

Closed Caption Log, Council Meeting, 09/24/09

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Mayor Leffingwell: Good morning, everyone, I'm austin mayor lee leffingwell, rabbi moshe trepp, outreach austin is here with us this morning to deliver the invocation, all please rise.

Good morning. It is honor for me to be asked to open up this meeting today in the presence of the honorable mayor and city council members. My family and I are very proud to be living here in austin. The best place to bring up our kids, it's warm, it's loving, it's welcoming, friendly, diverse, broad minded. We just passed the saturday and sunday the days of rosh hashana, this coming night is yom kippur, these 10 days are days we reflect over the past year, we look back to see what we have accomplished, how we can better ourselves, how we can accomplish more. Every year we are looking how we can better ourselves, be more accomplishing, be constantly making our life better, making our surroundings better and making the world a better place. One can ask what's the points of asking for forgiveness if we know we're never going to be perfect, we're going to continue doing the deeds of our past. We can try to be better, but we know that every year we're going to be the same person we always were. We can aim to be better, we can try to be better, but we constantly slip and we constantly do things which we don't necessarily want to do. To answer that question, do by example of -- we always take our cars to be washed. What's the point of washing our car as soon as it leaves the car wash it just gets dirty right away, what's the point. The answer is, is that if we didn't wash our cars, they will just get dirtier, rusty, come to a point where you won't be able to clean it anymore, won't look new anymore. The same shine and beauty when you originally bought it won't be there anywhere. If you constantly kept it to be cleaned and maintained it, it would keep the same beauty, new, beautiful, that shine when you original bought it wou constantly be there with you. It's the same with us. We have these days to -- it's really the days of opportunity where we can look back and clean ourselves, we can -- we can look how we can make ourselves better an start with -- and start with a fresh start, clean slate, wash off everything from the past. We asked to carry into the new year our deeds and wrong doings from the year before and bring them into the coming year. We can start with the clean slate, we can just leave all of our deeds behind and go into the new year as a clean person. I would like to conclude with a prayer. He who grants [indiscernible] kings, whose kingdom is a kingdom spanning all eternities, a road in the sea, path in the mighty water, may he bless the city of austin, mayor, all of the councilmembers in his mercy may he sustain and protect them from every trouble worn injury, shield them, grant them salvation, crown them with victory and every lasting joy for inhabitants. Spread over us the canopy of peace, so be the will, leapt us respond amen. With that I wish you all lashana suppose tova, thank you all for all that you do.

Thank you all for making austin as special as it is.

Thank you, rabbi. Please be seated.

Mayor Leffingwell: Good morning, a quorum is present, so I will call to order this meeting of the austin city council on SEPTEMBER 24th, 2009. At 10:08. We're meeting in the city council chambers. At 301 west second street, city hall, austin, texas. I'll begin by reading the changes and corrections. 2, add the phrase recommended by the environmental board. 3, change recommended by the environmental board and resource management commission to delete recommended by the environmental board. Items number 10, 18, and 58 are related items and are postponed until october 1st, 2009. 30 is postponed UNTIL OCTOBER 15th. 32 correct the text, so that the sentence will read funding in the amount of \$200,000 instead of \$600,000. 33, is postponed to OCTOBER 15th, '09. 34, postponed until OCTOBER 1st, 2009, BY CITY Law and I would like to acknowledge that we have a lot of folks here to speak on this item today from austin interfaith. I would like to acknowledge you, just raise your hand, thank you for coming, but we will n be addressing this item today. Thank you. 54, should add the phrase at the end "recommended by the planning " 70, add councilmember riley as a co-sponsor. 72, add myself, mayor lee leffingwell, as a co-sponsor. Item no. 85, should read: Planning commission recommendation to be REVIEWED ON OCTOBER 13th, 2009. Items number 103 and 104 add the phrase at its 6:00 p.m. Time certain, this item will be withdrawn and reposted to -- to set a public HEARING ON OCTOBER 15th, 2009, And conduct a public HEARING ON NOVEMBER 15th, 2009. Our time certain items, at 00 30, we will have a morning briefing by austin technology incubator and a presentation on fiscal year 2009 accomplishments and highlights. 00 noon, we will have general citizens communications. , we will have the austin housing finance corporation board of directors meeting. 00, we will take up our zoning matters. 30, we will have live music and proclamations and music from -- from the electric touch. , we will have public hearings. Items pulled off the consent agenda for discussion are as number 2 is pulled because there are more than -- there's more than one speaker to speak on that item. 48 is pulled for the same reason. Items number 31 and 32 are pulled for discussion after the 10:30 briefing. 67, which relates to boards and commission appointments is pulled for discussion. There is late backup on items number 56, 68, 73, 97, 103 and 104 and 105. So that is the consent agenda. I will entertain a motion for approval.

Cole: Mayor, I would like to make a motion that 53 UNTIL NOVEMBER 5th, 2009. That's the downtown austin density bonus report.

Mayor Leffingwell: Okay. So we'll add to the consent 53 UNTIL NOVEMBER 15th. Are there any other items to be pulled by councilmembers?

Cole: I believe that's NOVEMBER 5th, 2009.

Mayor Leffingwell: THANK YOU, NOVEMBER 5th. That's what I wrote down, but I didn't say it right. Anything else? Let me -- okay. Do I have a motion to approve the consent agenda?

So move.

Mayor Leffingwell: Motion by the mayor pro tem. Seconded by councilmember riley and before we vote, let me see if we have a single citizen signed up to speak on a consent agenda item. We have one person signed up on 53, that has now been pulled. I see that we have item no. 68 Now has four citizens signed up to speak. 68 will be pulled for discussion. And I have one person signed up to speak on item no. 70. Ellen jefferson is signed up neutral and wishing to speak. Is ellen jefferson in the chambers? I'm the president of austin pets alive and veterinarian and the found of emancipet spay and neuter clinic. here because the resolution is great. I'm glad to see the resolution, the thing that i was hoping to add was to tie the 2000 surgeries to 2,000 live outcomes because without that being tide together there's a - - being tied together there's a potential for displacement of surgeries already occurring in the community, displacing them back in the shelter environment which would not get us closer to a no-kill community. That's what I'm here to ask you to do is to add that as part of the resolution to create a section that says the 2,000 surgeries are tied to performance measure of 2,000 extra live outcomes.

Mayor Leffingwell: Well, it's on the consent agenda now. Unless a councilmember wants to pull it off the consent agenda for discussion, it will be approved as currently posted. Councilmember spelman wants 70 for discussion. Is there objection from the mayor pro tem or councilmember riley? 70 is pulled for discussion. Thank you. If there are no other speakers, city clerk, confirm please. City clerk? I'm showing no other speakers on the consent agenda items. Is that confirm ed? Okay. So -- so councilmember shade? I'm going to support the consent agenda, build like to be on record for recusing myself from number 63.

Mayor Leffingwell: Okay. Councilmember shade will -- will recuse herself and abstain from item no. 63. So would -- with that understanding all in favor say aye.

Aye.

Any opposed? Consent agenda passes on a vote of 7-0. So, council, we will go ahead and could I ask you as you leave the room, please hold your voices down so we can continue with the meeting. We'll go ahead and take up item no. 2. And we have two citizens wishing to speak on item no. 2. I will tell you who they are as soon as my slow computer tells me. Okay, first speaker is scott johnson who is signed up as neutral. Good morning, mayor, councilmembers, mr. Assistant city manager and staff. My name is scott johnson and this provides me an opportunity to talk about air quality issues in a more broad context than just this item. This item is one to fund a public-private partnership of which I was a member of for approximately 10 years. In 2004, after looking at the agenda and what they were talking about, what they were working on, i decided that any time was better spent working on projects with other groups and working independently as well as the air quality staff scientist for environmental defense fund decided that his time was better spent as well and both of us came to our decisions independently. My interest in talking to council on air quality is that we should review all air quality funding and also the effectiveness of the existing programs, which go on now, particularly if those programs are ones that are substantive. There's programs that are enforced by the state, by the city, by other groups other than the local groups that work on air quality issues, such as the clean air force. We should also be trying to look

at best practices from other peer cities and see how they do because there are some examples, particularly in north texas, council of governments, which has a substantial amount more staff and resources, which is doing some very good things. I was disappointed, I would have to say, when I look add the questions asked by the city council members represented to the budget. There weren't any questions as far as I could see on quality, climate, contractual obligations and few asked by the boards and commissions when this item went through. One of the things that i have done over many years is that I have tried to educate councilmembers and staff on this particular issue. I hope that their questions are forthcoming now or in other public forums. Regarding air quality, if you can cue my item there, one of the greatest opportunities for air quality is that when we construct buildings or build roads we can do it in a cleaner manner. I brought this to the attention of one of the city council members earlier. There is a pilot project going on in mueller which i worked on professionally where the amount of fuel that's used is being charted for all of the construction equipment on that site. If the city through the contract process stipulates cleaner engines, cleaner fuels, less idling, suppression of dust emission, some of these things are within their purview already, we would have a better outcome for ozone forming emissions as well as carbon emissions, this is one of our greatest opportunities and one that has not been addressed well by the local groups that work on air quality, which includes the city, the council of governments, campo, clean air force and travis county. We need to do more with regard to operations within this city. We're doing some things now but the leadership is lacking. I can tell from you working on this issue for many years, to make decisions which are economically viable and environmentally sustainable [buzzer sounding] I'll be happy to answer any questions.

Mayor Leffingwell: Thank you. The next speaker is jim marston, signed up in favor, wishing to speak if there are any questions. Jim, do you want to speak? Anyone have -- anyone have questions for mr. marston? If not, those are all of the speakers that we have signed up on that item. And I would entertain a motion on item no. 2. Councilmember morrison moves seconded by councilmember spelman. Any discussion? All in favor say aye.

Aye.

Any opposed? Passes on a vote of 7-0. So with that, he will go to item no. 48. Where there are three speakers signed up. The first is gus pena. Gus pena.

Air and councilmembers, gus pena. Lee, my last name is pronounced pena. I corrected the prior mayor and I'll correct you respectfully, of course, please.

And please continue to correct me.

I will do that. You can bet on that. I'm here to speak on item no. 48. Item 48 is styled the approve a resolution authorizing the negotiation and execution of a contract by the city of austin tdha to mitigate the impact of foreclosure crisis in austin neighborhoods through the neighborhood stabilization program nsp as it's styled funding by the housing and economic recovery act of 2009. Pulled the backup on that item. You know, this is a very good initiative. The only thing is, is that on the third paragraph, fourth paragraph, it says to aid communities fighting the devastation brought about by the national foreclosure

crisis. Travis county is currently experiencing a huge, I say huge, foreclosure -- not a crisis, it's a devastating catastrophe, a lot of people that I know of actually three out of the 20 that I brought this issue to my attention, have lost their homes to foreclosure. Now, according to the backup, this is only for, and I quote, to demolish blighted structures, to provide to assist 15 to 20 new homeowners by purchasing foreclosures, not to try to -- to deter foreclosures from occurring. So word to the wise, we're supportive of this issue, a group of 10 of us have brought this issue to the forefront. All we have to say is this, too bad funding was not available to prevent foreclosures from occurring. That is the main focus of this situation here in austin-travis county. I know nationwide what the statistical data is, but here in austin and in travis county, we need to health people from preventing to loose their homes from foreclosure. Mayor, councilmembers, this is all the people that are registered to vote that voted for some of y'all. Okay. I just wanted to bring it did to your attention. Registered voters, the ones that voted in the last city council mayoral race, here it is right here. I just want to let you know, these are people, in excess of 5,966 votes, residents, voter i.d., et cetera. I will bring this up under citizens communication, but I wanted to bring item no. 48 To the forefronts. We need to try to keep foreclosure from occurring. Thank you all very much.

Mayor Leffingwell: Thank you. Councilmember morrison?

Morrison: I want to pena for his comments. But also to point out that we also have foreclosure prevention counseling in place and we do some funding of that and I'm getting a nod of the head from our director of neighborhood housing, could you -- margaret, maybe just briefly give us a little bit of overview of what we do in that regard, also.

Thank you very much, margaret shaw the director of neighborhood housing and community development. Mr. pena is correct. These funds are only available to assist with blighted neighborhoods that have already had foreclosures. In fact the homes have to be vacant for at least 90 days. We do recognize that travis county and the city of austin is seeing historically high levels of foreclosure. We do have an education service for both home buyer education as well as foreclosure prevention. We partner with both bcl and frameworks to fund a lot of that foreclosure prevention and encourage folks to call those entities for assistance.

Mayor Leffingwell: Thank you. Next speaker is johnny faust. Johnny fasut. And also -- also frank flores. Frank flores. Frank flores is not in the chamber. Those are all of the speakers that we have signed up to speak. I will entertain a motion for item no. 48. Councilmember spelman moves 48, there is a second? Councilmember morrison? Any discussion? All in favor please say aye.

Aye.

Any opposed? I'm assume thank passes on a vote of 7-0. Thank you. We will go ahead and take up 68, who pulled item no. 68?

Cole: Do you mean item 67, the citizens boards and commissions.

Mayor Leffingwell: No. 68, We have five people signed up to speak. And the first is gavino fernandez. Mayor, with your permission, castro could go first, one person donated time to her, I would follow, thank you.

Mayor Leffingwell: lala castro, you have marcello [indiscernible] donating three minutes. Marcello are you in the room? Pardon? Did you give your name to the clerk please, then you have six minutes. We'll take care of that. Go ahead.

Okay. My name is lela castro. I was born and reared at 2221 holly street. Last evening, I attended this meeting with the parks and recreation. They gave a very good presentation about what's going to go in our community. And everyone that -- on the staff that did a -- a part of their presentation, there wasn't any of them that didn't have something to say about how bad our pools, swimming pools are, the hike and bike trail, everything has been neglected in east austin. And which is true. Our hike and bike trail doesn't have any kind of flower beds or anything. All it has is poison ively. I have a feeling that most of you council people are not aware of anything about what has gone on in the last few decades in east austin. As far as the holly neighborhood. I belong to the group with austin energy that we are planning how to -- what we're going to do with the park area after the -- after the -- after the power plant is torn down. Right now, the people in austin, texas -- in our community are having to put up with everything that's going on as far as hauling the -- the equipment out of there. The neighborhood has been putting up with the holly power plant that has made millions of dollars for austin, texas. And the community in 1995, the city council, passed that for the people that lived there that don't have air conditioning, but yet because of the noise and everything that they put up with for decades, at the holly power plant, they couldn't open their windows. Their foundations are bad. Their windows are bad. Everything has kind of - - as far as the homes are concerned. And this grant was granted to -- to the community within -- that has put up with the holly power plant for decades. And at this time, there is another grant. But there has stipulations to it. And it needs to go back to the -- to the original 1995 grant for these people to repair the damages that were done to their homes from the soot and everything that came off of the holly power plant. We ask to meet with councilmember martinez before today, but he refused to meet with us. And this -- the community is not asking for anything out of the ordinary. This is what they deserve to have. They put up with the holly power plant and it's going to be two years or more by the time they get everything out of that and they're going to have to continue to put up with that everything that's going on at the holly power plant. And I -- and now that money, because people are not putting in for it because it has stipulations of them putting a lien on the people's houses if they accept the money. And I mean these people, I'm going to say, they're not [speaking in spanish], the translation is stupid. I don't blame them for not putting in with that money because if the city is going to put a lien on their homes that are paid for in affordable housing but they don't have the money to fix the damages that the holly power plant did from all of the noise and all of the construction, everything that goes on there. And to -- after this meeting, after this meeting, they end up telling us about the money that's not being used in this grant that belongs to the neighborhood, that they are going to let the parks and recreation use it to repair the pools and stuff that should have been never gotten to the condition that they are. So, therefore, this money, the council should be ashamed of theirself if they allow this money to go anywhere else but to those people, the community, that has put up with the holly power plant for decades and made all of that money for the city of austin. And another thing, there -- we are working as

to what we're going to do with the land after -- the parkland. The parkland we want to make it beautiful. It's a beautiful piece of land and we want to make it beautiful. Not for just east austin, but for the city of austin. And we also found out, they gave us this map. Nowhere on this map does it have a robert donally museum. But if -- they did have it here on the listing to address it. There is one person by the name of alvarez that is wanting that museum there. We have fiesta gardens, no parking. I mean when they have something it's all in the neighborhoods. When you have this new, beautiful building of the texas -- mexican american cultural center, no parking. The 16th of september, children, people with -- with -- with strollers were strolling across i-35 to get to that function. No parking. This man wants to put - - put a museum. Right there in the middle of this beautiful piece of land with no parking and we do not want that in our neighborhood. The committee that we have working with austin energy which -- [buzzer sounding] austin energy has presented us with a wonderful staff. That we are working with. And we have -- we have a -- a flier that goes out every month of what is discussed at that meeting. It is open to anyone here to come. And so we want -- castro, your time is up, please conclude.

All right, thank you. castro, if there's someone to go donate time to you, if you need any more time -- rendon will donate her time to you. So you have three minutes.

But what I would like the council -- I mean if they change that fund, that -- that belongs to the people. We can't bring a big crowd here because those people in our area, this area that I'm speaking of, that this graph was supposed to be for. They are elder, they are -- they -- they can't really keep up, they have been in their homes with their windows closed, they don't have air conditioning and because of the noise. I was born and reared there, I have lived there, during the night the traffic there's -- there's these big cars or trucks that come in all during the night. I mean none of you people have experienced what you people have experienced. The money should definitely be given to those people that have put up with the holly power plant. I suggest that the council should not approve that -- money be transferred into anyone else's hands. It needs to go back to the original 1995 grant that the city council approved, it should go back and continue to 2012 the way it was initially supposed to be granted. True, what's happened is that some people that have gone in there with money have been able to redo the house that they buy and flip it. People that have gone in, repaired the house, filmed it, the entire community has had to -- to pay the price with y'all switching this money around. It shoot no be done. I just can't imagine in this great city of austi texas, that we would have a council in this city that would [indiscernible] the people in that community that way -- that would do the people in that community that way in good conscience, it would not be done. It should go back to the original and that's what we need to speak to mr. Martinez if he will give us a time so that we can go back and understand where we're coming from. I mean, and then -- then before y'all make any kind of -- of taking this money from this community, they are in affordable housing, these people are in affordable housing, they have their homes paid for. But they can't keep them u austin energy has done a lot of damage to those homes there. That's the least that this city can do. They are not asking for very much. They have put up with a lot. Their children like -- like all of this is they listed here, about -- about -- what has to be done I would like -- I would like for y'all to each get a copy of this. So that you can see and you could -- what they have -- what they have addressed to us it is damaged.

Martinez: I want to clarify one point. I absolutely have not refused to meet with anyone. I received a call

yesterday asking for a meeting yesterday afternoon. I explained to him that i had seven meetings on my calendar and I didn't have any time left in the day. I did discuss over the phone and I'm more than happy to meet with anyone who would request a meeting. I just can't honor a request that comes in at 10:00 a.m. That morning that I meet 30 that afternoon. But I will try to meet with you whenever we can schedule it and my staff will call you.

Sure.

Thank you mayor pro tem. The last speaker is gavino fernandez.

Mayor, gavino fernandez, council. El concilio, coalition of mexican american neighborhood associations. All that we're asking, mayor pro tem, is for you to postpone this item one week, we have a delegation of people that would like to meet with you or any other councilmember to discuss the net effect of the changes that you are proposing. This council has given other neighborhoods a postponement. Councilmember shade when the issue of hyde park came around, you suggested a deferral so people could meet. Before you made a decision. Councilmember morrison, you are a neighborhood activist, you have also suggested when there have come issues like this, a delay to have a discussion. We are not asking for anything foreign this council has not done in the past with other neighborhoods. This is obviously going to pass, we would like to have the opportunities to meet with -- with -- with mayor pro tem mike martinez and we have four people that would like to sit down with you. I'm not one of them. Because I understand a lot of times it's not the message, it's the messenger. Okay. Councilmember cole, you came to our committee. You said that you would support our programs and the commitment that austin energy made. All we're asking for is to postpone this one week. Or whenever y'all meet again. So that -- so that people in the community can sit down and not only discuss this particular transaction, but the future. We only have three more years. And I do not see any harm that would be caused other than an injustice for you all to deny us that one week postponement to be able to sit down and at least learn what the motive is because -- because the one problem that we are having at austin housing finance, is that you have one staff member dedicating maybe one or two day goes to all of these applications and that is not fair for austin housing finance corporation and it's not fair for the applicants. I have received information from people that have received the grants that it has taken them two months, e-mails, no response, phone calls, no response. This gentleman came by and told me this weekend, thank you, I finally got it. But took me having to go to austin finance personally to speak to staff because they would not return my e-mails and then we learned from margaret shaw that -- that because of that resources, we need to sit down and visit other opportunities where this program can be administered. So that's all that we're asking, mayor pro tem. That you grant us that privilege, have it next week, I don't think that we're asking too much, i thank you for your time.

Mayor Leffingwell: Thank you. Council, I will entertain a motion on this item. [Multiple voices]

Martinez: Mayor, I make a motion to approve this item, but I do have some comments and some information that I just passed out to you guy that's I want to discuss briefly. Motion to approve.

Motion to approve by the mayor pro tem. There is a second.

Second.

Seconded by councilmember cole. And you want to add your motion.

Martinez: wants you to -- to refer to the letter that I just handed out to you. This letter actually came on august of 2009. AUGUST 18th. Iela castro, marcos deleon, rendon, liser take, gavino fernandez, david cox, donna vasquez. In this letter they specifically request \$100,000 to edward rendon senior park and festival beach amenities. What we're doing today is applying \$550,000 to that park because I believe it should be done properly. I don't think we should slap slap a coat of paints out in the park and call it good. We are making a commitment, we hear your concerns and actually impacts the home repair program. There's still a million dollars in the home repair program for anyone who wants to apply. And if you look at the second piece of information that I handed you guys, this is -- this is the year to date home repair program. 38 Out of a total of 38 filed, 16 projects are currently ready for the bid process, one project is completed. Seven of those have been canceled. Five were self canceled and two were because the properties were ineligible. Of the five that were denied, two properties were -- were purchased after the year 2,000, which made them ineligible. One total value exceeded the limit of the program, which is \$288,000. One property is not the primary residence of the applicant, one the household income exceeds the limits in the program. So the holly home repair program is working and those parameters that are put in place I think improve the program and keep money for folks who need it the most. shaw to come down and talk a little bit about any harmful effects to the program this decision might make.

Thank you, margaret shaw, neighborhood housing and community development. Yes, sir, we did work with mayor pro tem's office on this request. The -- the budget show that's we have a little over a million dollars to serve the neighborhood and meet those home repair needs of the community and holly. So we agreed it was up to the council's prerogative on whether they wanted to shift some of the funds this year to do other high community benefits. Last year we had only about eight applicants. We have a goal to serve 30 this year. We are well on our way to do that we feel very comfortable with the fund thank we have that we can do that. If you have any specific questions, I'm happy to answer.

Mayor?

Mayor Leffingwell: Councilmember spelman?

Spelman: Mayor pro tem martinez has the floor, i will defer to him. I have a question after you're done.

Martinez: I don't think I have any other statements other than this is a specific request that came from the folks that are now asking us not to do this. I'm quite confused. Because we actually received your letter, not only agreed with it wholeheartedly, we are making a stronger commitment than what was requested to improve the park in and around the holly neighborhood. We are going to invest substantially in the decommissions of holly and build a wonderful open space area. I think it would be an

absolute travesty to do that and leave fiesta gardens in its dilapidated condition sitting right next to it. We need to master plan the entire park system as it relates to the loyal neighborhood area. So to the holly neighborhood area. With that I will ask that we approve this.

Mayor Leffingwell: Councilmember spelman?

Spelman: Thank you, mayor, margaret, how many houses have we rehabilitated through this program, so far?

Thank you, councilmember. Off the top of my head, it would be over 100.

Spelman: Okay.

Can I get those facts and figure for the whole council, though.

Spelman: I don't need exact figures. Wanted a rough estimate. About how many properties are eligible, as far as you can tell?

We have all of this information. I would say several hundred are eligible. Well, they are in the boundaries I should say. Then we have criteria of income levels. The mayor pro tem referred to some that we worked with the holly mitigation committee this year to refine some of those requirements and accepted almost all of their recommendations, so the 2000 figure we referred to is we want to make sure, as castro said, there's a lot of folks moving into the holly area, we want to make sure these benefits are going to the folks who lived there when the plant was opened. So we put a 10 year limit. You have to prove that you or an immediate member of the family, father or mother lived in the home prior to 2004. We have income eligibility. The other issue as you heard for denial we will not repair rental homes.

Spelman: As far as property value is concerned, have you revised the property value restrictions --

we have. We tie them and try to standardize them with our repair programs across the city. The 288,000 limit is what we have for austin city-wide. We apply that here in holly. That means that any home which is valued for property values over 288,000 would not be eligible.

That's the same everywhere across the city?

Yes, sir. We also standardized it a in -- castro's comments, this year we provide up to \$5,000 as a grant, so without any pay backs or lien responsibilities. As we with do with our emergency home repair programs. We also allow funding up to 30,000. So if for that 50,200,130,000, we do require a lien on the house for seven years or 10 years if you choose to do solar panels.

5,000 One to 3,000.

It's a public responsibility fiduciary f. The city is investing 25,000 in a home, we want to make sure that long time homeowner is the one that benefits of it, we don't want to reap benefits a year or two. If we sit with the lien on the property for seven years, say the \$25,000, where we do electrical, plumbing and a new roof, we can also get a foundation but not for that amount of money altogether. Once we make those repairs, it obviously increases the value of the home. We want to make sure that it's not sold. So we end sure seven years, which is the average figure for most people who are homeowners, usually stay in their home for seven years. Most of the folks that we see have been living in this neighborhood for decades, so it's not usually a problem.

Spelman: Okay. They are expecting to live in the neighborhood for the next seven years, that's not an issue.

Correct. We have also amended the guidelines to say if an income -- if that person passes because many of the beneficiaries are elderly folks, if for whatever reason that beneficiary passes during that seven year period and a member of their immediate family inherits the home and still meets those income qualifications and other issues, we're happy to continue that lien.

Spelman: Suppose I've got a house in holly. i decide this is a good idea and I apply for ae lien and I got a job out of state. I had to sell the house. What would be the consequences of that.

When you sell the home you would pay back the \$25,000 to pay off that lien in the transaction of the home sale.

Spelman: So I would still be able to sell the house, not a problem, i would have to take some of the proceeds from the house to pay back the loan.

Yes, sir.

Spelman: This is standard practice all over the city, not just the holly section.

Yes, sir. In fact what we do with other areas is we actually apply our shared equity formula. It means that we would actually share in some of that equity. You would pay back the loan and if your home appreciated to a substantial degree we would also share in that equity gain. In this case we do not do that in holly.

Spelman: Last question, apropos same subject. In the typical house that you have been dealing with, about 100 properties, suppose we put on a new roof, plumbing and electrical system, spent \$20,000, would that typically increase the value of the house by more or less than the amount of the rehabilitation loan?

I would say that depends a lot on the structure itself. But most of the clients we see are elderly, so they are already benefiting from their elderly exemptions, so their property taxes can be frozen or you can

defer those taxes.

Spelman: I wasn't actually thinking about the taxes but the actual sale downstream. If I had to sell the house after two years, if I put \$20,000 into it, would I be able to get the \$20,000 back and pay back the loan and still come out ahead or would I be behind.

I would say it would definitely increase the value of the home.

Spelman: By at least the \$20,000 I put into it?

I would assume, yes, sir.

Okay. Thank you.

Martinez: Mayor? Just one small minor point wasn't mentioned. Putting the lien, you go from 5001 to a \$30,000 repair, putting the lien also makes financial institutions aware that you have that repair done through the program if you were to seek a home equity loan. Because you substantially improve the value of the property, doesn't preclude you from seeking a home equity loan, but the financial institution needs to know that you have 25,000 in improvements or whatever the amount was paid for by the program.

[Indiscernible]

Martinez: Correct. Yeah.

Mayor Leffingwell: Anything more?

Cole: Mayor, I would just like to --

Mayor Leffingwell: Councilmember cole?

Cole: Mayor, I would like to address the neighborhood with their concerns. I have been supportive of this program since I've been on the council 7 -- since I've been on the council, that has not changed and continue to work with mayor pro tem mike martinez and he has already indicated that he is happy to meet with you about the program and there's three years left on the program. And if there's any other concerns that he would like to change in the program that I could support or the neighborhood could support and the rest of the council, I would be happy to do that, also. That is the reason that I am seconding the motion, even though I understand your request for a postponement, it's because I believe that it is an ongoing effort to make sure that this program comply was the wishes of the neighborhood and I believe that we all have to work together to make sure that that's done.

Mayor Leffingwell: Thank you. I would just like to say that I believe that will I'm the only councilmember remaining who is on the council who actually took the vote to close the holly power plant. I supported

that action then. I also supported future plans to beautify that area, turn into it park area that would benefit the citizens who had suffered some degree of inconvenience or hardship for all of those years as a result and I will continue to support that position and continue to support benefits to the citizens in the area from the sale or decommissioning of that plant. So with that being said, all in favor of the motion on the table approving item no. 68, Say aye.

Aye.

Any opposed? Passes on a vote of 7-0. So we will now turn to our 10:30 briefing at 10:55. It's a briefing, a presentation by the austin technology incubator. On their accomplishments and highlights of fiscal year 2009. Good morning, rodney gonzalez, economic growth and redevelopment. Today's briefing will be presented by isaac barkus, the city of austin partnered with ati back to 199. Since that time ati has worked with over 200 early stage high technology companies in the realm of wireness, bio science, clean energy, relating the creation of jobs and capital investment in austin. Part of the city contract, ati makes an annual presentation to city council that summarizes their performance and economic impact and now I will turn the podium over to isaac barkus.

Thank you very much. I'm isaac, the director of the austin technology incubator. I believe that we have some powerpoint slides that are loaded in. That's all right, I can talk to them, I know them well enough. The austin technology incubator, as I think all of you know, is a division of the university of texas at austin that was formed to work with early stage technology companies and to help create jobs and wealth in central texas. The way that we're organized internally is that we support four industry sectors. , both silicon and software. Clean energy. Wireless telecommunications. And bio science. Those last three, those three specialty subincubators have been made possible by the support of the city of austin and austin energy. We wanted to come in front of you today to let you know how we used the support that we've been receiving over the past year, what some of our impact metrics have been. The austin technology incubator receives about 40% of its core \$620,000 from the combination of the city and austin energy. Going into this time last year, we were worried that our record of being able to produce an attractive return from an economic development perspective on that investment was going to be compromised because of the financial turmoil, the seizing up of the capital markets and the overall economic downturn. It turned out that was not the case. The austin technology incubator worked with 28 companies over the past fiscal year. We supported the chamber of commerce and nine relocation efforts, three of we graduated 11 companies, admitted 12 companies. Collectively those companies in the past fiscal year of overall economic impact. Another metric that we use is leverage ratio. So if the city is putting a dollar into ati how many dollars of investment in austin companies does that translate to? If you do the math on the 620,000 to \$10 million, it's about a 16 to 1 leverage ratio, the city is getting a lot of leverage out of the investment in ati. Then the last economic development metric that we look at is dollars per job created. And we're about 5500, \$6,000 per job created. That compares highly favorably to a lot of other economic development programs. For example, when up in new york was able to get sematech to leave austin for upstate new york. If you look at their most optimistic job scenarios off of that relocation it was costing them about \$60,000 per job created or saved. So ati at we are able to be an order of magnitude more efficient. I'm not going to go into the other work that we do ati at, which is very important to us, part of our mission, involves supporting the community through events,

entrepreneur education, working with other non-profits that are focused on technology except to say that last year we host, i believe, 35 events that about 6,000 austinites attended. Focused on technology. I'm also not going to go into the work that we're doing at the university of texas. To try to ensure that more new companies and new jobs spin out of the university of texas, but that work i think is really taking off. I do want to close by talking about a few of the key trends that we're seeing at ati that may affect the city. The first is that as private investment has ceased, starting to thaw now, but more difficult for early stage companies to access private investment, the importance of public investment has increased. At ati we have a strong capability of helping our companies access public dollars, especially from the state through the emerging technology fund. \$3 Million of state money came into ati companies over this past fiscal year. We are building up the capability at ati to help our companies also access federal dollars, I think that's a trend that you will be seeing throughout the economy in austin. Second the pecan street project, we think is a potentially very attractive point of leverage to bring federal dollars into austin in a way that can benefit some of the small and local companies that we have. Third, bio science, continues to be a real engine of growth. In this down economic year it continues to take on to support going forward. Lastly the university of texas as I mentioned, i think, is really on the deflection curve to become even more of an engine of entrepreneurship. I will pause there and answer any questions that you have. Before I do I wanted to say thank you to the city council for the city's support so far, we are very aware of the responsibility that comes with accepting public money and we want to make sure that we continue to produce the kind of results that the city expects, thank you.

Mayor Leffingwell: I have two very short questions. The first is to provide support services and other kinds of peripheral services for tech start-ups and companies in various tech industries, you don't support any of those with --

no, we don't.

Mayor Leffingwell: I wanted to make that clear. My second question for mr. Gonzalez, all of the funding in both of these items, both are ati, does not come out of the general operating budget. Is in fact funded entirely by austin energy, is that correct?

You are correct.

Mayor Leffingwell: Okay, I wanted to make that clear as well.

I have no more questions. Anyone else? Councilmember spelman?

Spelman: I just have a question for mr. barkus. I'm often -- I've often wondered the extent to which there is a synergy or lack of synergy in the technology incubator. It seems that you listed , clean energy, wireless technology and bio science. These always struck me as being kind of strange bed fellows. Could you talk about that?

Sure. is what austin does, it's not surprise thank ati would have been supporting the it sector since 20 years ago, by the way made possible by an initial grants from the city of austin. The three additional

sectors are really recent additions, we can align ourselves behind the city's economic development program and high tech more directly. Also exploit and catalyze what we think are fast growing industries in austin. Clean energy, obviously austin energy is a tremendous asset for us to be able to leverage, bio science we were surprised when the -- when the chamber of commerce took a survey and turned out there were about 120 life science companies in austin. We didn't realize that they were there. But we built that capability, turns out they are coming out of the woodwork. An incredibly vibrant part of the company. Wireless telecommunications is an offshoot of it. Even though we describe them as being vertical, almost all of the action happens in between them. A lot of the clean energy companies are using wireless technologies. Bio fuels are an important part of a clean energy agenda, et cetera. So we have built up capability to support each of these industries. We are also building capability to support across the industries that we are dealing with.

Spelman: Could you explain to me, for example the relationship between bio science and the rest of the -- you mentioned bio fuels being a correction to bio science -- a connection to bio science and clean energy. What else is going on specifically with the bio science, feels like the odd man out.

Sure. One of the first bio science companies that I worked with when I joined ati more than three years, is actually a company that came to ati, heart monitoring, they came to ati because they knew a lot of about heart, monitoring, electronic, algorithms but didn't know about wireless communications because they needed to embed wireless in this device. So that's one example. That health care it is an area that we are trying to figure out how to support better. It doesn't really fall directly into bio science, not therapeutic, also really doesn't fall into it because they need specialized medical information. There's a lot of points of contact from bio science o o o o o o o o o o o o o o o o o o o realistic characterization to say that most of our approach as a city, as an industrial base into the bio science area is building our current strength with it and wireless technology and the other things that we are already doing well?

I think there's a lot of that. What happens with the hand one is dealt. In fact at ati we have successful entrepreneurs in it that are coming back into ati to do bio science companies. There is recycling and reuse of the talent base and skill set that we have as a community. I think that we underplay the amount of pure life sciences, talent, skills and capability that's we do have, though. The university of texas at austin may not have a medical school. It has fantastic basic science program, an unbelievable bio medical engineering program, that can really be in -- a tool to generate new opportunities in life sciences that don't necessarily touch on it on wireless, on the other things that we do well in the city.

Spelman: Are there any plans to be able to work closely with the university of texas to do that.

We are doing that pretty aggressively right now. We were able to with the city's support to hire a director for the life sciences program for silicon valley who herself has a Ph.D. IN LIFE SCIENCES, She's developing strong relationships with the university of texas, the that are most likely to be genesis of start ups. We are also working with and with the chamber of commerce and others to apply for a federal grant that could build a wet lab incubator in east austin. Which would allow companies coming out of the university of texas or from anywhere else to access facilities at a lower capital cost than they

would otherwise.

Spelman: Thanks very much, I appreciate it.

Mayor Leffingwell: Councilmember morrison?

Morrison: Thank you. I think it was just last week that I had the opportunity to attend the egrso women sponsored, women's entrepreneur's launch. Entrepreneur's lunch, I had the opportunity eugene, the capital city chamber of commerce president. She recently mentioned she was on a trip to look at bio science in san francisco. Got me thinking and wondering. You mentioned that you work with the chamber, there's a lot of outreach in programming. Do you work also or do you see an opportunity to work not only with the greater austin chamber of commerce but with all of the other chambers that we have in town?

Yeah, that's -- to date we have not worked with anybody other than the greater austin chamber. We do work with capcog, capital area council of governments. They have been incredibly supportive, helpful to us in opening our eyes to federal funding possibilities especially in the life sciences. I think that the suggestion that we broaden our outreach is a very strong --

well, maybe we can talk more about that in our emerging technology committee. Thanks.

We can certainly coordinate that. Our department meets at least on a monthly basis with the meca alliance, we can certainly invite isaac to one of those meeting. We can make that connection and establish more programs.

[Indiscernible]

Mayor Leffingwell: I would just like to say that I think that's an excellent suggestion by councilmember morrison, I would strongly encourage you to go forward with that. Councilmember cole?

Cole: barkus, I had the privilege of getting to visit with you about a number of issues. One of the things that really stuck with me about -- about what you do in addition to the clean energy and bio fuels is the program with the children. The children that you bring in and you actually train to start their own business. Can you tell the council a little bit about that.

Sure. The children right now are college aged children, so they are students at the university --

oh, [laughter]

I mean my peers. [Laughter]

it's actually a program that we are pretty passionate about. We want to roll it into younger age groups that you and I were talking about. We have a program called three day start-up where we invite students

at the university of texas to come to ati. They start on a friday at 00 they have businesses that they are pitching to investors,ents entrepreneurs, others in the community. Some of those businesses actually being on to raise real capital, employ real people, not only give the students an educational opportunities but create jobs wealth in the community we been talking with councilmember cole and others to try to at that time learnings that we have gleaned from that program and figure out a way to do it with -- with high school aged students because we think that -- that these kids are natural entrepreneurs. There are people in the community, not just ati, but throughout the tech communities in austin who would be deeply passionate about trying to make something like this work. We would have to modify it, obviously. We couldn't for various reasons. But I really think this is a place where we could extend the educational mission of ati outside of the university of texas into the community more broadly.

Well, I believe it was councilmember riley and i were discussing a deep commitment to work with you on that. And with -- with aisd because I think it's -- it's important that -- that we have the outreach efforts not only to our other chambers, but to our entire community and especially our education community. I am really glad to hear about the lab opening in east austin. I think there is a sincere sentiment throughout the community that the opportunities offered by the clean energy community and the high tech community be wide-spread and open to the entire community so we certainly want to work with you to make sure that happens. Any more comments? Councilmember shade?

I just want to say thank you so much for the work that you are doing. By way of context, I think that it's important to note that many years ago, I guess when this idea was originally dreamed up by kozmetsky in the late 80s THERE. WAS A REALLY Different time and role, i directly benefited when i launched my tech company in 1999 and got to be part of a lot of the strength and developing the strength of this cluster. The learning from the other peers, et cetera. Then I remember when the economy took a downturn in the early 2000s, how challenging it was for ati to sort of find itself, pay the new -- pave the new way, recognize where it would add new value, being entrepreneurial itself and having in many ways to reinvent itself. Find the synergies that councilmember spelman identified. I just wants to compliment you directly. I know that under your leadership it's really taken, you know, a lot to -- to take it to the direction that -- take it in the direction that you had. To obviously maintain the role that was originally envisioned even though the world around us changed to dramatically. You have a great team, i want to recognize the fact that they are here as well and say how much i appreciate your efforts, how much I enjoy getting to work with you.

Mayor Leffingwell: Anything else? Thank you very much. Without objection, council, I think it would be appropriate to take up items 31 and 32, which are related to this briefing. So I would entertain a motion on items 31 and 32.

Move approval.

Mayor Leffingwell: Councilmember morrison moves approval of 32 and 32, seconded by councilmember cole. Any further discussion? All in favor say aye.

Aye.

Any opposed? 31 And 32 pass on a vote of 7-0. For the clerk I'm showing 53 outstanding, 53 was postponed until november 15th. Just for your information, you have two citizens signed up to speak but that has been postponed, correct? So -- so the next item is item no. 67. Which relates to board and commission appointments. And -- and before we get into the discussion on that, it's not very long, so i think that I will read into the record these appointments. First african-american resource advisory commission, reverend daryl horton by councilmember shade and laquisha mckinley, by councilmember riley and also waiving the residency requirement for -- for ms. mckinley. Austin airport advisory commission is rip torn, by councilmember cole. He also happens to be a delta airlines pilot, I will just note for the record. [Laughter]

Cole: That's what i considered, yeah. [Laughter]

austin mayor's committee for people with disabilities, george luke. By councilmember riley. Austin travis county mhmr board of trustees, delco, by mayor leffingwell and martha martinez by mayor leffingwell. Board of adjustment, melissa hawthorne as alternate by mayor leffingwell and leann here in austin I denfels by councilmember shade. Building and -- building and fire code board of appeals, steven king, mayor leffingwell. Commission for women, kim skotack councilmember shade, community development commission dorcus seals, representing the colony park neighborhood by mayor pro tem martinez. Downtown commission, bryan ruiz, katy, mayor leffingwell, stan austin, mayor leffingwell, dustin lanier representing the urban transportation commission, councilmember cole. Electric board, randy pomocol, councilmember riley, also waiving the residency requirement for mr. pomocol. Ethics review commission james sasson, councilmember spelman, public safety commission, kim rosano, councilmember spelman. Residential design and compatibility commission, lucy katz, mayor pro tem martinez. Resource management commission, richard amato, councilmember riley. Robert mueller municipal airport implementation advisory commission, celia israel, councilmember riley and waiving the residency requirement for ms. israel. Urban renewal agency, ben sufuentes, mayor leffingwell. Waterfront planning advisory board, brook bailey, by mayor pro tem martinez and roy mann by councilmember riley. And -- and to the following task force [one moment please for change in capti

jennifer macphail, rebecca l.malansaw, juan d. Padilla, laura lorri, servantic. ruiz, frederick steiner, kay tangucchi, candice weighed, weeks, weintraub and mark a.isnauga. And council member cole, did you have some further comments?

Cole: yes, I would. First I'd like to thank our comprehensive planning and transportation committee, which includes council member morrison and council member riley for all the hard and difficult work that we -- that we did coming up with this list. It just was not an easy process, and part of the reason that it was not easy is because we wanted a diverse committee that represented our entire community and we were actually also following a matrix, which let -- put forth a lot of criteria. So upon further reflection i would like to nominate some additional committee members to help closer mirror that matrix. First would be perla cavaso, which will help with the hispanic representation. Also maria hernandez, which will also help with hispanic representation, and also jonathan ogren, which will help with ourn space

representation, and finally Lawrence Gross, which will help with our Asian American representation. And that is the motion. So that is a friendly amendment to nominees for this task force, and are there any other additions? Let me just say that I am concerned a little bit that, as best I can tell at this point there is no representation from Southwest Austin, the Oak Hill area, and that I am going to be talking to some people over the next week for a possible nominee to fill that gap, and also I know that other council members may uncover additional gaps that they want to try to fill, but for now those are the nominees. Council member Spelman? Thank you, Mayor. Apropos, identifying gaps, I wonder if Sheryl or some other member of the committee could walk us through the matrix which we identified as a guideline a few weeks ago and see how well this group represents those objectives. Staff could do it. That would be fine. But I will address you, Council member Spelman, but I do want to call up staff to help me walk through the matrix and the representation that we have on it now. Gordon is here. Apparently the gaps that I knew about were the Hispanic representation and the Asian-American representation, and we left it to the county because the city manager is currently negotiating with the county about the appointments in the E.T.J. So we have some gaps in the , but we decided among the committee that we were not going to add those. Gordon, can you help me with any other gaps that we are missing or answer Council member Spelman's question?

From planning and development review. I think the various categories, you addressed the ethnic categories, you've addressed definitely a real good match with income, a good match with families with children, without children, the whole family issue. The one area that was very difficult, I believe, it's a large city, about 300 square miles, plus about 300 square , was the whole issue of meeting the other criteria and the geographic distribution. And I suspect that that issue could be debated forever because it's such a huge territory. The matrix did show, I think, a shortage in Southwest and Southeast, if that's your question.

Cole: yes. And I think I called you Gordon, and I meant to call you Garner. I'm sorry.

That's okay. and I would say I think this is a fairly significant gap. I've just been show some information. There's not anybody anywhere south of 290 West in that whole major section of town.

Yeah, I think you're correct. Council member Spelman, did you have something further? Could I borrow this back?

Cole: sure. we also have some objectives for employment and advocacy constituents and I wonder if you could address in particular I was concerned that we did not have people from the high tech industry, we didn't have people from major employers.

I believe you did meet your minimum, with one exception. I think your matrix called for two government employees, and you ended up with one. we do have somebody from -- I know we've got somebody from the University of Texas.

Yes, that's the one. that is the one major employer we've got is the University of Texas. We don't have

anybody from a major employer and we do have somebody representing high tech industry.

I believe you do have high tech covered.

Spelman: thank you. Thank you. gordon --

to answer that -- council member spelman, your goal was two, and you have one from high tech. garner, let me ask you a question -- council member cole and then council member shade. can you explain to the council a little bit about how the application process worked and how there were multiple categories and the difficulty in categorizing people if they checked multiple interests?

Yes. The issue of interest was a self-declaration, which obviously has shortcomings. You don't know what extent they're interested or whether they're experts. So when we look at that category of environment, health and human services, parks and open space, alternate transportation, affordable housing, education, those -- affordable housing, education, those are based on what they put on their application, that they were interested in those subjects. council member shade and then council member morrison. I'd like to delve deeper into the high tech situation. I was under the impression that we were shooting for two and you say we have one.

Yes. and can you give me some type of indication of the type of person that that represents?

I am not sure. I would have to get that information back to you. I don't have it in front of me. I mean, I am very concerned about the fact that we don't have, you know, the representation as has already been mentioned south of 290. You know, not just oak hill but south of 290, periods. Period. I am also concerned about the lack of high tech representation because i feel like we're looking at major employers in the high tech arena. It's a very important industry. A large employer base. I realize it's hard with this large a number and we rely on self-reporting, but I guess my question would be this is a steering committee. If people don't see who is like themselves in that steering committee, I mean, it presents challenges, but not challenges that can't be overcome, because again, to have a rift representative body when you're talking about this large and diverse a body, I would guess how are we going to make sure that large employers, high tech sector, government sector, you know, these groups that aren't probably as well represented as we would have liked, how are we going to address that going forward if they're not on the steering committee?

Well, one of the guiding principles of the task force to begin with was that they were ambassadors, so if -- they represent a certain area or are familiar with a certain area or have certain interests, that they would recruit and communicate and actively bring others with familiarity to the process. And there's a whole series of opportunities for people to participate. and I recognize the ambassador role being important, but again, if there's not an ambassador that's from ibm, from dell, from freescale, from any of the worlds that so many of our employee base are based from, then there's nobody that's going to reach out to them, which is probably indicative of why they didn't apply, because there wasn't enough of us recruiting them, you know. So I take some responsibility for that myself.

Council, sue edwards, assistant si manager. City when we talked about limiting the task force itself, one of the things that concerned us was your issue, and I think one of the ways to address that we have talked with the subcommittee about was to form some technical subcommittees that are specific to a particular area. An example would be independent school districts, acc, the university of texas, so you could have an education subcommittee. You could have a government subcommittee. You could have the high tech subcommittee. So those are choices that are still left open. Understanding that we -- to be successful you can only work with so many people in order to get decisions made, we knew that that would leave out a number of different groups, and i think it's really important that we have those groups. So that was one of the things that we discussed with council member cole in the subcommittee to see if we couldn't bring those groups together and still have that input. and I recognize that. I think my request -- i mean, I've looked over the community outreach plan and I recognize that we're still looking at the overall contract with the consultant, but I believe that if this is not statistically valid, if we rely only on our usual way of recruiting people to participate in city activities, then we will not get those recognized, and then the work -- this is the very foundation that any of this is based on. And, you know, I stand ready to help. Again, I didn't do such a great job on recruiting people. We only had 200 and some odd applicants, and I'm not in any way disparaging the work of this committee, but I do think that it is incumbent upon us that when you see a gap and go into this knowing you have significant gaps, that you take the steps necessary to do the focus group, do the extra work to have something take place, you know, at freescale. Let's talk to the community relations people at amd. And the fact that none of them applied is indicative of the fact that they're not connecting here and that we don't have the right ambassadors reaching out to recruit. So, you know, I watch the hispanic quality of life work that was done and i asked at the beginning of that, is this going to be statistically valid? And then we ended up with a sample that had, you know, 60% of those that responded to the surround vast after extensive outreach that had college degrees, and i, you know, said then that if 60% of our hispanic community had bachelor's degrees we wouldn't have the challenges we have. So this is my strongest direction, but it may not be to the steering committee. I think that may not be a workable solution, but if we do anything I stand ready to help. I'm not casting stones, I'm willing to do some of the heavy lifting, but we cannot count on the ambassador, you know, as the way to reach these folks because we're not reaching them.

I would agree with you, and I don't think think ambassador is the way that it would go either. I think specific -- specific nominations to a technical subcommittee is one way to achieve that. maybe just a one-time focus group. You know, I made this comparison at one of these discussions with respect to, like jury duty, but I -- i think if you ask somebody to come one time and give us your input on this and we had a focus group at the offices of some of these companies I'm mentioning, we would get somewhere, and it would be valuable for the steering committee to see that input in spite of the fact that they may not be from those groups.

And that is the council's prerogative.

Shade: thank you. council member morrison?

Morrison: thank you. First I want to thank council member shade for her raising this issue. We do have a

tremendous challenge, and as she said, that unless we do this right, our work is going to be for naught. I do want to point out that we have already, for instance, encountered this challenge where we -- the staff had organized the -- the gathering to talk about how to ensure public participation and outreach, and ironically we didn't have the people that weren't reached through that. We didn't have the non-usual suspects there and those were the people who were trying to figure it out. The staff recognized that. They immediately created a very targeted focus group to do some additional outreach. So I think that that's on everyone's mind, and as you said, council member shade, we need everybody to partake in this and bring our perspectives to the table and to monitor it and to keep our ears open and eyes open so that when we start noticing it, we can take some immediate action, as well as the plans that we can put in place. I also want to echo council member cole's comments about how hard this was, and I appreciate the work of the -- of my colleagues on the subcommittee and I want to especially point out the great work that the staff did in helping us look at all these applications and understand what our choices were. One of the reasons it was hard was because we did have these goals, but it was also because we had over 200 applications, and they are all terrific applications, and I think all of us want to thank everybody that applied and to remind everyone that this was only one of the many opportunities to participate in the comprehensive plan and we need everybody at the table throughout the process. So we'll look forward to everybody's participation as we go along. So with that I think -- I think this will put us off to a great start. Mayor, I have one last comment. Council member cole, we do have speakers signed up too. But go ahead. I want to point out that there were members from the high-tech community who did apply, but we had one overarching problem, and that was that we had 135 applications from the central city, and then we had 8 from northeast austin, we had 30 from northwest austin, and 35 from southwest austin, and then three from southeast austin. So a lot of the people that you would have normally thought we would have picked were excluded because we were trying to fill geographic dispersions, and that overarching problem coupled with the concept of trying to get people that were not normally included in the process, together with also getting people who represented certain advocacy groups made it exceedingly difficult. But I have listened to all of your comments and it sounds like we definitely need to work on getting a representative from southwest austin who is in the high tech industry who -- but anyway, I think that just gives an example of the type of thing that we're looking for and the difficulty. But I welcome further discussions on this issue and I'm sure the rest of the committee does also. Thank you, council member. I note looking at this map there's no one from my neighborhood either.

Cole: [Laughter] I'm not volunteering. We'll go to speakers -- the first speaker is Sandra Baldrige. Welcome.

Good morning, Mayor, council members. My name is Sandra Baldrige and as it's been pointed out I represent the Oak Hill neighborhood. I'm not here today to necessarily say that Oak Hill was singled out or deliberately removed, but there is no one south of 71 across the entire spectrum of the city. As the Mayor pointed out, there is no one from his neighborhood. There's not a whole lot from north of 183. Now, I understand and I can see a pattern in the people that were selected for this advisory committee. There's also not a regular Joe the plumber, mom and pop on this advisory committee. These are all pretty much high-profile people, and I understand that they can bring input, but they're not bringing your everyday workers' input. We're spending 2 million on this comprehensive plan. Campo is doing its own comprehensive plan. Capital Metro is doing vision 20/20, its comprehensive plan. AISD announced

yesterday they are doing their strategic master plan. Acc is doing a master plan that is supposed to be finished in december of 2010, and the transportation committee is doing its own comprehensive plan funded by stimulus dollars. I'm wondering how many dollars are we collectively spending on all these different comprehensive plans when there aren't representatives cross-pollinated through these different committees so that we all get on the same page and get to an ultimate comprehensive plan for the region. I would hope that maybe you could look at the map again. I know that you don't want to go over 30. I can find you a high-tech rep from either amd or freescale that also lives in oak hill and southwest, but I think it's time the suburbs get counted, and the suburbs on this map have been left out entirely. Thank you very much. thank you, ms. baldridge. The next speaker is rus hoadz. Rus hoads. And let's see if there are any questions for mr. hoads? Okay. Those are all the speakers that we have signed up, and I think it's obvious that whatever action we take today will likely be amended in the future, but I would entertain a motion to 67 as amended by council member cole, and you'll furnish those names to the clerk. yes, I have furnished them. So moved. motion to approve by council member cole, seconded by council member morrison. Any further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? That passes on a vote of 7-0. So we will go next to item 70, which is pulled by council member spelman, and you have the floor, council member. thank you, mayor. I'd like to move approval of the item with the addition of one additional whereas, it would be the third of the -- now three whereases, which would read as follows also. Whereas spaying and neutering pets reduces the number of stray animals in the future, reducing costs at the town lake animal center and reducing the need for future use of euthanasia in roughly a 1 to 1 ratio, comma, now therefore be it resolved and so on. motion to approve with an amendment by council member spelman. Is there a second?

Second. second by council member morrison. Recognize the mayor pro tem.

Council member spelman and council member morrison, I was going to suggest a friendly amendment in the resolve that we simply add the language "as well as live outcomes," because increasing spay and neuter is not all there is to improving live outcomes, which I think is your intent of the resolution. We want to increase live outcomes, but there are other things that increase live outcomes, and I think if we just add that simple language, it gives the city manager the authority to come back with all recommendations to improve live outcomes, not just how to improve spay and neutering. okay, friendly amendment by the mayor pro tem, accepted by the maker and the second. let me be sure i understand where that would go. Mayor pro tem, where would you put that?

I don't have the resolution in front of me but from memory I believe it reads. the second says thereby increase the spay and neuter surgeries by 2,000 surgeries a year.

To increase the frequency of spay and neuter surgeries as well as live outcomes, right after spay and neuter surgery services. as well as live outcomes, because this is where --

martinez: sure.

Spelman: that's fine. Accepted by the maker and second council member morrison. Is that live or life?

Live.

Mayor leffingwell: life. I want to make the statement we had terrific recommendations overall by the animal advisory committee in terms of how to improve live outcomes and I just want to make sure this is not replacing that effort. Thanks. Anythi anythi ng further? All in favor of the motion say aye.

Aye.

Excuse me, mayor, i wasn't sure if the mayor pro tem's amendment was in addition to or instead of. in addition to is what -- in addition to, and he'll furnish you the language. Okay. All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? It passes on a vote of 7-0. So, council, that's all the items on our morning agenda, which we have a few minutes left here. So we'll go into closed session. Without objection the city council will go into closed section pursuant to section 071 of the government code for consultation with legal council to take up four items. 78 concerning claims arising out of design and construction of parking -- of the parking garage at austin-bergstrom international airport, item d 1 gn 07001790, archer western contractors limited an illinois limited partnership versus the city of austin, texas, in the it 01st judicial district court of travis county, texas and it concerns llrich water treatment plant. 8 concerning the appeal of the renewal of an outdoor music venue for permit for atx sports bar. d 1 gn 08001402, marvin claiborne and stefan center versus city of austin, in the 98th judicial district county -- district court, travis county, texas. The council will also go into closed session pursuant 072 for the government code which allows discussion of real property to take up two items, item 77, to reconsider the acquisition of approximately 5 acres in northeast austin for warehouse space, and item 82, to consider the acquisition of approximately 4 acres in northeast austin for a street and bridge facility. Is there any objection to going into executive session on the items announced? Hearing no objection, the council will now go into executive session. We anticipate being back at 12 noon for citizens communication. Archer western claiborne stefan stefan center ahfc diguisepepe austin-bergstrom blank reefer seed comacho camacho camacho came macho nadler-olenick rae nadler-olenick parred parred carolannerose we're out of closed session. In closed session we took up and discussed legal issues 79 d gn-078-7001, archer-western contractors limited, an illinois limited partnership versus the city of austin, texas, in the 201st district court of travis county county texas concerning the ulrich water treatment plant. No action was taken. We'll take up general citizens communication. First speaker is danny camacho.

Afternoon, council. I'm danny camacho. I'm here to speak on the city cemeteries, but I was asked council permission to allocate my time to my colleague, bill flatt, who is also scheduled to speak on the

same issues. So I have your approval? our rules say that only persons signed up to speak in citizens communications can speak. However, if there is no objection from council we'll waive that rule for this case, but for future reference, remember, you have to be signed up to speak, with the subject you want to speak of. Is there any objection? Hearing none, okay. Go ahead.

Thank you for your permission. Thank you.

Mayor, I'm sorry -- mayor, just -- yeah, I just heard he is signed up. So no problem.

Thank you, mayor, council, mayor pro tem. Good afternoon, my name is dale flatt. Thank you for the opportunity to speak. I wish to pose this question. What is a cemetery? Think about that and we'll come back to it. I am here today as a representative of save austin cemeteries. We are nonprofit 501(c)(3) organization. We were founded in 2004 to assist the city of austin in the development of cemetery master plans for the five city cemeteries, which are oak wood, oak wood annex, evergreen, austin memorial park and plumbers. We are a volunteer organization and our board of directors include ordinary citizens who, like myself, love the architecture and peacefulness of historic cemeteries. Many of our members are historians and historic preservation professionals. Our current president, leslie wolffington, earned her master's degree from the university of texas in austin, in historic preservation with her thesis focused on the handguns, demographics and preservation issues of a select portion of austin cemeteries. A short bit of ground r background. In 1986 the care of the cemeteries was transferred from the public works department to the parks and recreation department, who privatized the operation in 1990 as a cost-saving measure. While the parks oversees the contract for the maintenance of the city cemeteries, their roles of stewards of these historic sites has never been clearly defined. This is a crucial point that must be addressed. Again, their role as stewards of these historic sites has never been well-defined. Over the past five years we've been working with the parks department to assess the conditions of each cemetery. Along the way we're gathering the site's history and the data needed for the master planning process. We communicate weekly on a weekly basis with the parks about our findings and concerns, and as you can imagine, some of those conversations go really well and sometimes we drive each other a little crazy. The fact is and remains that parks is not staffed nor budgeted to deal with the many challenges that face our historic cemeteries. When the cemetery operations were privatized the operational cost and budgets disappeared from the city budget process. The operations are funded solely by the sales of grave spaces and fees. We are left with the question, why is there no comprehensive plan for the maintenance and preservation of austin's historic cemeteries? Typically these are referred to as master plans. A master plan starts with a need and desire to address the issues. Parks and the citizens all agree that it would be great if we could accomplish this. A comprehensive master plan would provide the vision and current and future stewards for these sites. Over a five-year period and five budget cycles with no change in staffing or budget it is clear that the parks department and some city managers have defaulted to a self-defeatist attitude when it comes to addressing these issues. Please refer to email communications. Turn to page 2 under the highlighted section. Under the heading of master plan, city council member writes, the fact of the matter as we have stated is we are not funded to complete the master planning process. I have asked staff to think outside of the box on this manner and to look above and beyond the resources we have currently. We believe that this is where a citizens advisory board fits in. In the very in this action statement by acm

limbbearist, we don't have the staff to undertake this project. On page 2 under the heading of cemetery advisory group, acm writes, we are not in agreement with you that a citizen advisory board is warranted. Farther down, this department has a parks board and we can explore some of the options under their existing purview. We at save austin cemeteries have been to the parks board several times. At the last visit we were laying out our concerns and the chairman tossed up his hands and said, this is above my pay grade. The mirror term cemetery master plan sounds daunting. The fact is master plan in historic cemeteries is a simple step by step process. I brought with me a master plan from the city of sacramento california. I share this with you because their historic cemetery parallels our oak wood cemetery and issues raised are common by those raised at oak wood. If any of you would like a copy to review I'll be more than happy to leave it with you. Let's get down to what is referred to as the ask. Annual two things today. We ask that the city council review and make public the role and responsibility that parks department has as being a responsible agent for the oversight and care of our historic cemeteries. This review will lead to some accountability. Second, let's think outside the box. Let's look into the establishment of a stakeholders group as outlined in the email you have in front of you on page 4 consisting of city of austin personnel, citizens and professionals in the field that are charged with moving the master planning process forward. Are there any of you that don't agree that these might be the next logical steps? It is our hope that you and your staff will review these documents over the next few days and become familiar with some of the current issues. We at save austin cemeteries are more than happy to meet with staff and discuss the issues. In my opening I potioned the question, what is a cemetery? The answer is a cemetery is the only piece of property you sell once but you have to maintain forever. In closing, the five city cemeteries mentioned here are city facilities, and it also failed policy of the city council and citizens to ensure that they are being cared for appropriately. Are there any questions? thank you, mr. flatt.

Thank you for your time. Commen t? Council member shade. I just want to say thank you for the -- you know, for calling this item out as one that needs additional attention, and I've done a little bit of research if my office, and -- from my office, and what we've done is actually asked our audit department to include it in the -- to include the contract that we currently have in our risk assessment for the coming year as part of our audit plan. I know I've talked to the parks director. You know, I have also spoken with my, you know -- with representatives on the parks board and with staff, and we recognize there's always a shortage of resources. There no doubt that there needs to be an assessment, as you mentioned, and i think you've laid it out really well. But I just want you to know that you've been heard. I don't have all the answers, and I don't think that we have all the resources that you would be asking for at the moment, but I think it will certainly be a help to add the cemetery contract to the -- you know, having a cemetery assessment, at least as part of our plan for next year, at least in our audit department. It will be a start.

Thank you, council member.

Shade: thank you. well said, council member. I'll be supportive of that as well. Thank you.

Thank you. the next speaker is ronnie gjemre, parentheses, reeferseed, closed parentheses, speaking on peace and freedom.

Thank you. My -- my name, of course, is ronnie reeferseed. [Exhaling] and I must say this is initially in response to the hogwash from ray spade and jimmy, democratic stiewj carter, having voted legally for to beat a black man, never obama, I was deeply offended by carter's revealingly bea jimmy carter paraded his own intense bigotry by linking -- non-legitimate political dissent to many of obama's political scheme, with his own resentful tribalism from whitey. So evidently, to disagree with obama's merging of big government with big bankers, means that I am already against blacks? Come now. Again, I have cast a black ballot ten times for a black man to be president. So the governor is confused. But here are people -- we've got to wake up. And look, people, the current signs are for obama, hold man who wrote resources and the environment, and this book and several others, says exactly how to achieve their goal of population reduction satanically by forthing us all by sheep to take experimental vaccines that actually kill us and/or sterilize us. The problem is you see now we're not supposed to read those textbooks about how to kill everybody. So it's a good place to start with this book, john holdman, plans to kill people that he's decided to be useless eaters by poisoning the water with fluoride. Whoa, it's hard to believe. It's hard to truly face reality sometimes, but now we really have no choice. Wake up the elite, meaning power brokers, they decided years ago to implement their truly evil plan, monosodium glutamate in all processed food, and genetically modified organisms for toxic food are just some of the ongoing truly evil schemes killing us all for years now. How do we fight this madness? Well, it's -- for example, my hero, like my hero, o ob-gyn doctor, I understand that killing or aborting babies doesn't solve any problems for anybody, and death is not the answer, and in my hum pel opinion, the [indiscernible] green promoted by this week's news week killing granny, shocking. That's exactly end of life care means. These are death panels. Learn to stages all stages of human life and let's stop the killing that all -- all civilizations should be judged by how they treat their helpless, very young and very old. For similar ideas listen to 1 fm here, and 113 -- 00 on sundayss and -- thank you your time is up.

Okeydokey. next speaker is rae nadler-olenick, speaking on water fluoridation.

Good afternoon, mayor leffingwell and council members. Last month I spent an afternoon researching the musty back files of the austin statesman in an attempt to grasp the circumstances surrounding the city's 1973 adoption of water fluoridation following two successive reverenda in the prior two years. It's funny how everyone can remember something like the emergence of the beatles from 45 years back while more recent events seem like ancient history. Information from reading the archived agenda and meeting minutes but they failed to deliver a clear picture. The time machine I had stepped into was mostly peopled by strangers I had never heard of. Still they're tidbits of enlightenment and I'll share a few. Since fluoridation was introduced the amount of water has increased two and a half times. The cost of chemicals has risen 15-point. The city intended to fluoridate in 1950 and even purchased the equipment. They were pursued by a utah cancer researcher's that it accelerates the growth of cancer. In the 1950s, the city board of health, and the texas medical association recommended against community water fluoridation. during the '60s fluoridation was heavily promoted here by an assortment of interests, including the texas health department, the jc's, the lyons, the nacialg, not local, pta, and the committee to save our children's deet. In the mysterious nonbinding referendum of 1971 the vote was 3-1 pro fluoridation. By the time of the 1972 binding referendum that shrunk from 4-3 with less than 15 of the voters participated. One who argued passionately against fluoridation was austin's own foci con john henry faulk. He knew nothing it would do nothing to help the teeth of the disadvantaged and he worried

about issues of personal choice. He tried to launch a program where people desiring fluoride for their water could obtain it inexpensively from local pharmacists. Falk was a smart man, smart enough to name our library for him. He got it right and so should we. [Applause] thank you. Next speaker is walter olenick, speaking on water fluoridation.

Good afternoon, council. One part of the fluoride issue which we haven't touched on much here is the question of dosage. Fluoride is, after all, promoted as a medication. When a dentist prescribes fluoride tablets as a supplement for children, he or she bases the dosage on the child size or age and looks at the results and adjusts as needed. When we drink fluoridated water everyone is getting the same concentration, every day for a lifetime and there is no follow-up or adjustment whatsoever. So there we are, everybody, men, women and children, receiving 1 part per million fluoride in their drinking water forever, regardless of weight, age, activity level or state of health. Let's look at how that universal level was arrived at. Early in the 20th century several east coast dentists went west to practice, noticed an interesting phenomenon. People in a few areas of texas and colorado who drank water with a naturally high fluoride content had deeply stained teeth that seemed paradoxically resistant to decay. Government health bureaucrats got wind of these findings and declared, in effect, quote, let's bring down the fluoride concentration to a point where the tooth staining, called fluorosis is minimized and the decay fighting capacity is minimized. Why 1 part per million? I don't know. I guess it's easy to calculate with. The dentist in favor of this had failed to recognize that people in the small study populations had more in common than the cutesy 6 fluoride water. It was high in calcium, a natural tooth builder. Second, they were prosperous farmers and ranchers who ate healthy unprocessed foods and invested in dental care. At the time the one part per million standard was set up drinking water was virtually our only source of ingested fluoride. Today we are getting fluoride from all kinds of sources, from food, toothpaste, pesticides and drugs, yet no adjustment has ever been considered over 50 years of usage. Our entire population from infants to athletes and construction workers is still being medicated at the same single unmonitored rate based on some arbitrary average per capita consumption. It's time to stop this. Thank you. [Applause] thank you. The next speaker is gus pena and before you begin, pena -- come on down -- I just want to mention as a general rule and also specifically in the case of the next two speakers who are signed up to speak on city issues, that that's fine, you can speak on any subject you want to. It's your three minutes. But as a council we cannot enter into any discussion on any issue that you bring up or listed in the subject -- is not listed in the subject on which you want to speak. And I'll let the city attorney make a brief explanation of that.

Yes, that's correct, mayor. The -- the issue has to do with the open meetings act, and the requirement that the governing body post the subject matter of something that it's going to deliberate. So if a speaker signs up for citizen communication and says, I'm just going to talk about city issues, that is so broad that my advice to the council would be, don't you as the governing body deliberate what's brought up based on that posting alone. It has nothing to do with your right or anybody's right to talk, but it does have to do with risks that I'm warning council about on whether they can engage in deliberation based on that kind of posting. And, mayor pro tem, it's kind of a -- you asked a question, I think, two or three meetings ago, I can't remember exactly when, when you said a city's practice of certain boards and commissions just saying citizen communication, and that's enough to let anybody come up and communicate, but it's

not enough to let the council deliberate. ...

Mayor? council member spelman. I have a question for mr. smith. Could you define deliberation for us?

Well, the -- it's very specifically set out in the open meetings act, and it has to do with exchange of information amongst council members, but also exchange of information with someone else. pena says something I find very interesting, if he does, because he's only written city issues as what it is he's talking about, then you would direct me not to ask him that question?

There's a specific exception in the open meetings act that talks about if something occurs spontaneously in terms of a citizen coming forward or a council member asking a question of a citizen or of staff, that permission that if it's basically spontaneous. Then council could discuss whether that should be put on a future agenda, but it's really designed for a spontaneous occurrence. so if I ask pena a spontaneous question that's okay, but if I asked him a planned deliberative question that's a bad idea? [Laughter] it sounds to me like you can't talk about the merits or lack thereof and enter into any kind of general discussion. if I wanted more information, however, i could ask for more information from the speaker.

Yes. but we couldn't -- to be furnished later.

I think you can do that, yeah.

Spelman: okay. Thank you. this is a legal matter. We should have gone into executive. Go ahead, mr. pena.

If I had known it was going to be in depth I would have never made this meeting.

Mayor leffingwell: mr. Pe pe na, I've noticed in the past you've always been very specific about a long list of things.

Yes, sir, and there's a reason why I didn't put it down on there -- let me continue. Mayor, council members, I'm gus pena, a native austinite. I thank you for the disclaimer. I never asked for responses and I've been doing this for a long time. Anyway, thank you very much smith, believe me, I'm fully versed on all the issues that you just brought up. I've done my homework. I'm a former eeo investigator, and another investigator. Anyway, the issue is this. I just came over here to thank you on the budget, youth programs and I'm thank pda academy wasn't postponed any more. Obviously we need more officers on the street. Crime is increasing and it's getting worse. I had a good discussion with aldrige from the neighborhood association. I am supportive of her statement that this comprehensive plan needs to be more diverse and inclusive of the population of austin, and a lot of the chunk of oak hill area, southwest austin was left out of the loom loop. But she brought up good points and issues and I'm hoping that you -- and I do know you-all made some statements about maybe including more people in your task force, and comprehensive plan. It is an enormous plan. It's going to affect everybody now and in the future. Mayor, you also asked for individuals to serve as your -- it says cabinet of community

leaders. Real nice. I appreciate that. I know most of these people. Outstanding. But you know what? No community grassroots people on there. Okay? Just looking and read that -- read that list. Also, the youth, the youth are our future. A lot of decisions you're going to make will impact the youth in the future. They're the future taxpayers, 18 or older, they are taxpayers, but maybe 17-year-olds, he's pretty well-versed in the situation also and I think he worked on Spelman, Chris Riley's and your campaigns. He's very versed on the issues, much more so sometimes than I am. Much more computer literate than him. It should be more inclusive. See if we can get some more people in there. Mayor and council members, I don't ask you for your opinion or response or spontaneous or whatever. This is another information I pulled. I had to do the freedom of information act, and this is on the lunch and supper that actually as far back as 2001. But I know have helped Mayor Bruce Todd and other mayors get elected, goes way back to them. But this is just 2001. What city has spent on mayor and city council meals. We're talking about 2 -- lots of meals. You're not that hungry and there's hunger out there in the community. There's poverty. We're in economic depression. It depresses the heck out of a lot of people and provide food for the children, nutritious food for the senior citizens. So in the spirit of goodwill and -- I'll wrap up. Just, you know, see if you can bring your own lunch or supper. But anyway, thank you very much for the budgets. Hard work also for the employees. Sometimes they're the ones that do the hard work. Thank you very much. Thank you, Mr. Pena. [Applause] Next speaker is Paul Robbins on city issues. Paul Robbins.

Mayor, council, citizens of Austin, I'm Paul Robbins, an environmental activist and consumer advocate. I'm here once again to ask for a vote on Water 4, which will cost \$631 million, 508 million of which has not been spent. I've handed you a copy of part of Austin's city charter. Article 7, Chapter 11. Part of the states, quote, all revenue bonds shall be issued by the city, all revenue bonds issued by the city shall first be authorized by a majority of qualified electors voting at an election held for such purpose. In pursuing a goal of having an election, to determine Austin's economic and environmental future, I've been hit with several faulty arguments, which I hope to address here. Lee Jeffingwell has told me that we don't have to vote, Austin doesn't have to vote on this again because the plant cost has not risen if adjusted for inflation. This is not correct. To begin with, show me anywhere in the charter provision, and I've given you all copies -- show me anywhere in this charter provision that bonds are adjusted for inflation. You can't. It doesn't exist. Even if I bought the argument, inflation would allow the cost to increase from 190 million in 1984 to 293 million in 2009. Plant cost is 631 million. Mike Martinez has told me that we don't -- Austin doesn't have to vote because Austin citizens voted to approve the plant in 1984. This is also not correct. Show me anywhere in the charter provision that states voters approve projects. You can't. The charter dictates money be approved for projects. It does not allow approval of projects themselves. Lee Jeffingwell has argued that it is illegal to hold such referendums on revenue bonds. This is not correct. A controversial court case in 1984 stated that Texas cities had the ability to issue bonds without voter approval, but it did not prohibit referendums. And I provided you a list of 50 bond items that citizens approved between 1984 and 1998. Is the mayor implying that all his council predecessors in this 14-year period broke the law? Frank Cooksey was mayor between 1988 -- excuse me, 1985 and 1991. During his tenure almost \$600 million in bonds were passed. He's still a practicing attorney. Do you think Mayor Cooksey broke the law? Your time is expired. Thank you.

None of you have any spontaneous questions -- the next speaker is Jimmy Castro. Well, actually, Robbins, I would, since I'm not a member of the governing body, and you are incorrect. You and I have met. We've

talked about this issue. The -- to say that it's -- it's not illegal to hold an election that is not authorized by law, and to expend public funds, which i think is if the city clerk can help me or verify, cost close to a million dollars. The law is that there must be specific constitutional or statutory authority to hold an election, and as we've talked about in terms of this particular issue, the charter provision that you refer to is inconsistent with state law. And under --

[inaudible] the form of a question?

And under the texas constitution that means that state law trumps the city charter. So your statement that it would be legal to hold an election that is not authorized is incorrect.

That's a question? that was not a question.

14 Years'. next speaker is jimmy castro.

Mayor, I'd like to ask robbins a spontaneous question. If it isn't spontaneous i can ask you in a different venue but this is the most logical place to ask this. My understanding of what you just said is the state law says we cannot hold an election to authorize revenue bond; is that correct? the state law says that an election held without specific constitutional or statutory authority is a nullity.

Spelman: okay. And that there is no constitutional or statutory authority that would allow us to hold an election to a reverend -- referendum on a revenue bond. Is that what you're saying?

Smith: yes. help me understand this. I thought that robbins -- I thought earlier you had said, or robbins had said, I'm confused, but unconfuse me. I believe that the state court decision had said that it was not necessary to hold a referendum, not that it was improper to hold one. the -- and I'm starting to worry about whether dlaib raition -- whether this is spontaneous. and I'm looking in response to your question. The exception that i referred to that would allow us to talk about this says that you can go into something that relates to a statement of specific factual information given in response to the inquiry. well, I'm asking you a very specific question. I'll stop after this point. I just -- I understand what you're saying -- I want to understand what you're saying. the 1984 case dealt with the conflict bet charter and state law. There are other cases that deal with the issue of holding an election without specific authority. So those are -- those are two different things. The 1984 case that the city of austin was involved in said that our charter was in conflict with a state law that allowed municipalities to issue these kinds of bonds without having an election. So that case said our charter has to fall to the state law. There's other cases, and a secretary of state opinion, the secretary of state being in charge of elections, that says you have to have authority, either in the constitution or by statute, to hold an election, and if you don't have that authority it's a nullity. So it's two different things. could I suggest that we continue what could be a very complex discussion in the proper venue? I think so, yeah, thanks. next speaker is jimmy castro.

Thank you, lee. Good afternoon, mayor leffingwell, council members, and mr. ought. My name is jimmy castro. I'm here to speak in my own behalf and the milwood board association. I would like to speak on behalf of the travis county healthcare district \$98 billion budget. It is structural balanced at the effective

tax rate with no use of reserves. young and her staff did an excellent job in preparing this year's budget and making the information available on their web site. The travis county health district is a family doctor for 50,000 people. This first slide shows the focus areas. Healthcare services network, patient coverage programs, and regional collaboration. This slide shows the tax rate revenue, expense, reserve and capital budget. This slide shows tt 4 million being redirected from operating expenses to healthcare delivery. This slide shows where does the money come from. 68% Comes from property taxes. This slide shows, where does money go? 90% Relate to the provision of healthcare. Why is the healthcare system better from fiscal year '08 to fiscal year '09. Primary care visits were up 6%. Admissions to austin lakes and seton shoal creek is up 119%. The average map enrollment has increased 56%. Tax information and impact on an average home owner of a home valued at 289,000 is \$1.52. This slide shows the average property taxes on a home valued at \$211,000. The hospital district receives 3%. Austin community college receives 4%. City of austin receives 18%. Travis county received 19%, and the austin independent school district received 55%. All of this information is available in the travis county web site. In closing, the travis county health district is yet another advancement in the effort to make appropriate affordable care a reality in travis county. While maintaining an adequate, efficient and appropriately utilized emergency room system. Thank you, mayor leffingwell. thank you, mr. castro. Next speaker is linda greene. Subject is why spend millions on fluoride waste.

Thank you, mayor and city council. I'm asking a question of you today because we're approaching one year of ray coming to speak to you about the facts of fluoride in our water, and we have during th speaking of the city water utility board at the -- city water utility department at the environmental board has acknowledged that the fluoride that's put into our water does, in fact, come from the fluoride waste a it's not pharmaceutical grade. It's not what you find in your toothpaste. I was going to try to have a little levity in my speech today and make up a poem and it was going to go something like, take fluoride out of our water, take fluoride out of your ice, take fluoride out of our rice, take fluoride out of our mice. I'm still working on it, but rat poison fluoride was one of the main ingredients in rat poison and was deemed too toxic and dangerous to be used as rat poison, and so they took it out, and as you know, over the testimony of months and months and months with real documentation, we know that fluoride causes severe crippling arthritis. It causes bone cancer in men. It causes endocrine damage, anything that can -- that can have such a huge impact on our teeth, something as solid as our teeth, must, in fact, also have an effect on our brains, our thyroid glands, and as we repeat it over and over again, the ada and the cdc have both said that our babies, our children should get zero fluoride in our water, and I'm very, very much concerned that in the future water treatment plant, if there is one, I pray to god, lara morrison, you keep that from happening, that we take a real hard look at not spending millions on fluoridating our water. It's going to have to be maintained, monitored, and i keep being reminded of an ad on tv where they talk about how the cost of a vacation, the cost of this, the cost of that, it's an advertisement for a credit card, and then in the end, you know, they have a little boy and his dad taking a vacation, and they say, the is cost of this is priceless. Well, just the opposite is the case with fluoride. We have hidden costs of the dangers of fluoride that we're not even taking into consideration. Fluoride is a toxic waste byproduct, that we the city of austin are paying to put into our water, and I urge you to ask yourselves, why are we spending millions of dollars to fluoridate our water, to poison our water, when there's other things that can be spent that would go to good use. Thank you very much. thank

you, linda. Next speaker is carolannerose kennedy, let's stop paying federal income tax. Sounds like a good idea. [Laughter]

council and mayor, i promise I won't through my yellow rose at you today. that's good.

Let's all just stop paying federal income tax. It will be years before they discover that we're missing, and by then we can have a nice consolation package in place. I recommend sales tax. I used to work. [?? Singing ??] at irs, among the best who served, and then my boss said, kennedy, you're getting on my nerves. ?? In 1991 I looked through trucks of mail ?? ?? that came into the texas shop through wind and fair and hail ?? ?? by bird, by plane, by superman, or across the -- or on foot so joy fully ?? ?? by goat, by road on bicycle across the shining see sea. I earmarked tax returns with dog bite, pee and wine, but the won from the popes and president smelled very bad of swine. ?? But I wore my suit with hose and heels, my hair the latest style, and I walked real fine and I talked real straight ?? ?? but I plastered on my smile ?? ?? and soon I got to move downtown ?? ?? on the hill near the capital ?? ?? how proud I was but humble when I faced the albino bull. ?? The -- through the okay bottom and 911 I lived without a strach, but soon i found that the one to fear was right behind my ass. ?? She criticized my messy best, the file piles on my floar ?? ?? my overloaded mailbox, my unread email chore. ?? And then it was my tone of voice, the color of my eyes ?? and then my respiration rate could be I'm twice her size. ?? The moral to her story is don't give your time in life ?? to feder shenanigans unless you have a wife ?? ?? I gave my time in life to you-all, my money and my fun ?? and now I have great news for you-all ?? ?? from your uncle sam I've run. ????? thank you. thank you. That concludes citizens communications for today. So without objection the city council will go into closed session pursuant to 071 of the government code for consultation with legal council to take up several items. -- Three items, item 78 concerning claims arising out of the design and construction of the parking garage at austin-bergstrom international airport. Item 81 concerning cause no. D-1-gn-08-001402, mar r marvin clay brorn and stephan center versus the city of austin, in the 98th judicial district court of travis county, texas. The council will also go into closed session pursuant 072 of the government code which allows discussion of real property to take up one item, item 77, to consider the acquisition of approximately 5 acres in northeast austin for warehouse space. Is there any objection to going into executive session on the items announced? Hearing no objection, the council will now go into executive session. [Executive session]

Mayor Leffingwell: Good afternoon. We are out of recess, and without objection we will go back into recess for this meeting of the austin city council and convene this meeting of the austin housing finance corporation. shaw to lead us through the agenda.

Thank you very much, mr. president. My name is margaret shaw. I'm the treasurer of the austin housing finance corporation. You have before you as board members a five item agenda. Offer all five items on consent. First is approve the minutes from the august 6 board meeting. The second is approval negotiation and execution of a loan to college houses, which is a rental property, a student co-op active property on the campus at 1905 nueces. We're excited to have 50 units of housing for 50% of mfi, which is very low-income for the areas around the university. Number 3 is partnership with momark development to provide 50 single-family homes in southwest austin at the corner of near west william

cannon and westgate where homes will be for sale between 95,000 and 145,000. We're excited to make ownership opportunities available in southwest austin. And the last two items you have deal with the board's budget. As you know -- as council adopted our budget on SEPTEMBER 24th -- I'M SORRY, SEPTEMBER 14th, AND TODAY The board is adopting number 4 is our operating funds and number 5 is our capital budget. With that I'm happy to answer any questions the board members may have.

Mayor Leffingwell: Any questions, board members? Is there any objection to taking all five of these items on consent? Councilmembers spelman moves approval of the consent agenda, which is items 1 through 5. And did you want to second, councilmember? All right, you are recognized for comments.

Morrison: Thank you. These all look like great projects. One of the issues that sort of brought to mind for me looking at the uno project, that was our first foray into fees in lieu for affordable housing and set at a modest rate of 50 cents per square foot and i know that was some years ago. Obviously we talk in much different terms these days, different order of magnitude, actually. So I wondered if it might make sense for us to take a look or perhaps have the cdc start or working with staff to see if it might even make sense to revisit that value. Perhaps you can tell me is that set by ordinance or is it in our land development code? Where does that number sit?

Off the top of the my head I'm not sure but staff would be happy to investigate that to come back with thanks are more current. In fact, many of the discussions we've been having on density bonuses on based on more economic modeling which this one wasn't at the time.

Morrison: Great. I think that would be terrific. Thanks.

Mayor Leffingwell: Any other comments, board members? In that case, all in favor of the consent agenda --

excuse me, mayor, there's three speakers signed up.

Mayor Leffingwell: Oh, thank you. We do have several speakers -- we actually have one speaker, alan robinson signed up to speak. Alan?

[Inaudible]

Mayor Leffingwell: Well, you said you wish to speak, but that's fine. You don't have to speak. And also patrick collins had donated three minutes to you. Does patrick want to speak? Okay. And makonjua mashoba signed up to speak in favor and doesn't wish to speak unless there are questions. And also signed up and not wishing to speak are juan cotera, brian donovan and becca doberfuel. Those are all the speakers that we have and all in favor of the motion please say aye.

Aye.

Mayor Leffingwell: Any opposed? That passes on a vote of 7-0.

Thank you, board members.

Mayor Leffingwell: Thank you. So without objection, we will adjourn this meeting of the housing finance -
- austin housing finance corporation and reconvene this meeting of the austin city council. And there are
no items on our 00 so without objection we're in recess until 4:00.

Mayor Leffingwell: We are 00, a time certain to take up our zoning cases. guernsey, would you come up
and take us through -- we'll first hear about our zoning cases for which a public hearing has already
been held.

Thank you, mayor and council. My name I guernsey with the planning and development review
department. Let me walk through our 4:00 items. The first offer for consent is item number 83. This is
precinct 1 new office building. Approved second and third readings of an ordinance for the property
located at 1811 springdale road to change the future land use map from -- on the austin tomorrow plan
to civic use. The next item is item 84, c14-2008-0174 for that same property, 1811 spring dale road.
This is to change the zoning on the property to public conditional overlay neighborhood plan or pco-np,
combined district zoning and both 83 and 84 are ready for consent approval on second and third
readings.

Mayor Leffingwell: Council, items 83 and 84 are proposed on consent for second and third readings. Are
there any questions? I'll entertain a motion for approval. So councilmember spelman motions to approve
items 83 and 84 on second and third readings. Is there a second? Seconded by councilmember
morrison. Any discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Anyone opposed? That passes on a vote of 7-0. We'll take up the cases for which we
have yet to hold a public hearing.

Very good. Mayor and council, item number 85 is case c14-2008-0242. This is for the property located
at 2403 east 51st street. The staff is requesting postponement of this item to your october 22 agenda.
Item number 86, case c14-2009-0059. This will be a discussion item. That's number 86. Item number 87
is case c 14 h-twine-0017 for 408 west 32nd street. Staff is requesting postponement of this item to your
november 5th meeting. Item 8 will, case ---partly cloudy recommendation was approved a land use
designation for the property located in the southeast combined neighborhood planning area. This is
ready for consent approval on all three readings. Item 89 for the property at 6511 east ben white
boulevard. This is to zone the property to general com services, conditional overlay. Planning
commission was to grant the combined district zoning and this is ready for consent approval on all three
readings. Item number 90 and 91 are related. Item 90, case 01, and mayor, do we have anyone signed
up for 90 and 91? One? Okay. Then these will be a discussion item as well, item number 90 and 91. 91
is c14-2009-065. Our next consent item is number 92, c14-2009-0041. This is in the central east austin

neighborhood planning area vertical mixed use building. The planning commission recommendation grant vertical mixed use building and exclude certain tracts. This is ready for consent approval on all three readings. Item number 93 and 94 have no action is required on 93 or 94 on your agenda. Item 95 and 96 are related items. 01 and case c14-2009-032, item 96, again at that same address. The applicant has requested postponement of both items to the october 22 agenda. The last item, number 97, c 814-2008-2009-0087, south shore p.u.d. That will be a discussion item. That concludes the items I can offer for consent agenda at this time.

Mayor Leffingwell: The consent agenda for zoning cases will be to postpone until october 22 item number . To postpone until NOVEMBER 5th, ITEM NUMBER 87, To close the public hearing and approve on all three readings, items number 88 and 89. And that would be the planning commission recommendation. And to approve -- close the public hearing and approve on all three readings item number 92. Items number 93 and 94 are withdrawn. To postpone until october 22nd item number 95 and 96. And that is the consent agenda. Do I hear a motion to approve? Motion by councilmember shade, seconded by councilmember spelman. Is there any discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Consent agenda passes on a vote of 7-0. And I believe that takes us to item number 86.

That's correct, mayor. Item 86, case c14-2009-0059 for the property located at 888 bannister lane. Zoning change request is from existing sf-3 or family residence zoning to limited office, mix used conditional overlay. The property is currently developed with a single-family home and sits on approximately .22 acres of land. The planning commission did recommend the staff recommendation for this zoning on this property to lo-mu-co on a split vote of 5-3. The property is currently developed with an existing house of approximately 1500 square feet in size and zoned sf-3 to the north is glendale elementary, to the south is right-of-way and for txdot ben white boulevard. To the east are some town homes zoned gr and to the west apartment tracts zoned mf-3 and sf-3. Bannister at this point, although you have a zoning map in front of you on the screen, does not connect to the frontage road, as you can see by this aerial, to west ben white boulevard. You are captured and must go from second to bannister. At this point I'll pause. You've had I think considerable opposition from the neighbors in this area and I know some of them are here tonight to probably speak to some of those issues.

Mayor Leffingwell: You are correct.

And if you have any questions, I'll be more than happy to answer them at this time.

Mayor Leffingwell: Any questions for staff? If not, we will go to the speaker pore the applicant, katherine loayza. Tell me if I said that wrong. Loayza.

Good evening. At the city council meeting on AUGUST 20th, THE COUNCIL Requested that agree to a private restrictive covenant in the event the property was sold that the owner would not protest the

zoning rollback to residential. Tanna has done this and signed a private restrictive covenant which is included in your support material to do this. We respectfully request the council grant the zoning to Lomu with the restrictive covenant that restrict the use of the property to professional and business office and the related mixed use residential uses along with the limitations on the trips per day and the commercial design standards for exterior lighting. I understand that the neighborhood is not in agreement with this restrictive covenant specifically because it does not include two additional restrictions. Although they are in agreement with what is listed in the restrictive covenant that you do have. The restrictions that they added were never discussed with Tanna and there is no discussion of these at the city council public hearing nor afterwards when we met with them to discuss preparing this private restrictive covenant. We do not agree with these restrictions. In summary, they would restrict the use of the property to the point where there would only be one person, business or commercial office that would be allowed and the use would only be for Tanna and that it would exclude all other uses in L.O. zoning. The problem with this restriction is it basically dictates how Tanna will use their office. By further restricting the use of the property beyond what's defined in the conditional overlay, this restriction is confusing and it seems contrary to the proposed conditional overlay that would allow residential uses. If you took this wording, it specifically would prohibit residential uses. Even if you had a zoning rollback without amending the restrictive covenant. The only circumstance whereby Tanna would ever desire to lease the property would be if they put the property up for sale and could not sell it for whatever reason. Therefore, it seems unreasonable to restrict Tanna from being able to lease the property in the event they could not sell it. Furthermore, if the property was on the market, then the rollback provisions would be enacted. So we find this restriction is unnecessary. The second additional restriction was added was that should the restrictive covenant be violated or appear to be attempted to violate, that Tanna is asking that the -- I mean the neighborhood is asking Tanna to post a bond for \$25,000 that would be used against Tanna to prosecute them should they find that the restrictive covenant was in violation. We feel like this also is unreasonable. Tanna has no intention of violating the conditions of the restrictive covenant. They take this matter very seriously as it does encumber the property and I would like to remind you Embassy they are a nonprofit agency, it's run by a 10-member board across the state of Texas, there is no decision on the use of this property that could be unilaterally decided by the president. They would have to go back to the board for any change of use or anything to do with the use of this property. So therefore it is a lot more complicated because of that. And so therefore they take it very seriously. And so we feel like we have worked in good faith toward an agreement with the neighborhood and that these additional restrictions were never discussed with us and because they were never mentioned we feel that we would respectfully request that the council go forward and grant the proposed rezoning with the additional private restrictive covenant as is included in your packet. Thank you.

Mayor Leffingwell: Thank you. Question, councilmember Morrison.

Morrison: Thank you. You said that we have a copy of the restrictive covenant, and I apologize, I'm not finding it. You said it was in our backup and I must have overlooked it.

We were understanding it was included. I've got a copy of it here.

Morrison: Maybe it's somewhere up here and I --.

Councilmember, it's right after the staff report. If you go --

Morrison: Is it online?

It's only two pages.

Morrison: And so we were all handed a hard copy or is it online?

It should be online as part of the original backup.

Morrison: It's at the end of the staff report so at the end of part 2?

At the end of the first part and it says in the event of the property is sold, neither the owner nor a successors or assigns in ownership shall assert a protest against a rollback in the zoning by the city to a residential classification. And it is executed and signed by the texas association of nurse anesthetists president.

Morrison: Okay. And I just wanted to clarify one thing. I think you commented that council had requested that you enter into a restrictive covenant. My memory is that we suggested that you all talk and see if that might be agreeable to both of you, because it seemed like that might solve the problem. I just went to get that clarification. Thank you.

Mayor Leffingwell: Any more questions? We'll now go to those in opposition. The first speaker is patty sprinkle. Looks like you may have a preferred order.

We just have one other person, mayor, so I'll be brief. I know you all know the details of this zoning request and really here's how it looks to us. You know, we're painted as the whiney, uncooperative neighborhood from the get-go when it's the applicant who is asking for the entitlement, not us. I would like to say that we did forward the restrictive covenant after tana wrote it and we forwarded ck some suggestions to them. It's a dialogue. They never responded back. They said no, we absolutely can't do that. I know that a lot of restrictive covenants do have a bond. We asked them to post 10%. They said we're a nonprofit, we can't afford it. Okay. From our first meeting with the applicant, we were clear with them that a restrictive covenant would be need to do gain neighborhood approval. The r.c. is written by tana. It doesn't offer that much protection. We appreciate they won't fight us if we roll it back, that's great, we can do that now. They won't agree they will keep a one person single occupancy or basically a one or two person small office. We don't understand that. Right now juna feels strongly we don't support the request. A petition with the majority of the neighbors opposing the request in three different future land use map scenarios that clearly show the intent of the neighborhood to keep this section of bannister lane residential. Forgive us if we are a little confused. We just finished a case a few feet from 888 bannister lane, the same case manager in fact, that works to strictly route traffic off bannister lane and now you are going to give the green light to commercial development in what we consider to be the

interior of our neighborhood. We're frustrated the process is so tilted toward development that the city will overlook its own neighborhood planning efforts and imply because our neighborhood was one of the ones to point out deficiencies in the neighborhood planning process we have no ownership in the plan. But this isn't anything new. We've seen it over and over again in these chambers. Neighborhood plans ignored, valid petitions ignored, waterfront overlays ignored. I could go on and on. In our case it's one small lot looking to circumvent the rules. What could be the harm? As you all know and every developer in this room and in Houston knows, it sets a precedent. The citizens of Austin are a savvy and caring bunch and volunteer enormous amounts of their time to make Austin a better place. They pay their taxes, they vote and they are looking to you to represent their interests and to define community benefits that truly are for the average citizen and not just something the developer would do anyway. It's time for the city to acknowledge the gorilla in the room. The unspoken stakeholder position that you all hold. In the South Lamar neighborhood combined process it fell apart when we pushed for a meaningful plan, one that could be counted on that if we worked on would be open held -- upheld. Instead here we are today and I'm sure we're going to be back again. [Buzzer sounding] that's all I have to say.

Mayor Leffingwell: Thank you. Next speaker is Laurie Perry. While you are coming up, I'll mention that Joshua Wrestling is also signed up against, but not wishing to speak, so this will be the final speaker.

My name is Laurie Perry. I live at the condominium complex next door to 888 Bannister Lane where the home is. I'm trying to understand and remarkize why city council would support an organization that's going to come from the state of Texas just a few times a year instead of protecting the interests of the citizens. I'm a property owner who will be directly affected by the decision made here today and I also vote. I voted for some of y'all on the dias today. And it looks to me the concerns of the citizens are being superseded by the speculative business venture of an organization. As my representative, I would like to know if any of you could tell me why I should feel good about this decision that's going to be made today if you vote in favor of the restrictive covenant and TANA. You know how the neighborhood feels. We presented a petition with 22 signatures on it out of a 32-unit condominium complex right next door to this property, so that's a majority of owners and people that live there that don't want this. We submitted 23 [audio difficulties] to the zoning change and yet none of this feels like it matters today. The vote is still it sounds like going to be in favor of the commercialization of a neighborhood. And I'd really like to hear from any of you why this would be a good decision for our neighborhood. Thank you.

Mayor?

Mayor Leffingwell: Councilmember Spelman.

Spelman: Ma'am, I would like to ask you a question. Let me ask you a hypothetical question. If we found some way for TANA to move into this house, use it as an office, have the executive director use it as a and as they've told us occasionally over the course of the year have a meeting in the dining room, but guarantee you and your neighbors that the house would not be demolished or that this property could not be used for a more intense purpose than that, would that assuage your concerns or not?

Honestly, since we've been fighting this battle and the house has been unoccupied at night recently, in

the past three weeks in my complex we've had more crime along the area that's between us and this house. So one of our major concerns is it's not so much about traffic, it's about safety. And that this is going to be an unoccupied office, it's not going to be lived in, there's not going to be neighbors, it's at night going to be empty. And they talk about putting up light and security like that, but our concern is safety. And we want it to stay a neighborhood. And to have neighbors. So honestly I can't say that I would agree to that. I would rather see somebody living in the home who is going to be there night and day, maybe they have children that are going to the school next door and they are involved with the neighborhood association, you know, that's my preference.

Spelman: Okay, so it's not about the structure, it's about the fact that somebody is not living in the structure, and from your point of view somebody actually needs to be there at night not just during the day.

Exactly.

Spelman: Thanks.

Mayor Leffingwell: So those are all the speakers we have signed up in opposition and we have three minutes of rebuttal for the applicant.

Basically as we've discussed before, I really don't know what the issues are with safety or what events have occurred. The executive director would have let me know if there were anything going on with the property. We're not aware of anything there. The bottom line is that there's going to be somebody there all day long and we are going into the hours of the evening; whereas the neighborhood residents, many of them are not there all day long as they are working, and so it's a tradeoff. We would be there during the daytime. As far as the place has been vacant for over a year and we are not aware of any criminal activity because of that. I don't really understand how we are circumventing the rules by requesting the zoning change. The neighborhood plan was never formally adopted. We're going by the regular zoning process. There's certainly not -- they are certainly not violating anything in doing that. There is no increase in traffic, as we've stated before. So the issue is really not -- it's not traffic. I don't see that this would be a great neighbor and they are very stable, they are very caring about making sure that the property is well maintained. You know who is going to be there. It's going to be an improvement, I think, to the neighborhood and increasing the property values rather than the opposite. Basically Tana is already registered to be a member of the neighborhood association. They plan on participating in the neighborhood. I think that the whole concept of urban mixed use, this is an ability for people who be able to have an office in a residential area and being that we would continue to allow that mixed use opportunity to be there, we're not removing a residential use from the neighborhood. So we're just basically seeking the flexibility of allowing a small business office to be on this very 22 acres, 1500 square feet. We really -- the Tana has no intention of redeveloping it. If they were want to go improve the property, it would not -- we're limited into the scope of what could be redeveloped, as we were talking about, the maximum I could see they could have on this site would be .35, something like that. So it's really my sense of it is just that because we got ourselves in this situation admittedly the realtor that sold them the property misrepresented as being a commercial property. We recognize that from the

beginning. But frankly don't really see how this is going to be a negative impact on the neighborhood in any way.

Mayor Leffingwell: Questions? Could you briefly go -- what are the conditional overlays?

The conditional overlay would basically as far as the uses, we're prohibiting all uses except for professional and business office. aspect which would allow all the residential uses. You know, the civic uses that are associated with that, which basically, as i understand it, greg, you might have to help me here, obviously religious assembly would be allowed. And I think there might be one other use.

Mayor Leffingwell: I'll just ask mr. guernsey.

I think the two principal uses to be professional offices and administrative businesses offices. The ordinance does go out of its way to make sure there are no medical offices that are allowed. They are actually prohibited. And prohibits art galleries and artwork shops and software development and convalescence services, any kind of day care, the schools as well. And so that's what most of the prohibitions are. So it's somewhat limited, december i go nation would allow for residential uses so if someone did want to live there or convert the building into a duplex, as long as they could compline with parking regulations, that's still a possibility in the future.

As well as the trips per day are 300 and the lighting.

Mayor Leffingwell: That's what was going to asking.

Limited to 300 trips per day.

Mayor Leffingwell: Thank u councilmember shade. Shad shad kathy, I'm curious, do the staff temperatures of tana live in austin? -- Staff members.

There are about -- I think there are about 300 members that live in austin.

Shade: So 300 members of the organization are austin residents, and the staff --

staff are austin residents.

Shade: Are austin residents. I'd like to make a motion that we accept the planning commission's recommendation and approve the applicant's request.

Second.

Mayor Leffingwell: So councilmember shade moves to close the public hearing and approve the planning commission recommendation on one reading?

Shade: All three readings. I'll make a comment.

Mayor Leffingwell: All three readings. Seconded by councilmember cole. Councilmember shade.

Shade: By way of comment, I want to talk to the neighbors who I have listened to and heard and I just want to point out that we wouldn't be having the hearings and spending the time meeting with people if we ignored, you know, the facts. I mean that's the whole point of what we're doing. But it's hard to make these calls and sometimes you have to do it in a way that upsets half the room. We're going to have another one later tonight and we do that over and over and over again. So this is not with any disrespect or for not hearing your concerns. What you have to do is make a call. We have residents who live and work for this organization. It's a not for profit. Clearly would be a good neighbor. Whoever owned the house prior at some point didn't appreciate a giant condominium complex at some point. That was a difficult choice. It's just the way, you know, it's the nature of an evolving community. I'd also like to say that I spent a long time living on baylor street, which was a street that is very much mixed and has a lot of homes that are offices, and there are good ones and sometimes more challenging ones in those kind of mixed -- and this is a -- you know, a -- you know, a problem that I recognize, but again I think this recognize they've tried to handle every objection. It's never an easy wall. But I feel like what the request is reasonable and that it does permit the kind of transition that is appropriate given the location. So I apologize you are unhappy with this decision, but I feel like it's a very reasonable thing to do. So that's --

Mayor Leffingwell: Councilmember cole.

Cole: I certainly sympathize with the neighbors and want to applaud you both for working on private restrictive covenants which you have we have no direct authority over. I can especially sympathize with the security issue and I'm hoping you can come to some agreement about those issues in light of lighting or alarms or times people work or hours cars can be there. I think that needs to be open for discussion among neighbors. But I appreciate the fact that you put in so many conditional overlays and the fact that this is really a mixed use type of office use. So that is the reason I seconded the motion and will move approval. Blank. [One moment, please, for change in captioners] some multi-family tracts.

Mayor Leffingwell: So it's a residential use, but it's gr zoning.

That's correct.

Mayor Leffingwell: Okay. And there's no zoning restriction on the school.

I believe the townhouses, they discuss bd downzoning their property to be more compliant with the existing zoning.

Mayor Leffingwell: Okay. Thank you, mr. guernsey. Any further discussion? Councilmember morrison.

Morrison: Frankly, I would be really disappointed to go forward with this zoning tonight. After our last meeting, I have learned a lot of things, one of which was this area, while the zoning looks pretty mixed,

really is what is considered what the neighborhood wanted to consider the edge of the residential core and we even have the gr townhouse owners talking about are zone to go residential to more firmly put that in place, which is a strong statement, I think. I also learned, I think, from the neighbors that for many of them, and it's not exactly what we heard from everybody tonight, but for many of them that they could live with the compromise of allowing tana, who apparently bought the house under a misunderstanding that it was commercial, which is a shame, that they could live with it and they could live with the compromise if they could come to an agreement on a restrictive covenant about a rollback, if they could live with tana's use. I think that the request that they -- developing a restrictive covenant is a dialogue. It's not just one person writes it and says, here, sign it. In my experience it's a back and forth kind of thing. I think that the issue -- a couple of issues they raise in terms of trying to get into the restrictive covenant asking to get into the restrictive covenant, the representation that this is just going to be tana using this, that would be the number of owners -- the number of employees and the use, I think, that that's quite reasonable. The issue of the bond is always a very, very touchy issue and, frankly, if I saw a restrictive covenant that had the numbers, limitations and not the bond, I think i could live with it. But the restrictive covenant that we do have in front of us, of course, is invalid now. My guess is the neighborhood association did not sign it, is that correct? Yeah, didn't sign it. So it's not valid, so the rollback isn't there. So I would really -- i really think that this is the wrong way to go, so i won't be supporting this. I think that asking the parties to go back to the table and finding something more reasonable where they can both agree instead of just saying they can't agree, so let's just go with the applicant, I don't think that's the right way to go. Clara tuma just for claire fa --

Mayor Leffingwell: Just for clarification purposes, and as councilmember cole said, we can't really be part of negotiating a private restrictive covenant, but as far as enforceability and effectivity, I would like the city attorney to weigh in on that issue.

Well, I have seen plenty of restrictive covenants that were signed only by the landowner and not necessarily the owner of the land intended to be benefitted. I don't regard that as a fatal flaw. Obviously it better practice to have both parties sign, but it's quite common to have just the landowner that's encumbering their land sign that restrictive covenant. And legally that does not make it unenforceable.

Mayor Leffingwell: Councilmember morrison.

Morrison: One of the stipulations in the restrictive covenant says the association has agreed not to oppose the rezoning and consideration of the various concessions. They've publicly opposed the rezoning, so my guess is that if somebody tried to enforce it, there might be -- well, any legal opinion on that, sir? [Laughter]

well, it's obviously never good to recite a fact in a document that is not true. At the very least, that ought to be stricken if the association desires to go ahead and record it, that ought to be stricken.

Morrison: Thank you.

Mayor Leffingwell: Councilmember riley.

Riley: I share councilmember morrison's disappointment in where we are today because it does seem like there's a missed opportunity here. As somebody who has lived in very close proximity to some commercial uses, I can say i haven't found that living next to an office poses an inherent danger. On the contrary, it can actually pose some real benefits because it ensures that you've got eyes on the neighborhood during the day when a lot of the residential folks are out at work. Also, if I had been in this neighborhood I would have liked to have seen some effort to take the restrictive covenant as an opportunity to secure some of the neighborhood character, some of the very positive attributes of that house there on that street. Having been to that street recently, I think that's one of the nicest features of the whole street there. And really there's an opportunity, but the restrictive covenant like this, you can prohibit demolition of the house, you can prohibit parking in the front, you can work towards agreement on where the parking is located. You can work towards protection of the trees and other green space. There's a lot of things that can be addressed in a restrictive covenant this way. And all in such a way that would provide for the eventual roll back category. I think there's a missed opportunity there. All that being said, i respect the neighborhood's position on this. This is not my neighborhood. This is the neighborhood of the folks living there. And I've heard loud and clear from what appears to be a majority of the neighborhood as well as the neighborhood association itself, that the neighborhood doesn't want to go down that road, doesn't want to take the opportunity presented by the restrictive covenant. This applicant did buy this property with the commercial zoning and could have done due diligence to learn exactly what the true zoning was, and I don't -- I don't feel inclined to go against the will of the neighborhood to accommodate the applicant's super in changing the zoning. So I'll -- I won't be supporting the proposed rezoning.

Mayor Leffingwell: Councilmember shade, would you accept a friendly amendment to amend your motion to first reading only?

Shade: I'd be fine with that, assuming it would actually get us to a different place, but, you know, I guess before I would accept that, I would ask both sides is there any -- i think that councilmember riley made a great point about a missed opportunity here in terms of the dialogue, but I also feel like there's been many attempts. So before approving that, may I ask each side, is there any chance that there will be better results or should we just do the vote?

As I said earlier, we sent the document back to them with our changes. We heard back no. The dialogue ended. To me I agree with councilmember riley, it's a give and take. We never got to that place. We told them from the beginning that a restrictive covenant would be the best choice for this situation, given that they were sold the property under false pretenses or whatnot. We're just doing our best here, and I understand what you all are saying and i think you should just vote myself. I don't really think that tana wants this to -- that's my feeling. You can ask them. I myself feel like it is what it is.

Shade: I appreciate it.

We've spent a lot of time on this and you have too. And sometimes decisions need to be made and

people need to vote.

Shade: I appreciate your honesty, which is why i want to ask. And I've heard from neighbors that do support this, but this is the official neighborhood association, so you have a response and then I'll decide to approve -- accept the friendly amendment or not.

I think I would tend to agree with ms. sprinkle. I have to say that we're not willing to dialogue -- not to say that we're not willing to dialogue, but basically I think that going back to add further restrictions -- we did explain, we didn't just say no, we don't want. We explained our reasons why. We just felt that putting in how many people could be in the building or how many employees you could have or staff and all that was just really unnecessary. And our sense from all the dialogue we have had was we explained how very little traffic generation there would be. We never really understood that that was an issue, how many people would be in there. It would be less in there than if you had a regular family of four or five, whatever. In essence, I would agree --

Shade: It time for the council to vote then. I'll just -- I'll not accept the friendly amendment, assuming that that's what the parties want, that we'll end your misery as well, but understand that if this were to be -- if the request is to be approved, then that doesn't prohibit you from going back to furthering this discussion. And obviously it's very bad when you're living in a neighborhood working and living in a neighborhood and not having a good relationship with neighbors. knuckles has already explained, our action today doesn't prevent you from having that restrictive covenant.

Mayor Leffingwell: Councilmember spelman.

Spelman: nuckolls, how many yes votes are necessary to support all three readings? Is it five or is it six?

There's no valid petition.

Mayor Leffingwell: It takes five votes to pass anything on multiple readings. Any further discussion? The motion is to close the public hearing and pass the planning commission recommendation on all three readings.

Shade: What happens if it fails --

Mayor Leffingwell: It passes on first reading only.

Shade: So it will get there anyway.

Mayor Leffingwell: All in favor say aye. Opposed? It passes on a vote of four-three with councilmember spelman, morrison and riley voting no. So again, it passes on first reading only. So two weeks we anticipate having it back or could it be ready next week?

No, it wouldn't be ready next week. It would probably come back -- unless you want it on next week and then you could direct me, but no, we would probably bring it back --

Mayor Leffingwell: I would say that councilmember riley raised some good points about an opportunity missed, and he discussed some things that I didn't hear really discussed out there, such as no demo, no parking in front, etcetera. So maybe two weeks to give that an opportunity -- give folks an opportunity to discuss additional issues. Keeping in mind that it did pass on a four-three.

It actually might be three weeks. I don't think have you a meeting in two.

Mayor Leffingwell: The 15th.

Is it possible to just do one week?

Mayor Leffingwell: If that's your preference? If that's your preference, i would honor that request personally, yes. Do you want to come up and I'll ask you the same question, ms. sprinkle?

From the situation now, i would 'fully ask that we have -- we have our neighborhood association meeting on monday night, and to have some new people brought into this, so perhaps that we can get some more ideas, that we can incorporate into a restrictive covenant that will suit all parties. And I think it will take a little longer than one week. I just know how these things are. Two weeks is fine.

Mayor Leffingwell: Let loasa, is there a hardship involved in three weeks until the 15th of october?

Yes, in the sense that they do need to have some decision as to whether we can move into this building or not by november. First of november.

Shade: Can I make a suggestion?

Mayor Leffingwell: Councilmember shade.

Shade: Why don't we postpone it for a week, have it come back ready in a week. If you can't get the dialogue going since you have your meeting on monday anyway, if we get to next thursday and there's progress, we can always honor the request for a postponement. But let's keep the sense of urgency here because it's all fresh in everybody's mind, everybody is working towards it, it is creating a potential hardship if they ca NOVEMBER 1st. And we don't have a meeting the middle week -- ideally we would wait two weeks, but we don't have that luxury. Let's do it october 1st and then ask for a postponement and I'll be the first one to grant it if it feels like you guys are making progress and we just ran out of time. And we'll have october 15th as a back stop, which is still prior to NOVEMBER 1st, WHEN HAVE You to move in, if you're going to move in.

Mayor Leffingwell: So councilmember shade suggests that we maintain the sense of urgency, so we'll

plan to bring it back next week.

Thank you.

Thank you, mayor and council. We'll bring that item back next week then. Item number 90 and 91 are discussion items. At this time I'd like to jim robertson, who is going to present these two items.

Good afternoon, mayor and councilmembers, jim robertson with planning and development review. You're accustomed to seeing george adams on these vertical mixed use cases, but he's on a well earned vacation, so I'm pinch hitting for him this afternoon. As greg said, items 90 and 91 are related items. 51, crestview neighborhood planning area vertical mixed use neighborhood plan amendment. It's a plan amendment. Item 91 is case c-14-2009-0065, crestview neighborhood planning area vertical mixed use building zoning opt in opt out process application. So one is a neighborhood plan amendment, one is action on the opt in, opt out application of the neighborhood. Just to refresh you, this is f crestview neighborhood plan. We have a plan that shows the boundaries of the neighborhood. On the north the neighborhood is bounded by anderson lane and the u.s. 183 Right-of-way. On the east by lamar boulevard. On the south by justin lane and on the west by burnet road. Just to give you the core salient points of the application, burnet road is a core transit corridor. Lamar boulevard is also a core transit corridor south of ban on road, which is midway over on the right-hand side or actually close to the bottom of the right-hand side of this map. And is a future core transit corridor north of bannion. 7 acres spread across 13 tracts. The properties fronting lamar boulevard, but south of morrow street are part of the lamar-justin transit oriented district, the station area plan and are not part of that application. That station area plan boundary is shown on the map in the lower right-hand corner and any parcels within that would be governed by the tod and not by this application. The crestview neighborhood association recommended the first to amend the future land use map for tracts 3, 5 through 7 and texan to show a designation of mixed use. To keep tracts 1, 3, 5 through 7, 9, 10, 11, 12, 13 and 100 within the vertical mixed use overlay district. But not to apply any vmu incentives. And these tracts total 27.3 acres. To exclude tracts 2, 4, 8 and 11 from the vmu overlay district. And these tracts total 35.35 acres. And finally, the affordability level of 65% of median family income for affordable rental units contained within vmu buildings. That was the neighborhood recommendation. The -- on august 25th of this year, the planning commission concurred with the neighborhood, all of the neighborhood recommendations except for with respect to tract 1. Where the planning commission recommended applying all vertical mixed use building standards, the dimensional standards, parking reduction, additional uses for office districts, and just by way of contrast that was the planning commission recommendation. The neighborhood had requested that tract 1 be within the vertical mixed use overlay district, but that the dimensional -- that the vertical mixed use building standards not apply. Also a quick summary of the case, I believe there is one person signed up to speak on this. I'm happy to answer questions, so if you have any questions before we get to that.

Mayor Leffingwell: Questions? We will hear from paige hill, who signed up as neutral and wishing to speak.

Thank you, mayor and cowbsz. I signed up neutral because I do agree with -- i represent the

neighborhood and we do agree with everything that he read, except saying yes to this assumes that we also agree with the planning commission's recommendations, and that's why I'm here tonight. I e-mailed you earlier, but probably not soon enough for everybody to get our case studies for why we left out any density bonuses on our recommendations. I know a lot of you are pretty familiar with these cases that I'll list for you, but I will give you the reasons why they have impacted our decision. Basically three different case studies exist in our neighborhood as examples of negotiations that did not happen between neighborhoods and developers because neighborhoods -- developers were not required to enter into negotiations. They could have if they wanted to and chose not to. One of those is called the old antique mall on burnet and neck loop. You're probably very familiar with that one because it's been a recent case. It's actually been a case on the dais multiple times over the last several years with multiple variances and upzonings. The original ones got the blessing of the neighborhood because the original owner actually negotiated a lot of nice features to their plan, but then they sold it instead of developing it and, further, the new owners requested more variances and more upzonings that did not continue to include negotiations with the neighborhood. So where the neighborhood had blessed initial upzonings, they lost all of the reasons why, and it's now a large block that actually has no connectivity to the neighborhood, to the area parks and trails, to the nearby retirement facilities, and the public libraries. So it cuts the neighborhood off from some of these facilities that serve the neighborhood. The second example, I know you're very familiar with, is northcross mall at anderson and burnet. It's actually across the street from the tract in question. The neighbors, city and the developer spent over a million dollars collectively for the neighborhoods to be able to meaningfully negotiate their desires for a vmu project at the intersection of this major core transit corridor. The neighbors were denied that opportunity and what remains there today is a single story, single use strip mall on a sea of parking rather than a community or-oriented development with a community of uses. The third that was mentioned a little while ago is the increaseview station -- crestview station transit orient station. The developer had no incentive to actually honor those expressed needs and desires. [Buzzer sounds] I'm signed up for the next one too. Could I continue? I'm signed up for the next one as well? Could I continue. I'm the only representative from the neighborhood.

Mayor Leffingwell: Without objection you can use your time on the other item now.

Thank you. The neighborhood -- the result in the transit oriented district is that it's anchored by a couple of commercial tilt wall commercial buildings that don't even follow design standards. The neighborhood recently had to fight to explain to capital metro and the city that the developer had purposely designed services out of the development, even though it is a transit oriented district. The developer considered public open spaces and green spaces to be the medians along the roads within the project and refuses to allow capital metro to use 15 feet of easement in order to provide rails with trails connectivity to the neighborhood. Simply put, there's no safe passage for pedestrians and cyclists to enter the transit oriented district, and we had to fight for bus service connecting commuters to the train. And this cuts off 5,000 residents from the use of the station. As you can see, we support vertical mixed use, we support affordability and we support good transit oriented development. But we need to retain powerful negotiating tools in the hands of the neighbors, and that's why we asked to be able to use those for people who are offering exemplary, affordable, appropriate development for our neighborhoods.

Mayor Leffingwell: Thank you.

I'm happy to take questions.

Mayor Leffingwell: I don't see any questions. Thank you. There's always an opportunity later, though. Any rebuttal from the applicant? That's you.

No. I just -- the staff -- i have a recommendation in terms of I'll just repeat, the one area of discrepancy between the two is with tract 1, as she just said. The neighborhood there requests that the tract remain within the vertical mixed use overlay district, but that the development standards be not applied to that. The planning commission recommended that they be applied.

Mayor Leffingwell: Councilmember morrison.

Morrison: Just to clarify, the planning commission agreed that it made plans not to have the density bonuses on all the other tracts?

The planning commission went straight down the line with the neighborhood recommendations on the other tract. And that was to in some cases remove some tracts from the vertical mixed use overlay district and in others leave it in the overlay district, but not make the bonuses available. The only discrepancy --

Morrison: This would be from the planning commission's recommendation, this would be the only tract, tract 1, that does have the density bonuses on it.

I believe that's correct.

Morrison: Do you know why they thought that that one ought to be different from all the rest?

I don't have a record of the planning commission action in terms of exactly what may have been the rationale behind that.

Morrison: Mayor, i think that the rationale makes a lot of sense. And if we're going with the approach of in this neighborhood, which has put a lot of work into negotiating as much as they can with various -- on various developments for going with that approach, it seems that that approach to allow that negotiation to take place on tract 1, which is the biggest tract there, is the most important tract to have it on. So to me it makes a lot of sense to stick with the neighborhood recommendation here. I would like to move approval of the neighborhood recommendation.

Mayor Leffingwell: Is that on all four motions?

Morrison: On all four motions? Yes.

Mayor Leffingwell: All four motions. And that's to close the public hearing and approve the neighborhood recommendation on all three readings. And that's motions 1 through 4 on the motion sheet. Is there a second? Mayor pro tem seconds. Is there any discussion? Seeing none, all in favor, say aye? Any opposed? It passes on a vote of seven to zero, neighborhood recommendation. Well, I believe, guernsey, that brings us to item number 97.

Yes, mayor and council. Item number 97 is the south shore p.u.d. This is case c-814-2008-0087 for the properties located at 1701 south shore, 1801 south lake shore, 1414 arena drive, 1333 arena drive, 1200 tinnin ford and 1201 town creek. The properties proposed for rezoning from its current multi-family and commercial zoning categories to planned unit development and planned unit development neighborhood plan. The property is approximately 20 acres. It's located just north of riverside fronting on lake shore boulevard and is located in the south shore lake district of the waterfront overlay district. The planning commission did make a recommendation to approve the staff recommendation with several conditions. Those conditions being that it be compliant with the three-star green building, that approximately \$1,000,500 or an approximate amount of affordable contribution to the austin housing finance corporation or other designated entity to provide affordable housing for senior citizens at another location. There were some amendments that also directed the applicant to meet with our director of the transportation department regarding transit potentials that the staff and applicant will work together to define and apply an amenity feature to on site water quality ponds. This might be similar to central market ponds. That the staff and the applicant work together to proceed cross-sections for bike and pedestrian plans and that with the intent of meeting the east riverside corridor master plan, parkland dedication fees be applied to the project as agreed to by the east riverside, oltorf combining neighborhood planning team and pard and also that their project trails and paths be congruent with others called for in the east riverside corridor master plan. That affordable housing funds be targeted to helping families between 30 to 50% mfi. That drive-through services would be prohibited within the p.u.d. That the previous path be located across tracts 1, 2 and 3 and include a drinking fountain facility and that ground floor uses for the adjacent to lake shore boulevard be limited to pedestrian oriented uses in accordance with the waterfront overlay. The environmental board also recommended the request for environmental variances from the regional water detention pond to build in the water quality zone. This would be in the area that's closer towards the intersection of riverside and lake shore. The property as proposed approximately 1,200 dwelling units, approximately -- a minimum of 30,000 square feet of retail, commercial uses up to a maximum of 97,000. The staff's recommendation included limiting building heights on tracts 2, 3 and 4, that there be a building base wall of 40 feet along lake shore with an envelope that would be at a 70-degree angle angling away from lake shore boulevard to arena. And then to achieve a height on tracts -- if we could have the exhibit map showing tracts 1, 2, 3 and 4 -- going going up to a height of 90 feet. The backtrack that you see in blue up on the screen right now would be on arena. Tract 6 would go to a height of 120 feet and that there be agreed heights of 60 feet on tracts 1 and 7. Staff also recommended that on tracts 2, 3 and 4 that at least 60% of the frontage of the length of property along not consist of continuous wall faces. I'll let the applicant speak to that portion of the staff recommendation, commission's recommendation. I think they would like to limit that. Also that on tracts 2 and 3 that they shall not exceed 60% of the 50 -- the building coverage of 60%, between the 50-foot primary set back and 180 feet back, which is about one-half of the distance

between lake shore and arena. The idea of this particular staff recommendation was to break the buildings up along those lots or tracts that front on lake shore boulevard and by limiting the building coverage between 50 and 80 feet, that was staff's intent. They do agree on the point that there's a 60% building coverage between 50 and 100 -- 300 feet for the tract 4, which is the one furthest to the east. Staff also recommended implementation of bicycle facilities and bicycle end use facilities on the property. The site itself, as i mentioned before, is in the waterfront overlay. It's developed with multi-family units. There's approximately 344 units existing today. Approximately on 183 units have been demolished for an existing total prior to this project of about 527 units. They've agreed to an impervious cover limitation of 74% over the property. would be based on mainly allowing most of the uses that fall under the mf-6 district and it allows for an additional 56 other permitted uses. Not uses that are related to auto related uses, but other uses that may be found in gr. Some include retail, office, hotel, personal improvement services, personal services. The tract itself, as you see it, lies approximately 350, about 600 feet away from the shoreline of lady bird lake, being closest on the eastern side of the property and further away as you move further to the west along this property. It does not front on lady bird lake. It's across the street from parkland, existing condominium developments that are zoned mf-3 to the north. To the south is an existing gr and gr-mu zoning containing restaurants, retail, service stations. To the west is retail and cocktail lounge on cs-1. Amli has their project on the other side of lake shore boulevard with heights up to 60 feet, which is now under construction. If you go by you can see a lot of development occurring on that property. Further to the east is multi-family. There's an existing tract just located across the street from tinnin ford that has a height restriction of 40 feet. There's also a planned unit development that council proved and that tract is located in its entirety within the waterfront overlay with heights ranging from 40 up to 120 feet. This property, although the majority of it is in the waterfront overlay between arena and lake shore, the portion of the tract that i had mentioned earlier that goes up to 120, is not located within the waterfront overlay. There are some provisions, and i'll probably let the applicant run through a lot of those that they have offered, but some of the things offering rent-free space for up to 25 years for police, fire or e.m.s. Facilities having an office, providing facilities for local retail uses, day cares, up to 1,000 square feet. I think I could probably go on for awhile, but I think the applicant is going to have a pretty lengthy presentation. We did contact the austin independent school district to inquire at the request of a councilmember just how many students that potentially may be impacted. And jerry if you can put the map up. Although I don't have a letter or memo from them, i have talked to aisd staff this afternoon and yesterday. Tracts 166-a and 166-b are the tracts that they could give me information on. Within this area there are approximately 120 austin independent school district students that attend school in this area. 70 Of which are from elementary schools. And 61 of the students from this area attend sanchez elementary school. This particular project within 166-b, this area probably contains the most dwelling units in this area. The impact would be that they project that san cheses elementary would decrease in population from its current enrollment of approximately 608 students today to 511 students in the year 2013. And that accounts for roughly about 97 students, but only 61 of those may be potentially impacted by the area covered by 166. There's no way for them to predict how many students would come back to this redevelopment, but that would be the maximum number of students. They also told me that probably 90% or about 55, 56 of these students that attend sanchez are all on the free lunch program. So the total reduction in population they project at sanchez elementary, which includes the tracts that are covered by the south shore and other tracts in 166 would

develop to 79% capacity. There's also a memo that was presented to you, council, yesterday, that's dated september 23rd from margaret shaw and our neighborhood housing community development department. I want to state a correction on that memo, so everyone is clear. Golden representatives would agree that a calculation of the fee would approximately 7 as it's shown on the first page of that memo, but be 3.14 or \$3,148,900. That basically just removes the commercial portion of that. They have already agreed to 5 million for the planning commission's recommendation. They have not agreed to a 3.48 number. Staff was asked what would be the calculation under the ordinance if you were to calculate what the fee would be to get the additional units, but not have housing on site. And we came up with a figure of approximately \$7.8 million. That's based on the total square footage maximum of heated and cooled space, which is in the p.u.d. Ordinance. It refers you actually back to our affordable housing ordinance. The current fee is at \$10. And that figure is reduced under the current p.u.d. Ordinance by 60%, and that's how we arrived at that figure. This is the first project that you have been presented where this question probably has arisen. It has cost quite a bit of discussion with our law department, housing department, with the applicant with representatives, stakeholders from the community, but it's important to note that under standards that this application was filed that south shore or can achieve superiority without providing fowcialt under the application they've filed. This is because affordable housing in tier 2 is for superiority only, it's not mandatory under the tract 1 criteria. The policy issue -- what the level of entitlements are for bonus square footage should be granted in return for the quantity and the departmentth of fowcialt or the amount of the fee in lieu donated. I think I will pause at this time and I think we have at least half an hour worth of speakers, probably for and against. If you have questions along the way, I'm here. Our transportation department is here. I think our environmental officer is here. Margaret shaw is here and we're more than happy to work through your questions as they arise.

Mayor Leffingwell: We'll ask for questions. This is ready for first reading only, is that correct?

Yes. We are only prepared to go forward with first reading this evening.

Mayor Leffingwell: Actually, we have 17 speakers signed up, a total of 87 minutes of testimony. We have about 20 minutes before our mandatory break for live music and proclamations. So just to let you know where we stand there. We can go ahead and start taking testimony beginning with those in favor. And I will offer you the privilege of going in any order that you would like to go and the same privilege, of course, to those opposed. So I think I'm getting that. Yes. Okay. drenner, you want to go first, correct? And michelle houseman, is michelle here? Amanda swore. Trey salinas? Is trey salinas here?

[Inaudible - no mic].

Mayor Leffingwell: Kathy horn aday? drenner, you have 15 minutes.

So mayor, councilmembers, this is something that we've been working on for three years now. And as I go through this, it has -- as we have been filed, we've had quite a bit of change not only in market condition, but regulatory structure. The location of the site is on east riverside, and it's, as you see, roughly part way between i-35 and pleasant valley road. And it's roughly triangular-shaped tract with

frontage on both salt lake shore and riverside. The property that you see that is bonded by riverside and that blue line to the north of riverside was originally part of this p.u.d. And we deleted that during the process as the city began to consider rail possibilities along riverside because we felt like we couldn't do an adequate job of planning that project until we knew where the city was headed with their plans. So it's an unusual opportunity, I believe, because you have an amalgamation of four sites. Three apartment complexes and a retail center. This property, you see the retail center in front, which again has been deleted, but the three apartment complexes that were between the lake shore drive and riverside are all at the end of their useful life, the regatta apartments that were between town creek and tinnin ford have been demolished now for a couple of years, as have several of the companion complexes to the property to our east. Because of their condition and because of the very serious crime issues that everyone who lives in that area faces. The topography of this site is also an issue from riverside drive to the lake's edge. You have a 53-foot drop in elevation, which is quite a drop, and obviously impacts the street frontages and how we would accomplish the mixed use project that we are considering. This project today is fully gated. There's no connectivity from a bicycle or a pedestrian standpoint through the project. And it's bordered on its western edge by a ditch, an unnamed tributary under the code that funnels water that comes through this very eroded bank. This is the pipe that the water comes in to our site on, and it flows open air across our site and goes into a pipe under lake shore. As we studied the site with city staff, we came to understand that that ditch drains 117 acres of fully developed property to the south of riverside that has no water quality treatment whatsoever. We also have some really wonderful trees along lake shore. You see along the right side of this picture those trees. They also are somewhat historic in that they were given to the city of Austin by the Ica. Those trees wrap town creek, and maybe that's the most unique view of those trees. So the presence of those trees played a large role in our thinking on what to do with this site. The other thing that, as -- when we purchased the site and started to work on it, we knew that we were covered by the waterfront overlay ordinance, but we had no height restrictions on this site whatsoever. We had a setback from lakeshore drive, but no height restrictions. We also had obviously the presence of the lakeshore boulevard, and as Guernsey said, the parkland that separates this site from the water's edge. Our design decisions involved placement of buildings and height, and as this slide represents I replicate what Guernsey said, we ended up with a 90-foot height along the lakeshore boulevard edge, and then up to 120 feet in the middle of the site. The major things that we did at the very beginning were make decisions about connectivity. And I think that's the most important decision that was made. As presently exists, it's a very inadequate street system. There are no bike lanes and no pedestrian connectivity through the site. So we made the decision to connect arena drive through to tinnin ford where it presently does not go, and that also lines up then with the major boulevard for the 50-acre project to our east. As you see the other two new roadways, those do a variety of things, including consistent with commercial design guidelines, breaking the tracts into parts. But they also create the opportunity for vistas that you would see down to the water, and certainly pedestrian and bike accessibility. We've made the decision that this would be a mixed use project, and again, maybe most importantly we decided that the focus of the project should be arena, not lakeshore. To do otherwise would greatly increase the activity along lakeshore, would have resulted in more curb cuts along lakeshore. Arena looks nothing like a major boulevard today. We also decided that as a result of those connections between lakeshore and arena that we had the chance to create some special public places at those intersections. We made the

decision that we would take advantage of the off-site water that flows through the ditch on our western boundary, and that we would build a regional wet pond. That's a pond that, frankly, we get little benefit from on our site because the majority of our site drains away from it, but it will serve to clean the water that's flowing from that 117 acres to the tune of about 22,000-pounds of pollutants a year. So a substantial benefit from water quality perspective with regard to the water that flows to lady bird lake. That's in addition to cleaning all the water that will come off of our site. Again, today neither one of those situations is true. As we went through this process, we dealt with the fact that the city instituted a new p.u.d. Ordinance. We asked the staff, look at us and grade our paper against that new p.u.d. Ordinance, even though we technically are not required to do that. We've done what we could to accommodate the city's mass transit planning by leaving open the -- that corridor along riverside. Current plans would indicate that the city's looking hard at a station at roughly the intersection of riverside and arena on that site. We think that the project as proposed is very consistent ideas that would -- that are reflected in the code and in the other projects that are proposed around rail stations. We've also had an amendment to the waterfront overlay ordinance, which created a height restriction between arena and lakeshore of 60 feet. We do not think, as you will hear more about, that given our particular facts, that that's -- that 90 feet in height creates a problem for the waterfront overlay. And in fact we think this project meets the very goals of the waterfront overlay, particularly with regard to access to and from the lake. A couple of pictures hopefully will help you understand. This is what arena is envisioned to be in the future. Very much a -- an urban corridor with bike lanes on both sides. The type of great streets treatment that you're used to seeing in these areas, and special public places that would be the type of thing that, frankly, doesn't exist in this part of -- in this part of austin. This is an evidence of what those new connections to the lake would do in terms of opening up views to the lake and allowing more importantly people to get to and from the lake via bike or car. Bike program, we've spent a lot of time with, and I want to say thank you in particular to a number of people who have helped us understand the needs of the bike community, and particular hill abel, which I think you will hear from in a little bit, and anique badoe did an incredible job of helping us be as aggressive as we could be in terms of creating a uniform bike plan. We create bike lanes, bike traffic areas in all the areas that you see in red of .none of those exist today. That's both in regard to dual bike lanes along arena. New trails that will go by the wet pond. We'll go on that frontage between lakeshore and the building edges. We also with regard to those bike plans have added requirements for showers to allow people who want to bike to work in the commercial spaces to have a place to shower and change. And we have a set of restrictions that I think so far are -- have not been seen before in austin with regard to bike parking requirements and a variety of other issues. So it's as complete a bike program as I have worked on, and I think it set a new standard for austin. The pedestrian routes go right along with the -- with the bike corridors, and those would -- are reflect understand this picture. The list of community benefits -- I'm going to jump to that quickly. It's a very long list, and i could spend much more time than I have in going through that, but we have connectivity, as we talked about with access to the lake. We have the water quality benefits that I mentioned a minute ago. We're achieving a three star green builder standard, which as many of you know, is unusual. We are protecting the mature trees along lakeshore and town creek. Our plan is consistent with the city's mass transit planning. We're treating arena as a core transit street rather than the designation that it would otherwise have. We're providing financial assistance to capital metro, \$25,000 to help refurbish bus stops in the area. We've talked about bike facilities. We're participating with car

share. We have exceeded the requirements for helping people with disabilities by 25%, both the local and the federal standards. This is a mixed use project, as we mentioned. Unusual design in that we have outlawed surface parking in this project, and in fact we've gone further than that. All of the parking is either subgrade, partially subgrade or is going to be wrapped by residential units. So unlike I think any other project that you have seen in austin, you really won't get a view of parking anywhere on this site. No gated roadways. The creation of those public spaces that I mentioned earlier. We're donating space for a police substation that i think not only is sorely needed, but that your police department is excited about. [Buzzer sounds] space for nonprofits and day care. I'll wrap up, mayor. Assistance to local small businesses. Assistance to the historic noah wood house. Art in five locations. Building design that greatly exceeds the requirements in the code and fully complies with commercial design guidelines. And then affordability that has been the focus of such a large discussion. I would welcome the opportunity to talk with you further about affordability issues. We have wanted that to be a fundamental tenet of that since day one. We've done studies to determine what we thought the needs were in the area. And as you have heard, the planning commission --

Mayor Leffingwell: drenner, your time has expired. Please wrap up.

I'll stop with that and I'll be happy to answer questions.

Mayor Leffingwell: Any questions for mr. drenner? Councilmember riley.

Riley: Just a few things I would like to ask, questions that have come up during this process. First about the roadway connections that are proposed. I think some folks have raised concerns about the fact that those aren't actually dedicated public roads, is that right? Can you help us understand why that would be and what assurance do we have that those will actually be open and accessible to the public?

Yes, sir. The extension of arena between town creek and tinnin road is a public road. It is a public road today, so it makes sense that would continue to be a public road. The two connections between lakeshore and arena that are new are not public roads. They are private. And the reason that they are is because we did not think that the right-of-way width needed to be as qu wide as a public road would normally be. In keeping with the fact that there's not going to be a great deal of car traffic along there, and what we were really trying to accomplish was the connectivity by keeping those private, we don't have to have a 60-foot section through there, we can have a shawler section. Your question with regard to how do you know that they're going to be built?

Riley: And be built and be open and accessible to the public.

First of all, there's an expressed prohibition in the notes that those cannot be gated. They absolutely have to be open. And on page 3 of the p.u.d. Plan, all of these roads, bike lanes and pedestrian corridors and sidewalks are detailed, and the very first note under the plan has to be built in accordance with the p.u.d. land use plan. Page 3 is part of that p.u.d. land use plan.

Riley: I also wanted to ask you about the drainage and the wet pond. I know at some point earlier in this

process there was -- you were not planning on treating all of the runoff on site.

That's correct.

Riley: Has that changed?

Yes. When we started the process, our discussion with the city staff had been their suggestion, if you will build this wet pond, we think that it far overcompensates for the water that will be running off of your site. Please build a wet pond and you will get credit for that so you don't build your own water quality. When we went through the environmental board, that -- when they supported the project, we were not obligated to build water quality throughout the site. By the time we had gotten to the planning commission, we did some additional study, figured out that we could treat all of the water on our site using other tools, so the planning commission recommendation was very specific in saying you must treat all of your water, plus capture the water that's coming from off site.

That is the current plan.

That is the current plan and it's reflected in the p.u.d. notes.

Riley: About that pond, will that be -- I've heard some concerns about that pond, that it won't be accessible, that it won't really be an amenity. Can you tell us what that would look like? Will it be accessible, will it be something that will be attractive or will it be more of a drainage area?

This is a perspective that I skipped over fairly quickly. This is looking from north to south. guernsey mentioned, like a central market pond. The banks are a bit steeper here than at central market's, so you will have some of that dry stack on the edge, but the p.u.d. Requires that the trail that goes through there, that you see on the right side of the screen, as well as the benches and so forth, the key word in the code is is it an amenity or not. And we have committed in our notes that it will be treated as an amenity. So we have to have that open to the public and have those edges dressed up the way they are in order to meet that standard.

Riley: Okay. Quick question about the commercial space. I know that you're guaranteeing 30,000 square feet of commercial space.

That's the minimum, yes.

Riley: The minimum. And up to 20,000 square feet of that could be cocktail lounges?

We have two requirements. They're not the same. We had listed in our uses the ability to have a cocktail lounge, which is as most of you will know, where more than 50% of the revenue comes from alcohol versus food. The ones that seem to run afoul of that in these sorts of projects are wine bars or things like that. So as we went through the discussion, there was a request from staff that we limit the number and the amount of square footage that could be devoted to cocktail lounges. So that's where

the 20,000-foot number comes from. That's coupled with a requirement that we can't have more than a certain number and we can't have any one bigger than 5,000 feet. The other issue that came up at a separate time was guarantee us a minimum amount of commercial space. So we have projected between 50 and 97,000 feet, but we thought that we could absolutely guarantee 30,000 feet no matter what happened with market conditions.

Riley: Okay. And then just one last question about the construction. I've had some folks in the area raise questions about the historic character of the area. Apparently there is a very interesting history to the area. tinnin who owned that property and it was a place to ford the creek, actually part of the chiz hom trail. Some neighbors have found arrowheads. Some folks have said are you going to do doing all this digging, are we going to be writing off exploring any of the history? Can you tell us about any steps you can take in the work that's going to be done here about keeping an eye out for artifacts, looking for arrowheads and stuch? Because this will be a last chance -- with this kind of development, this is a long-term development.

We have done a study that was focused on eart where the wet pond would be. That's an area today not covered by impervious cover. And also maybe the most likely to -- where you would have the digging and maybe the most likely place where years and years and years ago perhaps that creek was actually a creek rather than a ditch. So we've done that study. We did not uncover anything that would indicate that there are issues. I think as we would progress through a construction cycle, obviously you're taking out impervious cover and then putting impervious cover back in, that we would be happy to sort of continue that study as we move through the development to make sure that we haven't lost an opportunity to help verify our history.

Riley: Okay. Thanks.

Mayor Leffingwell: More questions? Well, we need to -- council needs to go into recess now for live music and proclamations. And we'll pick this up after 15, 6:30. We are in recess.

Shade: I'm councilmember randy shade and I've been on council for a year and this is my first chance to get to do this part of the meeting, which I'm so excited to get to do. Austin has a great live music scene, and one of the great things we do at our council meetings is feature great local talent. It's my pleasure to introduce joining us today, rock band electric touch. This band is off to an impressive start. They have wowed crowds at southwest by southwest, they are booked to appear at the austin city limits music festival coming up just two weeks from now. One week. Yeah, one week. We're already one week into it. So anyway, they're self-titled debut album is full of melodies, rock hard riffs and stick in your head lyrics. I'm pleased to help you welcome electric touch. [Applause] ????

Shade: Thank you, guys, so much. I wanted to ask you where we can purchase your music?

You can go to waterloo records. We sell the records there. And online at itunes.

Shade: And I know you have a website.

Electrictouchmusic.com.

Shade: Excellent. And I know you're slated for acl and I hope it goes great next week, but where else can we see you perform and when?

We're taking a break at the moment. We're writing a second record, so we won't be in austin playing too much in the future, but in the end of the fall, maybe winter we'll be back in austin playing a whole bunch.

Shade: Great. I sure wish you the very best of luck. I have a proclamation to present to you all. I'll read it to you. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike and whereas we are pleased to showcase and support our local artists. Now therefore I on behalf of mary lee leffingwell, mayor of the live music capitol, do here by proclaim september 24th, today, as electric touch day. Again, thank you all for coming. [Cheers and applause] everybody watching, I hope everybody has a great acl next week. Before I get to do my next fun thing, I do have to wish baby girl emmy happy birthday. Her birthday is this week. She will be a year old. And my son ethan, who is always watching what he calls mama tv. I want to say hi and I hope you go to bed before I get home tonight. [Laughter] I love you and I miss you. All right. Now, lots of fun. I'm going to present a proclamation to all familiar faces to a group of people whose work I greatly appreciate. I was very glad to get to do this today. Be it known that whereas the month of october is recognized nationally and celebrated locally as national museum ties month and whereas the city is working to create a vision for arts and cultural dwoam in austin for the next 10 years through the create austin cultural master plan and whereas the city's cultural arts division in partnership with the greater austin creative alliance and create austin are sponsoring this second annual get your art on to heighten awareness to the arts, culture and creativity in austin during the month of october. Now therefore i, lee leffingwell, mayor of the -- on behalf of mayor of the city of austin, texas do here by proclaim october 2009 as national arts and humanities month and the time to get your art on. Thank you all for all you do. [Applause] of course you all say a few words, I'm sorry.

I'm letefa and I'm with austin circle of theaters that is now becoming the greater austin creative alliance. And we invite you to a little press conference across the hall as soon as i finish thanking you, councilmember shade, and also mayor leffingwell. Thank you so very much for your continued support of the arts and creativity here in austin. We're very happy to be here launching get your art on, which is a month long celebration of art, culture and creativity. And it's an honor of national arts and humanities months. It's celebrated all across the country. It's the biggest celebration of arts and humanities in the nation. And we're very grateful to have austin be a part. And I wanted especially to thank sin vent kitch, who is our director of the cultural arts division for the city of austin for being off a strong supporter of arts and creativity here, particularly get your art on. And I also wanted to thank mike (indiscernible), who is with capital one, and president of capital one locally, and capital one has just done an outstanding job of supporting the arts. They're going to be out there with their capital one pecan street festival and now

they're behind this too. Thank you very much. And maybe you would like to say a few words on behalf of the bank and how wonderful you've been supportive.

Thank you very much. I'm mike (indiscernible), the head of commercial bank fog capital one here in austin. And on behalf of all our associates here in austin, we're just really excited to support something that serves the entire community like get your art on. It's a wonderful, wonderful thing. And we think that here in austin it's important for local business to support creativity, so support the arts in artistic expression. Thank you very much for having the chance to participate. [Applause]

Mayor Leffingwell: I'm honored to present the next proclamation. And it is a proclamation that has to do with childhood cancer. And I want to tell a very brief personal story before I read this proclamation. Many years ago one of my best friends, a guy I went to high school and college with, got married. He and his wife had a young baby, and that baby at age nine months was diagnosed leukemia. And as I said, this is a very long time ago. And so the prognosis was very, very pessimistic. Time was very, very limited. However, none of the folks involved lost hope. And they spent -- he and his mother, this young baby and his mother, spent the next two years weekly trips down to houston's md anderson hospital. That was about -- I'll tell you how long, it's about 35 or 40 years ago. Today that young man, his name is rafe jackson, operates a very successful real estate business in southwest austin. So this is something we're talking about where we keep hope alive, we keep working, and things are going to continually get better. I'm sure the state-of-the-art, the science is much better than it was even then. We're very confident that things are going to be good for you. The proclamation reads that be it known that whereas childhood cancer is the number one disease killer and second leading cause of death of children, aside from accidents, and whereas on any given school day approximately 46 young people are diagnosed with cancer totaling more than 12,500 children diagnosed each year, and whereas every year more than 2500 children under the age of 20, our most precious resource, and the treasures of our hearts, lose their lives to cancer. Now therefore I lee leffingwell, mayor of the city of austin, texas, do here by proclaim september 2009 as national childhood cancer awareness month. And with that I would like to turn it over to thomas molina to tell us his personal story. Thomas?

Is there anyone here tonight who has had childhood cancer or know someone with childhood cancer, stand up, please. Thank you for being here. My name is thomas and I'm 13 years old. I am here tonight with my mom, my dad, my baby sister linda schaefer, a pediatric oncologist and director of the children's blood and cancer center of central texas at dell children's medical center. I've been battling leukemia off and on for over 10 years now. What I mean by that is I got it first when I was three years old, and went through chemotherapy for a little over three years. After that I had to recuperate and was off treatment for about five years. However, when I was 11 i found out I had relapsed the day before thanksgiving. I started doing chemotherapy again, only this time it was much stronger than it was before. The first few months were very hard because they kept blasting me with high doses of chemo and I was in the hospital most of the time and missed sixth grade and was only able to go to school -- seventh grade part time. I was scheduled to complete chemo treatments in march of 2011, and last month i started going back to school full time for the eighth grade. About three weeks ago, though, I learned that i have relapsed again, this time in my central nervous system. Now I am back in heavy chemotherapy and out of school again and will be getting a bone marrow transplant in san antonio in the next six to 12 weeks.

My mom and I will have to be there for at least three months, maybe even longer. This is my best chance for being cured now. Thank you, mayor leffingwell, for issuing this proclamation. Not many people know that september is national childhood cancer awareness month. Did you know that cancer is the number one disease killer of children? More than asthma, diabetes and aids combined? It's true. 40,000 Kids are currently in treatment for cancer in the united states today, and 46 more kidsere diagnosed just today. Another fact is that of all the money for cancer research in the united states, only three percent goes to research for all childhood cancers. I hope that by making more people aware of childhood cancer that more money will go for research for childhood cancers and that some day in my lifetime we will find a cure because yofer want any other kid like me to have to go through what I'm going through. I have a lot more to do in this world and I want the chance to do it all. Once again, thank you for doing this for all us kids with cancer. [Applause]

Mayor Leffingwell: Next we're here to issue a proclamation honoring nami, the national alliance for mental illness. This organization has done such great work in this community, in fact, around the country, in combatting one of the most tragic and pervasive illnesses in our community today. Kathy reefer behind me here, I know has a very touching personal experience with mental illness and many people in the community do. In fact, I think by far the majority of people who are actively involved in this effort to promote increased awareness of and attention to the problem of mental illness -- I'm sorry. Actually do have some kind of personal experience with this disease, friends or family. I know that I do too. So this is a project that's very dear to my heart, and i have been very supportive of nami and their efforts to raise money throughout the years that I've been on council. And now as mayor. [One moment, please, for change in captioners]

opportunities to rejoin the world so friendship, family, important work, employment and education. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 10, 2009 as nami walks for the mind of america day in austin, texas. Congratulations, kathy weaver. Come up and say a couple words. [Applause]

thank you. Thank you very much, mayor leffingwell. You certainly have been a strong supporter of nami austin and our projects for the last several years, and we're deeply in gratitude to you for this proclamation, but as well as your behind the scenes efforts to support us. And one of those is -- one of those ways is that you've accepted the chairmanship -- honorary chairmanship of our work this year. This walk promises to be the biggest and best so far. We had a projected goal of \$125,000, as the mayor said, and as of two days ago we had \$92,000 already pledged. So we're ten days away from the walk, probably a couple more than that, and we're very close to achieving our goal, or even overcoming it. That's because over the last several years nami austin has raised money in the community pledging to put it back into the community. We do that through the three signature activities of nami, that's education, educating families about mental illnesses, educating folks who are diagnosed with mental illness about what it means, how to live with it and how to find hope in their lives through treatments that exist. And finally through advocacy, through those of us who can do so speaking out for those who cannot speak for themselves or who are unable to at the moment. But once they've received treatment will be able to do so. Advocacy that we will be seeing you again to talk about, that's housing for folks who have mental illnesses, advocacy to ask for increased treatment from the various sources that

provide it, both for the public and private resources, and advocacy through the legislative processes to recognize the needs of folks with mental illness in terms of supported employment and increased opportunity to live respectable and productive lives rather than find themselves on the streets after diagnosis. So as a board member of nami austin for the last four years, christina vasquez tapia, who is also a board member, and I thank you for representing the many folks and many families who couldn't be here today but who are living with mental illnesses. That means not just one family, mine, christina's and mayor leffingwell's, but one out of four persons, according to research, experience mental illness in some way every year. That's one out of four persons in this room. 25% Of the population of this country. Mental illness is a pervasive physical illness that causes people to believe that they don't need treatment, that causes people to leave those who love them most and seek help elsewhere, and so nami, the national alliance on mental illness, is truly an alliance, an alliance of families, of public officials, of the folks themselves who experience mental illness, to find the best about way for them to get treatment and to have happy lives. Thank you very much.

Thank you. [Applause] mayor pro tem mike martinez will read the next proclamation. thank you, mayor. Hi, mona. Come on down. How are you today?

Good.

Come on down. Get everybody around. Well, it's my privilege to read this next proclamation in honor of riverside city foundation's 25th anniversary, which they will be celebrating tomorrow night. Unfortunately I won't be able to attend, but I'm glad we're recognizing river city mona gonzalez tonight on 25 years of serving the austin community. So I'll read the proclamation and then present it to ms. gonzalez. It reads that whereas river city youth foundation is one of austin's oldest youth organization which have served thousands of young people during it's 35 year history but today claims to be a beacon of life in the southeast austin community, and whereas the vision of river city youth foundation is to be the model of comprehensive neighborhood-based youth services that maximizes child's potential and improves communities and whereas river city youth offers programs in sever years, college and capacity, coments ring, counseling and substance abuse prevention, literacy and community development, i, mayor leffingwell, do congratulate river city youth foundation on its silver anniversary and do hereby proclaim september 25, 2009 as river city youth foundation day in austin, texas. Congratulations, mona. [Applause]

thank you, council member, mike martinez, and thanks to everyone, all the hundreds and hundreds and thousands of volunteers throughout the 25 years who have been really faithful. We know that if we're faithful in the little things god will entrust us with the bigger things, and we have been faithful for 25 years. This next decade presents some extra challenges for us working in a high-risk area of dove springs, filled with capacity, filled with wonderful children and families, all of whom deserve a chance to succeed, but we know that we're facing those challenges together, and because of that we -- we shall overcome. We will have the victory. I'm joined here today by parents, by children, by volunteers, by interns from the university of texas who are representative of a quarter million people that this small grassroots neighborhood-based organization has served over 25 years. I am so proud of everyone who has planted a seed or two to make this what it is today, but we're not there yet, and it's like our dear

picklewood said, let's celebrate, and then when that's over let's get back to work. And that's what we're going to do. In the audience right now is a gentleman that I want to walter timberlake. Would you stand? I haven't seen you in a while. But -- [applause]

-- thank you. He was one of my very first board members 25 years ago and we all know you for your work in the labor unions here in town, but we know you, the children know you, as mr. banana man. Let me tell you why. Because meadow brook housing project, which is where we started, the children were very, very hungry, and timberlake helped us to 00 in the morning program where we would feed them breakfast. We would help them do their homework, get everything ready for school, but we'd also have breakfast, and i could count on you, walter, to bring those bananas over every single morning. So from the smallest little things like bringing in bananas to funding big programs like dell has done and city of austin and travis county and the governor's office and hud and all these other groups, it's all come together in 25 years, and we have served over a quarter million people because of that. So, mike, thank you. City council members, thank you. And come on out and celebrate tomorrow evening to the monarch center. It's time to celebrate. You're going to see flamenco dangers and dangers dancerrers and folklore come, and you'll see precinct 4 margo gomez w singing mariachi music. That's going to be a treat. Most importantly we're going to come together and recognize those who planted seeds that will live forever, but have passed on, and among those are dear friends including less thana guerrero, our state representative, ann richards, who was a commissioner before he became governor and is a friend, lady bird johnson, who planted seeds in our agency as well, and so many others, chuck tilly, our architect, who built the center, and half of ut and the convention center and the airport. And so many others who will not be with us tomorrow, but they'll be there in spirit and we're going to honor them as well. So go to river org and sinus to join sign up to join us tomorrow -- sign up to join us tomorrow. Thank you all so much. God bless. [Applause] and now council member riley will finish the proclamations for the evening.

Riley: thanks, mike. I am chris riley and I'm going to take just a minute to say a few words about fall prevention. Let me emphasize at the outset that this has nothing to do with the seasons. This actually has something to do with a very serious public health issue that profoundly affects the lives of many americans. This issue came to my attention through my service as the city of austin representative on the capital area council of governments, which is an intergovernmental collection of towns and cities in the central texas area. The capcog, ats it's called, has had an aging advisory council addressing issues facing the lives of older citizens, and we're lucky to have two of our citizens serving on that council. cecilia crossley who couldn't be here tonight, and the other is banana man himself, mr. walter timberlake. So I want to thank walter for his service with the aging advisory council, including bringing this issue to our attention and i want to quickly read a proclamation on this subject, if I could. The proclamation reads, be it known that whereas texans over the age of 60 are valuable members of our society who enhance our communities and personal lives, and whereas one out of three older texans will fall this year. Falls among older adults account for 40% of all nursing home admissions and cost our state 8 billion annually, and whereas we call on all austinites to learn about factors that contribute to falls and the strategies that can lessen the chance that they will experience a fall. Our efforts can improve the lives of older citizens and help pave the way for a future generation. I, lee refusing well proclaim september 1, through september 25, 2009 as fall prevention awareness, and walter, i want to

present this to you and thank you again for your service.

Yes, sir.

Would you like to say a word? [Applause]

well, since I've already been mentioned by mona here with the river city, I don't have time tonight to tell you the story about the banana man but there's a whole good story about it and it was a resolution passed in the texas house of representatives here in austin on the banana man, and it is at the history center. But anyway, to get on with the -- what I'm here for is about the fall. More people, senior citizens, stumble and fall, and on the way out the door this afternoon my wife told me, said please don't fall before you get there. [Laughter] and so walking with a cane and when it's a little wet and slick, it will slip out from under you. A lot of people, a lot of our senior citizens fall going to the bathroom, where you have throw rugs and throw rugs throughout the house is the most dangerous thing for a senior citizen to stumble and fall over. Another thing is using your walker, going into a bathroom with your walker, and my wife lucille, I have to fuss at her all about it, turn loose before you get into the bathroom, the door swings open and you can lose your balance. So many things you have to watch. You can fall and break a hip, especially when you're up in age, you're down for the rest of your life, most cases you are. And so anyway we just ask everybody to be careful, watch where you walk, watch those throw rugs and watch those walkers and your walking canes. I want to thank you very much, council, and thank everyone else on the city council and the mayor and all for doing this. Thank you. [Applause]. Test test

we are out of recess and if there's no objection from the council we would like to proceed out of order to dispose of a few items that will take very little time and then go back to our public hearing on item no. 67. First I would like guernsey to come up and speak very briefly to three items that have been withdrawn. 103, 104, 105. thank you, mayor and council. Let me briefly speak to 103 and 104 about conducting a public hearing about a neighborhood plan amendment and the other dealing with development agreements for governmental entities. Staff is withdrawing these two items. They'll reappear on your agenda on october 15 as items to set hearings for meetings on november 5. That's items 103 and 104. And 105, mayor and council, I want to apologize on behalf of my department. We've determined that the appeal that was filed on the outdoor music venue known as atx sports bar located at 1504 east sixth street was not filed timely. There's no action required tonight but I want to take the time to thank those who met with staff. We had three meetings with neighborhood, adjacent property owners, the owner of the facility and i apologize to them for the time that they have taken regarding this. It came to our attention late, very late in this process and it's cost you time, my staff time and their time. I think there was a lot of fruitful discussions that came from that that will be helpful on other applications, but there is no action that's required for you tonight because of that filing being late. So I apologize for that. And -- apology is accepted, mr. guernsey.

Guernsey: thank you.

So council member morrison? I do have a question about 105 and just the process of filing appeals and whether or not -- we had one case a few months ago where a neighborhood planning contact team had

filed an appeal and the decision on standing made by that council was that they did not have standing. Does that mean, and I understand the neighborhood plan contact team filed an appeal on this case -- does that mean that your staff is interpreting that to say that neighborhood planning contact teams don't have -- so each time a contact team files, this council will have a -- make the decision about standing?

That's right. Well, very quickly, I think this is a timeliness issue.

This particular application was a timeliness issue. The neighborhood planning contact team as I understand did not actually file the appeal. There was a discussion about that, but yes, council member, if we get a request from neighborhood planning contact team regarding one of these items, because of your resolution, because of the intent, we also have an ordinance pending, pending to actually address this issue. We will bring it to you for your consideration. So a contact team did not file an appeal at this time? They did not file a formal appeal of this application.

Morrison: Thank you. So again, items 103, 104 and 105 are withdrawn. So without objection council 98 to conduct the second of two public hearings to receive comments on the proposed 09 cents per \$100 valuation for fiscal year 2009-2010. The property tax rate will be adopted here in city council chambers on October 1, 2009 as part of the council's regular meeting, which starts at 10:00 a.m. There are no speakers signed up on this item wishing to speak. That being the case, the second public hearing on the proposed maximum tax rate, 98 on tonight's agenda, is closed. We'll now take up item 99, and after that item 101. There are no speakers signed up on those. We will defer items 100 and 102 until after the public hearing that we're currently in the middle of.

Good evening, Mayor and Council. I'm Virginia Collier from the planning development and review department. Item 99, the Furgusson Lane Brown Lane Annexation Area has 22 acres, east of Brown Lane and west of Furgusson Lane, approximately 185 feet north of the intersection of Furgusson Lane and Brown Lane. This is in the city's E.T.J. And adjacent to the full purpose jurisdiction on the west and south side. Property in this area is fully developed and land uses through three single-family homes, extensive office and warehouse uses. Upon annexation the city will provide full municipal services to the area as described in the service area, copies of which are available this evening. This is the first of two public hearings for this area. The second one will be next week and Council will not be taking action either this evening or next week but instead on October 22. This concludes my presentation for item no. 99. Item 99, there are no speakers signed up on this item. So I will entertain a motion to close the public hearing on item 99. Motion by Council member Riley, second by Council member Cole. All in favor say aye.

Aye.

Mayor Leffingwell: Aye. Opposed say no. That passes on a vote of 6-0 with Mayor Pro Tem Martinez off the dais. We'll now take up item 101. Item 101, again, this is the first of two public hearings for this full purpose annexation hearing. The second hearing is scheduled for next Thursday, an ordinance approval would be scheduled for October 22. The quarry area includes approximately 197 acres and located in eastern Travis County, approximately 2,225 feet south of the INTERSECTION of McKinney Falls and Shaw Lane. It's in the area of the and adjacent to the full purpose jurisdiction on the west side.

The majority of the lands in this annexation area is owned by the city and will be used by the austin utilities for water treatment plant lime dewatering. It's adjacent to but does not include a portion of the police or -- fire or police training facilities. In addition to the city owned property this area includes a small tract of undeveloped land on the west SIDE of McKinney falls parkway as well as a portion of McKinney falls parkway right-of-way itself. LAND WEST of McKinney falls parkway that provides con -- is for ad valorem tax purposes and in lieu of taxation this time the property owner has the opportunity to enter into an agreement with the city, to insure status. Upon application with development any restriction on city annexation would be void and unenforceable and this agreement would allow the city to extend the city limits to include the city owned property without actually annexing the agricultural property in the middle. Again, copies of the service plan are available this evening, and this concludes my presentation for item no. 101. we'll now conduct a public hearing. There are no speakers signed up to speak on item 101. I'll entertain a motion to close the public hearing. Council member spelman moves to close the public hearing. Is there a second? Council member morrison seconds. Any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? That passes on a vote of 6-0 with mayor pro tem martinez off the dais. Without objection, council, we will now return to our public comment on item no. 67, And I believe the next denisey, and 67 on my -- excuse me, 97, excuse me. I misspoke. 97.

Thank you, mayor and council. excuse me, john.

Yes, sir. adam hamilton? Is adam hamilton here? Adam hamilton. So oh.

I believe he's just walking in, right here. here he is, adam hamilton. denisey, you have six minutes.

Thank you, mayor and council. I am john denisey. Following up behind drenner on behalf of the applicant graco partners. Council member shade it's a tremendous honor to be on mommy tv tonight and i wanted to do my duty and tell my young man to hop in the bath. So -- I wanted to speak a little bit more in depth and more specific about height and the waterfront overlay. The waterfront overlay in this district now limits heights to 60 feet. Of course when we filed this case there was no height limitation imposed by the overlay, and we looked to the relative approved heights in the area. When the council signaled a desire to reassess the waterfront overlay, we actually asked the planning commission not to act on our case to allow the task force and council to act, and you did act. But during that time we researched the origin and rationale for the height limit in this subdistrict, and we actually spoke to the planner that proposed the 1906 overlay. The stated reason? No reason. It was a placeholder that reflected what was on the ground at the time. So this evening we are asking for a single exception to allow three of our structures that are within the revised waterfront overlay to reach 90 feet. Keep in mind that the cyprus pud located directly east of us within the subdistrict was granted heights of 120 feet. Also keep in mind that the constellation project to the west of us was also granted height of 120 feet, exceeding the limits within that subdistrict. We'd also like you to take into consideration the distances from the lake, and I have a video that amanda is going to start that we think gives you a good feel for

just how far away we are. In between this project and the lake is a major street, lakeshore boulevard, and a broad swath of parkland. At the largest point we're at least 650 feet away from the lake. Over two football fields away. At our shortest we're over 350 feet away, over one football field in distance. This distinguishes this site from others in the area. Simply stated, of these two subdistricts this site is the farthest from the lake. So in the subdistricts east of i-35 council has already approved projects that are much higher and are closer to the lake. Moving west of i-35 our friends at save town lake have hailed the cws project as a model for lakeshore development that should be emulated. Tonight we ask you for one exception from the overlay: Height. In the cws model, save town lake requested and supported at least three variances from the waterfront overlay, and the result was a building approved that is higher than anything we're asking for and is closer to the lake. Let me repeat, at least three times the variances, higher and closer to the lake. And of course the community benefits that we are offering with this project are likely unprecedented, thanks to the roadmap council member martinez and you-all offered for the revised pud ordinance. The community benefits with cws, paltry to none. Some have asked why we can't simply reduce the height of the structures along the northern edge to meet the heights in the overlay. It certainly would be easier, somewhat expedient, but it wouldn't produce the best result. Sure, part of it is economic. That needs to be acknowledged, but we've purposefully left the area along lakeshore quiet and created a vibrant pedestrian oriented feel to arena. We don't believe you can have a robust lively arena with squat buildings along its northern edge. We've also worked with staff to provide scenic vistas and connectivity, key goals of the overlay, from the development to the lake. This requires a series of articulated buildings. We could have proposed one long soviet style building along the edge of the arena, waving off development from the parkland and the lake, but we agreed to this design, including reduced building heights, base walls and other features to meet the objectives of the city as expressed by your staff. Finally, this is an area where we should have density. Over 75% of the participants in the east riverside corridor master planning process, and it's been a thorough process that began at the behest of iroc, have expressed higher support for infill developments in a series of development nodes around transit stops. The most recent draft of the master plan cites this specific project as the pension potential, to quote serve as the core for the transit hub. In this entire plan it's within a ten-minute walk to the proposed lakeshore transit hub. And as to the desperate need, the needed spark of revitalization of the area, the town lake corridor study recommended encouraged mixed use development to recognize the full potential of the area as a focal point for pedestrian oriented mixed use. The study spoke directly to the existing uses that you see today, the gated swath of parking lots and buildings close to parkland, hoping for the redevelopment. That was in 1985. 24 Years later in 2009 they still wait for redevelopment. If you need any other statistic to persuade you of the need for redevelopment, over 10% of the murders in austin in 2008 occurred on or in the direct vicinity of this site. Mayor, in sum, we ask for one modest exception, far from setting a precedent, this one exception is for less height and farther from the lake of our direct neighbor to the east. This one exception is for less height and farther from the lake of our neighbor to the west. [One moment, please, for] mix of on-site affordability versus an inlieu fee. It does not appear that there's a long-term plan to geographically distribute affordable housing, but rather the mix of in lieu payments versus on-site affordability options seems to occur on an ad hoc negotiated basis. On site affordability is important to protect the absolute displacement of low income individuals from certain neighborhoods of austin, especially those where new job creation is prevalent. I therefore strongly encourage the council to carefully consider the proper

mix of in lieu payments and on site affordability for this in particular, and future p.u.d.es as well. Thank you. Mayor before we go to -- mar mayor before we go to the next speaker, I want to announce that mayor pro tem martinez is off the dais, but he is watching this on television. Unfortunately he's ill. If any of you shook hands with him tonight, you might want to take some steps. But he is watching. He just advised me that he is. Next speaker is michelle rogerson. Michelle rogerson. Okay. You said you wanted to speak. Laura burline? She is donating time to michelle. Did laura want to speak? Okay. Next speaker is andy lu. Leu is signed up for, but evidently is not in the room. Next speaker is phil reed. Phil reed. Phil, you have three minutes.

Thank you, mayor and council. My name is phillip reed. I am an architect here in austin and I would like to speak to the issue of density and transit that are particular to this site. I served previously on the austin design -- served on the austin design commission for over 10 years and helped develop the downtown design guidelines, now the urban design guidelines. I was the liaison to the transit development taskforce among others and developed the architectural guide lined that became the core of the university overlay. I also live very near the proposed project and as a neighbor and environmentalist I would like to see rail developed along riverside as a way of reducing energy consumption and as a way of shaping our city, but also because i would use it. I've always supported the concept that american cities need to concentrate development in their urban centers and do it as possible to limit suburban sprawl. Each though we are the 16th largest city in america, our current population density is some of the lowest in consultant. We have less population density than phoenix. We have less population density than houston. Seattle has approximately 6,600 persons per square mile on average and austin has approximately 2,600 persons per square mile on average. Like austin many cities have developed plans for transit oriented development for greater density near the actual transit stops themselves. The east riverside corridor plan supports rail along riverside in a stop at this proposed site, but if you look at the area that supports a rail stop, i think in a half mile radius in a circle around it, which would be the support area for that stop, you will find in this case that at least half of that important collection area can never be dense due to the area occupied by the lake, the freeway, and the single-family homes adjacent to it on the southside of riverside. So it's a very important site for the success of a primary rail corridor in austin. But unfortunately with most of the land around it already set and developed, this parcel is the only one still in flux with ability to increase the density at this critical transit stop to a level needed for the success of rail. Thank you.

Mayor Leffingwell: Next speaker is deana flores. And sign up is edith casele. Next speaker is hill abel. Who is signed up speaking for the proposal. Donating time to him is joy ruth, which is against the proposal.

How did that happen? [Laughter] mayor and city councilmembers. I had the opportunity to serve on the street smart taskforce about 18 months ago. And as a member of that taskforce, one of the key focuses that we came away with is when we have an opportunity to either redevelopment a large tract of land or to develop a new tract of land within the city limits, to work hard to get good bicycle connectivity as well as to assure that facilities that are built within that project are conducive to bicycle use. We were invited pretty late drenner and his associates to give comment on the domain development. And unfortunately the project had been platted, it ended up that the bicycle connectivities in that project were less than

ideal drenner and his associates' credit, they invited us very early to comment on the plans they were putting forth. And I believe that the bicycle facilities that they have built into this project as well as the connectivity from all the major streets and the hike and bike trail are ideal for furthering bicycle use both from the employees that will be in the retail or commercial property and the general public that will be visiting this project. So I want to lawd them for putting so much time and energy into creating that possibility, and I think it's a good project from that perspective. Thank you.

Mayor Leffingwell: Thank you, hill. Next speaker is marcy phillips. Welcome. You have three minute. Mayor and councilmembers, --

mayor and councilmembers, I am marcy phillips, vice-president and developer for amli residential. Although we may be competitors, it is refreshing to see a private equity firm pursue redevelopment in these economic times. As a major investor in the east riverside area, amli is in full support of the grayco proposed project. As you know, east riverside is a gateway into the city and downtown. This would be a big positive to the area. I strongly encourage council to support this project. Thank you.

Mayor Leffingwell: Thank you. Next speaker is eileen shawbert. You have three minutes.

Good evening, I'll take much less than that. I'm here on behalf of the bicycle advisory council. And we have written a letter of support specifically regarding the improved bicycle amenities at the facility. And also we would support an additional pedestrian/bike facility within -- beyond the city's right-of-way along lakeshore drive. So primarily we are here just in case you had any questions on our letter of support that you should have already received. Thank you.

Mayor Leffingwell: Thank you. Next speaker is dick and correct me on that pronunciation if I'm wrong.

Obe nhaws.

Thank you. Over 100 acres has been assembled to the northside of riverside over the past four years by private developers. And which would form the next sis of a -- nexus of a fabulous urban redevelopment close to downtown. So far the active business skill has been built. Amli is currently under construction. And in the foreseeable future and hopefully grayco will be the next development to come on line. My concern is that without additional height, which is density, without some reasonable affordable housing restrictions on the project, it will just not be economically feasible. And if it's not economically feasible, it won't be built any time soon and the blight in the area will continue. Thank you.

Mayor Leffingwell: Next speaker is colon burjins.

Thank you for hearing us today. I'm a homeowner at 401 tinnin ford right next development. I'm here to speak on behalf of 73 other homeowners at the town lake village project. And we are in full support of the development here on east riverside, specifically we have met with the grayco developers. They have given a very thorough presentation to what they plan to do for the community and for us. And I found that everything they planned to do as far as being green and enhancing the current park space along

lady bird lake and providing benefits to the community as far as the police, e.m.s. Substation and around a million dollars in parkland dedication fees is well worth it to just allow for just one exception in height. They need to go up to get what they need done. And they're going to do a quality job and I just ask that you please give them the tools that they need to do it right and make the area a success for austin and help us grow with the city. Thank you.

Mayor Leffingwell: Thank you. Those are all the speakers that I have signed up for who are -- who wish to speak. There are others who signed up for no wishing to speak and your names will be included in the record. So -- come forward and tell us what your name is. And you're for, correct?

My name is denise shaw. I'm with the bicycle advisory council. I'm a member of that group that's a fixture at the city of austin's public works bike and ped program. And we have written a letter in support of this development, the p.u.d. Language that's been written specifically to the bike facilities. We've worked closely with the city of austin's bike and ped program coordinator. We've worked with members of drenner's staff as well as austin energy's green building program to come up with our recommendations which has also been written 's language for the zoning for this neighborhood. Namely we would like to express our gratitude and appreciation and willing to work with us on the facilities that we've made recommendations on, including bike lanes, street (indiscernible), bike facilities, changing facilities, extra bike parking. We've also asked for, as alean stated earlier, to have a bike and pedestrian path allowed in the 50-foot waterfront setback that is typically not allowed to have any impervious cover, to improve the connectivity within that region and connect to the bus stops and the hike and bike trail across the street. So again, we would like to express our support and again, also like to commend drenner's participation for including us in the process and writing this into their p.u.d. language. Thank you.

Okay. And I still don't have your name. Would you check in with the clerk over here and get your name and maybe she can give you some remedial training in signing up to speak at the same time. Now we'll turn to those against. And the first speaker is pam thompson. Pam thompson. I don't see pam in the room. Donating time to her was stephan ray. Is stephan here? And julia ruth. Jiel I can't ruth, -- julia ruth, did you want to speak? The next speaker I have signed up is patty sprinkle. You're willing to donate your time? Do you have a particular order you want to go in? Because I'm just going -- [inaudible - no mic]

Mayor Leffingwell: Gale goth? She is donating time to you, is linda land. Linda land in the room? Okay, got you. Hugh lowe? Is hugh lowe? The room? Not in the room. Linda watkins? Is linda here? Linda watkins. Yeah. Carol haggard? And let's see. Julia ruth also donated time to you. So you have 15 minutes.

Thank you, mayor. Councilmembers, my name is gale goth and I'm with the eroc neighborhood planning team. I'm one of the slum dwellers over on the east side. And I'm going to take this time tonight to read into the record certain statements of fact that we feel need to be documented in the case. Frankly, the fact that staff cannot even point to one conflict with any of the following ordinances and plans is disgusting. conflict with the east riverside, oltorf neighborhood plan. It's over 95% apartments. There's

no balancing of land use. will be allowed to build 1200 apartments in an area that is already over 85% multi-family. And there's no true mixed use offered. commits to 30,000 square feet of commercial, 20,000 square feet of which can be cocktail lounges, to go with over a million square feet of apartments. Of course, it does kind of make you want a drink, but -- no home ownership opportunities are offered and neither is any remotely adequate on-site affordable housing. No viewable green space is provided except for the use of the variance to be -- to allow the open space to be met with the 50-foot set back and the water treatment facility. There's no reduction made in impervious cover. The new development replaces the asphalt parking lots with the same impervious cover in building mass. Concrete structures of 90 to 120 square feet, which will block downtown views from riverside drive, which was one of the top 10 priorities to preserve according to the neighborhood plan survey done before the plan took place. 200 Stakeholders. proposal does not preserve natural environment, the existing creek will be destroyed along with all the interior trees as well as several of the Ica trees along lakeshore boulevard. proposal does not limit commercial uses on a waterfront overlay tracts to those permitted in the waterfront overlay. proposal does not meet the waterfront overlay ordinance either or some of the recommendations of the waterfront overlay taskforce. And the waterfront overlay taskforce stated that the waterfront overlay ordinance is not just a set of restrictions on development, it's a statement of the community's principles and goals for the waterfront. The development along the lakeshore should try -- should strive to provide maximum visual and physical access to the waterfront, preserve the natural repair qualities of the lake and the existing park features, it should extend the sense of greenery and open space. The waterfront overlay is an asset to any property and should be treated as such, proposal exceeds the height limitations and doesn't address the taskforce recommendation that height should be consistently measured from natural grade rather than finished grade. The only pedestrian uses specified by the waterfront overlay to create an active waterfront area facing the water are residential. does not protect the creek with the 50-foot set back, which the waterfront overlay taskforce recommended. seeks a variance to allow water treatment facility to be built in the creek instead. It offers no reduction in impervious cover. Yes, these are repeats because this additional plan also stated these recommendations. It does not protect all the trees donated by Ica. Five were going to be removed. While there's over a football field's length's worth of curb cuts that already exist along that stretch. And the taskforce recommends publicly accessible parkland and green space should be a priority in this particular subdistrict. Community benefits should be accessible. is using the water treatment facility and the narrow strip of waterfront overlay set back along lakeshore to meet the public space, open space requirement. Also, please remember that everywhere the phrase pedestrian-oriented occurs, it includes residential. Therefore nothing is required to be commercial. does not comply with the draft riverside corridor study. It does not guarantee smaller blocks that would make the area more pedestrian and cyclist friendly. All the additional drives seem to be conceptual only, including the drives that were referred to earlier in drenner's answer to councilmember riley's question about those drives. It is not set -- it is not set out anywhere that those will be public. It does not provide open space within the project. A variance is being requested to provide all the open and required space that is pervious to be relegated to the northwest edges. The natural areas and stream beds will not be preserved, which was also a recommendation by the draft riverside corridor study. There's no commitment to the preservation and creation of truly affordable housing on site, no provision to accommodate a variety of household sizes and household types and no guarantee of home ownership opportunities. There are design

recommendations for building setbacks, side articulations maximums that are not incorporated into the documents that the draft riverside corridor study recommends. And the draft riverside corridor study recommends 45 units per acre and a maximum height of four stories or 50 feet for this particular property. In addition, councilmembers, we e-mailed a list of concerns this morning regarding the changes that we received to the p.u.d. Notes yesterday. These include, but aren't limited to this concern that we have about, you know, note number 18, which we spoke about in the e-mail that in order to somehow meet the staff recommendation that at least 60% of the net frontage length of the property along lakeshore boulevard should not be continuous building facade, they've created this note to address that. It increases the building coverage on one of the areas to 70% instead of 60%. And states that it will be open to a courtyard or private amenity deck either at grade or on top of any parking podium structure. And we weren't aware that any parking facilities could be located on the waterfront area there. They go to great lengths to specify that the parking will be subgrade or partially subgrade or wrapped. And then they say a portion of any parking garage facing in an easterly or westerly direction may be excluded from all these requirements as long as it's architecturally integrated. I'm not sure what that means, if you have a real definition for that. But it's not -- it not clear to us at any rate. Nothing is said about what the buildings in areas 1 and 5, which is also in the waterfront overlay are to look like, but they are also in the waterfront overlay and it seems like to us they of course, one of those areas is for the water treatment facility, which we're not sure why it needs a height of 60 feet. We're concerned about all of the square footage of cocktail lounges. If we're comparing everything to the cypress next door, which seems to set a lot of precedence, it's 50 acres. Perhaps we should use the precedent that it has to limit the square feet of cocktail lounges to only 9,000 square feet and 3,000 each. Per location. We're concerned about the connectivity for elmont, which per the bicycle circulation route, needs to extend west and up to arena and on to lakeshore. Note 46 applies a setback to area 7 in order to make sure that there's enough room for that extension; however, it needs to also go west across area 6, and that is not detailed in any note. And also, a portion of the land use map designates r-1, which is the extension of arena across to tinnin ford as needing to have a height of 60 feet, which we're not really sure about that. There are just definitely some questions that we still have about all of this and some concerns. So I hope you will take all that into consideration when thinking about all of this. Thank you.

Mayor Leffingwell: Thank you. Okay. Picking up the previous -- patty sprinkle? You have three minutes.

Hello, I'm patty sprinkle with the glendale neighborhood association. I don't need three minute to tell you that I would really like the council to up hold the waterfront overlay. I feel it's very critical to the future of austin that the lake belongs to all of us, the views belong to all of us. That we have an expectation that it will always be there, but you do one project and like I said earlier, it sets a precedent. However much you want to say that it doesn't, it will. It opens the door. The toe hold, if you will. And the next project will be coming up and you think you gave them the 90 feet, how come I can't have it? I think that it's really a hard decision to make. They're offering a lot of community benefits, but at the same time they're making a project that's going to work. They've looked at the area. They see that austin is a vibrant city. And they can make a go of it without the 90 feet. There's an opportunity to do that, and I think if they look again, they will be able to find a way, if they really want to build this project, that they can respect all of austin, they can respect the waterfront overlay and it will be a win-win for everybody. Thank you.

Mayor Leffingwell: Thank you. The next speaker is jeff jack. Donating time to jeff is jim lynn langely. Is lynn in the room? Jan long? Jan long is here. Ed alexander is here. Judy wrpansky? jack, you have nine minutes. I will be off the dais for a couple of minutes, but will be watching tv in the back.

Thank you, mayor. I'm jeff jack and I'm here for myself tonight, but i deputy to say that save town lake president scott hendler was here earlier, but he had an emergency and had to leave, so he will not be able to speak to you tonight. I think he has e-mailed you their concerns. I want to talk about some of the things that have been said tonight. This project, have y'all had fun dealing with your project? It's fun? You like the idea of having to deal with this for every tract of land coming around the lakefront? Because that's a major issue that you're faced with tonight. This is going to set the precedent. The lady before me was talking about this setting a precedent. Look what precedent the cypress lakeshore m.u.d. Set, amli set, the constellation set. Open the door and here we 's to go across and trump the lakefront overlay we'll see 's on every tract of land and everything they have worked on for this thing will be useless. In a sense we will have no guidelines. We know nothing to rule what gets built except through negotiation tract by tract. Now, I want to turn to negotiating. drenner has done a great job making a long list of things. What's interesting is he starts out his presentation talking about they've been working on this for three years. The community has been working on saving the vast spaciousness of the town lake corridor for every 25 years. I think that one of the things we have to think about is really what does this mean. We've been told that, gosh, you know, we need density downtown. You remember when this p.u.d. started? There was a request for 1,380 units. And then it got dropped down to 1200. And I didn't hear anybody scream and yell about that reduction in density. I'm going to come back to that in a second. I heard some interesting things. That the 90-foot in this subdistrict had no reason. I don't know who (indiscernible) talked to, but I talked to ray reese, who was chairman of the committee, and he said absolutely there was a reason. The concept was very simple. From a higher density cbd down to the lakes at longhorn, tom miller dam, you step down the height. And drenner's tried to make a very good point that this is not on the waterfront. It's 6 -- 300 feet back. When the community created the waterfront overlay, they realized that in many instances there were commercial zoning all the way down to the lakefront. But we also had parkland adjacent to it. And the idea was to create buffers on the edges of the parkland as well as where we had commercial down to the shoreline. That's a red herring. The idea is to protect the spaciousness and vistas and the great sense of urban owe oasis that we have and not stralgd it with buildings. John talked about the success of town lake in the negotiation of the cbs deal. They got three variances. They had 200-foot zoning. And they negotiated it down to 96 feet in keeping with the waterfront overlay. That was a significant community benefit in order to get it down to the standards set by the waterfront overlay, using that as a reason to grant this is a fallacy. It's interesting. Did you notice that in the renderings that he showed you, the picture particularly looking across arena through the buildings to the lakefront that the 90-foot buildings are up against lakeshore and the buildings on arena are four stories. And then he called -- it would be incense I believe to have squat buildings on arena. We talk about crime, how this redevelopment is going to cut out the crime. You know that most of the apartment units that are associated with statistics that he's given have already been torn down and no matter what they do on this property, they will go what's left. I want to talk about this picture. Right now what they're asking for is 60 feet in the blue, 90 feet in the orange, and 120 feet in the pink. At the 1200 units that they've given, if you look at a simple distribution of the

number of units per tract based on square footage, if you reduce the tracts in the waterfront overlay that are in orange drenner earlier this evening said there would be about 200 some-odd units lost. 200 Units. What's interesting is that the blue tract here is 60 feet. Do you realize that if you put that tract at 120 like the tract next to it, you can build back those 200 unit, no problem. So is this a matter of density to keep the waterfront overlay in place, afford having set a very bad precedent and still get the density that everybody is saying that is necessary for the vitality of the area, all we have to do is do a little shifting of the square footages. So why wouldn't the council ask the developer simply to do that? My guess is that if you did it, the amount of value added to this project from the increased entitlements would probably be commensurate with what value you're going to get if he is allowed this zoning change. So the return to the community, community benefits in that long list of stuff from bike amenities to some money for the norwood house should all still be on the table because we're talking about going from 40 feet of current mf-3 zoning to 120 feet. That's a 300 percent increase in entitlement. Certainly with that kind of increase in entitlement, there's money on the table to provide the kinds of community benefits that have been offered and we can still keep the buildings that are along lakeshore in the waterfront overlay height restriction of skit feet. I want to come back to the issue that's dear to my heart. I wasn't born in texas. I was born in florida and moved to louisiana. When I came to texas, I was amazed. You can see the sky. It hits me every time that i walk out of town lake park that I can see the sky come down to the tree line. At least still on the south shore. It sets us apart. I've heard people talk about densities where we don't have the density of seattle or so forth. This is austin, texas. We have a great amenity. The river that runs through the city and the parkland around it is priceless. We should not be negotiating that sense of spaciousness for this list of items. It seems to me that we forget the overriding purpose of the whole waterfront overlay ordinance is to maintain that beauty, that owe say sis, that sense of texas, and not give it up so we turn into newark or detroit. For what? 200 Units to be moved from one piece of property to the other? We're willing to chance continuing the precedent and ensuring that you're going to be facing this kind of issue over and over again. Think of you as texans? Do you think of yourselves as austinites? I heard one other comment tonight. He said soviet style buildings. I couldn't help but smile at that comment because what i see in this development is quite the opposite. [Buzzer sounds] this is an example of reagan trickle down economics. Give it to the top, might trickle down to the bottom. Builds community? No. Respects our waterfront? No. Meets the plans that are in place that have been built, developed by the community? No. This is not a superior project as it is bring those heights down in the waterfront overlay. Thank you.

Cole: Thank you, mr. jack. I'm going to have to ask the clerk to help me and give me the name of the next speaker.

Jeffrey clark.

Cole: clark, you have three minutes unless there is someone in the audience who has donated time to you.

No, I'm here by myself. Thank you.

Cole: Go ahead.

Well, lakeshore, as most of you know, is a two-lane road. As you may or may not know, is already overrun by traffic due to people who wish to bypass riverside and don't actual live or work on the street. I wouldn't ride my bike down lakeshore now as wide as it is, it's that dangerous. This is especially true for capital metro buses of all routes driving to and from the bus depot on pleasant valley. I would submit to the council that out of town developers can't know what an area is like to live in, nor be aware of the nuances of the surrounding infrastructure such as these. Public access to this part of lady bird lake is already threatened without grayco development. As stated before, if you give multibillion dollar corporations an inch, they will take a mile. Affordable housing in central austin is all but nonexistent anymore. No matter how much money is offered to the displacement, these people, including myself, will still have nowhere to go. For example, the amli upscale hi-rise development across the street has already been stalled, so can they really purport to know what the dmond for more condos is in this area? Grayco says increasing its contribution for affordable housing from four million dollars to eight million dollars will kill this 200-million-dollar project. If the difference between two and four percent is so dire, how confident can we be about the viability of the project, especially in this ever more uncertain economy? I don't have the luxury of having many statistics or facts because I only found out about this p.u.d. Yesterday, but from what i understand grayco refuses to increase affordable housing contributions by two percent, but is asking height counts increase by as much as 300 percent. This not only influences the families who will be displaced, our chair lished lady bird lake, but it insults austin as a whole. Ha lastly as a lez dent i can attest this is not a high crime neighborhood. Many if not most of the residents are immigrant. Disabled senior citizens and/or students, none of which are people who should be feared. It is a beautiful, safe and affordable place to live as it is. Please help to keep it that way. I'm wary of multibillion dollar developer from houston to purport to judge whether or not people's homes are at the end of their useful life or whether an area can be labeled high crime as well as their ability and motive to actually keep our waterways and environment clean for us. Thank you.

Cole: Thank you. We appreciate your comments.

Shade: Can I ask him a question real quick? Do you actually live in the complex? I missed that?

Yes, I live along south lakeshore boulevard in one of the last developments that's currently not under threat of demolition.

Shade: Okay. Thank you.

Cole: Again, I will have to ask the clerk for the name of the next speaker?

Pam thompson.

Cole: Will you come down, please? Are you here? Pam townsend? Okay. Pam, can I have the next speaker.

Next speaker is tony house.

Cole: I thought I saw tony.

Tony has four speakers who have donated time to her.

Cole: Tony, you have four speakers who have donated time to you. Do you hear that?

You need to make sure they're in the chamber.

Cole: Let us make sure they're in the chamber.

Claudeette lowe. Jean mather. Mark (indiscernible). And malcolm gates. Thank you. Go ahead, tony.
And the mayor is back.

Thank you for the opportunity to speak tonight. My name is tony house. I'm one of the slum dwellers from eroc. This application raises a couple of questions. What is the city's commitment to affordable housing? Why will austin citizens want to sacrifice their time to provide input into public projects? They spent countless hours in developing a vision for the waterfront of lady bird lake. Eroc stakeholders put in over four years and countless hours developing a vision for riverside and eroc. Citizens from all over austin have worked the past year creating and refining a vision for the east riverside corridor. The city extended hundreds of thousands of taxpayer dollars in these efforts, yet the spirit of these ordinances is not applied in the grayco p.u.d. proposal and staff's recommendation are carefully crafted to imply that applicant will provide significant community benefits in return for massive entitlements. In reality, there is no commitment to address riverside's most pressing needs. In that regard this plan is strictly limited to possibilities. Maybe grayco will do x or maybe it won't, but we do know there is no commitment to home ownership. Identifying a structure as potentially slated for condo development is not a guarantee of home ownership opportunities. Riverside is more than 85% multi-family and eroc as a whole is almost 80% multi-family rental properties. With good reason, providing home ownership opportunities is a critical goal and objective of the eroc neighborhood plan plan. Even amli and cypress agreed to give some townhomes. No provision of truly affordable housing. Grayco is asking for huge entitlements in return for plopping down yet another mega apartment complex in riverside. The very least applicant can do is contribute the maximum amount possible to address riverside's affordable housing needs. Any fee in lieu for affordable housing should be calculated under the most generous interpretation of the new p.u.d. ordinance. No reduction in impervious cover. does not reduce by one iota the sea of asphalt and concrete that is the bane of east riverside. Grayco is dramatically increasing building coverage here. It's replacing the one and two story buildings and open parking lots with building mass. Huge blocks of concrete extending up to 120 feet, 90 feet, blotting out the sky. No commitment to preserve view corridors. New arrivals to our city will no longer be treated to spectacular views of the capital, the tower and downtown while driving west on riverside. No commitment to preserve and protect our natural environment and provide usable green space. Applicant insists that it must be allowed to remove some of the magnificent lcra trees that line lakeshore boulevard and provide sorely needed tree canopy. How is it possible that their design team is incapable of utilizing over 100 feet of existing curb cuts along

lakeshore boulevard so that all of the Ica trees can be saved? This lack of croot activity speaks volumes about the lack of creativity we can expect from grayco. Every list and study recommended above recommends that natural stream beds along with their landscape buffers, especially trees, be preserved and are stored to their riparian state to improve water quality. Yet grayco is destroying the creek along with the mature trees that line it in order to create a water treatment facility. is not providing usable green space within the project except for the required waterfront overlay set back and water treatment facility. The corridor study specifically dwis cownrlings using remnants for green space and recommends that recreational green space be spread throughout development. We keep telling you how many people we have living in riverside now. Riverside's narrow strip of parkland currently serves 814 people per acre. That number will skyrocket to more than 1200 people per acre from the riverside apartments already approved and grayco's mega apartment complex are completed. Pard remsz only 42 people per acre of parkland. In areas of high density with little usable green space, parkland dedication fees simply are not enough. What is needed is functional green space. set aside parkland on site. Not only for its tenants, but upon completion of the project it will be accessible to the public. Cypress also voluntarily complied with the 50-foot recommended creek set back for its tributary of willow creek. Shouldn't applicant be required to do the same? They want the same height in density. No commitment to true mixed use. A project that dedicates almost one million square feet to a mega apartment complex and only 30,000 square feet for commercial use is not a mixed use project. Considering the 20,000 square feet for cocktail sales, it's a mega apartment complex with bars. did limit its combined square footage and number of sites. It is true that grayco's plan indicates that it might develop as much as 97,000 square feet of commercial. At either 30,000 or 97,000 square feet, the project is still 90 to 95% apartments, just another mega apartment complex. ignores the vision for this property that is so clearly detailed, and the waterfront overlay taskforce recommendations, the adopted waterfront overlay ordinance, the eroc neighborhood plan and future land use map and the east riverside corridor study. It's so discouraging that you are even considering allowing this mega apartment complex to go forward. Please, consider the amount of time, effort and tax dollars that went into creating the community's vision for lady bird lake and riverside. Please don't throw it all away on what is really just another mega apartment complex. Thank you.

Mayor Leffingwell: Thank you. Next speaker is kathy echols. Kathy echols.

I'm kathy echols, the board of directors of housing works, advocating for affordable housing in austin. As you might guess, I'm talking about affordable housing. will result in a loss of well over 500 units that currently be quite affordable and that house a large number of low income families, many with young children. As these families are displaced, it tears the fabric of the community, uprooting children from their schools, friends and other relationships, moving parents away from their jobs and ultimately harming those families, children and schools. This project needs to go to do much more for affordable housing. Specifically including on-site housing affordable to the families that are being displaced. Why should this be expected. ordinance requires that a project be superior in a number of ways, and if that p.u.d. Exceeds the baseline of existing zoning then the project is required to either provide on-site affordable housing, donate land for affordable housing or if council allows it, pay a few fee in lieu. Yes, affordable housing is a requirement of the p.u.d. Ordinance. Although as noted earlier, it is a tier 2 option, it also is required for any project that exceeds baseline. And this project exceeds baseline by

nearly 100%. And by the way, I worked on ordinance and I did understand that the fee in lieu calculation applied to the entire climate control square footage. A substantial fee in lieu is desirable if our goal is to discourage buyouts so as to achieve on-site units. If this case results in efforts to change the p.u.d. Ordinance, those discussions must include the relevant stakeholders, including housing advocates. Returning to this specific, the developers clearly need to make a far more sizeable contribution to affordable housing than 5 million originally proposed. I argue that the contribution needs to be in the form of on-site units affordable to area residents. If we are to achieve our goal of mixed income communities, a goal endorsed by more than 70% of Austin residents in a recent poll, then we need to retain affordable units in every redevelopment. The hard working families who currently reside in this area need to reap some of the benefits of this redevelopment. But this problem clearly is greater than this project. There are roughly 5,000 more units in the riverside area and many more throughout the city that face redevelopment. Thus what this case also reveals is the desperate need for a comprehensive housing preservation policy. One that involves the full range of tools not only maximal in-lieu of density bonuses, but also creative partnerships with nonprofits and for-profits, for-profit landowners and developers and the leveraging of every source of funding that we can bring to bear on the problem. Whether or not this p.u.d. is approved, we must have a comprehensive affordable preservation plan. In sum I ask you that this project if approved, provides a sizeable amount of real affordable housing that benefits the area residents. I ask also that you move forward immediately on a comprehensive affordable housing preservation plan. Thanks for listening.

Mayor, may I ask a quick question?

Councilmember Cole had a question for you, Ms. Echols. Could you come back?

Cole: I have a quick question. You just urged the city to move forward on a comprehensive affordable housing plan. Do you know of any other cities where that has been done and what any of the details about that are?

A number of cities have looked at -- a number of cities have really tried to look at the affordable needs of the city, looked at a variety of tools, come up with a tool box of tools that they can use to preserve existing affordable housing, often it involves actively going after opportunities to purchase sites as well as things like use of density bonuses and to get new affordable housing. But when people are looking at preservation of affordable housing very often it involves a kind of creative effort to work with developers, landowners and taking advantage of opportunities that arise to purchase sites, refurbish them in order to keep them permanently affordable.

Cole: I think we take an aggressive approach to affordable housing, but the thing I'm missing from a citywide perspective is what should that cost? What should we plan for? I was wondering if you knew if that type of analysis had been done in any other city?

I would be happy to talk to you about that and provide information. Obviously the calculation of that cost is going to require really -- really what they needed.

Mayor Leffingwell: Scott hendler.

(Indiscernible). You have your three minutes. You are signed up to donate time to scott hendler, but is not here. So you will have three minutes.

Good evening, mayor and council, my name is (indiscernible) swin son. I was shining up for scott hendler, who apparently had an emergency tonight. As one of the prior speakers said, he has e-mailed you his concerns. My question is why am I here again tonight? I know you have to be here for the council meeting, but we're talking about a waterfront overlay issue. We've been down this road lots of times before. The 60-foot height limit was something asked for by the citizens, has been encouraged by the citizens and yet we're here again. The plan I've seen I'm not impressed with. It's a large tract of land. The developer, the connect can easily get within the ordinance, within the overlays and still have a project that can make the money and go forward without losing the access to the lake. I think their design needs to be reworked. I don't think that the mayor and council need to make exceptions for a developer. We've done that. It hasn't worked well in the past. There are plenty of projects that are done without the exceptions, and I think especially with this lamarer tract, the architect, the developer needs to go back, play by our rules, and come up with a project that will work. That's all I have. Thank you.

Mayor Leffingwell: Thank you. Councilmember shade. Question from councilmember shade for you.

Shade: I'm just curious. And I appreciate you coming. It's always good to see new folks here. I don't know if you've been here on this issue before, but this is -- this is playing by the rules because ordinance, which is what we're talking about, which is an opportunity to look at a unique project and evaluate it, and that's -- that is the rules. I'm not saying one way or the other whether it's a good deal or a bad deal, but that is playing within the rules. My question is -- what I was going to ask you about is the lake access that you're talking about. I'm not clear on that. Are you talking from a height perspective or access to the lake?

I think a --

Shade: Pedestrian access. I want to understand what you meant.

The way I'm looking at the project, there's not -- you're losing the access along the lake to the lake. You're losing the view because of the height. And those are major concerns.

Shade: I was juice curious because of the -- the current place is totally gated so there is no access currently. So I was just -- I really wanted -- do you live there?

No, I don't. I live in a different neighborhood association.

Shade: Okay. But there's no access to walk from the current apartment complex even because it's gated completely. I just want to be sure.

I understand. I'm only talking about what I've seen on the plan that they've proposed.

Shade: I see. Thank you.

Mayor Leffingwell: Next speaker is John Keto.

[Inaudible - no mic].

Mayor Leffingwell: Absolutely. You have three minutes.

Hi, ladies and gentlemen of the city council. My name is Eric. I am a programmer helper for the University of Texas, and I'm also a current resident of Shoreline Apartments. My home is a beautiful place. I have access to a shuttle bus that gives me free transportation to go to work. I have not had any problems with crime. If I did I would have moved away. I've lived there for six years. And this is one of the few places in Austin that's affordable for me to live. And these robber barrens Grayco are taking my home away and it's not fair. Some other people in Shoreline Apartments that would be losing their homes are families and people of color. They will have to compete in a shrinking market for affordable places to live. Ultimately myself or someone else will have to be displaced from this community. Furthermore they're seeking to be rewarded by being granted an exception for the height limitation and it seems to me that they have seen the proposal that another developer tried to push through on the 300 block of Riverside. They offered up access to extend the hike and bike trail. And their proposal didn't go through and then looked at that and they've offered a lot of items to buy this exception, and it's a slap in the face. Some of the things they've offered, a police substation, transportation access. It's -- it's stuff that would be interesting to any -- the city infrastructure, the bureaucracy. They're not offering affordable housing for people. They've given 60 units and they're building 1200 units. And I've also heard that they're offering up what is it like one or four million dollars to try to buy affordable housing further out, farther away? And that's not even enough to fund the 600 units that are being destroyed there. I don't understand how this exception for the height limits is in the public interest. It's not like they're trying to put in a factory, which would be competing with other cities to try to get into a location to create jobs and other economic reasons for that to happen. [Buzzer sounds]

Mayor Leffingwell: That is your time.

Does anyone want to donate some time to me? I have like another minute.

Mayor Leffingwell: I don't see anyone volunteering to donate time. What is your name?

[Inaudible - no mic].

Mayor Leffingwell: Carl Brown. Would you sign up with the clerk? If you're not already. You have three additional minutes. And say your name again?

Eric. That's my middle name.

You are john keto?

Yeah.

So it doesn't make sense to me of why this would be in the public interest to pass this. The grayco already owns the land, so something is going to be developed there. And I'm just fearful that the city council would be beholden to the developer's grayco and I would like them to take into account myself and my neighbors that will be displaced from that place. That's all I have. Thank you.

Mayor Leffingwell: Thank you. Next speaker is lucy petricilli. Lorraine atherton. You have three minutes, lorraine.

Hello. I'm lorraine atherton. I'm co-president of the zilker neighborhood association. And I'm here to remind you of the barton place condo project that's under construction.

It struck me listening to these other lists of the benefits associated with that we were able to negotiate very similar comparable benefits on that project, and what sounds like even better affordability transfers on that project that stayed within the waterfront overlay and did not require and I see that happening in other developments. It really does sound to me like these benefits are what austin expects from an ordinary development. You would actually get a better development if you stuck with the waterfront overlay and demanded more from the developer. Thank you.

Mayor Leffingwell: Thank you. I have denny more signed up to speak against if there are questions for denny moore. And I called your name earlier, pam.

Would it be okay if i spoke now?

Mayor Leffingwell: Let me find you on here. Just a second. Is stephan ray here.

No, he couldn't come.

And julia ruth already donated her time to someone else. You have three minutes.

These are the ones on tinnin ford road. These are the trees a lot of them will go because the development goes right down the middle of that. So there are a lot of trees on the roadway there, and the other thing is the roadway that they are offering to give you is by their standards and not city standards. There's nothing to prevent a security guard that says you have to have a card to pass here even without a gate. The standards that we have are what we all live by. I don't think they should write their own. If they're getting a road, and I don't particularly like roads, I like less roads, but I think they should be serviceable. So what you're looking at is the area there, and this is by the youth hospital stel. This is across the way. There's lakeshore boulevard and tinnin ford road and a lot of those trees will

have to go because as you can see they are spread throughout the land there. I don't know. I came down to try and urge you to consider what we have there. We have lady bird lake and i wrote you an e-mail in the chronicle last week they said -- that's starting over. If you will play the last part. I was going to let you listen to the ducks in the bull rushes that are right across the way from holly. I thought if you listen to these critters, maybe you would think twice.

Mayor Leffingwell: Griffin davis has signed up neutral. Is griffin davis here? Is there anyone else that wishes to speak on this item whose name I haven't called? Okay. Those are all the speakers that we have signed up. There are a number of folks who have signed up for and against, not wishing to speak, and your names will be entered into the record. Okay. Council, before we go to comments, applicant will have three minutes rebuttal.

Mayor and councilmembers, steve drenner again. I wanted to show you a map of one of the issues that has been raised several times. It's been with regard to open space. And I wanted you to take a look at this map in dealing with the open space. We have a project today that has zero usable open space. It's paved all the way to lakeshore drive. It has the creek that no one can traverse. And it has no usable public space within the site. We go from that to the amenity that you've seen which becomes the wet pond as well as the setback and the enhanced set back area, particularly on the east side of the project. All of that will be available to the public. All of that is very usable tig just open space. In addition to that, you've got the public spaces that are consolidated around those intersections that fits very precisely the definition of great urban spaces that was the subject of much discussion at the summit in june. Let me mention that we have spent a lot of time thinking about the current residents. There are 399 current residents of those apartments. 55 Of those are school age children. We have put in place a very aggressive policy that will first of all make sure that those people are not moved during the school year. It requires us to be very aggressive and helping them find additional housing with a priority on finding housing within the same school district. [One moment, please, for change in captioners]

the entire frontage along riverside will come to you next when the city finance its rail planning and that obviously is going to be the largest form of the commercial district. So you've got two areas of commercial ultimately with regard to this large triangular property, the riverside edge and now the arena edge. With regard to those roadways, I don't know how to say it any clearer, we were required to build those roads, city attorneys' help, we will dedicate any form of public access easement. There's no chance that those are not going to be open to the public. Finally I guess I would say with regard to the trees that you just saw, we have -- we have had the city's arborists down on the site multiple times beginning at the very start of this project. We have talked about different access points, which trees are in the best shape, which trees are removable, which trees could be transplanted. So we have -- and it's not just our plan but the plan that we've worked with the city's arborists on. I do think that this reflects a model project, frankly, with regard to its relationship to the lake. I think it does all the things that you would want a project to do that's in any proximity to the lake, and i hope that you will agree with staff and with the environmental board and with the planning commission that it deserves your support. thank you. Council, the floor is open for discussion or motion. Council member shade? drenner or whoever from your team wants to respond, but I wanted you to address the -- why fee in lieu is best affordability

instead of the on-site, and it's come up a lot so i would like for you to address that more specifically.

Part of what we did was we did a study of the level of affordability in the area bounded by i-35 on the west, pleasant valley on the east, the lake on the north and oltorf on the south. And the results were that there were 4800 units today in that area that would be classified by the city as affordable. In looking at that and in talking with some of the city staff and so forth, trying to figure out what the particular needs of the area were, we thought that if we were picking between doing on-site affordability or paying money perhaps to a group that could leverage that money and produce more units, that it made more sense to do the latter. We offered a menu to the planning commission of either doing it on-site, doing it fee in lieu or doing a combination thereof, and we stick by that. The planning commission's feel, that I happen to agree with, was that there could be more affordability produced and at deeper levels of affordability if we were to give the money to a group like the rebecca bench johnson center that already owns land and is already in the business and has the advantages of being able to do tax exempt bonds, et cetera, doesn't pay taxes, that they could get a multiple on the affordable units and that they could drive affordability down for people like seniors, which is -- which is their focus, to a level that would be 30 to 50% of mfi. So that's -- that was our -- our feeling, but the menu approach remains open from our standpoint.

Mayor, if I could follow? council member spelman? , you offered the planning commission basically a choice between the fee in lieu and building units yourself on-site, and I understand exactly why from the planning commission's point of view it would make more sense for you to provide the fee in lieu. The fee in lieu, the leverage idea makes good sense to me. Did you offer them a particular number of units or is there a particular ratio of units you could offer to dollars?

In looking at the, as we understood it at that point, the new pud ordinance, it utilized, we not, a net approach, and it utilized the downtown fee as the primary indicator and said that you would, for a suburban location, pay 60% of that fee. The current number for that multiplier is \$10 downtown. There's a recommendation in the downtown plan that is in draft form that there be a bifurcated number, that prime space downtown would be \$10 and that the rest of downtown would be \$5. So we are fine in letting that system work so that whatever the fee is we calculate it in regard to that, or frankly, if you would like us to agree on a fixed number, a firm number, I think that takes the guesswork out from your standpoint and from ours. In doing the math at \$5, 60% of \$5, you get somewhere between a million and a half and \$2 million if we build roughly the number of units, near the maximum number of units that we're talking about. okay, so the figure on the table right now is 60% of \$5 per-square-foot over and above the entitlements on the ground right now or 60% of \$5 per-square-foot in total residential project?

Our proposal is really to follow the -- wherever that ordinance would lead us but on a net basis, not a gross basis. If -- if we decide -- if the council would prefer not wondering what that number may turn into in the future, we'll -- we'll fix the number.

Spelman: sure.

But I did not want to promise at a \$10 level a certain amount of money, have that fee be changed in a

year to \$5 and then deliver less than we promised.

Spelman: I understand. Well, the number currently is \$10 a-square-foot. We have -- that's right.

-- That bifurcated fee, we haven't passed that yet so that's what's going on right now.

That's right.

And if it were to pass now or in the future, you'd probably be stuck with that \$10.

I guess that's part of the question. The new pud ordinance does not define when you pay the fee nor, I guess, when it's calculated. It would be logical, it seems to me, that you pay for it when you pull site development permits because that's when you really know how many units, how much square footage you're building. But again, we would prefer to take the guesswork out of it as well. We would prefer to talk about fixing a number.

Spelman: okay. So from your point of view what seems to be a fair amount, and you would be willing to negotiate or -- or you would be willing to talk. We can't negotiate on something like this.

Yes, sir.

-- About setting a fixed rate.

Absolutely.

But it would be for the net and it would be 60% of whatever the net would be downtown.

I would understand the theory that if the number comes down, perhaps the 60% goes up, so I'm not suggesting that it has to follow that if the number comes down. So -- but I would like, from our standpoint I think it would be helpful from the council's perspective, not to play the guessing game about where that number is going to go but to hit a fixed number.

I understand. I've got one last question for you, similar idea. Instead of all that, which is still kind of a guess, if we still have to interpret the pud ordinance and so far as I know it hasn't stabilized yet, alternatively you could provide on-site affordable housing. What offer did you make to the planning commission on that subject?

The thing that -- council member, that we -- we offer 60 units, which is roughly 10% of your increased units, or 5% of the total units at 80% of mfi. We offered that not taking into account that the city would participate at all or that the austin housing finance corporation would participate at all. There are clearly tools that are available to the austin housing finance corporation that have been used on other projects,

but the new pud ordinance didn't say, well, they're available here. Some of those cost money, some of those are gap financing, for instance. Others are things like issuing -- being an issuer so that you might get tax exempt bond status versus otherwise. So if you want us to look at the possibilities of what we might be able to do on-site, if we want to use some of those tools, like any project, I think you can do a better job on-site than you can if you don't have those tools available to you.

Spelman: I understand. Thank you. council member morrison?

Morrison: thank you. drenner are, if you could be so kind, maybe you can help me out. One thing that's helpful to me is if I can understand what -- get my arms around what the -- what this proposal is in terms of increase in entitlements, and can you tell me, did you-all do any calculations under the current entitlements? I guess maybe you did because you were just referencing some percentages.

Yes, ma'am.

-- How many apartments you could do.

Well, I think we could do about 675,000 square feet. Most of our site is zoned mf-3. There's a small portion of our site that's zoned gr, but about 675,000 square feet.

Morrison: okay. So we're about doubling that? Or not quite.

We are roughly at about a million two, so not quite. so it's about doubling it. And also you said that you're -- that fits with what you said in terms of 60 apartments being 10% of what you had calculated as the increase.

That's correct.

600 Instead of 1200. And did you when you were looking at the -- at the property in the very first place, did you look at scenarios where the height would, for instance, be less than 60 feet in the waterfront overlay or --

yes, ma'am. or 40 feet, like in the neighborhood plan?

We have a case full of plans that -- when we started this process we didn't have a height limitation, but as the city began to consider the amendments to the waterfront overlay ordinance, you bet, we spent a lot of time seeing if there was a plan that would work from our standpoint and that would allow us to deliver the benefits that we thought this project should deliver, and we cannot -- we cannot do that. We -
- unlike what some of the other speakers had indicated, it's not as simple as moving density around on the site like legos. The market has a reaction to that, and we can't build the same type project with 40 to 60 feet on the north side of arena. so what happens -- like -- what happens when we try to move it like legos, if we tried to move some height back on to the tract to the south? What kind of problems do we

run into?

You have several problems. One is that as you lower the density on -- on that north side of arena, between arena and lakeshore, you're going to want to spread out. The buildings aren't going to stay in their same configuration, and you're going to lose one or both of those connection pieces to lakeshore. The other thing is you're suggesting that the market then would -- would want to absorb 220-foot buildings that basically is going to be between the tod retail and commercial on riverside and then the projects across the street, and we don't believe that the market will do that, that that density won't get built and it won't be able -- if it was built, it wouldn't be able to be leased. You can also get into changes in construction. You change from stick-built construction to steal construction. By going up that high your construction costs go through the roof so you actually have to get a premium for that type of development rather than the rates that you would get with stick-built. And then it totally revises your parking structure. Instead of having the wrap situation that we have, you're probably into underground parking on those interior buildings, and again you're driving your costs sky high with the increased construction costs and the difference in parking wheel you're putting the units in -- while you're putting the units in a place where the market is probably not going to pay the same rate, much less a premium. so they won't pay the same rate because they're not as close to the lake? Is that --

they're not as close to the lake. They're going to be looking over the top of the other units, they're going to be backed up to the development that is -- that fronts on riverside, so I think all those factors affect the rate.

Morrison: okay. And then to go back to the first thing you said, if you decrease the height on the properties betwe arena and lakeshore, they're going to spread out. Why is that? Just to maintain the amount of square footage?

Well, the way those buildings are designed, you've got -- I guess the other factors are can you continue to afford, basically, to subsidize the retail along there. On the projects along arena, basically the first 20 feet is retail, much like the retail that you would see along second street. So it's a little bit taller than a typical floor to floor. And given that this is an aggressive idea to be able to bring retail to arena, basically the multifamily have having to subsidize that retail, much like you've had to subsidize the second street retail to make it work. And we don't think that as we begin to diminish the size of those buildings, that we can probably hang on to that retail. Then it really does become, rather than a mixed use deal, it becomes an apartment complex. so basically to make the numbers work this is sort of what you-all worked out?

Yes, ma'am.

Morrison: I'm sorry?

Yes, ma'am.

Morrison: okay. Graco own the property now?

They do.

When did did they purchase the property?

They began acquiring it in '06.

Morrison: okay. And then I have one more question about the work that was -- that you did in the beginning. The neighborhood plan has been in place for quite a while, I think, so it's probably well before -- i think before '06. Did you-all use the plan at all as a guide in coming up with your ideas of what should be done in the very first place? Because it was in place then.

We did. As you may know, the neighborhood plan doesn't cover all of these tracts. This neighborhood has, i think, had trouble agreeing in some places with regard to what should happen. So we have several of these tracts that are excluded from the neighborhood plan because there wasn't an agreement as to what would happen. The basic idea that we wanted to make sure we were consistent with was use. The neighborhood plan calls for mixed use on the sites. That in our mind was different than just an apartment complex, and so we took our very earliest direction from the idea that we wanted to be able to do a mixed-use project and we wanted to be able to mix the uses vertically, not just horizontally. So yes, ma'am, we spent a lot of time with the neighborhood plan.

Morrison: okay. I guess because -- that's one of the issues, as many people spoke to the fact that it was inconsistent with the neighborhood plan in several ways.

I guess it's a broader issue. I think you heard some frustration on their part that the -- the staff did not agree with them. Obviously we couldn't have moved forward with a zoning case if our plan was at odds with the neighborhood plan. It would have required a neighborhood plan amendment. So I think we side with the staff, that we are in compliance with the neighborhood plan. Any neighborhood plan is going to have to have -- have pages and pages of comment in it that aren't necessarily part of the plan, and those comments, having read now too many neighborhood plans, are not necessarily consistent with each other. So I think you could go through any neighborhood plan and find a section that is at odds with any particular development. well, I guess that's -- that's a topic for a broader conversation.

Yes, ma'am. because I'll disagree with you respectfully on all of that, and I know there's conversation about when a neighborhood requires an amendment, but there were comments by staff early on talking about the things that were priorities and objectives for the neighborhood that were listed in the plan that are inconsistent here. Thank you.

Uh-huh. council member riley? I've got a quick question for staff. Greg, I think you may be able to help with this. This is a complicated proposal. There are a lot of elements to it, and much of it is recorded in pud notes, and some questions have come up. I've had folks ask, how can we have any confidence that those pud notes will actually be enforced, when you have a very elaborate set of notes covering a whole

range of issues -- apparently there may have been a spotty issue on the enforcement of pud notes across the city, and people -- I'm feeling -- I'm hearing uncertainty as to whether we can be sure that those would actually be enforced. What -- can you give us any -- shed any light on this? Is there any basis for hoping that, in fact, when an amendment is recorded in a pud note, that it will actually lead to something real on the ground?

Yes, council member. At the time that a site plan is reviewed for development of one of these parcels within the pud, the site planner or transportation planner, depending on who the relevant reviewer is, would review the pud notes against the site plan that's proposed. So whether it's the number of units or providing access points, those things would have to be realized on the site plan itself. Other items such as like the three-star green builder would be actually looked at at the time of building permit approval, and so with austin energy and my building permit staff, they would look at those elements that would address that three-star greenbuilding, for instance. So those elements do carry forward. They wouldn't carry forward immediately until the property is actually developed, and that would come through the site plan process and the building permit process. I know that the pud notes have been shifting. I think just yesterday we got a new -- new set of pud notes, and I think there are still some ongoing questions. My thought is that if -- in the event that this moves forward tonight on first reading, I would hope that there could be some continuing work to make sure that all the commitments that have been made really are recorded accurately in the pud notes before -- has staff been involved in that actively?

Yes, we've been very actively looking at these pud notes. Not all of the commitments that you've heard tonight can really be reflected in some of these pud notes. I think there was a commitment to provide funding for norwood house, for instance. Well, that's off-site. It's not really one that can be placed as a condition of this zoning case, whereas when you're speaking to the number of units or impervious cover, those things can be captured as part of the pud notes. what about the covenant? There was one mentioned about a restrictive covenant. I think it was in regard to -- it was either placement of assistance to tenants in finding homes or -- it was one of the assurances. We heard something about a pud -- restrictive covenant. those would be typically not things you would find as part of the pud, although they might be provided to us. We had a project on oltorf just east of congress genners come forward about helping, i think it's called sunny -- sunny meade where there's a similar commitment to help residents find locations of housing that might be affordable to them, but those were not part of our zoning case. They were commitment that were done. I think they're still being carried through on that particular project. They could be done also on this project, but city staff was not the enforcement tool on that -- on this type of covenant that you're speaking of. mayor, I -- guernsey, I'd like to ask you a couple of questions on the transit issue. As you know, the city has already passed a strategic mobility plan, and we are in the process of evaluating the feasibility of rail for november 2010, and I know that this is an area or a corridor that is actually being considered or evaluated for rail, and I'm wondering to what extent staff worked with the applicant to make sure that those considerations were -- came into play in the discussions. well, and i think -- yes, there was discussions with the applicant, certainly, regarding that. I think it's important to keep in mind that some of the tracts that were pulled out were some of the areas that we were actually discussing, rail possibilities and how the impact would be. We're still going through the east riverside corridor plan, and as part of that discussion those stops are being looked at as part of that plan, which would not -- one of them is actually not too far away from where this

development is proposed, actually on riverside. And so the carving out of those tracts have been saved for another day for a later discussion, and so they very much were part of this. There's also meetings that occurred at your direction, council, after this was brought to you the first time, and some of the discussions about internal transit for pedestrian, for bicycle, also for the internal roadway network, and discussions with capital metro along lakeside, lake shore boulevard. Those discussions occurred about where it maybe would be appropriate to have stops or have those cut-throughs that would connect lakeshore to rivers or elmont to crisscross this property. It was also discussed in the east side corridor plan that talked about having discussions throughout this project that would connect riverside to lake short or elmont to lake short. So a lot of things that you see in this plan are things that are echoed in the east side corridor plan that you'll be seeing in the future brought to you.

Cole: okay. I remember the east riverside corridor plan because I think it was one of the first motions that i made when I got on the dais, so I am very, very anxious to see it, but I remember one of the big issues was trying to analyze what the density would be along the corridor in order to kind of justify or not justify or determine the financial feasibility of rail. And we've made a decision in the city that we want to concentrate the density in the urban core because of our environmental values. And so I'm just checking with staff to be doubly sure that we have made that very clear to the applicants and to the neighbors that that is important and a part of both council's intentions and the plan. I think it's understood by parties that you'd have more density located in and around these stops that would be between downtown and our airport, and that's part of the reason why some of these tracts were removed from the discussion at this time because we've not completed those discussions on the corridor plan.

Cole: okay. Well, and I also recognize from listening to my colleagues that there is a lot of concern about the affordable housing issues in play here, because we -- that is definitely one of our core values also, and so we certainly don't want to leave that off the table when we're having discussions with the applicant. So I want to go ahead and move approval of the planning commission recommendation and the pud land use plan submitted by the application to the staff on 9/23/09 on first reading only, and with the provision that prior to second reading the applicant and city staff work together to analyze and present a menu of affordable housing options for council to consider on second reading. motion by council member cole to approve on first reading only with additional direction for second and third reading with regard to affordability. Is there a second? Second by council member shade. Any further discussion? Council member spelman. I'm happy that council member cole suggested additional direction to city staff, because I think that's exactly the direction i wanted to go as well. Let me return to that bone and chew on it just for another minute or two. It looks to me like we've got three options available for dealing with affordability on the site. One of them is not to leave the site as it is given that it's being redeveloped on east side, it's being redeveloped on the west side, and the value of the land on which this currently from a purely financial point of view underperforming plot of land is located has gone up. So it seems to me that somebody is going to recognize they can make a lot more money by taking down the apartments that are currently here and replace replacing them with something else. So I think the live question from our point of view, if we're really interested in providing as much affordable housing as possible, given that we do not have any kind of an ordinance in place now to require replacement of any affordable housing that is demolished is examine the three options available, one of

which is what would happen if a pud were turned down and the developer were to do the best they could with base zoning. Relatively, what would be the best -- alternatively what would be the best we could get out of a pud which relied on the provision of affordable housing. And third, how many units would we get out of a fee in lieu. So greg, this is background to the question I'm about to ask you. In your experience -- I'm presuming you've had experience of sites like this before where you've got a lot of relatively affordable housing but it looks like it's threatened in the sense that the neighborhood around it is gentrifying, the land value is going up. Have you seen situations like this before? we've seen lots of situations across the city. it was a softball. I knew the answer was going to be yes, that's why i asked you that. I might ask margaret to come up and talk about those particular types of the housing that might go back or housing that might be replaced because she's probably a better expertise in that, but we've certainly seen that all across the city where affordable units have come down, whether it's just a single-family home or a duplex, all the way up to apartment complexes. When we did the east riverside/oltorf neighborhood plan, the areas that you see are white on the future land use map are older apartments as opposed to newer apartments, and a lot of that was a very passionate discussion before the council. The staff had an opinion. The neighborhood had an opinion, and council actually came up with a third opinion and asked us to come back, and right now we're still working on the east riverside plan before we even can address that again. So that's -- that's an ongoing dialogue about -- I promise I'll ask you too for more opinions before it's over. Thanks, greg.

Council member, my name is margaret sean, director of neighborhood house than and community development. And yes, obviously we've seen a lot of gentrification and where we've seen especially well cited properties, multifamily properties, they're on major arterial roads near exciting retail and other, where we've seen people purchase and demolish and tear down. I think the big challenge we have, and I do want to comment on points earlier, believe it or not, we actually do have a preservation strategy. The city department issued a report in april of 2008 with recommendations throughout. We'll be doing a memo for you-all in the next month or so to give you the update for that, and I'm happy to say we'll bring our first official presentation project next month which is a subsidized site that was in threat of coming out of subsidy and we'll be coming back with some financing to be able to keep that in place. I think the challenge that we always see in preservation is where in a lot you're seeing in the east riverside corridor is a stock that is 30 and 40 years old, and yes, it's affordable, but it's affordable because it is in many cases substandard, we're looking at lead-based paint, asbestos, accessibility issues and maintenance, so we want to make sure we're balancing the quality of housing that folks are being asked to live in as well as the affordability.

The preservation strategy in which you're indicating on a case-by-case basis?

But we'll be coming back to you, the macarthur foundation great was what we applied for and didn't get, was to provide seed capital for us to be able to put together a financing package where we could reach out to both nonprofit and for profit developers to be able to purchase properties. So now what we're looking at is how we find the resources to be able to do that now.

Spelman: I understand. Presuming you have the resources available and you could purchase some properties, would this particular property which is currently affordable be a candidate for preservation,

from your point of view?

Likely not.

Spelman: why not?

The age of the property and the location. We'd also cite it with the fact that we have the east riverside area actually has about 25% of the subsidized stock citywide, so we're looking at where we already have some concentrations of subsidized stock in that area. So we'd probably be looking at properties very carefully in that area that we'd want to purchase, and that might not be one of them. all the issues you were talking about, deferred maintenance and so on before, this is 40 years old?

40 Years old.

Spelman: 40 years old. Okay. So I don't know what useful life different kinds of real estate have -- specifically 25 to 30.

Spelman: okay. So you're probably not going to buy this property. Now, if the --

unless of course, sir, you told me we had to. [Laughter] sorry, it's getting late. I'm sorry, council member. not nearly late enough for me to be telling you things like that, margaret.

No, sir. let me ask you the hypothetical question. What happens in the private market. Somebody buys this property. They say we can probably make more money by taking this thing down. Is that a reasonable assumption.

I think that's reasonable in -- you're doing a cost benefit analysis on what the cost per door benefits are.

If I actually inherited this property, I now own it lock stock and barrel, it would make more sense to demolish the housing on it and make something new because I'd be able to make more money off of it.

I haven't seen the property condition report but any property 40 years old, it's probably past its length when you're looking at major systems upgrades.

So we're between 5 and 600 units from affordable stock and replacing it with something else. In your disperm, if we're just -- experience, if we're just dealing with a private market transaction, what percentage of the units that I would replace these things with would be affordable?

That's subject to your market study, so when you're pulling together -- putting together a development like that you're looking at what you're trying to pull from the area, so your market study is going to tell you who your draws are and who your volume is. But I think it's safe to say that's why we have an affordable housing business, is it's not going to go in at exactly the same price of what a 30-year-old to

40-year-old property came down at. [Laughter] and that is part of the challenge, and it's one of our policy challenges mirror in austin. The majority of our affordable stock is simply older and it's owned by private landlords, so -- chicago has probably 100,000 units of subsidized stock where the government has a role in it. We can negotiate with the owners and be able to step in before those properties are sold. Austin has a very unique market and it was partially why we're so interesting to the macarthur foundation is if we can figure out to do this better we'll be a model for the rest of the country.

Chicago also has a lot of old buildings which have been handed down from one group to the next and have now run down to the point they're affordable.

Well, and they have a lot of masonry and stronger stock that's been around for a number of years. Our stock is typically wood frame construction that doesn't have --

I'm getting back on tangents. Let me get back on track. If we left this up to the private market, the reason you do what you do and you rely on all the sources of income that you rely on in order to provide for affordable housing is because the private market is not going to do it. Is it reasonable for me to expect we're not going to replace these 600 units of affordable house with very much affordable housing if we just rely on base zoning.

I know in my 15-year career there is no one for one yes replacement that is economically. Even if the government removed that, so when you're tearing down older properties that you have to put that up because they recognize the fact that there are other ways to make that happen.

I'm not even talking about any kind of government intervention at all.

Correct.

I'm saying we just sit back and watch happen whatever the private market will cause happen, and you're saying we can expect some of this affordable housing maybe available at 50%, 85%, somehow define --

refer to the applicant on what he said on the study of the area. When they looked at this area it was about 60% of mfi was around the market rate, 60 to 80 was what was already there for existing stock which is older.

Right.

I guess I'm trying to follow your questions. here's my --

okay. we got three pud, fee in lieu, pud on-site, pud not at all. If we went through pud no at all, somebody good to go to develop this. How much affordable housing will we get. My concern, affordable housing stock, which it is, I want to know how many units of affordable housing I can expect the private market to produce if we said drenner and the drakeo company's pud and said we want you to develop this using base zoning with no additional entitlements. What could we expect to get for the housing

which we're likely to lose.

I wouldn't be able to answer that without looking at the specifics.

Spelman: I understand. Well, let me ask you the second set of questions. Those who wanted to go with the pud option were going to give additional entitlements. He's got two choices. One is fee in lieu, the other one is on-site. Roughly speaking, how many -- he's saying he could get something like 60 units on-site. Roughly how many units do you think we could get with the fee in lieu that we have been discussing 60% of \$10 per-square-foot of the additional building in residential over baseline entitlements? I'm shorthand here because I think you know what I'm talking about.

I think so. And I think that's part of the clarification memo i sent out yesterday, and I'll defer to council or ask them to jump in. Our staff interpretation in having been through the negotiations for the ordinance, the spirit and intent of the pud ordinance was to encourage folks outside of the central business district to incorporate housing on-site. And so therefore the fee was, as we understood, to be looked at a broader base. So therefore, when staff calculates that figure, it comes up to about \$7 million, a little over \$7 million. From what we've seen just -- and we took as just a rule of thumb the last couple years of our general obligation bond portfolio, and we see that with all financing included it's about \$70,000 a unit. So if you took just a straight cut of 1200 units being provided, 120 of those affordable, I think it came out to a little bit more than 8 million that was needed to be able to actually create that we're seeing. That's a rule of thumb. 70,000. It could be a little less than that as well.

Okay. So if we're talking about \$8 million, that would be roughly the number required under the current pud ordinance, the new -- what we've been calling the new pud ordinance?

I think I'm just looking at, it's the 10% rental so I'm just picking a 10% number across the ownership in this one so it's a little more complicated.

We're still getting about 120 units.

The rule of thumb, so I'm just saying 10%.

Okay. I see. And he was telling us he could probably put 60 units --

he was using the 5%, so that would be ownership. So if we took the ownership side of it, there's a 5 and 10% in the ordinance, so i think that's why we -- the staff when they were drafting incorporated it as -- to allow that council flexibility to see what the priority is and what the emphasis is. I think obviously as staff we're always willing to talk to folks, and I do want to commend drenner golden has been talking to us about this site for a long time and trying to look at all the different options to do it. Obviously if it was easy, we would have come up with something tonight that would have not lasted this long.

You've done a wonderful job of clarifying the issue. It is not easy. Okay. Well, I guess I won't be able to understand it. There probably is not a simple straight answer to the question I'm asking. I guess the

most important --

that I can answer clearly. Yes, sir. Yes, sir.

I have a question. council member riley and then council member shade. shifting gears to a different topic. mine is just a technical question and clarification, because i thought we were talking about 600 units in this current apartment complex, and we have also heard 396 residents that are being displaced. So I just -- I may have misheard and I may have misunderstood, but I'm confused if there's 396 residents are -- are some of them --

183 units I think have been demolished already, and so you have existing units are -- some I think are remaining, and that's i think the number of residents you're talking about.

Shade: okay. So the total number of residents in the place right now that I go -- I've been to the site. I've looked at it. We've had a speaker from the complex. How many residents are we talking about displacing? guernsey come forward with the number. I just have the number of units. I want to be sure to understand it.

Yes, ma'am. There's 344 units remaining. Occupancy is about 60% of the units, and so there's 399 residents in those 344 units today, because there's 40% vacancy factor. so there's 40% vacant and the current number of units is 344. And those that were demolished, what's the story about that? They were demolished when and.

They were demolished about two years ago. They were the -- they had been owned by a separate ownership trail. Each -- each of these units has probably been owned five or six times since they were built. They had not been maintained well. They were in worse shape than the other units, and they had a worse, pretty serious crime problem, after visiting with the police force, the decision was made to forgo any revenue that would come from those because we didn't think we could do a good job of managing them safely. So they were torn down about two years ago. thank you for that clarification. council member riley. I'd like to offer what I hope will be considered a friendly amendment. I would like to propose that we reduce the maximum height of structures in area 6 on menus plan from 120 feet to 90 feet. Area 6 is that triangular shaped tract that's just south of arena drive. drenner that the applicant doesn't believe that the market would support great height back there because they would have to look over the units in front. A reduced to 90 feet there would be no structures in the pud that exceed 90 feet in height. So the tallest structure in this pud would be 30 feet less than the tallest structure allowed in the nearest adjacent pud. So that's my amendment. so the friendly amendment is to limit the height in the entire pud to 90 feet. Is that correct?

Riley: that's correct. It's -- particularly -- the. the one [inaudible]

riley: yes. council member cole, do you accept that? no, I'm not going to accept that, but we can certainly look at it on second reading. My main concern is that we keep the density in for the analysis of the affordable housing, and that if we take that out we don't get a full analysis of what we may or may

not be leaving on the table. and actually the density that's currently on the table does not include any units above those 90 feet, so it would not affect the density that's currently proposed. can we get some clarification from mr. drenner?

That is correct. We are not proposing units above 90 feet on that tract today.

Cole: okay. I will accept that amendment. well, in that case I need clarification on what the amendment is. okay I can provide it in writing. It's area 6 on the pud land use plan. so area 6 is limited to 90 feet.

Riley: that is correct. that is the friendly amendment, and that's accepted by council member cole and council member shade. and I would just add that I appreciate the applicant's efforts on affordable housing, and i hope that the applicant will continue to work actively with staff to present us some options for second reading, because I'm very -- I share my colleagues' concerns about that and i hope that we could come back on second reading with -- i would suggest a menu of options to choose from with some detail about exactly what the options are for affordable housing so that we can nail that down on second and third reading. and council member cole, you did not suggest closing the public hearing, and I would suggest that's probably a good idea at this point since we have so much discussion to. I agree to -- agree to leave the public hearing open. yeah, I think that's a good idea. council member morrison?

Morrison: thank you. I want to make a few comments. I think that for me this comes down to three big issues. The biggest one for me is the displacement of folks and the global problem that we have that we're making it impossible for people of lower income levels to live in the city. In answer to a question that council member cole brought up earlier about what is our overall -- what are we -- how much money do we need to solve our affordable housing problem, when we did the bond package I think that the estimate then was the total amount of money we needed was about a billion dollars, and with \$55 million that we approved we were hitting about 5% of it. So we have a huge, huge issue, and I think we need to keep in mind that with the kind of housing that we're looking at here, i know there's a lot of complicated issues about it, but it was renovated. Professor mueller has done some studies of the properties in the east riverside area. They've been renovated, you know, since 1992, so there is additional life being put into these things, and we need to be very careful overall about setting expectations for extreme development over existing entitlements because that then drives the market that they won't be able to afford to do anything but a lot of height. And the one thing we've been working on this past year is the whole issue of school mobility, and I appreciate that the developer and the applicant is offering to help keep those kids in the school, but that's a very, very difficult thing to do unless there's going to be some more affordable housing around there. guernsey, i appreciate the effort to get with the school. We're putting something in place where we're going to have an economic -- I mean, excuse me, an educational impact assessment tool, so we'll be able to do this more by routine, and guernsey worked this out this week for us. But if -- if those schools go, you know, down below 60%, they're going to be at risk of being closed. So this is a huge problem. Preservation of housing is important, and I think we need to be very careful about allowing applicants to set expectations that drive the need to put in high-cost housing and height to be able to support it. So I have a real problem with that. I do want to speak to the issue of the neighborhood plan. I notice the applicant saying, you know, well, the waterfront overlay had been redone in the past year -- three years before they -- since they

started working on the project. The pud ordinance had been done in the past three years since they started working on the project. The neighborhood plan was in place, and the neighborhood plan, okay, I think we all agree that the neighborhood plan called for mixed use, but if you talk to the neighbors they don't feel that a vibrant mixed use has been achieved by this, so additional work could certainly have been done there. We also have to be very, very careful. Our neighborhood plans are part of our comprehensive plans. We, the council, you-all the council before I got on council, adopted them as part of our comprehensive plan, and it is not just the flum. If it's just the flum, then everybody can go home and stop spending thousands of hours putting together all the goals and objectives that people set for the sites for the future of their neighborhoods, and i want to read one in particular that the eroc plan states that new development along town lake and lakeshore boulevard should strive to provide maximum visual access to the waterfront, preserve the natural and riparian qualities of the lake and the existing park system, extend the sense of greenery and open space, establish a continuous system of access and a pedestrian friendly and public spirit environment. I wish that the applicant had read this in the very beginning and tried to develop a proposal that adhered to this vision that the neighborhood plan had put in place, because as was pointed out, it's not a public spirited environment that's being proposed. What's being proposed is a -- you know, is closed off. It's residential on lakeshore as opposed to something that invites public interaction. So I think that that's very problematic, and that's just one example in addition to the goal -- or the objective and priority of keeping it at 40 feet along -- on the tracts along lakeshore and it's instead going to 90 feet. And so then lastly I just want to talk about the height and the fact that not only does it conflict with the neighborhood plan -- i should mention also, by the way, that a tier 1 requirement in the new pud ordinance is to be consistent with the neighborhood plan, so we need to be quite clear that this proposal does not comply with the tier one requirements. And then just lastly, we're looking at 90 feet within the waterfront overlay where it's limited to 60 feet. We're talking about doubling the number of apartments. It's about what's being driven by the market. I'm very concerned about proving heights in the waterfront overlay that have been clearly established as a community priority when we -- to maintain. When we had the discussion about the waterfront overlay ordinance just a few months ago, it was all about -- you know, it came down to a rather tense discussion about people disagreed about whether pud's should be disallowed from the over front. People allowed that we needed to have that discretion in case there was something that's really, really superior, and I just don't see that -- I believe that we need to maintain these heights. I don't see that anybody has made the argument that this is really, really superior, and it is something that we need to violate the long-held priorities and visions of this city for the waterfront. So I am not going to support this motion. I think there are several reasons not to support it the way it is, so with that I'll pass the mic. Thank you. mayor, I have a quick question. council member cole. I have a quick question of ms. shaw.

Yes, ma'am. shaw, council member spelman asked you some really, really intelligent questions, and one of them just -- you managed to say that you just simply couldn't answer -- simply couldn't answer because you didn't have enough information, and for me it was very important because it seized on the question of how reasonable is it for us to anticipate that if we reject this application, that affordable housing would actually be rebuilt at this location when you're talking about 30 or 40-year-old housing stock. So let me ask it this way.

Okay. do you know of anyplace else in the country where in an urban core on lakefront property a

developer has actually went in and put in 50%, 80% mfi, affordable housing property absent some type of government intervention?

No, ma'am, I do not.

Cole: thank you. I call the question. well, before you do, first of all, I object because I want to say something.

Cole: that's fine. I'm sorry, mayor. I'm sorry. I just want to say that as drenner said, this project has been a long time in the making, three years or so, and I have tried to follow it fairly closely over a long period of time myself. I watched presentations at the environmental board and at the planning commission. Yes, I did watch channel 6, at least twice. And I've got to say that in many, many respects this is a superior development. Aesthetically it is really superior. I don't think there's any question about it. I think from a water quality perspective it's also excellent. However, this is the first test of a new pud ordinance. That to me is going to establish a very strong precedent how we handle this new ordinance, which I think was very excellently constructed by mayor pro tem and others. The first time this council has heard a case under the new public ordinance. It's also the first time that we've tested the new waterfront overlay requirements, and particularly the height. I know that there are higher buildings on one side than the other of this pud, but the height limitations applying in this development are 60 feet. 90 Feet is being requested. Also a very huge precedent-setting event, and I think -- first I've got to back up and say, protecting austin's waterfront is one of my two very highest values in our -- in our land development code, the other being capi corridors. To me, to violate those two values, an overwhelming case would have to be made, an overwhelming case. So I think although this is a very good case, it does not rise to the level of being overwhelming, and i think it sets a very strong precedent right out of the box, and for those reasons, regrettably I will not support the motion either.

Mayor? council member shade.

Shade: thanks. I've really been thinking about the same issues and i share the shame value in terms of how important the waterfront is, which is why I'm actually going to be voting for this, because i think what is there now, which has been there many, many years, it has not been something that the community has been protecting. It's because I want to save the lady bird lake as the crown jewel that it is, that I woud want to support improving it. And I think that -- I was going to say what council member cole said in response to the excellent questioning that professor spelman -- i mean, council member spelman. [Laughter] did. If only I had been at the lbj school. But council member cole made the point much better than i ever could have, so I won't say another word about it. I think that when I think about the same concerns, height, we're talking about three stories. We're not talking about a skyscraper. We're talking about a seven story building. This is an area of the lake -- and I spent a lot of time, not only on the hike and bike trail but also actually in the water, and I've heard from peopl who talk about kayaking, people who are in northwest hills, people who are from all parts of austin, all parts of austin, and frankly, i don't think that that experience, including the ducks that we heard from today, will have a difference of experience because we're talking about 650 feet, a road, a hill and many large trees, which will be preserved. So from a height perspective, I take it really seriously, but i don't believe that we're --

that -- I mean, we have to make trade-offs, and i didn't feel like we'd be violating the views, the experience for people who are on the lake, except for to the benefit. I also have heard from a lot of neighbors who are right there on that -- in that direct area, which is, you know, I think also very important to consider. I'm concerned also about the way that we achieve the housing that we're talking about, but again, as council member cole said, without some incentives it's going to be next to impossible to expect those to exist. And finally, when council member morrison talked about the market, we can't deny the fact that the market conditions are what ey are, and that helps drive how you incent behavior. So we've got to have -- it's a very tough balance, but I'm going to go ahead and support this on first reading, and I would like to say one other thing, which is that the point of pud's is that they're going to be unique. That is the point. We expect that we're going to see them time and time again. That's the point of a pud. That's the whole point, yes, is it -- does it mean lots of long nights and lots of rehashing of ideas? Yes. It does. But that's the point of them. And I also just want to make a technical comment here, but -- in terms of the pud itself, this pud is not actually under the new pud ordinance. This is still a pud under the old ordinance. The fact that they're taking the steps to achieve the goals of the new pud ordinance, which has been -- you know, which was higher bar, is something they voluntarily have done, and so I think that needs to be considered. I know for a fact that this is the second pud that this council has looked at, but again under the old ordinance, not under the new one yet. So I will be supporting this. so -- well said, council member shade. But I'll just add that although technically it's under the old pud ordinance, the applicant volunteered to meet all the requirements and treat it as if it were the new pud ordinance. So a small -- small distinction there. On the height limitations, i realize that we're talking about a few feet, but I also realize that those height limitations were developed with a lot of blood, sweat and tears over a lot of years, and a lot of scrutiny went into it 20 years ago when they were first developed, and a lot of scrutiny and a lot of effort went into it by a task force that spent a lot of long hours here just recently, basically redeveloping, retreading the old pud ordinance. So I realize these are small distinctions, but I'm not going to try to re-create all of the work that went into establishing what those height limits were basically tract by tract, parcel by parcel in these cases. And I understand your rationale totally. I'm just trying to explain mine. Council member riley? if I could have a quick word. I think the council has already decided as to whether those height limits are set in stone, and in particular with respect to pud's, and before I joined the council the council decided that, in fact, we would be willing to look at pud's on a case-by-case basis and evaluate whether the pud would actually offer something that is superior to what we would achieve under regular zoning and with the -- with the capital view -- with the -- with the height limits of the -- of the waterfront overlay. And so under that decision that has already been made, we are obligated to examine each pud that comes before us to decide whether it offers something that would be superior, and in looking at this I share council member shade's perspective in looking at what's there now. I spent a lot of time in that area because it's actually -- I like to bike in that area, especially right along -- along lakeshore because the colorado river park to the east is on the other side of pleasant valley. So I come back this way -- i mean, the lakeshore in that area is very nice, along the lake -- on the north side of lakeshore, but to the south side of lakeshore it's not so nice, because what you see is a lot of gray -- just pavement and gates. That's about all you see, pavement and gates, and then some distance back from those gates and pavement you see some very run down old apartments. That is not a very inspiring vision for our waterfront overlay area, and when you look back at the goals of the 1985 town lake corridor study, what

you see is a vision that offered something far superior to you see a vision that contemplates, quote, extraordinary urban design, where you have a no surface automobile parking, where you have in particular along lakeshore, where you have improved bike/ped access to the lake, where you have easements along south lakeshore boulevard so there's improved access to the lake, and all of which is not achieved under current rules but would be offered by this proposal. And I know the mayor mentioned capital views, and I'm a little puzzled becse I've heard that -- that came up once before tonight. I have never seen the capital from riverside drive in this area. And just to check myself, if you look at google maps, call up google maps and go to lakeshore and riverside, in austin, texas, and you can go east just like you're going right there east along riverside drive, and I can't see anything that looks anything close like that to the lake, much less the capital. And, in fact, in the 1985 town lake corridor study they actually identified -- if you look on page 27 there's a whole page where they show the capital views, both the protected views and the views that are there that are unprotected, and even at that time there was nothing -- there was nothing -- no capital views recognized that even get anywhere close to riverside drive. They come to -- the only -- the closest thing is the protected views that come to lakeshore -- well, the park on the north side of lakeshore, which of course will be unaffected by this development, and, in fact, that space will actually be a lot nicer if this project goes forward, because you'll actually be getting more green space between the water and the buildings. That surface parking will be gone. We won't even have any surface parking or any visible parking in this project, which is pret -- which I think is the type of extraordinary design that the waterfront -- the town lake corridor study called for. So I still -- I still want to see us do more on -- on affordable housing. I recognize that under current rules there is no legal requirement for anything on affordable housing which is why I say i appreciate the applicant's efforts on that. That is going to help us get to where we can genuinely say that what's on the table is something that is superior to what we would otherwise get. And so I look forward to continuing that conversation to make sure that we get something that is vastly superior to what we would otherwise achieve. council member, I just want to clarify. I never said there was a capital view corridor there. I just used that as an example of a value that i hold very dearly along with protection of the waterfront overlay. I'm fully aware. I hope you didn't think that I said that this is -- I thought I heard somebody else say something about capital views.

Mayor Ieffingwell: okay. Council member -- mayor pro tem hasn't spoken yet, and then council member spelling. I'll be very brief. Nobody wants to go home more than I do. You know, I took the strongest position in the cws case in protecting the waterfront overlay because i believed that was the right thing to do. I led the charge to rewrite the pud ordinance because i believed it was necessary, but I also believe that there's no such thing as one size fits all, because no one case is exactly the same as another, and I stand by that position because i believe that we as a council, that's the obligation we've been granted by the citizens, to sit here and deliberate and discuss the merits and the pros and the cons of any request and make a decision as a body, as leaders of this community, and that's what we're doing today. Mayor, in your leadership, you took that same approach in the sos ordinance, and some of the comments that you make tonight about all the work that went into the waterfront overlay, well, those same comments were made when you led the charge to rewrite the sos ordinance, to incent better behavior. That's what we're doing with the pud ordinance, and that's what I believe is happening in this case. If we were to just maintain the zoning and deny this pud, none of this good behavior and none of

the community benefits would even be brought to the table. So I'll support this on first reading. I think it will be better on second and third reading. Thank you. council member spelman, are you passing now? Any further comments? Mr. guernsey? I'd just like one clarification on the motion that's on the table. I understood that it was the planning commission's recommendation and then accepting the pud as presented on the september 23, '09 version. Which one would trump the other? Because there's a slight difference between a pud that's been presented with regard to building coverage and facade breakdown along lakeshore staff and planning commission had a particular recommendation, and the applicant offered a slight change to that that's represented in the pud that's before you. So that's the only question that staff had. If it's the planning commission version, then we understand that note has to change. If it's the burden that's -- version that's shown in the pud, then that would be the version that will stand. That's the only question i had.

Cole: the 9/23/09.

Guernsey: thank you. does everyone understand the motion? All in favor, say aye.

Aye.

Mayor leffingwell: aye. All opposed say no? No. So that passes on a vote of 5-2, with myself and council member morrison voting no. Thank you. We will n take up item no. 100.

Thank you, mayor and council. My name is virginia collier from the planning and development review department. This is the first of two public hearings for the following two annexation areas. The second hearing for each area is scheduled for next thursday, october 1, here at 6:00 p.m. Council will not than taking action on these items at either of these hearings. And ordinance readings are tentatively schedule ted scheduled for october 22. The north hills ranch annexation area. Includes 20 acres and is in northern travis county, east of ranch road, 25 feet south of the bee cave ranchow dk ranch road. Portion ofs of this area are the in the limited purpose jurisdiction and the rest in the e.t.j. This area is adjacent to the full purpose jurisdiction on the north and east sides and develop in the area includes 19 single-family detached homes. It has been brought to my attention that an existing live stock enclosure in this area will not meet the requirements of the animal setback regulations. However, as long as the animals are kept under conditions in compliance with city code, staff is recommending waving the rights for a period of ten years to allow time for the owner to transition and make other arrangements for the horse. Upon annexation the city will provide full municipal services to the area as described in the service plan, copies of which are available this evening out front at the city clerk's table, and I'd be happy to answer any questions you have on item no. 100. [One moment, please, for]

it's not a blighted neighborhood. It's certainly not in need of any city regulations or something else to -- city product prodding to get it back into safe. It's not a public health issue. It is largely served by city power from a prior limited purpose annexation. Almost every tract to my knowledge is served by city water in large part because I believe the city took over , the original m.u.d. Many, many years ago. Almost all the tracts but two maybe are served by wastewater. My tract is one of ones that isn't. The wastewater line is a rather -- the sewage system is a really interesting small indictmentter force main

that is not pumped by any city lift station, but in fact is pumped by the individual grinder pumps on the -- owned and operated by the specific residents on those pieces of property. So I have to wonder why. As mentioned, large animals are kept there. The fact is it's my property where the large animals are kept. There were more in the past. So let's think about the history of the property. It was originally developed in the late '60s by people who thought they could still be within commuting distance of downtown austin, but have their ranchettes -- ranchettes in the country and never feared that the city of austin would grow out around them. Clearly in error. But large animals were kept on almost all the properties. On my own property as far back as I can trace it there were cattle and horses kept and sheep and goats. I have personally kept horses and still do, and have had goats in the past and for a brief time a sheep that wandered down the street. So I do keep large animals there. In annexation for some reason the city thinks it's magazine nan must or the staff does to grant a 10-year waiver to allow the large animals to remain on my property until such time as I can make other arrangements. I don't want to wish to make other arrangements. I have had the large animals on the property. They technically are a business, a breeding and boarding business called circle k farm. I'll be through here in a second. [Buzzer sounds] but I want you to keep them. And I wish to keep them for my children and their children. And lastly whether there's an issue whether I can keep large animals or not, i fortunately ran into a knowledgeable attorney here today who remind medicine of 002 of title 2, section c of the local government code.

Mayor Leffingwell: Don't read the whole thing. You're already over time.

I'm already over time.

Mayor Leffingwell: Yes.

I'll say you can't change it. If it's a prior land use, the city in annexing the property is prohibited by state law in changing in.

Mayor Leffingwell: I believe you're correct on that. The second speaker is scott shepherd.

Mayor and council, I just wanted to acknowledge that 002 of the local government code would acknowledge the use -- constituent would still have health and safety laws that would have to be enforced for separation of livestock buildings and adjacent to residences and maintaining certain minimum health and safety standards.

Mayor Leffingwell: Well, thank you very much.

Mayor, councilmembers, my name is scott shepherd. I'm one of bob's neighbors just down the street. I had a long speech prepared and I decided to forego that. We're opposed to annexation. I'm not really sure for the added tax burden what we get out of being part of the city. My understanding is the police department will roll down our street every once in awhile, which is fine, but we have the sheriff's now and they do a fine job. So in the bigger scheme we pay the taxes, we get to lose our choice on trash services. as a police department, but I really don't see any additional benefit to being part of the city. The last thing I would add, if you look at the map, it's the houses that get annexed. It's not even the

street. So the county continues maintenance on our street. And it just seems kind of curious to me. There's no consistency with respect to the neighborhood. There's still a bunch of houses in the e.t.j. There are still houses of limited purpose and there are also houses that will be part of the city, but if the city is trying to get some kind of consistency, it's not getting it in this annexation plan.

Mayor Leffingwell: Okay. And I would like to emphasize you probably already know one of the requirements for annexation is constituent has to provide all those services that are equal to or a better level. Okay. Thank you.

It's why they annex it.

Mayor Leffingwell: Right. It's a condition of annexation. And the last speaker is jim barron.

Good evening, city council and mayor. My name is jim barron. I am the owner of property within the proposed annexation area. I purchased the property and live there because it is not incorporated within the city of austin, and I simply wanted to say I'm against the proposed annexation. Thank you.

Mayor Leffingwell: Thank you, sir. Those are the -- all the speakers that we have signed up. And I'll entertain a motion to close the public hearing. Councilmember morrison moves to close the public hearing. Is there a second? I'll second. All in favor say aye? Any opposed? That passes on a vote of six to zero with the mayor pro tem off the dais. We'll now go to item number 102.

Item number 102 is the reserve at west hill annexation area just up the road from northwest hills ranch area. This is the first of two puic heangs for this area. E second will be next thuray. An ordinance reading would be scheduled for OCTOBER 22nd. The reserve at west hill includes approximately seven acres and is located in northern travis county at the northwest corner of the intersection of yaupon drive and texas plume road. Portions of this area are also in the city's limited purpose jurisdiction and the remainder is in the city's e.t.j. This area is adjacent to the city's full purpose jurisdiction on the northeast and southsides and development in the area includes 17 single-family detached homes. Again, upon annexation the city will provide full municipal services to this area as described in the service plan. Copies of which are available this evening, and I would be happy to answer any questions you have on item object 102.

Mayor Leffingwell: It. We do have a number of speakers signed up, more people than I see in the room. So the first speaker is hieming wang. They all left. I have to call their names. Shandra (indiscernible). Both of those folks I just called out are against the annexation. (Indiscernible), also against. Rama (indiscernible), also against. Natradj (indiscernible) is against. Junzao is against. Please come forward if I -- if you're here, anyone in hearing. Vj (indiscernible), against. And suba r. Di, not wishing to speak. Any of those folks in the chamber wishing to speak? Okay. So that's all the folks we have signed up. I'll entertain a motion to close the public hearing. Councilmember spelman moves to close the public hearing. Councilmember cole seconds. All in favor say aye. Any opposed? That passes on a vote of six to zero with the mayor pro tem off the dais. And I believe, city clerk, double-check me, that those are all

of the items on our agenda tonight.

That's correct. But mayor, could you tell me the action on item 80 and 82, which were executive session items?

Mayor Leffingwell: No action was taken on either of those items. So with no more items on our agenda tonight, without objection, we stand adjourned at 9:40.

End of Council Session Closed Caption Log