

Closed Caption Log, Council Meeting, 06/18/09

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Mayor Wynn: Good morning. I'm austin mayor will wynn. And it's my privilege to welcome rabbi kerry baker congregation kol halev. Please rise.

There's a parable in the book the zen of motorcycle maintenance, in this book the author explains the device called the south indian monkey trap that was devised by native villagers to catch the small animals who would wreak havoc on their calves. It was a hollowed out coconut shell. Inside the coconut was place add bit of rice, visible to the monkey just small enough for the monkey's hand, but too small to get his hand out. Tan talized by food he would reach into the coconut and become trapped. It was not able to see that it was his own fist that trapped him, his own desire for rice. If he were to let go of the rice, he could easily withdraw his hand, there by maintaining his freedom, but he valued the rice too much, preferring to remain stuck where he was easily captured by the villagers. In the delerations to come, may you all have insight to know when our obstinance in the face of facts or the desires for popularity or our passions for power or our need to be right, keep us changed rather than freeing us to pursue our best selves and the best interest of those who depend on us. May we have the strength to let go of the rice when it is holding us back from growing and developing. It's our job to recognize when we are too interested in the rice. It may be god's will that we can rise above these limitations. Amen. [Applause]

Mayor Wynn: Thank you. There by being a quorum present, at this time I'll call to order this meeting of the austin city councilmember. IT'S THURSDAY, JUNE 18th, 2009. We're here in the city council chambers of the city hall building, 301 west second street. Council, before I walk through some changes and corrections to this week's posted agenda, at this time we take this time each a meeting to tell about upcoming initiatives or items from council or issues to be aware of. So at this time I'll call on any upcoming items. Mayor-elect?

Leffingwell: Mayor, i just want to say now, i can't do anything about it right now, but tonight's public hearing on the tree ordinances, there are three of them, at the appropriate time I will be making a motion to address only the ordinances that relate to the parking lot and is subdivision, not to the heritage tree part. At the same time I will be making the recommendation that we postpone the heritage tree ordinance UNTIL OCTOBER 22nd. And in the interim convene a taskforce to address the outstanding issues. I'm only saying this because I want to -- I know there are a lot of people that are

going to be signed up to speak on this, and I want to try to give people a head's up that in great likelihood we will not address the heritage tree ordinance tonight.

Mayor Wynn: Great. Thank you. Again, further issues? Councilmember cole.

Cole: Item number 49 deals with allocating city resources to create a music department. Because of some concerns about the financial implications of that, I will be making a motion to postpone that item.

Mayor Wynn: Great. I'll include that as part of the consent agenda. Do you have a date specific for the postponement? Our NEXT MEETING IS JULY 23rd.

Cole: I would like to make it the meeting after that to give the new council an opportunity to be briefed on the issues.

Mayor Wynn: So august 6 it will be. Thank you. Again, further upcoming issues, items, initiatives? Great. Then also folks, before i get into the changes and corrections, as you walked in to the building today or the last couple of days, you probably noticed a lot of our guitars from last year's guitar town big public art display and fund-raiser for a number of nonprofits. There are eight guitars we see out in the lobby. Some of the more popular of those many guitars, they were purchased at live auction by Milton Verette and he then donated them back to the city. It was a fabulous fund-raising effort. Hundreds and hundreds of thousands of dollars were raised for nonprofits here locally. Milton with no fanfare whatsoever quietly bid on and won the bid for all of those guitars and spent literally six figures buying those eight guitars and then turned around and donated them back to the city for us then to display them around different city facilities. Milton also paid for -- designed and paid for the really attractive and functional bases that they're sitting on. So we're taking the opportunity this week to redisplay display them here before we then scatter them out to different city facilities. So we'll have Milton and his family here so we can issue a certificate of appreciation for really a remarkable donation back to the city. So enjoy the guitars this week here in the lobby and you will soon be seeing them around the city, mostly in city facilities. Let's see. So we do have a few changes and corrections to this week's posted agenda. They are on item number 4 we should note that it comes recommended by the citizens water conservation implementation taskforce and the resource management commission. On items 31 and 32, we should note that they're both recommended by the electric utility commission. And then on item number 46, we should insert the phrase, and certain related waivers. So this would be approving appointments and certain related waivers to our board and commission process. Let's see. Our schedule today, after we get through our consent agenda and we may take up a couple of discussion items right then, we also have a modest closed session agenda items that we'll probably take up before lunch. At noon we come back out and take up general citizen communication where we hear from 10 citizens to give us testimony about any topic they want to bring up. At some time in the mid we will have our staff briefings. The afternoon briefings today are an update on the Austin Go initiative and then also a presentation on the Austin climate protection plan, the 2009 annual report of that program. We also will have a briefing on the proposed whisper sometime after 2:00 p.m. we technically will recess the city council meeting and call to order the Austin Housing Finance Corporation board of directors and have that quick discussion. We take up our zoning matters. So we have our live music and proclamations. Our

musicians today are the reagan high school drum line, here the day before juneteenth. You will see some pretty remarkable young people representing reagan high school, who will also be performing in what has become a big and fun competition between different drum lines around the state. And then sometime after is mayor-elect leffingwell pointed out, we will conduct public hearings, including a couple related to tree ordinances here in town. So council, so far the only items we have pulled off the consent agenda are item number 17 regarding the austin film society lease has been pulled off the consent agenda. We have a number of folks who want to give us testimony on that item. And then ewls heard from -- we also heard from councilmember cole that item 49 is proposed to be proposed to august 6, 2009. So any additional items to be pulled off the consent agenda? Councilmember morrison.

Morrison: I don't want to pull anything off the consent agenda, but on item number 14 regarding the solid waste master plan, i did want to offer that instead of authorizing negotiation and execution of the contract for the solid waste services consulting, that we only at this point authorize negotiation and ask staff to come back with the full contract and scope of work. So I guess this is a question, mayor, should i ask you to change the consent agenda to be just to authorize or should I make that an amendment to the consent agenda? Sorry.

Mayor Wynn: So perhaps I can just ask without objection, I could read that into the consent agenda that item 14 would be negotiate only, mr. smith?

You can read either it in as that's part of the agenda, it can be part of the motion that's made on the consent agenda, or councilmember morrison if someone else makes the motion to approve you could offer that as a friendly amendment. There's three ways to handle that.

Mayor Wynn: In fact, now that I look at it, we do have four speakers signed up. If there had been a fifth speaker, we would have pulled it anyway, why don't we pull it off the consent agenda, hear from speakers -- hear them a few minutes this morning and then do that motion. So 14 will be pulled off the consent agenda.

Cole: I also have questions on item 29. I hope we can get somebody to answer those. I don't really have a desire to pull that off the consent agenda, I'm just going to ask questions about it.

Mayor Wynn: We'll get a motion and a second, call up the consent agenda and I'll recognize you before we hear from speakers. Thank you. So again, further items to be pulled off our consent agenda? Hearing none, the I'll propose one -- our proposed consent agenda this morning will be to approve item 1, the minute from our last meeting, from the austin water utility approving items 2, noting its related to item 8. Also approving item 3 and 4 per changes and corrections. From our communications and technology management department, approving item 5. From our contract and land management department, approving item 6, 7, 8. Again, noting that it's related to item 2. 9, 10, 11, 12, 13 And 15. From our economic growth and redevelopment services department, approving item 17, 18 and 19. From our law department, approving item 20 and 21. From our office of emergency management, approving item 22. From our police department, approving items 23, 24 and 25. From our public works department, approving item 26 and 27. From our purchasing office, approving item 28, 29, 30, 31 and

32 per changes and correction. 33, 34, 35, 36, 37, 38, 39, 40 and 41. From our transportation department approving item 42 and 43. From our watershed protection and development review department, approving item 44 and 45. Approving item 46 per changes and corrections. That's our board and commission appointments that I'll now read into the record or the nominations technically. In fact, there are no nominations, but it looks like I'm supposed to read into the record that pursuant to section 2-1-27 of the city code, councilmember morrison is requesting a waiver of the residency requirement for the following borms. To our electric board, peggy simpson and to the plumbing board, michael nail. So that will be item 46 regarding our boards and commissions. 'LI also be approving item 47, 48. As part of the consent agenda we'll be postponing item 49 to the august 6th, 2009 meeting. We'll also be approving item 50 and 51. By approving item 52 we will be setting the public hearing regarding the authorization on home occupation signs and core transit corridors. And from our addendum, we would be approving item 82. Mr. smith?

Yes, mayor. One of my attorneys has just pointed out that item 45, the whisper valley, is related to the briefing that's scheduled to occur later. So council may not want to have that on the consent agenda.

Mayor Wynn: Thank you very much. We do have a speaker signed up for that too. So we will -- as part of our proposed consent agenda, it will include pulling item 45 off the consent agenda. So with that said, I'll entertain a motion on the proposed consent agenda.

Second.

Motion made by councilmember shade, seconded by the mayor pro tem in his final meeting. Wake up. [Laughter] so we have a motion and a second on the table approving the consent agenda as proposed. Before I go to some citizen testimony on some items that we have on the consent agenda, and before we hear from councilmembers regarding the consent agenda, I would like to recognize councilmember cole for some questions. Questions of staff.

Cole: I have some questions for someone from dsmbr about item 29, which is a contract for long range energy resources. I recognize that it is an amendment to an existing contract, and so what i really want to focus on is the fact that there were no subcontracting opportunities identified. N you explain that process to the public?

Sure. Mayor, council, steve elkins, director of small minority business resources department. Typicay when there are no goals contract is because either there was not enough scopes of work or we didn't have enough certified vendors for the scopes that were identified. And in this particular situation it was a specialized scope and we didn't have anybody who was certified in that space, but what happened in this particular situation, the prime contractors who could potentially do the work were solicited, but again, there was just not enough subcontractors available to do the work.

Cole: I bring this up because we're seeing a number of contracts that come through consistent with our climate protection plan. And we know that many of those contracts have to do with renewable energy. And there's a lot of questions in the community about the participation of minorities in those type of

contracts because we are committing so many dollars to that. So I'd really like to work with austin energy and dsmb to make sure that as we make these contracts that we're doing all that is possible to include the minority community. And so one of the other questions that I had, when you talk about scope of work, can you explain how that relates to the commodity codes?

Sure, I'm actually using scope of work and commodity codes interchangeably as we get contracts, there's a list of commodity codes that list out what the potential opportunities are into be. And so I -- it says scopes of work, but I could have easily said commodity codes as well. On this particular project there were very little commodity codes identified that could be subcontracted out. And with that we didn't have any certified firms, we didn't have enough certified firms to participate.

Well, again, I would also like to work with austin energy and dsmb. We know we have the energy audits coming up and I think that we can take a little bit more of a proactive role in educating the public to the opportunities that might be available for minorities in these fields.

I think that's a great idea.

Cole: Okay. I appreciate your work and thanks for doing the good job.

Mayor Wynn: Mr. Garza?

Let me add also, if my understanding is correct, even if we have no goals, if in fact there becomes a subcontracting opportunity, they are then required to solicit any potential contractors that might be out there.

Sure. It falls under the MBS program, that says if you identify scopes of work later on, you still need to solicit the certified firms for that new scope of work. The other piece of information is that as no goals come to my department, we actually do a thorough analysis to make sure that -- that truly there is no opportunities. And we sign off from our department that we agree that there was no subcontracting opportunities.

Cole: And I understand that we have two problems and one potential problem that we have is the extent that we're educating the public about the availability of contracts in the energy area, clean energy and environmental area. But there's also a problem with the public actually responding to that and businesses preparing themselves for that type of scope of work. So I just think that we need to work a little harder to address both those concerns.

Mayor Wynn: Councilmember Martinez.

Martinez: Who determines what fits into a commodity code and who determines what potential business either that their business model or the business service applies to a certain commodity code?

As a firm registers -- I may actually have Byron talk to this. As a firm registers with the city, they select --

as a firm religions with the city, they select the firm they would like --

I think you're asking how do we do the project availability list.

The project development team puts together the list of commodity codes for the particular project. Then we run our reports, our query to look at from the commodity codes they provide us with the certification or the --

Martinez: So a firm that comes in, they get to self-identify with any commodity code that exists.

That's correct.

Martinez: Do we have a review process to determine whether or not they --

there is. As a firm then selects their commodity codes, then they need to be certified in those codes and the certification staff under smbr undergoes a thorough investigation determining if a firm can actually perform the work. And you'll see that some of the firms, even though they have commodity codes selected, they're not certified under those codes because we didn't feel they demonstrated that expertise.

Martinez: Do we have any outreach programs that in an instance like item 29 where we list certain commodity codes and then we find out that there are no subcontracting opportunities, do we provide any outreach opportunities for certified vendors to say this was an opportunity that was missed. Are there any of you who may be able to provide the servicing and qualify under the commodity codes? Do we do some type of follow-up after that fact? And the example I'll use is that we recently had an item come before the subcommittee and we -- and this was for parking meters. But the only commodity code the first time it went out was removal of utility poles because staff determined that was kind of close to what we were talking about. But then once we looked through the commodity codes, we found that there were two others that could apply to this particular contract, therefore it opened up the opportunities and more minority subcontracting opportunities existed.

That's correct.

Martinez: So what I'm driving at is when we say that no subcontracting opportunities were identified, what are we doing after that fact to try to correct that so that we can identify some in the future and not have this just continue to recur?

There are a couple of things. Firstly, as we do the certification process and review when a firm comes in, we actually review their commodity codes that they've selected. Then we will let them know that it looks like you would also qualify for these additional commodity codes. Secondly, what we try to do is that as we receive commodity codes for projects and we recently had a workshop about a month or two ago where we were made aware that here's a list of commodity codes for a group of projects, some large projects, and we could see shoa that we didn't really have availability in that area. So we were

encouraging firms who were interested in participating on some of those projects to add those codes to their profile.

Mayor Wynn: Any further questions on item 29? Otherwise we'll leave it on the consent agenda. So council, before I call on comments from the dais, we do have a number of folks who wanted to give us -- a couple of folks on items that are on our consent agenda. Remember, noting that item 14 regarding our solid waste master plan has been pulled, as has item 16 regarding the austin film society lease. And item 45 regarding the development called whisper valley. We have some folks signed up on item number 46 regarding our board and commission appointments and waivers as were read into the record earlier. Let's see, is jerry garza here? garza signed up to give us testimony. Would you like to come forward, please? And you will be followed by gilbert perales. Welcome.

Morning, mayor and city council. My name is jerry garza, I'm chairman of the city of austin mechanical, plumbing and solar board. I've been on the board for 11 years. Some of that time I was a resident of the city of austin, but moved to buda. Currently five out of the six board members do not reside in the city of austin. Right now we are currently reviewing the mechanical code and plumbing code. If we don't get a waiver for all of these people right now, we're going to be more than six years behind on adopting the mechanical code. Right now we're in 2003, we're reviewing the 2009. On the electrical board, the same thing. We have five members that are non-residents, which you mentioned one of each on the electrical and mechanical board for a waiver. We received this letter on june 16th, so some of these members probably are not aware or have received it or have tried to contact their councilmembers for reappointment. Right now we are currently reviewing several codes, as I mentioned. We have technically eight codes that we're trying to review to update. And the list that I have does not list all the members of all boards and councils that are going to be disqualified. What is happening is we're not going to have any members to be able to adopt codes, so I would like to request that the city council do a broadband waiver on all these board members who are not residents of austin. I'd like to mention one thing too, that a lot of these board members that have been serving have been there for several years. We have one, thomas combs, 20 years. Myself 11. Steven coccyx years. Paul 11 years. Michael hale 14 years. On the electrical board it ranges from four to 16 years. Volunteers are hard to find. And qualified volunteers are even harder to find. Thank you.

Mayor Wynn: Understood. Thank you. Questions? Mayor-elect leffingwell?

Leffingwell: I have a question for you if you don't mind. What is the immediate effect and what is your timetable for working on these code revisions?

The codes that we're looking at to submit to the city council will be later this year. They're ongoing at this time.

Leffingwell: The reason I'm asking the question, if this were corrected at our next meeting, which is JULY 23rd, WOULD THAT Suffice?

To be honest with you, i don't know. I don't know how many people are going to want to come back.

Right now the way it stands, I think that all these eight codes that we're looking at, which is the mechanical, international building code, uniform housing code, international fire code, uniform plumbing code, energy code and international residential code, may all be put on hold until new members come in, if that's what happens, get them acclimated to where we are statuswise on the codes, bring them up to speed. You will probably lose a year before it can come back.

Leffingwell: So you're working on them right now basically is what you're saying.

Yes, sir. I have a list of current codes that are being worked on at this time.

Leffingwell: And this is the electrical board and mechanical board?

There are several codes here, like I mentioned. There's the mechanical --

Leffingwell: No, the boards.

I'm with the mechanical and plumbing. And solar board. There's a gentleman here who signed up for the energy -- the electrical code.

Leffingwell: So two boards that are affected you're talking about today. Correct?

I'm sorry?

Leffingwell: You're talking about two different city boards today?

That is correct.

Leffingwell: Could I ask the city attorney.

Mayor Wynn: Ms. Thomas?

Yes, Debra Thomas with the law department. If the board members would reapply, we could address the -- if they're interesting in reapplying we could address this matter on JULY 23rd. We could have waivers ready.

Leffingwell: But in the meantime they're not able to conduct business?

They're actually holdovers. Heavy load they can conduct business.

Based on the ordinance we passed last week, that council passed last week, they're holdovers, so they can conduct business.

Leffingwell: So we can continue -- they can continue to do their work and we can make the

CORRECTION ON JULY 23rd.

Yes.

Leffingwell: Okay. It will be my intent to do that. Thank you.

Mayor Wynn: Thank you, mr. thomas and mr. garza. We also have gilbert perales had signed up to give us testimony. He will be followed by david adamson. Welcome, sir.

Mayor, councilmembers. I think we pretty much covered it on that last one. I'm chairman of the electrical board. I was appointed by the mayor in '99 and been reappointed ever since then. Again, we have the same issues, although we did just approve our new ordinance and the 2008 code does change every three years. And we are requesting a waiver on the resident status for our members. We've been together for quite awhile and pretty good working unit. Also, I urge council to review the description of the board where some wording was changed in '07 from shall to may where you take it out of -- now it can actually be taken out of the electrical professionals and the oversight would be gone on new construction and products that are used in the city of austin. So thank you.

Great.

Mayor Wynn: Thank you. And david adamson. No need to speak? Thank you, david. So council, that's all the folks wanting to sign up on item 46. Gentlemen, we appreciate your willingness to serve as mr. garza pointed out. It is not easy at times to find citizen volunteers for these numerous boards and commissions, so thank you. Council, I thought we had a couple more citizens signed up. Maybe not. I'll open the dais up for comments on our proposed consent agenda. Councilmember morrison.

Morrison: We pulled 14. I don't need to speak to that.

Mayor Wynn: That's fine. Again, items 14, 16 and 45 had been pulled. We're postponing item 49. Comments from the dais on our proposed consent agenda? Councilmember cole.

Cole: Yes, mayor. I want to draw attention to item number 50, which deals with the creation of the strategic mobility plan. I want to make clear that this plan is going to deal with regional transportation issues and we know that the public is very concerned about transportation issues as one of the top priorities facing a city. And we want to make clear that it's going to deal not only with rail, but also interstate 35 and mopac and many neighborhood issues such as synchronization of lights. And this plan will give us the tools to actually deal with several of those issues. We will be working with all of the transit agencies, and this plan will compliment the 2035 plan of campo.

Mayor Wynn: Thank you, councilmember. Further comments on our proposed consent agenda? Mayor-elect leffingwell?

Leffingwell: I want to clarify. It's my understanding that on the same item, the funding for that is txdot

money. It's leftover money that was right-of-way acquisitions, they were not as costly as anticipated and this will be used for that. So it will have no impact on the city's general fund.

Cole: Yes. This is txdot money that had to do with reimbursement for back in 1998 for regional bond money. So it is -- it will have no impact on the general fund.

Mayor Wynn: Thank you. Councilmember martinez. Oh, good. Further comments on our proposed consent agenda? Councilmember morrison.

Morrison: I would like to comment on the fact that we're postponing item 49 regarding the music department. I understand that everyone is concerned about the impacts on the budget and we believe with what we had proposed, and I know we'll be talking about this more, but what was proposed was to actually ask the city manager to make the proposal for the department and then we would actually be approving it within the budget process because we have identified that there is a way to do that, i believe, without impacting the general fund because everybody is certainly understanding of that. So I feel a little disappointed that we're not being able to move forward today on that because I know that it's absolutely a critical step in maturing as a city that supports live music, and I'm certainly committed to continuing to work that issue and to make sure that we bring something to fruition on august 6.

Cole: Mayor? I simply want to make clear that -- I'm sure this entire council is committed to live music, and has tried to show that. And I certainly am committed also, but we are in a tight budget season and we will potentially and have asked for sacrifices from all our departments, and so that we want to be doubly sure that any item, if it has even potential impacts on the budget, that we thoroughly consider that.

Great. Again, further comments on our proposed consent agenda? Hearing none, all in favor please say aye? Opposed? Motion passes on a vote of seven to zero. Thank you all very much.

Mayor Wynn: And enjoy the guitars as you pass by. So council, we do have a handful of discussion items we can take up this morning here before general citizen communication. Let's see. Earlier as you heard, we pulled item 14 off the consent agenda, which is the solid waste management master plan. We do have a handful of folks that would like to give us testimony on that. We'll let the room clear out slightly. So folks, if you could please take your conversations out in the foyer, we would appreciate it. We have a few more discussion items to take up. Please take your conversations out into the foyer. Thank you. So item number 14 again is the solid waste master plan. Perhaps -- I don't know if staff is here to give us a very brief overview of what we have proposed here. And then we will hear from some citizens. And I'll recognize councilmember morrison likely for a motion. I don't know if staff is here to give us a very brief overview of this. A brief summary of what's before us. Thank you.

Good morning, mayor and councilmembers. Mike tremble, director of contract land management. The solid waste services master plan, just a summary of where we are right now, is you have before you the results of the rfq process that we went through. I might rely on other folks to talk about the specific scope of services that are involved, but what we have in front of you is the results of going through an

rfq process and the finals that are presented before you. I think I'm going to actually turn to solid waste to maybe talk a little bit about the actual scope of services itself.

Mayor Wynn: Great. Thank you.

Jessica king with solid waste services. Basically the plan before you today is an item that relates to the solid waste master plan. What we intend to do is really find a way to implement the zero waste plan, which is your policy framework that council adopted in January of 2009 directing staff to achieve a 90% reduction in the amount of waste sent to the landfills. What this plan does, the solid waste integrated master plan, is identify the specific infrastructure tools and funding mechanisms so make zero waste a reality in Austin. And so if you have any questions specific to that, what we'll be intending on doing is identifying the scope, moving forward with specifics as to how to take our step-by-step process and then move forward from that point.

Mayor Wynn: Thank you, Ms. King. Questions of staff, council, before we hear from a handful of citizens? Thank you all. Let's see. Our first speaker on item 14 is David Hogan. Welcome, David. Come forward. You will have three minutes and you will be followed by Melanie McAfee.

Good morning, Mayor and Council. I am for the authorization of this implementation plan. And quite possibly for Councilmember Morrison's coming motion. My concern is that there are escape clauses within the plan that allow the implementer, developer of the plan to propose other programs or even to defer items in the strategic plan, defer indefinitely or not at all. So my concern revolves around what actually may come out as an end result. So I would encourage -- it's Morrison's separation here of negotiation from execution, hopefully that execution would allow some review of interim steps so we could have some confidence that HDR is in fact going forward in a direction that leads us to implementation of what's in the strategic plan. So my -- all my concerns revolve around getting to exactly what we have put in the strategic plan. I think that's a good result and I would like us to get to that point. So that's the basis of my concern, but I hope we do go forward with -- that we go forward. I am for the implementation and probably for Ms. Morrison's modification. Thank you.

Mayor Wynn: Thank you, Mr. Hogan. Melanie, welcome. You too will have three minutes. You will be followed by JD Porter.

Mayor and Council, as a member of Northeast Neighbors Coalition, a former member of the Long Range Solid Waste Taskforce, a member of the Austin Zero Waste Alliance, a member of the New Sustainable Food Policy Board, a member of CAPCOG General Assembly and a business owner who has achieved 97% waste diversion. And unfortunately owning a business located too close to two aging landfills. I stand before you excited, anxious and committed to a zero waste plan for reasons on many levels. Once again citizens were left out of the loop developing the proposal. Instead of spending years rebidding the contract like it was done with a zero waste plan, I think Council should move forward. The delay hurts worst in the process. Fortunately HDR was the firm selected. The zero waste strategic plan developed by Gary List is on the team. He led the most comprehensive citizen and stakeholder involvement with that plan that I have ever witnessed. There was intricate note taking taken to involve and engage everyone.

I've been involved with other presentations and studies on the capcog level and it was a refreshing, rewarding experience. And I think austin has found the firm truly committed to zero waste on a passionate level. The good news is that the plan is so general that with careful authorization from council, austin can finally begin -- can get to work. I hope there will be much public review and input because there is folks in our city ready to turn trash into treasure. We have been researching cottage industries springing up here and around the country that could utilize the waste stream right here. Let's reuse our waste for me that's the future and promise of zero waste. Let's get started. Thanks.

Mayor Wynn: Thank you. And jd porter would like to give us testimony. Welcome, mr. porter. You too will have three minutes, to be followed by birdie perkins.

Good morning, mayor, cowbsz. For purposes of identification, I'm jd porter, a member of the solid waste advisory commission, the austin zero waste alliance and president of the board of the central texas zero waste alliance. Today I wish to address an issue concerning swac and the community at large and that has to do with public input, both in regard to the recent development of the solid waste management plan and for future development of that master plan. Unlike the process used for the selection of the consultant for the city's zero waste strategic plan, the process for the selection of the consultant for the master plan included insufficient input from both swak and the community. Swak was presented with the final draft of the master plan's rfq after it had been released to the public, despite the fact that we had repeatedly requested participation in the development process. Partly because of this, the rfq's scope of work includes language that greatly concerns me. One example under the heading, anticipated services, contains the following, and I quote, review solid waste services current programs as well as new initiatives including landfill or other disposal capacity requirements. After you consider all the other forms of reuse, recycling, composting, etcetera, the only alternative to landfilling is in17 ration. This is a list of the current iew fa nisms for incineration. It includes gasification, waste to fuel, many others. Several of these are basically your gas and glass plants that turn our recyclables into this, basically shiny rocks. All of them are resource, destructive technologies and all are job burners. As a group they are in direct opposition in competition with zero waste. It's my hope that we will not commit a lot of our valuable resources to focusing on these processes. To avoid that and other problems that may result from sufficient opportunities for public input, I urge council to include language in whatever resolutions you choose to adopt that provides an iron clad guarantee that swac and the community input and oversight will be a part of the process that creates our master plan. I've been working to make a solid waste master plan for the city a reality for over a decade and very much support its development. And while I wish more community input could have been a part of the initiation of this process, I recognize that we are where we are and you must make a decision. In his memo to council on may 15th, 2009, mike tremble director of the contract and solid waste department says the expectation of the consultant will be to formulate a public participation strategy at various stages of the master planning process which will give both swac and any other interested parties an opportunity to participate in the plan development. Councilmembers, please take steps that make this expectation become a fact rather than wishful thinking. Thank you for your time and attention.

Mayor Wynn: Thank you, mr. porter for your service. Our final speaker is birdie perkins. Welcome. You

too will have three minute.

Good morning, councilmembers, mayor. I'm birdie perkins. I'm an active, engaged citizen in austin as well as a member of the austin zero waste alliance before you today. Everyday communities across and tens of thousands of trucks to bury no less than 15% of bio degradable materials that can be diverted from our landfills. As of march of this year, co 2 is at a concentration level of 387 parts per million by volume. The safe upper limit for atmospheric co 2 is no more than 350 ppm. We have to act now and our old system is not working. I come at this from more of a personal angle. I've been talking to many families who are situated close to the landfill, children, concerned parents. Without a doubt and across the board, every family i talk to has a child whose health they are concerned for. Kids who are kept in from recesses at bluebonnet elementary would be an example. That's located with no barrier. There's a landfill plainly visible. And these parents are concerned and there's -- and for good reason. There's just - there's a better way. Bio degradable materials make up as much as 70% of our household waste, which again under our current model gets landfilled. There's no need for this. The an aerobic decomposition occurring in our landfills produces methane, which is 21 times the concentration of -- I lost my word. Sorry. Why not join communities around the world as well as cities like portland and san francisco in choosing health and healthy soils over global warming and ill health? Community compost programs can benefit from redirected materials. Responsible landfills can provide a better transition into a model. I applaud the city's solid waste integrated master plan and its continuance. I am for the authorization of negotiations with the HDR. Please, please, let's move forward with this. We can and we should. Thank you.

Mayor Wynn: Thank you, ms. perkins. And your point was that methane is 21 times more potent as a greenhouse gas than is carbon dioxide. So council, that's all the folks who have signed up to give us testimony on item 14. I think actually you have members of the team here as well to answer questions if we have them. So questions of staff? Comments? Mayor-elect leffingwell?

For staff, maybe mr. goode. I'm assuming that the -- that a new material recovery facility is part of this master plan?

Yes, sir.

Leffingwell: So are we anticipating waiting until the master plan is completed before we begin work on this?

No. That obviously would be too long. What we're trying to work on is developing all our options right now to go out in a parallel path with the master plan. It's important for the master plan to consider the materials recovery facility in the analysis of where we're going, but we can't wait for it to be concluded in order to move forward on what we're doing with it.

Leffingwell: I agree with you 100%. So you are going ahead on a parallel track to develop a new mrf for the city.

Yes.

Leffingwell: Good. Thanks.

Mayor Wynn: Further questions of staff? Comments? Councilmember morrison.

Morrison: Thank you, mayor. I want to thank the folks that came down to speak today and I know swac has had a lot of conversation about this and conversation in the community. There was some disappointment that there wasn't more public input in actually crafting the , and I hope that just in general we can maybe do a better job of that as a city to understand where public consideration could be made when we're putting together an r.f.p. But I agree with the folks here today that we need to move forward. And I've spoken with staff and I think that we can have a good process now if we approve negotiation of the contract and include public participation in developing the scope of work that will be part of that. Including public participation in the public participation part of it. But also in all the other things because the issues that have been raised here today really need to be part of identifying the specifics on what the consultant is going to be doing. Let's see. The other challenge that we have here is that we are going to be starting very soon, if we haven't already, a search for a new solid waste services director. And it will certainly be important that the director have some say and some engagement with the development of the scope of work and so I think what we foresee is that we'll begin the development of the scope of work with the public and swac, and at the same time on a parallel track go out and find our new solid waste services director. And what I would fully expect to happen would be is that we would have the director on board before the end of the negotiation before it comes to -- back to council for the execution of the contract because I think it's really important that whoever we get on board is on board with our plan for moving to the future. That's just sort of obvious that we need to be doing that. So with that I would like to make a motion that we approve negotiation of the contract with HDR and that staff bring back -- that staff engage the public and swac in the development of the contract.

Mayor Wynn: Thank you so we have a motion by councilmember morrison as we heard to approve item 14, except that it will be negotiate only for the professional services agreement with HDR engineering, inc. Seconded by the mayor pro tem. Further comments on our motion? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero thank you very much. So council, again, on item number 45 we pulled off the consent agenda, but we won't take up that discussion until we have the post 2:00 briefing on the p.u.d. That leaves us with item number 16, which is a resolution regarding the lease agreement with the Austin Film Society. We do have a bunch of folks signed up wishing to give us testimony. We'll welcome Rodney Gonzalez from our economic growth and redevelopment services department to give us an overview. Welcome, Rodney.

Thank you, mayor. Mayor and council, Rodney Gonzalez, actor director for economic growth and redevelopment services. The issue before you is for the city manager to negotiate a lease agreement with the Film Society of Austin for approximately 20 acres of the former Robert Mueller Municipal Airport for continued use as a studio complex for films, television frames, commercials and full multi media multimedia productions. The city executed a lease agreement with the film society for approximately 18

acres of the former robert mueller municipal airport to use as a studio complex for the production of films, television, programs, commercials, multimedia, etcetera. So June ninth, 2005, the city council authorized a resolution authorizing the city manager to explore ways to incorporate the portion of the national guard site at miller that lies -- at mueller that includes the premise leased to the film society. The film society and city staff have negotiated the lease agreement which is presented to council for its approval. We're asking for negotiation and execution. The agreement covers approximately 20 acres of mueller, including five hangars and the former austin arrow firm national building. There is a provision for a reconfiguration of the premise to include the national guard office and the hangar office, once the national guard lease expires. The agreement has an initial term of 30 years, commencing ON DECEMBER 31st, 2012, which is anticipated date of the reconfiguration of the premises. And the film society will pay the city \$100 per year in lieu of fair market rental, the film society will identify film, television, multimedia and related industries to use on the premises for permitted uses. The film society will develop guidelines and negotiate the term and conditions, including rentals under which the users will occupy the premises. The film society will operate and manage the premises and conduct programs to enhance the economic development of the city of austin through supporting and creating economic growth of local film industry and to promote the city of austin as a favorable venue for films and related productions. The film society will be responsible to maintain and make repairs to the facility. The film society has to provide annual reports to the city, including data on productions, budgets, persons employed, annual payroll, number of jobs created, dollar value of economic growth increase, improvement costs, new or start-up businesses incubated at the premises, number of job related programs and complaints. The film society is required to submit an annual operating budget for the premises and to operate and maintain the premises in accordance with its budget and provide an annual report to the city comparing actual expenditures to budget amounts. [One moment, please, for change in captioners]

the idea would be if the -- if the space is sublet, that what happens? It comes back to you for approval? What's the condition of the lease?

Yes, as it is right now in the current lease agreement, the film society has to get approval from the city.

Before it can go forward with any sublease agreements.

Before it can sign with the subtenant so they have to our approval in writing.

Is that something that staff brings to council.

It's something that staff approves. They have subtenants out there already.

Okay, thank you.

Thank you, rodney. Further questions? With that we will take up our citizen testimony in the sequence that the computer tells me that you all signed up. Our first speaker then will be kenneth rector. You can

use either podium. Three minutes followed by can yell cabella. Daniel.

Thank you, mayor wynn. Mayor elect leffingwell, staff. I represent 500 members who work in the motion picture industry in our labor union. I am the business manager of the international alliance [indiscernible] motion picture animators and allied craft representing the state of texas for motion picture. The majority of our members do live in the austin area and they work in the arts and sciences of manufacturing motion pictures. And we have come to depend on the success of the austin studios as providing affordable space and we -- especially appreciate the steps that the city of austin has done to -- to make welcome production companies to come here and in my opinion you have created through this facility the first real film incentive in the state of texas. For that, I thank you and you probably haven't been thanked enough in that regard. But -- but we are excited as well by the completion of prop 4 and the improvements at the facilities. We are equally excited that age of our current state legislative city of san antonio plan have been greatly successful. Therefore we are expecting the use of these facilities to be required in a higher demand, that is our goal. And we look forward to -- to working with the -- with the austin studios to maintain the atmosphere that makes austin film friendly. But we support the lease extension, there are changes that are going on within the facilities themselves in the subleasing categories that lies for some questions and causes concern, from especially the manufacturing standpoint. And so I do ask for passage of -- or I do ask that the lease be extended. However, I would like for the completion and the execution of the lease to be delayed in order to meet with the studios. I know they have scheduled AN EVENT HERE JUNE 25th. To -- to discuss what their master plan is. And then bring it back to the city for final completion. Thank you.

Mayor Wynn: Thank you, ken. Questions for mr. rector. I got one, are you related to malcolm per chance from beaumont.

No, sir.

Mayor Wynn: All right, he was my superintendent in middle school. Our next speaker is daniel cabella. Signed up to give us testimony. As daniel comes forward, we will know that ben gonzalez will be our next speaker. Followed by taylor [indiscernible] welcome, daniel.

Good morning, mayor, council. Thank you for -- for giving me this opportunity to -- to speak. I represent the music side of things in this equation. I'm owner of a company in austin called music lab. And I also support what's been done out at the airport with the film society. I share the same concern as the previous speaker. You know, I think the execution of this lease should be delayed based on subleasing issues that have come to the forefront in recent days. I know that there are some -- some -- there is a music company from nashville that -- that possibly could be coming in and subleasing out there at the airport. Our concern is that -- there was no consideration given to any local companies that do the same thing. So our perspective is that we would like to have more openness, know more about what the master plan is, know where this is going, so we can prepare for the long term vision of this thing that we have supported. So basically I guess that -- that -- that is my opinion on this process. I share the same one after the june 25th meeting when everyone has more knowledge of where they're going with -- with the 20-acres out there, it might be better to negotiate the lease at that point when people have more

knowledge of the future of this project. And that's all that I have.

Mayor Wynn: Great, thank you mr. cabella. Ben gonzalez is our next speaker. Signed up as did taylor shamek, sorry if I'm mispronouncing that, how imothy gerin. Welcome as you come forward. Note that the next speaker is jean [indiscernible] sorry if I'm mispronouncing that followed by joseph cabella. Welcome, timothy.

Good morning mayor and council. I share the same concerns of the last speakers. I support the development of the film industry at the airport but I would like to know more about the lease agreements and I would like to see it -- understand how that affects our company. I work for a music lab as well and music company that -- that has been here in austin. I would like to see how -- how lease -- lease agreements affect the -- not just the film industry, but also the [indiscernible] industry. Thank you.

Mayor Wynn: Thank you, tim. Jean sharvet, welcome, to be followed by joseph cabella to be flowed by gary and kenny, sorry if I'm mispronouncing that. Welcome,.

Good morning, mayor and council. My concern is the same as everyone else. I work as a free-lance engineer and producer in music and film industry as well. And the concern is the same, that -- that in the leasing reement there's -- there's no saying as to how much it will help our local community. It does say that it was mentioned to -- to improve the local film industry, but on what level as to are we simply going to say the films are made in austin and we have improved has by helping out at the airport, but have we helped out everyone else in austin that can contribute to the industry? And -- and we just would like to know more and make sure there's clarification and oversight as to who will be in and -- and how they will impact everyone else around.

Mayor Wynn: Thank you. Let's see, joseph cabella. Welcome, joseph, you will be followed by again gary ankinney.

Good morning. I voice the same concerns, it's really a lack of information that I'm concerned about. What's in the lease, the subleases, how that is -- how that goes by approval of the committee, is that also open to the citizens to -- to voice their opinion at that point? And we've got -- it's a 30 year lease. We have a year to renew it. I don't see the hurry to renew it today. We've got a -- we're going to have a meeting with them, they have an open discussion on the 25th of -- I think a delay is all that we're asking for here. Thank you.

Mayor Wynn: Thank you, mr. cabella. Gary, welcome. You, too, will have three minutes to be followed by robert strait to be followed by hays.

Good morning, I share the same concerns. I would like to have the lease not be agreed upon until there is further clarification. Which would be on -- on take place at the meeting on the 25th at the film society so we could have more clarification on some of the -- of the tenants that might be possibly moved in.

Mayor Wynn: All right. Thank you, gary. Robert strait signed up. To give us testimony as has mark hays

as did david nordike. As did jennifer salem. How about jeremy briones. Welcome, sir. You will have three minutes to be followed by da paul.

Good morning mayor and council. I'm mark hays, I also work for music lab, specifically what I would like to see addressed, it does relate to the subleasing that -- that is proposed to be done at the austin film society site at the airport. It has come to our attention that the austin film society has been negotiating with a company that is based in nashville, tennessee, called sound check and that there has been a company that has been at least set up, they haven't opened shop here in austin yet it's going to be called sound check austin. The sound check company in nashville does not primarily provide support for the film industry. They supply back line, tour support and rehearsals and cartage for the music industry in nashville. Our concern is that there is going to be favored status given to an out of state company to come in and directly compete with companies that already exist in austin, texas, if -- if there's not more discussion made of the sublease agreements on this. So -- we're asking for more time to -- to have that considered, so everybody knows what -- what sound check actually does, according to what I read on the -- on the item agenda for -- for -- for item 16 was that any of the companies that are sublet to out there must be directly involved with the film industry and not with, you know, anything else. So we're -- we just want to make sure that something doesn't sneak in under the radar there that -- that then causes us to have to compete with an out of state company on an uneven playing field. Thank you for your consideration.

Mayor Wynn: Thank you, mr. hays. Again, I had called david nordike, jennifer salem, jeremy briones. If I call your name, stand and start coming forward, i would appreciate it. Welcome. You, too, will have three minutes and david paul has also signed up to speak.

Hi, good morning. I am jennifer salem. I work for music lab, also. And I'm just voicing my opinion as well. I had the same concerns as the previous people coming up here. We really want to be fair. We're all for the film industry coming here and bringing austin to its potential. It just that we want it to be done fairly on the music end. I agree with what everyone else has said. Thank you.

Mayor Wynn: Thank you, jennifer. Let's see, jeremy or david? Welcome. My name is david paul, i also work for music lab. I want to reiterate the need to delay this until we get more -- until we get more information. It has come to my attention that sound check, as mark has told you, is in nashville primarily a music company and not a film support company. I have read in articles forwarded to me in e-mails that they are planning on setting up music production tour support and music rehearsal spaces. In that austin film studios lot. Once again we are not opposed to competition, we want to be a level playing field and all of the details and we want the city and the council and anyone who is concerned to be involved in all of the decisions. Thank you.

Mayor Wynn: Thank you, david. Let's see. Alvarado diekstra. Folks wanted to donate time to you. Kathleen, edison jackson. Paul up to nine minutes if you need it, followed by beth sepcu.

Hopefully they won't regret that mayor, mayor elect, mayor pro tem, council, thank you for your time. I want to echo some of the concerns and again thank the council and film society for what they have

done for the last nine years. It's been an extraordinary thing for our industry. We rely on it now more than ever given that we passed hb 873 at the capitol just weeks ago, got it funded. I think we just have a lot of questions and concerns and we would ask for the same consideration on this item given to item 14. Which is just that there seems to be no clear necessity or imperative to rush through execution at this stage and that there would be a benefit of additional process to separate negotiation from execution. And I would hope and think that that would be a fair and reasonable thing to ask. Because again their lease doesn't seem to be up until well into next week. We understand that -- next year. We understand this is not about voting on the sounds check deal per se. Clearly before austin studios come contemplate signing they have to extend their own lease beyond next year. I think the fact that they have already announced as a decision to sublease to sound check, which does not on the face of it and certainly even on closer inspection seem to be within the clearly intended and articulated and really committed use of what austin studios are for, specifically for film production and what we have relied upon them for since 2000. I think we would want to see clarity within the lease about what specific requirements austin studios has which we have sort of felt that we had. To our industry specifically with regard to the specific capacity that should be designated for film production. I have to say that I am impressed and laud them for the vision of wanting to move into other areas, do other things. I think sounds check is a remarkable company and really a great addition to austin. No one has opposition, I think they just have questions and concerns. I think it would be to the benefit of the community and industry overall to have those addressed. It's a fair question to say well what sort of parameters do they have in the master lease in terms of who they can and can't sublease to. Should there be a level playing field for local businesses. Should there be subleasing done at the expense of production capacity? To get into a brief little nitty-gritty about this, one of the concerns that we have is that since prop 4, there's already been an erosion of production capacity for film due to extenuating circumstances. Ex-continue waiting circumstances. Due to encroachment, we have lost the hangars, no fault of anybody. Those housed 8 industry tenants that were very valuable. In order to preserve one of them, Chapman Leonard, crane reasonable company, really critical to our industry, film society did what I think everyone thinks is a good thing. They kept them there on stage one. We are grateful to them for that. But the result was that that cost us 17% net reduction in production capacity. Since prop 4. What they have already announced, again a decision that has been made if not executed is to take stage 4, the largest hangar, and take it away from film production and give it to a company that again seems to be clearly a music industry production, which I don't think has been contemplated in any of the language to date. I don't think voters contemplated that as part of prop 4. I just think that it's a fair question to ask. If it's coming at the cost of a cumulative net loss of 47% in production capacity for the intended use, should we maybe kind of step back and look at the overall picture and master plan and just have some clarity and some questions. You know, all of us are grateful for austin studios, we have deep regard for austin film society and what they have done. For us as an industry it's almost an environmental issue. This is a precious resource, we will like to see more openness, transparency, time and ask what's that's try to get everybody on board, make sure that we're on the same page and make sure that our industry is not compromised in terms of the capacity we need. Going forward again given that we just passed these incentives especially. That's all that we're asking for is some process so that we can, you know, all kind of be happy. So thank you.

Mayor Wynn: Thank you, paul, questions, councilmember shade? paul, I really appreciate your comments all that you are doing in the industry. You have said this sound check deal has already been announced and approved. Is that what you are saying?

Well, yeah. I think frankly that's what caught us off guard. It was really publicly announced last friday. I got a briefing on this last friday which I was very grateful for. But what's been put out since presented as a done deal, decided by the film society and their board and not really done with open conversation and input from industry. I specifically asked in a briefing with austin film society's executive director, their studio director and their board president if they had done an impact analysis on taking this capacity off line for film and reallocating it for something that's music and granted they can do music videos, other things there. But we can do music videos there now. They admitted this decision was going to limit them to being able to do one production at a time from here on out. In the past they have been able to handle two to three. I asked what sort of analysis they had done in terms of impact and customers they talked to and industry leaders given this would have to be a pretty big transformative decision at least for the next three years until they get the national guard building. I know they have rob rodriguez and elizabeth [indiscernible] on board. They are the biggest most important customers, a huge resource to the industry. But they said they hadn't really talked to anybody else. I asked why, they said well they are our biggest most important customers we thought that was enough. When we asked the question well from an industry standpoint they seem to represent a pretty unique customer in that they have their own facilities out there just down the road. Their own studios. So the impact would be disproportionately different from them than pretty much any other customer. Why didn't you talk to any other customers or industry. The answer that I have given again with their board president and with bob hutchins from the texas film commission present was that well we know what they would say, they would be against it, so we saw no point in talking to them. That frankly troubled me. I think that sort of feeling well they made the decision and don't really necessarily need to talk to people, that's causing some concerns. I can absolutely understand that. That's a great perspective. But I'm also confused because I thought that i just asked our staff, I'm trying really hard to separate this. I thought that I just asked the staff if anything like that would ever be able to be signed and approved without --

there's no signed agreement. Rebecca campbell is here. They fully intend to come back to the city prior to signing any type of an agreement. There's no signed agreement with the sound check austin. And rebecca campbell is here to answer any questions.

It seems to me that the -- that the lease agreement, you know, i definitely understand the connection because you can't engage in conversations about a lease agreement if you don't have a lease beyond the next three years that they have. And this is a contemplated idea that I have heard a little bit about about both pros and cons a five year deal. Obviously the five years if it started tomorrow would take us beyond what the current lease would allow for. But I also feel like I'm hearing that -- that it's not really a done deal, that it will come back to the city. The lease agreement about the additional building and the changing of the boundaries is actually something that's been in the work for four years now. That hasn't been moving quickly, probably too slowly. I'm trying to figure out if maybe there can be some way to reach some agreement where we can approve and execute the lease but require council approval before allowing this particular deal or perhaps to come up with some way to look at other deals like this

where it's too fast.

I would say there are broader issues than just that deal. I think that deal will illuminate some of the broader issues in -- illuminates some of the broader issues, what does the lease look like, what impact is there to capacity, obviously they have not executed that deal. But the way it's been presented is that it's a decision that's been made and not open for discussion.

The decision about sound check.

About sound check. I'm pretty convinced that deal is not done and that it needs to come back to council. I mean that's my opinion. I don't know what my colleagues think, that shouldn't be something that goes forward without [multiple voices]

I think the question would be is there a clear necessity to authorize both negotiation and execution today. And -- of the master lease. I am not aware of any and I think that given the range of concerns both on from the music side from local business but particularly on the film side in terms of saying we would like to have some inclusion. I would add that I have spoken to the chair of the 2006 bond election oversight committee, they have some concerns. They have not been -- had a chance to look at the master lease renewal or extension. They concur that prop 4 never contemplated things like music and that may require some -- some bigger look at the master plan. Also the chair of the Robert Mueller master plan development implementation committee and I hope that I got that right, also shared some questions and concerns, so -- so even Gary Bond the head of the Austin film office, Austin's own film commissioner wasn't aware of any of this until last Friday. So -- so there just seems to be abundance of concern and KIND OF A -- 11th HOUR Awareness and I think a lot of people have fair and reasonable questions and the big one is why do we need to rush to execute this today.

Mayor Wynn: I -- [multiple voices]

more openness and process.

Mayor Wynn: Thank you.

Thank you very much.

Mayor Wynn: We do have a number of other folks wanting to give us testimony. But councilmember Shade still has time if she wants to ask some questions of staff.

I guess that I'd like to know what is the urgency to having the lease signed -- to approve negotiation and execution, oftentimes we do separate those two things. I feel pretty confident that I understand the difference between the particular sound check issue and its relationship to this master lease. Can you shine some light on that. I would like you to address those issues, please.

I think rebecca campbell might want to weigh in to urgency or need to bring the lease forward.

Thank you, council. We at the film society are incredibly excited that the -- our lease has finally come to council because we have been working on it for four years. We had a number of professionals representing in the negotiations, we had the best lawyers in town, engineers, project architects, managers. We have been very fortunate they have been willing to donate their services pro bono, we would not have been able to afford this four year process. City staff has also put in a ton of work and gone -- gone above and beyond the call of duty and so I -- i particularly want to thank pam hefner, sue edwards, rodney gonzalez, nick [indiscernible] and the city's attorney andrew ingram. The word urgency I think is a little bit of a red herring. It's been four years and this -- this city staff and city lawyers are very happy with the agreement. I do want to just bring up something here about process. The austin film society is a non-profit organization and we have the oversight of a board of 21 people which represents leaders in town, business people, film people, philanthropies, ceo's. We are a non-profit, also a business. The only difference between us and a regular business that any profits that we make have to go back into the organization so they don't go into my pocket, the board president's pocket. That's the only difference. We have to function. I'm prepared to talk about sound check today. In fact I would be delighted to. But it's more the lease that I came here prepared to address. What I would like to say about urgency is simply last november sound check contacted us, we have been working back and forth with them to see if we could come to some kind of terms. We came to a term sheet really happy with what they are willing to do here. So now we're working on the sublease. If we can get that done, if we can get into the dialogue with the community and get them comfortable with that, then a delay of say another five weeks just hits five more weeks on the critical path of the four month buildout. However, it's not the end of the world. I would really like to see the lease get passed today. I would like to just talk a little bit about the business situation. Stage 4 is the one that we have been talking to sound check about. And it's been empty for a year and it's in the past two years hasn't pulled in enough rental dollars to even pay the overhead that it takes up. What sound check -- the lease terms that we are trying to work out with sound check, they are going to pay us more than twice what the average that the -- stage has pulled in over the last eight years. They are also going to bring \$500,000 up front in improvements and they are going to be bringing about \$700,000 worth of digital infrastructure equipment. So it's a great business deal. It would -- I definitely am looking forward to engaging with the community, that we have set up. Next thursday. I will get into more details with them about the film society's financials or our master plan and our process. But I would say that it would be really unfortunate if this were to be delayed because of a lot of misunderstandings that have been swirling around the community just in the last week.

I guess I'm curious, who has seen the master lease agreement, getting the connection to sounds check. I mean, how -- let's try to keep the two things separate because I think that we're going to have an opportunity to have -- they are two separate deals. What is the sense of urgency to having your master lease agreement approved and executed today? Is it strictly because of the potential delay of sound check?

It's not tying our hands as a business. I mean, we have -- we have -- there's two fox pictures that were green lighted earlier this week we are going to be renting to. There's a big massive sublease document.

We would like to get the new sublease in place because the one in the last eight years isn't written as an efficient business document. This is strictly business. you have been working on this new lease agreement with the city, city staff and the attorneys for four years, and with mueller on the negotiation, the mueller airport people with the negotiation of the fences and change in the boundary and all of that.

Yes, it was really complex because there was the boundary, there was questions about the mueller design guidelines, there was a mter development agreement with the catellus, there was a question of drainage responsibilities, there was a question of who pays for the boundary fence. It was very, very complex issue and it's -- should be a matter of huge pride for this community that we were able to pull through that.

Thank you, ms. campbell. We do have a number of other folks who wanted to give us continuing testimony. Let's see. Beth sepcos signed up to give us testimony. As has michael alie, sorry if I'm mispronouncing that, michael. How about john pritchet. Welcome, john, you, too, will have three minutes to be followed prominak.

Mayor, council, I stand here just to represent a member of the film community. I am a sound engineer, a sound mixer who works on motion pictures. It's been 16 years I think that I have lived here. In those years I have done a few projects here in town. I have missed my family a lot. I just came back in fact from working in portland, oregon, kind of an austin wannabe town. They have a great incentive program already in place, thank goodness now we have one. We are all looking forward to the probability and possibility of being able to come back to town to work. That's really what i personally want to do. I am completely in love with the music industry here. I was a musician back in THIS TOWN BACK IN THE 70s. I think. [Laughter] I would want to see more music production and more facilities and that sort of a thing, but I think it needs to be made clear that this facility and this austin film society is called as my wife pointed out, it's the austin film society. We are not going to help our film community by making any more facilities available for anything besides film. Great that we have those facilities, great that we are able to provide all kinds of things for the music industry. But we as film people need more things for the film industry. I have a very good friend who used to be the head of production for spielberg's operation, now an independent producer called me the other day. They have a project, they want to go someplace besides l.a. Two things that kept him from coming here were at the time the incentive program that was waiting and lack the facilities. I should also think that it's important to point out incidentally that the property they were talking about is the city owned property. That it's taxpayer money that paid for all of this and that the taxpayers, me being one of them, have -- should have a say in what we do with that property. I thank you for your time.

Mayor Wynn: Thank you, mr. pritchard. Rick, welcome, rick. You, too, will have three minutes.

Thank you, mayor. Mayor pro tem, mayor elect, councilmembers, my name is rick [indiscernible], I'm the vice chair of the robert mueller municipal airport plan implementation advisory commission who did not have there on their agenda. We would have liked to make an [indiscernible] speaking as an individual and someone who sat in on the meetings that involved the initial negotiation for the studio space at mueller airport, I'm -- I think the community is of course very much in support of continuing to studios at

mueller. No doubt about that. I have learned things this morning. I'm sitting here. Maybe there is an opportunity out there for a little more input on this. I have to leave it up to you how you want to proceed certainly. But I do want to continue -- there to be studios as mueller. So if you have any questions --

Mayor Wynn: Questions, council? Thank you, rick. For your service. Council, I think that's all of the folks that signed up to give us testimony. A number of folks signed up here to answer questions if we have them. Then a handful of folks signed up not wishing to speak. Questions of staff?

Leffingwell: Rodney i guess -- maybe the austin film society director would be the person to ask this question to, but -- come to think of it. When you negotiate the subleases, is there normally a discussion of a local hiring component to the people you lease to?

The local hiring component tends to take care of itself at the state level because of the way the incentives are structured you have to have I think 75% local [indiscernible] we do keep track, it's been running in the mid to high 70s ON THE LOCAL HIRING.

So the state requires the 75% local hiring.

I don't want to commit to 75% because I don't know the incentives law inside out, but it's something along those lines in texas hires.

Leffingwell: Do you think that would be a feasible thing for you to adopt as part of your lease negotiations or would that hamper you in some way?

I haven't thought about that. I guess the thing is we're just a landlord, we don't really designate to the sublessee how they do their hiring. I think that would add an administrative burden.

Leffingwell: So that's a legal question to be asked. But the fact of the matter is that the city of austin is subsidizing the film society who in turn in effect that subsidy is carryinged on to others who sublease from you. Normally when we do a subsidy a local hiring component of it. Do you have a comment on that, rodney, do you have a comment on that?

For the local hiring. I think it's kind of done already because the tenants by its very nature are hiring locally. But it's something that i think if the council is directing to put into the lease agreement, we can look at that. I would let rebecca answer to how difficult or not it would be to engage in that type of lease agreement. I'm not sure if that answers your question or not.

Leffingwell: Well, doesn't answer it exactly. But I think that's something that we have to consider in these negotiations.

I know that [indiscernible] is here from [indiscernible] [inaudible - no mic]

Leffingwell: Sure, I'm not sure anybody could hear you, but I did.

Quickly are we talking about subtenants or people that lease the hangars themselves?

Leffingwell: The concern that I have heard this morning seems to be bringing in an out of town company are they going to hire local or not.

Okay.

Leffingwell: Did you say someone else was here that would have a comment on that?

In terms of the difficulties of having a local hiring standard, the paperwork that they would have to fill out, I was thinking nan bernstein from is used to doing that, she does it for friday night lights. If you wanted to get technical advice from her, she would be able to do that.

Leffingwell: By the way, we do have that requirement with friday night lights, also.

Okay.

Leffingwell: Is she sheer.

I didn't mean to put you on the spot, sounds like council might like to hear from you. Sound check did fill out economic development paperwork and so rodney has seen that. I believe they are looking to grow to 30 permanent jobs. I think the first few jobs where they are setting up the office would come from nashville, but then I think they are looking strongly to do local hiring.

Mayor Wynn: Further questions, comments? Mayor pro tem?

McCracken: I think one of the things that's a fair question on local hiring, but we actually with tourism in the film sector have some different interests at play. One of which is to develop a local film sector, so for instance everybody who works for austin studios in austin they kind of have to, this is where their job is. But films that come into your city you are kind of like tourists where they may use your facilities in your community and spend money in your city and then they leave. So that is then viewed traditionally as one of the economic benefits of both tourism and the film business is that you have a lot of people who bring money into your community from other cities and then -- and not using your city services. So -- so I think with the film business it gets real complicated quickly if we have some kind of local hiring requirement just because that runs in the face of one very recent -- one of the very reasons why -- one of the factors in addition to promoting local film jobs, one of the factors being -- bringing in people, bringing in money into the community but don't use their services. The -- the -- I've been personally aware that this has been -- these lease negotiations has gone on for several years and they have been real challenge. I think that -- it sounds like a lot of -- there's some actual negotiations for film productions that -- that are -- that are impacted, if we aren't able to move forward now. And I think there is actually another reason why it's kind of a problem, that is the new state film incentives law is -- is -- it is a much

better incentives, film incentives law, much better funded than we have seen in the past. But there is a likelihood that there is only going to be enough money to cover about six months. So if we -- if we damage our ability to do anything for a couple of months, we actually may be harming our ability during which may only be about six months of funding for new films that delay -- I do think that there's a concern given the possibility that the funding will run out pretty quickly in the state film incentives by delaying the master lease for us. If we were to have the actual sound check nashville sublease come forward in a different date, I don't think -- that doesn't strike me as being that big of a problem. But I think there are a variety of reasons why it would be a problem to delay for six weeks possibly longer for the master lease itself. Particularly given the state funding issue. That's just --

Mayor Wynn: Any further comments, questions, mayor pro tem?

McCracken: I do think one of the things that we are seeing in our creative economy is that it is all working together. For instance we are having video game productions at film studios now. And the -- in fact the state film incentives law includes funding for video game production as well, i believe. But the music video productions are -- are a big component of video games for musicians, this is all becoming incredibly intertwined in the creative economy, particularly with the evolution of digital media. And -- and in the film sector, in the music sector, the video game sector, everybody benefits if we have a financially viable creative economy center at austin studios. So to the extent that we are able to provide more creative economy benefits of -- at austin studios, i think that at the point that sound check nashville comes before us, I think there's a benefit to us, you make austin studios more financially viable, you bring in a more creative opportunity, music video opportunities. So I would encourage folks to have an open mind on this because the way things are evolving in the creative economy, there's no silos anymore. That's -- you know --

Mayor Wynn: Thank you mayor pro tem. Further questions, comments? Motions? Mayor pro tem?

McCracken: Mayor, i will -- I will move approval of the master lease agreement that's presented before us.

Mayor Wynn: So we have a motion by mayor pro tem to approve item 16, as presented. Seconded by councilmember shade. Further comments? Councilmember shade?

As a second, can I make any amendments? I really think the issue of the local employment, the connection to this obviously -- you know, complicated deal with sound check needs to be addressed. I want to amend this so that we require that agreement to come back before council before any signature from the city comes to play. I'm -- I'm -- I think also you should include in that direction the -- the requirement to address this issue of local employment.

Mayor Wynn: So mayor pro tem, do you consider, the fact negotiate only amendment --

it's actually negotiate and execute the master lease but do not -- but with the -- with the -- with the changing of that agreement such that you would require any sublets to come back to council for

approval. Or at least ones that are -- I don't know what's the right way to do that. But maybe clearly I don't want the sound check deal to be signed by rodney without it coming back to council. That's my intention.

About the language -- [multiple voices]

I would like to hear that.

The film society is not allowed to put in more than \$50,000 worth of improvements without going to the city. So the sound check deal is far more than \$50,000 worth. So we will have to go to the city, so I think if you hang it on the \$50,000 rather than on subleases, that will mean -- does that make sense?

Yeah, that makes sense. So subleases that require city approval, ie \$50,000 and greater, they require coming back to council for approval, so that is separated from what we're approving today.

McCracken: Sounds fine to me, too. [Indiscernible]

Mayor Wynn: We have an amended motion and second [multiple voices] mr. Gonzalez, yes?

With regards to the job requirements are you talking about the master lease with the film society or are you talking about the subleases that rebecca engages in? I'm really talking about the subleases.

Okay.

McCracken: My understanding is it was simply to address that issue because we don't really know at the moment what that might look like; is that correct? I think it's going to depend on who is trying to sublease.

Mayor Wynn: So we have an amended motion and second on the table approving the -- the authorization of negotiation and execution of the master lease with the film society, but with additional direction and requirements regarding council approval of sub-- sublease.

[Indiscernible]

yes, in excess of 50,000.

Okay. Councilmember morrison?

Morrison: I think that I have questions for staff because I'm a little confused that we're talking about -- okay, first of all you said that staff can sign-off on some things on subleases at this point. Is that -- so I'm confused about -- did you say that before the previous lease had staff --

it's anticipated that if rebecca was to move forward with the sound check that it would require approval.

Morrison: Okay so this changes in general that any sublease that has an amount greater than \$50,000, would come -- currently it would come just to staff, but now we're changing that, that it would come to council; is that correct?

Yes. [Applause]

Morrison: Okay. Is that -- so that's just for subleases and is that \$50,000 a year or is that \$50,000.

In improvement.

Morrison: For the total. I'm not talking improvements, I'm talking subleases because that's another confusion that I have. Did you intend it to be, maker of the motion, councilmember, 50,000 a lease, sublease 50,000 per year or cumulatively over 50,000 -- my intention was any of these sublease agreements that would require the staff to approve, would now need council approval before staff can approve it. If that's -- if that's 50,000 a year, then that's -- but I thought it was tied to improvements being made.

I believe it was the cumulative total, whether it's per year or the cumulative amount of the lease.

Okay.

Morrison: So it's -- any lease that involves more than 50,000 a year will come to council and so can you explain the difference between leases and --

it's not a year, it's cumulative.

Morrison: I mean cumulative thank you.

McCracken: Just improvements, too.

Morrison: But okay what do you mean by improvements? So I'm confused. Just improvements or the -- or the actual rental costs?

I think it's combined. Some of these subleases require improvements to the facility, whether it be through the rent or through improvements to the facility it combined cumulative total of 50,000 or more.

Morrison: So it's either one. Thank you. Then I want to make a comment. I will go ahead and support this. I think from a general standpoint we have been running into this pretty often. The difference between negotiating and executing and -- and here we have -- we're approving negotiation and execution, but actually negotiation started four years ago. And so I'm just thinking that -- that as the council and as city staff, we really need to think about -- about what we're doing and when things go

forward because i think that if we had this conversation four years ago, we could have made sure that we got into the process, the folks that had an interest in boards and bond oversight committee and all of that. I throw that out for that's something that I think that we should all think about, council and staff and trying to find a more productive way to do it just if general. that's just for the future.

Mayor Wynn: Right. Mayor pro tem?

McCracken: I want to nuchols from a legal standpoint that we articulated correctly what the status is of the \$50,000 improvement versus [indiscernible] that kind of stuff.

As I understand it, what would come to council for approval would be only subleases that require more than improvements.

McCracken: Because it is my understanding from mr. Nuchols that's the standard that will triggers it coming to management for approval.

Right.

McCracken: To give you an example. If a movie production is going to rent austin studios and spend more than \$50,000, I do not believe that would require management to approve the movie being shot in the studios, is that correct?

Right.

Even if it were over \$50,000 in rental payments.

That's my understanding of the motion.

McCracken: The reason why I bring that up is i think we saw at the state level the risk of -- of an elected body getting into decisions about -- about creative freedom and -- and I -- so I think the improvements, because those are alterations, I think that is very valid, but I am concerned about -- about getting that deep into the business of the studios about which movie companies they are leasing to. Because then you might have, you know, some issue about whether the government has to approve the content of the movies which has gotten the state in so much trouble.

Councilmember morrison, we have an amended motion and second on the table.

Morrison: Thank you for that clarification because i thought that the previous conversation was the opposite of that. So -- and --

McCracken: That's why i saw tom shaking his head, so I called him up.

Morrison: Okay. So -- so the sound check sublease would fall under this because we're expecting more

than \$50,000 in improvements.

That's my understanding.

T your motion, councilmember shade.

Mayor Wynn: Actually mayor pro tem is the maker of the motion, councilmember shade is the second. Mayor elect?

Leffingwell: For further clarification, it's my understanding that what we're saying here is that any sublease agreement that would normally have to go to city staff for administrative approval would now have to come back to council for approval.

If it involves more than \$50,000 in improvements.

That's the standard [indiscernible] right?

Right.

What I said is correct --

that was my intention [multiple voices]

if it triggers staff approval, council should look at it before it get approved.

Leffingwell: My feeling is that when -- in that instance, when it comes back to council, we can address on an individual basis the question of local hiring. And I'm not convinced that this isn't something that we can't successfully address because we've done it before and the state is doing it, from what I just heard this morning. That would be the proper time to address that issue would be when the sublease comes back here.

Shade: agreed.

Mayor Wynn: Well put. Thank you. An amended motion and a second on the table. 16, further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 6-0 with councilmember cole off the dais, thank you very much. [Applause] so, council, that take us us to -- to our noon citizens communication. A few minutes late. Apologize to folks who are waiting patiently. As we let the chambers, our first speaking today will be yvette rodri actually -- thank you. So without objection, council, we're going to slightly change the order of folks who have signed up. Again, folks please take your conversation out in the foyer, we would

appreciate it. We have more business to conduct. Again, please take your conversation out into the foyer. First speaker is going to be erika gonzalez, followed by yvette rodriguez, carmen llanes and samantha rodriguez. Welcome, erika. Folks again please take your conversation out in the foyer, we would appreciate it. We have business to conduct here. Please take your conversation out into the foyer. Welcome, erika, thank you.

Thanks.

Good afternoon, mayor, city council members, I'm erika gonzalez, here today with poder and also with 20 students, middle school and high school students that are part of poder summer youth leadership development program. And for the past two summers we've been asking you to please do something about pure casting, to relocate it, we really want affordable housing built there. For the past two years poder's young scholars for justice have been protesting, holding press conferences and they have surveyed the community around the facility around pure castings and we are here again today to remind you that we are still wanting this to be relocated. We want it shut down and affordable housing built there. Like I said the past two summers we have presented you with surveys that we have conducted. We would like to remind you that the people that most people didn't know what that facility was. But 100% people of those people that we surveyed felt that knowing of the hazards they did not want that near their homes. 100% Of the people felt that they really supported the building of affordable housing there. We would like to thank councilmember mike martinez for hosting this first stakeholders meeting with us and we would also like to thank councilmember laura morrison for helping us meet with david lori, the director of the travis county health and human services department. For those viewing this for the first time, for those of you here who do not know about pure casting, it's a metal foundry located right across the street from zavalala on robert martinez and ford street. It generates 220 pounds of industrial class 1 waste per month. The texas commission on environmental quality, tceq, has done testing and air monitoring at pure casting and has found that pure casting uses 12 highly toxic metals which have toxic effects from exposure to the human body and even the fetus of an unborn child. neil carmen has helped poder find gaps from tceq testing. He concluded that tceq did not mention the carcinogenic nature of 12th of the toxic levels submitted. Also failed to mention nixons cancer effects associated with the 12 metals, such as developmental, respiratory, reproductive, glandular system, blood, liver, kidney, sense organ and musculo skeletal toxics. As you probably agree that this facility should not be located near these homes around schools and around a rec center and we know that you are looking into participating -- purchasing this land and we just want you to speed up the process. We don't want to come back here next summer to repeat our message. We really hope that you really speed up the process for the safety and health of east austin community. Thank you. [Applause]

Mayor Wynn: Thank you, erika. Our next speaker is yvette rodriguez followed by carmen llanes.

Hello my name is yvette rodriguez, I am 18 years old, I have grown up in east austin for my entire life. I have been with poder for many years helping them fight injustice and pure casting is an injustice. We held a press conference ON WEDNESDAY, JUNE 10th, in front of the pure casting facility. Located at 2110 east fourth street next to the zavalala elementary school. After the press conference, poder's young scholars for justice went door to door informing residents how to file a complaint if they are exposed to

odor, dust and/or noises coming from the pure casting facility. Now that school is out, children and area residents will be outdoors and in the neighborhood and poder wants to make sure that the area residents are informed about protecting their health. Are you going to continue letting innocent children breathe in harmful chemicals and go to school right next to pure casting? If you think that it is okay to live next to or in front of the facility that releases harsh chemicals and causes illnesses, why don't you go live there? You go there and breathe in those chemicals. I think that you wouldn't like that. So if you don't like that idea, what makes you think that we do? Our barrio is entitled to breathe clean air and live in peace. What is more important than our children? You all know this is wrong and it's time for the city council to step up and take down pure casting. We must protect the children and the next generation of this city. Poder and area residents are asking the city council members to take this matter seriously and think about what is most important and necessary, the city of austin should be building and providing affordable housing for the families and needs, relocate pure casting and replace it with affordable homes. [Applause]

thank you, yvette. Carmen llanes, three minutes followed by samantha rodriguez.

Thank you, good afternoon council, mayor, mayor elect. Once again poder and the young scholars for justice have come to you to speak about the pure casting facility. I would liked to quickly mention we still have the full support of the sierra club on this issue, we are proud to have worked with carmen to analyze the support from tceq that failed miserably to highlight the very real dangers found in the testing in the 400 page report. I urge you to refer back to carmen did with us and the analysis and presents that he brought before you when he testified with poder that pointed to the very real dangers of metal foundries located near homes. Councilmember martinez and [indiscernible] you have met with us several times last year to discuss it's. It seems that you have also investigated the possibility of relocating this business to land in industrial parks and even the possibility of using brown fill money from federal resources to clean up this site for affordable housing. We ask today that you include us in these conversations and keep poder updated on the progress so that we know what to tell the very concerned residents who are coming to us. Since we began this campaign we have also spoken at the bond commission hearings about using the \$10 million of affordable housing money allocated for 2009. We were told that the bond commission would like to do further research to see how many housing units could be placed on the 36,000 square feet where pure casting stands. While further research is done and possibilities for land use are explored, a hazardous metal foundry continues to pollute a residential neighborhood in east austin. As one nearby resident recently told us, pure casting is operating in full speed these days, lots of deliveries, more dust, longer hours, et cetera. As we speak to you today, the kindergarten playground at zavala elementary school continues to collect silica dust and a cocktail of carcinogenic chemicals. Children continue to walk to school while dozens of 18 wheelers load and unload industrial equipment. When class is in session, industrial noise sawing, grinding, hammering, continues to go on during classroom hours. People in the community are looking to us for answers on why this facility is still running in a residential neighborhood and we are looking to you today. We ask you to be our champions to move on this issue, to keep us uptake ited on what needs to happen to turn this facility into a safe place for affordable homes as soon as possible. Thank you. [Applause]

Mayor Wynn: Thank you, carmen llanes. Samantha rodriguez? Welcome.

Good afternoon, I'm samantha rodriguez, 17 years old, I attend austin high school where I will be a senior this fall. I'm also a young scholars for justice at poder, and have worked in past years on a variety of community issues including the availability and gender equity of youth services in austin. I'm here today to speak about youth services and budget cuts. We are concerned about the budget cuts that will close 11 swimming pools in austin including montopolis and kealing pool in rosewood. These pools have over 4,000 people in the few summer months they are open and even though they are less [indiscernible] than other pools, many of the families who use this do not have cars and walk their families there so they need them to stay open. [Indiscernible] pool in particular serves an area of montopolis with many, many children. The remaining pools would become extremely crowded if these pools were closed. The budget proposal also says to replace many of the pools in austin with flash pads. They are for younger children. Older youth are not going to want to run around a children's play place. It means eliminating recreation for older youth. My next and greatest concern is youth employment. During the summer of 2006 poder's young scholars for justice participated in the youth services forum. The purpose was to gather information about the youth needs concerning services provided by the city of austin and by parks and recreation. The reality is that youth are no longer looking for jobs just to get paid. They are now looking for jobs that will offer real life skills and training, participants at the youth services forum mentioned that employers look for work experiences having criteria even though most youth are just beginning their work experience at the age of 16, it is therefore impossible for their work -- for them to have a long resume of work experience at such a young age. Considering that we have all of the stimulus money coming in, the last thing that we should be doing is cutting opportunity for youth to gain employment opportunities and job skills. We urge you to seriously consider the youth employment services in making tough decisions about the budget. We are austin's future and we are depending on you. Thank you. [Applause]

Mayor Wynn: Thank you samantha. Councilmember morrison?

Morrison: First I want to thank all of the folks from poder coming down and keeping us on our toes and paying attention to the pure casting issue. I think that -- I wanted to ask if -- if somebody from health and human services could come give us an update on the timing, one of the things that's resulted from a lot of the work that's been done in the past is carmen was an additional test that tceq was performing and maybe we can get an update on that.

Thank you. I'm shannon jones, assistant director for public health. I'm here to give you an update on where we are specifically. The latest update is that we have done soil sampling through tceq. And it is important to understand that those test results we are waiting on. We were notified as of june the 11th that within the next two or three weeks we should be getting some definitive final results back from that. As soon as we have that information, we will make it available to -- to mayor and council. Additionally, councilmember has asked that we obtain absentee data from zavalva elementary school. Our cheap epidemiologist is now in the process of coudling that -- chief epidemiologist. We have let tceq know the importance of getting that data as soon as possible, we anticipate having that data within the next two or

three weeks and being able to share it.

Morrison: I want to commit to the folks from poder we will plan to touch base with you then in three to four weeks or something like that, also working around summer schedules, we will see how creative we can be going from there. Thank you. [Applause]

Mayor Wynn: Thank you all. Thank you mr. jones. Our next speaker we have three folks signed up to talk about billboards. Without objection, council, I would like to lump these three together. We will start with jeanette auerbach, to be followed by charlie brown to be followed by [indiscernible]

good afternoon, mayor and councilmembers and audience. We have brought several austin residents with us today. Even though we are speaking they have photos and firsthand experience of the unpleasant situation at the bridges condos on riverside and lamar. Would you stand even though we have people leaving. Thank you. Some are very busy today trying to contact generation began billboards and -- reagan billboards and the owner of the land where the billboard sits just to currently get you up to date. We have not had any affirmative response so far, but let me give you an overview. Our expectations when we come to austin, the problem that we foresee and have now, our understanding and our request to work with you, the councilmembers, as our partner in this. Because we understand that it's complex, it stems from a relocation ordinance. And we have a third party involved. Our -- our request to you and to reagan is that we want reagan to voluntarily take that sign down. But we need your influence to do this. And so today before recess I'm calling to ask for your support in our being active, very active, during this month's recess, to work to get that sign down. Just to go back over the points. My husband and I moved here after seeing the bridges in february. We saw the plans of town lake. Its overlay and parkment the gateway to we thought a beautiful city into which we could retire. And that other people, like ourselves, were moving here to austin. This appealed to us. In fact, I'm going to leave with you some photos of the entrance to our home. There are 104 homes there. With families, single people, and more to come. So -- so --

Mayor Wynn: You may, jones will pass them out to us. What we found when we moved in on may the 10th was in fact a surprise. And the front -- an affront to us of new citizens of austin, because there was a newly quickly erected billboard and we have the photo of that entrance of these signs, [buzzer sounding] they are here. What we see at this point is not only depreciiion of value, but also the visual appeal has gone down for the town lake corridor and in this particular case the city is our partner because reagan who we have tried to contact, the owner who we have tried to contact but doesn't talk to us, says they are interpreting an ordinance, this is only in our opinion,s should we give them the benefit of the doubt, that this is the first interpretation of the new ordinance. For us it's the only one in which they have interpreted the ordinance. In which we are direct victims. We want reagan to take this sign down.

Mayor Wynn: I need to ask you to please conclude your minutes have expired unless perhaps charlie brown and/or gerard want to donate their time to you. Please conclude.

This is 15 feet from our apartment. We will leave this with you as well. This is what we need then in

conclusion. We need one councilmember to be our contact during this month while you are recessed. We would like to report back to you and need your approval to do that on what our progress has been during the next 30 days. We would like you to know that we are contacting reagan to ask them on to voluntarily take the sign down. [One moment please for change in captioners]

I am sure a rocket scientist would have no problem in solving this equation, so I called my friend who is with nasa for assistance. I mentioned the component background and history of the billboard, and his response was, I'll pass. How do you right a wrong using math? Not so good. So how do you right a wrong? Is it a game? Austin is known for its competitive nature with sport and we thrive on it. For every winner there is a loser. There are rules that govern and officials to preside over the events to ensure fairness. Sports are restricted to time and in the sports arena time is both essential and valuable. When something goes wrong, the time stops and the situation is then evaluated. Now we're getting somewhere. How do you right a wrong in gains? Is it through evaluation? During this perusal period, one evaluates the act, looks at policies that govern the act, determines the intent and makes a ruling based on those components. Two words I like to point out are perusal and intent. Halftime. I'm going leave the arena and turn my focus on the structure that consumes my backyard. After reading the ordinance, and I have found better entertainment in the longest novel ever written, war and peace, by tolstoy, that the billboard ordinance, the intent is unclear, blurred with gobble degook, vaik and subject to many determinations, thus leading to many assumptions. How do you right a wrong with intent? Taking some quotes through my research, the intent to move the billboard away from homes, historic districts and scenic corridors, the billboards were banned from being transplanted to central austin. Intent f this proposal is passed, as intended to relocate them, they will be here for another 30 years, even if we move them from one portion of town we're creating a problem from somebody else. Intent. The intent here was to ensure that we unclutter austin as best we can. How do you right a wrong? By owning up to the error of find agriculture quick and viable solution and producing language to protect those whom you serve. All this being said there are things going right. This forum has been a great venue for us to voice our concerns and I thank you. You have taken the time out of your busy schedules to meet wuss personally and for that I say thank you. [Buzzer sounds] the wrong at day's end when I go home and I see the view of pinochio or click it or ticket, I will say I am in agreement with those things, however to look at it unconstitutionable. As players, winners or losers in this game at the beginning of the final quarter, the outcome is clear and it is our hopes that we will be victor just as the buzzer sounds and the game is over. Please do what is right. Thank you.

Mayor Wynn: Thank you, mr. brown. [Applause] our final speaker on the billboard section is girard kinney. We received an e-mail from girard and it has been passed out as well. We will certainly note that for the record. Thank you all very much. Councilmember shade.

Shade: I would like to make a comment, which is that I did meet with charlie yesterday, and I have been in contact with reagan and i think most of the neighbors know that I have been. I mean, I'll be happy to be this point person that you've asked for, ms. auerbach. But I do also -- have heard from reagan that they have actually been in contact with you. So I think that there are some people they've been in contact with, perhaps not all, but I don't think that was a fair characterization. I think they recognize that there's an interest. They are part of this, but they're not the only player here. And so I just -- while we're

here I want to ask, and i want it to be noted on the record that reagan did contact you at my request. They contacted last thursday and they said that they wanted to meet with y'all on monday. There was apparently a meeting scheduled and then that was cancelled. You talked about getting a new meeting scheduled. And then late yesterday, probably just about the same time I was meeting with charlie, there was some discussion about having a meeting this morning, which reagan's schedule. And I think with less than 12 hours' notice that's a fair -- I guess it was 18 hours' notice, that seemed fair. So I promise that I will continue working on this during the break, but i think that the way to get to resolution is to recognize that everybody has a stake in this game and that the ordinance -- there's a landowner here, there's significant property value here involved with you as well as the lease that's been engaged in between reagan and the property hall houston. So -- mr. calhoun. Let's try to be fair to each other as we try to resolve this is all I'm asking. Thank you.

Mayor Wynn: Thank you, councilmember. Our next speaker is scott johnson. You will be followed by richard troxell sell.

Good afternoon, mayor, mayor-elect, councilmembers, mr. ott, staff. I do support the shut down of pure casting and I hope that gets your support. Related to a different matter than what I am here to speak on today, I would hikelike to make note that there are people who come down here regularly to speak on citizen communication, and while I think it's important to give people their three minutes, it may be helpful for you, one of the councilmembers, to meet with one or two of these individuals such as gus pena, and sort out what his issues are and then ask him if he would voluntarily not come and sign up every week opening up space for other people. This week based on my research, there were six people who could not get on for citizens communication. Obviously I'm here, he's not here, but that's something to consider. The issue that I'm here to speak on today is cell phone and text messaging while driving. Many people have cell phones, many people use cell phones while they're driving. There are a lot of issues surrounding this. Mike martinez and his office have taken a leadership position to bring this back, hopefully later this year to the city council. There's some facts that are irrelevant refutable and one is that it is a high risk behavior. 50 Peer reviewed studies, meaning studies that have been reviewed by more than one group, have indicated that these risks are great with regard to cell phone use. Very high risk behavior. Also people are four times more likely to be in accidents. And this comes not from someone's blog, it comes from the new england journal of medicine working in conjunction with the insurance institute for highway safety. Another issue that's important to realize as we start to frame the debate and get input from both sides of the issue is that there's no cognitive distraction difference between hand-held cell phone use and hands free cell phone use. It's something to keep in mind. Cell phone use contributes to an estimated six percent of all accidents nationwide, 2600 deaths nationwide. If you think of our area as having a million people in population and consider that, there would be several deaths attributed to cell phone use at least in our region if not within our city limits based on those statistics. There are other issues that crashes are -- driver inattention is the main while there are other more riskier behavior, high risk behavior when you're driving, cell phone use has been shown by a virginia tech study to be the most prolonged issue, the most prolonged risk, and therefore the riskiest of these behaviors when you consider how much time people are doing it. So I hope the council will start to discuss this issue, try to engage the board and commission system, particularly urban transportation commission, and the telecommunications commission as we did when we had the cell phone tower

issue in the late '90's, the city council in their wisdom reached out and used the planning commission and telecommunications commission to vet this issue. [Buzzer sounds] I would be happy to answer any questions.

Mayor Wynn: Thank you, scott. johnson, council? Mayor-elect?

Leffingwell: I would just say that the other day I saw someone reading a novel while driving, so maybe we should look at that too. It was just a paper back. But on the question -- i share your concern about citizen communications, and it's one of the things that's high on my priority list. I definitely want to try to address this very soon.

Mayor Wynn: Great. Thank you, mr. johnson.

Thank you.

Mayor Wynn: Our next speaker is richard troxell. Welcome. You too will have three minutes to be followed by rae nadler olenick.

I'm president of house the homeless. I'm here to talk about jobs, homeless people. The city has recently spent \$40,000 to ask the question y are people standing on the streets of austin and soliciting? The answer came back for basic economic survival. To that end, we have conducted numerous other surveys ourselves, including asking folks that if they had a little education and were paid a living wage to find it's enough to afford basic food, clothing and shelter, would they take that education, would they get a job? And 90% of them said yes. We then went on to survey folks and we had some interesting findings there. We found among other responses, 37% wanted to become administrative assistants. 36 Wanted to become nurse's aides. 30 Dental assistants. High-tech jobs numbered 20. We had 36 people who wanted to become phlebotomists. The list goes o it's very interesting. But what it told us is folks out there who are homeless have dreams about living the same way that we do with living wage jobs. And so we came together as a grassroots organization, housed homeless, texas homeless network, committee ending homelessness, echo, community action network, and mobile loaves and fishes. And put together a forum on jobs for homeless people. That's what this booklet is about. It's about our forum. We reached out to the citizens in the community of austin, asking them to join us. Responses came from the chamber of commerce, the downtown business alliance, safe place, seton hospital, the list goes on and on. You can see it in the document. But I'm here to report what we've done to this point, the idea was to create a pathway that does not exist now for our continuum of care. Our continuum care is actually bolloxed in the middle because people the best -- the best we can do is put people off the streets into shelters and then shelters into transitional housing and from there they set with nothing else to do, with no jobs, nothing beyond that and we only have about 500 transitional housing units for all 4,000 people by last year's count. So obviously we have a serious problem because we are pouring over four and a half million dollars into this concern every year. Our idea is to fix the continuum of care, open up the lines so people can move through it, pass on, vacate the existing occupied housing units and make this available for the next people. After the forum that everybody heralded as a tremendous success, which we have brought in folks in from new york, best practices forum, ready, willing and able,

had a 40-million-dollar annual budget up there with their jobs programs. We brought in folks from corpus christi where the city has gotten involved in an internship where they're paying people living wages to get in to they are programs. We have come together and formed a taskforce. That's what this document is about. The document -- [buzzer sounds] I wanted to report to you that yesterday we successfully met. We transitioned from the idea of wanting to do something about this in the community to forging into a taskforce, which we now have 30 members from all walks of life, all the important , the chamber, everybody is together, we're all at the table, we're all saying the same thing, we've already gone to tasks. We've agreed on the tasks and we're now into committee assignments. I just want to thank this council for its leadership in supporting this. I want to thank mayor will wynn for his leadership. He opened up the conference. Mayor-elect lee leffingwell signed a glowing letter of support as did so many of the other councilmembers. We feel that there were four mayors involved in this. This is a true grassroots community effort to try and deal with the fact that there are people living and dying on our streets who need meaning to their life, want meaning to their life, and will benefit our tax base. Bring us altogether. So we are moving in that direction. I will report back to you as soon as we have additional forward motion. In closing, I would just like to say thank you, mayor will wynn for your service. You've done us well.

Mayor Wynn: Thank you, mr. troxell. Let's see. Ray nadler olenick. And girard has joined us, so he will be our final speaker. Welcome, ray.

Good afternoon, mayor, mayor-elect and councilmembers. A group of us have just completed an eye opening tour of austin's you will rick water treatment plant. I'll have more to say about what we learned another time. Budget is on my mind right now, having attended tuesday night's town meeting, which solicited citizen input about the city budget, albeit in a limited, highly structured kind of way. Afterwards there was a chance to take the microphone, and I haste onto mention the three-quarters of a million dollars we could save annually by abandoning water fluoridation, but I wasn't the only one to speak up about fluoridation. Several others did too and they didn't restrict their comments to the budget angle. It was clear just from talking to people around me at this big event that the issue is alive in the public mind and gaining traction. Many people have long felt that fluoridation was a bad idea for health reasons, but have felt resigned to it, believing you can't fight city hall. Well, we don't want to fight city hall, we want to work with city hall. And also on the subject of budget, reading documents obtained through texas open records act, I've learned many of the facts behind the city's recent renegotiation of its contract with fluoridation chemicals vendor. It seems they're own supplier, mosaic, had suddenly doubled its price, forcing them to pass some of the cost along. This can happen at any time the cost will only continue to rise. The reason given was great demand and increased cost of production. By production, I assume they mean fertilizer production. Someone recently sent me a picture from one of those florida fertilizer plants, and there it is, interesting, animal feed ingredients and uranium. That's something we don't often hear about, the radioactivity that can come along with the fluoride in our water. And maybe it's in animal feed too. That's all for now. Thank you very much.

Mayor Wynn: Thank you. Ourinal speaker is girard kinney. Girard, we had a good presentation from some other folks regarding billboards earlier. Welcome.

Thank you, mayor and council. I'm sorry I -- last week we moved the billboards to the end of the thing and so I assumed that would happen. I was in a meeting outside. Sorry about that. Really you heard last week -- and you all know the position of scenic austin and our desire to make the city more beautiful by eventual elimination of overhead electric lines and all kinds of things, but we're the one organization that directly advocates the eventual elimination of billboards as the city council eliminated -- professed back in the '80's when our no new billboards ordinance passed. We continued to do that. We look forward to working with the new council to do that. And our main thing today is we really did want to thank the councilmembers. We know that it's a complicated issue. We know that you're all behalf of the people of austin. We know that. We sometimes take issue with positions that you take, and when we do that, we will come and say so. But we particularly want to thank publicly again the past members of city council, mayor gus garcia, councilmember jackie goodman, for their leadership during their tenure on council. And for present councilmember brewster mccracken and mayor wynn who have in their ways fought very hard and have been scenic heroes to scenic austin. And we wish you the very best in your private endeavors and hope that you will join us from the private sector to help austin eventually eliminate billboards in our city. Thank you very much.

Mayor Wynn: Thank you for all your hard work. Mayor pro tem.

McCracken: I correspondingly wanted to thank my friend girard kinney. I've joked before that between 2004 and -- in the years 2004 and 2005 I probably spent more time with girard kinney and richard weiss than I did any other two people on the face of earth as we worked through the whole design standards process. And it's true actually. So I was getting paid to do that, and girard was doing it as a citizen volunteer. So my friend, I want to thank you for your tireless commitment and for giving so much to our community. I appreciate it.

Mayor Wynn: Agreed. So council, that concludes our general citizen communication for this week's city council meeting. So without -- there being no more discussion items until later in the afternoon, and without objection, we'll now go into closed session 071 to take up two items potentially, item 54, legal issues regarding amendments to the meet and confer agreements with the police and e.m.s. departments. And item 54, legal issues regarding the economic development agreement between the city and nbc. I anticipate us being in closed session for the next hour or so, and us not reconvening publicly until much later in the afternoon, perhaps around 3:00 p.m. We are now in closed session. Thank you. At this time I'll call back to order this meeting of the austin city council. We've been in recess now for about 90 minutes. We have three relatively brief afternoon presentations by staff. And I guess we'll take those sequentially as they're posted unless staff has a strong reference. The first one being an update on the austin go initiative.

Good afternoon, mayor wynn, mayor-elect leffingwell, council. Gale robert, cio, city of austin. I wanted to take this time to give the council a briefing on the austin go initiative, and to make sure that we are on target in regard to our direction and vision of the project. Doug matthews our public information officer, is out of town this week on business, so he's asked me to bring these key points to you. One of the first things that I wanted to focus on is the concept of open government and the fact that we have incorporated the transparency open government language from the council's directives into this

initiative. And I'd like to change some of that wording to say that we are in the process of looking at our core value and the design and execution of the new city of austin web portals. I think it's a little more than semantics that we move from calling it a website to a web portal. And that there is some risk in the partial clarity of what we're doing here. I think we've done a fairly good job in the community. We had another community meeting last night to talk about the web portal, and I'm sure that we'll have more input from the public. So we wanted to give a briefing basically on where we go from here. We've had sessions with each other, councilmembers, on the project, the project background. I won't labor the issue of the background. I'm sure that most of you are aware that there were five r.f.p.'s. There's some debate about whether there were four or five. From my research it looks like there have been five. There have been some continuous issues with the r.f.p. and the bids. Some of the vendors weren't able to come up with the performance bonds required or the -- or meet the mbe, wmbe certification and there were some issues with some financial solvency with some of those vendors. So we're moving now with the city manager's office and the city directives to begin to develop and establish a that will take into consideration some of the lessons learned from the initial development of the 's and to begin to look at the city's landscape as it relates to open government and what we would like to do to bring the community in to this endeavor. Moving forward, what we want to do with the austin go initiative is to begin to look at it from a collaborative perspective. We've got a lot going on in the community. We've got a lot of input in the community. We've had four or five open sessions. We plan to have a few more public forums to talk about what requirements will be needed with the new web portal. We're committed to that and the principles of openness and transparency to city government. And we're working now to put that denotes our need to bring the public in to par here. And we've got quite a bit more to do as it relates to gathering all that information, but we feel like we are on a good time line to begin to have that ready to be vetted in the community. One of the strategies that we talked about was to have a group of community individuals that would not be bidding on any of the to vet it before it's actually advertised to the vendor community. So we're working on who those individuals would be. We have a fairly good list. And then we are committed to going back and making sure that none of those individuals are interested in doing any of the work. ha will be released will have no prescribed technical solution. I think that was what got us in a little bit of trouble in the initial r.f.p.'s. So there will be no prescribed technology requirement. What we will do is talk about some of the city's current tools, some of the skill sets that we have so we're building a system that -- around some of the investment that we've made and particular tools here at the city. So we want to explore some creative models. We looked at the washington, portal, which is a nationally recognized portal. And their focus on bringing community, open government into the -- the project and how they went about that. We've had conference calls with those individuals. We've done a lot of research with the gardener group on 0 technology. will be completed in the next few weeks. will be, as i mentioned, technology agnostic, so vendors would be able to come to the table and propose what they think will work for the city. One of the challenges that we have as a city organization is that there's been a lot of focus on the lipstick part of this project and not a whole lot of focus on the back end pig part of the project, which are the back end systems. The back end systems here in austin are very disparate a and the real challenge for a web portal today is to have it be dynamic, not static, not like the old web portals that gave information, but did not receive information. So we're really moving from a static web portal to a dynamic web portal. That's the challenge that we'll have is how do we get the information out of those back end systems. So our new approach is we're going beyond the e

government that we will focus on and promote open government solutions for austin. So in the washington, d.c. Approach, there were ways to bring in the public, the vendor community as it relates to taking data from the city's web portal and developing web pages. The real hard work will be for the city staff to look at the back end systems and how we'll be able to manage that. Ha we hope to gain from you today, first of all, is your support as it relates to our moving forward. We're very much focused on lessons learned, making sure that we capitalize on the work that was done in the past, that that work is not thrown away and that we move forward quickly. We also want to have an that relates to a pay by deliverables contract. I've heard people say that we had that, but what we're really talking about is some specific language that talks throughout the project about what we're getting and what we're paying for. So we want to get to a prototype, but we also want to make sure throughout the project that we are paying for a system that works and that will carry us into the future. So there's going to be a lot of work put in to the development of the r.f.p. From a pay by deliverables perspective. So what do we need to get there? One of the things that we'll have to do with this project is define some governance. Part of it is the technology. The other aspect of this is the content that has to be managed within the city organization. Otherwise it becomes static, outdated information. We're going to work hard to find the content management system that will allow each of the departments to manage the data and the information that they are responsible for. But there has to be re-engineered processes around that, so we're working more towards looking at the technology, but also working with the city manager's office and the other departments on how that information and data is managed. Next steps from the perspective of the project would be to cancel the or the last r.f.p. has been cancelled. We'll rebid that. We're structuring the r.f.p. Definitely than it has been structured in the past. And then the bottom line for us is a proposed time line that the council and city manager's office can live with. And we're on the fast track on this project. Basically we will have a new for a target release date of june 29th. as I mentioned earlier will be vetted with some of our community leaders. will also be reviewed by the gardener group to make sure we haven't missed anything. That's an international i.t. Consulting firm. We'll see the prebid conference follow in about two weeks. After the issuance of the , a projected date of about mid august for final selection coming by the end of september after development of our pay by deliverables r.f.p. So the target for the r.f.p. Back to the city council will be october. We'd like to have the council's support moving forward on this initiative. Thank you for your time today.

Mayor Wynn: All right. Thank you. Questions for staff, council? Comments? Councilmember morrison.

Morrison: Thank you. This is exciting. I think for me it's very refreshing, and I've heard from the community, refreshing to be moving forward with this new perspective. I think it's going to stand as well. I want to mention a couple of things that you have mentioned that I think are really great. The fact that you're going to be taking the drafted to community to get it vetted, I don't know if you followed any of the conversation this morning, but lots of it has been about getting public input at the appropriate time with r.f.p.'s. That's going to help get it off the ground in the right direction. I appreciate that. I think there will probably be also quite a bit of community interest in the proposals that are given to us, so I hope we'll be able to include some opportunity for comment period to the council about the proposals that we get. I know sometimes contractwise we need to think about that ahead of time before we put out the to make sure that it's all co-pa set tick. I just wanted to mention that to you. I'm also pleased that I know you're talking about phase delivery. And I think one of the things we talked about is that that allows us to take

advantage of newer technology as the phases move along since technology is such a quick moving thing, especially when it comes to web portals. I think that's all going to be great. One of the questions I have or maybe just comments is there seem to be some conversation before, and I'm not sure where we stand on this, in terms of the kinds of features that we might be expecting on the -- from the web portal. Certainly data is going to be available. And the question is the end user free captures. Do you see that it's an improvement in the way citizens can do business with the city so that we'll actually be able to go online and do transactions, sort like our 311 I think at this point we can enter comments or 311 things. Do you see that as part of what we'll be driving, what we're looking for in the end, an improvement to these features?

Absolutely. I think our focus has to be phasing in transactions. And finding repeatable ways to get transactions online so that when we have a need to bring up a new transaction, that we're able to do that in a matter of days rather than a matter of weeks and months. The back end of that is having, of course, repeatable processes that we can adopt. And I don't want to get too technical, but we've got some challenges as it relates to our data sources, and the lack of service oriented architecture in city systems. We'll be under the hood, as they say, in the i.t. Organization looking at some of those things to bring about changes in the way our data is managed.

Morrison: So you're thinking about actually rearchitecting some of the back end?

Absolutely. Absolutely.

Morrison: Probably time for an upgrade.

Yes.

Morrison: And also just one other question. And that is, we did go through a series of town hall meetings I think a couple of years ago, maybe a year and a half ago. Do we still have the input from the public from those town hall meetings? And are we able to incorporate that into our plans to go forward?

Yes. The project team have done an excellent job of documenting all of that. So we won't have to start from scratch there. We have lots of requirements. We'll take those requirements and match them to the phased approach so that we're bringing online things that are important to people. I have to stress that we won't do it all at one time, but we hope to do it in a fashion that people see an immediate benefit to the citizens.

Morrison: And you mentioned that we've got all those documented. Is that document available to the public? I'm not sure, maybe it already on the website somewhere.

Yes, it is on the austin go website.

Morrison: On the austin go website. So we have a listing of all the input and all that. Great. Thank you

very much.

Mayor Wynn: Again, further questions of staff? Comments? We look forward to the continued work. Thank you. Council, that takes us to item number 56, our staff briefing and the annual report of the austin climate protection program. Welcome back anthony.

Good afternoon. I'm esther matthews with the austin climate protection program and I want to thank you for allowing me to present our progress. I want to thank mayor wynn for his leadership in climate protection. The one point I want to leave with you today is that austin is a leader in addressing climate change. This presentation is based on the climate protection program's april 2009 report, which was submitted to you on may 20th. The report is available on the city's homepage and it's also available through cool austin.org website. The austin climate protection plan resolution contains five subplans with specific goals to three plans. The goal of the municipal plan is to make the city of austin facilities, fleets and operations carbon neutral by 20/20. We've created a baseline inventory for 2007 and we will update annually to update our progress. We will be receiving renewable energy before 2013. 54% Of the city of austin vehicle fleet is alternative fuel capable using either propane, cng, eth national, bio diesel or electric drive transmissions. And the climate protection staff has worked with fleet to develop the fuel conversation policy, which has turned into the administrative bulletin 09-01. This graph represents the city of austin's share of emissions. You will note that the electricity used is two-thirds of the total emissions and transportation is the second largest contributor. This does include the power plant and water and wastewater treatment emissions associated with the city's use. It does not include the community driven -- community demand driven emissions or the disposal of waste by our customers. The municipal plan also called for a climate action team and we've called this the cat. The cat was originally represented by 12 different departments and in the first phase the cat identified 10 opportunities for greenhouse grass reductions. This was presented to you in an october 2008 report. Some of the examples of these opportunities was the green fleet policy, which was turned into the fuel conservation policy. policy, which is being pursued by ctm and , austin energy's i.t. department. And our city cycle bike share program which placed bicycles in five city buildings for city employees to use during work time. In the future we hope to develop an updated teleworking policy for the city employees and a green purchasing policy. The plan will be expected to be adopted by the summer. We're the first government to actually develop climate action plans at the departmental level. And this has been a very successful coordination between departments. We've been very happy to work with all the departments on climate issues. The utilities plans' goals is to make austin energy the leading utility in the nation for greenhouse gas reductions. To meet this goal, austin energy plans to set a cap of our emissions at the 2007 level and reduce emissions over time. We're on track to meet our 700-megawatt targets in energy efficiency and we are actually analyzing ways to exceed that goal. And we have almost half of the renewable energy needs that are called for in the plan. The third component is the homes and buildings plan, wunt we've probably gotten the most press about. The first effort was the zero net energy goal, which was set using our first -- our first portion of that was set using the international energy conservation code changes, which you implemented in 2008. And that gave us 11% more energy efficient homes. Being built now than were built in 2006. The second round of this four-step process will begin in october and you will see -- it will come to you in january. The homes and buildings plan also included a goal for energy audits at the point of sale, and this became the energy conservation and

audit disclosure ordinance or the ecad ordinance, as we call it. The audits began in may and the ordinance took effect in june. We have 60 registered ecad auditors, and so far we've noticed that we have about 22% average duct leakage through these audits, we've discovered also a need for six inches of additional insulation in the attics. It's important to note that this energy audit does not require these measures to be implemented, but we are identifying the measures for the buyers. In addition, the green building division has reviewed all the city programs that incentivize or mandate green building. And the division is developing a report for standardization. And the interdepartmental sustainability working group, the ifwg, which is an internal city department or citigroup, has developed processes to assure that the city projects meet the municipal building's lead resolution and the green infrastructure resolution. I believe this was their report that was provided to y'all a couple of months ago. The fourth component is the community plan. And to start our community efforts, the climate protection staff created a baseline community inventory with travis county -- with a travis county boundary, and we will update it every three years. Our community's stakeholder's group has been meeting for over identity months and we will be expanding the group in july. We invite the council to recommend individuals for our expanded group. We will be holding meetings with these community stakeholders later in the summer to help us identify main barriers to our greenhouse gas reduction and to help us build a program to reduce our community's efforts. Our outreach in education -- and education efforts have reached a diverse body of schools, libraries, state agencies, other city councils and churches. We've launched outreach programs such as our cfl recycling program, a go green library series, climate protection curriculum development with aisd and we're developing a marketing plan to launch our i mentioned the travis county inventory, and this is a representation of it. You'll note that travis county per capita carbon emissions is about half of what the texas per capita emissions are. This includes the greenhouse gas emissions from electricity, natural gas and transportation, but it does not include waste emissions. And of course, the main reason travis county has such a low per capita footprint is that we don't have a lot of big industry here and austin energy has a cleaner than average electric mix, and we also have our energy efficiency programs. The fifth component of the plan was the go neutral plan. And we have created a website in 2008 and we are looking forward to the upgrades that will come with the new website. Our website will host our calculator and our calculator will be unique because it will pull from the city's utility account information and use water energy connections. The the website will include the opportunity for a user to provide funds to offset greenhouse gas, their own greenhouse gas emissions, and those contributions will fund the local carbon -- local carbon reduction activities that are still to be identified. The go neutral plan also required us to assist in regional entities' efforts and our most recent request has come from the tarrant county workforce commission. We're developing a recognition program working with five of the city's boards and commissions. Here's our success. Through our efforts since the plan was implemented, we've managed to avoid 188,000 tons of co 2 2 equivalent carbon emission. In looking forward, we want to continue to work on our community engagement and recognition. We'll continue to work on our departmental plan -- departmental climate protection plans. We're looking for our local carbon reduction projects, and we are working with the office of homeland security and emergency management on climate change preparedness. Thank you.

Mayor Wynn: Thank you, esther. Questions for staff, council? Councilmember cole.

Cole: Thank you, esther, for this excellent work in your annual presentation. I had a couple of questions

about your outreach efforts. Can you tell me what you specifically do in the minority community?

I actually have some of my staff members here, and i would love for mary pretty to come up and give you a little bit of her efforts that she's implemented in the community. We have been meeting with several members of the community, and mary is actually our spokesperson for our outreach.

Mayor Wynn: Welcome back, mary.

Nice to see you all again. Thank you. Councilmember cole, to answer your question specifically, nothing specifically so far in the minority community. Right now we're dealing primarily with schools and we're dealing with all the schools, all the various age levels, whether it be elementary schools, middle schools, high schools. As esther indicated, we're working very closely with aids to get into the curriculum. We're wking with the faith-based communities now to get into churches. So that will certainly touch all churches in the area. So really we're just -- we're trying to reach everybody, and also open to anyone who is contacting us, we're certainly available to go out and speak to them and offering assistance that we can.

Cole: I think that it's great that you're working with aids. I'm wondering if you're working with aids to reach the kids in all the schools or is there just a certain school targeted?

No, ma'am. All the schools. We're working, as I said, to have the climate change curriculum in all the schools. And we're also working on a program -- are you familiar with what a kilo watt is? It's a device that we've purchased and we're putting in all the schools for the children to check out as a resource material. They can take this instrument home, they can plug it into the wall and they can see what the wattage that televisions and ipods and phones are using so that they can look for ways to reduce energy consumption at home. We're doing this at all the schools.

Cole: I know my son's school is getting it because he's bothering us.

And there are a lot of schools out there. And there is the theory of the squeakiest wheel gets the oil. But as the slide presentation indicated, we've spoken to over 60 events. I've had 59 of them. I would like to point that out. [Laughter] but we're getting to them as fast as we can.

Well, there's a couple of things, I've recently been having some meetings with some members of the faith-based community.

That's tough to say, isn't it?

Cole: Faith-based community, particularly some of the african-american ministers. So I probably will be calling upon you to perhaps make a presentation to those ministers so that we can get the kind of basic message out. And I'd like to just work with austin energy on that issue because I think it's a big one when we consider the demographics of our city and our state, and the difficulty of communicating

information throughout our city. So I'd like to work with you on that.

I appreciate that. I welcome the opportunity.

Cole: Okay.

Mayor Wynn: Further questions of staff? Comments? Esther, thank you. I'll try to be brief. There's been a lot written about the plan lately in the press, so I don't need to rehash much of that, but an important slide was the fact that we here in Austin and Travis County do in fact have a smaller carbon footprint than is typical, and dramatically better than that in Texas. Ultimately all of this is going to pay dividends. There's obvious larger literally global environmental benefit, but beginning Monday morning, House of Representatives will start debating the American Clean Energy and Securities Act, which is the American Clean Energy and Securities Act. This is the first carbon regime bill that is expected to be voted upon. They expect a vote by next Friday. So a carbon regime being we have to figure out how carbon dioxide and greenhouse gas emissions are taxed in effect. And by doing that, it's going to send the price signals that have been needed now for decades really for people to -- in a cost effective way choose less polluting sources of energy and less -- both electricity and in their transportation. So cities like Austin, communities like Central Texas, do in fact already do a measurably better job, that is only less than two-thirds of our electricity is carbon-based generation right now. So in a sense we're going to have to pay less for the right to pollute. And so ultimately as the -- whether it's the American Clean Energy and Securities Act that will be debated Monday or -- there will be something similar to that federal legislation. And so right now we talk about it often times in the context of environmental stewardship. The convergence of environmental stewardship and emerging technologies when it comes to clean energy, very shortly we in this country will be beginning to talk about how it saddles people money, both by consuming less energy first and foremost, but then also having to pay less for that privilege to pollute. And so Austin stands to be in better shape as we begin this national dialogue and analysis and ultimately paying the piper for our current practices. So thank you and keep up the good work.

Cole: Mayor, I have another question for you or -- maybe is more appropriately generated to you or Esther. It's my understanding that there's a significant amount of stimulus funds available for climate protection activities, especially -- or including outreach efforts where we're doing education and actually home repairs and that type of thing. Are we pursuing those or is that currently happening?

Yes. Many of the grant dollars that we are going for are specific to climate protection. And in the community they will be going for -- we have some low income, some weatherization programs that we're looking at asking for grant funding.

Cole: Okay. Great.

Thank you. Mary has one more point.

You know me, I never finish talking. I just wanted to let you know, Councilmember Cole, we will have a large presence out tomorrow at the Redwood Park, the Juneteenth celebration. We'll certainly be out

there tomorrow offering any assistance and provide information. So I did want to add that point.

Cole: I think a number of us will be present and we'll look forward to that and we'll try not to make anybody mad because councilmember martinez often throws away all his candy.

I'll find him, don't worry. Thank you very much.

Mayor Wynn: Thank you, mary. Again, further questions, comments? Mayor pro tem.

McCracken: Mayor, it goes without saying that you deserve a ton of congratulations for your leadership and vision. This is a landmark act of civic leadership of a city making a difference on the national stage. And it is a demonstration you have made a big difference in this country and in this city. I'm grateful and proud of you.

Mayor Wynn: Thank you. I'm proud of everybody.

[Inaudible].

Mayor Wynn: Okay. We'll compete will for the stimulus dollars. Just know that the lion's share of the stimulus dollars are sort of formula based, population based, so austin stands first and foremost to get our fair share of those big dollars, but then also a measurable amount of funds were set aside for competition. And I think that we're -- we have a very good shot in my opinion of getting disproportionately rewarded for how competitive we can be for smart grid opportunities, when it comes to energy efficiencies, when it comes to upgrades and the educational component that you talked about. I'm pleased with the effort that I see staff taking advantage of the -- what i consider a competitive advantage that we already have with the work that we've already done for austin to get a little bit more of those stimulus dollars because the competitive programs they've set up. So council, we have one more quick briefing before we then roll into our zoning cases. This last briefing is a presentation of the -- what we call the whisper valley p.u.d. And we actually have an action item related to that, item number 45, I believe, on our agenda. Welcome mr. guernsey.

Thank you, mayor and council. With your indulgence, we would like to present a briefing on item 57, and then probably have a representative for the owner make a short presentation. And then have pat murphy come up, our assistant director of watershed and development review and environmental officer for the city, come forward and speak to item number 45. And then if there's any questions, staff will be more than happy to address those. So let me get right to item number 57. This is a briefing on the whisper valley planned unit development located at 9000 taylor lane. The project is located in northeast austin just off of 130, north of decker lake road. Proposed braker lane would extend through this property from west to east. The property itself is about 2,030 acres in size. It's a mixed use development that contains approximately 179 acres of mixed use area, about 69 acres of commercial, and generally about 1,180 acres of residential. There's an -- in addition to this there's a considerable amount of open space, about 600 acres of public parkland and additional open space of 100 acres. is coming to you because about one year ago today, you approved an amendment to the planned unit development

ordinance. And so this briefing is being provided to you because of that ordinance that you passed one year ago this date. The amendment provided that staff look at development assessment and provide you comments, and you have those on the dais. We did look at what was known as the tier 1 requirements, and we believe that they have addressed those tier 1 requirements, and also considerable number of the tier 2 requirements. These are requirements that are part of the new p.u.d. Ordinance. And let me go through some of those items. ordinance identifies 10 acres of land, as I mentioned before, this is well over 2,000 acres of land. Also it deals with unique site development standards, permitted uses. This proposed p.u.d. Provides for its own set of compatibility standards that are slightly different than our current compatibility standards. The open space as I mentioned before is considerable, and it numbers over 700 acres of open space. They have agreed that they would comply with the grow green and ipm programs, and in addition would meet the green building -- I guess you could say the p.u.d. Standards. This is kind of like a two-star plus in that. They have also agreed to preserve several hundred acres along gilleland creek. As Pat mentioned last week he mentioned this is the head waters of gilleland creek and it's important to keep the character of this area. It would also be used as a greenbelt that would conserve the majority of this property. As you look at the exhibit that you have shown on your monitors right now, you can see where the creek kind of traverses the property from the southeast corner to the northeast corner. The property owner will be participating in the construction of Braker Lane. Also would be agreed as mentioned as part of the tier 1 requirements provide, public facilities. In this case it would be a fire station about two to three acres of land that would actually be dedicated to the city for the construction of a new fire station. But also would identify sites for future libraries, school sites, and a park and ride in the future. Still more in-- there are more incentive commercial activity at certain nodes, which would be the intersection of 130 and Braker and also an intersection of Braker Lane and Taylor, which is kind of on the eastern side of the proposed p.u.d. There will be a traffic impact analysis that will be performed when we receive the formal p.u.d. Application. The scope of the traffic impact analysis will be identified at that time. Also, the application will further identify and instill the maximum intensities and minimum intensities for development of residential uses on the property. During this preliminary review going through the development assessment, the baseline would probably take in a number of our mixed use commercial districts, which would be the neighborhood commercial and the community commercial lr-gr-mu districts. The tier two requirements they've certainly agreed to comply not only with our commercial design standards, but any amendments to those. And also again in portions where there's mixed use, they would identify and use pedestrian oriented uses on the first floor of their structures and those areas as well. We did have a letter of let's say no opposition at this time from the Park Springs Neighborhood Association, which is out in this area. They were careful to note that they would like further review of the planned unit development application when it comes in, and would like to look at in particular, the transportation issues that would arise when we actually receive the p.u.d. Application. We will do a more thorough review once we receive the traffic impact analysis once it's submitted. At this time I'll probably turn this over to Metcalf, who is representing the development and provide an overview of a little bit more detail and highlight some of the particulars. And then Pat Murphy will follow and speak to you about the development agreement that you have for action before you today that he provided a briefing to you last week. And at that point we can answer any questions that may arise. Thank you very much.

Mayor Wynn: Thank you, mr. guernsey. Welcome mr. metcalf.

Thank you, mayor. Mayor pro tem, councilmembers, mayor-elect, who is off the dais. This really is a culmination of about two years of work with staff. When we started this process, austin was considering what we called the sh 130 legislation. And that legislation was designed to allow austin land use controls in the along sh 130 and provide a mechanism to fund infrastructure. Because I think it's a preferred growth corridor. We want to see growth there, but austin has no land use controls out there, and there's (indiscernible). So what we're proposing is something that accomplishes those goals that we started to accomplish two years ago with the sh 130 legislation. As greg said, we're talking about two sites. We're talking about a 2000-acre site that is called whisper valley and then about a 200-acre site on the other side of sh 130 on the west side that is indian hills. Whisper valley is a mixed use development. Ultimately when it's built out -- it will take 15 years or so to build it out. This is a long-term proj. You're talking about 7500 residential units mixed through all sorts of product types and you're also talking about a large amount of retail and commercial space. We have 700 acres of parkland and open space, and civic uses throughout the site. The concept of whisper valley again dealing with sh 130 and the challenges out there with infrastructure and land use controls is a project that avoids sprawl. We're trying to do a project that keeps from having just a sprawling subdivision or myriad of subdivisions how on sh 130, instead have dense urban style development in nodes along sh 130. So that is what the concept of whisper valley is. It's supposed to be walkable. It's supposed to be pedestrian flind, higher -- pedestrian friendly, higher densities in cluster areas with open space all around it. Really it meets most of the requirements of a conservation subdivision. Here's a land use plan, and again, this is a long-term project and it's hard to peg where each individual use will be in a project that will t 15 years to build out, but you can see the concepts, which is clustering around the nodes, lots of open space, lots of corridors connecting the open space and trails and then having folks cluster around that open space and the commercial uses. Again, a diversity of product types important. We're going to have apartment -- we're going to have small single-family lots, starter homes. We'll have estate size lots. It will be a mix where people can sort of start in this community with a young family and move up as they go through their cycle. Open spaces has been a key from day one. We looked at this land out here. It's a beautiful piece of land. Our plan and our project is built around the land. We didn't try to enforce what we wanted to do on the land. We're building around the land. And a big part of that is preserving the open space and the parks and the trees. 600 Acres of this parkland will be dedicated to the city of austin as a signature park. In the early years the developer will maintain that signature park so austin doesn't have to use its own park funds out there. This would be sort of a map that shows you the concept of the signature park. Again, we'll have trails running off of it. Some of the space in that signature park will be programmed where you have ball fields or you have amenity centers, and the vast majority of it will be open space and trails. And those trails -- here's a picture, an actual picture of part of the park area out there. The trails will connect into smaller neighborhood parks and even past these neighborhood parks we'll have little small pocket parks. And the pocket parks really are close to the houses and you will notice the one up there in sort of the left-hand corner, that's something similar to what you have out at mueller where you have an open space that the house is actually front on to and then they have alleys behind them so that open space becomes your yard. Again, just trying to create a more dense, more urban type setting in a suburban area. Also environmental superiority ha be a key aspect of this project from the very

beginning. We have agreed to do the two-star green builder, grow green program. We've -- preservation of head waters and gilleland creek, water quality. And on tree preservation, this site has many trees and we tried to design the development around the trees instead of forcing a footprint on to the trees. Here's a picture of gilleland creek as it comes through the project and part of the area that really makes this project special. We've agreed to affordable housing levels at 10%, 60% for rental, 10% at 80% for ownership. We are providing sites for various civic uses on this land use map you can see those civic use areas highlighted. Some of them are in the alternative where we've shown different spots where a transit center could occur or different spots where a library could occur. So this map gives an idea of where those civic uses would be. Going back to the difficulties out on sh 130 is the lack of infrastructure. Whisper valley is actually in manville's ccn. And we've been working with the austin staff for awhile now and manville trying to get manville to release that to austin. The way the development agreement is drafted, it's drafted in the alternative where it has a different water infrastructure set up if we stay in manville as opposed to if we come out to austin. Indian hills is in the city of austin as far as water goes. The water infrastructure that will be built out here, and here's a map that shows the various lines that will be part as part of this process, not only serves whisper valley. This is something -- this water infrastructure will serve more than the whisper valley project. It will help create the infrastructure out to the sh 130 area that will serve all the developments out there. The same thing goes for wastewater, both whisper valley and indian hills are in the city of austin's wastewater service area. And on whisper valley you can see we're building a large wastewater treatment plant and also a 30-inch transmission line that goes up to the north that will provide wastewater service for all the projects to the north of us. So the infrastructure that's being constructed as part of whisper valley will serve a lot more than whisper valley and indian hills. It will serve the surrounding projects as well. Going back to the development structure itself, again, this is a three-part deal. Basically the land gets limited purpose annexed and so the city gets its land use controls and the superior development. And then a pid, and the pid provides the infrastructure financing. itself, again I'll go through this really quick because I talked about it in the other parts of this. Again, the key is we're talking about a long-term project that requires some flexibility as far as land uses. But lots of superiority. I mean, we'll have vast amounts of open space, we'll have civic uses, affordable housing, a big focus on the environment. And another thing to point out, when we talk about environmental stuff, we're trying to be real creative here too, including things like roundabouts in the project. And one thing roundabouts do is -- it's sort of interesting talking about when you're using a roundabout you create less air pollution because the cars don't sit and idle at an intersection as long. So roundabouts actually are a much environmentally -- more environmentally friendly way to do roads. We're also using narrower street sections. All our main streets will have bike lanes and all those types of things. We'll be really environmentally conscious here. Let me point out, I know there's a large area of residential out here, but is set up is even in the residential areas, you can have small scale commercial development, neighborhood retail, and it's all defined as far as size and compatibility to the surrounding uses. We also are setting up sort of a different system of compatibility that focuses more on set backs and buffers and less on relative heights between the -- been the uses. Public improvement district, you guys passed a policy on this recently. I think it's a very attractive vehicle for a city because on the pid's, it's not the city's bonds, it's not the city's bond rating, it's not your debt. It doesn't affect your debt. The bonds are and secured by the real estate itself and paid back by assessments on the real estate. And in this case whisper valley probably will take about nine bond issuances, about two years apart. Indian

hills, seven bond issuances, about two years apart each. So you phase out these bond issues. And the reason you do that is because when you've put a assessment, those assessments start right away. So you would not want to take the whole 2000 acres of whisper valley, for instance, and create a assessment on it from day one because some of those won't be developed for awhile. And you risk bond failures that way if you let an undeveloped piece of development carry an assessment too long. So I think it's an attractive vehicle for the city. Benefits of the p.i.d. Again, it's governed by the city council. You control the release and issuance of bonds. It's not an additional political subdivision in the city. It's only a funding mechanism. It doesn't even create a separate -- a separate political stwition. And then the city acquires the assets that are created , but it never has to assume the indebtedness of the p.i.d. So I think it's really attractive vehicle for the city. Greg menoned that there's neighborhood concerns about traffic. I think we met with the neighborhood a lot and i think someone from the neighborhood is here to talk tonight. And I think that he will tell you that they're basically in support of what we're doing. They just want to make sure the infrastructure in the area, the roads, happen the right way. This map will show you that there's a lot of roads planned out there. They're on the campo plan, they're on txdot funding. They're on travis county funding, city maps. So these roads are on the books. The key is for everybody to get together, the developers, the neighborhoods, the political jurisdictions, and make sure this part of east austin gets the focus it needs for infrastructure. Because the infrastructure dollars out here are going to be really key to make sh 130 what everybody would like it to be. Let me talk about future approval dates really quick. This is sort of a schedule that we've outlined. I think staff thinks it may be a little aggressive. My client probably thinks it's not aggressive enough. But we're targeting trying to get the p.i.d., p.u.d. And annexation done early next year, bottom line. As you go through this chart. Finally, reasons to support this development agreement and ultimately this p.u.d. Is there's no land use controls out there now for the city. So development that can open up and down sh 130 can be the kind of sprawling environmentally unfriendly development that everybody is concerned about. And limited purpose annexation here will keep that from happening. The pud obviously through the very detailed pud ordinance we have now will ensure a superior development. This is the type of mixed use dense stuff that everybody wants to see on the sh 130 corridor. Tons of open space, environmentally conscious, and it's going to provide a lot of infrastructure out there, not just for whisper valley and indian hills, but for all the other developments. Thank you.

Mayor Wynn: Thank you, mr. metcalf. metcalf, council. Councilmember shade.

Shade: Thank you, steve. I know I've learned a lot about it, but I keep meaning to ask you about the water reuse that you guys are going to have, water reclamation program, and I've forgotten to ask you every time we've met. Can you answer that for me?

We're looking at different -- again, some of the detail will be fleshed out more in the pud, but we're looking at different things regarding collection of water from gille land creek and reuse of that in irrigation and setting up systems like that. So there's a lot of water reuse issues we're trying to work with and look at and we'll be working with pat murphy and his staff on getting those done. Clearly one of the stated goals in the development agreement is to figure out ways to conserve water and reuse water and those types of things.

Cole: Mayor, I have a question. Steve, one of the hurdles -- I really appreciate the fact that you're following our pid policy and developing off of 130 and that we really have a challenge to get that done. And what is my understanding that's been the biggest challenge is getting the infrastructure financed. And I notice that in this case we're using pid bonds that are issued by the city that will be repaid in phases over two years. I'm just wondering if you or anybody knows if there's any type of analysis that has been done as to what effect that has on our bonding capacity?

I'll let your staff probably clarify this and answer it, but it doesn't because a pid -- even though it's a city bond issuance, it's not the city's debt. The bond is only secured by the real estate, not by the full faith and credit of the city of Austin.

Cole: That's wonderful. That's exactly what I was looking for. You agree with that, Tom? Okay. You don't even have to come up. Thank you.

Mayor Wynn: Further Metcalf, Council? Thank you, Steve. Patrick, welcome.

Thank you, Mayor and Council. I just wanted to real quickly state that we had briefed you last week and we don't plan to give you another presentation today; however, there was one issue that was still hanging out there that I think was very critical to our support. And that is the affordability component. I'm pleased to say that we've worked out the affordability portion of the agreement. I believe to the satisfaction of all. And so I'm happy to report that to you. We're here for questions if you have any. That's all I have to say. Thank you.

Mayor Wynn: Thank you, Pat. Councilmember Morrison.

Morrison: I just wanted to give a brief little summary because I had raised some of those concerns and with the resolution of them, what the affordability issues were. One of the issues had been the PUD's generally ask for 10% affordability in terms of all the residential. There was also contemplation of doing VMU and with VMU bonus density comes an affordability requirement, and the agreement that's in the -- in the development agreement now is that those two are separate, the 10% will be overall if they do a VMU bonus density, that will be 10% of that also. What we came to was something in between, and that is that the distribution of the size of units in a project will be the same as the distribution in the affordability percentage. That means that there's a whole bunch of three-bedroom units and that will be reflected in the number of three-bedroom affordable units. So I think that's a very fair outcome. And then one of the requests from the applicant was to consider the idea of if they go over the 10% in rental affordable units, could they then decrease the 10% that were required for the owner affordable units. And we have a formula worked out so that it could go up to trading off five percent of that. But for any owner-occupied affordable requirements, to do that trade-off, we'll get more than one rental affordable unit because it feels like they're not quite equal. So I want to say that I'm supportive of this and I appreciate the applicant and staff working so hard and working to make sure that we could all come to something that felt like a fair agreement. And as Councilmember Cole mentioned, we have a PID policy in place, so that's terrific. We could just go in and make sure that we work this deal according to the PID policy. We've got a structure for developing PUD's and we're following that structure, so I appreciate us --

it's new territory actually to some degree with both the pid policy and the pud, so it's nice that they almost rhyme, the pid and the pud. But I think that there's a lot more work to do, but i appreciate everybody's work on this.

Mayor Wynn: Great. Thank you again. Further questions or comments on our two presentations? If not, at this time I'd like to call up item number 45, which is the -- posted as the authorization for negotiation and execution of the development agreement. We do have a couple of folks that wanted to give us testimony on this. And I appreciate their patience all day. Let's see, I think rick bauer had signed up earlier to give us testimony. Rick bauer signed up neutral actually. And then alan davidson. Welcome, mr. davidson. Appreciate your patience. You will have three minute. Welcome.

I'm alan davidson, here on behalf of the barton springs neighborhood association today. And you all should have received a letter that i sent out. And I have that and this may be a bit redundant, but I'm here to emphasize some of our concerns. And first of all, as -- when I was a younger hippie living in the woods I never dreamed I would be down here fighting for highways. And I can't believe y'all are still sitting down here doing the same thing you do everyday, listening to all this stuff ad nauseam. Thank you for that. We support the voting for this agenda with the understanding that the city of austin will ensure that the zoning agreement provides for the superior development. And it's a great development that they're talking about. And in the development approval process provides adequate roadway improvements to handle the increased traffic. These -- this development in combination with a couple of other developments that are going to be in our area, this is inevitable. It will be unrecognizable out there in a period of 10 years from now. And the current developments, we're looking at about 3,000 acres. That's -- I don't know if you've ever hunted on one thousand acres or walked across 3,000 acres, but that's about six bergstrom air force bases combined with most of that being housing. We're looking at 4000 new car trips in and out on these two-lane roads. Fortunately their park is going to back up to the travis county park so I'll be able to walk from my house five and a half miles into the city of manor, which is probably the only way I will be able to get there because it's a two-lane road, blake manor road is, that's sagging and cracking, and you saw the maps of the upcoming roads, the proposed roads. Those are on the maps right now, but the county doesn't have the money for that. It hasn't been approved by the state. Campo's money has been kind of backed down a few years. And so I'm really here today just to be the squeaky wheel. And invite you to play with me in the game of having those funds driven forward on the calendar to where the infrastructure is in place as the residents are moving in and needing those. And to hopefully avert this disaster of a transportation situation that will be -- this is a one-stop sign town. We don't even have a stoplight out there in manor. And we're already at the traffic flow that it can handle. And the city of manor doesn't have really even the authority to deal with their own main street because that's a state highway. And so it's going to take all of our efforts in with the developers and they've been just great with really actually leading wait for us in the steps that we need to take to put the pressure on to get the roads in. We're looking forward to your help and participation. Thanks again for being here and dealing with us all again today.

Mayor Wynn: Thank you, mr. davidson. So council, that's all the folks that wanted to give us testimony on this item number 45 regarding the development agreement. Again, further questions? Comments? Motions? Motion by councilmember morrison to approve item 45 as presented by staff. Seconded by

councilmember cole. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you all very much. So council, that takes us to our zoning matters for today. greg guernsey. [One moment, please, for change in captioners]

Mayor Wynn: Council, on these cases where we've conducted and closed the public hearing is to consider and approve on third reading, the recommendation by staff. Motion by councilmember cole, seconded by councilmember morrison to approve item 58 on second and third reading. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero.

Thank you. Let me continue to the zoning items. The first item for consent is item number 59, case c-14-2009-0010, known as the stoney ridge substation at fent 07 one and a half heine farm road. This is to zone the property public or p district zoning. This is ready for consent approval on all three readings. Item number 60, case c-14-2009-0031, known as the moore red bird project on red bird lane. This will be a discussion item. You have several speakers signed you on this item. Case 61 is case c-14-79-81. This is the twin oaks tract in the 900 to one thousand ben white boulevard. The recommendation was to grant the termination of this restrictive covenant employ. The related zoning case is item 62, this is case c-14-2008-0218 known as the twin oaks tract again at 900 to one thousand west ben white boulevard to zone the property general commercial services mixed use district zoning. The planning commission's recommendation was t grant commercial services mixed use conditional overlay or cs-mu-co combining district zoning. This is ready for all three readings. The restrictive covenant i mentioned before is not an oarns amendment. That's just simply to approve the restrictive covenant determination. Item number 63 is case c-14-2009-0035, known as the soco lofts at 2801 south congress avenue. This is to zone the property general commercial services mixed use conditional overlay neighborhood plan combining district zoning to change the condition of the planning commission recommendation was to grant the zoning and this is ready for consent approval on all three readings. Item number 64 is case c 01 known as the comanche canyon planned unit development amendment number one for the property at 12309 bull lick hollow road and 678 north fm 620. We received a postponement request today from an area resident. They weren't specific in the postponement. Staff would suggest I guess your next meeting, which would be in july, JULY 23rd. This is a first request, but it was received this morning, shortly before your meeting started. We have a postponement on that that we could offer for consent on item 64 to your NEXT MEETING OF JULY 23rd. Item number 65 is case c-14-2008-0233, the ranch road zoning case at 11401 ranch road 2222. This is to zone the property commercial liquor sales, conditional overlay, cs-1, combining district zoning. The recommendation was to grant the community commercial or gr-co combining district zoning for tract 1 and commercial liquor sales conditional overlay or cs-1 for tract two. This is ready for consent approval on all 3d readings. I'll note that you have a copy of the ordinance on the dais. Item 66 is case ch 142009-0004 known as the miller house. This will be a discussion item. Item 67 is case npa 01 for the property at 9117 north gate boulevard. This is to request an amendment to the north austin civic association plan, an element of the austin tomorrow development plan to change the land use designation from multi-family to commercial. This is ready for consent approval on all three readings. Item 68, case c-14-2009-00013, the north gate property again. For 9117 north gate boulevard. This is to zone the property general office conditional overlay, neighborhood plan or go-conp combining district zoning. The planning commission's recommendation

was to grant the go-co-combining district zoning and this is ready for consent approval on all three readings. This is so tone the public combining district zoning. The planning commission recommendation was to grant the p-np combining district zoning and this is ready for consent approval on all three readings. Items number 70 and 71 are related. 02 for the property at 3617 axel lane. This is to change the future land use map for this property and the related zoning case on the same address on axel lane. These are discussion items. And item 72 and 73, these are related as well, case 72 03, the precinct 1, the new office building for the property located at 1811 springdale road and 4705 heavy lien lane. The related zoning case for the same addresses. We have a postponement request on this item for your august 6th agenda for items number 72 and 73. And that concludes the items I can offer for consent approval on this portion of your agenda.

Council, the proposed consent agenda on these cases where we have yet to conduct the public hearing is to close the public hearing and approve on all three readings item 59. Also to close the public hearing and approve on all three readings cases 61, 62 and 63. We will be postponing item 64 to our next meeting, JULY 23rd, 2009. We'll close the public hearing and approve on all three readings case 65. Close the public hearing and approve on all three readings cases 67, 68 and 69. And we will be postponing the combined case 72 and 73 to our august 6th, 2009 meeting.

And mayor, on item 61, i just want to make sure i heard this right. We're just approving the termination and restrictive covenant. There's no ordinance associated with that particular case.

Mayor Wynn: Thank you very much for that clarification. So with that clarification, council, I'll entertain a motion to approve that consent agenda. Motion by the mayor-elect, seconded by councilmember morrison to approve the consent agenda as proposed. Further comments?

Mayor?

Mayor Wynn: Councilmember cole.

Cole: I would like to bring attention to item number 69, which was an empty lot. And the neighbors worked very, very hard and included work from austin energy to actually turn that in to what is ultimately going to be parkland and a type of pocket park. So I would just like to extend appreciation to the neighborhood and also the efforts of my staff and austin energy to make that happen.

Mayor Wynn: Great. Thank you. Again, further comments on our motion to approve the consent agenda as proposed? Hearing none, all in favor please say aye. Opposed? Motion passes on a vote of seven to zero.

Thank you. I think that brings us back to item number 60. Item number 60 is case c-14-2009-0031 known as the moore redbird project at 313 red bird lane. This is a zoning change request to family residence, neighborhood plan or sf-3-np combined district zoning. The planning commiion recommendation was to grant the sf-3 np-combined district zoning with conditions. On the property itself is just under one half acre in size. And the proposal is to redevelop the tract that currently contains a

single-family residence into two lots to create two duplexes. Currently to the north there's a two-family residence and single-family residence zoned sf-2 and sf-3. To the south is some undeveloped south. Further south on stassney, child care and salon uses. To the east two family and uses in sf-3 and to the west single-family residences in sf-2. The commission's recommendation was to approve the sf-3 zoning with the condition for dedication of right-of-way of 28 feet from the center line of red bird lane if the zoning is granted. The property is located in the west congress neighborhood planning area. And it is in an area which currently allows what's called a secondary apartment use, which is a granny flat, some call it a garage apartment, that would be allowed within this area, which is part of the pleasant hills subdistrict of this neighborhood. So you could get two units on one lot. The applicant is actually asking for a duplex, which would allow for two attached units instead of having two detached units on the property. The neighborhood has come out in opposition and we have a petition which currently stands at 51 percent, so it's a rather substantial petition that you have before you. It's only ready for first reading this evening in light of the opposition that's been presented. Again, this was recommended both by staff and the planning commission. And I believe there are several members here from the neighborhood to speak in opposition. And the applicant agent, i believe, leslie moore, is always here to speak in favor of the request. If you have any questions, I'll be more than happy to answer them at this time.

Mayor Wynn: Thank you, mr. guernsey. Questions of staff, council? If not, then we will conduct our public hearing. And the format as you probably know is we'll set the clock for five minutes for the agent applicant presentation. Then we hear from folks in support of the zoning case, three minutes at a pop. Then we hear from folks in opposition. Then the presenting agent or applicant can have a one-time three-minute rebuttal. We'll set the clock for five minutes and welcome leslie moore.

Thank you, mayor, councilmembers. , Incoming mayor. This is -- in our minds we thought we bought a piece of property in a lovely neighborhood, and we don't have a particular plan at this moment. The term duplex came up as one of the options. What we were trying to do was create a situation where we would have more options on what we could talk about in developing this property. There's not a whole lot of difference between the sf-3 and the sf-2 zoning that currently exists. And when we spoke with the city staff member from the very beginning, they said oh, this looks like this would be a slam dunk, no problem. I can't see why the neighbors would object to this because there is right next door the same zoning, sf-3. On the other side is sf-2. And being sensitive to the whole idea of neighborhood planning, because we spent two years working with our neighborhood group, the bouldin creek neighborhood association, developing a neighborhood plan. We know what it's like when we have neighbors who simply have an emotional attachment to the property and they've lived there for awhile and don't want to see change. [One moment, please, for change in captioners]

just like some of the duplexes that came up in our neighborhood were architecturally much more advanced, I would say, than some of the little bungalow-style houses that we had, and our neighborhood, we were all flabbergasted that somebody was throwing up these things that didn't fit in our neighborhood. Now we've come to this place where we drive around our neighborhood and we see that these are not threatening to us. They're beautiful developments, you know, small in-city developments that are done with taste. And so our perception has changed, just from having lived in

this neighborhood for so long and have seen that change that we once thought was a bad thing. We now realize that all the change is not a bad thing. I think I'm a person who embraces change and am not afraid of it. One of the things in the case like this, there's nothing that we could -- we met with some of our neighbors and listened to their objections, the things that they are concerned about, things like not wanting to have renters in the neighborhood. They want people who are going to be homeowners in the neighborhood. Well, I don't think there's ever any one of us who can guarantee that that's going to happen, and besides that, I think that there's a lot of us out there that are renters, and there's nothing wrong with that so -- but anyway, the point is we're trying to create some options. It's a neighborhood that is close to downtown. It's a neighborhood that's -- it's a beautiful neighborhood. It's lovely to walk down the streets and trying to figure out what is sellable in that neighborhood, because our plan was to either move some houses on to the properties, build something, cut the lot in half, sell -- we're just trying to build options for ourselves, and it's just one of those things that I believe is inevitable in that area because it is still relatively close to downtown, but there's no way that I can convince anybody that I'm not going to sell the property and thus, you know, if you're afraid of what the next person will do, I can't really do anything about that. I can't predict the future. I can't say that I'm going to be the developer. All that I can say is I have the intentions of creating something that is sellable for that neighborhood. It works in that neighborhood. It's not overpriced for the neighborhood. It's something that will make sense in the neighborhood, and I would assume that any developer would do that. So with that being said, we understand the concerns of the neighborhood. We know, you know, and feel that, you know, we bought a piece of property and we feel like we have certain rights, but we're asking for a zoning change that is compatible with what's already going on. Thank you.

Thank you, mr. moore. Questions for the applicant, council? If not, then we will hear from -- you don't -- we don't have anybody signed up in favor of the zoning case. We have three citizens signed up to gift us testimony in opposition. They have requested a certain order, and so our first speaker will be andrea McCARTNEY, I GUESS IT IS. WELCOME, MS. McCARTNEY. You will have three minutes to be followed by mary rokamora to be followed by john donaldson. Welcome.

Well, I live on redbird. I'm a representative of the neighbors who oppose the sf-3 zoning. Most of them couldn't make it to the meeting today, but we do have a valid petition of 63.51%. Ours is a neighborhood of owner-occupied properties. Some are sf-3's. All are owner occupied, and our neighborhood is in transition. People have been fixing up homes to live in and even moving homes in from tarrytown. Duplexes or condos, which the applicants are thinking about, do not fit with this neighborhood. There was a duplex built on the next street over. It's been for sale for several years, way before the housing crash, it's still been for sale. Half of the closest condos reverted to apartments. We really want the property at 313 redbird to stay sf-2 even if it's subdivided. We like the idea of single-family homes. We're not opposed to growth, but we'd like to see controlled growth. We've met with the applicants a couple times. We haven't really seen any definite plans, and that makes us kind of nervous. They've talked about subdividing the property into two or three lots. If they did it under sf-3 and did three lots, they could do two duplexes and a house. And also they've talked about selling some of the lots. You know, they're not sure what they're doing. And don't get us wrong. We think they're really nice people and have done some really cool things on south first street and we'd love to see them move in a couple old houses and renovate them. Meanwhile, a half a mile away thousands of apartments have been built

and now there's talk about the village apartments on little texas, and that's okay. We support that. We just want to preserve our little neighborhood. It's unique. I was involved in the recent south congress neighborhood planning for 18 months, and the first goal in that plan was, and I quote, preserve and enhance single-family neighborhoods, we obtain the -- retain the affordability. We've been talking with the applicants and their idea to develop this property will not retain affordability. Our neighborhood is quieter, cooler and more park-like than most others in the surrounding area. Yes, the lots are big and can certainly accommodate more than the homes that were originally built on them. However, yielding to the pressure of non-resident owners who are just seeking investment for property to the detriment of the neighborhood as a whole is not a best long-range plan. I'm asking the council to please help us preserve our neighborhood and do not vote for sf-3. Thank you. thank you, andrea. Let's see, our next speaker is mary rokamora. I hope I pronounced that right, mary. You'll have three minutes to be followed by john donaldson.

Good afternoon, mayor will wynn and city council. Originally I had planned to do a powerpoint, and somehow it didn't work out, so I'm not going to be able to make my whole presentation as far as showing what the neighborhood looks like and what we're proud of. So that's kind of thrown out the window. So basically, anyway, i would just like to say that I'm a 30-year resident in the neighborhood and also a homeowner. I was also involved in the neighborhood plan, and it did last a good long time and we got the impression that we were there to protect our neighborhood. When we went to the planning process, basically on the map we were blank. We had no color at all. They said, well, what are we going to do with this? And we raised our hand and said, "hey, we like our neighborhood. We would like to keep it as it is," and that's how it came about, and we were hoping that that's what we could do, is to protect our neighborhood. And also, it was established in the mid-'30s, and it has changed some. It has some gradual changes, and some are good, and what it is is that it still maintains a quiet, rural atmosphere, which we just embrace. I mean, that's very hard to find around austin. It's very rare. We feel now that we're special. Before we were just kind of lost out there. We kind of thought it was something that no one could really see. We were just kind of tucked away, but that's not true anymore. But anyway, not being able to share the photos I'm going to switch gears here and just make a conclusion that we feel this neighborhood is worth protecting, and not that we don't want change. Change is good. We've seen some good changes. We've seen some little cracker box houses that are gone now and replaced with homes that came from tarrytown, they're restored. You know, they look great. There's one in particular that I can't show, but it's nested behind some trees. It looks like it's been there a long time. And so anyway, as far as change goes, we like to see change, but we'd like to have it monitored. We like to see a plan. We thought that zoning changes kind of came along and you had a plan that came with it, and we have not seen a plan. So since this is first reading, we're going to go ahead and try to get a restrictive covenant, so maybe before the second moore can -- you know, we can get together and speak and maybe come up with something that's a little more concrete and we can have it in writing. To us that feels like that might be some kind of protection. And another thing, andrea mentioned -- okay, andrea mentioned, quickly, about all the apartments, and so we're basically trying to strike a balance between some open area and high density. High density is less than half a mile away from where we live, and one more thing, I've got to throw this in, says that basically this is our little lake wobegan. If anyone is familiar with garrison keeler, we have where the women are strong, the men are

good-looking and the children are above average. Thank you very much for your time, and I certainly hope that regardless of the outcome of this we are going to try to get a restrictive covenant, and thank you very much. thank you, mary. Sorry for the powerpoint. That was a good presentation.

One more thing, john donaldson will not be speaking. He came in at the last moment and was not allowed to speak. If we planned ahead we would have put his name in before he came, but we didn't do that, so he will not be speaking. well, I've already called his name and he's signed up ready to go, so --

oh, okay. our final speaker will be john donaldson. Welcome, john.

[Indiscernible] well, you're more than welcome to so we appreciate your being here. Council, that's all the folks that signed up in opposition for the zoningcation. moore now has a three-minute chance to wrap up or rebut, if needed.

I just want to add, I'm a garrison keeler fan. I love prairie home companion. We too -- what she's asking for is to get something in writing. I just want to restate that we are trying to -- we're not going -- we're not developers that have the money to go out and hire architects and civil engineers and do all this stuff based on maybe we'll get a zoning change. When we start spending that kind of money, we will know what our zoning in and the zoning that, you know, we have to work with. So we're not prepared to sign anything that says this is what we're going to do. We don't have financing to build anything. We're trying to simply create a situation where we or a person that we might sell half the property to would have the options to do whatever they wanted to do in sf-3, you know, nothing -- again, there's only so much that you can do with a half-acre lot, so it's not like we -- this is not a multifamily situation that we're trying to create. We're just talking about from sf-2 to sf-3, plain and simple. So we definitely will stay in communication with the neighbors on whatever our plans are because that, to me, is just a respectful thing that you do when you're doing any kind of change with your neighbors. You know, you want to keep good neighbors. So we've always done that for the last 30 days that we've been buying small properties, fixing them up, and we do -- we have done a lot of properties for renters. We are not people who are opposed to renters. We -- we're not slum lords. We produce good properties. People love living in our cute little houses, and, you know, I can only state, you know -- talk about my past. I can't really say much about what's going to happen in the future, except that my intentions are in the right place. I'm a good citizen here and want to be a good neighbor, so I'm not out to make enemies. Thank you.

Mayor wynn: great. Thank you, mr. moore. moore, council, or anybody else? Council member shade. I have a question for you, and I apologize if you caught our addresses earlier, but tell me when did the property -- when did you acquire the property?

We acquired t property, I think it was two years ago, almost to the day.

Shade: okay. And what's the reason -- what's the -- you know, the biggest reason why you'd want to go from the sf-2 to sf-3? What's really driving that?

We just feel like there's more options. With sf-2, since we have consulted with a civil engineer, and they

did some little sketches, you know, just with flag lots, I'm sure. You know, of course everybody is familiar with flag lots, and we were looking at it thinking, okay, well, what feels better in that neighborhood? Does it feel better to have two structures that are larger or four more equal structures big and small. You know, again, to me, the issue is what is a sellable or rentable or whatever in that neighborhood, in that neighborhood. I don't believe that you can overbuild a neighborhood to the point of where you have one home that's, you know, three quarters of a million dollars and you have this home right next door that's a \$100,000 home. I mean, I think people make purchases based on that. They make purchases based on schools around. They make decisions based on, you know, the other houses in the neighborhood, and that's a fairly eclectic neighborhood, and again, that's one of the reasons that we liked it, because we were in a position -- like has been said, we bought -- back in 1980, we started buying some little houses down on south first and south second street, right where the pipeline -- the sewer line is going in just south of the river, back when no one really wanted to be in that part of town, and we saw something over there, very much like what we see in this neighborhood over here. It was just a very peaceful, tranquil, you know, but bucolic setting where you could see downtown, you could walk down to the river. So right now what is happening is the development pressure from the tax base -- you know, the taxes have increased to such a point now to where they are outstripping the rents that we can get for those properties, and because we have all these beautiful little bungalow houses, crampson style houses we've fixed up inside and out, we've said it starts to look like we're going to have to redevelop in a little higher density fashion. We would like to preserve these little houses. So let's start looking for a lot where we could possibly move some of these houses to. Well, it came up -- you know, when you have sf-2, you can have that secondary unit that's up to 850 square feet. These houses that we have are all -- not all of them. We have a couple of smaller ones, but the ones on south first street are all around 1,000 square feet. So that would mean, okay, well, you can only move one of them on to one of those lots. So again, just trying to create the option to where if there were a way to subdivide the lot in such a manner that we could get maybe four of those houses on it, that would be an option of something that we could seriously consider. So again, it's about creating the options.

Shade: thank you.

Mayor Wynn: thank you. , Mr. Moore. Further questions? Yes, council member Morrison. Thank you, Leslie. Guernsey, I have a couple questions for you. If I remember correctly, this is not in the area COVERED BY the McMansion ordinance, or am I wrong?

I believe this is south -- south, I think we just went down to Ben White with that. And the definition of duplex, where they really do have to be attached, is that specific to -- is that definition just in the McMANSION AREA OR IS THAT -- that would change that altogether? that would be both inside and outside. Duplex is throughout Austin, have a c wall or common roof.

Morrison: okay. Because what was just being described, moving four houses on to two sf-3 lots, doesn't really comply, does it -- there may be a way you could attach two small bungalows side by side, I guess, and join their walls. They actually have to join the walls. But you would have to attach those so they would share common wall and roof element. It would be considered a duplex. And somebody mentioned the potential -- I'm not sure if you'll be able to confirm this -- for this lot to be subdivided into two sf-3 lots

that i assume are over 7,000 square feet and one less than 7,000, so the suggestion was two lots allowing did you duplexes and one that wouldn't be large enough for a duplex? this property is about 20,000 square feet, so you could have two 7,000 square feet lots and sf-2 single-family lots, sf 5750, so yes, you could get two lots that would accommodate a duplex, one lot that would accommodate a single-family home, so you get a total of five units, could possibly occur, if you were to save sf-3 zoning on the property.

Morrison: okay. Thank you. further questions for staff or anybody else, for that matter? Comments? Motions? Item no. 60. Mr. guernsey? Clarification? yes, leslie just asked me just to clarify. The two 7,000-square-foot lots you need sf-3 zoning in order to build a duplex. For that last 7750 or the last -- you could keep the sf-2, so you could have a little bit of sf-2, about 2,000, 5750, and then the remainder of it sf-3 and then they'd have two duplexes. So he wanted me to clarify that. He is correct. You could have sf-2 or sf-3 but you wouldn't need to rez to build the single-family home on the last -- 5750 to 6,000 square feet.

Mayor wynn: great. Thank you, greg. Mayor elect? just to clarify the idea of just subdividing was mentioned. Could you subdivide this lot and have two sf-2 lots? yes, you could divide this into two sf-2 lots. Depending on the configuration of the flag lots you could actually have more than just two lots. more than two sf-2 lots? you could possibly get two sf-2 side lots, that are 5750.

Leffingwell: okay. further comments? Questions? Council member morrison. I think it was three years ago this month THAT the McMansion ordinance was passed, and when we -- I was on the task force and mayor pro tem mccracken worked with us every day, almost, and one of the things that was clear to us was that the pressure to take down houses, changing the character and add more units, which was only occurring, you know, within central austin, was going to spread out, it appears that it has here, and I think that the concern that the neighbors have raised are exactly what we were hearing three years ago in the more central areas. And I know that I heard you-all mention the idea that if you had some -- that there might be some potential to be able to sit down and get some kind of assurance that there would be some kind of what i gathered was sort of compatibility in terms of character and scale and everything, and I think that it makes sense for that conversation to be had. You know, basically the OVERLAY OF the McMansion area does attempt to do just that. It puts together sort of some guidelines -- requirements, not just guidelines, about how you can build, with a reasonable expectation that there will be compatibility of scale and you won't be getting huge, big properties. But I guess my -- my feeling is, I'm very sympathetic to the concerns that the neighbors raise because neighborhoods can change completely, but I would like to allow that conversation to occur to see if there is anything that the owner could -- could come to. So I certainly wouldn't be prepared to support this as it is right now but to allow that conversation to happen, which I hope it would. I want to make a motion that we approve it just on first reading, and my expectation is that there would need to be some serious conversation before I would be prepared to really support it on any further. So I'm making that motion on first reading. so then motion by council member morrison, seconded by council member shade, to close the public hearing and approve on first reading 60, as staff and planning commission recommendation. I just wanted to reiterate that I am the exact same hope that council member morrison has about you-all getting together and removing some of that risk, perceived or real. I mean, granted, you have a track record, but I do

think it would be very important before we get to the next phase of this to please get that in place, some sort of reassurances, something. Thank you.

Mayor wynn: all right. So we have a motion and a second on the table, first reading only. First comments? Mayor elect. I'll just say that sounds very reasonable, but I thought i just heard the applicant say that he was -- that he didn't want to do that, he didn't want to enter into the process and the expense of going through plans and drawing up conceptual site plans to try to present something in development restrictive covenant that would be suitable to withdraw a valid position. Would you care to reiterate your position?

Mayor wynn: mr. moore?

I think that in light of -- I do want to reiterate my position. We don't have development, nor bank money behind us to be able to sit and develop some plans, nor do -- i mean, I run a business. My [indiscernible] has a business, and to spend the time to -- because we spent two years in the neighborhood planning process, it was such a frustrating process to be in where you have -- again, there's that emotional here that I don't know that I could ever satisfy in the way of -- I mean, I don't know much about restrictive covenants and what they actually do, but it does seem like to me you have to have a plan in place ADDRESSING the McMansion ordinance. If there are guidelines clearly in place, I'm not going to be down here trying to get a variance from those guidelines. Anything that we would do, we would be doing within guidelines that you guys have, you know, set forth. So -- they're not in place in your area. They're only in place farther north of you.

Okay. So would it mean that a restrictive covenant, if we said we would agree to adhering to those guidelines, would that be something that we could say and be held to account for? guernsey is nodding his head yes, and so that's the kind of thing you -- kind of conversation you might have with the neighbors to see if that would be -- let me make clear, if I may, we're not talking about just having a conversation. We're talking about you hire a lawyer, they hire a lawyer, you draw up a legal document that is enforceable in court by either side.

Okay. Well, you just scared me there. Hire a lawyer. [laughter] so, you know, we weren't looking for a struggle with this. We really weren't. And so, you know, I feel like we're asking for something that is compatible with the neighborhood plan that is already in existence. I mean, one of the people who is opposing the plan has the zoning that we're asking for and she's my next door neighbor. I don't -- I don't really understand how we can just say yes, we're just going to do what you want, you know. We're the ones paying the taxes. We're the ones paying the mortgages on the property. You know, it's our budget. You know, we don't have the ability to say, okay, let's spend an extra \$20,000 on trying to figure out a way to make the neighbors okay with what we're doing. I don't know if there's any way of saying, okay, once we do know what our -- what we think our plan is -- and again, we would be in conversation with people saying, okay, this is what we're thinking about doing. What do you think? We showed some conceptual just pencil drawings of flag lots on this property, and, you know, we were asked the question, well, what about that tree right there? Well, I haven't gotten that far down the road. These are just conceptual -- we're just trying to present what is possible now and what is possible with the new

zoning. can I offer you another alternative?

Sure, I would love that. another alternative would be to -- you're entitled to ask for a postponement, and normally that's granted on your first, request.

I think we've already had one. you've already had your postponement? Is that true?

Guernsey: last week.

Last week, yes. council member morrison?

What I would like to just ask is what -- what can someone like us -- what can people like us ever do to -- where can we get to assurances to the neighbors that we would develop the property responsibly, and what can we do to satisfy them that if we decide to subdivide the lot, we can't control what the next person will do, in any case, no matter what the zoning is. You know, we're -- we're, again, trying to build something that is affordable in that neighborhood, you know -- that's why we're talking about a restrictive covenant because, you know, it would control whoever -- anyway, that's my -- the answer to your question.

If it's a restrictive covenant, let the neighbors tell us what they want in that covenant. Tell us what you would -- you know, but to say to us we don't want something big, we don't want something that you might rent out, we don't want -- you know, I need something more solid to go on just so I can move forward with something more serious, because, again, we're not here to upset the neighborhood.

Mayor wynn: thank you. Council member morrison? yeah, I wonder if we could ask -- do you have something to add?

McCracken: I want to offer I don't think necessarily the neighborhood lessly needs to hire an attorney, to set conditions if they were SIMILAR TO the McMansion ordinances or maybe limitations on height. We have an instrument called a conditional overlay that we could attach to the zoning that -- if, for instance, if there was some ELEMENT OF the McMansion ordinance, if not all of them, we could do a conditional overlay, attach it to the zoning. That way there is not an expense of hiring an attorney and we can share with leslie and the neighborhood people that are HERE WHAT the McMansion regulations are. If it's just simply their concern about the number of stories, you know, if it's concern whether it's three stories, we can do a conditional overlay to limit the height of the building to two stories, for instance, and that would still give the flexibility leslie to design a product that maybe he can live with and the neighbors wouldn't have to worry about a structure that might be towering over their homes that already exists. So there are other options besides taking the route of trying to create a restrictive covenant. I think we can do some of these things by conditional overlay. If the neighborhood and leslie come to some agreement, they can come back with staff and maybe we can suggest some things that we can do through the conditional overlay to achieve those goals that leslie is looking for and the neighbors are looking for. and you would be able to help that conversation -- yeah, I could get with residential staff and watershed and we can kind of go through those and work with both parties. so does that sound like a -- that would be

something you would want to engage in?

It sounds like a much more reasonable approach to me. so it might be worth the effort?

I think so. I think so. Can we -- postponement -- tell me, what are the postponement rules as far as do we -- is this something that you get one postponement -- council has the ability to postpone, you know, any item for any reason that we agree on. mayor, I'd like to make a substitute motion to postpone this until july 23.

Second. well, so we have a substitute motion on the table. I don't think there's opposition to it from the maker. So we have a substitute motion and second on the table to postpone this item no. 60 to july 23, 2009. Comments on the substitute motion?

Martinez:

With the direction of staff to come down and sit down and help the neighbors and the applicant to come up with some agreeable parameters for a potential development in the future before it comes back to council.

Mayor wynn: understood. So we have a motion and a second on the table postponing item 60 to july 23, 2009. Further comment? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. Thank you all.

Thank you. good luck, mr. moore. guernsey, we have 12 minutes or so before our break, and item 66 has a bunch of speakers. Let's see. They've already passed -- so -- 70 and 71 are a combined case, correct?

Guernsey: that's correct. there's two speakers in favor. Nobody in opposition. staff would like to discuss this particular case with you. well, do you think it's possible to do that in 12 or 15 minutes or -- because I just -- i hate to start -- I don't like starting a zoning case and not even getting through the -- we could try it. I think there are some things that probably the applicant would like to discuss with you and staff would like to discuss with you, just so we make sure you make an informed decision this evening. well, I guess we could start that discussion. I'm just not familiar enough with the case. If there's some insight on the dais that we think this is the -- this is 70, 71, the axel lane case.

I am familiar with this, mayor. It's locatessed in east austin very near my home. I think it might not be able to be done in ten minutes.

Mayor wynn: letters.

Fairly certain it wouldn't.

Mayor Wynn: okay. I gave it an effort. 66 then, again, we have a half hour worth of testimony but we could certainly get through the staff introduction and likely the applicant presentation and then take that opportunity to break before we hear from citizens. So let's take up item 66, the zoning case known as the W.E. Miller house. Steve Sadowsky, historic preservation, to present this particular item. I'm back, Mr. Sadowsky.

Thank you, sir, Mayor, Council members, Steve Sadowsky of the historic preservation office, neighborhood planning and zoning, and I'm proud to be able to treat you-all with another controversial historic zoning case our final meeting. [Laughter] This is the We Miller house at 2810 Rowena Avenue. And it was initiated by the historic landmark commission and it is planning commission. It came to us on a plan for demolition, and staff does not agree with the recommendations of the commissions, and instead recommendation release of the permit. This is a case that involves a house that was built in 1931, and it is in the J.J. Hegman subdivision which was platted in 1925, and I'll get to that in a second. This house was built in 1931. The first known residents and Sally Miller, who moved from Huntsville where he served as prison chaplain at the state penitentiary. One of their daughters married Frank Woalsy, who is a prominent insurance man in Austin, and he is listed as the owner of the house in 1939 when they applied for a utility permit. When the Reverend W.E. passed away in 1936, his son, Walter Eugene, who was, moved into the house with his wife, and they lived there for the rest of their lives. And I'm sorry, his name was William Eugene. He worked as a bookkeeper for insurance companies, principally his brother-in-law's insurance company, Woalsy's insurance company, and retired from National Life in 1971. He passed away from 1992. His widow Claudia remained in the house for several years after and she died in 2007. The house is a very plain Jane bungalow type. There are hundreds of these bungalows in Austin. This one in particular has vinyl siding on it and it also has an addition of unknown age on the back of the house. The landmark commission had asked staff to do an initial investigation as to whether this would qualify for local historic district as contributing for a local historic district. We went ahead and did the survey, did all the research on the Hegman subdivision, and the Hegman subdivision, by the way, is from the same family that owned the Ritz. They initially lived at 9th and Eu and their house was moved down to Pioneer Farms. Hegman was the owner of the Star and the Crescent. And in 1925 when he platted the subdivision it was well outside the city limits, so it was out in the country, and the first house built here we think was in 1925, and it was a bungalow. Hegman built his house out here in 26. It's the largest house in the subdivision, two-story brick house, and actually, sir, if we can get to the second presentation I can show you some of the pictures as we talk. There were very few houses out there at the time, and the subdivision filled in actually fairly slowly. We demolished that house you're showing, the old city council chambers. [Laughter]

Here is the plat Ma'am. Rowena Avenue runs between 47th Street on the south and 51st Street on the north, and the streets, Rowena and Teresa were actually named for Hegman's daughter was Teresa and his niece was Rowena. Now, Teresa, his own daughter, that was renamed Avenue F but Rowena remains as an Avenue in the subdivision. There are 89 houses in the subdivision. Of those 55 were considered contributing, 31 were non-contributing, mostly because they were too new. To be contributing a house has to be at least 50 years old and maintain its historic appearance. Two were potentially contributing,

including this one, and then one was unknown because we couldn't figure out where this house had come from or its state of construction in the time that we had to conduct this survey and research. Of the 55 contributing houses all of them maintain their original appearance, their original materials, so of the non-contributing houses that are over 50 years old, the thing that made them non-contributing was the application of new materials, new windows, vinyl siding, things like that. Because we have such an amazing concentration in this area of contributing structures with all their original materials. Here is what we believe is the first one in the subdivision. It's at the corner of 47th and avenue f, and it's 1925, and it's a fairly standard 1920s bungalow. This was hegman's own house, built in 1926, and it's right between rowena and teresa avenues -- or row weana and avenue f on a very large piece of property. It also has a quite large addition on the back of it. And as houses were built in the subdivision, the styles changed from the standard frame bungalows to more he electric tick houses such as this -- eclectic houses such as this spanish colonial revival. There's a rock house that was actually owned by larry craddock that married one of the hegman's daughters and eventually owned buildings on sixth street including craddock's furniture. This was his family's house. 4803 Avenue f was built in 1934, and I included this slight in here just to show that in our determination of what buildings are contributing or non-contributing, we weren't taking the condition of the house into consideration. This house obviously is in need of a paint job, and many other things, but the fact remains, all of its materials are original and intact. By 1937 the houses were getting a little larger, a little more embellished. This one has a tutor revival feel to it, even though it's still a frame bungalow. -- Bungalow, sorry. 1939. Here's another one with all its original materials but obviously not in very good condition. And then the second big building boom in this area came in the late '40s, so we have a lot of houses that were built 1946 through 1950. They're much smaller cottages, much less embellished than the bungalows. Here's another duplex, 1946, 1947, we start seeing kind of an international style with metal casement windows and masonry walls rather than frame. And then by 1950 we have houses that are early ranch houses with stone veneer applied. 4810 Rowena avenue, this is the one we're talking about. Although it's one of the older houses in the neighborhood, built in 1931, it doesn't have its original materials. It has vinyl siding on it. The porch posts have been replaced, and although I may be accused of being elitist in my determination of these things, when you have a group of buildings that have such a -- well, almost all of them have their original materials, you have to draw the line somewhere, and if it doesn't have its original materials, we determined this to be non-contributing. Now, mayor pro tem, I know that you've always asked in the past about the ability to rehabilitate a house under local historic district rules, and this would be a great candidate for that, but there's no plan for that in place right now. So we have to say that it's non-contributing, but if someone did want to rehabilitate it, it could qualify under the local historic district rules for a property tax freeze. 16947 House, by its age would be contributing, but all the windows in this house have been replaced. It took away from its historic appearance, so it also is non-contributing. Here's one built in 1963. It's non-contributing because of its age, and then we have the newer houses in the neighborhood. Here's one, 1999, 2007, and this is an example of the type of thing that is being built, or proposed in the neighborhood today. So our -- I did prepare a survey list for you that's in your backup with all of the houses in the area and our evaluation of whether they are contributing or non-contributing to a potential historic district, and also their dates of construction based on documentary evidence, for the most part. It is our conclusion that because of the siding applied to this house and the fact that it really is a low bar to maintain the original materials, that 4810 rowena

would not even be contributing to a local historic district at this point, and staff also contends that it neither has the architectural significance nor the historical association necessary for an individual landmark designation. Thank you. thank you, mr. sadowsky. So council, that takes us 30 break, so we'll sort of digest steve's presentation and following live music and proclamations we will conduct the public hearing format for this historic zoning case. So with that, we'll now recess this meeting of the austin city council. Stay tuned for live music, and then we have some special proclamations this even. Our live music, by the way, is the regan high school drum line. I thought I would have heard them by now. They're a noisy bunch. Stay tuned for them as proclamations. Thank you. Regan regan regan

so. so welcome so our weekly live music gig. This is going to be a fun format and a -- for me in my final presentation. The day before juneteenth we have invited the reeg reagan high school drum line to perform for us. I think they're actually going to march in performing. Once they get up here I'll reintroduce hear about the drum line. So stay tuned. [Drumming] [drumming and chanting] [applause] so how about that for an intro? All right. Before we -- actually through the performance listen to this stuff. Obviously we're welcoming the reagan high school drum line. The precision cadences are unique to austin, garnered awards and recognition. Soul train performs year-round and competed in drum festivals statewide. The group made a commercial for cbs and has performed for the austin wranglers, the city of austin science fair, teacher of the year ceremony. In addition soul train was honored to perform at ut for the presidential debate last year between now president barack obama and secretary of state hillary clinton. The students were directed by armstrong and john bailey and are dedicated to excellence and hard work. Please join me in welcoming the reagan soul train drum line. [Drumming] [applause] well, that was fabulous. I'm not sure if john or mr. Why don't you come forward. [Chee and applause] yes, so give us a little bit of background. Tell us about sort of the kids, what the ages -- the range of ages, the hours they practice, how you-all get gigs, where we can hear them next. I trust -- I trust that there's a performance as part of the juneteenth weekend celebrations. If not, please give us more information.

Well, these are 9th through outgoing seniors. Some of them are going to college and being part of the prairie view marching band, so it's a big range. The drum line here is part of the austin also drum line, which will be performing tomorrow at the 00 30 starting at dish walk field and juneteenth battle of the bands saturday, a nelson field. And they perform all the time and the hours that they work is -- I can't even count. They go -- they go year-round. As you can see they're performing now for you, and it's summer. So, you know, they perform all year long. Any other information, you can contact me at the reagan high school. and does the drum line have a specific web site that people can log on to or is it just through the school?

Just through the school. well, before you-all get away, guys and gals, I've got a special proclamation that reads, the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre and our music scene thrives because we support musician, whether legend newcomers. Therefore i, mayor will wynn, mayor of the live music capital of the world in my last city council meeting do hereby proclaim today, june 18, as the reagan drum soul line, and invite a all these fine young people to join me. [Applause]

I'll let you escort them out, or whatever. [Drumming] [applause] and so -- and -- and so, in case you're wondering, mayor pro tem mcCracken has the decibel leader application on his iphones and he can tell you we topped out at a hundred db's. So shady grove can eat their heart out, while my band is performing unplugged. Now for my only sort of formal proclamation today before we do distinguished service awards for our outgoing staff, I'm so pleased to have milton verret and his family here. Milt, would you please come forward? [Applause] stand here so you can be on tv. This is a fun proclamation. So when they started asking me what I wanted to do as procs for the last meeting, our outgoing staff we'll do in a second, it was fun to have the reagan drum line here but I wanted to take a chance to say thank you for milton verret, for all he's done, the patience he's shown while we tried to figure out our form are format here. I trust you know the story that two years ago now, almost, we had the guitar town public art project, where we had guitars spread out all over the city done by local artists and combined with local celebrities, thematic guitars, eight of whom i think you see here in the building. It was a fundraiser, a very important fundraiser, for four non-profits here in town, mostly related to artists and to musicians. And so we had a live auction over at gsc and m one night where we sold them all. In fact, it was an on-line global live auction. We had folks bidding and buying guitars from paris, new york and mexico city that evening. Milton got all motivated and out in the audience and bought a bunch of guitars. We raised \$600,000 for these local charities by selling off these guitars. I'll let milton tell you how much of that he forked over, but ultimately he bought a number of the guitars and then on the spot that night while I was there sort of helping with the auction, milton said he wanted to donate the ones that he bought back to the city so that we could then display them publicly, because ultimately what was happening is the guitars were being bought by folks all over the planet, and they left us. And so this past year or so with a lot of additional expense and time and effort by milton and his family and coworkers, they formatted the good-looking and very effective bases that you see here to -- busses to showcase the guitars and say who did them. And so now he is presenting them back to the city. We of course graciously accept them, and then we put together a plan as to where and how we would display them across the city, mostly in city facilities. I think we have a list here somewhere. There will be one here at city hall. There will be one at the airport, at the convention center, at the austin convention and visitors bureau, visitors center on second street, the mexican-american cultural center and places like that. So that way perpetually now our citizens can continue to celebrate what was a great concept, a great public art project, a great fundraiser. Milt of course may celebrate the live music capital of the world and in this case i get to celebrate remarkable citizenry philanthropy to us all. So having said that I'm going to read a certificate of appreciation to milton and his family. And then hopefully milton will say a few words so we can all thank him. This is an official city of austin certification of appreciation for their generous donation of eight guitar town guitars to the city of austin, milton verret and family are deserving of public acclaim and recognition. Created by austin artists and signed by local dignitaries, the guitars were part of a \$6,000 fundraising project spo gibson guitar foundation in 2006. Milton was so taken with the guitars and their plairptd popularitywith the public that he bought several so they could continue to be enjoyed by citizens and tourists alike. We are most grateful to the verret family support, charities benefited by the project and of their community spirit which led to this generous gift to our city. This is truly a gift that will keep on giving to the live music capital of the world. The certificate is presented in appreciation thereof this 18th day of june in the year 2009, signed by me, mayor wynn, but acknowledged by the entire austin city council, the certificate of appreciation to milton verret and his beautiful family.

[Applause]

thank you.

Well, on behalf of the verret family we're very proud to, you know, give the guitars back to the city, and we hope they enjoy them. Everyone loves taking pictures with them and it should be a wonderful thing. Thank you very much. [Applause] and so as i mentioned, we take this time at our final council meetings for mayor and council members, mayor pro tem, to recognize their staff. So at this time I'd like to turn the podium over to mayor pro tem mccracken, who's going to recognize his staff. Brewster?

Come on. I see mary lou in here, and I saw rosana. Where is rachel? I see michael. But that doesn't count. [Laughter] I'm just grateful she's not flying over the handlebars of her bicycle. [Laughter] well, I've had the incredible privilege to work actually with four great people here in this room and my staff -- my -- in my council offices, because rich bailey was one of the executives in my office before he became chief of staff to mayor wynn. But I'm going to start off, the distinguished service award for mary lou rodriguez who is going to become the assistant to the city manager's chief of staff, ant nigh snipes -- anthony snipes, which means she's going to become one of the most popular people in stlawl city hall. So be very nice to her. She's a nice person. What I'm so proud about mary lou is that she came on in part-time and she was just so indispensable. We kept finding more ways to carve more out of our council budget office oh -- office budget, and mary lou has this incredible equaanymore ti. -- Equi anymore ti. She is this ray of sunshine. And she goes, the council member promised -- when they go, the council member promised me he'd meet with me at 2:00. And she'd go I don't remember anybody about this. And I'd be, I don't either. But mary lou would always come out of it better. And I'm very grateful for that. But I want to read these to you. I wrote them myself. The distinguished service award is to mary lou rodriguez for years of service to mayor pro tem brewster mccracken. When the world threatened to spin off its axis many times, mary lou effectively created order out of chaos, made the disgruntled feel better and demonstrated calm wise leadership. The mother of four amazing young people, jackie, sara, mattie and zack, a dedicated daughter to her own mother, mary lou has demonstrated by personal example what leadership, selflessness and personal character are all about. She's always helped everyone to smile, to enjoy life and focus on what is truly important. That is even before she became wand. It's a joke inside of our office. [Laughter] through her dedication, effectiveness, fairness and unflappable sense of humor, mary lou made city hall a better place to work and austin a better place to live. So mary lou, I'll let -- [applause]

so the second one is for rachel proctor may who some of you-all may remember rachel was a -- was the urban planning reporter for the austin chronicle before karen gross, her predecessor in my office, she and I were saying, okay, we need someone who can do press and someone who can do urban planning and we were just really racking our brains about who could do press and who could do urban planning. And suddenly, I can't remember which one of us said, raich urban may knows the press and urban -- rachel urban knows press and planning. Rachel and for me, a history major, we are both likely to become technology people out of this venture. So rachel is going to become an assistant to john baker, the chief strategy officer at austin energy, and rachel and I were two of the either seven or eight founding members of the pecan street project, which is our effort to take -- what we did with sematech

and do it again and do it on clean energy, which really I believe, and I think all of us on the project believe, is the most important effort, developing a clean energy economy, it's the most important effort of our generation, both environmentally and economically. So we have the opportunity to be the leader here in Austin and clean energy in the same way we were with semiconductors a generation ago. And so I'm very excited that Rachel is going to be leading the effort as part of the team inside of Austin energy. So I'm going to read this for Rachel. A distinguished service award. This certificate is presented to Rachel Proctor May in recognition of three years of dedicated service as policy directed to Mayor Pro Tem Brewster McCracken. She's demonstrated outstanding intellect and wisdom and innovative policies in the areas of land use, environmental policy, mass transit, education and technology policy. She has emerged as a genuine community leader in her own right through the last three years, 2008 Congress in Austin, co-chairman, as vice president at the CNU Central Texas chair, co-chair of AISD's committee on schools, and is a member of the Pecan Street project. An accomplished samba dancer, which I bet many didn't know, and an aspiring bass guitarist which probably even fewer of you knew, than Michael. They can play in a band. Rachel has demonstrated an impressive ability to heal from injuries acquired while winning mountain bike races. Some of the injuries -- it's not just injuries -- in short, Rachel always takes the road less traveled and ends up creating new paths for others to follow. So Rachel, I love you too, you are awesome. [Applause] and so my final one I'm presenting is a distinguished service award to Rosana Barrios, who we all know as Non. So this distinguished service award is presented to her for three years of service as executive assistant to Mayor Pro Tem Brewster McCracken. Non has been a friend to Austin from all backgrounds and parts of town, an extraordinary problem solver, a talented policy adviser and perhaps the most connected person in the history of city government. The -- she tackles everything from potholes to digital media economic policy with zeal, effectiveness and humor. The three degrees of Rosana was instrumental on many occasions in bringing people together, finding solutions and leaving everyone smiling. Through her hard work and commitment, Rosana has helped to make Austin a better place. I've got to explain what the three degrees means. You've all heard of 6 degrees of separation, and for those of you who have an agenda -- actually there's a study out of Nebraska, I think it was, in the '50s, trying to find out how long it would take people in a town to get a package to one of three people, in I think it's like Brookline Massachusetts, who is a total stranger to all the people in town. They had to send the package to someone they knew who they thought might be able to get it to that person eventually, and it took on average six mailings to get it to one of the three people in Massachusetts. That's where the comment -- the line -- or the term 6 degrees of separation comes from. Rosana is almost with a freakish connectability, some stranger will walk into the office and talk to Rosana and will say, do you know this person in La Grange Texas? And they'll go, my god, I totally know that person. So we joked, if we don't know how to get to a person we'll go talk to Rosana. Rosana and I have been friends for 10, 11, 12 years since we were both working at a law firm together, and we have both vowed that we will never, ever, ever work for a law firm again. So it's another reason why I love you. [Applause] while his staff is still here, and I think I'm going to be joined here by my council colleagues, so actually technically I still have another meeting left because I'll be calling to order the meeting Monday when the new mayor and council members are sworn in, so we'll do something Monday, but I would like to take this opportunity to issue sort of our distinguished service award for Brewster, and then I think we're going to have some other colleagues. So I'll be serious and they probably won't be. So this distinguished service award reads for 6 years of service to the citizens of

austin, texas, council member place 5 and then mayor pro tem, brewster mccracken is deserving of public acclaim and recognition, a native texan he studied the lay and mid his home in austin where he epitomized the creative and vision and cool that characterizes our community. His championing of new urbanism, the arts and innovative technology has positioned austin as one of the leading cities of the 21st century. His service coincided with a key period of our city's growth in which he helped guide austin through the challenges and the -- of prosperity with persistent advocacy for wise planning, sustainability and alternative transportation. His legacy includes innovative pecan street project, which brings together key public and private partners to develop a clean energy infrastructure. This certificate is presented in recognition of brewster mccracken's service to the people of austin and in anticipation of a life of service to come, this 18th day of june, 2009, signed by me, mayor wynn, but acknowle by all of his colleagues on the council, the distinguished service award of brewster mccracken. [Applause] [applause] and I'm going to open up the podium now to colleagues. Council member shade. brewster, I've had the shortest time to get to work with you on the dais but I have really, really enjoyed it, and I first got to meet you I guess when you were running and when i think I think about how much you've accomplished and what you've been able to touch in this community it's really impressive. And I know that you and your family are probably going to enjoy your thursdays again soon, but I just wanted to say, from my family's perspective, we sure thank you for all of your service, and, you know, we were talking amongst ourselves about all the different things that you've touched, and we decided that one way to sort of appropriately say how many things you've touched, we came up with a way that we could give you and - ways to enjoy austin but also is symbolic of some things you've touched. So I get to be first, and i would say pecan street is something high on the list of things that people would associate you having a huge impact on. And so it's my pleasure to provide you with a gift certificate to pecan street cafe. [Applause]

well, brewster, besides working with you for one year on the dais, I worked with you, I think, probably five years before, cause we did the commercial design standards AND then McMansion, and McMANSION IS WHAT I WANTED To talk about and it was great that we got to talk about it a little on the case before here. For me, personally it was a great opportunity to learn the fine art of crafting compromise and balance in a result, because we spent a lot of hours with a lot of people that disagreed with each other, and in the end we got almost unanimous agreement after people understood what was going on. It was a great lesson for me. You were completely involved, it was all your leadership, and it's definitely something that has impacted our central city neighborhoods, and i think everybody is very appreciative of that. I'm appreciative of it. And so as a symbol of that we have a gift certificate to the hyde park bar and grill, one of the poster CHILDREN from McMansion that's really been helped by all. Thank you. [Applause] well, brewster we sit next to each other, and I don't know how many people know that makes you very close, because we spent a lot of time. One of the things I've notified is that you have your regular computer, you have your laptop, and you have your iphone, and so you're always buzzing and because you're always buzzing I manage to stay awake. [Laughter] so I have a real challenge there. But I've learned an incredible amount from you, and I'm really appreciative of your service on the council and just how much you've helped me learn how to make motions and jump in there and that type of thing. And I really appreciate the fact that you can all that stuff going, your computer and laptop and iphone and then you can jump in and say, well, it's important that we

remember great streets. [Laughter] and it always seems to relate to whatever is going on. So I really appreciate that. So all that you've done and supported in downtown, i think that is a legacy well worth noting, and so you have a gift card here from joe's. And I will say that I'm losing my best friend. [Applause] brewster, i think I've worked with you for about four years, and we've not only been together on the dais here but so many different committees. I'll see if I can remember some of them on the council. You initiated the first year I got on the council the land use and transportation subcommittee. I was on that. And also the emerging technology subcommittee, and I served with you on that. We've also served together on audit and finance, and we had the -- I'm searching for the word to describe the experience of serving on cap metro together, but we -- [laughter] we did that and also campo. So we've had a lot of interaction, and I've appreciated your intelligence and your energy, the way you go after projects and see them through to completion, and we've all learned a lot from you. I've appreciated knowing you. As you leave the dais now, i know that we'll still hear from you because I've heard that you're still going to be working on the pecan street project, and I want to follow that closely too so I hope we can work together on that. And I know you'll be successful, though, in whatever you do, even if it's being a lawyer. [Laughter] and I know one of the things you worked on a lot is rail, and I don't -- I haven't even looked into this. It's sealed. I didn't know I was supposed to break the seal, but i think it's a train pass. [Laughter] [applause]

well, yeah, we know how useful that train pass is right now. [Laughter] so let's clear this up. That was a recognition of his vertical mixed use efforts. Obviously brewster has worked on a lot of things. Brewster, we met before i even thought about running for public office. I was with the fire department, and we supported and endorsed brewster in his first campaign and then his subsequent campaign, and it's been an honor to serve on the council woman. We were able to work on some really wonderful things together. Not always easy, you know, but you do have the craft of finding compromise, and i think the legacies that you leave behind is exactly what we're talking about today. One of the things, though, that we all know aside from the new urbanism, aside from things like great streets, McMANSION, THE PUD Ordinance, design standards, brewster has been an advocate for rail, and it's unfortunate that we don't have it yet, but let me tell you, what we're about to have would not be possible without the efforts that he put in and the time that he put in on cap metro, and his past advocacy. So we were going to get you a rail pass, but we can't because the rail is not open yet, so we got you duck tour passes. [Laughter] so you can go around town and enjoy all the things and the impact that you had on austin. But as soon as the rail line is open we'll get you a rail pass. [Applause] and finally, I actually have had the distinct honor of serving with brewster the longest. He actually replaced me in place 5 six years ago, so I've served with him this entire tenure. We've done a pretty good job of itemizing some of the many different areas of interest and initiatives that brewster spearheaded and drove home, but his first passion as he came to the dais six years ago was actually film. He remains a big advocate. We had an earlier discussion today about the austin film society and the film studios. So it's with great pleasure that I present to brewster a pass and certificate to the alamo draft house, the best place in town to watch a movie. .. [Applause]

McCracken: I first want to introduce you to my wife, my best friend, sara. And it is -- I got to tell you -- I'll tell a little story about working with each of my colleagues, because it has really been an amazing experience. So -- my favorite memory of working with mike is that in 2003, you know, we faced a budget

challenge that actually dwarfs the challenge we're facing right now, and so anyone who says that all good things don't start at mother egan's doesn't know mother egan's,ist -- what's possible. Mike and I got together and said what can we do to address the concerns of the firefighters, with the concern of comploag fire stations. And we also had a proposed cut to human services budget, which is something that I felt real strongly we should not be doing, and we had to cut \$60 million from the budget, or 67 million, something crazy like that. So mike and I worked out an agreement and mike carried it through with the firefighters and I was able to get the votes to reach a compromise for the firefighters. The firefighters gave up a pay raise that they were scheduled to get and mike had the courage to go take that -- his colleagues at the fire department, they carried through, and we got it passed. So I've respected mike's political courage. I've sometimes joked that mike shares my almost reckless, fearlessness, to our own detriment at time in politics, but I've admired that about mike. And then I'm going to skip over you, sheryl, for a second. Randy, you-all may not remember this, but all of us who are young lawyers in the late '90s, there was like -- you got to get to know randi shade. She was like this person who was coming out of politics and into technology and then was one of the three founders along with chip wolf and steve gingrich of the clen energy association in austin. So she's someone I met a little bit in the late '90s and got to know better. Is really a wonderful person but also has a vision that's about 15 years ahead of time. When randy is looking at something pay attention because that's where the teacher is going to be, i found out. With laura, the -- I'll tell you, when it comes to urban planning, the quick backdrop on that is I didn't run on urban planning. I didn't know a thing about it, and there was a proposal to ban big box stores over the aquifer, which, you know, was kind -- I was kind of like, okay, we were going to vote for that and some representatives from the real estate council said, well, people hate the way they look. I said, well, I hate the way these big box stores look too. And they said, well, you know -- they said you-all are going to pass it, but going forward why don't we all work together to make these things look better. So we got five people together and at austin java in october of 2003, including cline fist making his appearance, and jan McCANN WAS URBAN DESIGN Engineer at the time so we worked through issues related to big box store design. And about a month before the wheels came off. We said we were going to strive for consensus, so some representatives from the real estate council came and they said this thing has gone badly off track and you need to start over again. And we said, well, guys, if that's the way you feel that's the way it's got to be. I said I have to learn about urban planning. I don't know a thing about it. So I talked to a buddy of mine who was in urban planning school. He said -- well actually at com and typed in design standards. I got three books. I finally found after an hour, and two of them weren't very good but the third one was by andre, dubonais. Suburban nation. Wow, I felt like I had been hit by a car. And within a couple months i was reading urban planning texts in bed at night. It really was something that connected me on a deep level, so I discovered laura, who comes from the technology and process world from honeywell is --

[inaudible]

yeah, yeah, okay. Laura turns out to be just as big of an urban planning dork as I am, and -- but similarly an amateur educated -- I call myself a dork too. You have a chance to rehabilitate yourself and this is my last shot. [Laughter] but what I really -- when i crossed the line from just liking laura and really admiring her intellect to seeing laura as a leader was DURING the McMansion process, because we worked together on design standards for three years and that was tough sledding. We had 100%

consensus rule, so we spent a lot of time on that. But it never had the -- you know, kind of the emotions that McMansion has had on both sides, with home builders and the neighbors and property owners. It was -- I think it -- it was up there with toll roads as the most kind of wrenching experience that a lot of us went through. And so laura ended up chairing a committee that was ready to kill each other, and then by the end of it she got into a 15-1 vote, and -- got it to a 15-1 vote, and that was some incredible leadership. They went beyond being smart and having vision, and so i told laura, you've got the character and the temperament, you have the skills to be a great leader, and so I really admired that. Loved working with you. I probably worked actually, weirdly enough, with laura more than any of you-all just because we worked together so much on those two issues. The thing I think I may be the most proud of is something lee and I worked on, and it was in late 2005, I was meeting with lee one day and I said, I think it may be time that we go and try to repeal the ban on domestic partner benefits, and lee said, I think so too. And that was kind of the third rail of austin politics for a decade. Do not touch that. You don't know what will happen, and what I respected about lee is the two of us -- it was something that came out of the two of us, and, you know, I knew i could count on him. I never had a doubt, and he showed great leadership, not just great leadership but just a fearlessness also that I don't think people maybe know about this man. He's going to be a great mayor, and I have a lot of confidence in him.

Hiding back there. [Laughter]

yeah, will wynn has -- we're going to look back and this is the will wynn decade, because I don't think a guy has ever had such a transformative effect on the city's view of what it wants to be as will shaping it, and will has done things that the people said, man, that's suicide politically, but even if we think it's the right thing to do, don't do that, you with his vision on climate change, on urban development and planning. What I've always admired, somehow will will lee and be bold and visionary and people will be mad for like 30 minutes and then go, we and the thing is sometimes the rest of us can get kind of knotted up with each other, and will, what you-all don't see unless you're back in like executive session room or meetings, is that will wynn is not just a guy with a great vision who has transformed what the city is. Will wynn is a great leader among people that have internal rivalries and disagreements at times, and will doesn't ever play favorites or pick sides, and he always ends up bringing us together. So that's a part of will that I don't think you'll hear a lot about or read a lot about, but it's true and he's a terrifically nice guy and he's a guy that brings us together. And so then my turn, my best friend on the city council, sheryl cole, and I got to tell you, I knew sheryl a little bit before she came with city council, but I'll never forget, this is sheryl cole for you, two things: The first is we had a budget, it was called a meat and potatoes budget. So we were all saying one night, meat and potatoes, meat and potatoes budget, and then sheryl said, and this was like your second or third meeting, she said, yeah, but even meat and potatoes, this mother knows you got to have your vegetables. And that was human services. That was looking out for folks who needed help the most. And so she -- sharing reminded us and appealed to our values and our conscience. And then about six, nine months later we had an issue that I think will was trying to take -- waller creek tunnel. I thought, we're all going to be the ones that solved the waller creek tunnel impasse, and get the thing off the ground. Man, we all got tossed aside. It was hopeless. A then sheryl cole shows up and within nine months being on the council has done something that ten years of elected officials couldn't get done, which is get the agreement done. We're already working on the contract on it. And so sheryl is someone who is -- has -- has a conscience and compassion for the city

of austin, she's got the skills and the vision, and she cracks me up endlessly. Bill spelman has no idea what he's in for right now. But anyway, you-all, it has been an unbelievable privilege. The last thing I would urge everybody in austin to do is be kind to each other. This is a city that our weakness at times can be that we can kind of turn on each other and get in fights, but as all of us have seen, when we are kind to each other as a community we can do extraordinary things in austin. So we got some challenges now. Let's get back to the good part of us. Remember that part of us, and we'll end up being just fine. Thanks a lot. [Applause] so as I let my colleagues sort of clear the way, I saved my most precious duty for last. This is actually going to be more difficult for me than saying good-bye to the office or saying good-bye to my colleagues, is presenting my distinguished service award to my staff, and so I'm going to ask rich and darlen thelma and barbara to join me up here. And so I'm going to take these in whatever order i have them here. So, you know, when I got actually re-elected mayor, i turned to these guys and said, congratulations, you've just been re-elected, because these folks put in a tremendous amount of time, effort, heart and soul into the office and serving the citizens, so I'm very proud to give these distinguished service awards. My first one is to barbara coleman, and it reads, in recognition of four years of dedicated service as administrative assistant, most people saw her face first when they walked into the door and heard her voice first when they called. Barbara coleman was often the first contact many people had with the mayor's office. Her professionalism and agreeing in listening to citizens' concerns were a positive reflection both on her and the city. Barbara's ability to accurately convey the information she received helped to ensure that appropriate action was taken to resolve constituent issues. Through her hard work and her commitment during the past 16 years as a city employee, barbara has helped make austin a better place. This certificate is presented in acknowledgment and appreciation of all of her hard work, this 18th day of june, as signed by me, but also acknowledged by the entire austin city council, a distinguished service barbara coleman. [Applause] and next darleneberghammer. Stand up again, please. Again, the distinguished service award reads, and it is presented to darlene berghammer in recognition of six years of service to mayor wynn. She primarily answered constituent services, where she handled calls and letters to the mayor from concerned citizens. Her listening skills and ability to em pa thies was crucial. She was also a key participant in the mayor's fitness council which raised awareness and emphasized the importance of good health to the citizens of our city. Through her hard work and commitment, she has helped make austin a better place. This certificate presented june 18, by me, mayor wynn, but acknowledged by the entire city council, a distinguished service award to ms. darlene berghammer. [Applause]

thelma. So thelma, in fact, was -- is part of the original team. I was introduced to thelma by my friends at the acbb when I was elected. I brought thelma over and she, in my opinion, has sort of the toughest logistical job in the office and has done it with style and grace now for six years, just tremendous, tremendous friend and colleague. So this distinguished service award presented to thelma braza in recognition of six years of dedicated service as executive assistant to mayor will wynn. Thelma worked on a variety of issues involving the public, but perhaps her most challenging was handling the mayor's schedule. Juggling the myriad requests for the mayor's time required the ability to focus, to multitask and to be flexible in working with all stakeholders to ensure successful events. Her ability to work across cultures with many of austin's sister cities also reflected well on thelma and the mayor's office and the city and was a critical component of her great success. Through her hard work and commitment, thelma

has helped make austin a much again, the certificate presented in acknowledgment and appreciation the 18th day of june, acknowledged by the entire austin city council, a distinguished service award to ms. thelma braza. [Applause] and then finally by looks of him you'd think rich has the toughest job in the mayor's office. [Laughter] I won't make any jokes, but, you know, it was -- but he's doing fine. He looks a lot worse than he's been doing. [Laughter] rich -- as brewster mccracken pointed out earlier, I actually stole rich from brewster's office. He had been his policy director for brewster and was doing such a good job i pleaded and brewster kindly let rich join my staff as chief of staff here for the second term. So this distinguished service award is presented to rich bailey in recognition of three years of dedicated service as chief of staff to mayor will wynn. Rich worked on and advised the marrow a large number of issues, including land use, transportation, public safety and emerging technologies that required the ability to multitask, to digest information quickly and to work with all stake stakeholders. His listening skills and ability to deal with differing opinions were key to his success. He was a critical factor in the planning, creation and operation of the live music task force specifically. Rich also served very ably as the mayor's representative to numerous community and governmental organizations. Through his hard work and commitment during the past five years council aid, then chief of staff, rich helped to make austin a much better place. The certificate is presented, again, in appreciation, acknowledged on june 18 by -- signed by me, mayor wynn, but acknowledged by all of my city council colleagues, this distinguished service award to mr. rich bailey. [Applause] and just quickly in closing, I appreciate everybody's patience, but I say this obviously for my staff and brewster was talking about his staff, all of these council staff positions, folks really have a hard time appreciating how hard they work, how long the hours are, how many, you know, extracurricular things they have to do. It's been, you know, important work, but it's also inspiring work, and so for me to be able to witness how hard both my office and the council staff works for the citizens of austin has been particularly impressive. Thank you for indulging and letting us say thank you to some really important people in our careers and lives. Thank you very much. [Applause]

could we do a quick group shot? so we will reconvene the meeting after a very short break. Thank you.
(Recess) heg man we miller miller quinnelly quinnelly

Mayor Wynn: There being a quorum present, at this time I'll call back to order this meeting of the city council. I appreciate everybody's patience while we did all of our proclamations. If you remember, council, we had just heard our presentation from sadowsky on item number -- zoning case number 66, the we miller house. I think steven had sort of concluded the actual sort of formal presentation. My instinct is we'll probably have scwez for sadowsky after we get feedback from folks here to give us testimony. Again, I appreciate everybody's patience the last hour. So let's see, we'll now conduct the citizenry part of our public hearings. Technically we will consider -- we'll consider is a drow ski's presentation to be -- sadowsky's presentation to be that of the applicant, although it's sort of strange in that context. What we'll do is hear from folks then who agree with sadowsky, three minutes at a time, then we'll hear from other folks and then steve essentially sort of has the ability to probably answer questions about other testimony. So let's see. It looks like our first speaker -- again, i understand that some folks probably checked for when they meant geys or vice versa. We'll see how this works out. John cutner is our first speaker. Is john here? Well, let's see. So jim has signed up to speak, so okay, how about gill lore. bennett, you have up to nine minutes if you need it, welcome. And you will be

followed by janette rabosobi.

Mayor and council, I'm jim bennett here on behalf cutner's opposition to this historic zoning that's before you tonight. I would point out to council that there is a valid petition on this particular case as well. I don't think I'll need additional time, mayor. Basically I think sadowsky has pretty well covered this. This house was built in the early 30's, and according to my opinion and his opinion, this structure has neither the historical or architectural significance that's required under your guidelines for individual historic designation. In fact, I believe out of the criteria, probably the only one that we probably meet is the structure is 50 years old. And having said that, we are proposing to remove the building, demolish the building from the site, and have plans to build a new structure on the location. I think that pretty well sums it up in might lite of the presentation that steve had given you concerning the structure, the architectural, the inhabitants of the structure in the past. And I believe his recommendation to you is that he did not recommend the historic zoning on it, and we think that is an appropriate recommendation. I'll be available should you have any questions for me or the owner of the property if you need it.

Mayor Wynn: Thank you, mr. bennett. We'll note the other gentleman's opposition for the record as well. Now we'll go to folks that checked the in favor of historic zoning box. Again, even if you checked the wrong box, you're still welcome to give us the testimony. The first speaker is janet rosovi. Hope I'm pronouncing that right, janet. Okay. Kent, you're welcome to go first, you bet. And so some folks did want to donate time to you, kent. Let's see, is elizabeth murphy here? Welcome. How about andy jones? Hello. And joan rivers? Welcome, ms. rivers. So kent, you will have up to 12 minutes if you need it and you will be followed by janet.

Good afternoon, mayor and councilmembers. I want to thank you for inviting the reagan high school drum core as I'm a 1974 graduate of reagan high school.

I went to a.c.c. there.

My name is kent and i live at 4810 avenue f. I'm here to spe neighbors on both row wean in a and avenue f to miller house deserves historic designation based on the codes and the historic landmark designation criteria. A quick review of recent events. On january 26th, the historic landmark commission denied request for demolition of the w.e. Miller house at 4810 rowena. Until further research of the house and the area which it represents, the haigman subdivision. ON FEBRUARY 23rd, ON MARCH Second, the helc voted unanimously in favor of historic zoning for the miller house. On april 28th, the planning commission heard the history of the house and the request for historic zoning and voted in favor. May 26th, historic resources survey of haigman's subdivision was completed by the preservation consultant hired by the neighborhood. Who determined that the miller house is a contributing house to the local historic district. Here is a quick look at the original jj haigman subdivision established in 1925, which includes rowena and avenue f between what are now 47th and 51st streets. Rowena is the only street in haigman subdivision that has retained its original name. Others have been renamed to coincide with street names in hyde park. miller house is located very near the center of the proposed local historic district which today includes approximately 90 homes. According to the austin land development code, historic designation criteria code a-1 requires the property be at least 50 years old. The house at

4810 rowena built in approximately 1931 is approximately 78 years old. And it is representative of the homes that were built as a part of the original haigman subdivision. Only about six other homes on rowena are as old or older than the miller house. Code a-2, property retains sufficient (indiscernible) of materials and design to convey its historic appearance. According to the historic preservation consultant currently working with the neighborhood, the structure at 4810 rowena is a contributing structure to the proposed local historic district. Only moderate modifications, including some vinyl siding, have been added over the last 78 years. Otherwise the house maintains its historic character, contributing to the neighborhood. A-3-b-1, the property embodies the distinguishing characteristics of a recognizable architectural style type or method of construction. Specifically according to our consultant, 4810 rowena is a classic front gabled bungalow with gabled front porch. This bungalow style is typical of hyde park, however in the haigman subdivision, only about a dozen contributing bungalow style homes remain. This is a view of the house in question. Code a-3-b-1, excuse me, by way of comparison, the proposed replacement is out of scale with every other house in the neighborhood as well as a completely different style and feel. I'll bring your attention to figure 1. It shows the existing house in relation to the property line, several mature trees, including pecan trees, exist on the property with the structure. Figure 2 shows the proposed property redevelopment in relation to the property line. Figure 3 shows the front elevation of the existing structure superimposed on the proposed structure. And figure 4 shows the left elevation of the existing structure as superimposed on the proposed structure. Code a-3-b-2, property is substantially associated with persons who contribute to historic significance. The house was continuously occupied by the millers during its entire history. Many current long time neighbors remember claudia miller, who lived there for her entire married life and died in 2007 at the age of 95. During claudia miller's lifetime, the house was wool si, who was married to one of the miller's daughters. Wool si founded and managed the austin insurance company for many years. Code a-3-b-4, property possesses value to the community pause it significantly represents the historic heritage of the city or the area of the city. Haigman neighbors and the hyde park neighborhood association recognize that the historic significance of this house is an early semi rural haigman subdivision home. I went way ahead, I'm sorry. The neighborhood is currently pursuing a local historic designation for the entire haigman subdivision. The development and design standards are almost complete. The historical survey has been completed. Substantial research or probable support for owner-occupied properties has been established. And I estimate that we are about 45 days from filing the nomination for historic designation for the haigman subdivision. And for figure 5, note most of the neighbors on both rowena and avenue f are homesteads as indicated by the green dots. 66% Of the houses are considered contributing structures to the proposed local historic district. Almost all of these homeowners are in favor of preserving both the miller house and the haigman subdivision. The red square represents the miller house, the only known dissenter and the only one that is no longer a homestead in the immediate area. With those from -- would those from my neighborhood represented on this plat please stand and be recognized? Because of the miller's house location near the center of haigman subdivision and because it predates almost all other houses in the area, it is already a recognizable landmark to long time residents and we feel that it is keystone to the proposed local historic district. We feel that the destruction would sever the continuity of the local historic district that the neighborhood is currently pursuing. Both the historic landmark commission and the planning commission agree. We urge you to grant historic zoning designation to this property due to its both architectural significance and its

significance to the haigman subdivision. Thank you for your kind consideration.

Mayor Wynn: Thank you. So -- questions for kent, council? Thank you, sir. Our next speaker is janet. Is it rosovi? Welcome. You will have three minutes to be followed by peggy dudley.

Thank you for allowing me to speak. I just wanted to take the opportunity to make a quick tie-in to this weekend's hyde park homes tour. And this isn't just a plug for the tour, but in today's "austin american-statesman" there is -- it talks about the theme of this year's tour, which is if these floors could talk, a celebration of historical preservation and green renovation. And the article in today's paper about the tour talks about how last year the tour had to be skipped because many of our beautiful homes were being bulldozed by developers. But one of the tour organizers says that the truth is that the real developers live here. That the purpose of the tour is to show people what you can do to a small house in poor shape to turn it into a comfortable, stylish upgrade with a small carbon footprint with some thought. And of course the article goes on to talk about how the homes in hyde park range from large victorian style homes to the more modest bunk lows that filled out the neighborhood in the 20's and 30's. Of course our little part of hyde park definitely falls into that latter category. The article also talks about how there has been significant infill development in this area north of downtown, but the focus of the tour is to highlight the creative rehabilitation of the older homes that remain. And my husband and I have a little bungalow that we recently upgraded. We went from about 900 square feet to about 1500 square feet. Yeah, we really bumped up on the McMansion rules. So we just -- we actually encourage and welcome builders who are innovative, who want to bring creative, positive change to our neighborhood. We feel that the miller house is one of these old homes that deserves to be preserved and updated. So please help us to do that, to preserve that so that that can happen.

Mayor Wynn: Thank you. Our next speaker is peggy deaf edly. Great. We'll note her support for historic zoning. And for the record. And bill finch is also signed up. Welcome, bill. Okay. And we'll note that ray ewell was prepared to donate time also supporting bill's position. So I think that is all of the citizens who have signed up wishing to give us testimony. So I'm not sure if sadowsky needs -- there's no need for a rebuttal, per se. Council, that concludes the public hearing portion of this case. Questions for mr. sadowsky? Comments? Again, we have -- so guernsey, I presume by the statement earlier that we have a valid petition that we have a petition from the property owner against the historic zoning against their will, right?

That's correct, mayor. We do have a petition from the owner in opposition to the historic zoning.

Mayor Wynn: Again, questions?

This is really ready for first reading.

Mayor Wynn: Questions for staff? Comments? I hesitate slightly. I'm not sure where councilmember martinez might be. I trust he's just back from the dais for a few minutes. Noting that with -- with valid petition opposition that it would take six affirmative votes to zone the property historic. Comments,

questions? First reading? Sorry. Thoughts? Councilmember morrison, then cole.

Morrison: I understand the neighbors are in the process of putting together a local historic district and that you are 45 days away. Did I get that right? Approximately? I do have a question. Do you have -- have you developed your design guidelines and your preservation plan? Can you come up here, do you mind? Because that's one of the things that's of concern obviously is that if there were -- if this local historic district were in place, it wouldn't keep a house necessarily from being demolished, but it would impose some guidelines, as i understand it, that would ensure that the character of maintained.

Yes. All address your first question. We indeed have begun our design standards and preservation plan. We are very close to presenting it to the neighborhood as a general because they have to sign off on it as you well now. So it does not preclude an individual homeowner from doing what they want with their property within reason. And it does require some review before it's done. Did I miss something there?

Do you even know the answer to this? Describe what they're proposing to build may or may not fit within the guidelines that you're drafting at this point?

Well, we're trying to keep structures or put our historic district together with structures that belong or have the same scope and size of the existing homes. Like my wife indicated, our house is 1500 square foot, which would be by my estimate approximately the average of the houses in our historic district. So by our thoughts, it's being out of scale for what is in the rest of the house and the predges did touch on that slightly with the superimposed images.

Morrison: This is very frustrating for me because it shows how important local historic districts are because they're meant to maintain the fabric and the character of the neighborhood in different kind of ways.

Mayor Wynn: Thank you. Councilmember cole.

Cole: I have a question too. I'm very familiar with the area, but I want to make sure that I recall rowena, is that the street right next to the intermural fields?

That's correct. It backs up on the texas parks and wildlife department property as well as the archery range for the university of texas. You're in the right area.

Cole: When you talk about your local historic district, are you contemplating that it will be drawn from rowena to, i guess, duval, the street that the flight path is on?

No. Actually, the original haigman subdivision only encompasses rowena or what was then theresa, which is now avenue f from 47th to 51st street. So it's a small piece of what is part of hyde park.

Cole: Okay. So way before you get to ridgetop.

Absolutely.

Cole: Okay. Further down west -- east.

Cole: I move approval of the planning commission recommendation for the historic zoning.

Mayor Wynn: Let me make sure I have that. So I want to make sure. So the planning commission was in favor of the historic zoning. The staff's recommendation is the negative.

Cole: Right, yeah.

Mayor Wynn: Motion from councilmember cole to close the public hearing and approve on first reading only planning commission recommendation of historic zoning. Seconded by councilmember morrison. Further comments? Councilmember shade.

Shade: I was going to ask along the lines of what councilmember morrison is saying. I mean, where does the nccd in that area fit into this discussion? Your wife referenced McMANSION. We're talking about local historic district, but we haven't talked about nccd.

We're of course covered by the nccd. So our guidelines and design standards are not going to go -- of course anything would go contradictory to what is in that plan.

Shade: Does that limit the size and the scale, but not the demolition? So right now the only way to preserve -- to prevent the demolition is historic zoning?

That's correct.

Shade: But if it was -- if they did have a demo permit, anything that they would build on it would have size and scale limitations based on the design standards.

That would be correct.

Shade: And you're in the process also of adding to that the potential for an historic district.

Correct.

Shade: Which would still apply if this was a home that was demolished? I mean, in the interim?

It would not stop our efforts to become a local historic district.

Shade: Okay. Would it limit your opportunity to have -- i mean, would it change the boundaries it would still be in there, but no longer contributing?

That's correct. It would still be within the boundaries of the local historic district, but it would not be a

contributing structure, which we have others as well. 66% Currently are contributing, including the miller house.

Shade: Can you give me an idea of what are the kind of things addressed in your design standards? I know you made some reference when councilmember morrison asked, but give me a little more flavor of what it will look like, how it will work.

Of course, scope of size, setback, which is part of the nccd as well.

Shade: Those are part of the nccd. What are new things that would be applied here that wouldn't be included currently in the nccd?

Well, suggestions of using architecturally and historically correct materials on any kind of rebuild or rehab of a house. When we did our -- for an example, when we did our house, did our addition, i sourced something that practically matches the asbestos hard plank siding so it's virtually impossible to see. Something like that would be something that we would have in the design standards as well.

Shade: Okay. And if your house was historic -- if your house was an historic house, would you have been able to do the addition that you just did?

Absolutely. I would think we would.

Shade: Using the same materials that you used?

One of the criteria that I've heard, and I don't know that it's chiseled in stone anywhere, but if you were to remove the addition to the house, would the original owners recognize the structure, which in our case would be true because we just added on to the back of the house, leaving the front part of the house basically untouched. Haid shade okay. And things like solar panels and that kind of stuff, are those affected? The other kinds of additions that would change that -- that does not affect it? Okay. Okay. Thank you. I appreciate that. Mature mayor we have a motion and a second on the table. First reading only. Mayor-elect.

Leffingwell: First i want to say that I agree with everything you said about wanting to preserve the character of your neighborhood. And if we were voting on the historic district tonight, i would support that. I would vote for it. And I will vote for it when it comes up. But that is not what we're addressing here tonight. What we're addressing is is this an historical house or not. And I'm afraid that I can't say for myself that i believe that it's an historic house. If you ask my opinion, i would say please don't tear the house down. I don't think that's going to be efficient from any perspective, especially from an energy saving perspective, tear down a small house to build a bigger house that holds the same number of people? That's not efficient. So I don't like it, but i can't support the motion because I don't believe the house is historic.

Mayor Wynn: We have a motion and a second on the table. First reading only voting in favor of the

historic zoning. Further comments? I'll just -- frankly, I'll mirror the mayor-elect's comments as well that I'll be supporting staff recommendation, although i won't be around for the second or third vote. But I have -- again, i appreciate the historic nature of the neighborhood and do support our ongoing efforts across the city for historic district zoning as a district, but in fact do not believe that the home sadowsky points out, is historic. Further comments on the motion? Councilmember shade.

Shade: I'm going to support the mayor-elect and the current mayor for his last few hours, I guess, at the post. On this and tell you how much I'm struggling with it. And I share the concerns that were raised about protecting and preserving the neighborhood, but I feel like that imposing historic -- putting historic zoning -- we have a valid petition against the property owners, but also it means that everybody in the city's paying for it because of the tax implications of it going off the tax rolls. We had a big debate earlier about that. And I just feel like the bar has to be very high and I'm afraid that we've seen a lot of presentations and I feel like this one fails to meet the level of the bar. So I'm unfortunately not going to be able to support the historic zoning, but i share the interest in seeing that the nccd is implemented as well as looking forward to whatever what happens with the local historic district. I really appreciate how much effort and work neighbors go into. I know it's really hard to do the kind of research. We see all kinds of presentations and all different levels and these are always really hard decisions, but I'm going to have to vote with the mayor-elect and current.

We have a motion on the table, first reading only, historic zoning. Further comments? Hearing none, all those in favor please say aye. Opposed? The motion fails on a vote of three-four with -- I'm sorry, two-five, excuse me. So with councilmember cole and councilmember morrison voting in favor. Thank you all. So council, that takes us to item number 70, which is the axel case that I asked about earlier. Welcome back, mr. guernsey.

Thank you, mayor and council. Item number 70 and 71 are related items. Item number 70 is case 02, and this is for the property at 3617 axel lane. And this is a neighborhood plan amendment to the east martin luther king neighborhood planning area. Item number 71 is case c-14-2008-0154, again for that same property at 3617 axel lane. This is a zoning change request to multi-family residence highest density or mf-6-np zoning. The property itself is 44 acres in size. It's currently undeveloped. The property owner has a desire to build a residence or residences on this property. The current zoning on the property is ip-np, which stands for industrial park neighborhood plan combining district. The properties that are in the surrounding area of this property to the north it's also zoned ip industrial, it's undeveloped. To the south is zoned sf-3. And a single-family residences. Further to the east is li or limited industrial, and it's undeveloped. And to the west is a tract that is zoned p-np and is a cemetery. The planning commission's recommendation was to deny the staff recommendation and to approve the change in the future land use map for the east martin luther king combined planning area for this particular tract and change that from industrial to multi-family. And then for the zoning change, which is the related item 71, the planning commission recommended to approve not the requested mf-6 zoning, but an mf-1 zoning category, which is the most restrictive multi-family zoning category. Staff wanted an opportunity to chat with you a little bit about this case. It's in an area that the neighborhood plan was adopted in 2002. If you look at the future land use map, which you have up on as your exhibit -- what I'd like to do is point out where this tract is. It's located right about where that I is on the map. And if you

look, everything that -- that large purple area to the west and to the north and to the south on the future land use map that was adopted is industrial. And the properties that are to the west are civic. Further to the north there is a large civic tract that is designated existing austin independent school. It's approximately one thousand feet from the edge of this property that's proposed for the future land use change and zoning change to the actual school itself. To the east there was a petition that's been filed by that property owner. It's an industrial zoned tract. I think his name is gaston is opposed to the change. And the effect of not only changing the flum in this area, you would be placing a residential category in an area that would be surround odd three sides on the future land use map by industrial, and then kind of cascading down in intensity would be the civic and then you have further residential further on to the west. The effective zoning on the property would be is it would trigger compatibility standards on the properties to the north, which is already zoned industrial, and to the west that's zoned industrial. You would also have additional set backs that would be triggered by our ordinance from the residential zoning category on those two industrial categories. In addition, at some point if the industrial property to the west is developed, there may be additional building code requirements for setting back under our fire codes for separation from property lines that are used for residential from an industrial use. If there are permits that are necessary to meet certain air quality requirements of the tceq, then it may have to be under additional scrutiny for residential that are nearby. We don't have a great deal of industrial land within our city that's zoned subdivided, utilities provided in our desired development zone. I think there was a lot of care that was taken when this plan was done to consider a balance between industrial uses and residential uses in this area. In fact, the plan actually calls out that even though the road is undersized at this time, axel lane is being considered for industrial uses. It also wanted to maintain the cemetery or civic use that was across the street to the west. And if this property were redeveloped at the time of subdivision or site plan, there's probably additional right-of-way that would be required, additional permits that would be required towards to axel lane. I think at this point I'll pause. If you have any questions about this, I'll be more than happy to discuss it with you. We have discussed at great length at the planning commission's direction all the different options. They're listed in your backup of ways to possibly get housing on this property if the owner desired to do so and what those different options are. But staff would not recommend the future land use map change nor the zoning change; however, your planning commission recommended both.

Mayor Wynn: Just a quick question. I'll note that there's -- i don't know if I have this right. There's a valid petition in opposition to the zoning in the way that works for my thinking, it's for the zoning that was applied for, which was the mf-6. There was a valid petition against that, but the planning commission ended up recommending mf-1. Do we have any evidence that -- that the petition perhaps -- that the opposition and the petition was to mf-6 and there's less opposition to the mf-1.

The petition that was gaston reads that they are basically protesting or petitioned against any zoning change classification other than li-np, which is what gaston has, or ip-np, both of which are industrial classifications. So whether the request is mf-6 or mf-1, the petition would remain valid. Valid.

Mayor Wynn: Questions for mr. guernsey.

This is ready for only first reading today.

Mayor Wynn: Mayor-elect.

Leffingwell: Correct me if I'm wrong, my understanding is the reason for the opposition to the zoning change is that if the zoning change were granted, there would have to be increased setbacks on the adjacent property, which is in the zoned industrial. Is that right?

That's correct. The adjacent --

Leffingwell: That seems kind of strange. It makes the opposition to the zoning change make more sense. It makes the adjacent property owner's property less usable than it is now.

That's correct. There are setbacks and height limitations that would be imposed on the industrial zoned property next on this property.

Leffingwell: I take it that's the basis for the staff's recommendation or part of it at least?

That is part of it. That's correct.

Leffingwell: Okay.

I will note that the owner has worked with gaston to try to lessen the impact and has tried to explore ways to change the zoning request so it would not be as severe as I am pack. I think kevin will probably come to speak to that. That's how he's tried to work with that adjacent property owner.

Mayor Wynn: Further questions of staff before we conduct our public hearing? Councilmember? Okay. Thank you very much, mr. guernsey. We'll conduct the public hearing by setting the clock for five minutes to get an applicant presentation. Then we have two folks here who have signed up to speak in support of that application. No opposition signed up. So mr. ledlo, welcome. You have five minutes.

Thank you very much. Members of council, i appreciate you seeing me and I really enjoyed that mid presentation that we had there with the drum corps also. I did want to tell you a little bit about the history of this case first because i think your backup material suggests that it started last summer, but I've actually been working on this since october of 2007, so it's been about 20 months in the making right now. When we started the project, there was actually no contact team for the east mlk combined area, so that was one of the first things that I actually started working on with the help of margaret melinsky and a number of other people in the neighborhood. We've since formed a contact team. We have officers and things of that nature, so it's actually been a little bit easier now to work with -- within the bounds of this case. The primary arguments that I've actually had as to why I feel that this is probably a very good change for the neighborhood is first of all, that the property that I own actually does sit adjacent to norman elementary school. guernsey said it's about a thousand feet away. That number seems to change from 600 to one thousand feet, but it is in close proximity. It's also across the street tr

the travis county international cemetery. It is -- it is a little confusing of course, because often times when this case is heard, as it has been many times now, planning commission and at various neighborhood association meetings, the flum is actually displayed. And of course the flum does show a range of purple in east area. But it's deceptive because immediately adjacent to the south of my property, is a single-family 3 house. There is a person who lives there right now. In fact, if you look at this map that I actually put together just by doing an overlay of the js maps, the total property to the south there is immediately adjacent to mine and that is a single-family 3 zoned property. The flum is in fact still industrial use. To the north of the property there's actually two properties on there, which are very old, so despite the fact that there is also a purple flum zoning -- call for an industrial use to the north there, that property actually retains its grandfathered residential status at the moment also. It's slightly deceptive to suggest that it's surrounded in industrial uses because it's not exactly. Additionally, further off -- additionally, further off to the east of this map is actually -- there's the bright horizons children's center and there's also two baptist churches that are on the same street. So there's quite a bit of mixed use in the area. One of the things that I think is also pretty relevant to point out is the neighborhood plan was actually adopted in november of 2002. I'm sure as all of you can appreciate, there has been a dramatic change in east austin in the last five or six years. And this area is certainly no exception to that. Jeffingwell, as you guernsey a moment ago, this case is primarily about setbacks. Before I even went to the city with -- to actually apply for the zoning change, gaston, who has in fact filed the valid petition now. We've actually worked together for months and months and months trying to come up with some sort of exomtion, and the fact of the matter is that neither one of us has a problem with the other one. He would be more than happy to let me build my house on the property, and I would be more than happy to let him do whatever he wants with his property. The problem seems to be the setback laws that the city of austin currently does have. This map that I've actually created and I presented to the planning commission back a month ago actually illustrates the residentially zoned properties or grandfathered properties in green. gaston's tract in blue. The yellow outlined area is actually the current set back that -- what I've requested is for a single-family 3 designation, which is what that -- that red color would have changed the setback to. It would have changed it to a 50-foot set back from its current set back of only 10 feet. After working with the planning commission and gaston further, we decided that we would go for multi-family only because of the fact that it changes the setback allowance to only 25 feet, which is shown on that map in orange. I've had no desire to build any sort of a multi-family complex. I was told that I would have to build a triplex to actually fall within the limitations of the set back allowance. One thing I do want to point out to this, I know I'm running out of time here, is the size of this scope of property. I said this to the planning commission when I spoke with them, but that blue piece of property right there, if you can just get a feel for this, it extends from where you are on the dais all the way out the window across the river and slightly up auditorium shores. This is a very, very large piece of property that we're talking about in blue and we're arguing the difference of roughly 15 feet. So somewhere from the dais to maybe not often the television. So this is a very small piece of area that I'm request inside of a very large piece of property. If I could have about 30 more seconds.

Mayor Wynn: Take half a minute and please conclude.

The only thing I would add to it is the fact that because he actually does have an industrial lot here, he's allotted up to 80% of impervious cover on his property. It's approximately an 11-acre tract of land right

there. If you were to do math on it, if he were to build to his maximum capacity, he still has to allow for 95,000 square feet of non-impervious cover. So for me to be requesting -- my initial request actually would have set him back 15,000 square feet. The amended request for multi-family sets him back 7,500 feet. So either of those numbers is fairly insignificant to the 95,000 square feet that he actually can't build on to begin with. So I actually felt it was a rather -- not a very intrusive active request. That's about all I have for now.

Mayor Wynn: Thank you. Ledlow, council. You will have a chance to hear more from Kevin later. Thank you, sir. So we have two folks signed up in favor of the zoning case. I see? He signed up wishing to speak in favor. As did Stewart Gourd? Is Stewart here? Welcome. You will have three minutes.

Mayor and council, I'd like to thank you for allowing me to speak on this. I have worked with Kevin Ledlow on the East MLK contact team. We're both on the steering committee for the East MLK contact team. And I think it is good public policy to allow residential building in this area. It is very close to a school. It's very close to a cemetery. It's very close to existing residences. And I don't think that this violates the spirit of the neighborhood plan. Ledlow has gone before the MTSA neighborhood association and he's gotten their overwhelming approval. The East MLK contact team has also given him approval and has written him a letter of support for his project. And I think that the residential project that he is trying to build on this piece of property would not affect the area negatively. I think it would be a positive feature in this neighborhood, and I personally support it and I have heard other members of the East MLK contact team express a lot of support. I have not heard a lot of opposition to this. I don't believe I've heard any opposition to this other than Gaston's fears about the setback, which caused him to file the valid petition. And I think if his concerns about the setback could be addressed, then I don't think that Gaston would have any further opposition to this. Of course, I can't speak for him, but I believe that that's the main opposition to this project here.

Mayor Wynn: Great. Thank you, Stewart. So council, that's all the folks that have given us testimony. Again, no -- I don't guess Gaston is here by chance? He hasn't signed up to speak. So council, that's all the folks signed up to speak. Normally Kevin would get a chance to rebut, but there's only Stewart's support here for the case. Councilmember Martinez.

Martinez: Thanks, mayor. I'm going to try to be brief. This is an area that is in East Austin, central East Austin about half a mile from my house. And literally about two blocks from a project that we contemplated, an affordable housing project, traditional housing for homeless folks is about two blocks from there. Axel Lane specifically is just one little -- maybe a block long, block and a half long street. And while it may not be surrounded by industrial, it is certainly backed up with industrial park uses. There's a FedEx facility on Tech Center Drive. And there's very little residential. On Axel Lane there's only one house on the corner of Axel and Willcap and I'm not sure it's inhabited right now. And I don't disagree with the comments. I think that a housing project would be good for the area. I think that residential is good for the area. But we're talking about a specific zoning case and whether or not it's proper land use planning. And because of the heavy industrial that literally backs right up to it, I think it would be inappropriate to try to place some type of multi-family affordable housing project on that street. I think we face substantial push-back from those same neighbors that want redevelopment, but are very

concerned about the large amount of affordable housing projects that currently exist and that continues to attempt to be built into east austin. So while I appreciate the efforts, I just don't -- i have to agree with staff and their position, and I will make a motion to adopt staff recommendation on item 70.

Mayor Wynn: Actually, councilmember, so we have -- guernsey, is our land use map case. And 71 is the zoning case? So if the motion is to support staff recommendation, which is a denial of the zoning case, there would be no need to take up item 70, which is the land use, right?

I think it would be appropriate to probably act on both of them. You can act on them both if you take the planning commission recommendation or the staff recommendation. If you could do either one, but I think you need to dispense with both of them.

Mayor Wynn: Councilmember, since -- i believe you had considered supporting staff recommendation on both combined cases, 70 and 71. So we have a motion by councilmember martinez, seconded by councilmember shade to close the public hearing and dough nigh the zoning case -- deny the zoning case by supporting the staff recommendation on item 71. And to deny a change of the flum by supporting staff recommendation on item 70. Further comment on our motion? Councilmember morrison.

Morrison: I'm going to support that motion. I think it's important to realize that it really is critical to keep industrial, to separate industrial and residential. We heard this at citizens communication today, the problem that folks have with exactly that issue. It's exactly why people started thinking about zoning laws in the first place 100 years ago, and that was that we need to separate residential and industrial. So I do think that staff recommendation is correct and I'll support the motion.

Mayor Wynn: Mayor pro tem.

McCracken: I think the one speaker said this had neighborhood support, is that correct?

The neighborhood planning contact team in this area did support the application. And the neighborhood association.

McCracken: I guess I'm -- one thing I don't understand is the setback issue and how this proposal would impact setbacks on the adjacent properties.

If the zoning was approved and depending on what the use is built, if it's built as a single-family home it would trigger compatibility standards and there's additional setbacks between residential uses and zoning, and industrial zoning. So you would have a combination of two different setbacks. In addition, under a building code there are certain types of industrial occupancies that may have to stay further away from that property line because of their hazards that they might have within those industrial uses. So there may be things in the fire code that would actually trigger additional foot backs. There's a combination of three things. If the property was built out as a three-unit apartment as kevin has indicated, compatibility may not be triggered, but you will have setbacks triggered because of industrial

next to residential uses and the occupancies, they still may have issues on the fire code of separation as well.

McCracken: Is it contract that there is a single-family residence next door to this property?

There is. To the south there's a property zoned sf-3-np used as a residence on the future land use map designated as industrial.

McCracken: I see that it appears on the other side of the property where the austin community college east ridge campus is -- I'm just looking at the google map on this.

To the west is the cemetery zoned p public. To the north of this property immediately is a property zoned ip. The portion of the property I think that's directly adjacent to kevin's property is undeveloped, but if you take the context, I think there are three lots that are held in common and there's a residence that's further back on that property. But again that is zoned industrial. North of that property is aisd property. And the first half of that, the southern half of it, is basically a wooded area. And then you have the school, which sets about a thousand feet away from the property in question.

McCracken: Are there actual industrial uses occurring at this time next to this property then?

If you look at the exhibit directly to the gaston's property, that's undeveloped. It's platted, it's proposed for industrial uses. If you look to the northeast you will see some warehousing, which are industrial in nature, and also if you go down axel, go east on willcab and then you have some more type of industrial uses that are further down that bluestein drive. There are also residences that are further to the west and further to the south off of hudson. They don't take necessarily direct access to willcab or axel.

McCracken: I'm a little hampered from looking at this. I gather that, greg, there is -- next to this property currently there's a house and a cemetery?

Off to the south a cemetery. To the west. Directly to the east an industrial tract zoned li undeveloped. To the north it's a larger tract of land, but the lot that's to the north is zoned ip and undeveloped. That is part of a larger tract that does have a house that's further back.

McCracken: In looking where that loop -- on the map we have here, I guess the kind of copper color, the road loop, just above east ridge campus, right?

I'm not sure where you're --

McCracken: If you look at the intersection of 183 and -- houston avenue. Mlk is the one that has the -- is the curved road. And then the next one is -- it looks like tech in a center, but according to the 's east ridge. What I'm saying is the context of letters on the map is different than the context of facts on the ground. It appears. These are important consideration, no doubt, but if I gather this correctly that if we're in the area that it's next door to a house, a cemetery, a wooded lot, stone's throw from a community college

campus, and it has neighborhood support to do residential. So it would be one thing if this were being built next to the existing industrial use property, that this is being built next to a cemetery, a house and woods with neighborhood support for the zoning. And I think that this seems like a reasonable zoning use given all that information, particularly given it as a neighborhood and planning, and neighborhood plan contact team support. I'll support the neighborhood on this one. And the applicant.

Mayor Wynn: Again, we have a motion and a second on the table, staff recommendation for 70 and 71, which is to deny changes. Further comments? Mayor-elect.

Leffingwell: I'm going to support the motion for all the reasons stated by councilmember martinez and councilmember morrison, which I will not repeat. Mary mayor motion and a second on the table. Further comments? All in favor of the motion, staff recommendation, 70, 71, please say aye. Opposed? Motion passes on a vote of six-1 with the mayor pro tem voting no.

Mayor and council, that concludes our zoning related items this evening. And mayor pro tem and mayor, I appreciate your service, and I always appreciate, mayor, everyday -- every thursday when you say zoning matters. I just want you to know that. [Laughter]

Mayor Wynn: Thank you, very much, mr. guernsey. You have done a good job. I won't miss it. [Laughter] but I'll miss you. Okay. So council, that takes us to our public hearings this evening. We have a handful, and with a modest amount of citizen interest in virtually each of them. I would like to recognize mayor-elect lee leffingwell who has perhaps a postponement motion.

Leffingwell: Mayor, I'm going to move to postpone item number 75, which is the heritage tree ordinance. And the reason for this is to currently instruct the city manager to convene a group of stakeholders, which we can help him identify, murphy can help him identify to iron out some still outstanding issues. And the postponement would BE UNTIL OCTOBER 22nd.

Mayor Wynn: So motion by the mayor-elect that i will second, postponing item NUMBER 75 TO OCTOBER 22nd, 2009. Comments on the motion to postpone? Hearing none, all those in favor, please say aye? Opposed? Motion to postpone on item 75 passes with a vote of seven to zero. Hold your horses, mr. murphy.

Mayor and council, we have an item that we'd like to offer for a postponement this evening. Item number 80, it's to conduct a public hearing to consider an ordinance amending chapters 11-1, 25-2, 25-11 of the city code regarding tax exemptions for historic landmarks, procedures, historic landmarks and demolition by neglect. You have two commissions that are still reviewing this item. We could offer to you a postponement to the july 23rd date or if you think that date is getting full, we could suggest another date, maybe august 6th.

Mayor Wynn: Mayor-elect, I will defer to you. Lee leffingwell I would respectfully suggest august sixth as it's apt to be CROWDED ON THE 23rd.

Mayor Wynn: Motion be mayor-elect that I will second to postpone item number 80 to august 6, 2009. Comments on the motion to postpone? Hearing none, all those in favor please say aye. Opposed? Motion to postpone passes on a vote of seven to zero.

Thank you very much.

Mayor Wynn: Thank you, mr. guernsey. Actually, that takes us to item number 74, council, which is to conduct a public hearing regarding the rates and tariffs of customers of texas gas service. We've had in presentations earlier in the year regarding this. And we would appreciate another staff presentation. Welcome.

Thank you. We just wanted to give you a quick update on what has changed since the last time we came before you. Just a note for the viewing public this evening, texas gas service is the primary distributor of natural gas in the austin area and they have not requested a rate increase since 1993. They did file their intent to request an increase back in february, and we retained the services of fox, mullen and associates and herrera and boyle to help us go through this process. They've done a really good job they've done a lot of complete work and due diligence and rolanda hawkins is going to walk us through all of that. Thanks.

Leslie, welcome, ms. hawkins.

Good evening, mayor. Mayor pro tem, councilmembers. Actually, leslie has already touched on the first side of my presentation was giving you all some background. Texas gas se which is a subsidiary of one ok i think, they have not filed for an increase since 1993. The city does have original authority to set natural gas distribution rates within the city limits. Texas gas however does have a right to appeal to the city's decision to the railroad commission of texas. Texas gas and the city have reached an agreement, therefore avoiding an appeal. The next slide here is a summary of the settlement recommendations. We're recommending a reduction in the proposed annual revenue increase to 05 million instead of the three and a half million increase initially requested by texas gas. Texas gas has agreed to withdraw their cost of service adjustment clause as well as the acquisition adjustments for the purpose of southern union gas that would have increased the cost of service. And we've also negotiated a green tariff which is to encourage energy audits and conservation. In approving the new rates for texas gas and agreeing to a settlement agreement, the city will have to enter a limited number of specific findings regarding the cost of service. These would be findings regarding the return on equity, its capital structure and its depreciation rates. We are recommending a return 50%, a capital structure of 49% long-term debt, and 51% equity. And a decrease in depreciation rates as requested by tgs. The most recent return on equity approved by the railroad commission for atgs company, which is in the north texas area was 10.85%. And we propose to accept their customer class revenue allocation, which helps to move each customer class closer to recovering what it costs to provide each class with gas utility service. And it is best to do so when the increase in rates is a small increase as in this case. And the next slide shows the rate impact on the base rates. In its -- in tgs's application they propose to increase the monthly base service charge and its various customer classes. This chart shows the current rates, tgs's requested rates as well as the proposed settlement rates. As part of the proposed settlement, tgs agrees to the rate design

and customer charges located in that settlement column. And as you can see, it limits the increases in the customer -- the monthly customer charge to two dollars a month for residential and one dollar per month for commercial customers, compared to the four dollar monthly increase originally requested by Texas Gas Service. This is the impact of the increase for the typical residential customer. As you can see, for residential, the monthly 63 and with this increase of 7% increase. And for January, which we use the month of January because it's typically the month with the highest consumption of gas, and therefore the highest bill of the year. It shows what the impact is for that month. Next slide here is the impact of the increase on a typical commercial customer. Which the average monthly bill is \$165.78. The impact would be 1 8% increase. And it shows actually in January there will be a slight decrease. Consistent with the city's continued interest in promoting the conservation of natural resources, staff is proposing a new green saver tariff. This green saver tariff is to encourage customers to seek energy audits of their homes as well as their businesses. And it would provide a participating customer credit of \$2 per month for 24 months after of their customer charge for participating in this the new program. And it's important to note that the audit recommendations would not have to be implemented. And we would like to make some improvements to the tariff to the city and TGS would like to continue to discuss changes to improve the tariff in the program with the goal of reaching and filing an amendment -- amended tariff within 120 days following the date of the city council adopting rates in this case. Fixed gas cost pilot program. This is something that Texas Gas proposed. They would like the ability to offer a voluntary fixed gas cost pilot program, which is designed to provide monthly natural gas bills that are predictable and guaranteed for a fee to ratepayers. We've agreed to negotiate in good faith over the next 120 days to come up with a tariff that would go into detail of the program, and bring that back to council for adoption as well. And finally, just to recap, we're recommending a case basis rate increase of 1.05 million. We find it reasonable. It reflects the withdrawal of the cost of service adjustment tariff as well as the requested acquisition adjustment. And the underlying documentation supporting request and staff recommendation has been subject to extensive review and conforms with the railroad commission practices. And our recommendation is to approve the rate settlement as proposed, which is reflected in the rate ordinance and tariffs for council's consideration tonight. And that concludes my presentation.

Mayor Wynn: Thank you, Ms. Hawkins. Excuse me. Questions of staff, council? Comments? Great. Let's see if we have anybody -- I see we have officials from Texas Gas Service is here. I suspect to answer questions if we have them. We have two folks signed up wishing to give us testimony. Clark Hydrick. I saw him earlier. Welcome, Clark. You will be followed by Andy Mayor Wynn. -- By Andy Martinez.

Thank you, Mayor, Council. I'd like to start by thanking the Mayor and Councilmember McCracken for their excellent service to our community. I appreciate it. My name is Clark Hydrick of TGS. I'm not here as a lawyer, I'm here to my friends as a friend of Texas Gas Service to testify to their excellent corporate citizenship in this community. I'm particularly appreciative of all the help that they gave to those of us that worked on the Travis County Health Care District. They contributed to the support of the referendum, one of their officers has served on our board, appointed by you all to that board and has done great service. They've chaired the board of the Greater Austin Chamber of Commerce. They participated with the Hispanic Chamber. Martinez will testify to that. They've served on I am new to many other boards and contributed to such activities such as meals on wheels, a number of Austin independent school district initiatives, the YMCA, Ronald McDonald House. They're an excellent example of what corporate

citizenship should be, and I'll appreciate your consideration of the agreement that they've reached with staff. Thank you.

Mayor Wynn: Thank you for your service. Mr. martinez, welcome.

Mayor, mayor-elect and council, thank you very much for the opportunity to speak in support of texas gas. As clark mentioned, I'm here to speak on the corporate responsibility approach that texas gas takes and all that it does in the community. They not only provide outstanding service to the community, but to the management processes, deliver affordable alternatives for energy to the community. Not only to the residents and very few people know, but they also settle automobiles on the street that provide some alternative transportation. But in all that they do to the community and all that they do for the community, they put corporate responsibility first. Doing what's right for community, doing what's right for the citizens of the austin area. I urge you to give consideration to the staff proposal. They've gone 16 years without an increase and -- gone 16 years without an increase and I think they've earned the right to do what's did for community at the next level. Thank you again for your consideration and thank you for all that you do for the community. Thank you.

Mayor Wynn: Thank you, mr. martinez. And again for your service as well.

Mayor Wynn: That's all the folks signed up for this public hearing, 74. I'm not sure if texas gas service needs to say anything. It's certainly --

[inaudible - no mic].

Mayor Wynn: Questions, council? Comments? Excuse me.

[Inaudible - no mic].

Mayor Wynn: Thank you very much. You do show good corporate citizenry. [Laughter]

[inaudible - no mic].

Mayor Wynn: So motion by councilmember martinez, seconded by councilmember shade to close the public hearing on item number 74 and approve the ordinance as presented by staff. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you all very much. So council, that now takes us to the other elements of what we generally have been calling our tree ordinances, item number 76. Appreciate a brief staff patrick murphy.

Good evening, mayor and council. We had two ordinances here, 76 and 77. 76 Deals with landscaping medians within parking lots to increase shading. And item 77 deals with planting of trees and single-family subdivisions. The last -- we gave you a briefing at your last meeting and there were some questions that I just wanted to be responsive to. If you don't mind, I'll just talk about these two together if

that's all right with you.

Mayor Wynn: Please do. Without objection we'll call up both public hearings, item 76 and 77, several citizens are signed up for both.

All right. On item 76, the landscaping, one of the questions that came out of that had to do with concern there might be conflicts with the intent or the requirements of the commercial design standards. We acknowledge that the way that those standards are designed are basically to create a grid pattern within these large parking lots for future redevelopment. And we think that is a challenge that we need to address. We have been looking into that and during the rules process that would follow adoption of this ordinance, what we are anticipating is we will take a look to determine if there are ways to promote trees in these areas that would be appropriate. For instance, in an area that was likely to be redeveloped, we could look at having faster -- some of the faster growing trees that would provide shade more quickly in those areas knowing that those areas would likely redevelop before those trees would reach maturity. [One moment, please, for change in captioners]

in general all the home builders we've talked to do not family landscaping within these single-family subdivisions currently because of the unpredictable level of maintenance that's provided by homeowners, so that is not an industry standard as we thought it might be. Currently we do not require warranties for any of the newly planted trees for commercial development or residential site development projects. We are not recommending this for the same reason, that it is just very difficult to have certainty that homeowners will maintain these trees in the proper manner and it's a very difficult thing to, as you might imagine, enforce. The -- the other issue that came up had to do with should we be allowing less trees to be planted on smaller lots. There is a proposal out there that we've heard that we should -- instead of requiring three trees on all residential lots, that we should allow two trees to be planted on smaller sf-4a lots. We had not recommended that because what we had done instead is we had provided alternatives for any trees that couldn't be planted in lots to be planted elsewhere in the subdivision, and there was one other option, which would -- could be used as well, which is that there could be contributions to the tree fund made so that we could plant trees in other areas if there was no place to plant the additional trees in the subdivision. Another question that came up that we were needing to address is -- had to do with grandfathering. There is a statute that requires the city to enforce regulations as they relate to the first permit in a series of permits for a project. This is a rather complicated analysis to make and it's a case-by-case determination. As to the question of does chapter 245 apply to tree regulations and landscape regulations, the answer is yes, it does, but in terms of having a -- basically an across the board determination of what that would be in every case, we can't really provide you that. It is very case and site-specific. It does apply. If someone did qualify before they did start their project before these regulations took effect, they would be allowed to continue their project under the regulations that applied at that time. With that I really don't have any other testimony here today for you. Just let me know if you have questions. We have staff here that are available to answer those. mayor, I have a couple of questions. yes, council member cole. can you go back over the alternative compliance recommendation that you're making and how that would work?

For the commercial design standard issue that I was talking about. yes, for the commercial design

standard issue -- yes, because it's my understanding that under the commercial design standards we wouldn't have to have, say, a third row of trees in the middle of a parking lot.

Right now the ordinances allow -- or require there to be a tree-planting meeting for every third bay of parking, and this is going to be your large parking lots that you see, like, at malls and big box areas where they have these large parking lot areas. The proposal would be to require that to be increased to every second bay, so there would be -- for every two bays of parking, which is a drive aisle with parking on either side, so for every two of those there would then be a median with trees planted in that area, that would be parallel with the drive aisles. What we are -- what we will do if this ordinance is approved is we will, in our rules process, we will look at the types of trees that could be -- that would be appropriate to be planted in the parking areas versus along the internal circulation routes within these parking lots as required by the commercial design standards. and so that gives room for potential alternative compliance.

Absolutely. In fact, all of our landscaping regulations have an alternative compliance provision, so we always allow someone to propose something that would be superior or equivalent, and we will take a look at that to determine if that would provide the same result. One notable example that we run into often in development is you might have a group of large trees that we want to try to preserve that take a lot of area to preserve, and oftentimes the applicant will request for us to give them credit for doing that towards their landscaping requirements and maybe not do as many planting -- new planting areas in the parking lot to offset that, and that's something that we would routinely rather preserve existing trees than take them out and plant new trees. So there's a real -- an example that we see often in these parking lots.

Cole: that's a decision?

Yes, absolutely. let me ask you just one other question on item 77 with the small sf-4 lots and the requirement that -- you know, the debate about three trees versus two trees.

Yes, ma'am. do we ask anyone or do we know about the feasibilities on small lots like that -- I mean, I think these are actually close to the size lots we have at miller in terms of hurting the foundation, practicality of that. I know we want as many trees as we can possibly get on a lot, but we don't want to make a requirement that's not feasible.

We did tour miller, and we did look at those lots, and some of those lots did get three trees in. Some had less than that. Our -- our tour of that project indicated that in most cases we thought we could get two to three trees on these lots easily, and that other areas such as a median in a street or in a park, that they could plant that third tree if they couldn't get it on the lots in those areas, and that we thought that would work. So we felt like our recommendation would work and would allow the flexibility to move some trees around if needed. We have heard from the developers that that's not always going to be possible to get the trees in on these lots. We also heard that in some cases the additional cost of having to put root barriers in place that would prevent trees from growing into the foundations and so forth would be an unreasonable additional cost that they would have to spend. Literally our goal is to try to

shade these houses and to create a uniform canopy throughout these neighborhoods for the benefit of the communities. So our recommendation initially was based on trying to achieve that goal, and if we weren't going to be able to get them on the lots, we were hoping we could get them in other areas of the subdivision itself so that we could provide the overall benefit.

And did the ordinance contemplate that or some type of process where they go to the urban forestry director and say, look, i have a practical problem, I'm going to ruin the foundation if I put three trees in so I want to still put two trees on the lot but a third one at the park, or --

the way the ordinance is designed right now, it would allow an applicant to come in and say, okay, I'm not going to be able to get three trees in each of these lots, and as long as they demonstrated that reasonably to staff, they could then say, but I'm going to plant that third tree that would otherwise otherwise be required on a lot -- I'm going to be planting them in an median or common area or another area on the site and right now the ordinance provides for that. It also provides in the case there was no place to put the extra trees that we would otherwise be required, there was an opportunity then for them to propose putting money into the tree fund in order to be able to make sure the city could provide funds to plant trees elsewhere in the city. That is not the most desirable alternative, but it is one alternative that's also provided.

Cole: okay. Thank you. further questions? Comments? Mayor pro tem.

McCracken: I think I'm going to understand also a little bit more the proposal as relates to trees in the middle of parking lots. I know this is a complex issue that you-all wrestle with, and the -- I guess a concern I have, and it may not be something that's a likely outcome, which is that we would have a requirement to plant trees in parking fields that we want to have redeveloped, but then the trees would get big enough that it would make it impossible to redevelop these parking fields.

Correct.

McCracken: And giving an example in the real world, it's downtown, which is already built on a grid, so we focus planting our trees on our large sidewalks, street trees. We don't want trees in the middle of a parking lot at third and colorado because that might make it more difficult in an area where we want to promote redevelopment. The trees -- they might even be prohibited from removing a tree. So walk me through 2000 part of that scenario is -- i guess just how the proposal would mesh with those concerns.

We've been discussing since the last meeting this idea, and, in fact, this idea has been circulating around for some time. We have a history of really pushing trees that we know will grow a very long time and have a longevity, and that has been the focus of our tree planting efforts in austin for as long as we've been doing the tree planting. One of the things we started talking about when the urban heat island initiative first passed the resolution is the idea that how long does it take to get a parking lot with one of these trees. And for many trees no effective shading will likely occur for at least 15, maybe 20 years. There are other trees that we do not typically encourage for planting, and that grow faster and might provide shade more quickly. Also we've done some -- we've had some discussions, and I don't

have an exact number for you but we believe that many of these large parking lot areas redevelop on maybe a 25 to 30-year cycle, and that appears to be -- people agree that that number sounds about right. It -- obviously we don't -- it may not make sense to be planting a tree that doesn't start even to mature until 25 to 30 years, at about the time that it would be redeveloped, and put it in the way of the development and create this obstacle. So there is this discussion we've been having that it might be more appropriate to at least have a mixture of faster grower and slower growing trees in this area or perhaps start to encourage some trees that are not -- we may not be talking about an arizona ash, but there are trees that are faster growing, that provide shade more quickly, which get at the heat island issue very quickly and that would not be an obstacle, and it would be mature before the site was redeveloping. So that's kind of the concept right now. It is not completely worked out at this point, but what we discussed with our attorneys and staff is that we believe we could address this concern through the rules posting process to support this -- this ordinance. And basically make sure that we weren't doing something like planting trees in the middle of some area we knew was going to redevelop in 25 to 30 years.

McCracken: Are -- I guess one of the things I want to make sure was factored in is that these trees do not -- i guess none of these trees would be under the protected class to start with, right?

Well, right now protected class simply means -- oh, are you talking about the heritage tree?

McCracken: Yeah, in other words, I know that, as i recall, the protected and heritage tree status was limited to certain species of trees, right?

Right. I guess it's important for me to make a quick comment about the heritage trees. I know that's being put off till october. Those trees are being protected right now under our existing tree ordinance, so one of the things I want to make sure the community knows is that by postponing the heritage tree till october, those trees are currently getting the protection of our tree ordinance, so they're not left without protection. In terms of future plant -- trees that are planted now that mature in the future, our current ordinance, once they achieve 19 inches in diameter, they would have protected status. We do put a higher priority on those -- on preservation of trees that live a long time versus trees that may be over-mature by the time they're that size, and so that comes into the consideration of a removal request that might occur at that point.

McCracken: Well, so, then maybe we do have a potential issue, maybe -- and maybe not. What I would be concerned about is that we were promoting trees that we didn't really place a high value on their fast growing but that we might suddenly have a proliferation of fast-growing trees that entered into protected status because they were big enough suddenly, even though we didn't really want them in the first place.

If we had that situation and someone walked in with a plan that this says, we want to take these trees out now and redevelop this site, and they were of those sorts of species, we would allow that to be done and we'd plant new trees back on the site in appropriate places so they could begin to mature. So I don't

see that being a problem or an issue, and it would be completely justified.

McCracken: Well, I think the main thing is that as you work through the rules, making progress, the fact that this is being identified as an issue on the front end, you know, i have worked, pat, with you a lot and our planning staff and I have a lot of confidence, and so I'm not concerned.

Thank you.

McCracken: Thanks a lot. I appreciate it.

Thank you so much. further questions of staff before we hear a few pieces of testimony? Great. Thank you, patrick. So again, this is the combined public hearing, 76, 77, related to trees. We have four or five speakers. Our first speaker is carolyn polama. Sorry if I mispronounced that, carolyn. Welcome. You'll have three minutes to be followed by wes peoples.

Mayor, council members, I'm carolyn polama and i served as the chair of the tree task force. The task force was convened to review, develop and recommend to council policies and procedures related to the city of austin's tree trimming and removal programs. We submitted recommendations to the land use and transportation subcommittee in may of 2006. Recommendations included recognizing trees as the central urban infrastructure with active citizen oversight and strengthening tree ordinances and mitigation practices. It does not serve us well to view tree ordinances in the tired construct of developers versus environmentalists. These ordinances relate to environmental and economic issues that affect the city budget and the quality of life for austin. They are the result of the research input of city offices and citizen boards to address serious environmental issues and their costs. The value of a healthy forest in terms of reduced runoff, lower carbon consumption and well-being has been well documented. As such trees are a component of the city of austin's environmental initiative, such as the urban heat island mitigation project, the austin climate protection plan and automatic energy's greenbuilding program. The city is currently struggling with budget cuts. In the very near future austin may come under federal regulations on transportation and construction projects with potential higher costs and loss the federal transportation dollars. Doing to being deciding naipted a non-attainment zone for air quality. And in the not so distant future we may confront the emerging market for the buying and selling of carbon credits. To meet the budgetary and environmental pressures austin is facing we need to employ all resources at our disposal and trees perform a central service that reduce costs to the city in these areas and improve air quality. There are costs to implementing these ordinances, but such investments bring long-term benefits to both homeowners and merchants as documented by austin energy, homeowners can achieve as much as a 30% reduction in cooling and heating costs. The fl study conducted in austin found that trees on residential properties contribute between 13 and 19% of the value of the property. For retailers studies shows that consumers are willing to pay 9 to 12% more for products in shopping areas with trees. The cost of not doing planting for preservation where we know it has a beneficial impact carries its own cost to be borne by every citizen of austin. If austin is to reach its environmental goals and reach the cost savings and benefits of doing so we need to pass these ordinances. Thank you. thank you, carolyn, and for your work. Our next speaker is wes peoples. I saw wes earlier. Welcome back, wes. You'll have three minutes to be followed by hank smith. By the way, how did the

tour of --

it was great. It was great. It was really well-attended, first weekend, rain, memorial weekend, a little slow, but after that it was well-attended and people loved the houses, especially the educational opportunities and the displays we had on greenbuilding technologies.

Mayor wynn: good.

It was well received. Thank you for asking. Good evening. My name is Wes Peoples and I'm here representing the Home Builders Association of Greater Austin. As their president I'm here to speak in support of the preordinance with some modifications that I'll talk about and also Hank will speak of as well. When we considered this ordinance there were really three things we looked at, as Harry Savio, our CEO, refers to the three E's. One thing is environmental, the other is going to be economic and the other is going to be equity. In this particular case we're talking about social equity. Environmental consideration obviously is, from our standpoint, is a no-brainer. The Home Builders Association supports any reasonable ordinance that allows us to save trees. I mean, quite frankly, from a builder's standpoint, not only does -- standpoint, not only does it make sense environmental but makes good sense from a business standpoint. If I have two lots that are basically equal in all other aspects, quite frankly I'm going to make more money off that lot that has a lot of trees on it so I'm going to do everything I reasonably can to save the trees. From an economic standpoint there are some things I want to talk about. First on the SF-4a issue. SF-4a is obviously -- is the smallest single-family detached lot I believe we can build. It's around 7500 square feet and it has a high impervious cover that many of the other single-family lots. This leaves very little room for trees and causes some problems that you've already heard about tonight. One, the root barriers that you have to put in to be near the driveway, any of the flat work or the slabs can be very cost prohibitive, and I'd like you to keep in mind that the vast majority of SF-4a lots are developed for affordable housing. While many of them are infilled -- are expensive houses, the vast majority are developed for affordable housing. Those root barriers, depending on the length of the root barriers, depending on a few other issues, whether they're against the slab or whether they're against the flat work, can run you from 500 to \$1,500 a tree to install. So once again, when we're talking about affordable housing, that's quite an expense. Other thing that we -- I want to talk about is from the standpoint of alternative compliance. While we can obviously go plant a third tree somewhere else if we think three trees is too much for SF-4a lots, the fact is when you're talking about affordable housing that tree is not free. That tree, whether you plant it there on the lot or at the entry or in a park has to be paid in the cost of the house. And once again going back to affordable housing, trying to keep our prices down as much as possible is important. The last thing -- I'll wrap up here -- is equity. From a social equity standpoint, if I have a one-acre lot I have to -- lot I have to plant three trees. If I have a house that's on an SF-4a lot, and you can get three SF-4a lots -- that means you'll be planting 24 trees versus 3, obviously there's a disparity from an equity standpoint. That's what I wanted to say. I want to thank Mayor Wynn and Mayor Pro Tem McCracken the best luck in your next endeavors, and we want to say thank you on behalf of the HBA. Both of you have shown a willingness to bring us to the table and give us a voice. We may not have always agreed with the final outcome, but we do greatly appreciate the opportunity. Thank you all.

Mayor Wynn: great. Thank you, Mr. Peoples. Let's see, Hank Smith had signed up to speak, as has Harry Savio.

Thank you, my name is Hank Smith and I'm representing the Home Builders Association, the vice president of governmental affairs. I don't want to repeat everything that was said but I want to reiterate a lot of things he said. We do have concerns about it. We do appreciate everything the staff has done working with us in the city and the boards and the commissions and the effort they've gone to to bring us on board and work through an ordinance that I think we all agree is going to be a good ordinance when it comes out and it will promote some good growth of trees in our neighborhoods. The one area I wanted to speak in concern about is the E.T.J. issue. Right now the tree ordinance does not apply in the E.T.J. It's only in the zoning jurisdictions, and so when we develop a subdivision in , while we focus on where we put the lot lines and try to preserve as many trees, we don't remove trees just at random in the because we don't need to. There's no tree ordinance. We can leave the trees there. When a home finally gets selected and the location of a home gets selected on that lot, then we can remove those trees without having to come before any boards or commissions and take care of it that way. When you're in the city limits it's a little different. When you're in a zoning jurisdiction, when you're doing a subdivision you have to go ahead and remove those trees and mitigate for those trees up front, and we do that as part of the development process. The issue comes in when we have a subdivision that , we go through the development, we don't mitigate, we don't remove the tree, we leave them all there on the lot but then now something gets annexed into the city of Austin. We go to build a home. We've already put trees in the parks, treed out the park lands and the medians and none of that worked. We didn't need to do it in mitigation but now it's sitting there. But now when we come and put a home on one of those lots we have a -- those lots because we have a problem because we have to remove the trees. We can't put trees in the park. We can't mitigate. A lot of times we can't remove the trees. In several cases connect build a home with lots. We've started out and now we can't put a home on the lot because the tree cannot be removed and it can't be mitigated. There's no place to do that. So I think with some minor clarification, that can be worked out where simply language brought into it that a legal lot that is brought into the city annexed area would be exempt from these rules and regulations as long as it was a legal lot prior to the time it was annexed. That puts us on the same basis. Part of our concern if we don't do something like that, if we're developing and we understand the city is going to come in and annex a development, I'm a builder and I know there's trees that may become an issue somewhere down the line and I'm not subject to any ordinance, we're going to remove them. It's simply easier to remove them when there aren't any requirements when we have a pending sale and a home buyer about to move in and we don't want to take months to go through the boards and commissions, so we may unnecessarily be removing trees as a consequence of knowing we're going to be coming into the city limits at some point in time. I think if we simply come in than a state that this ordinance does not apply when a legal lot is brought into the city limits, I think that would resolve that. I'll wrap up and be able to answer any questions you have. Thank you, Mr. Smith. Questions for Hank, Council? Mayor Elect? I have a question that relates to your statements about the and I wonder if Mr. Murphy come up and answer that question.

Sure. Thank you, Mr. Smith. I don't think there's anything that requires you to mitigate on your own land. That mitigation can take place somewhere else, but I'll let Pat address that.

I have mitsy here, cotton, from the law department in case we need her. First, it sounds like many of hank's comments about the have to do more with the heritage tree proposal, which has been postponed, which then the two ordinances that are still on the table at this point for approval tonight, point that out. But right now in the e.t.j. Our tree ordinance does not apply. So a subdivision in the is not required to comply with it. smith is speaking to is the point when something subsequently gets annexed into the city before houses are built, and would the tree ordinance apply to them at that time. And mitsy will correct me, I'm sure, if I say something wrong, but as I understand chapter 245 in the local government code, we would apply the regulation even if it was one that applied in the city at the time when the subdivision started when they come in. So he is correct, if the tree -- the tree ordinance has been in effect since 1983. If they did a subdivision in and then they came into the city and were annexed, they would have to comply with the tree ordinance because it was on the books at the time they started the project.

Well, actually, pat, i think you have it incorrect, but -- I think the answer is really what pat said earlier in your response to the 245 issue that had been addressed last -- last week or two weeks ago at the briefing. The 245, the grandfathering requirements would be looked at on a case-by-case basis. The reason you wouldn't put something in an ordinance is it's going to conflict with that, but under state law, if, for example, the subdivision was developed, years go by before it comes into the city limits, it comes in, there are lots that have never been developed, so that project wasn't complete, we would look at that as the 245 committee, the city's committee that looks at whether or not things are grandfathered under state law and make a determination at that time. If under state law they started their project and they have the right to continue their project understand the laws in place when the first in a series of permits was filed, which would be that plat, then they'll proceed unld those rules as they exist -- under those rules as they exist and not under the rules that exist after that time. But it is a case by case determination. I think pat has that right when he talked earlier about 245 and how does it impact us. Does that answer your question? thank you, mitsy. Mr. smith, thank you. Let's see, so harry harry savio I think is our final speaker. Welcome back, harry.

Thank you, my name is harry savio I'm the exec vice president and chief operating officer for the home building association of greater austin. I'm vea only take 60 seconds tonight and first of all I'd like to point out and reemphasize the things except in a different way that wes said is that builders cares about trees. If you look at a tree today, by and large that was put in place by home builders or certainly homeowners that followed. One of the things that's great about austin that people have a lot of pride in is the tree canopy and if you look at any developed section of town today as compared to what it was prior to development you'll see it's rich with a good tree canopy. What wes tried to point out and did point out was that when you start getting to smaller lots and in some cases as small at 6500 square feet that is really dominated by a house, that you're into the point where it is not really practical to install, really, more than two trees, but we agree that two trees is reasonable and generally considered an industry standard. I guess the question and the challenge is, though, to say, but if you can't fit two trees on that lot, go plant them somewhere else. And then my question becomes, well, why is that fair? Why is that equitable? If I was -- I'm not threatening litigation. If someone was to take that to court and ask an independent jury from somewhere, we want you to pay for somy else's park or a tree front across town, why is that fair or equitable given the fact that on a per-acre basis you're actually planting much more

trees than you would otherwise. Again, the -- remember that these houses are, as a rule, affordable housing made for entry-level home buyers, and those costs do have to be passed on and that home buyer is going to be the one to pay them. Thank you. thank you, mr. savio. So, council, I believe that's all the folks who signed up to give us testimony on these two combined tree-related public hearings, 76 and 77. Questions of staff? Comments? Mayor elect. mayor, both of these ordinances have been recommended by the environmental board, the urban forestry board and the planning commission and the special tree task force, so I'm going to move to close the public hearing and pass 76 and 77 with one amendment, and that amendment would be to item 77, in part 2, section 25-2-1032, to change the requirement to two trees per lot in lots zoned sf-4a and leave it three trees per lot in other zoning districts by deleting the language in 25-2-1032 in the draft ordinance, and replacing it as follows, and I'll furnish this language to the clerk. so we have a motion by mayor elect leffingwell, seconded by council member martinez, to close these public hearings, 76 and 77, and pass the ordinances as presented with those additional -- with the additional language as proposed by the mayor elect. Further comments? Questions? May pro tem.

McCracken: This may be already addressed in the proposed language. If the land is coming in and it is - is it eligible for alternative equivalent compliance if it is a subdivision where there has been, in the judgment of staff, for instance, a good amount of tree planting and there might be situations where the aims and the ordinance have been achieved already but it's been on a law by law basis, it would not necessarily be required. I mean, the quick answer to the question, is alternative equivalent compliance permitted for subdivisions coming into the city limits.

I think the answer to your question is, if it were determined that we could apply the current regulations to the development under the grandfathering statute that was discussed previously, then we would definitely be able to give credit for any trees that they had preserved in the subdivision towards this requirement. Is that what you're asking?

McCracken: Well, I guess the quick question is, does the ordinance permit alternative equivalent compliance?

The ordinance as it's written right now that applies to subdivisions allows that alternative where they could -- if they could demonstrate that they weren't able to plant the trees on the lots and it would allow that alternative of planting them elsewhere within the subdivision. That's the way it's currently written, or --

McCracken: -- That's good. That's not quite what i asked.

Sorry.

McCracken: No, it's not -- but I'm trying to -- I'm trying to -- I guess what I'm trying to ask is, it sounded like there were scenarios where we -- where it might be called for that a -- a different approach, it might be in the judgment of everybody concerned that it might be the best approach not to apply the tree ordinance because the area was built out under a certain vision, for instance, that was one that

everybody agreed was a superior -- it was a very good approach and the equivalent of the letter of the ordinance, but the ordinance would actually -- would actually be -- pose -- not a hardship, we could achieve the aims of the ordinance based on what had already been done or under the existing covenants or something like that.

I think the answer to your question is that we would take that into consideration in terms of a situation where there had been a lot of things done to preserve our plant trees already. It might not be an exact fit of our current ordinance. Staff would look at that situation and take that into consideration and give credit for tree plantings that occurred in that subdivision, typically.

McCracken: Okay.

So I think that's the answer to your question.

McCracken: Yeah, that is. So you-all have the authority under the proposed ordinance to make those determinations?

Yes, I believe we do.

McCracken: Yeah. Okay. Great.

Thanks. patrick, I'm sorry, while you're still up, remind me again, earlier you had the brief conversation about rule making or the writing of the rules.

Yes, sir. where is that now and what do you anticipate the -- you know, the timing and structure of that to be?

I don't think that we have -- for these two ordinances, I'm not sure that we have what would qualify as an emergency rule, for the tree parking -- let me ask. We can post an emergency rule, which would be signed by the city manager to basically provide a rule for the parking lot median requirements, and we certainly would go through a formal rules process after that in terms of having stakeholder input before those could be adopted. Those are typically posted on a quarterly basis, so we would post those as soon as we could and take those through a public process in order to get those rules finalized.

Mayor wynn: okay. Further questions of staff, comments? Again, we have a motion and a second on the table approving these ordinance, 76 and 77. Further comments? Hearing none, all those in favor please say aye.

Aye.

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

Thank you. I just wanted -- this is my last chance, thank you, mayor, and thank you, mayor pro tem, for

your service. It's been a pleasure to work with you and I hope to see you around. Thank you. thank you, so council, that takes us to item no. 78, The public hearing regarding floodplain variances requested by aisd. I would appreciate a brief staff presentation. mayor, council members. Kevin shawng from the watershed protection review program. The item before you is a floodplain variance request for a property at 1301 shoal creek boulevard. The property is owned by the austin independent school district and it is the house park athletic facility. It is in the shoal creek watershed. The map you can see here shows the property outlined in red with the field there on the west side of the property. The majority of the property, as you can see, is dated by the 25 and the 100-year floodplain. The existing field house that is used on the property is there in green, and that is proposed to be demolished with this development application. The proposed field house is shown there at the north end of the field, north of the north end zone as shown in the pink color. Both of these structures, as you can see, are located within the floodplain. The applicants' request, again, is to construct a new field house approximately 3,120 square feet. It does encroach on the 25 and t 100-year floodplains of shoal creek. Additionally the proposed field house will not have normal access to an area that is a minimum of one foot outside of the floodplain, which is an additional variance request. Here are a couple pictures of the existing field house. This is on the property. And again this structure is proposed to be demolished with this application. The proposed field house is, again, it will be just in this general area, this grassy area north of the northern end zone and below that is a picture from the site plan, which is a -- somewhat of a rendering of what the new field house will look like. The new -- the proposed structure will be elevated on a pier and beam foundation with stairs and ramps leading up to it, which will allow for storage of flood water and passage of flood water underneath it. A comparison of existing and proposed field house. The proposed field house has a slightly smaller footprint, square footage. It's inundated by the flood plain by 300 scweefort of the. The proposed structure will be elevated 100 feet, will not be inundated by the floodwaters. The existing structure is surrounded by 6 feet of water and the proposed structure, a higher point on the property, is surrounded by about 4 feet of water. Just a quick summary of our findings. Again, this application proposes to a building that encroaches on the 25 and hundred year floodplains. The applicant's engineer has provided to the city with this application adequate engineering models that indicate there is no advert flooding impact to other properties, and also the finished floor of the proposed building will be one foot above the floodplain, which is required by the proposed building will not have safe access out of the building, but this -- this is a non-residential structure and not only that, but it obviously will not be occupied permanently. It will just be infrequently occupied. Additionally, we feel that the reduction of the building footprint area is also a positive sign for this application. With that said, the staff recommends approval of this application. You do have a draft of a proposed ordinance in your packet. It does include two conditions. One of those being the requirement to dedicate a drainage easement to the limits of the 100-year floodplain, additionally to provide the city with elevation certificates, which is a way of certifying that the building was, in fact, built to the elevations shown on the application. There are representatives from the school district as well as their engineer here tonight, if you have any questions, and I'd be happy to answer questions for you as well. Thank you. thank you, kevin. Questions for staff, council? Comments? Again, we do have a couple folks here representing the project. They have signed up to answer questions if need be, both in favor, obviously, of the variance. Further comments? I'll just say, I'll gladly be supportive of this for the reasons outlined by staff, also just, if you've ever been over there and in that field house, and i have, it's just -- you know, it's crummy conditions, and also, if you

haven't been over to house park since it's dramatically improved it, the new artificial turf, it's a fabulous facility, multi-use facility, for our kids not to have a reasonable field house is kind of sinful, really. So this is a dramatic improvement all the way around. Most importantly the conditions for the players and students who are in that existing facility. Comments? Motions? Motion by council member martinez, seconded by council member morrison, to close the public hearing and approve this variance as presented by staff, item 78. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 6-0 with the mayor elect off the dais. Thank you, kevin. Let's see, so council, that takes us to public hearing 79 which I remember at our last meeting we -- we brought up and if you remember the discussion, the first order of business actually deals with the issue of standing, and having that been decided, if standing is granted, then we would conduct the public hearing. So perhaps a reminder and quick presentation by mr. sef lack.

Good evening, I'm george sef lack with the watershed review, and this is to consider a appeal by damon howze of the sky land highland planned contact team, to approve a conditional use permit site plan to allow operation of an adult lounge known as la bear in the lincoln square shopping center, north ih-35. We did discuss this item last week and as the mayor stated, the first item of business is to determine whether the neighborhood plan contact team has standing to appeal. Once you address that issue, then I will make a brief presentation on the actual case itself. so then, again, the issue of standing. You remember, you know, we had a relatively lengthy discussion about that last week, couldn't come to a decision, and so we didn't conduct a public hearing. I think there's been, you know, some sort of independent analysis in the meantime and some briefings, so comments on our decision now regarding standing, specifically standing for the neighborhood plan contact team.

Cole: mayor? council members coal. first of all, i apologize for not being here last week. I was at a legal continuing education, but I heard about the decision immediately through my telephone. [Laughter] and I have been briefed on it several times by legal and actually taken a look at the ordinance, and I think that the ordinance does not explicitly grant the neighborhood contact team standing. I think the ordinance is ambiguous and that the ambiguity within the ordinance needs to be addressed but we can't use that ambiguity for a basis for granting standing this one time in this zoning case, and I'm also concerned if we do that then we open the floodgates for other challenges where we have not addressed the ambiguity and we also have not set out the particular scope of authority that a neighborhood planning contact team has. So based on those facts, I'm going to move that we deny standing to the neighborhood contact team. so motion by council member cole, seconded by council member martinez, not granting standing to the neighborhood plan contact team. Council member morrison? I have some additional questions for legal. I tried to get -- we tried to get these questions answered earlier this week and it just didn't happen, so I'm going to have to go ahead and get them now. First question I have is, is there any -- do we have an analogy of any other body that we can think of in the city that is in this kind of situation? Where we don't really know, they're sort of like a city? I mean, are you saying they're like a board of adjustment or --

no, I think that -- council member morrison, i think the neighborhood plan contact team is a unique body in the city's innovative planning system, and I don't think there is a body established under city code that is quite like a neighborhood plan contact team. and, you know, originally when you were giving us -- when this first came up and you gave us some legal analysis saying that it was reasonable to conclude either way to either grant standing or to deny standing, but then the recommendation came out to deny standing, but what i never really understood, thinking back on it, was why that became your recommendation since both of them are reasonable.

We don't like to give advice without some kind of a recommendation, even when the the call is very close, and we've tried to convey in our advice on this matter thats is a close question. It's a question that's never come before the council, and we think that reasonable minds can differ on it. But in our view, in our reading of the code provisions related to neighborhood plan contact teams, their functions are unique enough and they are administrative in character and flavor, much like what one would expect from a more clearly established sort of city board or entity. And our advice is to take the cautious approach and find that because they're imbued with these special administrative powers, they're required to adopt by laws the code, establishes very broad membership requirements but membership requirements nonetheless, that the safer approach would be to find that their authority is limited to the powers that are assigned to them under code or that logically follow and are necessary to carry out those planning functions. And since appealing a development permit is not among those powers, our recommendation would be to find that the contact team lacks standing. However, as we previously advised at the last hearing on this matter, the other approach would be to simply look narrowly at the code requirements in chapter 21-1, and an argument can certainly be made that the contact team in this case registered as a neighborhood organization and no one disputes that their boundaries are within the required 500 feet of the la bear site, so there definitely is a basis under our code for concluding that the team has standing. Our recommendation, however, again is to recommend lack of standing. and you say your recommendation is to find lack of standing because it's safer -- safer in what way?

In reviewing -- our advice is always aimed at trying to follow what we believe the law to be, and sometimes the law is gray. And in this matter we had to, you know, look at court decisions, reviewing the authority of administrative bodies. And the court decisions in the texas appellate system are fairly conservative in construing the authority of administrative agencies. They look to what the enabling provision of the -- of the body -- what authority it grants the body, and they are very skeptical, oftentimes, of an exercise of an administrative authority that isn't -- doesn't fall within the scope of that provision. And so while we certainly found no case that was directly on point, the city's planning system -- neighborhood planning system I think is innovative and unique in a number of ways, and so we found nothing that was directly on point, but the message, the take-away message from those cases was that the contact team's authority should properly be regarded as derived from code and limited to that. and when you're talking about administrative bodies, you're talking about, like, boards and commissions that we design in our code? Is that what those --

that's right. The cases that deal with administrative -- with the authority of administrative bodies are dealing with entities that I think we all would recognize are more clearly administrative bodies than a contact team is, and that's one of the ways that a contact team is unique. It has features of a citizen

organization, a neighborhood group, and it also has some features that I outlined a minute ago that make it similar in some regards to an administrative body or entity. did you take into account that assessment that we have, for instance, with the board of adjustment or any of our planning -- any of our commissions, we provide them facilities and for any hearings that they have or anything that's going on that needs a notice, we, the city, pay for the notice. However, I can mention two situations. For instance, the rosewood neighborhood plan contact team needed to meet and asked the city to meet in the guerrero senior center and they were told that they would have to pay to do that. The other situation ironically is with the highland neighborhood planning contact team. When this issue came out, i believe it was this one, but in any case they wanted to notify the neighbors that there was a case going on that was of interest to the neighbors and that they as a contact team had to deal with, and the city said they would not pay for the notice. So to me, that's clearly, clearly not treating them as a city administrative body like a commission or a board, and I feel like we've clearly demonstrated as a city that we're not going to treat them as boards. The other problem that i have is that if we're going to start thinking about that, we need to be thinking -- thinking about the implications of them -- have we been, for instance, violating open meetings acts and the open records if they're like boards. I feel like this recommendation opens up just an amazing can of worms when it's been so clear that we've been treating them as neighborhood associations. In fact, on the -- ironically, on the conditional use site plan review sheet, the listing of neighborhood organizations lists, including the highland sky view neighborhood planning contact team. I also want to point out to my colleagues who might still be considering their decision one way or another, especially that there are places in the code where we're treating neighborhood planning contact teams and neighborhood associations in just the same way, and that IS UNDER the McMappings, McMANSION, THE SUBCHAPTER F, McMANSION REGULATIONS, Where neighborhood organizations can come in and have the authority to adjust the parameters of the McMANSION ORDINANCE, THAT Authority is given to neighborhood organizations -- excuse me, neighborhood planning contact teams or neighborhood associations, so, in fact, we have neighborhood associations being given explicit authority elsewhere in the code. Same situation on vmu opt in and opt out. Same situation with mobile food vendor, vendor specifications and front-yard parking, where we're giving neighborhood associations authority under the code but we're not calling them administrative in nature. So I feel like the -- it's really taking us down a very, very difficult path if we're going to say that they don't have -- that the neighborhood planning contact team, the authority is limited and doesn't have the authority. It's inconsistent with the way we've treated them before. We're making them pay for notification. We're making them pay for use of our facilities. So on the one hand they are just regular old non-city organizations. On the other hand, in this case they are. We have unopen questions -- excuse me, unanswered questions, what kind of implications this decision is going to have. I also want to mention that this leaves neighborhoods that are operating -- i mean, we have fully operational contact teams that are neighborhood associations, and this is taking away some of their authority. I think that it impacts disproportionately the east side because the organizations that I know that are in this situation are ocean, which is central east austin, rosewood, govalle, johnson terrace and east cesar chavez. So all those neighborhood areas all of a sudden are going to -- I don't know what kind of organizations they have now at this point if we make this. So I think this is taking us down a very, very serious road to say that this organization doesn't have standing. mayor pro tem?

McCracken: There's one thing that I think is not in dispute, which is that the neighborhood contact team is an interested party. That is not in dispute. Where we are in a gray area is whether the fact that the neighborhood is -- it's the fact that the contact team is interested party gives it standing or no standing. That's the question. And what our legal staff has told us is the question about whether this undisputably interested party has standing is close to a jump ball. So we have -- we basically have a jump-ball question about whether the neighborhood planning contact team has standing. In the law, you have a presumption, and again, we have another gray area here, but traditionally in the courts there is a presumption people have standing, if they're an interested party. What I see here, which I find to be concerning, is that we are applying the opposite presumption, which is that on this jump-ball question about whether our citizens have the right to come to their government to be heard, that we are having a presumption that even though they are an interested party, which is not in dispute, that they do not have standing to come to their government to have their case heard. Now, I'll give you a scenario where this is a problem, because council member Morrison is right, in a lot of areas that have neighborhood planning contact teams, they essentially replace neighborhood associations. The neighborhood association essentially is replaced by the contact team because that is viewed, I think a lot of times, as giving you more protection, although weirdly we see in this case they're getting less protection, if we follow the recommendation. So here's a scenario where you're going to have trouble. When you have -- when you have a -- when you have a commercial property without homes near it, so that there's no homeowners that have -- mayor pro tem, excuse me. I'm sorry, sir, would you please have a seat? If a council member has a question of somebody in the audience, they will ask it, but you're out of line to be approaching and standing right behind our city attorney. Please have a seat.

Sir, I know -- please have a seat and if a council member asks a question of you, you may come -- you may come to the podium to answer it. Please have a seat. I'm association mayor pro tem.

McCracken: So here's a scenario where this presents a real problem, and that is where you have a neighborhood plan and there's an area of the neighborhood plan that is overwhelmingly commercial property so there is not going to be a home nearby that will have an interest. It's only going to be commercial property. And then the conditional use provisions put in the neighborhood plan to give the neighborhood protection, the only entity, other than the commercial property owner who will have any interest in the question at all and the ability to weigh in on it will be the contact team, unless we don't let them come before us. This is not a hypothetical concern. This is exactly the issue we face in this case. So I believe the Austin city council should be presuming on the side of our constituents, people, and neighborhood associations, and not presuming on the side of shutting the door to them being heard. mayor pro tem? Tem?leaf. I'll just say, obviously a lot of gray area. No question that the neighborhood plan contact team is an interested party. My -- my belief today is what it was at our last meeting, and that is clearly our citizens should have the right to come to their government, in this technicality, the form of an appeal, but after listening to the pros and cons and the legal arguments and what is clearly gray area is that I do still believe that as an administrative body formed by the city of Austin does not have that ability. And I'm sorry that clearly there's interested citizens involved, but as I go down that same route then and think about other of the, you know, many, you know, sort of boards and commissions and other sort of quasi governing or clearly governing bodies that we as a government create, I think it gets really messy if an administrative entity formed by the city is allowed standing to

appeal decisions of -- you know, of other governing bodies formed by the city. You know, it's unfortunate. I don't necessarily like it but as council member cole points out, I do think this raises the issue and the need for, you know, staff and the next council to spend a little bit of time and really try to clarify and try to eliminate the ambiguity of this, you know, unfortunate area. Again, technically, we have a motion and second on the table finding that the neighborhood plan contact team does not have standing. That's still the question before us. Yes? Excuse me, mayor, I understand there are some people that have signed up on this item that do want to address the issue of standing, if you want to take testimony. Well, we -- you know, we're posted to conduct a public hearing, and folks have signed up for a public hearing. I might need some legal advice on that. We did allow testimony last week as we had, you know, that issue discussed, but 79 is to consider an appeal, and we don't have a sign-up, you know, you know, council members are more than welcome, as is always our practice, to ask questions of folks that are here, and so I clearly recognize a council member, if they wanted to ask questions of some obviously interested, you know, citizens in the audience. I think that might be -- without objection, that might be the better way to try to handle it versus trying to conduct a public hearing format on standing when that's not what we're posted to do. But -- council member shade? I'll ask a question, damon howze is in the audience, I see him, and I know he was here last week, and I guess I'd like to know what your opinion is on this. welcome, damon.

Council members. You know, in 2003 we received a postcard from city planning staff. Went to every house in our neighborhood planning area, and it said, if you are interested in land use and zoning we're going to be doing a neighborhood plan, so would you please come to this meeting so we can tell you more about it? And we went to that meeting, and from that meeting it turned into 30 meetings, in the next 11 months, and we had -- each meeting lasted about three or four hours, the first half of it being an education on land use and zoning, and the second half of it actually doing our plan. We were so burnt out by the end of that time that we did not form a contact team. It wasn't until two years ago when vertical mixed use started coming up that we realized we needed to actually get a team. We contacted city staff and said, okay, we're ready to do a team now. Can you help us contact the people that went through that training? And they said no, you're on your own on this. Nobody was appointed to this neighborhood plan contact team. We were all volunteers that came of our own. The city did not form us. We formed our own contact team. We adopted our own by laws without any help from anybody. We elected officers. Once again, nobody was appointed and we got no help from it. We got -- we have received requests for variances and zoning changes and we welcomed those strangers into our homes. We've limited the number of people that could be on the contact team at any one point to 16 people because we thought we could crowd 16 people into somebody's home. We don't -- we have ten people on the contact team now. That's the only amount of number -- neighbors that we've been able to attract over the last two years, and we advertise it in every quarterly neighborhood association newsletter. You know, when we have meetings in our home, we serve coffee and we serve tea. We provide snacks. That comes out of our pocket. None of that comes from the city at all. We are neighborhood -- stewards of the neighborhood plan. That's what we're doing. We have to have copies made. We have to go take photographs of properties. We have to have those photographs printed. We have to get copies for all the members. That comes out of our own pocket. We don't get any help, nothing from the city. If we actually are indeed part of the far-flung structure of the city of Austin, then we also should have been the

clients of the austin attorneys, yet they would not share their briefs with us. They would not give us any support or talk to us. We were simple neighborhood association and neighborhood -- stewards of the neighborhood plan. I was viewed as so much of an unimportant neighborhood volunteer that two of you that voted against me last week have refused to have a 15-minute meeting with me for the last two years solid. Every time I requested a meeting with you I was told you would not meet with me. That's all I have to say. thank you, sir. Further questions, council? Comments? Council member martinez.

Martinez: thanks, mayor. You know, I don't disagree with a lot of stuff that's being said and that there are some issues. The question before us is whether or not to grant standing, and based on the information presented i don't believe we should do that, but I believe we should immediately pursue whether it's an attorney general's opinion or legal advice as to how we address these issues that have been laid out, because I don't think that this is the end of it, and I think it is very important. But I will remain in the same position I was in last week, that I will be voting against giving standing to the contact team. mayor, I have a quick question for ann dinkler. Is this your neighborhood planning contact team here?

No, I live in northwest hills, but I'm fortunate to travel daily through the neighborhood because my francis school. And I consider myself an interested party in this situation because of the secondary impacts that I'm seeing with this case. So I have to admit some surprise, mayor, just from your comments, we're not posted to have a hearing on standing, having last week watched the council meeting and for the first time hearing something I would never have deemed possible, and I'm one who's been through as mainly conditional use permits as anyone else, that the appeal process -- you had a public hearing, you determined standing, and then you -- if the standing was not granted, then you could -- if the standing was granted you debated the merits. I see a posting for a public hearing. It has not been opened. It has not been closed, and standing is part of the consideration on the appeal. I do not know how you can lay a motion, and vote on it without having opened up for a public hearing. And I would like to address the issue of standing, even though I am not the party that appealed, because i think there are points that need to be brought forward as to the arguments. I'm very concerned when i hear a staff member who says there's no point of law urging caution, and I think the real concern here is that there will be a lawsuit, and rather than determine the merits of standing or the merits of the appeal, we're going to shut off all discussion and not allow folks who have an interest in this matter, which you agree, there are folks that have an interest in this matter, not even have an opportunity to weigh in. thank you, ann. smith, you know, I clearly would sit -- stand or sit corrected if, you know, I've sort of mischaracterized what we're supposed to be doing here or if -- if there's legal advice suggesting that we do something different right now, I'll gladly do that.

The procedure is that before opening the public hearing, the body hearing the appeal shall make a decision on standing, and we advised at the last hearing and will advise again if council wants to ask questions of members of the audience related to the issue of standing, that's within your discretion, but there is certainly no right of anyone to address the council at this point other than at your pleasure, and the public hearing is not opened until you have made the decision on standing. and then remind me, what did we do -- I remember taking a bunch of, you know, testimony. I wanted to get -- I think the council wanted to get some feedback from neighbors and what -- remind me, what -- how did we handle

it at the last meeting? We had the 3-3 vote? I'm honestly trying to remember the details. mayor, i believe we asked the applicant to come up. He questioned whether he should really be the one to start it, and mayor pro tem suggested since he was challenged -- the challenger -- asked him to come forward. it turns out the neighborhood folks had no clue there was an issue of standing and hadn't even looked into it. So we got a very I think you called it valiant attempt by -- I forget the woman's name, giving us just a bit of a question. So whether or not we decide to have a ruling I'd love to sinclair on her thoughts on the matter, but if -- but if we don't do it --

mayor wynn: hold on. I'll gladly let any council member ask any question of anybody here. Again, you know, the issue is we are trying to decide on standing in order to conduct the public hearing, but, you know, I'm all ready and willing for input any member wants to get from anybody here. I think I would like to hear from dankr, and I've also spoken to ms. daniels. Do you want to comment? Of course we need to be aware that it's late and all of that, so the more efficient we can be the better, so if you think that's reasonable to listen to it -- have you two speak, that would be great. and again, I'll just request that you speak on the issue of standing, you know, because, again, we're not going to conduct the public hearing and talk about the merits of, you know, the land use case until such time as we decide the standing. So I would, you know, gladly welcome and sort of allow any council member to ask for testimony on the issue of standing for the neighborhood plan. That's what we're trying to decide now. So I'm sorry if I have somehow, you know, kept that from happening, so -- ann? and you said you had some comments on the issue of standing, right?

So am I being asked a question or am I being allowed to testify? you're being asked a question, what are your thoughts on the iss of standing?

I brought a long one, I'm sorry. I'm kind of going to go to the points that I heard your able, and I think scholarly, city attorney make as to whether it's an administrative body, and i think there's some points i would add to the comments that she made, council member morrison, that it's not a board and commissions in some other way. You-all appoint boards and commissions. You have attendance requirements. You have conflict of interest requirements. Folks are on or off. A neighborhood contact team not only comes up with its own bylaws, it's self-perpetuating. In essence what you've done is recognize a citizen advisory group rather than make it as administrative as I would view a board and commission. You don't have a contact team abiding by the quorum rules, open meetings, open records, attendance requirements, disclosure requirements, and while this neighborhood I think has done an outstanding job in being wide open and airing concerns both pro and con, i don't view this as quite the administrative body, and i could not find a point of law, and I am of course practicing without a license. I hope that gives you-all a giggle -- addressing that issue too. Part of what I wrote on was the whole point of interest, and I kind of wanted to reinforce that a bit because this is the part where I got a little concerned looking into the record on the gammon raised representing the applicant. I've lost my notes. The code here was -- you know, they have been arguing howze or the highland park planning contact team do not have standing to appeal the planning commission's approval of a conditional use site plan permit for la bear, because he does not have what constitutes an interest in the matter and has tried to narrowly construe the conditions that the code spelled out. I was going to provide you-all with a copy of the code, and I don't know if anyone has actually provided you with a copy of the code that lays this

language out, but you will note it's written in statutory, legal format. I don't see the ambiguity. It's consistent with every legal document I've read, and my husband the law professor has read. You have communicated -- you have to communicate an interest in the matter and need additional requirements. Four different possible additional qualifications would allow a person who has communicated an interest to appeal. Three of these are not germane. This is having a residence within 500 feet, being a record owner of property within 500 feet of a proposed site, or having utility addressed within 500 feet. The section under which howze qualifies is 251-31 a-2 c. Let me quote. A person is an owner of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the proposed development. The code was written broadly to allow those who have an interest in the matter to communicate why it impacts them and why they have an interest. Clearly the city recognized that interest may be broader than 500 feet, and in this area that's one block, you-all. That's one block, or they would not have written the language to include it that way. So is the clear example. A watershed is not confined to 500 feet. An officer in a neighborhood organization rather than the immediate neighbors would be able to convey the impacts greater than 500 feet. This has been borne out by the specific findings that would help you to determine whether the evaluation criteria has been met. For example, a study by Cooper and Kelly, a noted planning -- group of planners in 2008 found that certified appraisers collectively agreed that adult entertainment businesses of any kind contributed to a decision -- contributed to a decline in single-family home values. 70% Reported that the negative impact of adult --

Morrison: excuse me, Ann. First of all we need to make sure we stick with standing, and also I want to clarify just one thing, and that is I think everybody including -- everybody, no matter how we voted up here, agrees that the organization fits the technical definition of interested party. It's just the question of is there an issue with it being an administrative body. So since -- especially since it's late, I wanted to ask if you could -- if there are other points to make, if you could make them quickly.

Okay. And I think this is what I was trying to get to, is that he represents broader interests than would -- that a normal ad might have body. He is a -- administrative body. He is a citizen. Every decision I know has been able to be appealed for the folks I vote for and electric, and I would like him to be able to address those concerns here, rather than have to take it, for example, into court, and I don't think anyone is even talking that way, but this was an avenue to prevent those kinds of situations from developing. And I'm going to introduce this, if it's possible. Can I just leave my testimony or not? If that's -- sure, you bet, yes, ma'am.

Thank you. Thank you, Ann.

Attorney, can you give us a quick comment, if there's something else to add that hasn't been said? Thanks.

Excuse me, council members, if I may, just a caution and some advice that the comments should be on standing and not getting as far afield as they have.

Mayor wynn: thank you. and i appreciate that and i thought that might be happening.

Mayor wynn: I agree.

Well, good evening, mayor, mayor pro tem, mayor elect, council members. Thanks, and I will keep my comments very brief and on standing. Most of the points that i sent and what one council member already pointed out to me is a very lengthy email has already been made tonight, but there are a couple things I wanted to point out that haven't been said in testimony. And one point I would make too is that - you know, and I understand we've been talking about the ambiguity, but I'll just say what has come of that is that, as council member morrison pointed out, some areas of the city have -- have begun to use their contact team as their neighborhood association, not, you know, recognizing this is an issue, and I would say in this particular situation you just heard some testimony from ann denkle and another person that we've been work with whom you haven't heard from tonight, is an optometrist, whose office is right next door to the site that we've been talk about. And working with these other interested parties, those folks decided to not register their opposition or appeal because they were working with us, and as, you know, the -- as the neighborhood planning contact team they thought that this would be the most appropriate way to make the appeal, so the side effect is that people who might have qualified under the definitions that you're considering, and, you know, I recognize you'll read the ordinance the way you'll read it, but the effect is that some people who I think you would have not had any question about whether or not they had standing are not standing here tonight because they didn't appeal thinking that we had no problem with the contact team appealing. That said, a couple points that I would make, it seems that we are talking about the contact teams as if they're on a par with any other board and commission. I'm fortunate, thanks to you, to get to participate on one of the city boards and commissions, and I'll tell you the look and feel of participating on a city-appointed board and commission is very different than participating with a neighborhood contact team. Some of that has been mentioned tonight, but one point that I would make is you don't -- you don't see your boards and commissions coming before you and appealing each other's decisions because their jurisdictions don't overlap. They're -- you know, they're completely separate. And so one would never consider as a board or commission the decisions of another, whereas the relationship that contact teams have with the land use committees, the planning commission in this case, is one where planning teams are sort of subject to the decisions of the planning commission. And so as was mentioned already, we -- contact teams are set out by literature on the city web site as stewards of the neighborhood plans. I think that's what your intent was when you created them, and so we represent the neighborhood plan to in this case the planning commission, and then when we felt like the planning commission didn't make a decision that protected the neighborhood plan in the way that we thought was appropriate, it only makes sense that since we are subject to their decision, that we be able to appeal their decision to the next layer up, which is you, and why we're here having this conversation now. So -- I think that that's an important distinction. You know, we talked about contact teams aren't appointed by any of you or anyone else with the city, for that matter. We're not required to take oaths. We don't have public meetings. That's been talked about, and we don't have education -- there's no way in which we even resemble the commission that I serve on or any others that I'm aware of. So that would be the main point that I would make.

Thank you. thank you, katrina, and for earlier. Any questions? Mayor pro tem.

McCracken: This is for legal. The conditional use permit that is the subject of the appeal, is that a conditional use permit that arose from the neighborhood planning process itself or is it pre the neighborhood plan process or outside of it?

I invite george or linda to correct me if I'm wrong but no, this was a standard conditional use permit. It was not tied in any way to a neighborhood planning process.

Thanks. any other questions, comments? Now, technically, again, our task here is the question on standing. We have a motion and a second on the table. Council member shade? I think that there's been a tremendous amount of discussion, but this last meeting, this meeting, executive session. I know that many of the neighbors and people who have spoken have spoken to council members. Staffs have been debating this, legal staff has been debating this. I'm not a lawyer. I'm not an expert on the code as some people here are, but I think clearly the analogy of this being a jump ball is valid. I think this is a real mess. I really am very committed to working to solve this ambiguity going forward, but I would like to just ask that we take a vote at this point. Is it a call to the previous question? call the question.

Shade: call the question.

Mayor wynn: fair enough. So again we have a motion and second on the table finding that the neighborhood plan team does not meet the requirement for standing. Further comments? mayor, does it take a two-thirds majority to call the question?

[Inaudible] [laughter] just wait till you sit in this chair. mayor, i have no objection to calling the question. [Laughter] question has been called.

McCracken: You can make the 10:00 motion. yeah, that's all in favor of the motion finding standing is not met, please say aye.

Aye.

Mayor wynn: aye. Opposed?

No. motion carries on a vote of 4-3 with mayor pro tem, council member morrison and council member shade voting no. Thank you all for your patience as we struggle through that. So council, that takes us to our final public hearing of the evening. That is our public hearing to receive citizen comment on a number of things that we generally refer to as our hud consolidated plan. Welcome, ms. margaret shaw. mayor good mayor, members of council. In the interest of time I'm going to forgo a short powerpoint we had for introduction of the consolidated plan. We will put that on the web city of august.org/housing. I just want to say that this -- creating a consolidated plan, which is required by hud is not for the faint of heart. We had a series of public input meetings from january through march where more than 250 people participated, and I want to take a moment tonight to thank them, many of whom are here tonight

to give testimony. I also want to thank our colleagues at the health and human services department, for all of their wonderful support and help in putting this together, as well as all the members of my terrific staff that have put this together tonight. [One moment, please, for]

Mayor Wynn: Questions for staff, council? Comments? If not, we will conduct this public hearing. , Which is to receive citizen comment. We'll take these in the order that the computer has them. For whatever reason, the computer has split them up. Here we go. Our first speaker is joe catherine quinn. Welcome ms. quinn. You will be followed by debbie russell.

Mayor, city councilmembers, I'm jo catherine quinn. I've reviewed the consolidated plan and find it to be thorough and accurate with regard to the homeless population. It has goals related to safe, decent and affordable permanent housing for people making less than \$20,000 annually, and supportive housing for people who are disabled. Also, I've been working with neighborhood housing and community development staff to add specific language to identify persons with a criminal background as a group that has particular challenges related to housing. I want to emphasize here the importance of identifying this special needs population in the consolidated plan. When our case manager at caritas are working with a homeless client who has a criminal history, regardless of any other issues that may exist, having a criminal history unavoidably augments their barriers to finding permanent housing. Regardless of personal biases people may have towards persons with a criminal background, this is a matter of practicality and public safety. It is in everyone's interest that this population is stabilized in the community and housing is a key component for stability. The city's consolidated plan should include specific strategies related to -- strategies related to persons with criminal backgrounds. Thank you.

Mayor Wynn: Thank you. Debbie russell, appreciate your patience all evening. You too will have three minutes to be followed by catherine stark, to be followed by stewart hersh.

Thank you, mayor, mayor pro tem. Thank you for all your service to this city over the last several years. I wanted to say that before I forgot at the end. I'm sure I won't be as missed as much as guernsey and others as you mentioned tonight. Debbie russell with the aclu central texas chapter. I wanted to comment on the shaw spoke of. This was an incredible process in terms of allowing for public input and I'd like to see that modeled more often. Also, along those lines, the new process for public input that has been instituted I think is -- has definitely forged -- has definitely, I would say, spoken to the transparent nature that our council has very recently spoken about and in resolution form in terms of our website. So thank you for that. And I would think it was a very educational process for all. I talked to a lot of people. I went to all three forums and everybody was quite pleased. Along those lines I wanted to mention several things in this plan that unfortunately these documents weren't actually on the item, but if you go online and go to the -- the neighborhood housing and community development page, which you can actually link to from the front page, which I hope will be address understand our updated city website, you can find all of these documents. I think the most important one for council to pay attention to, I'm sure they've already taken a look at this, is the public input process. And in it several comments -- several summaries from a whole lot of meetings, community meetings, and public hearings on the matter that say time and time again we must continue to fund affordable housing, senior services, youth programs, and permanent supportive housing, homeless prevention measures, job creation, and transitional

housing for disabled, mentally ill, and definitely support for the criminal justice re-entry population as well, which is something -- of course you know the aclu is concerned about. Also in that plan -- in this document you will see some results of surveys that say that we need affordable housing by population. Ranged highest was the working poor population. And elderly disabled. That is one chart. Another chart is housing type needs. The highest ranking ones there are housing for previously homeless people and disabled elderly. [Buzzer sounds] I just want to say let's not cut general fund pieces of this plan. Let's not cut this from our general fund. I won't get to speak until august on this matter, so i want to put that in now before you get the documents JULY 22nd. I don't think all departments should have to equally cut. In fact, I understand that the neighborhood housing and community development was actually asked to cut extra. I think they are bare bones as well as health and human resources as well as the libraries, and we can't afford that. So public safety is enhanced when community needs are met, and that is why I am here on this issue today. Please keep social services. Thank you.

Mayor Wynn: Thank you, ms. russell. I will miss you actually. [Laughter] catherine stark, welcome. You will have three minutes. To be followed by stewart hersh.

Good evening. My name is catherine stark, and I'm the executive director of the austin tenant's council. I wanted to talk concerning the consolidated plan. As I've said before to the council, housing is the lynch pin that families tie everything else to. If you don't have housing, you can't have your kids in school, you can't go to your job, you can't get services conveniently and regularly from mhmr or whatever other services your family needs. So housing is crucial. And it looked to me like in the budget that neighborhood housing took a bigger hit than other departments did off the general fund, and we recently had an election where the citizens of austin said affordable housing is a key concern for all of us, and that's why we voted and put bonds, affordable housing bonds. So I'm hoping that we have the infrastructure at neighborhood housing in order to move forward on all the affordable housing plans that we have. If we want to continue to have a vibrant community that is weathering the storm like we have so far, one of the components is to have affordable housing for all of our citizens to be able to live here. Thank you.

Mayor Wynn: Thank you. Welcome back, stewart. You too will have three minutes, to be followed by ted hughes, to be followed by john mancowski.

My name is stewart her hersh. I'm a retired city employee. Like most austinites I rent. First I want to thank mayor pro tem and mayor pro tem mccracken for your years of service and for your smart housing zoning request vote when sloating with open nept -- when voting when opponents would have been a much easier course to take. You have my attitude for all you have done for this community. Second, I want to thank city staff for listening to all of us who urged increased support for tenant-based rental assistance as a tool to get to deeper levels of affordability for renters. I hope we can straighten out the problems with local guidelines that have created impediments to our making this tbra resource available to as many low income renters as possible, including people with criminal backgrounds that you heard about earlier. We want to help out as stakeholders as we can in straightening out those guidelines. Now my areas of concern in the consolidated plan in combination with the 2009-2010 action plan and the proposed city budget. \$850,000 In housing trust fund will not be spent in the current fiscal

year and will be carried forward to next year. For shovel ready rental projects, this will be as if you approved the staff recommendation last summer to abolish the htf altogether. There is no new money for the htf in the con plan as it sits currently. The suggestion to use money from the september 7th, 2000 council resolution and from repaid smart housing fee waivers and other program income have been rejected apparently. There will be no general fund support for smart housing staff or the smart housing review team in the con plan if proposed cuts are approved. The proposed menu of budget cuts indicates the 13,567 completing housing units met smart housing standards in the last seven years and that 6,545, or 48% of those home ownership and rental units were affordable. This means that smart housing not for profit and for profit partners have built about 2,000 housing units per year that meet green building standards and city safety standards, were more accessible than market rate housing and were transit oriented. This also means that these partners built an additional 1,000 homes and apartments that met smart housing affordability standards, and I fear we're about to lose that. The current con plan draft suggests that the number of smart housing completing units will drop from 3,473 in 2007-2008 to 750 in 2009-2010, a 78% decrease in housing that is safe, mixed income, accessible, reasonably price and transit oriented. [Buzzer sounds] we cannot let this happen when the market study clearly documents our need to provide more affordable housing. In conclusion, I ask that you let us help fix the con plan problems over the next few weeks and we use 21st century tools to solve our 21st century housing challenges. Thank you very much. And thank you for your service.

Mayor Wynn: Thank you, stewart, and for all your continued work. Ted, welcome. You too will have three minutes, to be followed by john mancowski.

Thank you, mayor, mayor pro tem, mayor-elect, councilmembers. I am on the board of directors for the national alliance on mental illness, the austin chapter. We have about 400 members. I want to remind you that there's about 50,000 people in austin who suffer from severe mental illnesses and drug addictions. And that means there are many, many other family members that are affected by this. I want to call your attention and the staff's attention, they did a good job I think talking about housing, but I don't think they understand mental illness and I don't think it's their fault. We've not communicated well what the problems are of people who have serious mental illnesses and their family members. The draft document that we're talking about right now gives very short shrift to the people who have problems that are co-occurring or co-morbidity. Serious mental illness or drug addiction are quite common. Most people who have serious mental illnesses have at least one other co-occurring disability. And if it's not dealt with simultaneously and dealt with very -- over a long period of time and very carefully, these people are not going to be well served and they're going to end up in the criminal justice system. Many of them do. About 60 people a day are discharged from the county jail, the travis state jail and the prison system to our streets in our community. And one in three of them will make a return trip. Recidivism is the biggest cost in much of the mental health care and health care system in our community, and if we don't address this with housing, we're going to miss the mark. It's not an accident that the number of people who are in this category keeps going up. We're not doing it right. We've got to house them and house them properly or we're not going to be able to successfully treat that group of people. And as one of the speakers already mentioned, when you come back into this community with a criminal background, we're allowing the austin housing authority to cart -- to automatically default reject them for housing or any support for housing. We need to beef up the tenant-based rental subsidies, and we need

to -- that needs to be reflected in this plan. But most importantly, and i hope to work with the staff on this, we need to understand the mentally ill. The plan is written -- it's clearly written by somebody who doesn't understand it because they're not even using the right numbers when they talk about the size of the population. [Buzzer sounds] and they clearly don't understand this issue of co-morbidity. Thank you.

Mayor Wynn: Thank you, mr. hughes. Let's see. John mancow ski signed up wish to go give us testimony, as has enrique rivera. He signed up wishing to give us testimony. How about nancy cates? Welcome. You too will have three minutes. To be followed by jerry howchins.

Good evening, mayor, mayor pro tem, mayor-elect and councilmembers. I am nancy cates with the mary lee foundation. Mary lee foundation and myselfttended most of those hearings in the past, and provided testimony. And I do also feel like that the staff has done a good job of putting together everything that was there. There's just two comments that I have on the consolidated plan at this point, and the first one would be on the housing trust fund, the fact that everything is being carried forward that's in the housing trust fund now. And there are groups that couluse those funds now. They should be obligated within this fiscal year and not carried forward. The willows that mary lee foundation is developing right now is a shovel-ready project. We are assessing our budget right now to see about coming in a little lower than what we thought it was going to cost, but we still may have a small gap in there, and it would be good if we could access that so that we could get this on the ground and get it ready for folks that need it. It has all of the -- it meets all of the targets that we've been looking for, very deep affordability. It's located west of i-35. It's within the urban core. And we ask that we be able to access those housing thrust funds if we need them to fill our gap to get that on the ground and get it going. One other thing that is in the action plan, where it's talking about the zilker neighborhood association and projects that are within that area, they mention the stone ridge apartments, but they don't mention the mary lee foundation willows project. So we would like to have that mention understand there because -- mentioned in there because we're actually shovel-ready and ready to go, and stone ridge I think is a ways down the road. The main thing is retain the housing trust fund obligated within this fiscal year, and I also would ask that there not be as many cuts in the neighborhood housing organization as well. As we hear from the testimony, we've got to provide housing for a lot of these different groups that are going to continue to be issues if we don't take care of them pretty soon. Thank you so much.

Mayor Wynn: Thank you, ms. cates. And for all the great work by the foundation. Jerry, welcome. You too will have three minutes, to be followed by matilda flores.

For those of you that know me, that's very difficult to ask. I'm jerry houchins with austin re-entry round table. Over the past year and a half I have watched an increasing amount of voyeurness in our community that reducing recidivism means promoting public safety. And that successful re-entry and reintegration back into our community is vital for public safety. I'm here today for a change, not to complain and not to gripe, but to compliment the neighborhood housing. As far as the consolidated plan for the openness, the input, the ability to let jerry houchins say what she thought, whether or not it was something they wante to hear or not. And to say that now the draft plan is out, the population that I

primarily am representing, that being persons that are coming from correctional institutions back to our community, was not in this original draft. As of yesterday we've been notified that they realized it was not, and would -- they do want it to be and plan for it to be, and have asked the round table to assist them in writing those submission requirements to include the re-entry population as a special needs population. This is a huge step for the city of austin and it is actually blowing up the box, and I think will set a real precedent and model for the state of texas. Thank you very much, margaret, and your staff for all you've done and for what you're going to be doing in the future. And thank you, council, for your support of the neighborhood housing.

Mor Wynn: Thank you.

I made it under the buzzer.

Mayor Wynn: You did. [Laughter] I'm not going to tell you how much time you had leftover. Thank you, jerry.

I'll give it back to matilda.

Mayor Wynn: You too will have three minutes, to be followed by just pullman.

Good evening, mayor and councilmembers. My name is matilda flores. I work at aids services of austin and we serve people with hiv or at risk for hiv infection. I am also of the hopla rmu, which is rent, mortgage and utility assistance coordinator for the austin area. Hopla, which is a hud program, housing opportunities for persons with aids, is provided by four agencies in the travis county area, and we serve close to 300 persons annually with rent, mortgage and utility assistance. Asa, popla providers and clients, have been active participants in the hearings sponsored to develop the five-year consolidated plan because kate moore and margaret shaw from the city neighborhood housing and community development department have ensured that the process is very inclusive. And I participated in a previous years and it was not always that way, so we're very appreciative of that. And the draft version of the consolidated plan, there is detailed information about hiv and aids housing needs. It's very thorough. I will use the comment process to give some additional feedback for some minor tweaking. Neighborhood housing and community development staff have informed several community agencies that are involved with housing that they will include the re-entry population, those with criminal histories, as a special needs population. We were very pleased that they were very receptive to and respected our request to do so. Our case managers estimate that 40% of those served have criminal background histories. This is a huge barrier as you've been hearing to access affordable housing and therefore attain housing stability. Many landlords and the housing authority section 8 and city of austin housing projects have eligibility requirements that exclude the re-entry population. Section 8 and the housing projects do have a hearing process and we have been successful in working with clients to pass successfully through that to access affordable housing. Some have been successful, some have not. So as a consolidated plan is implemented, we look forward to opportunities to decrease this barrier for the re-entry population through work with neighborhood housing and other city of austin staff. Another important issue i want to highlight is the need for immediate short-term housing for hiv individuals with

mental health, substance abuse and criminal history backgrounds. Other emergency shelters or boarding homes. These facilities do not offer the level of confidentiality needed for persons with hiv who are often shunned or stigmatized by others. [Buzzer sounds] please consider adding this to the consolidated plan and again, we look forward to working with community agencies, neighborhood housing and city staff on this issue as well. Thank you for listening to me.

Mayor Wynn: Thank you, ms. flores. Our final speaker is joyce pullman. Welcome back. You too will have three minutes.

Good evening and thank you. I haven't had an opportunity to speak before this council. I'm a little out of practice. I hope you will be gracious. My name is joyce pullman and I'm with family elder care. And I'm here because we're quite concerned that the consolidated plan and the city budget both recommend significant cuts to our funding from the general fund. The city budget has recommended either a serious complete elimination of our programs, and the consolidated plan recommends about 110,000-dollar cut. This would be significant for our agency. And if anyone remembers me, hopefully you will remember that I was always an advocate for the homeless and an advocate for affordable housing. And I still am and I very much support the allocation and direction of funds to affordable housing. One of the reasons that i work at family elder care is we serve a population that i just really respect and want to help remain in their houses. And the services that we provide to help people stay in their own homes and in affordable housing at a very low cost as compared to new construction or rehabilitation. In fact, many of the subsidized and affordable housing providers that have constructed or rehabbed their facilities with city funds use our services to help their tenant manage their funding so that they get their rent paid and they're operating costs are cored. We also have a contract with the city social services fund -- not the social services, the emergency shelter grant fund in which we specifically serve people who have long histories of homelessness. And we're able to help people who make less than 650 a month who have serious disabilities, including mental health issues, criminal backgrounds, physical disabilities issues or elderly or frail remain in their housing because we help them manage their money, and in some cases they would not be able to receive social security or veteran's benefits if they we were not named as the representative payee. And I love that program because I've always been looking for ways to effectively serve more people in that owe on on that borderline between homeless and housed. I think we keep people housed. Our other services help older adults remain in their homes, making sure that their houses are maintained. Making sure that they have some basic care so they can say living at home. We prevent the expensive cost and the descrumtion of their lives by moving to a nursing home facility. And I have a neighbor in my community actually that we're helping right now, and the neighbors have all come together to provide additional support, but we would not able to keep this older gentleman in our neighborhood who has lived there since he was 19 and he's now 81, we would not be able to keep this man in our neighborhood if we didn't have some support, in-home care and guardianship for him. [Buzzer sounds] so I ask you to please help us to continue to allow people to live in their own homes and in their communities with dignity and independence and to support their participation, full participation in our community. Thank you.

Mayor Wynn: Thank you, joyce. So council, that's all the folks who have signed up to give us testimony on this public hearing item number 81. I'll entertain a motion to close the public hearing. Motion made by

councilmember shade, seconded by councilmember martinez. All in favor, please say aye? Opposed? Motion to close the public hearing passes on a vote of seven to zero. So margaret, remind us the next --

I was about to say i would just like to remind folks that may be watching at home that the next steps in this process will be we'll be back before the city council with recommendations on JULY 23rd. This plan is due to h.u.d. On august 15th. It is all available again on city of austin.org/housing. If there's any other information you can also click in through the website. With that on behalf of the neighborhooding housing and community development staff I would like to thank the mayor and the mayor pro tem for all of their dedication and service. We will miss you. And we wish you the best of luck. Thank you.

Mayor Wynn: Thank you very much. [Applause] thank y'all. I want to congratulate my council colleagues because had they not finished by , the mayor pro tem and I were going to vote no -- [laughter] -- on the motion to wave council rules. There being no more business before this city council, we stand adjourned. It is 9:59 p.m. Thank you.

End of Council Session Closed Caption Log