city of austin. Thank you. thank you, michelle. Welcome, mr. connelly. You too will have three minutes to be followed by dave swencher, high school be followed by jennifer macphail. mayor, mayor pro tem and council members. My name is john connelly and I have been a professional race director in the city of austin for 12 years. I have had the privilege of being the race director of the austin marathon for that time, and the austin marathon was rated as the greenest race in north america by runners world in 2008, and it's in the top 20 marathons in the united states as rated by u.s.a. Track and field. I'm a member of the austin racing event alliance. I'm also a member of the austin sports commission, and I was recently privileged to serve on the task force, the street event closure task force, some of whose recommendations do appear in the ordinance but to an incomplete degree. Thank you for the opportunity to offer some very brief prepared comments this evening on the proposed amendment to ordinance 14-8 regarding the right-of-way closures for special events. I want to urge you to postpone the final vote on this to allow additional consideration of the street event closure task force's recommendations. The ordinance represents a lot of hard work by many people and certainly gets us closer to a consolidated process, as evidenced by the elimination of the parade permit and consolidation of that into the street closure permit. Certainly that single application is a helpful start. However, there's work -- the work here is not done. There's still more to do. Some of the items in the ordinance that need further review include parts 5, 6, 8, 9 and 10, if you've got the ordinance in front of you, and I think not just representatives of the austin running community have some constructive things to say about those particular elements, but i know that my colleagues on the task force do as well. The final pieces that are missing that will make this a comprehensive and connected process have to do, I think, with the establishment of an office of special events under the city manager and the special events commission, composed of citizens whose task it is to evaluate individual events so that access issues are thoroughly examined and understood, property rights are respected, and great events that define austin's culture and reputation as the live music mecca, a fit city and a green city are preserved. These are some of the recommendations made by the task force last december and I urge you to reconsider before final passage of this ordinance. Austin's wide variety of special events add to the cultural fabric of this city and enhance the reputation of austin as a desirable place to live, work, worship, raise a family or start a business. I believe austin special events is the only way to reestablish a balance that prefers the culture of austin as a creative and fit city with the demands of a growing urban core. The need for a city facilitated coordinated communication process will increase as the city

grows. The ordinance does not fully define this coordination process. The office of special events should serve as a gatekeeper and a traffic controller, if you will, and a facilitator. I appreciate the council's leadership on this matter and I think you've got a tough job as you move forward with this. Final passage of this ordinance until better coordination is defined is in everybody's interest. My colleagues and I stand ready to assist in this process if requested. Thank you. thank you, mr. connelly. And by the way, the 2007 austin marathon was ranked as the most painful marathon by me. [Laughter] but it was a great race. Welcome, mr. swernlger. You too will have three minutes to be followed by jennifer macphail. mayor, members of the city council and guests and visitors. Thank you for your interest and concern regarding the proposal relevant to special events and street closures. chief of special events. I serve as race director for an event that directly funds financial literacy programs for over 3,000 kids in grades k through 12 in austin. Without our ja running event near 150 classrooms in dozens of schools would not have access to our financial literacy programs at a time when I think we can all agree those financial literacy programs are needed more than ever. We are one small part of a much larger collective pick, though. The city street events closure list includes 108 events. We're less than one-third of those events, less than one-third are actually racing events, but we stand to be the most dramatically impacted by the proposed changes. We're part of a group of events that collectively represent over 100,000 participants and over 90,000 spectators. Those events are fundraisers. They're fundraisers for a local non-profits like junior achievement. Last year they raised over \$3 million and that money was reinvested in this community. In addition, those events have over \$18 million worth of economic impact in the city. 100,000 Participants, 90,000 spectators and over \$20 million to austin and austin nonprofit organizations. After reviewing the recently released street events ordinance revisions we are very concerned that the unintended consequences of passing those revisions would dramatically impact the success and sustainability of our event as well as that of many others. We urge you to continue to be patient with this process. Do not rush to pass an ordinance that we believe would fall dramatically short of the solution that we're all seeking. Our members stand ready to work collaboratively, shoulder to shoulder, with you and with the city staff to together develop the ordinances, the rules, the processes that will ensure success for all of us and keep our 100,000 runners running and safe. We want to help get it right. We ask that you take the time necessary to do so and that you provide us that opportunity to help you. Thank you. thank you, mr. swencher. Our next speaker is jennifer macphail, to be followed by gloria lenor to be followed by meredith powell. Welcome, jennifer.

I'm jennifer macphail and I'm with adoptive texas and I want to make sure that you-all that we're supportive of the requirement to require 5 feet within the sidewalk of accessibility. The only concerns that we have are that most of the time when you have code enforcement issues, when you rely on code enforcement for accessibility, there's not really enough staff and it's a problem across departments and across issues, that it's very difficult to get compliance if you don't have enforcement on a regular basis. And like I said, it's across departments. So that's the one major concern. And then there's another that's sort of related to this, and we've gotten a lot of feedback from small business owners that lately when they go for permits and things like that, that they're being told that they can't provide ramps that would allow accessibility to their business because it protrudes out into the sidewalk. And usually those things can be solved by the two parties sitting down and coming up with a better alternative to provide the access, but i don't know if the communication breakdown exists on the staff end or from the business

owners' end. I just know that we're not getting the accessibility without long periods of time and effort on our part to inspire people to come up with a solution. So that's another issue. That's basically it. Thanks. thank you, jennifer. Let's see, our next speaker is gloria lenor. Welcome, gloria. You too will have three minutes to be followed by meredith powell to be followed by paul.

Thank you very much mayor and city council members. My name is gloria sir narrows lenor. I am a resident at martin luther king and la vac a i am here because I really value my freedom to get out of my building and my car and getting to my church on sunday, which is at 8th and brazos. I also -- let me see. I do love races, but I like to have access to the streets. So I am for what the -- what the task force has come up with. The last two times there were races -- last time i had to abandon my car to get to my church, and the time before that I couldn't get to my church. I went several ways. So I band ond my car and I -- abandoned my car and i went home and retrieved my car later on and didn't get to my church service at 8th and brazos. As my building, cambridge tower, we have 75% of the residents are elderly. That's 128 persons that are elderly. I am able to walk. I don't have a problem with that, so leaving my car abandoned somewhere is not a problem, but I will want to be able to get to my church on sunday at 8th and brazos, and if I -- I'd rather not have to leave my car somewhere to do that. That's it. Thank you. thank you, ms. lenor. Meredith powell, welcome. Let's see, is kathy morgan in the audience? Hello, kathy. Kathy has donated her time to you, meredith, so you'll have up to minutes if you need it and followed by paul.

Hopefully won't use it all. Mayor pro tem, mayor, and council members, thank you very much for allowing me to speak here. My name is meredith powell. I'm the executive director of austin. It's a nonprofit organization that was originally founded to endow laguna gloria, now austin museum of art. Also now we support the brilliant museum, we commission local artists, administer global architecture competition and have dozens of successful art events throughout the year, including art city austin. You may know that as the fine arts festival. Some of you may remember it as fiesta. As we draw larger crowds we evolve as does austin itself. Last year over 20,000 people came out when it was located on east cesar chavez. Our economic impact tell tells us this. On a general basis we generate \$1 million in economic bacteria, \$350,000 to downtown businesses, \$45,000 in tax revenue. We also commit \$30,000 for live local music and up to \$25,000 for local artists projects. Since our invitation by the city to move downtown in 2000 we have gifted \$322,000 to the austin museum of art, the brandt on museum of art and both of those are downtown art destinations. We received comments about how this event in the heart of downtown where the urban and green civic and cultural environments connect, add to the vibrancy and energy of our urban core. Many of these comments come from our neighborhood retailers, restaurateurs, residents and mot affected office buildings, 100 congress, whose building manager is here in support of us tonight. In addition to communicating with direct neighbors we have a systematic program to check in with the city manager's office, the austin police department, the austin fire department, ems and right-of-way management. Last year our investigations after the festival reported no official documented complaints and no record of negative public comments were shown to us regarding our festival. So we were excited when the council called together the community's downtown street closure task force. Great idea and gave stakeholders and affected parties directly impacted by street closures a chance to create great policy and to create it together. This included an appropriate recommendation regarding east-west connectivity. The task force recommended that stationary events

on he's weft streets maintain access on at least two of the following streets, cesar chavez, 5th and 6th as a couplet and 15th. Imhil not having a seat on the task force we were very engaged and involved. We watched this community task force work for months to create this great policy through the process of informed consent and compromise. While this community task force's creative policy does not directly address our event, we were part of the compromising, gladly accepted acceptations as it related to east-west activity. We understand street closures and what impact that has. However, the current recommendation does not reflect the policy that the community task force created over months of compromise. In particular, the staff recommendations do not include the community task force creative policy on east-west connectivity. While alliance austin, art city austin, works closely with city staff and has for more than ten years since we were invited to move downtown, we cannot agree with the recommendations regarding the east-west ceft connectivity that are different than the task force recommended. We agree what they created over months of worth through informed consent and compromise. With events downtown such as art city austin, our urban core is a vibrant place where we can live, work play and worship while adding to our social and cultural fabric. It's often said this is the greatest city in the greatest state in the greatest country, and i believe that. I believe it's in part because of your leadership. I believe it because you support the arts. I believe it because our downtown is -- and events are supported and I believe it makes our city unique. It's because we all work together as a community and find compromise to create great policy together. Thank you very much for your time. thank you, ms. powell. Paul, welcome, you too will have three minutes to be followed by ryan peterson.

Thank you very much. First, who I am, as meredith said, I'm at 100 congress, the management building -- i manage the building at 100 congress but also I'm a board member of the austin downtown alliance and task force member there. Thank you to the appointment there. And I want to thank my task force members her here tonight because we went through a lot together, right? In january the board, downtown austin alliance forthed to accept the recommendations of the street closure task force. While we understand that some revisions are necessary to create a successful street closure procedure, there are a few changes that the city staff made to the task force recommendations we'd like -- we think should be reconsidered there. And you've already heard numerous times about the cesar chavez, and that is one of them. You know, the task force recommendation was the east-west access and based on how it's done, and I know that one of the council members talked about there is a rule possibility on how that is done but actually if you look at it between first night austin and art city austin, they are two different. One has to come to the council, if I'm understanding correct, the other does not. And it can be done by the city staff. So the dea strongly supports the recommendation for many reasons but most importantly cesar chavez is a major event, family friendly. That's the place to go. If you don't have it on cesar chavez, it's -- where do you put it? It can go in other areas of the city and actually could die on there. And so I want to just say as the managerrer of the 100 congress and downtown austin appliance, I'm the most affected I think. If anything goes up congress I'm affected. If it's an cesar chavez it goes affected. If it goes on both, I'm screwed. Anyway. [Laughter] but I also look at it this way. I look at the economic benefit that it has to the city, and our tenants in the building also understand. They attend many of these things. All we ask for is that there is access to the garages and the building and that. And that's another point that I wanted to make, is the issue of parking access is critical to downtown businesses. The task force recognizes this fact and attempts to correct that, in the current indication by

recommending a barricade configuration. That would allow the authorized traffic to easily flow in and out of the closed blocks, and that's always been one of the cases that we hear many times from the buildings when you have events. City staff's recommendation basically prefers that current situation, which frequently results in drivers being turned away from the places of business. So we would recommend that the task force recommendations be looked at a little bit closer, and I just would like to say I'm really pleased with the results so far, and we've made a lot of headway as a task force. So I think that we have a little bit more work to do, and I ask that you not take action tonight. Thank you. thank you, mr. nutsell. Ryan peterson, welcome, ryan. You too will have three minutes to be followed by murhar to be followed by david boyd.

Evening, I'm ryan peterson from proons prince of peace lutheran church and austin interfaith. It's an organization of bo congregations, schools and unions representing about 50,000 families. We're here in solidarity with our member congregations, first united method church and prisk church and downtown congregations. Congregations are civic, religious and service institutions that provide invaluable benefits for our city. Without vibrant congregations our city would suffer. This is why it is important that the decisions being made take into account the impact they will have on our congregations. We know that the city council and staff have worked hard and heard numerous testimonies. We want to thank them for the time and dedication, but we also ask that you take into account the effects of street closures on our congregations. Thank you. thank you, mr. ryan. [Applause]

mayor wynn: welcome.

Yes, sir. You may think I'm father david boyd but I'm not really. I didn't think you were. [Laughter] that's okay.

David, unfortunately, was called away due to an emergency, so I'm filling in for him.

Mayor wynn: please do.

My name is victoria mason. david's episcopal church. I'm also the co-chair for the downtown cluster of congregations and social service agencies, and david's, as ryan pointed out, is also a member of austin interfaith. We were excited that this council established the task force some months ago, last year, and that it was chaired by members of important stakeholders of this -- on this issue and that there were stakeholders -- members from all parties that were operating and functioning in this task force. The collaboration of city staff and downtown stakeholders was a model example of people with different needs and different ideas working together for a common rest liewtion. -- Resolution. Our common goal among the downtown churches is to have consistent access to our churches during special events. Our congregations want to feel welcome to come to church on those days and to consistently know that they can get to church on those days. And this is not just on sundays, because all of our churches are very busy and very active and have things going on just about every day of the week. We favor moving forward with the ordinance so that the resolutions can be worked out, the issues still need to be worked out on accessibility, particularly, and we believe that this can happen because of the collaborative effort that has already happened. Austin is -- austin's vibrancy is often expressed by the special events, and

the church members enjoy them just like the downtown business people and the people in 100 congress like to. We just want to be able to have consistent access to our churches and know how to get there every time we need to get there. Thank you for allowing us to express our support and our concern.

Thank you, deacon mason. [Applause] I'm guessing you're not father david boyd either?

No, I'm not father david boyd either. but you'll be followed by father albert leafright.

Yes, dave gear heart is gifting me his time. I'm june wilkins from martinez's lutheran church on 15th and rio grande. I came here a little over a year ago after that marathon to ask the city council to help us figure out a solution to the race issue and the street closure issue, and I'd like to thank the task force for doing what they've done so far to help out in that situation. I know they worked very hard, and because of some of the negotiations that the task force has done and also that some of the race coordinators have done with us, the situation is improving and our members continue to enjoy and participate in these events, but access is still an issue. With each race we have to negotiate what street closures, what streets people can come in on, where they can come in. There was actually one time where I sat with my senior pastor and we looked at the map and I said, I don't think anybody can get here on sunday. We are stuck sometimes with what to tell people, and then the rules sometimes change. What we need is consistent access. People decide -- people have trouble getting there, and then the next time there's a race they decide to stay home. And this is the situation that happened even with the marathon. We did -- I mean, not the marathon, but the capital 10-k which just happened this week. We had a route to our church worked out, but people decided to stay home. It was really evident from the church. Then the senior pastor asked, well, who's had -- who had trouble getting here? And at least three-fourths of the congregation raised their hand. We need consistent, not just -- not just good access for each individual race, but consistent access so that our members can feel confident in leaving their house and coming to church and not getting lost somewhere in downtown and not being able to access their church. I believe that with the recommendations of the city staff and the ordinance that that's come across, we can consistently improve the situation and all of us can enjoy these events and all of us can share our downtown together. So thank you. [Applause]

mayor wynn: thank you. Father albert, welcome. You too will have three minutes to be followed by roger paintner to be followed by jim stewart.

I'm father albert. mary cathedral at 10th and brazos. We have been a part of austin since 1852, so our 157 years we've been providing worship space long before there were even streets in austin and we've been a charitable organization since then. And we want to support access to our churches. My members, I represent 2500 families in austin coming from all over the city, and to have a consistent -- this is what the task force has been working on is a consistent route where my parishioners are able to reach the church on a sunday morning. Many times parishioners are trying to gain access to church. They just turn around and go home, and all of us have a right to worship on sundays, and when the city is in lockdown mode and we can not get to our churches, it's a real problem from a worshiping community, and we've been a part of austin long before there were streets in austin, and we just want to

consider that indeed our right to worship on sunday morning and to have a consistent access for our churches, because we represent all the worshipping communities downtown, and we just desire to have a voice at the table that indeed our parishioners have an access to the churches on sunday morning and not be locked out of church each sunday morning when there is a special event. So I just wanted to put our -- my family's desire to have access and right to worship to be considered as you consider the plans with this resolution. Thank you. thank you, father albert. [Applause] roger painter. Welcome. You too will have three minutes to be followed by jim stewart to be followed BY greg McDonald.

I'm roger paibter, senior pastor of first baptist church in austin. We have been in downtown austin since 1847. I've been arounsam houston was on our first deacon board, so we have a little history here. [Laughter] I want to speak for the ordinance, especially for the proposed rules for a constant east-west access as other members of the clergy have done so. I speak for all the communities of faith when i say that none of us -- and we've been gathering in meeting for six or seven years now, and only recently have we started to be able to feel like we've been heard. But we're not against special events, moving or stationary. We're very much for them. We love this city. We love being a fit city and a green city. We think we also should be a city of faith and compassion. We are people who give money to all kinds of organizations and needy people in this city. We are here downtown working with the homeless every single day. We need clear -- we need clean consistent access to our congregations. I have congregation that ranges in all ages. My elderly people especially are just befuddled with how to get here week in and week out. We don't have clear consistent communication about different races. The races change constantly. We're always having to tell them, go this way, go that way. After 9/11 the federal building was blocked. We lost our main access to our church at that time. It's been a nightmare for us. The first 16 words of the bill of rights guarantee free exercise of worship and religion in this country. It seems like free exercise of our bodies should not block out free exercise of religion. That's very frustrating. I just want to thank you. I want to speak for this ordinance. I hope you'll pass it. I appreciate very much what the task force has done. I know there's still work that needs to be done to make this better for everybody, but this ought to be a win/win situation, but I do want the communities of faith to be recognized as viable partners, as people who have been here, support this community, support you. They're losing confidence in the city. They're losing confidence in their ability to get to their places of worship. That's not a good atmosphere to have in this city. Thank you. thank you, pastor. [Applause] jim stewart. You too will have three minutes to be followed by greg McDonald to be followed by marshal burt.

Hey you-all, thank you for allowing me to be a part of the task force. It was an illuminating process. I almost missed our meeting but not quite. Although I love all of you-all. I learned many things, not the least of which is respect for all of you for listening to all of us now, because we had a lot of listening to do, and I think we all started off in our camps and came around to understanding each other by the end of our time together in december. I just wanted to bring forth a couple of things as we hear about the money that comes forth in the different events that the racing community does. I just want to make sure that we realize that the -- the churches aren't against the races. What we are having a problem with is the proliferation of the races. When there were just a couple it was fine and we could figure out how to get there, but last year we had eight races. Now, eight races out of 52 sundays is 15% of our time, our gathering day on sunday that people could not get there. And I heard people laughing back there about

this past sunday, well, what's wrong with your people if they can't get to church? Well, if you have, like we did, because we're methodists and we count, 40% of our people couldn't get to church on sunday, that's huge. And if that happens every six weeks we have a problem. And so -- so I just wanted to make you aware of that. It's not a small thing. It's not just a minor inconvenience. So yes, we want access to church. And I -- I just wanted to point out that churches are charities. We are passionate about supporting the downtown community. Your downtown churches feed the hungry every single day. We house homeless families, through the enter faith hospitality network, we raise money for habitat for humanity. We provide support for those living and dying with cancer and aids. We work with refugee services. We have dental clinics for the needy and in these economic times we're increasingly helping people just get through. So we cannot support our ministries to this community throughout the week if we keep closing access to us on sunday. Thank you. thank you, ms. stewart. [Applause] fred, welcome. You too will have three minutes to be followed by marshal burt.

Honorable mayor and city council, thank you for this opportunity. I'm greg McDonald, pastor at central presbyterian church at 8th and brazos. I've been the pastor there since january of 1997, and for the first time I have some sense of excitement about a solution to this problem. I don't want to one up my good colleagues but we've been serving downtown since october 16 of 1839. If I'm correct that's four months before the city of austin was chartered. [Laughter] so the roots of the religious community downtown is absolutely, absolutely vital, and the plif raition the proliferation of races and the horrible access east-west is threatening, literally threatening the viability of the religious community downtown. I come like I'm a little ill prepared. I don't know how to put a dollar figure on what has happened in charitable work by religious communities. We can't put a figure on that, but it is absolutely essential to the life and the vitality of all of the citizens of downtown. And so I know we can figure out a way. But we must have a constant route if we are going to continue to offer services downtown. I think my colleagues would also say to you that the number of folks visiting our churches in '01, '02, '03, '04 are vastly increasing, and so the downtown -- what you have done to bring a vibrant downtown is really important, and so let me just encourage you to please, please, please make every effort to give us constant access so we don't have -- we can say there's a race sunday, we don't have to tell the parishioners how to get there. They know how to get there. Thank you for your time. thank you, pastor. [Applause] marshal, welcome, you too will have three minutes to be followed by marshal jones, to be followed by tom cookwood.

Thanks. I'm marshal burt. I attended the final four months of the task force meetings, and I spoke at several of the citizens communications at the beginning of the meetings, and got to put forward some proposals that some of the task force members put into a motion and then voted down. But I'd like to talk tonight about some of the things i spoke about during the citizens communications at the meetings. The mayor and the governor of the state can probably attest that it's very difficult to get a large segment of your adult population into preventive medicine activities like walking, jogging, running, and likewise you may have difficulty seeing the connection between downtown races in austin and getting people into those types of activities since it's perception that a race is the result of people getting into these things and they run the races once they get into the activity. What I'd like to talk to you about is what's dwg going on in some other cities like portland oregon, seattle, los angeles, bogota columbia, melbourne australia, london, what you're seeing there is that the city governments are shutting down city downtown streets on the weekends so that it's under the premise that if you close it, pedestrians will

come, and that's what they're seeing -- that's one way of getting people into preventive medicine activities because after you get the street closed and people have all kinds of activities going on that involve cycling, walking, running, jogging, it gets a large segment of the population into the activity, not just for a day, but it starts people -- exposes them to -- which is like our road races here do. [One moment, please, for] that. We have several ways you can get people involved. There are lots of arrows in the quiver, but we're going to -- as the president has said several times over the past four or five weeks, our country and our states, our city governments are going to go belly-up if we don't do something. And these races are very important to that. If we can just focus on the access issue, i think that will be the best way to go. At the beginning of the taskforce it seemed like there was a focus on shutting down races. Hopefully we can stay focused on access, deal with just the designate streets and stick with just two or three and go from there. Thanks.

Mayor Wynn: Thank you. Welcome marshall jones to be followed by tom coopwood.

Mayor and mayor pro tem, councilmembers, manager ott, nice to see all of you this evening. I apologize for taking up three minutes of your time. I normally don't do this my three years of crossing swords with you, it's the first time I've signed up to speak. I want to speak to you not as a board member of dana, not as a board member of alliance austin or dance austin or the museum or any of the other committees i work on downtown. I want to speak to you solely as a resident of downtown. I have the pleasure of working at 100 congress and I had the pleasure of living downtown in the mayor's great city. And I've enjoyed that privilege, but I want to talk briefly about a bad idea versus a good idea, kind of and put this whole thing in context. A bad idea was last year when there was a runoff in the city council elections and it took us 40 minutes to get from my apartment to city hall to vote in that election because of a walk that started across the river, cut downtown in half, went around the capitol quite a ways, came back across the river and ended across the river. And as far as I could tell, not a single penny was dropped into our cbd. Let me talk about a good 40's I spent. That was getting home during south by southwest last week. 40 Minutes for me to travel up fifth street from mopac to my apartment. And it was the best 40 minutes I've ever spent in downtown austin. The amount of economic boom, the activity and the energy level made it all worthwhile. I think cesar chavez is the perfect place to have a festival. I think congress avenue is the perfect place to have a festival. Let's put the people where we want them. We want them on lady bird lake. We want them in front of city hall. They want them in our city parking garages and want them using our restaurant and our retail downtown. That's it, thanks.

Mayor Wynn: Tom, welcome. You too will have three minutes to be followed by mark des dis, to be followed by timothy dos.

Thanks, mayor, mayor pro tem, councilmembers, thank you for letting me address you tonight. I'm chairman of the board of the austin -- art alliance austin and you've heard from meredith powell our executive director and a little bit from marshall jones who is also on our board. We support the taskforce recommendation. It seemed to have a good mix of all the stakeholders' ideas and concerns, and so we support that. I think it's only fair since they spent so much time that we've considered strongly following their recommendations. I know the city staff has some absolutely different ideas, but for us the closing of cesar chavez would be very harmful, I feel. When we moved to cesar chavez last year, we looked at

15 other locations downtown, and, of course, nothing compared with looking at lady bird lake and out over the long center. So we were happy to move and we're happy to be here this year in april, but our event is only two days. We close the street on 00 and open it up monday morning. Fifth and sixth street and 15th street are open. We only close first street bridge so that the other other to the south, congress and lamar street bridge are open. So we don't feel like this event damages access to downtown austin. I feel like that there's plenty of avenues to get access to churches and other businesses downtown. So thank you very much for your opportunity. We just feel like that closing it for this short period of time is not too much to ask of the community.

Mayor Wynn: Thank you. Tom. Our next speaker is mark (indiscernible). He signed up wishing to give us testimony, as has timothy doss. Welcome mr. doss. You too will have three minutes to be followed by laci la board, to be followed by steve move.

Thank you very much. I think too it should be a fair access for runners, would be shippers and business to use especially downtown on sunday. We need to all work together and compromise. But I work downtown everyday. I take public transportation. I take public transportation to the races. People have a hard time getting to church on sunday, if you want to go to church, you won't go to church. I spent hours getting to a race to run the race. And I believe these races do a lot for charities and i understand that people have a hard time getting around and I understand that. But I'm a son after methodist minister, so if you want to go to church, you go to church and if you want to run races, you run raises. You go to work everyday, you must stop the traffic. I think we ought to be fair to everybody and the churches need access to their worshipers, but believe me, what I'm trying to get at, what type of traffic we go through to run the races. We must leave hours beforehand to be able to park and make sure we get there on time. So I think the races do a lot for charity. I know it's tough for the seniors to go to church, but my mother is 83 and she does the races too. So I appreciate and i hope everybody does work together to talk about the situation and I know there needs to be east-west traffic, but don't split up congress where we don't have access for the runners too. Thank you very much.

Mayor Wynn: Thank you. Laci, welcome. You too will have three minutes to be followed by steve move. Hope I pronounced that right.

Good afternoon. Thank you very much. And thank you so much for the taskforce who essentially missed about three months of monday night football putting these recommendations together. So thank you guys for making that sacrifice. I'm the marketing director for downtown austin alliance. I'm also a volunteer for arts city austin. And I could explain once again why the downtown austin alliance views cesar chavez as a great location for event, but I figure, you know, we have this beautiful television show that we've created with the help of klrn and action figure, so I figured i would play about 40 seconds of it and let you watch the tube instead of listening to me talk.

The fact that it's on the plaza of the city hall. This makes the young and old and the kids is the essence of a successful cultural event.

You have things for kids, you have educational factors. There are art shows going on.

I consider myself a serious collector, but a beginning collector.

But I think the most important thing is to get the one on one interaction between a potential buyer and the artist.

If you see the dark area --

thank you very much. So in closing, we thank you so much for taking time to thron the taskforce and to consider all of these members of the community and the downtown austin alliance requests that you consider cesar chavez as a viable location for events in the future. Thank you.

Mayor Wynn: Thank you, ms. la board. Steve, welcome. [Applause] you too will have three minutes to be followed by awdly blackburn.

We've been a vibrant business for 15 years in this community. We provide the traffic control services for a lot of these events. We have worked with the events coordinators. We've met with downtown alliance. We're trying to find solutions that would benefit everyone. As an incorporation, i attend meetings in other locations and my ceo made a comment the last time how eclectic and diverse the city of austin is because we had done an event that included the heart of texas biker rally and the gay pride parade in the same vicinity without any incident whatsoever. I think that's something we need to support and nurture, and with this ordinance I think it is -- it's a step in the right direction, but in no means is it a solution. The amount of cost that it's going to generate for some of these small very worthy charities is going to mean the demise of these charities. We have some solutions. There are devices out there that would expedite the placement and the pickup of these barricades. And they have not yet been approved for use in the city. That's just one example. I think there are others. We look forward to working with the community, with the council, with the taskforce, with the churches, and come up with solutions that helps everyone involved. Thank you.

Mayor Wynn: Thank you, steve. Welcome back mr. blackburn. Tiew will have three minutes to be followed by steve (indiscernible), to be followedly kathy tovo. Thank you, pastor.

Good evening, mayor wynn, council, manager ott and fellow citizens. My name is audley blackburn and I'm here and speaking in support of the ordinance presented to you this evening. I want to bring to your attention the importance of moving barricades as quickly as possible. austin marathon, in fact, the saturday before the 00 in the morning we were travelling with our seeing eye dogs to the farmer's market and we found that barricades were already being placed for the race the next day. Not on the streets, but on the sidewalks, which means that pedestrian access was being limited. I think you need to take a look at the city ordinances, the requirements of the americans with disabilities act, and see if placing those barricades on sidewalks, which limits pedestrian access, might be a serious violation. Northwest access also is an issue that needs to be considered because if you only look at east-west access, then you're not considering the affect of the races on the bus routes. As a member of central

presbyterian church i also come to church on sundays and one of the reasons we're there is because we can access or worship by using the bus. But if we find that the race impedes bus access in combination with barriers that keep you from travelling on the sidewalks, then it's very difficult to get there. Thank you for your attention. And let's find a positive solution so that we can worship and race. Thank you.

Thank you, mr. blackburn. [Applause]

Mayor Wynn: Welcome. You too will have three minutes to be followed by kathy tovo.

Thank you, mayor and city council for howing me to speak. I'm here as a fan of the art events, the races and a church goer. As you can tell, I have some ability issues. The barricades being put up on the sidewalk, even when they clear the streets, when I have to take my cane and hobble around them it's dangerous for me and they don't care that they're not picked up until two days later. I might fall down and injury myself again, which I don't need. I've already had back surgery once. Don't want to have it a second time. I want to be able to get to church on sunday, but I also go to the races in the morning and watch them. I went to the capital 10 k this past weekend and watched it. As I turned around to leave to go to sunday school, I had to wait 15 minutes while runners that were on the sidewalk went by so that I could get across and go on up ninth street so I could go to eighth and braces to go to church. The runners aren't respecting the pedestrians. Why should we respect them? There has to be a compromise. There has to be access for everyone. Whether it's the events, which do a lot for charity, and i appreciate what they do because I've worked with some of the charities that they're working with. I also appreciate the fact that the downtown churches minister to the poor and the needy downtown where a lot of the charities unfortunately, their money is going out of town, some of it stays here, granted, but the races on sunday morning that are blocking access to church are not raising money for downtown businesses, those people aren't there. As far as saying how many people are watching the races, I was there. In a four block area there were 17 people watching. Seven of those were a paid band playing on the corner. That's not a whole lot of people watching a race. We need to work this out as a compromise so the arch is happy. And so that we can keep having a vibrant, wonderful city for all of austin. Thank you.

Mayor Wynn: Thank you, steve. Kathy tovo. I saw her earlier. While she approaches, she will be followed by cameron shaw, who will be followed by lori renter rei can't.

I seived on the taskforce and was pleased to do so. With your per permission, if I may yield my time to paul carosa of the taskforce. He would like to highlight some fact of the letter that we sent to council offices this morning.

Mayor Wynn: Fair enough. Welcome.

Hello. I appreciate the chance to talk. As I've said before, this has been a very exciting process, the journey here has been just a great experience for me personally to work with staff and with council and the community to find balance of so many great things. We've all had a great chance to look through the

ordinance and the rules and we feel like we're extremely close, but there are four or five items that we have submitted as a taskforce to the council in a letter that we would like y'all to consider and feel like that if we can take those into consideration and potentially pass this on first reading, but take time to look at those items that we would as a taskforce, we would be in agreement to the rules and the ordinances that we could -- we would love to get very specific because I think it's -- I think the staff did an amazing job taking a six-month process, taking our recommendations. Obviously there are a few items we would like to see because I think the items in the taskforce that we have stated in our letter are really what could create long-term balance. And we know that the community wants event to happen. We do want access to church, we do want access to your homes and business, and we want better communication and we feel like this has come a long way.

Mayor Wynn: Thank you. And thank you for your service on the taskforce. Our next speaker is cameron shaw. Welcome mr. shaw. Some folks wanted to donate tile to you. Is clemmie cummings here. How about mike weiland? Welcome. You will have up to nine minutes. And also occasionally -- I apologize for myself now. Occasionally you will see a member of the council or upper city management step off indict as. Often times behind the dais. Know that there's audio and video back there so when we do step back to get a soft drink or even go to the restroom, we see and hear the testimony that's occurring. So excuse me while i step off the dais for a minute, but -- [laughter] welcome mr. shaw. You will have nine minutes and you will be followed by lori renteria.

Thank you. I wanted to thank the taskforce members who represented churches, event organizers, local businesses, neighborhood associations for the work they did. And I think the main reason I would like for you to not approve this ordinance is it really doesn't take into account some of the significant recommendations coming from the taskforce, which were a compromise research to address the needs of multiple stakeholders. I'm a downtown area resident, I'm a runner, started running six years ago, so before that I don't think i ever ran more than a mile. The reason I started running and entered this life fitness was to train for a race. That was what motivated me and that's what really gets a lot of people into an active life tile. I also started a life-style, org to keep people informed by the taskforce discussions so there's lots of information on all the voting that occurred during that. An ordinance should create a manageable process that manages the needs of businesses, churches and event participants. This draft doesn't do an adequate job of doing that. I think it's a good start, but as everybody stated there are significant gaps that exist within it. There's a lot of uncertainty and clarity in the ordinance about what certain things mean. The rules were a surprise to many people last week when we saw them. And in the ordinance i think there's more leeway given to the director than is warranted in being able to change those rules, so some of the oversight mentioned earlier by other speakers, by an office that includes citizens of all the different constituents, including churches, neighborhoods, I think is a very important element. If we are going to give more oversight ability and leeway to staff to administer these event. The ordinance further has a negative impact on charities. In 2007 there was a race the go for the gold 10 k which was held in east austin that didn't impact any churches that I'm aware of that had a cost of two to four thousand dollars for barricading. Just interpretation changes to right-of-way event management put their quote up to \$20,000 the following year. There was no accident. The one picture you saw there was a pedestrian. That is the only known incident that has occurred. Austin has a very good safety record, but i think we have a disproportionate requirement on the cones, triple barricades. The way we can

improve access is by enabling police officers who are there to give people access. Instead of having a barricade that prevents our peace officers from giving people access. I think we do need to find a better balance in how we manage the cost so charities can continue to hold races. There's a great deal of citizen participation and input during the taskforce meeting. A lot of the important points seem to have been missed. I'm sure you got lots of e-mails from people. If all 18,000 participants of the cap 10 k said I had a great time, you would probably kill us. And I think the area actually made a conscious effort to ask runners not to send you an e-mail. Can you imagine the participation that would be here if they had not done that? The lady at one of the taskforce meetings brought up that she couldn't get to work because her bus was rerouted. The reason that happened was because council made an exception for that event. One of the issues this ordinance has is I think you're making the exception the rule. If you go through the ordinance and you take last year's events, the majority of them will now have to come to council to get approval. And what that does is it messes with the tile lines. All the city organizations have processes and ways to inform people about how to get around. This lady mention that had for one event she knew exactly where to go because she was informed. In this case she got there, the bus wasn't there, she didn't know how to get to work. She could not get to work. Her job is in jeopardy as a result of that. And I think the issue of this ordinance is you're going to have an undue burden and having to process more and more events. Instead of, I think, going with more of the taskforce recommendations. Also if you look at this corridor this creates by blocking off certain roads, you're going to impact the bouldin neighborhood and lake austin boulevard more than anything else. Because that becomes the only viable channel to make any race that is longer than five kilometers to go. So there's also this disproportionate impact on certain neighborhoods. And that was one thing that came up during all the taskforce discussions was how do we make this equitable so everybody is getting an equal share of this burden and also the benefit. That's it. And that's all I have to say. I hope you guys won't pass this beyond any first reading just because it doesn't really take into account many of the considerations brought up by all the different stakeholders. Thank you.

McCracken: Thank you. [Applause] our next speaker is lori renteria. [02:57:04]

Thanks for the opportunity to speak today. I think I can speak for the east cesar chavez neighborhood planning team to say that we are concerned that -- and we've discussed this over our last two meetings because of great outreach by taskforce members, tomas and kathy. We're concerned that the racing community and event community is going to take the path of least resistance and the east side, we're right next to downtown, we will end up with a disproportionate amount of racing and street closures in our area. Our people do not come out. They don't sign petitions. They don't return letters. And the proposal gives the neighborhood team just one vote. And our people just don't participate in the same numbers as the southside adjacent neighborhoods or the west side adjacent neighborhoods. And we have all that free parking along the capital metro right-of-way and all the free parking under the i-35 bridge so we can see all these racers and promoters coming to our side of town because we're not going to be able to meet the 20% disapproval rate and the team only gets one vote. We worked with a guy named david grice, I've never met him. And when he wanted to do the race -- and I should say in 10 years we've only really had three race promoters contact the planning team to get our input. And david grice contacted us about the daisy run a few weeks ago. We talked about the taskforce recommendations and what we want to do is be able to come up with a preferred route, maybe a

maximum of two times a month, which is twice as much as what it used to be. 12 A year for a street closure. So we're open to negotiation, but we're afraid that it's going to be so difficult to do a race downtown that they're just all going to come to the neighborhood that doesn't participate, and that's us. Also I'd like to take and put on my good witch of the east hat. Ah ha, ha, ha, ha. Since 1983 I've done a free halloween block party on haskell street. We're actually registered as the friendly fiends of haskell street and we block the street for two hours on whatever day october 31st falls on. [Buzzer sounds] I'm afraid these rules are going to be such a burden that we're not going to be able to do our block party, which we're now going on the fourth generation of goblins coming to our free halloween block party. So please consider waivers because we can't afford -- you know, we're lucky to get 600 bucks from the holly good neighbor fund to buy the candy. You're going to kill our block party if you make this process too difficult for little neighborhood street closures. Thank you.

Mayor Wynn: Thank you. Lori hasn't been the same since that house fell on her sister. [Laughter] our next speaker is raul nijera. He signed up wishing to give us testimony. Welcome. Tiew will have three minutes to be followed by sabina renteria. Thank you, lori. To be followed then by june wilkins. Welcome, raul.

Thank you. I appreciate your time. My company is run far racing services, and we manage finish lines and timing and results for event all over texas and outside of texas. I've been a resident living and running in austin for just 18 years, and the past 10 years being able to work in my passion of running. Over the 18 years what I've seen is a course that makes it more challenging, more difficult for events and people around events to occur. And what I was hoping is for the taskforce to align or delineate some of these issues. A couple of them or one is shutting down and completely saying no, you can't run on lamar or no, you can't run on a serp street. I was the race director for the 2006 river city 10-miler. It was a revived event from the early '90's. It was a national event in the '90's where world class athletes came to austin and ran and got exposure from this event. It was shut down after one year because we could not run on lamar anymore. What I would like is to be able to run on lamar and open that street back up. I think what's happening happening is we're limiting our routes to the same route over and over again, so what you're hearing is, what you're hearing tonight, people can't get to church, people can't get to work, because we have a limited number of routes. We need to open up the streets. We need to show off austin, show off the shoal creek area, show off what we have. People love to come here, as you know, so increase the routes and maybe we don't have the issue of people getting where they need to be. Secondly, as we keep hearing again and again are the barricades being stocked or dropped and that's a huge issue in terms of cost and in terms of getting in the way of pedestrians. Being exposed to other event in dallas, fort worth, houston, san antonio, austin has the highest barricading production. I think -- I don't know how many races we can give highway technologies because of our events, but when it costs \$9,000 to barricade a 5-k, that's going to put that 5-k out of business the next year, like we saw with the go for the gold, and even the cops and joggers. That race is gone too. [Buzzer sounds] so please look at the -- please look at those two issues for viable austin.

Mayor Wynn: Thank you, raul. June will kins signed up wishing to speak. Okay. Let's see. Moving right along. George holland signed up wish to go give us testimony. holland still here? Appreciate your patience. Maybe not. Corey walton? Welcome, corey. You will have three minutes, to be followed by

camille prichin, to be followed by john posey.

Good evening, mayor and councilmembers. Am I up? Okay. I'm corey walton and I'm a resident of the bouldin creek neighborhood and I'm vice-president of the austin neighborhoods council. And I'm speaking before you in kind of an odd position, having participated in these running and triathlon events here for the past 20 years. There's a bit of a conflict that I'm here with, and that conflict basically boils down to one simple concept. Limits. In any civilized community there are limits. Speed limits, drinking limits, noise limits, building and development limits, income tax payment limits hopefully. Limiting the number of street closure events just plain as common sense, you've heard the increases in events affecting our downtown churches. Wee in the neighborhoods are experiencing similar increases and access problems in our neighborhoods. The letter before you that you received from the taskforce signed by all but one member i think represents a huge accomplishment by a very diverse group. And even that group, which was heavily stacked with street closure event advocates recognized, but didn't define some limits to the annual number of street closure events on any given street. Of course, there are other differences that i had issue with, including reduction of resident objection power, review and appeal to unelected officials, and putting additional complaint burden on the residents who are affected. But going back to the main issue, I think the amazing consensus among the taskforce members to that consensus, city staff appears to have largely ignored their recommendations. And I don't really understand who staff thought that they were serving, but it doesn't appear to have been the citizens of austin. So what my hope is that council before passing any revised street closure ordinance, that they help the taskforce finish the work that they began and the ordinance more closely alie with their recommendations. Thanks for listening.

Mayor Wynn: Thank you, mr. walton. Camille, welcome. You too will have three minutes to be followed by john posey, to be followed by tomas titan.

Thank you very much. My name is camille and i mary's cathedral downtown. The races have been a fairly consistent problem for us, but the one that occurred in february was kind of the last straw for a lot of us. In that particular one we had an 86-year-old member of the choir who had to park on 14th street northwest of the capitol and walk 30 minutes to get to church. She could not find a way across and finally ran across in front of the racers. She could have been killed. There was another lay minister who easily is in his 60's who had to park some distance away and walk also. There were out of state visitors who missed mass that day and could not even get to the church and they were very upset. One member of the choir could not even get out of her neighborhood. Half the choir was missing. And we are active participants in the service. And yet we couldn't get there. And those of us who did were very frazzled by the time we did. And our rights should not be superceded in in order for somebody else to have a right. Everybody has rights and they all have to be honored. We're downtown every week at very predictable times that can be planned around. Our schedules is not unpredictable, but the races seem to be. bill of rights, the first amendment to the u.s. Constitution says that congress shall make no law prohibiting the free exercise of religion or the right of the people peaceably to assemble. And if congress guarantees us those rights under the constitution, it seems to me that the city of austin has an obligation to on those rights also. Thank you very much. [Applause]

thank you very much for allowing me to talk. My name is John Posey. And I am a member of the parish council of St. Mary's Cathedral. But I think I also have a unique perspective on this in that I am also a runner. I've run the Austin Marathon four times including the last two years. I've run a half marathon and Capital 10,000 more miles than I can count. And I'm asking you here to support the city's recommendations, to support them so that we have more consistent access for the churches to allow people to get to mass and just to force better planning on the part of the races. I do the races, I love them. It's very much a part of my life, but right now the balance does not exist. And let me give you a few examples of that. This Sunday I usually do the Capital 10K. I skipped it this year because in meetings with the council they weren't even trying to work with the cathedral. Other races have come around have tried. They weren't even trying. And they were going to block us off in a lot of ways. So I went to K-9D 30 Mass and it was half empty. And this is a mass that is usually overflowing. I mean, it's ridiculous and that has to come around. When I ran the marathon in 2008, my wife and my five-year-old child met me halfway along the course and cheered me along. Then we met downtown where the race finished and I went to see them at church, and my wife could not get to church. She had to walk half a mile. I train for a marathon. She and my five-year-old child do not and they had to walk half a mile just to get to church and Sunday school was half empty. Another thing, this is just an example of why things don't have to be on our way just. I ran the Uptown 10K this year. It's a 10-kilometer race. I finished and talked with all my friends and got water and I left about in an hour and a half after the race began. When I left about an hour and a half after the race began, there were still barricades up around the two mile mark. That's crazy and that's what drives people crazy downtown. Nobody is walking a 10K at a 45 minute mile pace. And just think about what's that doing? My mom is 75 years old and can walk a 45 minute mile. Yet, that was Burnet Road. I don't know who was hurt at IBM at Burnet Road on a Sunday, but if you imagine that same issue downtown, I've had church members tell me I pushed the barricade away and hoped the police didn't arrest me. When they told me when it happened, it was hours after anyone running or a marathon would reasonably be on that point. I think what the city's recommendations do is they force better planning. They force people to make their routes decided ahead of time. I do work with Mothers Against Drunk Driving. We used to have the Jingle Bell Run downtown. Removed it recently. We moved it to the Domain in North Austin. It's a great race. We had lots of people. A lot of people got fit. Nobody in church got hurt. I mean, it's marvelous. What a balance. We don't live in a dime box, pardon me. We live in a huge city. [Buzzer sounds] and there are other alternatives. I would think that the city's recommendations would be things that we should move forward on, allow further alternatives and allow to shift the balance a little bit better. Thank you very much. [Applause] Tomas, welcome. I'm sorry I butchered your last name. How do I pronounce it?

It's Pantine.

Mayor Wynn: Welcome. Tiew will have three minutes to be followed by Lucy Trainer.

I'm Tomas and I was part of the taskforce. My goal when I got into the taskforce was to create a set of rules that would engineer a system that both the races and citizens' rights would be protected. I like the races, but sometimes I don't think the races should trump the citizen rights. Of that I want to go fishing, I wanted to relax. The biggest difference between what the taskforce proposed or one of the biggest difference between what the taskforce preend the city recommendation is that the taskforce

found all these different stakeholders and tried to come out with a solution, a compromise that took us six months that pretty much would give you a predictable outcome. The city came out with a different system. Their system basically is -- relies on complaints and objections. So if the race comes out, the letter happen, if people don't complain, it's cool. If not, then figure it out. Well, when you try to impose on your neighbor one of the questions your neighbor would ask you is how many times, for example? And there is no limits on how many races. If you live in a neighborhood and you know there's one race a year, you would be more willing to compromise and say okay. The way the city's system work as is proposed, you would have to complain. And guess what, have you to complain about every race because you don't know which time the next one is going to come about. I think the real big difference, I hope you guys listen to the recommendations we made. It's very balanced. It took us a long time to do. Thank you.

Mayor Wynn: Thank you, tomas. Lucy trainer? She signed up wishing to give us testimony as has tina bowie. Tina signed up. As did mark cathcart. Welcome. You too will have three minutes, to be followed by (indiscernible).

Thank you, mayor, city manager, members of the council. I'd like to start by thanking the members of the taskforce and city staff for all the time and effort that they put in on this. I attended as many of the taskforce meetings as I could. And it is -- it's a really significant effort to come up with the recommendations that they did. I'm a firm believer that the devil is in the detail, and I really don't think as a neighborhood resident -- I've been in bouldin creek now for three years. I really don't think that if the detail is passed as it's been suggested that there's really enough there. If we're going to live by rules, then we need to have rules that protect everyone. We've heard quite eloquently tonight from the church about their rights of access, which I certainly wouldn't go against. For one, though, I was concerned that if we're really going to set these things into rules -- for example, in the staff's recommendations, there is no recommendation. The south first footbridge should be kept open. I mean, if we're going to have rules, they need to be comprehensive rather than just leave it to interpretation. So I think a balance is a former city event organizer in the uk as part of a national and international event. Actually, austin is -- austin has got a fantastic atmosphere. It's got a fantastic downtown. The events that are organize here are really good. I felt that the taskforce recommendation actually struck a really good balance between setting rules and setting guidelines. And although initially i did vote or elect to speak for the proposal, I would like actually on balance to change that and ask that you do go back and reconsider and implement more of the taskforce recommendation. Thank you very much for your time.

Thank you, mark.

Mayor Wynn: Don, welcome. (Indiscernible) will be our next speaker to be followed by (indiscernible). Welcome. You too will have three minutes to be followed by ross smith.

Thanks for the opportunity to talk. This is the first time as a taxpayer and a citizen I'm actually sitting out there waiting for two and a half hours to express my opinion. I just want to tell you a story. I'm not for the resolution because it affects races. I'd like to say my open opposition to this resolution that you have. At the end of 2006 i watched my father-in-law die in the hospital. There was a nurse who was taking good

care of him. And I asked her what she wanted and she said a certificate from run tex. So I walked into run tex in december, got her a certificate and saw there was a sign up-for something called the cap 10 k, which was in april of 2007. So I joined a running group, trained for the cap 10-k and became a runner. I rediscovered my joy of running again because all little children love to run. Who doesn't like to run? What I've been doing for the last 15 years is avoiding going to my doctor because I am from a family where there's a very high rate of cholesterol, very high rate of heart disease. I've had a lot of family members die between the ages of 45 and 55. But today in my late 40's I'm more healthy than I was in my 30's. My doctor said he put me on medication. I said no, I'm not going to go back to see him. I kept getting tested at work, kept my members between 2 and 250. I started running in january of 2007. I got tested in the middle of 2008 and I was down to 145. And my cholesterol has been down ever since. So what austin has is a very vibrant fabric of music, of being green, of beautiful parks downtown. I came and finished my six mile run and I'm talking to you now because you offer so many wonderful things. It's such a joy to run down congress and see the state capitol. There's not many cities that have that. And you open it up every once in awhile to runners. You don't open it up everyday. I can't run on congress everyday. I'm going to get a ticket. The days you close it down for the walk down the street and I looked around at the buildings and I said there are so many beautiful old buildings. I'm a citizen and I'd like to enjoy the city also. This country is getting mother and more unhealthy and austin is doing something about being a fit community, about caring for health. It's reaching far and wide. I moved here from the san francisco bay and there are friends who live over there and that is a beautiful area, but they wanted to visit austin. So don't take away what is making austin a magnet to people outside who want to come here. I was in spain setting up a factory in january and there were people who know about south by southwest that were coming here. One of them was a runner and was going to come run a race over here. [Buzzer sounds] so this city is a very vibrant city. Don't do anything to destroy it, please. [Applause]

Mayor Wynn: Welcome, ross. Is top gephart here? You will have up to six minutes if you need it. You will be followed by jamie la guard.

Thank you. I would like to address a couple of public safety issues. Several months ago I was attempting to cross congress avenue on a saturday morning from the east going west. I ran into a parade or race. I drove up brazos looking for where to get across. I asked three officers how far up I had to go to get across. Two of them gave me answers that turned out to be wrong. The third admitted he just didn't know. When I wrote to a.p.d. Asking -- suggesting that they give the officers on barricade dirty a route map for each event, this is the answer that I got. At the briefing before each event, officers are given an overview of the route that an event will travel on and the anticipated length of time the streets will be closed. We do not give the officers the engineered traffic control drawing of the event that shows all of the required traffic control devices. The officer at a specific intersection is only responsible for the activities at his intersection and not for the entire less than ngth of the event route. Downtown area poses a unique problem when giving directions and that is the one way street system. Sphifers cannot be expected to know each and every turn for each and every question asked by confused drivers. Officers give their best guess as to how a driver might reach their desired location and that is all we can do. I find that unacceptable. [Laughter] [applause] I don't expect officers to read an engineering chart or to be tour guides, but how hard can it be to take a simple route map and tell someone all the streets

north of the capitol are open. Or if you need to cross the river, you need to go over to lamar. Or if you need to get to -- you're in a hurry and need to get to the hospital you need to go to 15th street and then back down red river? It's not that hard. I would suggest that you to take another run at this. If it means having the event sponsors submit a map that is emergency vehicle friendly, so be it. That should be part of the requirement for them. But there's no excuse for officers giving incorrect information to the public out of ignorance. That leads me to my second point, which is also dealing with emergency vehicles. I read through the ordinance and the support documents and there's nothing in there that specifically authorizes the police to hold up a parade or a race to let an emergency vehicle go through the route. Occasionally the most direct route to a fire or to the hospital will go right through the middle of a race. And when races can turn to tenths of a second or hundredths of a second, if someone loses a marathon pause they got held up while an ambulance was crossing ahead of them, you're probably going to hear about it. So I would suggest that you include something in the ordinance or in the closure specifications. You would assume that the officers would exercise good judgment and just go ahead and open a barricades, let the thing through and hold up the event. But you should have something specifically addressing that. Thank you.

Mayor Wynn: Thank you, ross. [Applause] jamie la guard. Welcome, jamie. You will have three minutes.

Mayor wynn, councilmembers, thank you for the opportunity to speak. My name is jamie la guard. I'm president of the downtown austin neighborhood association. More importantly a taskforce member on the street closure taskforce. It was a pleasure to have the opportunity to serve on that taskforce, and after reviewing what staff did with our recommendations, it's obvious they've done some fine work. But after the taskforce met with staff, we feel that there's a little bit more work left to be done. So what I'd like to do is to read some of the items from the letter we submitted today and just highlight some of those points. First point was to create an event commission or task an existing commission with the following responsibilities. Review whether ordinance rules, changes have a desired impact. Suggest additional changes as necessary. Conduct public hearings about new rules proposed by the director. Require a dispute resolution process for events that meet with the disapproval from 20% of affected parties. Determine maximum limits. Explore a tiered system and consider other issues as appropriate. Second was to revise the signature system as follows. Closure applications that receive 20% objections from affected persons per block or an objection from a neighborhood association registered with the city will be reviewed by the events commission or equivalent board of stakeholders. Affected persons or applicants can appeal the board decision to council. The third point was permit station area events to take place on the taskforce recommended that station area events on west-east streets maintain at least two access points or two of the following streets for access. Cesar chavez, fifth and sixth streets as a couplet and 11th street. The final two points, report on the city's total annual financial expenditures and revenues related to street closures and to develop a criteria matrix for waivers and finally incorporate the taskforce recommendations related to notifying affected parties and communicating with the general public. These recommendations most of which came from non-taskforce members of the public range from using the community registry to identify and notify affected persons to providing information about an alternate bus routes. By implementing these changes and with the great work that the staff has done, we feel that we can create a win-win for residents, businesses, churches, races,

station area events, all the parties involved. Thank you railroad much. -- Thank you very much. [Applause]

Mayor Wynn: Welcome.

Hi, mayor wynn. My name is lucy trainer.

Mayor Wynn: If you sign the little one you can have six minutes by the way.

I don't need that long. I want to give you a bit of our background. I'm a runner. I ran the marathon and the capital 10 k at one point when I didn't have specific family. But I -- now I'm a mother of four and the ages of my children are four, three, 22 months and two months.

Mayor Wynn: Whew.

We travel a long way, coming from round rock practical, north austin torks get to the cathedral every sunday. And for me as a catholic and as a christian, it's important to pass down our faith to our children. And an important part of that is gathering on sundays for the mass. And it's extremely hard when the races are going on there. When we can't cross congress. There was one point where we had already traveled 30 minutes coming from our house and 25 minutes circling all of austin trying to get to the cathedral. At one point I rolled down the window and asked a police officer if we could just go through the barricade and he said sure. That was the only way that we got in. Had we not had his permission, we would have just gone home like everyone else. And I just want to reiterate what the others are saying about having consistent access to places of worship. On a regular basis on sundays. It's very important to the faith community and downtown, and it's important to families across central austin, north austin, south austin, because we come from a variety of zip codes to get to these places of worship. Thank you.

Mayor Wynn: Thank you. [Applause] council, I believe that's all the folks who signed up wishing to give us testimony. A bunch of folks signed up not wishing to speak and we will note their position for the record. Again, are there any citizens that would like to give us testimony on this public hearing, item number 60 regarding our street closure taskforce and rules. Thank you all. So council, questions of staff? Comments? Motions? Councilmember leffingwell.

Leffingwell: I would like to put a motion on the table for discussion. And that motion would be to approve the -- close the public hearing and approve the ordinance on first reading only with instructions to staff to incorporate and address all of the issues raised in this letter signed by all the members of the taskforce prior to second reading.

Mayor Wynn: We have a motion by councilmember leffingwell, seconded by councilmember morrison to close the public hearing and approve the ordinance as presented on first reading with additional direction of staff to address the issues raised to us in a formal letter from the taskforce. I guess my question to the maker is how do you anticipate that staff addressing it, as in do you want them to come

back on second reading -- I'm trying to think out loud too. Come back on second reading with additional language that we perhaps on individual votes could insert into the ordinance as an amendment or come back with a drafted ordinance with those points from the taskforce already incorporated? What's the preference or thought?

Leffingwell: Well, I guess the preferred option would be to have the staff work with the taskforce in resolving all of these issues to the satisfaction of the taskforce and incorporate them in an ordinance to come back for second reading, and then we could -- the council -- it would be the will of the council to determine if further changes were needed at that point.

Mayor Wynn: So then as a clarification, the motion is to -- for second reading have staff, again, incorporate -- after working with the taskforce members, incorporate those comments into a second reading ordinance for a potential vote. Which I would support and I think makes sense.

Leffingwell: Maybe we could get some idea about how long the staff thinks that process would take. You don't have to guess if -- do you have the option of just posting it on second reading when you've completed your work?

Mayor, council. Robert goode, assistant city manager. We would expect to meet shortly, quickly with the taskforce members and work through that letter. So one of your meetings at the end of april would be fine.

Leffingwell: Okay. The 23rd or the 30th.

We'll shoot for that and make sure we try to address it at that time.

Leffingwell: Okay. Thank you.

Mayor Wynn: Again, so we have a motion and a second on the table to close the public hearing and approve the ordinance as presented on first reading; however, instructing staff to work with the taskforce members in an attempt to incorporate those comments that we've received in a letter to be brought back in ordinance form for second reading. Further comments? And the thought being that could happen still this month. Again, we don't meet for the next two thursdays. We meet thursday the 23rd and thursday the 30th of april. Mayor pro tem.

McCracken: I don't have a copy of the letter. I was wondering if y'all could tell us what it is.

Mayor Wynn: We have it electronically, but not in a hard copy.

McCracken: Okay.

Mayor Wynn: Councilmember morrison, yes.

Morrison: I do want to thank everybody that showed up tonight and made comments, and especially the taskforce members that have worked so hard. And I want to support this motion because I'm a firm believer that when you get -- I don't know how many people are on the taskforce with diverse perspectives together to really wrestle through all the issues and are able to come up with a balanced compromise is, maybe nobody's peshly happy solution, to me it's really important to try to stick with the full set of recommendations because one person's compromise could have been tossed out and ignored, which would have made it sort of unacceptable to them. I think it's important to appreciate the integrity of that process and it appears to me that the solutions and recommendations really were quite creative in terms of addressing the problems, so I will certainly be supporting this motion. I do want to say that I'm certainly interested in working maybe with staff and some taskforce members over the next couple of weeks. I do want to make sure a couple of things, and that is to try to understand the potential impacts on east side, unintended consequences on the east side. Make sure I understand how neighborhood block parties and things like that would work, and then also I think it would be great for us to work with staff and talk about perhaps how we can incorporate a more productive police presence during the races so that they might be able to be more helpful and be part of the solution too. So thank you.

Mayor Wynn: Motion and a second on the table. Councilmember leffingwell.

Leffingwell: Just one more comment. I'm not disregarding the comment that was made by one of the speakers about emergency services, but I'm assuming that our emergency service providers are trained -- they're going to -- if life is at stake or in danger, they're going to interrupt whatever is in progress. They don't need a separate ordinance instruction to tell them that.

Mayor Wynn: Again, further comments? Questions? We have a motion and a second on the table. Again, first reading only with instructions for a likely modified ordinance for second reading. So again, for those of you all who aren't as practiced at this, so what will likely happen in my estimation is that later this month there will be a new ordinance circulated -- and councilmembers will get it and it will be made public prior to the council deliberating that here in three or four weeks. That will be an attempt at a second reading of this ordinance. And so I would anticipate this like many others we've done for it to take three attempts, three readings, which is sort of how the whole concept of the law was structured. For us to ultimately get to a compromise or a meeting that we think is appropriate for the community. And so if after looking at the ordinance as proposed for second reading it wouldn't surprise me that we take one more stab at it. We likely go solicit some facial feedback on those -- some additional feedback on those particular items that are added to the ordinance and then do our best to represent you for a third and final reading, likely in late april or early may. Councilmember shade.

Shade: Of course I'm going to also support the motion on the table and I really appreciate the comments that you just made, mayor, about the time of this. Because I've certainly been hearing from lots of people. But I also just want to convey that -- to staff that if -- because of the ordinance of posting things and giving the people who are here enough time to see something before it ends up on our agenda, I just really want to encourage you if you have to wait until the meeting throirth rather than THE 23rd, PLEASE DO That so that we don't find ourselves in a situation where people are scrambling and

angry about the process unnecessarily. I really want to encourage that and want to say that publicly from the dais. I've never seen the wicked witch from the east before, and I'm glad to have met her tonight. Maybe we need to use her in more enforcement issues. A lot of our problems might get solved. Thank you.

Mayor Wynn: Further comments? Motion and a second on the table, first reading only with additional direction for staff. Hearing none, all those in favor please say aye. Opposed? Motion passes on first reading with a vote of 7:00-0. Thank you all very much. There being no more business before the city council, we stand adjourned. It is 8:38 p.m.

End of Council Session Closed Caption Log