

Closed Caption Log, Council Meeting, 10/15/09

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Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We'll begin with the mark nuckols, pastor of st. paul's lutheran church. Please rise.

Thank you, sir in the name of the father, son and holy spirit. The holy father from you come all authority and power exercise understand the world. You give and you take away. Blessed be your holy name. Grant unto those your servants in the city of austin fidelity to what you have given them and entrusted unto them. Guide their deliberations for the benefit of the citizens of our beloved city. Finally, o lord, we pray that you would uphold them as husbands and wives, as mothers and fathers, as sons and as daughters, that these your servants would cultivate in their families and be nurtured by their families those gifts that you alone give. Through your son jesus christ our lord who lives and reigns with you in the holy spirit, one god now and forever, amen.

Mayor Leffingwell: Thank you. Please be seated. Quorum is present so I'll call this meeting of the austin city council to order on october 15, we are meeting at austin city hall, 301 west second street, austin, texas. Changes and corrections for today's agenda, item 6 is postponed until october 22, 2009. Item 23 should read, instead of january 12, should read january 7. Item number 39, insert the " t embassy should read "planning commission " at 12 noon, we'll have general citizens communication. 00 in the afternoon, we'll have a briefing on the planned unit development assessment. 00 in the afternoon, we will also take up our zoning matters or as soon therefore as possible. 00, we're scheduled for austin housing finance corporation board of directors meeting. 30, live music and proclamations, and the live music tonight is a limit. Alisha eagle. We have no plarges at 6:00. The consent agenda is items 1 through 31, and I will now read the board and commission appointments that are part of that consent agenda. Nominated to the asian american resource center chai win chew by mayor pro tem martinez. To the downtown commission, richard wise representing the design commission by councilmember riley. Bruce wilensik representing the arts commission by mayor leffingwell. To the historic landmark commission, dan leery, appointed by -- nominated by mayor leffingwell. The waller creek citizen advisory committee, jeb boink is nominated by the council and jane rivera from the parks and recreation board is also nominated by the council. To the comprehensive plan citizens advisory task force, we are adding the following. And these are all nominees by the council. gracias, patricia dabbert, carl musel man and danny rodriguez. Those are all the board nominations, waivers today. I have no items pulled off by councilmembers from the consent agenda. We'll have that opportunity in a moment, items 7, 17

and 22 are pulled because of citizens signed up to speak on those items. And I'm going to refresh my count just to make sure that is all. Those are all the items pulled off the consent agenda. Remaining in the items 1 through 31, I'll entertain a motion to approve the consent agenda.

Mayor, before you get the motion, if I may, I am told on item 23 some people heard you say some different things. So if we could make clear for the record that the change and correction on item 23 changes THE DATE OF JANUARY 7th, 2010, To January 12, 2010.

Mayor Leffingwell: That is what I thought I read, JANUARY 12th.

Some people heard differently.

Mayor Leffingwell: Okay. With that clarification, I'll entertain a motion to approve the consent agenda. Councilmember shade moves approval. Councilmember morrison seconds. We do have a couple of speakers signed up and before we take the vote, we have one speaker signed up on item 8. And that is all alvarado dykestra, signed up in favor but does not wish to speak. Does anyone have questions of mr. dykestra? Hearing none, council, I'll offer a friendly amendment to add item number 8 back into the consent agenda. And that's approved by the maker and the second. So item 8 is back on the consent agenda. We also have one speaker signed up on item 23, and the same situation. Rhonda rutledge is in favor, does not wish to speak unless there are questions. So again I'll offer a friendly amendment to add item number 23 back to the consent agenda. Approved by the maker and the second. Is there any discussion on the consent agenda? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Passes on a vote of 7-0. So that will take us to item 7. For item 7, the first speaker signed up against is steven tiddle. Just hand your papers to the clerk and the clerk will distribute the papers.

Mayor, councilmembers, apologies for not being quite organized this morning. My name is steve tiddle. I'm a property owner and I'm opposed to continue to go fund the boardwalk for a couple of reasons. First of all, during the '09-'10 budget process we were told there would be no sacred cows or pet projects. That we should get value for our money. I believe the boardwalk appears to be sacred at this time. Currently the plans ignore many land based solutions that most certainly would be less costly to build. The new moneys and parks are for permits and plans that the public has not seen or had a chance to review. This is putting the cart before the horse. These land based solutions that I've offered many councilmembers before I believe are being I go forward. In light of the trail foundation's statement in the american-statesman concerning different options for the trail, and I will quote this as best as possible, sue rankin said another option would be to divert the trail completely around the field center having it run parallel to austin boulevard for a block or two, then head back down to the river. This is very encouraging to me at 1818 lex boulevard. It shows we can come up with options and solutions for the trail that most certainly would be more environmentally sound and more cost effective. In that light, I would ask that you postpone this money for further review for all the options and mistakes that might

have been made through the process. What you see in front of you, I'll close with that. What you see in front of you is a rendition that 1818 lakeshore boulevard prepared. This is what the current plan would propose to do at the water adjacent to our dock. I would ask that this not be built. I do not believe it's environmentally sound, aesthetically pleasing or facilitates safety for the runners or the property owners. Thank you.

Mayor Leffingwell: Thank you. Next speaker is fred schmidt. Fred schmidt. Fred is also signed up against.

Good morning. I'm fred schmidt with the don't pave our lake coalition, runners and walkers, canoeists and hikers and kayakers and residents of directly impacted properties who are obviously very much in support of the trail as active users, but very much opposed to the remaining over water concrete road segments of this project as the best or right solution for austin and our crowned jewel river. Mayor leffingwell, councilmembers, this is the first opportunity we have had to take another look at the project under your new leadership. It is the hope of the don't pave our lake community that you will slow this design and construction process way down again. We need to enable the public scrutiny and broad oversight to take place that heretofore has not permitted this endeavor of alternate solutions without building a massively invasive 14-foot wide elevated road out into the open waters of the river. Since today's action item deals with a request for more money, let's take a hard look at that component. You will recall that when first proposed a little less than two years ago, this boardwalk was intended to be a 100% over water concrete road 2-mile distance at a projected cost of \$15 million. Since that time, due to public pressure and some work by city staff and consultants, about half of this trail routing, the simpler segments to solve, how found its way on to land. Yeah. So putting the trail on the land should by all accounts dramatically reduce overall costs, yet curiously the projected construction budget still is pegged at \$15 million. Now, add to that the 2 million that council has already approved and spent to date for planning and design, plus this new \$590,000 today, and I come up with right around \$20 million in total project costs. Let's recap that. \$15 Million two years ago for 2-mile stretch to be built as an over water concrete road, the most costly approach, now half the trail is on land which should be far reduced expense, but the total project investment has swelled to 20 million. Is anybody in control of what's going on here? We ask you to please get deeply back involved in this project. Please direct staff and consultants to fully and comprehensively examine the numerous alternate routings for tree maining over water trail segments. Not just with lip service but by providing design services and doing the real work of properly engaging the impacted neighborhoods and properties to find those better and best solutions. Please push this project back through the subcommittees, boards and commission where it has never really had its due process. This trail extension has been 30 years in the thinking and a comparatively short time in the nitty-gritty work of finding optimal and affordable solutions. Lady bird johnson's original vision of a simple walking path along the shore primarily dedicated to pedestrian uses and the value of this incredible urban lake -- [buzzer sounding] -- deserves nothing less than the best solutions we can devise. Thank you.

Mayor Leffingwell: Thank you. Next speaker is susan rankin, who has signed up in favor.

Hi, I'm susan rankin, executive director of the trail foundation. We encourage support of this item. The

authorization to spend the previously budgeted money will allow the boardwalk to have shuttle-ready design in the months ahead and be eligible for funding opportunities on the immediate horizon. This is an important transportation and recreation project. The amendment to the previously approved professional services agreement encompasses not only federal, state permitting and surveying but covers the additional work that was in fact generated by constructive citizen input to this process. The route changes that have -- that public works and Jacobs Engineering has done require additional survey and environmental investigation because of the more complex design that's being required especially in the sensitive wetland areas. We thank the city and the design team for their sensitivity to the importance of this important riparian habitat area. Delaying the design work here would likely raise the long-term project costs and result in missed federal funding opportunities and imperil this critically needed pedestrian transportation recreation project that will connect east and west Austin. I would be glad to answer any questions any of you have.

Mayor Leffingwell: Thank you. And we also have Gale Goff signed up against but not wishing to speak. And those are all the speakers that I have signed up on this item. I would just add that I personally believe it's very important to go ahead with this final phase of the design because we have already applied for federal stimulus money, tiger grants, to build this boardwalk. And one of the requirements is going to be that projects that are approved for these grants be shovel ready. And, of course, they can't be shovel ready unless they are designed so this is an important component in completing our application to the federal government. Councilmember Riley.

Riley: Could I ask a quick question of staff? Do we have staff here on this?

Mayor Leffingwell: They are on their way down.

Riley: I'll say I have heard -- I'm a long-time supporter of the boardwalk and totally agree with Rankin's comments it will be a tremendous asset in terms of recreation and transportation so I'm excited about the plans nearing completion and the potential of getting some federal funding for it. I just want to ask, for those citizens who would like to see a greater portion of the boardwalk actually on the land, is there any room for any continuing discussions with property owners to see if some -- some combination can be made to put the trail on the shore instead of out on the lake?

We could certainly have those discussions. We have tried to maximize -- I'm sorry, Stewart Strong with Parks and Recreation Department. We tried to maximize the alignment on shoreline and we have successfully done that every except on private properties. When we did that, we are going through wetlands that are near the creek so when we get on land we are not endangering the environment. Certainly the plan is open for public review. If anyone has any suggestions, we could be open to that. In our opinion, we have placed the trail on the land everywhere we can where we own the property and we have a willing owner. So we think we have maximized that. If other suggestions come through, we would be happy to look at them.

Riley: I have heard from some folks at some of the private developments who feel they were never really engaged in a meaningful discussion about whether the trail could be placed on the shore. Could I

ask you about -- I'm not sure about the youth hostile. Have there been any discussions with them about having the boardwalk on their property?

That is dedicated park land, of course. But the trail in that section is in place today. So it would be affected.

Riley: Well, but I mean between the building and the lake. At that point of the trail of course the trail comes up to the road. But there is some green space between -- between the -- between the building and the lake. Is there any prospect of having the trail -- isn't that one point where the boardwalk would be out -- that's not a place where the boardwalk --

[inaudible]

Riley: I've heard from property owners to the west of there who have indicated they would still be interested in having discussions with the city about -- about having the boardwalk on -- on site as opposed to on the water. I'm fully supportive of having this funding go forward, but i just want to see if we can maintain continuing discussions are property owners over time to see if there are possibilities to put more of the boardwalk on the shore instead of the water.

We'll be happy to do that. Alignment on the shore is our preface as well. At this point one of the few properties where that discussion still could go on, we now have been contacted by their attorney and there are discussions going on about how they would like to proceed. So there are discussions going on in that realm. A few months ago we did bring to the council the conceptual design and we showed those alternatives. Our preference would be on the land. We would be happy to do that.

Riley: So there's nothing about this vote that would preclude any continuation of those discussions.

Not at all.

Riley: Great. Thanks.

Mayor Leffingwell: Councilmember spelman.

Spelman: Stewart, one of the previous speakers was talking about the changing costs for this project. And at one point there was a bill associated with about \$15 million. And it appears to have gone up. I wonde comment on why it would have gone up even though we're taking less boardwalk and less land space.

We don't agree with that statement. Our cost estimate still is in the range of \$15 million for the construction. About a year ago council 5 million from the block 21 project to go into this project, which is simply part of their construction dollars we do have available. So that's been placed on the construction budget, so in 5 million more to meet our construction estimate. Now, we are pulling some of those dollars out for this design change, but we still 5 -- \$2 million left in the budget, so our cost estimate has

not gone up. Of course, all this is subject to the bidding climate when we get there, but that remains our estimate.

Spelman: The proposal originally was going to be a lot more boardwalk than the current proposal. Is that right?

That is correct.

Spelman: The boardwalk is more expensive than the trail on land. Is that right?

Yes, in general. Some of the alignment changes we made have taken it from the water on to the land, but when he put it on the land, a large section of that was in an area where we have -- where we are in wetlands or on slopes. So the design is more complicated. It got it off the water, but it's not as cheap as, say, just a gravel trail on land.

Spelman: Okay. We've got where the creek is coming into the lake, for example, we're having to work around that. We're having to build bridges, go upstream a little bit, things like that.

That's right. And even past the bridge we would get on land in an area where it is -- it's low, a marshy area where we want to have it literally raised on little piers. So it would be slightly raised just to keep from disturbing that fairly fragile environment.

Spelman: Is it your best guess that we're going to have to pay \$15 million to construct this or do you think it's going to come in a little lower?

We want to say this is probably the probable range, just to be conservative. We are hoping it will be lower than that, but we're going to be conservative at this point.

Spelman: And nothing we're doing today is making a commitment to spend that \$15 million, spending on design today.

This is only for design permit.

Spelman: Okay. Thanks.

Mayor Leffingwell: Any more questio? Council, I'll entertain a motion on item 7. Councilmember riley. Councilmember riley moves approval of item 7. Councilmember cole seconds. Is there any further discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Passes on a vote of 7-0. Next we'll call up item 17. We have several speakers on item 17. The first is kernan hornburg. And donating time to mr. hornburg is bonnie stamos.

Bonnie, are you here? Mike stamos. And linda roberts. Linda roberts here? Okay. So the rules say the person donating time has to be in the chambers so you have nine minutes.

Mayor, members of the council, kernan hornburg, member of the client services division for merchants and credit bureau known as mpb credit bureau. We are one of the vendors who submitted for the ifb collection services for e.m.s. I'll wait a second while you get this passed out here. We're going to show that has lost roughly 5 million in the last contract awarded to cca on june 30, 2005. And if the contract is awarded to the recommended vendor, the city will lose just under \$4 million at a minimum 's own numbers. Obviously the process used in recommending a vendor for this service is deeply flawed as we'll try to outline now. On page 1 underneath the cover if you open up, in 2005, cca estimated they recovered between 82% which you see highlighted. This is the page directly from 's own numbers. If you flip to page 2, this is an addendum to the invitation tore bid. 6% from 2007 to 2008. And for quick background here, mpb and the city of austin going back to 1977, we have been incorporated in austin 44 years. We have been awarded the contract exclusively and endorsed by the travis county medical society since 1988. If you reference page 3, mpb recovered from 1994 to 2005. We combine the totals for you there. We move on the pages 8 through 11, they show recover on accounts with return mail. These resulted more in line with the last two vendors and these are accounts with bad addresses. Our recovery on page 11 shows from 1998 to 1999 we recovered 8.43%. Moving on to page 12, what you are looking at here, this is a comparison showing dollars lost during the last contract awarded in 2005. You'll see we're comparing 63% that we referenced initially on page 2 to mpb's recovery. The total assigned during the fiscal year 2000 to 2008 is also derived from page 2. We can see that the money returned to the city after cca's fee was \$757,247,000. Compared to mpb in previous years. Allowing for the same reduction of fees. We would have returned to the city during the same period, same one-year period \$1,410,161. That's compared to \$757,247. That's an additional \$852,913,000 in additional money that would have been returned to the city in one year. If you multiply by three years for the terms contract, city had lost revenue of \$2,558,741. Don't forget the 85 cents. Let's move on the page 13, please. We have another comparison showing dollars lost to the recommended committee. Utilizing the numbers from agenda item 17, estimating \$21,533,981 in annual placement. And we've run a comparison here, estimated return to the city by committee of 8%. Based on, quote, historical data with the current collection agency being used. Estimating annual return of 1,360,940 -- excuse me, 1,360, \$947 to the city. We compared these numbers of 22% and we've adjusted the bid of 21% versus the higher bid of 23% and we still arrived at a shocking \$1,328,517 in additional revenue in one year. In three years it's 3,985,000, almost \$4 million. If we go to all three-year extensions and lasts for six years, over that six years \$7,971,104 in loss revenue. If we can hop to page 14. Shortly into the 2001 contract split the business with, we had half, they had the other half, we were outsourcing -- outcollecting csi 7.09% to 4.28%. These numbers reflect collections from october 2001 to march 2002. If we move to page 15, these are numbers provided later that show we were recovering 9.44% to csi's 6.31. This contract had two one-year extensions both applied by even though mpb doubled the recovery. We take a look at 20, this is a comparison of the evaluation used by the city from 1997 to 2009. What we're showing here is mpb has consistently designed in scoring on the matrix. Although not a single vendor has delivered a result comparable to ours. 64% In relevant experience prior performance. 55% in 2001 to 64% in the last matrix. Under the subjectivequote needs solutions proposed technical capability we

were 43% from 100% in 1997. And pages 16, 17 and 18 are copies of those evaluation matrixes from '97 to 2001 and 2005 for reference. Can we look quickly at page 19, second to the last. This is the evaluation matrix for the contract recommended for approval today. And the one vendor mpb showed consistent results is ranked at the bottom. We are dead last. So how does the one vendor who has delivered consistent results never surpassed for any vendor end up dead last in the scoring? That's what we're asking council to find out. We hope we've shown the process is flawed and ask at minimum agenda item 7 be tabled for further review and respectfully request the entire process being thrown out and a new committee is formed with oversight from either the mayor's office, from the council or the city auditor. Thank you for your time.

Mayor Leffingwell: Thank you. Comments? We have one more speaker signed up, pam winslet, who is also signed up against. Pam winslet. Pam, you have three minutes.

I am the vice president, chief operating officer of merchants and professionals credit bureau. I have been with the company for 35 years. We are very proud of our reputation. We do specialize in medical collections, which is something that I don't think msb can say. Their specialty lies in other areas. We are known for our soft core collections. Thank you. And as you can see by the numbers we've given you, we do a very good job without causing ill will, causing suits, lawsuits, or problems for the city. We've never, never had a problem in that area. And we would just like you to consider what we're saying here and take into consideration the -- the amount of loss to revenue to the city, the taxpayers. Thank you.

Mayor Leffingwell: Thank you, pam. Could we ask staff to address some of the comments made, please?

Good morning, byron johnson purchasing officer. We just got the data and looked at what they provided, but what they are providing for you is a comparison with current data and past data from 2001 and 2004. They are not providing current data. And they are not comparing current data. They are looking at their recovery portion during their contract period, which was a different issue. They have also not applied their correct cost factors that were applied across everyone. They had the lowest factor that would be the return to the city for funds, and that's how they were rated lowest on the cost factor. It was applied using the formula in the solicitation. It was provided correctly across all of them so their recovery rate during that time period was their recovery rate. It is also not applicable to -- to this. So they were rated lowest, unfortunately, on the cost factor, which means the firm that is selected by the review had the highest factor to return revenue. They were rated lowest for the experience factor. The company that was recommended has -- had the higher ranking. They also on their cone entertain a motion plan and work plan was rated lowest on that. So the company that was selected by the committee was the criteria.

Mayor Leffingwell: I believe in the past when we've awarded contracts to collection agencies, and I guess there's several that we deal with, one of the factors to be considered was their method of collection. In other words, their sensitivity to the public. And I believe that was mentioned by the speaker is the fact that they try to do it in a way that doesn't engender lawsuits or cause problems or, you know, we can all imagine the various techniques that might conceivably be used in the collections business. Is

that a part of your evaluation matrix?

It is, sir. It is part of the evaluation that includes their work plan. The company that was selected is a local company. They are very familiar with the local climate. They are familiar with the people. They have worked other collections within the local environment. They also have similar types of things that they would be doing.

Mayor Leffingwell: Thank you. Councilmember Spelman.

Spelman: You mentioned cost factors, and that's a mysterious term to me which I could use a little help in parsing. Are you suggesting that their -- the cost to the city per dollar of recovery or per recovery incident is going to be higher than for other -- otherwise comparable contracts or what? What does that mean?

The cost factor -- let me help clarify that. The cost factor would be what amount of money the city would not be getting as the revenue return portion. What they are using in their data tables is their recovery rate and what we did is we applied the universal recovery rate that would be the expected recovery rate across all of the companies so that you would then apply that recovery rate, you would have a fair way to evaluate what's personal. So the contract if it was awarded to them and the other companies had not bid would have meant less revenue for the city.

Spelman: Okay, so their costs are a little bit higher than the other companies competing for this bid.

That is correct.

Spelman: And the recovery rate they make are no higher than the other rates for all other companies on this bid.

Create a level playing field that's correct.

Spelman: And the playing field is the same if recovery rates are the same.

Yes, sir.

Spelman: They have evidence that looks pretty good to me. Their recovery rates between 2001 and 2004 were considerably higher than the other companies who share the contract. Just looking -- did you guys give these guys a copy of this? I'm sure you've seen the results before. But on page 15 of their handout, their recovery rate for 2001 to 2004 was 9%, and CSI's recovery rate was 6%. And I can imagine their costs are higher. They did get a better recovery rate, but did we take this into account in evaluating their proposal?

Yes, it was. In fact, if you notice there isn't a recommendation to award to CSI. This is a recommendation to award to this firm that is selected. We did look at their expected recovery rates, and their recovery

rates have things that have factors in it that is on a sliding scale. So it allows the more there are, the more the revenue comes back to the sat.

Spelman: Right.

So the recovery rate they have talked about is historic in nature for that contract in that contract period of time. It isn't comparable to the current contract and in this current contract.

Spelman: What's the difference between the situation now and the situation five years ago?

Assistant director ad. In. To answer year question --

Spelman: How is the economic climate affecting recovery rates? Why should I discount these figures? These guys did a much better job of recovering their competitors in appears to be the same situation between 2001 and 2004. Why should I discount that? Why is it different now and therefore these results no longer are valid?

Having just now seen these numbers, just in the last few minutes, I wonder -- I would need to make sure they are apples to oranges. That the collection and recoveries from that period m looking at historical whereas the other vendor has had a shorter time frame. I would want to headache sure they are comparable in terms of that. There is also qualitative factors that we look at in terms of just the efficiency of being able to transmit information to and from the vendor, working with the vendor in terms of answering questions and working with clients. There's -- there's a process involved with transmitting accounts to the vendor, having them work it, following up with them in terms of payments and remittance to us. There's staff time involved, so we look at the whole process. But certainly customer service and being sensitive and attentive to patients in the billing process is a priority. But I would need to make sure these are appear tolls oranges in terms of the dais.

Spelman: Here's my primary concern. This is just one contract among many, many contracts that we look at. But this is one contract where we actually do have at least some evidence on what the track record is of some of the vendors bidding on the contract. And seems to me as a general rule what we ought to be doing is looking at past -- at the evidence, looking at the past track record and taking that track record into account making decisions going forward. This appears on its face to be a situation where the track record hasn't been persuasive. There may be a lot more going on. Remittance costs, staff time cost and working with different vendors. Could be these aren't anticipate else to apples and for some reason mpb got a different class of situations to recovery from. So on. But it does. The general principle is important enough to me that i would value your taking a little more time and taking a look and making a case this is either in fact not a apples to apples comparison and the fact cost factors are going to be sufficient to overcome a 50% higher recovery rate, which seems to me should be our best guess going forward as to what the difference between these particular vendors would be.

I think the key principle here though is you are comparing -- you're looking at data they have prepared

with the current company.

Spelman: Right.

And their company. The recommendation is to not award to the current company.

Spelman: I understand.

It's to a different company. looked at their references and looked at their recovery rate. So when you take the data, their data, if you wanted to apply it, you would apply it to the current recommended company and their expected recovery rate. And when you look at it, then the vendor that was selected committee has the higher factor.

Spelman: And, of course, we're talking about apples and oranges as well because if you are looking at recovery rates between different vendors, you are recovering in different situations.

That's correct. But if you applied -- which is what the best value cry tear extra was, the recommended rates for the recommended company and took that and compared it to their data that they provided in the solicitation, it doesn't yield their numbers. They are taking data from another contract. They are not even taking their own numbers from their own bid.

Spelman: Sure. is structured.

That is correct.

Spelman: Okay. Thank you.

Mayor Leffingwell: Anything else, council?

Spelman: Mayor, I would like to postpone this item for a week to give me a chance to talk with staff further about the question. That would be a motion to postpone for one week.

Mayor Leffingwell: Councilmember spelman moves to postpone for one week until OCTOBER 22nd. Is there a second? Councilmember shade seconds. Is there any further comment? Councilmember morrison.

Morrison: I did want to ask staff if there are timing issues for you in terms of this week versus next week.

There is no issue with the timing as to postponing it for one week. There is another issue that would affect this. Unfortunately this company did violate the anti-lobbying provision and actually would not be considered for this award anyway. They did make illegal contacts, according to the anti-lobbying ordinance. We were notified of that yesterday. And we're currently doing the investigation on it, but it would appear that they had contacts, we have documented evidence where they violated the anti-

lobbying provision.

Morrison: Is that something that is current being -- is that set for sure and has been determined or we're looking -- we're currently looking into that?

We -- we have looked at the issue, and yes, they did make the statements. We have a statement that is currently being filed to make it in writing that would be submitted to the law office for the final review, but the preliminary review is yes, they did make contact in violation of the anti-lobbying provision.

Mayor Leffingwell: I have a question for the city attorney. Along the same lines, violation of the anti-lobbying provision. Is there now a possible problem in that materials have been distributed to councilmembers on this?

There is an exception in the definition of lobbying, but when it defines lobbying, it says except for a public expression at a meeting of city officials open to the public. So I could not say that the appearance here today at this meeting, which is a public meeting.

Mayor Leffingwell: What about the written materials that were furnished? ,, I will have to take time to think about that.

Mayor Leffingwell: While you are thinking, councilmember cole.

Cole: Well, I guess i wanted to ask staff and our city attorney -- I'm concerned because of the anti-lobbying provisions that you actually have enough time to thoroughly investigate, and so I don't know if the postponement that we're considering is actually sufficient.

The answer is yes, it is in regards to the anti-lobbying because that's a very clear-cut issue. The -- there is a form that is filed by whomever they contacted. We do have an e-mail evidence where that did take effect. We do not let those type of things affect us, but the issue that is the postponement is to look at the cost factor, and even if you looked at the cost factors, this company would not have been the second, third, fourth, fifth, sixth or seventh rated company. This is the ninth rated company in this solicitation anyway, so they were not even under consideration for an award.

Mayor Leffingwell: Councilmember spelman.

Spelman: Regardless of whether this particular company is in violation of our anti-lobbying ordinance, regardless of how the factors come out, my point of view the critical issue is the general one is the extent to which we're taking a previous track record into account and making going forward decisions. So my motion still stands. I would still like to postpone this issue for one week.

Mayor Leffingwell: Councilmember riley.

Riley: If I could ask one more question on the anti-lobbying rule. I'm a little troubled about the imposition

of a -- of this outcome for a company that may not have realized how the rules would apply. Can you help us understand what effort is made to explain to vendors exactly what the rules are governing their contact with councilmembers? And staff?

Let me give you from the purchasing perspective, and smith may from the legal perspective want to talk about it a little bit more. The anti-lobbying provision was an ordinance that was enacted by council. Rules were put together to see how it would be applicable. The rules were then promulgated and put in place which says that a solicitation is issued, and in the solicitation it is very clear that what constitutes our current ordinance, what constitute a violation, and then they sign a statement that says that they understand this when they turn in a response. So we make sure that -- that they say they have read it. Whether they indeed read it or not, at least they certify they understand the terms and conditions by which they were responding. We try to make it very clear as best we can.

Riley: Okay.

Mayor Leffingwell: I would also add that a current list is furnished to councilmembers, that no contact list. And it's probably something that everybody ought to take a very close look at on a regular basis. Is there anything to add from any other staff members? We have a motion on the table to postpone until OCTOBER 22nd. Motion has been seconded. Is there any more discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? That passes on a vote of 7-0 so we'll take up this item AGAIN ON OCTOBER 22nd. So that brings us to item number 22. Item 22 was on the consent agenda but was pulled off because seven folks in favor of it want to try to talk us out of it. So we will begin with dusty horseman. Dusty horseman. And donating time to dusty is dan cohen. Dan, are you in the room? Dan?

I don't believe he is.

Mayor Leffingwell: You have three minutes. The person donating has to be in the room.

I appreciate that. Mayor, council, I have four of my neighbors with me. Is it possible to rearrange our order as we're telling the same story and we would like to make it clear?

Mayor Leffingwell: Certainly. following me I would appreciate miss elizabeth butman next followed by art la donna, mejo chef.

Mayor Leffingwell: Come up and announce their names.

I shall do that. Thank you very kindly. city manager, councilmembers, dusty horseman. I wish I was here under a circumstance of telling the story I wanted to tell, the neighborhood wanted to tell, but I do want to continue to communicate the idea that we strongly favor the resolution that's presented before you and we look forward to being consumer stakeholders as we manage what we feel is the marketplace for

renewable energy and austin's next economy of merit. So we again I think you will find strong favor among speakers that we do pass the resolution and continue to engage consumer stakeholders in this process. The story I wanted to tell was one about something that started as a neighborhood community message board conversation in the spring around solar --

[Indiscernible]. These conversations sort of started around the idea that there was some sort of a new paradigm being created, both by the utility and the federal government. They both listed caps that created essence of difference and that was systems are marginally cheaper the larger they got. And by that effort alone, there was a perceived paradigm shift and one that certainly got a lot of people's interests. To that end, our neighbors started having further conversations. We hosted solar parties in our home and talking about it, we hosted solar picnics where we brought stakeholders from austin energy, representatives of the pecan street project in to talk about this. And interest was high, primarily because -- and our numbers swelled to about 70 odd households of people who were committed just in our neighborhood to pursue solar this year and that would lead to further conversations with neighbors and clear -- you know, a fairly clear story that we had to tell. That was -- there was a consequence of events that created a strong financial incentives to build large systems. I would like to make that point. If I could see the first slide, please. The effort -- what you would like to tell you, though, is in essence the impact that the rebate changes had on customers. And in essence how I think that might change the marketplace and the marketplace that again I feel is the next economy. The rebate as proposed was 375 per watt. And prices on panels were coming down this summer and you've heard that story at previous meetings. But in essence the story was fairly easy to tell. We had a pay-back period of around nine years on that system and a 15-year rate of return of around 9%. Now, that's positive to other low-risk investments, as you MIGHT IMAGINE, C.D.s AND Treasury. [Buzzer sounding] I'm running out of time. My core concern today is to suggest that there is a metric that should be managed to. And that -- that metric is probably a payback period.

There's some folks signed up that don't wish to speak. If they would like to donate their three meant. Felicia adams. Elizabeth hilton. Laura spore. Okay. Just provide your name and you will have an additional three minutes.

Thank you, much appreciated. Could I go to the previous slide. Okay. The impact of the change in essence pushed the payback period back and that has impact on the marketplace and the marketplace will respond to that. I wanted to in essence make that clear we went from 9-year to 20-year with the proposed change. The next slide. Proposing here there's a set of predictable marketplace responses to that type of change. The change was, as you understand, as made because there was a budget issue involved. And I believe it will be a marketplace response to new policy. If we manage towards the payback period of 5 to 10 years, I think you have the -- you then unleash what I call solar's virtuous value cycle. You will have strong demand, you will create a marketplace, there will be new industry in this town around solar and renewable energy and it will have social justice and environmental outcomes that we hope solar provides as well. 10 To 15 years, I think adoption will be slower but we still have the ability to discuss it. We still have a story to tell. You still have a value proposition that remains financial. And continues to compare FAVORABLY PROBABLY TO C.D.s And other options people might have. 15 To 20 careers, I think you lose the financial story. You are then subsidizing the wealthiest among us I

believe to pursue their it. If that's a goal, you might suggest that. In 20 years, I think you are kind of a solar enthusiast market and at that point i think we are -- only those with a substantial up front wealth, disposable income, can make the investment. Next slide. I would like to close with the idea that having swung from a very favorable rebate environment to what we will be experiencing after NOVEMBER 1st, I ESSENCE IS Disruptive. And maybe if we could find a way to continue to manage the rebate program through a metric like the payback period, then we can avoid what -- what we're experiencing with customers today. I appreciate the time. Thank you.

Mayor Leffingwell: Thank you. Just announce your name when you come up.

Hi, I'm elizabeth butman, another neighbor involved in this project to try to get large -- large scale solar rooftop arace in our neighborhood. We've been very frustrated by the changes and the way they've been made by austin energy. I would like to take a bit broader perspective and elaborate on what dust crew introduce previously as solar's virtuous value psych will. Solar is good for both the customers and austin energy. Rooftop energy compares with other low risk investments he like certificates of deposit. If we have a structured program. 75 rebate gave a good return on our investment. 50 rebate is going to discourage people from putting up rooftop solar. For austin energy they have a stated goal of saving off the next major potentially billion dollar coal or natural gas powered plant that we may need to accommodate the growth of austin and the growing energy demand. This is necessary to satisfy the goals of austin's climate protection plan. The interest alone on the bonds necessary to construct the next coal or natural gas power plant may be 10 times the amount budgeted for rooftop solar rebate. This is why we believe that it's very crucial for city council and austin energy to consider this a very high funding priority. Solar is good for austin's economic development. Creating a marketplace rooftop solar will naturally drive renewable energy green jobs in austin. We've seen this very clearly as the vendors we've been working with have added additional staff to meet demand they perceived we were creating before the changes this the rebate program were made. Demands for generated roof toll solar will dry new research and development. Other green jobs eventually bringing solar manufacturing to austin. Right now san antonio is potentially outpacing us with it being considered as a location for a major solar panel manufacturing plant, and we don't have anything to show for that. So I would like to see austin to really be a green energy leader in the way that san antonio is currently turning out to be. Solar is also good for the central texas environment. We really need to transfer from carbon based energy to green energy for the environmental and social justice outcome. Thank you for your time.

Mayor Leffingwell: Thank you. And I would just briefly comment that austin energy is second to none in renewable energy and has been for several years.

Art dedona, I'm also a neighbor of the mueller community and I wish to speak to the austin's vision for renewable clean energy in the future. Austin energy has made a few ambitious projections about rooftop solar in the forecast. At a 2009 smart grid conference, it was predicted austin could have 50,000 rooftops with solar plans by 2015. The general manager roger duncan declared one day all of austin will be solar powered by rooftops. Presently with 900 rooftops currently installed, about 5 megawatts of generation and austin energy's rebate program capable of adding 200 to 300 a year, one can see there's a problem in that vision and the reality. One of the major arguments for solar rooftop is that it

adds productive renewable energy caps to it the system more officially and cheaply than other renewable options and other fossil fuel options as well. Well, we were looking at the 25-year lease for the webberville solar plant in which we did support, but then after looking at it and doing back of the envelope calculation we came up with some ideas. If austin used used solar rebate program and at the 2009 level, we could possibly add up to about 12,000 more rooftop solar and about 100 megawatts of energy production into the system long term. If the city council and austin energy decided to take 10 million from the webberville lease program and apply it to the current solar rebate program, we could add an additional 40,000 rooftops, and that's approximately 480 megawatts of generation long term. To truly starve off the next one billion dollar plant for coal or natural gas, we could have -- do a sustainable revenue bond and the interest would be 40 million annually. If austin city council and austin energy and the citizens of austin would prefer to fund the solar initiative of rooftops, we could fund it at 40,000 -- \$40 million annually for 25 years which likely would be about, oh, 107,000 rooftops and 1,000 megawatts of power produced forever. And saying that and what we would see at the end of that 25-year to webberville, we would see zero kilowatts. Thank you for your time.

Mayor Leffingwell: Thank you. Next.

Hi, my name is mel chef and I appreciate the opportunity to speak before you councilmembers and mayor leffingwell. I know many of the points have been reiterated already, but I'd like to emphasize again that austin energy is quite a well run organization. duncan has positioned austin energy very well to be able to give the citizens of austin very -- both affordable and clean/renewable energy. I'm proud to know as a citizen that he's committed to this endeavor. However, on this particular issue, the solar rebates, things could have and should have been better communicated. It is disheartening for homeowners after putting in a considerable amount of work researching and subsequently making a decision to go forward with installation to find out our costs would essentially double or even triple. This unfortunately is not only a poor decision for us as a group but also for the city of austin as a whole. As you are aware, energy from individual rooftop solar installations allows for the gradual implementation of increased power production as opposed to committing a large sum of money, approximately a billion dollars all at once for a gas, coal or nuclear power plant. It also provides needed capacity when austin vitally needs it. In the middle of a scorching hot summer when solar panels produce the greatest amount of energy. In my own personal situation, under the proposed rate and cap adjustment, the cost of installing solar panels would more than triple. For our family and many other families in the same situation, this would be financially untenable. Without our business, with many of these solar installation companies would go under. This in turn would lead to many of the green jobs that are becoming a vital -- that are becoming vital to our future economy going elsewhere. I was surprised to learn that as far as states go, texas was in among the top 10 solar energy producing states. According to the interstate renewable energy council, new jersey was second only to california in the amount of solar energy produced. Last I checked, we have a little bit more land and a little bit more sunlight in texas than in new jersey. With the implementation of the webberville solar rate as a city at least we'll be making great strides towards our renewable energy ambitions. However, just think of how much more solar production could be obtained with this going toward rooftop solar. Close to 300 or 500 megawatts of power gradually versus 30 megawatts which could become zero megawatts at the end of a 25-year lease. On that note I'll end by noting we are just concerned citizens that share a similar vision for energy

conservation and renewable energy similar to that concerned citizen from THE '70s WHO IS NOW GENERAL Manager of austin energy. [Buzzer sounding] thank you.

Mayor Leffingwell: Thank you. Next.

GOOD MORNING, dan McAtee. My wife and I are retired. We receive a fixed income and we saw the rebate prog as a way to contain utility bills as well as renewable energy. Here's what we experienced. Last march, march 2009 at a monthly austin energy meeting with solar contractors, austin set an important precedent to larry the rebate and raise the cap to \$50,000. It also agreed to accept all application received prior to the announcement deadline under the previous rebate regardless of whether or not a letter of intent had been issued. The receipt of the application entitled the applicant to the higher rebate. During the summer of this year, both parts and labor costs were decreasing, public became aware it's becoming affordable and more attractive as investment option. That's what got me. As demand grew in the summer, austin energy inappropriately communicated with both customers and contractors that there was significant money in the solar rebate program's budget even when they are already committing next year's budget. Through these months, contractors were told if they screen rated demand they would fund it. At the sunflower illumination in july, representatives informed us there would be no changes to the rebate program until october. In september, ae told customers no rebate changes would be made until mid-octor at the earliest. It was in this environment that we were working with solar contractors to create an application for the rebate. At the september 24th solar contractor meeting, austin energy broke precedent with prior practice, announced change in the program affecting approximately 135 applications toting \$4.5 million. Applications received by austin energy between september 1 and september 24 and our application is one of these. Ae had without announcement stopped processing rebate applications on SEPTEMBER 1st. The rebate on september 24th was lowered retroactively to SEPTEMBER 1st. And in addition they were going the require all applicant homes or businesses to reach a minimum energy efficiency and conservation benchmarks. since 50 a watt, extends applicant's payback period from 5 to 10 years to between 15 and 25 years sometimes extending past the use fuel life of the solar system. Austin energy claims they are not managing -- feel like we've been double penalized. We feel our application should have been honored at the 3.75-watt. Second the new rebate level 50 removes solar energy from any reasonable metric value. It's no longer a viable investment. We conservation -- [buzzer sounding] -- and will gradly consider the revised guidelines to meet certain energy efficiency and conservation benchmarks when they are republished. Thank you.

Mayor Leffingwell: Thank you. Next speaker. Brandon mathis. Are you brandon?

Thanks again for having me out. I was here a couple weeks ago speaking about this. I'd like to thank the council again speak in support of the resolution. There's a whole lot I could bring up today and frankly three minutes isn't enough for any of these people to really express something to you. And I know there's back)a channels. I'm new to this. I've been working in the field getting this stuff done for a little while now and not down at city hall so bear with me. I'd like to say that as the lone exception in working with austin energy, carl in my brief time dealing with him has been great. And I think it's been pretty clear and I don't want to hammer anybody here, but there is -- there's a problem with how this

program has been administered and I think you all are aware of that. You've heard it enough times. So I would say to the council at this point if you are not coaching it, you are letting it happen. There's a lot of progress being made right now. Carl announced some of the standards that would ask for the efficient signed up on item standards. They've made progress, but what I would like to see other than what we're doing today is someone hold a little bit more accountability. You know, you can't run a private business the way this has been conducted. And from what I saw out of our contractors meeting, and you are going to get a little of what they missed out on because they ended it early before I could really start stomping a mud hle. You know, there's progress being made, but it just -- what happens in austin energy couldn't function in the real world as a business. So I'm asking for a little more -- I'm here to show my support and I think there's a lot of people out there ready and willing, but what I see, and this is just my personal opinion, is -- I mean you can't work with these people. They don't want to listen to you. I'm going to go out there and say they lied to us, and I know if you get caught in a situation that's untenable and you have to change your word, it's hard to call it a lie, but that's what happened. The mayor pointed out that austin has been a leader and is a leader and I can tell you from business person's perspective that's been in this industry seven years and worked the western half of the country, austin's rebate system is kind of silly. I'm making money off of it, paying people's salaries. As of yestday 35 jobs have been lost through all the contractors I was able to survey. I mean the work is there. I really appreciate carl, pretty much him alone. I haven't worked with some of the other assistive staff at austin energy, but, you know, it's time to step up a little bit and help is being offered. So I think that's it. I'm sorry, you guys missed out on what I really wanted to give austin energy today. There are systemic problems beyond how the program is administrated in terms of money and how it flows. And those will be made clear. So I appreciate your time. I really hope that you guys are going to step up in support of this program. [Buzzer sounding]

thank you. [One moment, please, for change in captioners]

in my june I met with the contractor to participate in the solar rebate program as well as participate in the energy efficient improvement program. I would like to applaud austin energy for going forward and linking the two programs and for them to generate energy efficiency programs before parent patience in the solar rebate program. I did the improvements that were recommended, primarily duct and insulation work along with a few other minor things and I waited approximately for five weeks for austin energy to send somebody out to inspect the work so I could sit down -- this happened on august 31st, to sit down with my contractor and sign a contract for the solar work the next day my application went in for the solar rebate program on september the first, on september 24th I was notified by my contractor that austin energy had made a decision sometime between 17 and 24 days after my application went in that they would not be honored. I would like to point out that my application is no different than any application that was received the day before september 1st or the day after with the exception that I did spend a whole lot of time, effort and money doing the efficient improvement first in order to position myself to participate in the solar program. Additionally I would like to point out that I received a letter from austin energy yesterday letting me know I had ten days from the date of inspection to make any improvements in the energy efficiency things that the inspector found that weren't correct. That was six weeks ago, I am still waiting for austin energy to come out to do the final inspection on my home. I think it is a great idea to link the two programs, I want to point out, that if you do that, make sure you get

somebody out to finalize the energy efficiency improvement report sometime prior to 11 weeks before you put in your application for the solar rebate. At this point because of my experience, it is doubtful I will be able to participate in the program at 250 a watt. It has been a summer of frustration, I have already spent over \$5,000, including a downpayment on the solar rebate program that I am now probably not going to be able to participate in. I would ask that you give careful consideration to how this program is managed in the future and I will be happy to answer any questions. [Buzzer sounding]

thank you, and in your personal situation, I would suggest, we have austin energy folks here in the chambers and hey they can answer your specific questions right in the back there.

Thank you. Those are all of the speakers we have signed up wishing to speak. We also have elizabeth hilton, laura spore hanchan and william fivecoat signed up in favor and not wishing to speak, any comments? The floor is open for a motion. Councilmember riley.

Mayor, I would like to thank the speakers who came to speak today to bring our attention to this issue and your commitment to solar, I applaud you for the sentiments made today and the efforts today to do the responsible thing and get solar panels on your rooftops. And I would invite duncan or robogo from austin energy to come here and make a few remarks to the remarks that were heard today to give us some idea of what we can do to set this program on a positive course for the future and it seems to me in this particular there are two issues, number one what can we do for the current fiscal year, especially for folks who actually had expectations about receiving a rebate and in some cases made downpayments to get those improvements and made some investment and invested significant time, energy, and resources, based on the assumption that the funding would be available for the current fiscal year, and I understand that there -- that there was fine print in austin energy's communications. We talked about that before but I think we all understand that austin energy has a serious stake in maximizing the number of panels that we've got on rooftops to the extent we can and especially honoring those folks who we are expecting to take advantage of the program in the current fiscal year, and then the second question is, going forward, what long-term adjustments could be made to our program, such as the suggestions we had from the lead speaker tonight, to be mindful of the period of return, that the payback period in which the -- in which solar panels would be considered a reasonable investment, what adjustments could be made in the program so that going forward, we make sure that we are continuing to -- to offer meaningful and practical incentives that would be realistic and -- and viable over the long term. If you could just speak briefly of those and I know there will be some ongoing work on this but just by way of introduction of the effort we are about to undertake, if you can share your own perspective on this.

Thank you very much councilmember, and let me start by saying that we are fully supportive of the resolution that you have asked us to proceed with in terms of looking at the program and changes to it. And certainly, our program is not perfect, our people do the best that they can on the circumstances. The -- the issue with solar rebates and -- and we started this program years ago, there are -- there are three factors that are main factors in the payback period and the cost of the consumer and the cost of our budget with solar. There is our rebate amount. There are federal tax credits and incentives and then there is the price of the solar modules, and the solar industry and the climate around the solar industry

can change very rapidly, and we have budget amounts that we set and go through a budget process and sometimes those can get swamped very quickly. This is actually the second time it's happened, with our program. I think one of the speakers mentioned -- i don't remember the day exactly, maybe it was last march or so -- where, as I said, three factors and then suddenly the federal government changed its -- the way it calculates its incentive rate and the percentage it will pay back and we suddenly realized, the contractor suddenly realized that, between our rebate and the new way the federal government was calculating it, it was practically free to the homeowner and we held a meeting with the contractors and at that point it wasn't retroactive on our part but we said that, by the end of the day, we have got to drop our rebate amount. And we had about \$3 million or so in the budget for rebates total for the year. And five hours, we received \$4 million in applications from the solar contractors. Our response at that time was to -- to find the money and to pay the applications that came in, even though we realized there was not a legal obligation to honor an application before a letter of intent or even inspections were done. This time, it wasn't a federal incentive as much as it was the price of solar modules dropped and we have historically had one of the highest rebates in the nation, when it started out as five, went down to 450 and then 375, I think the current rebate in California which has -- pg and e had 30,000 buildings with solar, every rebate is dollar 55, payback is different in that region because the cost of electricity is different. What we were looking at was a budget that had been \$3 million historically, we had raised it to \$4 million this year and then within matter of days, because of the drop suddenly hitting the industry, we had something like \$5 million in applications and when i started talking to Carl Robogo about getting information to council and preparing a letter to the city manager and the council saying we have to change the program, literally the amount of dollars, commitments in that letter was changing about a half a million dollars every few hours. By the time we got the letter out, we suddenly had 6 and a half million dollars in for a 4 million-dollar budget. And so, we don't know what to do in those circumstances. And it's easy and we certainly will go back and look for money and -- and it is not that there is not money available but it is through budget priorities, which all of you have dealt with and -- and what is -- is this more valuable than the other programs? As we went through the budget I noticed we cut \$70 million out of our budget proposal this year through the council, we delayed distribution substations and upgrades and many other items, so we try to stick as closely as we can to the budget. The other issue is, if we find the extra money, pay all of the rebates, applications that come in at that amount, does it suddenly mean that the program closes down now for the next year? There is no budget for next October when we start over again? It is not an easy solution here for the community, but we will look at more money. We will look at the metrics. However, I am not sure that the payback metric is the best metric to be valuating. I am sure that is the metric that the homeowner looks at but the rebate programs were meant to be sort of the, firstly, just one part of our overall solar program. They are an important part but that isn't necessarily where you are going to get most of your megawatts that -- that's going to come to the city eventually from solar. It isn't necessarily the value proposition for the business owner or for -- for other structures. So we want a rebate program but there are other metrics we look at. We look at the rebates in relation to the national scene and we are somewhat in the middle of 250. 250 is exactly what EnCore is offering now, I believe the contractors met with us earlier and said based on the price on solar prices, they said about 240 was reasonable rebate, which is the feedback we have gotten from the contracting community. So we don't think a rebate amount is out of line. We will look at methods to go back and -- and see if there is ways to honor people

who put in applications earlier. You still have a stickier issue of where do you mind the millions dollars then to continue it and certainly looking at the program, perhaps we need a -- as california has done, where they stayed ahead of time, we are going to drop the rebate by this amount and these years coming. They started out for \$5 a rebate and instead of this year, its will be \$3 and this year \$2 and you could do that and perhaps also you could allocate a portion of the funds a quarter at a time and saying we are only going to allocate one fourth of the budget the first three months and it stops and the first in line gets it for the next four months but the current methodology of having one set amount of budget that could get swamped by the marketplace in a matter of hours and then completely eliminate the amount of money for the program for the year, that -- that doesn't work, and we -- we will work with the council and the city manager in finding ways to develop a better program. En en tertain a motion on item 22.

I am sorry, I had a couple of questions for roger. Co co uncilmember cole.

Cole: I didn't know that information in terms of just how fast the solar rebate program sold out, and I do think that is imperative that we look at all of our renewable energy options and understand them fully, not only in terms of our values of common protection, but also the financial implications of them. So I am going to invite you and probably your financial staff to make a brief presentation to the audit and finance committee on some of those issues and I would like to meet with your financial staff before we do that.

Absolutely.

Cole: And then I also would like to address the gentleman from university hills. I don't remember your name, but I was -- used to live very close to that area, and I was real impressed by the commitment that you've made to solar panels and to renewable energy, especially in the east side area, and so I hope to be in contact with you, because I really want to get a thorough understanding of what triggered that interest, because we will also very soon be laying out some energy efficient programs, and I am real interested in making sure that those programs are targeted all over the city. Be be fore we address a motion, I would like for the city attorney to make some points of clarification with regard to the resolution.

Thank you, mayor and this is for purposes of drafting the minutes when it comes to that time, the posting language which we use to drive the minutes referred to direction being given to austin energy. The resolution itself, which is in backup, and which will be the subject of any motion that is made, does give the direction to the city manager, and not to austin energy, so i wanted to make that point for the minutes.

Mayor Leffingwell: So the resolution is correct.

I appreciate it.

Councilmember.

Riley: Riley for that note, I move approval of the resolution. Co co uncilmember riley moves approve.

One last comment, this will be an ongoing process exactly to figure out how to get this problem fixed going forward. I think the speakers were right on the mark. This is a serious issue, not just in terms of environmental energy or policy, but of our environment, we are a solar environment and want to make sure we remain so and want to continue to be known nationally for our solar related programs, and we know this is what we have already been drawing interest from solar panel manufacturers, as well as installers. It is a very costly program to maintain, but it is one that actually has significant benefits for our whole economy, in addition to the environment and so i think it is worth making sure that we double our efforts to get the program right so that it is sustainable economically, as well as environmentally, and so I appreciate all -- all of the commitment expressed today on the part of both the citizens who are interested in this program and austin energy and we look forward to continuing to work with all of the stakeholders to make sure that we put this program on a solid footing going forward. With that, I would move approval. Mo mo tion by councilmember riley, second by pro tem martinez, any further discussion? All those in favor, ? Opposed, passes on a vote of 7 to 0 and council I believe that is all of the items we have on our morning agenda, so without exception, the city council will go into closed session pursuant 071 of the government code for consultation with legal counsel to take up three items, item 32, concerning appeal Discuss legal issues related to an appeal of the Zoning and Platting Commission's approval of a site plan extension for a site located at 6015 N. Capital of Texas Highway, a project known as Champion Commercial Development. (Private 33 . Discuss legal issues regarding Lion's Municipal Golf Course and the University of Texas land known as the Brackenridge Tract. 34 . Discuss legal issues in Charles Wilks and Eunice Wilks v. The City of Austin; No. Versus the city of austin. Is there any objection to going into executive session on the item announced? Hearing no objection, the council will now go into executive session. We anticipate being back around noon for citizen's communication. Go go od afternoon. We are out of closed session. In closed session we took up and discussed legal issues related to item 34 only. No action was taken. So it's 12, noon, time for citizen's communications. The first speaker is dusty harshman. Day jaview all over again.

Thank you, mayor and thank you for council, i don't want to take up too much of your time other than thank you for the resolution, I think will allow consumer stakeholders to speak to the commission and utility and city manager's office and i also would like to thank city council staff, louis leff, barksdale english, amy ever heart, nancy kill williams, amy moore and glenn coalman in particular allowing access to the city government and on behalf of yourselves as well, thank you very much. Th th ank you, dusty. The next speaker is paul avila speaking on poverty.

Thank you, marijuana, it is avila. When we arrived, [indiscernible] were living a few life so i decided to work with families right away but it became useless in the summertime there were check points and roadblocks, [indiscernible] driving unemployment up to 20% in schools communities. Young girls doing prostitution, families desperate in the project while dps were in deep theft operations and insurance agents bragged about their protection. Back then, young lenders were charging top rate insurance business located a block or so from [indiscernible]. He didn't care. Young blacks and hispanics were growing up strong and smart and I thought they had a chance to change the end of suffering but then i noticed killing and magnificent programs full with kids from other neighborhoods, so east side

[Indiscernible] but for general rights, we [Indiscernible] lgj's [Indiscernible] overnight and by 2004, 20 square miles, it was a waste land of talents and skills. [Indiscernible] apd, mayor, chief watson, they all knew, senator barrientos didn't care, bishop amond didn't care, roy ed month didn't care. [Indiscernible] didn't care. You don't care. Those bright young people growing up dropped out. Some got into the drug trade and by the end of forjion's terms over 1800 miens have been disabled while caucasians were graduating from [Indiscernible]. [Indiscernible] became southwest key, gratitude of \$1.2 million grant. [Indiscernible] were banned and [Indiscernible] and that's how you create criminals out of good citizens, deprive them of good education, crashing them and you tax them. Crime here is more than two-thirds in response to your ticket raise, your stop and search, your highly practices, your business protection, your id theft, insurance fraud, educational system, corrupt judges and all of the help from the tv networks, change these policies, crime rate also drop. Finally you need to stop the practice of leaving dead bodies on the ground for hours, to to us it is just another provocation from the police. Thank you. Th th ank you. The next speaker is kyle allen speaking on off leash areas for dogs. Kyle. We will go to the next speaker mahul seth speaking on the solar rebate program.

I would also like to thank the mayor and councilmembers for allowing us -- hearing our story and I also would like to thank you buttman mcatee who was also scheduled as well. Thank you. Th th ank you, mr. seth. The next speaker is dan mcatee, who I guess has already spoken or -- dan mcatee, speaking on austin energy solar rebate program.

I just want to come in and say ditto, thanks for your time and resolution, thank you. Th th ank you, dan. Trying to curry favor with the council. Stony williams. Stony williams speaking on a charity event. Stony is not here mira feller to thank mayor and council for making mount cavalry and bishop church historical, welcome.

To members of the city council, as a member of mount cavalry baptist church and president of our junior women's auxillary, i come to you bringing gratitude and appreciation from mount calvary mission baptist church, as we worship 72 years of worship in this city this month, we thank the historical committee and the mayor and city council for designating the church as a historical landmark. May god continue to bless you as you service the people and meet the needs of this great city and, again, we thank you very much. Th th ank you for your kinds words and I also spoke on the phone the other ivory who echoed the same sentiments and I believe she has either contacted or tried to contact all of the other councilmembers. We thank you for thanking us. We appreciate it. The next speaker is reverend lk jones, speaking on the same subject.

Thank you mayor and to the council and to the citizens of austin. I also come to thank you for approving mount calvary missionary baptist church as a historical landmark for it has been the first of many accomplishments in this city, as this coming sunday we will celebrate 70 years of existence and I believe in the city we are the only churches that have only had twoastors in this time. I also want to tha the -- the commissioner of the historic commission for approving this great historical me almedallion and we wish great blessings on this church and the council as well and the church members, not so much as the past -- the late reverend sl davis, which was my grandfather, and being myself was the only two pastors, but I take off to the members of the mount calvary baptist church for being so faithful and again,

i thank the city, the state and friends of this nation who have congratulated us and, again, I never let anyone be better to me than I am to them. So whatever I can do for this city, for the love and charity of this city, feel free to call. God bless you, god keep you and god preserve you in our prayers. Th th ank you, revland. Councilmember.

Cole: Cole I have to say I don't think I have visited your church and I will do that real soon and I appreciate the fact you have came down here and recognized us for your marker. Please let your congregation know. cole, around again, not only you but the whole council and the city manager, I would invite all of you to come at the climax on the season day, the 18th at , and it's going to be a celebration that we shall never forget. Again, thank you. Ne ne xt speaker signed up is elizabeth buttman. Welcome back, elizabeth.

Thank you. Mayor and councilmembers, just wanted to say thank you again for your time and consideration this morning. Th th ank you. Thank you. And the last speaker is sancofa nalia. Nalia? San cofa nalia speaking on artist issues. ; Sankofa and is kyle allen in the chambers? Council, that's all of the members we have signed up to speak who have shown up, so go back into executive session. Without objection, the city council will go into closed session pursuant to section 07 of the government code for consultation with legal council to take up now two items, item 32 concerning appeal on zoning and planning commission's approval of the site plan extension for 6015 north capital of texas highway, the project known as champion commercial development, and item 33, concernin lion's municipal golf course the university of texas land known as the brackenridge track. 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 returning for scheduled public briefing.

Northern properties, there's a to the east and then like austin actually borders this property. Most of its northern and western boundaries. Eastern boundary of the property actually borders until 2222 and is located this the hill country roadway corridor. The applicant has a premium to add some additional structures to the property. They continue to use it as a single-family residence and convert some of the existing structures for a security -- i should say a security building, to also build a cabana and pool, to build a new guest house structure, some barns and storage structures on the property. In addition, they proposed an olive orchard, some gardens, decks, terraces, a new bird sanctuary and some trails are proposed. There are some uses that they would like to include beyond the single-family use that's proposed. That would include assistive and business offices not to exceed 7,000 square feet. Food sales, a wind turbine, also use the property for urban farm and also for crop production. Staff has reviewed this probably at this time and feels that it meets the majority of the tier 1. We are continuing to work with the applicant in going through those provisions. Also exceeds some of these provisions in the tier 2, in particular those that address environmental provision and open space provisions. You may recall that this had a rather controversial case because this was across lake austin from the courtyard and at one time they had some proposals I believe to build six townhouse units along the northern portion of the property opposite courtyard. And if you look at the aerial photo on your monitor, at the very top at the courtyard you will see town lake and jerry is pointing to the area that once had an approved site plan that was grandfathered for many provisions of our code much they had offered to put in some unusual features on the property, including a preserve for migrating bird habitat. And they

proposed about 190 new trees to be planted on this area. Some of the things that they are doing are for green building. They are looking at all sorts of techniques to try to address those. There's a great deal of open space on this property and they are actually proposing impervious cover that's less than 15% over this entire tract. There are several buffer areas on here. There's no public roads that are proposed within this development at this time. That's kind of where we are at right now. We believe that this would meet the intent of your p.u.d. Ordinance under the tiered system that was recently approved. We'll probably reserve judgment on the final recommendation until we actually see the finalized proposal, but this looks like it is in accordance with your ordinance.

Mayor Leffingwell: Any questions of staff? Councilmember martinez.

Martinez: Thank you, mayor. I don't really have any questions, greg, but I want to make a few comments regarding the p.u.d. ordinance when contemplated and drafted, it was specifically for more mixed use commercial retail and residential, and, you know, this is not your typical p.u.d. request. But because of what they have agreed to do on site and because there is community support in terms of the neighbors, you know, I've met with the applicant's agent and I really do think this is the only way that they can achieve all of the things that they've committed to doing in a timely manner and in a reasonable manner. So while you're not going to -- you know, while the thinks to things like transit oriented development, affordable housing, things of that nature, I don't think you're going to see that in this p.u.d. request. But I do think that they've gone above and beyond in terms of negotiating with the neighbors and because of the olive orchard they want to build as a buffer between 2222 and the rest of the property, and because they might sell some of hat olive oil, it would have to have gr zoning, which is not appropriate for that area. And because of some of the -- the bird habitat, there's a 75-foot setback from the waterfront. A berm that would hold water is considered a structure, therefore they need that variance. I think in total when you look at the entire request, and all of the things that they have agreed to do to minimize the aesthetic impact on the neighbors to the west, that i believe this is an appropriate request. And I'll be supporting it moving forward. Thank you.

Mayor Leffingwell: Well, I'll just say for myself i think it's a unique opportunity to preserve a lot of valuable open space almost in town. It's not exactly in the middle of the city, but certainly it is an area where there's development all around it, across bull creek used to be when I was a kid a boy scout camp. It's now a heavily developed subdivision. , I believe, we basically have one single-family residence with outbuildings, and we're in the ordinance my understanding will set aside you a of that open space for anything else to happen on that, there would have to be a change or amendment to this ordinance. And I think aside from perhaps a deed restriction on that open space, this is the best and most positive way to do that. It contains a wild bird sanctuary that's going to involve a minor exception to the code, in my opinion, in the way of a berm to shelter that area for the birds that nest there. The olive orchard, I don't -- I don't think there's any booth and his family cornering the olive oil market in austin, texas or central texas. It's planned to be 200 or 300 trees. If it were a dozen trees it would just be somebody's trees in their backyard and nobody would be concerned about it. I know they want to reserve the ability to be able to sell some of that olive oil, but it's going to be an operation, I think, of kind of like these texas wineries where they drink all they can and sell the rest. It's not going to be a big commercial operation. So I think it's a very positive development as far as when I first heard about that, I

said that is the best way we can ensure for the time being that this -- that we have this sanctuary of green space for wildlife. And there's also under way a reclamation in this area and i think they are doing an excellent job of cutting out the cedar and underbrush to preserve the land, preserve its water retention quality. That will improve trees and wildlife and all the things that go along with it. So I'm they enthusiastic about and going forward I think I would anticipate very strongly that I'll be supportive of it. If it turns out to be the way it's presented today. Councilmember cole.

Cole: I just wanted to add that when I first saw the presentation from the appl I had to ask, well, where are all the people, where are the highrises, what kind of fight are we going to have. That's what we're used to seeing when we see a p.u.d. And what concessions for community benefi. And they go no, just two people, sheryl, just two people. I was pleased to hear that and learn about the orchard and most importantly the fact that they were going to have eight out of the 12 tier 1 requirements met. So I anticipate that I will be supporting it.

Mayor Leffingwell: Councilmember morrison.

Morrison: I'll second all the things that my colleagues have said. I believe there is one item that I'm interested in hearing back from the neighbors on, and if I remember correctly, there's a neighborhood meeting coming up in a couple of days that we'll be able to get some feedback on that, and that is introducing the potential to sell the olive oil could be perceived as a little retail which will be a new use in that area. And I imagine the neighbors will want to talk about that a little bit and, you know, i imagine they are going to be interested in volume and things like that. So I think that that will be an important conversation to have and hopefully everything can get out on the table and worked out because as everybody else here has said there are some really great benefits that come along with that. So I'll certainly be supportive of this assuming that we can use make sure that all that works smoothly with the olive oil manufacturing and sales. Thank you.

Mayor Leffingwell: Any other questions? I believe that will conclude the briefing.

Thank you, mayor.

Mayor Leffingwell: And will work its way through the process, through the process and we'll see it again in a few months.

Thank you, mayor and council. We'll probably add a new report when talking among staff just try to give back some of the comments that you have made here and provide some general statements that -- of the concerns or interest that you have raised, so you will see that in our new p.u.d. Ordinance reports that are coming back to you in the future.

Mayor Leffingwell: We'll look forward to that, mr. guernsey. Well, council, I misspoke earlier when I said we had 00, that is 3:00. We have nothing until then so we stand in recess until 3:00.

Mayor Leffingwell: We'll go ahead and get started. We are out of recess so we'll call back to order this

meeting of the austin city council only to go back into recess to convene a meeting of the austin housing finance corporation board of directors. And I will call on margaret shaw to present our agenda. president, members of the board, my name is margaret shaw. I'm the treasurer of the austin housing finance corporation. We have four items on the agenda this afternoon. The staff offers all on consent but I would like to go through them individually to give you more information about what the actions are. The first is to approve the minutes from the specially called board meeting on september 14th and the regular board meeting on SEPTEMBER 24th. Item 2 is to approve the negotiation and execution of a contract with austin-travis county mental health and mental retardation center now known as the austin-travis county integral care. To transform the former ronald McDONALD HOUSE AT 403 EAST 15h STREET INTO A Transitional housing facility with 24 rooms that will serve difficult to house populations with -- through project recovery which addresses adult males with a history of chronic inebriation due to intoxication and also community competency restoration, which is a program through the community courts to refer those who have been deemed incompetent to stand trial. As well as health care and some other needed services. The total loan request today is for \$1.7 million. Item 3 is to improve, again, the negotiation, execution of a loan to summit housing partners management. Staff is pleased to bring you today our first official preservation project. We've talked about preservation for a couple years, which is retaining a subsi affordable has been exhausted. Elm ridge apartments on 1161 harvey street in east austin actually have a project based that's about to expire. Through this action and 5 million, e'll be working with summit partners to preserve that property of 130 units to renovate it, preserve it and continue its forwardability for at least another 20 years. And last but not least is item 4, which is an important administrative item is to adopt a revised purchasing policy for the board. We have not adopted a policy in 10 years. I have today the city's purchasing official with me if you would like to ask any technical questions about those changes that we're proposing today. So with that I overall four items on consent.

Mayor, I have a comment.

Mayor Leffingwell: Councilmember cole.

Cole: Mayor, on item number 2 that is before us today, I'd like to first recognize that we have a significant need in this community for mental health services. And I certainly support that. And it was first brought before us back several years ago and I was a co-sponsor of that item. And one of the things that was represented to us is that this property would be used for a continuum of psychiatric care. And I understand that since that representation was made that there has been some changes in the ctual services that are going to be located there and those potential changes we did not consider or that action was made before council. And the final lease on this property was actually negotiated last tuesday. And also since the time that the resolution was executed, we've been engaging in lots of planning for downtown and around the university area. In fact, it was just publicly announced that the southwestern medical school will go in the area. And in fact we're talking about rail on san jacinto. So I think that we should have a fair market appraisal done on the property not to change the -- the agreement that we've made to mhmr, but i think council deserves the opportunity to think about what the terms of that agreement should actually be because the original resolution was simply to authorize and negotiate, and since these events have happened, we have not had an opportunity to think about either

the fair market value of the property or the other community benefits that are going into the area and how -- what commitment we want to make even long term to mental health. And what I anticipate is that that is probably even a greater commitment. But because those things have not been done and I was not able to get that information from staff before this vote, I'm going to abstain.

Mayor Leffingwell: So councilmember, you are not pulling it off the consent agenda?

Cole: Oh. I was abstaining. I guess that's a procedural matter that I don't know the issue. If I'm abstaining do I need to --

Mayor Leffingwell: No, no, you don't need to pull it off.

Cole: No, I'm not pulling it off.

Mayor Leffingwell: And then I've got a question. We have one person signed up to speak in opposition to item number 1, which are the minutes from the last meeting. And so in that case, I will pull item number 1 from the consent agenda for discussion and public comment. And so the consent agenda will be to approve items 2, 3 and 4.

Cole: Mayor, I have another question. It might be for tom or out. It's a procedural matter. I just gave direction to staff that I thought an appraisal should be done in connection with item number 2, and i don't know that I actually need to make that as a motion.

Mayor Leffingwell: Well, just to -- just for clarity, we'll pull number 2 from the consent agenda. Also.

Cole: Okay.

Mayor Leffingwell: And we'll make sure you get an opportunity to make your comment or your direction. So the consent agenda is now items number 3 and 4. Councilmember spelman moves to approve the consent agenda. Is there a second? Second by the mayor pro tem. Is there any discussion? Hearing none, all in favor say aye.

Aye.

Mayor Leffingwell: All opposed say no. That passes on a vote of 7-0. So we'll now take up item number 1 with one speaker, john monbelle. John monbelle is signed up against. Is john monbelle in the room? Don't see him. I'll entertain a motion to approve item number 1. Councilmember cole moves approval of item number 1 and councilmember spelman seconds. All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Item number 1 passes on a vote of 7-0. So item number 2,

councilmember cole, do you want to be recognized --

cole, yes, I would like to be recognized to make a motion that an appraisal be done on THE ronald McDonald house located on --

Mayor Leffingwell: I think we're not posted for that but I think what we can do is make a motion with regard to the negotiation and execution with direction to do an appraisal. You can add that as direction in addition to the motion.

Cole: So added.

Mayor Leffingwell: So you move to approve then?

Cole: I move to -- let me simply abstain.

Mayor Leffingwell: All right. Well, let's get a motion on the table, councilmember, then we'll go back to you. Councilmember spelman.

Spelman: I move to approve item 2 as written with direction to staff to conduct an appraisal on the property in question.

Mayor Leffingwell: Motion by councilmember spelman to approve the negotiation and execution with additional direction. Is there a second? Second by the mayor pro tem. And councilmember cole, did you have any other comme on --

Cole: I have made my comments.

Mayor Leffingwell: City manager.

Just to make sure -- I want to confirm on the appraisal that we are seeking highest and best use for that property.

Cole: Yes.

So that's the direction, appraisal for highest and best use for that site.

Cole: And I also think that should include not just the current december I go I go nation of public zoning.

Under highest and best use we would consider all possibilities.

Mayor Leffingwell: For additional clarification, i know everybody understands this, but the lease has already been negotiated and executed. This item is for a loan for rehabilitation of the building. Correct.

Correct, yes, sir.

Mayor Leffingwell: All right. So we have a motion on the table to approve the negotiation and execution of the loan with additional direction from councilmember cole. Any further comments? All in favor say aye.

Aye of.

Mayor Leffingwell: All opposed say no. And I believe councilmember cole is abstaining, so that passes on a vote of 6-0 with councilmember cole abstaining.

Thank you, mr. president. I also wanted to inform the board that as we speak now the texas department of housing and community affairs board is meeting and they are considering forward commitments for the final two applications for tax credits in austin. That's the foundation communities family deal station at the mlk t.o.d. Station as well as the miller senior property that's being proposed for development by diana McGiver and associates. I would like to thank the vice president of the board for signing a letter in support of those projects. It conflicted with time with this body's actions. They read it into the record this morning and we should be hearing in the next few hours whether we've actually gotten two year or not and we'll follow up with a memo with all the information.

Mayor Leffingwell: Thank you. I believe it's correct that i also spoke in favor of that at a meeting two months ago.

You won us the 476 units on north lamar and pegged for the next two round.

Mayor Leffingwell: We also talked about m-station too. Thank you, ms. shaw. That concludes all of the items that we have on our agenda for the austin housing and finance corporation board of directors. So without objection we'll adjourn that meeting, the meeting of the ahfc, and we'll call back to order this meeting of the austin city council. And there are no other items on our agenda. I'd like to confirm that with the city clerk that we have addressed all the items on our agenda. So without objection, this meeting of the austin city council is -- now, I've got a question. We do have live music and proclamations. And that is not part of -- I'll correct myself and we will recess until after live music and proclamations, and i anticipate an immediate adjournment of this meeting at that time. No, you can adjourn without it. Without a quorum.

All right, then. Good evening, everyone. I think we're ready to start the music. I'd like to introduce eleisha eagle, who will be playing for us. Joining us an alternative pi and a rocker, are the eleisha eagle. After founding her record label in lake charles, louisiana, in 2002, she released her debut album titled private school in 2007. Eleisha completed her second full-length album titled lamp lighter and embarked on a national 80 city tour gaining critical acclaim and devoted fans across the united states. Her most recent release titled "neither here nor there" was released after her move to austin. Welcome. In addition to -- she has donated her voice to the children's miracle network. By holding her benefit, now if its fourth year, raising more than \$90,000 for charity, that's really amazing. So please welcome eleisha

eagle. [Applause] [music playing] [â™ªâ™ª singing â™ªâ™ª] [applause] [cheering]

thank you. Thank you very much. So I want to go buy some of your music. Where would I go?

You can either go to waterloo here or I tunes, and all of the information is at eleisha eagle.com.

That would be your bbs. What about performing around town? Do you have anything coming up in the near future?

I don't have anything scheduled right now except for an airport show, which is for people in the airport, but -- [laughter] -- but I've been writing a lot so when the first of the year comes I'll be back at it.

Terrific, and I bet we can just stay in touch checking in with your web site.

Absolutely.

Thank you so much.

Thank you. Appreciate it. [Applause] this is the first time I've had the opportunity to introduce a musician, and clearly i forgot to read the proclamation. So I'm sorry, so you're going to need to come back one more time. Be it known that whereas the city of a texas is blessed with many creative musicians whose talent extends to every musical genre and our music scene thrives because of we have music by legends and locals and newcomers alike. We are pleased to showcase our musicians. I, mayor leffingwell do hereby proclaim october 15, 2009 as eleisha eagle day. [Applause]

good afternoon. I'm rus wise man. I am the managing director at the door ri arts center of the austin parks and rec department. October is national humanities month. This is a coast to coast collection of celebration in america. It has been the largest celebration of arts and humanities in the nation. The austin parks and recreation would like to take the opportunity to recognize several individuals and organizations for their outstanding contribution to the arts in austin and in all of central texas. I would like to thank the honorable lee leffingwell, mayor of the city of austin. Thank you, sir. And my boss, la he is sparse a who is the division of the cultural arts in the arts and rec department. I understand that mopac and i-35 are a zoo right now so a few of our folks haven't made it. We'll do our best. I'd like to call a bunch of our people to the well. The cultural affairs division will like to recognize the following people for their partnerships in bringing together over \$38,000 worth of donated labor, materials, for the renovation of the zilker hillside theater bunker house. If you would come forward when your name is called, please. Hold your applause till the end when we get everybody together. If you would join us on stage. Mr. john falk. For zilker theater laura powell. For the home depot will miller and I want to recognize michael richart who i understand is not here. For the wilson roofing company, mr. ralph wilson. For harry swim electrical specialists, harry swim and richard falk. I want to recognize jeff tucker who I understand is not here tonight. If we could have slide one. There it is, that's the old bunker. The bunker has been a fixture on the hillside theater since the 1960s. It was created to house lighting and sound equipment for systems operators. Over the years as technology advanced the bunker's electrical

as well as physical limitations became more and more problematic. Last fall John Falk, along with several other Zilker Theater production staff discussed upgrade what would make it more usable. With the help of the individuals here assembled we now have the upgraded bunker slide 2. There it is.

It's very nice. [Applause]

this new bunker meets today's technological standards as well as creates a safe covered area for lights, stage manager and sound operations. This is a beautiful example of the private and public community coming together to accomplish something special. Without the generosity of the time, talents and financial resources of this host of individuals and companies, the project would merely be drawings a piece of paper. Thank you one and all for this donation. [Applause] we will continue now. Thank you all very much. The O'Henry -- oh, go ahead.

The O'Henry Museum and Suzanna Dickinson House would like to recognize the Hilton Austin Hotel, Leslie Apechol general manager and Joe Bolash resident manager. The Hilton Austin Hotel saved, literally saved, the 32nd annual O'Henry pun-off world championships held on Brush Square from ruin on May 16 -- in the year 2009. On that date torrential rain, lightning and high winds threatened to cancel the pun-off but the generous and kind staff of the hotel invited them to their ballroom. Volunteers and the entire audience and the O'Henry Museum staff were rain soaked and muddy but the show went on. Who is pit tall hotel staff brought chairs water and towels for the crowd of more than 500 participants and spectators. From all of us, thank you to the Hilton Austin for turning what would have been a truly disappointing success to a real success. Accepting for the Hilton Austin is Leslie Petrola and Joe Bullash. [Applause] The O'Henry Museum and Suzanna Dickinson House would like to recognize Monica Schultz. Thank you very much. Monica Schultz, district manager of Half Price Books. There we are. For the second consecutive year Half Price Books Warehouse has generously donated hundreds of books to the O'Henry champ pun-off book sale. It included a box of 84 boxes of books in every category. These included books for children, cookbooks, travel, fiction and non-fiction, textbooks and more. Monica Schultz, the manager of Half Price Books and Warehouse, has worked with the O'Henry Museum to make it as seamless as possible. Her attitude and enthusiasm to help the O'Henry with this fundraiser is greatly appreciated. Monica Schultz. [Applause] The George Washington Carver Museum and Cultural Center would like to recognize Mr. Leon Roberts. [Applause] here he is. Roberts is a man for all seasons when it relates to the volunteering for the Carver Museum and Cultural Center. He welcomes and cheers on patrons at the front door with a radiant smile, which -- where he serves the position of greeter. He is a seasoned MC, when on stage. Everyone in his presence knows he is in control. His smile is always there in welcoming you to the Carver. Leon Roberts.

The Carver Museum would also like to recognize Mist Judith Redeen, assistant director of the University of Texas, help me get this right. What is the new title?

[Inaudible]

Texas Performing Arts at the University of Texas. Judith Redeen is the embodiment of beauty and connections. She's the leader for outreach at the University of Texas Performing Arts. The Carver

museum and redeen collaborate on performances beneficial to the community, such as an evening with barbara conrad held at the carver museum in february. judith rudeen. [Applause] and finally the carver museum would like to recognize the austin chapter of jack and jill of america. Okay. Very good. The austin chapter of jack and jill of america, an african-american organization of mothers who nurture future leaders by strengthening children ages 2 through 19 through community service and philanthropic giving, presented the carver museum with a beautiful bust of george washington carver, and it is very nice. Thanks to the austin chapter of jack and jill of america, the carver now has a sculpture for everyone to enjoy. Unfortunately, the director is not -- she's not here. The director is here, ms. bernadette pfeiffer. [Applause] the elisabet ney museum would like to recognize ms. robin camp. Here we come. The elizabeth nay, project manager, city of austin public works department for her outstanding project management of the elisabet ney project. Her impressive skills and talents are recognized and appreciated by all involved in this complex historically significant project. camp has consistently provided a level of dedication, thoroughness and care that has surpassed expectations of excellent project management. Accepting is ms. robin camp. [One moment, please, for]

in closing the parks and recreation department would like to say thank you to all the committed people, businesses that have made austin the arts destination that it is today. Thank you and good afternoon. [Applause]

can we get all of the recipients to join us one more time for a group photo? And we need to move on because there's lots more.

Mayor Leffingwell: Well, it's my pleasure to be here today to read this proclamation for our celebration of disability mentoring day. And I'm also joined here by councilmember laura morrison who herself is a mentor, so this has a special significance to her. She's going to say just a couple of words after I read the proclamation. Seems like it was, what, two days ago, three days ago, that we did our white cane day celebration? I know many of you were out there for that. It was kind of a strange ceremony because we started off on the plaza and we got rained out, we moved up to republic park, got all set to go underneath the tent and then we didn't have any electricity. So I had to do my annual screaming act to read the proclamation and hopefully I won't have to do that tonight. But I'm proud to be here with you today. I'm proud to celebrate this with you. I'll read the proclamation. Be it known that whereas more than a million people with disabilities have entered the labor force since the passage of the americans with disabilities act in 1990, enabling them to contribute to our society and to their own fulfillment of the american dream and whereas disability mentoring day provides an opportunity for students and job seekers with disabilities to shadow an employee at their workplace and to gain insights into possible career options while enabling employers to recruit new talent for internships and employment, and whereas we commend the team of local organizers working with the mayor's committee for people with disabilities who arranged the mentoring opportunities for disabled citizens and there by help them realize their potential and encourage their full integration into the workforce. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by PROCLAIM OCTOBER 21st, 2009 As the seventh anniversary celebration of disability mentoring day. So congratulations to you all. [Applause] and I believe denise, you are accepting the proclamation?

Yes.

Mayor Leffingwell: Let's let the councilmember say a couple of words.

Thank you, mayor. I just wanted to mention that last year for disability mentoring day, I happened to go up to the lunch gathering for all the mentors and mentees and welcome them and get to meet some of them. It was such an exciting and inspiring roomful of folks that I came back saying that I wanted to do this this time. And I'm really looking forward to it. It's on next wednesday. I can tell you that we have a pretty heavy agenda for our thursday meeting, so our mentee in my office is going to be busy running around to see all the chaos that happens the day before the meeting. If you're in city hall i can assure you we will probably be knocking on your door to introduce you. I'm looking forward to it and I thank all of you for putting it together. I think it's a really terrific opportunity for the mentees as well as i have to say it's a great opportunity for myself to really learn. So thank you. [Applause]

Mayor Leffingwell: You're going to say something for us, right?

Yeah. My name is anthony. I work for the ymca of austin. And it's pretty good working with kids. [Applause]

I'm denise sonleitner, I serve on the austin mayor's committee for people with disabilities and i do want to thank the mayor for presenting this proclamation to us this year. This is the seventh year that the austin mayor's committee has hosted disability mentoring day. Disability mentoring day is an opportunity for high school and college students who have disabilities to job shadow with a person in a career they're interested in exploring. It's a wonderful opportunity for any high school or college student, but we're really happy to be able to offer this opportunity for our high school and college students who have disabilities. This year we have 56 students that are participating in dmd. Participating from u.t. and hays, austin and del valle school districts. We are very fortunate today to have two of our mentees here, anthony, who is interested in exploring law enforcement, and he will be mentoring at the austin aisd police department. And greg is interested in being a deejay and he is going to be mentoring at klbj radio. We have mentors from throughout the city. We're very fortunate that the city of austin has mentored several of our students and we are just delighted that councilmember morrison wanted to mentor one of our students this year. And greg would like to present her with a certificate of participation. Disability mentoring day is a great opportunity for students and young job seekers to go to dream careers. Our slogan is putting dreams to work. This is also national disability employment awareness month. Disability awareness day is also an excellent opportunity to educate businesses on the value of employing people with disabilities. Thank you very much. [Applause]

Mayor Leffingwell: It's a special privilege for me tonight to issue a proclamation for native plant week. It's something that i have worked on several times during the time I've been on council in a lot of different iterations. Some of you may remember -- I think it was about two years ago we started the drive to have the city of austin declare add native habitat community. And we were successful in that. We completed that project just a few months ago and we're very proud to be the first large city in the country to do that. And of course a big part of this is involved with native plants. And I think another

aspect of this is with the advent of the very hot and dry summer that we just came through, many people are rethinking the types of plants that they want to include in their landscape, me included. When I went out and looked just a few weeks ago at several plants that were just stone dead, I said it would be kind of silly of me to plant this same plant in the same place again. So folks are actually going out and looking for plants that can tolerate this somewhat unusual texas climate that we have. So it's with a great deal of pleasure that i want to read this proclamation to all of you. Be it known that whereas native plants are a good choice for central texans to plant because they grow well in our climate, providing habitat for our wildlife, typically require less water and maintenance once established, and do not need chemical fertilizers and pesticides to thrive. And whereas native plants are recommended by the city's various conservation and education programs because of the benefits and the beauty they provide as well as for how they help maintain our region's bio diversity. And whereas during this special week the city, in partnership with state representative donna howard's office, the lady bird johnson wildflower center and the native plant society of texas, is encouraging school children and the general public to learn more about our amazing texas plants. Now therefore i, lee leffingwell, mayor of the city of austin, texas do hereby proclaim october the 19th through the 25th, 2009 as texas first native plant week. So congratulations to all of you for the great work you do. [Applause] I'd like to introduce faye tessrow to say just a couple of words.

Thank you. I'd like to thank the city of austin and mayor leffingwell and the city council for giving us this opportunity. This is on behalf of the whole state native plant society of texas. And there are some 30 chapters in the whole state and we are celebrating in a big way this week. I brought a poster, I'm so proud of this because we got into the elementary school in lago vista, the fifth graders wanted to make posters for us and this is to celebrate the first native plant week. And we're putting them in all businesses that we can find. And there are other activities. We've been seed rolling, we've been throwing out wildflower seeds wherever we could and wherever we can talk and I'm having a workshop also on the 31st of october in la go vista. And I'd like to thank also my members of the native plant society that are with me, and also donna howard, i don't know if she's here, but she was the person who was representing to help me get this legislation passed. Thank you. [Applause]

Mayor Leffingwell: Before I introduce alice nans, who was formerly with the wildlife association, now with the parks department, i want to especially recognize my good friends pat and dale bula, who I have known very well before I was even on council. They are the people that are going to put austin energy and the austin water utility out of business. [Laughter] they've been dedicated to native plants for so long and into water and energy conservation for so long, dale even brings his utilities around with him in his back pocket to show them to you and brag about them a little bit. On thanks a lot, dale. And I'll introduce alice nans, our parks and wildlife representative.

Hello. I wanted to share with y'all a couple of fun things going on this coming week to kick off and celebrate texas native plant week, the first one ever. We're very excited about that. The city in partnership with the office of state representative donna howard, lady bird johnson wildflower center and the native wildflower plant society of texas have put together a special website which is housed on the city's website at city of austin.org. You do a little search for native plant week you will find all kinds of great information about plants each day of the week next week, monday through friday, we'll be

highlighting five native plants along with a certified wildlife habitat site, a public site that people can go and visit to learn more about native plants and how to design and garden for wildlife. We encourage you to visit that website along with -- there are other activities going on in the community like the travis county master gardeners. I think this weekend poder is having their. [Speaking spanish] on saturday as well. And then on monday we are having a special press conference to kick off texas native plant week at our parks and recreation department's headquarters there on south lamar. We've put in a beautiful demonstration of wildlife habitat garden that is designed specifically for song birds, butterflies and humming birds that has interpret active signs. It's really great right now. We invite you to come out on monday morning at 10 to celebrate with us. We're also having the official habitat certification ceremony of the garden. It's being recognized by the national wildlife federation and texas parks and wildlife as a certified best of texas site. And this will be the first best of texas site certified here in the city of austin, the first city of austin property. So we're very excited about that. And for those of you in the audience, we have some freebies. We have catalogs and wildflower seed packets donated by american seed. I encourage you to take some so you can start doing some fall wildflower planting so you will have nice beautiful wildflowers in the spring. Thank you all for your time and attention and we're really excited to be celebrating texas native plant week. Thank you. [Applause]

a little reminder to those of you not only here, but those at home. In order to celebrate native plant week, a great idea is to remove many plants from your yard and replace it with a wonderful native plant and watch the explosion of birds and butterflies in your yard. And if you don't want to take them out, just cut off the seeds so they won't be spread into the parks and preserves. So enjoy anyway sieve plant week by removing some of those non-natives and planting them with natives and you will be amazed at the magic that will happen in your yard. Thank you very much. [Applause]

Mayor Leffingwell: I'd like to introduce councilmember chris riley for another proclamation.

It's my pleasure today to observe archives week, which is a very exciting subject to me. I've been a long time friend and support ers of the austin history center and had the honor of serving as president of the history center for a couple of years recently and came to know its workings and came to understand that no, it is not a museum. You can go by there now and see a wonderful exhibit that just got done, the purpose of the austin history center, entitled non-museum. There is a lot of confusion about that. During my association with the history center, I've come to appreciate the involvement of folks from the university of texas, and in particular -- through folks like david gracie, who have really been mentors to a lot of us in the field of archives and especially the students that have worked request the history center and folks like david in furthering the cause of archives privevation. It's a real pleasure to me to be able to recognize jennifer garber -- elizabeth garber, the president of the university of texas student chapter of the society of american archivists. And I want to read this proclamation in recognition of their efforts. Be it known that whereas the society of american archivists, university of texas student chapter, in conjunction with the austin history center, sponsor a week long series of events each year to promote archive al issues and trends that are of interest to the local community and whereas these events raise awareness of archives and their function in society, highlight current local preservation efforts and provide a free civic forum to discuss archival issues in austin. And whereas this week also provides an opportunity to recognize and support the people and programs dedicated to documenting and

preserving our cultural heritage for the enrichment of all texans. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim october 26th THROUGH THE 31st, 2009 As archives week. So it's my honor to be able to present this to you in recognition of all you do for archives and help to celebrate this event and point out the importance of archives to the whole city. Thank you for all you do. [Applause]

this is the 10th year that we have been doing archives week. And this year's theme is when disaster strikes. To the first event we have is monday, october 26th, and it's a panel discussion entitled salvaging new orleans. Archivists response to hurricane katrina. So this is going to feature some folks who actually did work in new orleans after the hurricane preserving the cultural record. This is going to be at the center for american history. Then on tuesday, october 27th, also at , but at the presidential library, we will be having a talk from david carr michael, the director of the georgia division of archives and history entitled my life in disaster preparedness or how I stopped worrying and learned to love fema. And then -- [laughter] it should be a good one. On friday october 30th, we'll have another speaker event with mary lynn (indiscernible), the chief of the document conservation laboratory at the national archives and records administration, and her talk is entitled archives preservation, remarkable challenges, unbounded opportunities. And that is also at in garrison hall on the u.t. campus. And then finally, on saturday we're going to have our annual archives clinic, which takes place at the austin history center. And this is a really great opportunity to bring in your personal archives, your family photos, your scrap books, and find out how to take care of them from professionals. And learn the proper techniques in order to preserve these for your grandchildren or for your future generations. And this is at the austin history center, as I said, on 810 guadalupe. 00 in the reception room. I hope some people can join us for these events. Thank you. [Applause]

Morrison: Saturday a great event on second street, if you come downtown and just -- i guess west of guadalupe you will see some -- lots of dogs and interesting architecture because we have a great event called barkitecture whereas a fund-raiser for all the great organizations we have protecting and taking care of animals here in the city of austin, architects design and then have built dog houses that are then auctioned off as a fund-raiser. So we wanted to celebrate barkitecture, and barkitecture day in the city of austin. So I have this proclamation to read. Be it known that whereas for the fourth year in a row a display and auction of dog houses designed, built and donated by local architects and designers will be featured in the second street district on saturday, october 17th, and whereas funds raised from the auction go directly to support four local austin volunteer-based animal rescue groups, blue dog rescue, forgotten friends, austin pets alive and austin dog rescue. And whereas representatives from mission orange, which includes town lake animal shelter, animal trustees of austin, austin humane society and emancipet will also be on hand to raise awareness of their efforts to realize their long-held ideals of austin becoming a humane city. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 17th, 2009 as barkitecture day in austin. [Applause]

we're so excited this the fourth annual barkitecture event this year. If you are free from 12 00 this saturday afternoon behind us here from colorado to san antonio we have 28 dog houses that have been built and donated and will be auctioned off to raise money for the incredible work that these four rescue groups do. And it's a lot of fun. We hope you guys can join us and thank you so much to the city council,

laura and to mayor pro tem mike martinez for their support of us in this event. Thank you. [Applause]

Morrison: And now but certainly not least we have a proclamation in recognition of the work that aids services of austin has been doing. If anyone has been around town at night this week, you may have noticed that city hall is lit up red and it looks amazing. And the long center is lit up red, the ring, the jets and ring as i call it is lit up red. It's all part of red week in the city of austin, sponsored by aids services of austin and their work to raise awareness and funds also for prevention and treatment and support services for people with hiv and aids.

I imagine that everyone knows about the aids walk going on. I'm certainly looking forward to joining the aids walk with my team and I know that it's a great cause and it's a whole lot of fun. So I'd like to go ahead and read this proclamation. Be it known that whereas there are 6,000 people living with hiv and aids in central texas and 20% of those individuals do not know their status, and whereas for more than 25 years, aids services of austin has provided prevention and necessary life sustaining services that enhance the health and well-being of citizens living with hiv and aids and whereas austin red week organized by aids services of austin includes a series of community events aimed at heightening awareness of hiv and aids, including octotea dance 14, national latino hiv/aids awareness day, and the aids walk, and whereas the city of austin shares the same mission as aids services of austin to promote the health, safety and well-being of all residents. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim october 11th TO 18th, 2009 AS Austin red week in austin, texas. [Applause] so now lehmanford with aids services of austin would like to say something.

Thank you, councilmember morrison. We're really thankful and appreciative and excited about being here this evening and for this proclamation. Some 25 years ago the city of austin city council took a leap of faith and awarded one of the first aids grants anywhere. And that was with aids services of austin, a 20,000-dollar grant. Largely at that point it was to help us with the volunteer coordination because it was completely volunteer response 25 years ago. That was the beginning of what has been a very meaningful and important partnership with aids services of austin and the city of austin that was also representative of the city's commitment to working with community. And austin responses being true community responses. We're very appreciative of that support over the years. 22 Years ago we had the first aids walk. And at that point the capitol was kind of the icon for austin as well as the state. Well, the city has given us our own city icon in this beautiful city hall, and three years ago for world aids day we brought panels from the aids memorial quilt and had them displayed in the atrium, which is a wonderful display space. This is just an incredible gift that we have in our city to have this facility available for community use. It was such a success that the next year we brought aids walk to city hall. As a reminder that this is an epidemic that is still growing and still affecting our community. And we wanted to acknowledge the community response around the epidemic, but also bring it home. These are our friends and neighbors and folks that continue to need our assistance. That was such a great experience that we decided not only to have aids walk here and continue with the quilt in the atrium doing that, but to broaden it with, as councilmember morrison said, red week. And to have various other icons of the city go red as part of red week including city hall, the long center, whole foods, blanton museum and university of texas among others. So when you wonder why this week in october there's a lot of red light, it's in observance of austin red . With me again indicative of community response, bores of

nonprofits are volunteers, and I have with me today bob daily, our board chair. He's in his third term and we're about to talk him into a fourth, i think. [Laughter] marilyn wilson, our development director, and betty mitchell, our -- she's the person behind the scenes that keeps everything going and she's our photographer today. And speaking of people behind the scenes, of course I want to thank councilmember morrison, but also her staff that were very instrumental helping make this possible. Bobby levinski and gale and mayor leffingwell and his staff, amy everheart. But I have to acknowledge the facility's staff. Jill manus, who was a friend back when she and I were both bankers. She does an incredible job and the staff here at city hall, brenda looney and joe (indiscernible) have been so helpful and supportive of our efforts to bring awareness and through this great facility that is -- belongs to the citizens of austin. So thank you so much for this recognition and for being such a good partner over the years. Thank you. [Applause]

Mayor Leffingwell: The council is out of , and there are no additional items on our agenda tonight, so without objection, we stand adjourned at 6:20.

End of Council Session Closed Caption Log