

## Closed Caption Log, Council Meeting, 10/22/09

**Note:** Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records, please contact the City Clerk at 974-2210.

Mayor Leffingwell: Good morning, everyone, if i could have your attention, we will go ahead and begin today with the invocation by frankie zuniga, salvation army. Please rise.

Good morning, I want to thank you, mayor, for the support of the salvation army as well as here in the city. Let's close our eyes, let's pray. Heavenly father, I want to thank you for this day, for the opportunities that you have given me, father, to be here amongst these people. We ask, lord, that you will just continue to bless them, that you will continue to move within them. They will continue to give the knowledge and the wisdom that they need in order to lead our city. Father, we thank you for the many blessings that you gave us every single day. You are a great god. [Speaking in spanish] in the name the jesus christ, I pray, amen.

Mayor Leffingwell: Thank you, please be seated. A quorum is present so i will call this meeting of the austin city council to order at 10:03. THIS IS OCTOBER 22nd, 2009. We're meeting in the city council chambers at austin city hall, 301 west second street, austin, texas. I'll now read the changes and corrections to for this meeting to the agenda. Item no. 51 is withdrawn. at the end of the last sentence add a sentence, a valid petition has been filed in opposition to this rezoning request. 58, add the sentence: at its 6:00 p.m. Time certain an indefinite postponement of this item will be requested by staff. 60, add the phrase recommended we the zoning and planning commission. Our time certain items today 30 briefings. The first is a presentation on the strategic mobility plan. The second a briefing on the waller creek master plan. 00, we will have our general citizens communications. 00, we will take up our zoning matters. And one added item here at we will take up item 13, the time certain for that item has been requested by councilmember morrison. 30, we will take up live music and proclamations. Featured musician today is julius young. , we will take up our public hearings. The consent agenda today is items 1 through 48 with the item 13 has been pulled by councilmember morrison for a time certain; item 15 has been pulled by councilmember morrison; item 22 has been pulled by staff for a brief 39 pulled for discussion by councilmember cole; item no. 40 Has been pulled for discussion by councilmember martinez. And so far the following items have been pulled from consent because more than one speaker has signed up to speak on those items. Number 28, number 30, and number 33. City clerk, do you have any additional -- and add number 42 as also pulled from the consent agenda. Are there any additional items to be pulled now by councilmembers? Councilmember morrison?

Morrison: Mayor, there are two items that I want to make a quick question to staff on. I am fully supportive, i would rather not pull them -- [01:09:07]

Mayor Leffingwell: We will pull them from consent you can ask those questions.

Morrison: Those are items number 11 and 30.

Mayor Leffingwell: 30 is already pulled.

Morrison: Thank you.

Mayor Leffingwell: Add to the list of items pulled from the consent agenda, number 11, pulled by councilmember morrison. We do have on a couple of the items one person signed up to speak and so we will take those speakers before we entertain a motion. First is on item 14, richard boyd signed up against. Richard voigt. I don't see richard voigt in the chamber. Item no. 23. Karl connally signed up to speak neutral. You will have three minutes, you understand this item is on the consent agenda.

Members of the council, my name is karl connally, representing some of the property owners that are involved with this annexation of the ferguson lane brown lane area. Our clients own property out there already predeveloped as commercial warehouses out there. Because of the property configuration the annexation will cause significant problems, they don't mind being annexed in, but they would like to see if they can get it postponed one to two years because of the existing development, the -- the utilities to the property, the -- there's some properties that are configured such that they don't have frontage on public roadways, the access to the adjoining utilities are not accessible by virtue of the fact that there's no easements to get into the utilities and all that to say the process to go through and get all of the appropriate -- appropriate plans and approvals from the city of austin will take about a year to two years to go through. They will have to go through zoning, subdivision, utility approvals, several variances and again if they can -- if they can get a postponement for about a year to two years on the -- on the properties zoned by brown properties, that's what they are looking for.

Mayor Leffingwell: Thank you, mr. connally. Do I hear a motion to approve the consent agenda?

Mayor? I would like to pull item 44, there's been a last minute change in the wording of that resolution. [01:12:04]

Mayor Leffingwell: Item 44 is pulled by councilmember spelman. With that addition, do I now hear a motion to approve the consent agenda.

So move.

Mayor Leffingwell: Moved approval by councilmember spelman, seconded by councilmember riley. All in favor say aye.

Aye.

Any opposed? Passes on a vote of 7-0. Let me refresh my screen, we will go back and address some of those items. I believe the first item is number 11, pulled by councilmember morrison. Councilmember, you have the floor.

Thank you, mayor. I wanted to -- to ask staff, I think that would be the director of parks, sarah hensley, a question about this. I understand that this is a great move forward. Perhaps as a result of the african-american quality of life, one of the recommendations to provide a place for a couple of the long standing non-profit organizations in east austin. I all understand there is going to be some -- some parks office as well as the community space in that building and I wonder if you could talk a little bit about the community space. My question is -- really relates to the community space and how it will be available to the community in the neighborhood.

I will be happy to. Sarah hensley, director of parks and recreation. I'm going to pass around to help get the flavor of it, but this has a wonderful meeting space in the middle, an assembly room, we particularly designed this with emphasis from the community and input they gave us, so access could be given to individual groups and others coming from the outside. So we are going to be working with not only the groups that will be housed there, but any other citizen group that would like to have access into the building, even if it's after hours. So that -- so that our hope is that this will be used quite a bit of -- of hours throughout the day and throughout the weekend. By other groups, non-profit and citizen advisory groups. So I will pass this around because it's a nice meeting space, you will see that there are two openings on either side of the side buildings so that you wouldn't necessarily have to come in the front door, but that we could work with other groups to be able to access the building and work with staff for scheduling of that purpose and should be available for any type of group that would like to use it.

Thank you very much. I want to tell you that i appreciate your foresight in that I think we had a situation before where we ran into trouble where we moved forward without making sure that the space was available to the community. So thank you very much, with that I move approval of number 11. [01:15:04]

Thank you.

Councilmember morrison moves approval of 11. Seconded by councilmember spelman.

Cole: Mayor, I have a comments.

Mayor Leffingwell: Councilmember cole.

Cole: I just wanted to point out that we have several recreation centers throughout the city, including in hancock center located in hyde park and the gus recreation center. As a city facility, all of these facilities have to be open and available to the public in general. And that that is our policy and to the extent that any community member has any concerns about that, that that needs to be expressed to the parks department and ultimately to us to decide if there's any -- needing to be any further clarification of that

policy.

Absolutely. Thank you.

Mayor Leffingwell: Anything further? All in favor say aye.

Aye.

Any opposed? Passes on a vote of 7-0. The next item, item 13 has been set for a time certain which means that it can be -- the case can be heard any time after 4:00 p.m. I will next call up item no. 15, Which was also pulled by councilmember morrison. Councilmember?

Morrison: Thank you, 15 is to approve the execution of the scope of work with wallace robertson with the brt, our consultant for -- for the comprehensive plan. A lot of great work has already started. This is the scope of work for phases two and three. And we had asked that the staff just negotiate -- we authorize negotiation so that we would have an opportunity to look at the scope of work. I have -- I have written up some comments that my staff has now provided to each of the councilmembers. And I guess if -- I would like to ask staff if -- how we might best work this item. I'm certainly aware that it's -- that it's very important that we move forward with this as quickly as possible. If we are going to consider some adjustments, how can we make sure that we don't, you know, get in the way and slow things down.

Mike trimble, director of contract and land management. If the council desires to -- to make a modification to the existing scope, since it's already been negotiated with the consultant, what we would ask is that council authorize us to go renegotiate with the consultant to incorporate those scope changes into the contract.

Morrison: Great. Thank you. So we could -- I can propose these modifications and then ask that you go forward to get those incorporated.

Correct.

Okay.

Cole: Mayor, I have a question.

Mayor Leffingwell: First, councilmember, that would -- those changes would have to be in the form of a motion approved by the council. Councilmember cole? [01:18:05]

Cole: trimble, when did you get those proposed changes?

I believe we received those this morning. I believe. Or late yesterday. Last 24 hours.

Cole: So this morning. Have you had a chance, along with the assistant city manager, rudy garza, to

evaluate any fiscal impact that that might make if we open this up to renegotiation?

I'm sorry, councilmember, we have not. And again, as part of that evaluation -- as part of that evaluation, we would have to work with the consultants, to negotiate with item of what the impact would be on the scope of work and then on the work effort to -- require to perform those additional scopes or modified scopes.

Cole: Have you had an opportunity to make any sort of recommendation or evaluation to -- regarding whether this would slow down the process of the comprehensive plan?

I might need to defer to greg guernsey or garner for a little more information on the exact schedule. However it will take us the amount of time to go back and renegotiate with the consultant to work these scopes in. Hopefully we can do that in a relatively short time frame but we would have to take the time to do that and then get back to a fully negotiated contract.

Cole: I'm going to talk guernsey in a second about his prediction about the time table. But when we talk about renegotiating, are we assuming that we're going to be renegotiating if we actually go back to the consultants, can they say, you know, never mind? .. as far as I guess the magnitude of the negotiation, I don't think we're talking about, you know, extensive massive renegotiations. I think what we're talking about, though, is having negotiations around given the scope that was negotiated to this point and then incorporating these new revisions to the scope of -- of work. You know, how would we work that into the contract. In other words, what level of effort would that take, what does that really look like when it gets into the scope of work. The negotiations would follow along more those lines versus, you know, kind of starting back from square one.

Cole: Well, this might be more of a question to legal. But I'm wondering if this -- if it's possible for us to approve the existing contract that all of council has seen that has been postponed once and then potentially take up negotiations regarding these changes in the form of an amendment.

This is deborah thomas with the law department. That would be possible to taupe the changes as an amendment. Whether -- excuse me -- whether or not the -- the -- the party would agree, you know, I don't know if you did that -- if those were important, we may or may not get those. [01:21:00]

Cole: Okay. Also, let me -- but I mean that's true whether we renegotiate the contract with the changes, also.

Yes. That's true.

Cole: So we have got that problem regardless if we make changes at this point.

That's true.

Cole: Can I have a question of mr. guernsey? I know that I may be asking you to crystal ball it, but do

you have -- can you give us any information about what this might do to the time table if we open up this contract to renegotiations?

Guernsey: Well, there's no council meeting I believe next week. So the next time we would come back to you would be the week after. But we already have our kickoff has already started. And we have a series of public forums scheduled the week of the -- november 9th, 10, 12th, Throughout the city. And it's based on a contract that would conceivably be approved today that we would be working with our consultants and making plans for them to bring them in. I don't know enough about the changes, how it would affect those meetings that -- I doubt it would actually affect the -- the actual forums that are being performed. It would probably have a later effect just on my once over on the comments this morning.

Cole: Thank you, mr. Guernsey. Because these changes were received this morning or i think I got an e-mail last night, and I know the other councilmembers have not had an opportunity to review it and there is a potential that these changes can be negotiated with the consultants in -- in the form of an amendment, I will not be supporting the motion to postpone this item for two reasons. One, is I am concerned that it may actually increase the costs that the city has to pay to the consultant. And, second, I'm concerned that we not delay the time table that we have indicated going forward with the public.

Mayor Leffingwell: Okay, there's no motion on the table at the moment. Councilmember shade?

Shade: I'm -- my question was -- I may have misunderstood, but by postponing two weeks, if we postpone two weeks, then it would allow the contract folks to have a better idea of what the fiscal impact could be if we renegotiate. Is that -- I mean I'm trying to figure out what's the risk of waiting two weeks is basically my question.

We would potentially have more information about what the impact is. However, it's just going to depend on how quickly we can get with the consultant and nail that type of information down. That's really the biggest factor. As a matter of fact I was just discussing with greg and it's hard for us to give a time line. I mean, given the scope of the changes, you know, i don't think we're talking months, but if it's, you know, two weeks, if it's one week, three weeks, that i couldn't tell you at this point. We would have to get with the consultant and just try to work through it. [01:24:08]

The alternatives in front of us would be to -- maybe there's three. One is -- I know there's not a motion on the table at the moment, that would be reject these changes, two would be postpone and incorporate these changes before we vote on the contract and three would be -- would be vote on the existing contract and then -- then subsequently vote on an amendment to that contract. Those are the three options.

Actually, I'm going to -- to defer to legal.

That's -- I believe at's correct.

I would just say for myself, I'm not going to be ready to vote on an extensive list of changes that I just

saw a few minutes ago. So -- so I would be supportive if -- if this is what we want to do, it seems to me like it would entail postponement for two weeks, then come back and -- and discuss the changes that -- we would have to have council action on the proposed changes and then you would have to go forward again, so it seems like it would be another couple of weeks before we get into actual execution of the contract. Is that right, mr. guernsey?

Well, mayor, I just want to point out. If we don't have a contract and on november it we're working with our -- on november 9th we're working with our consultants going out to various meetings across the city --

Mayor Leffingwell: He's not going to do that for free, huh?

That's correct. [Laughter] my fear would be if we -- if we didn't figure out something very quickly and we would not know until the 6th whether you would be in agreement with that, that would put all of our meetings that we have already set up in planning for weeks and weeks and weeks in jeopardy. Because that following week is when -- that following monday would be the first of that public forum series, they would actually probably be coming down the week before or that weekend of -- of -- if you didn't approve something --

it sounds to me like the scenario that I laid out, it would be at least a month. If we decide to delay and negotiate these changes, specific changes, that would be at least a month before we could actually get an excuse of the contract. About a month, I should say.

Gurnsey:: If it were one month, then we would probably delay all of the public forums until the following year because then we would be looking at the month of december to have our public forums or in early january, it would be difficult because of the holidays to have a forum at that time.

Mayor Leffingwell: Councilmember riley?

Riley: I just have a question. Council often gives direction to staff to negotiate and execute a contract, so we give -- we tell council, what we -- we tell staff what we want to see, then staff handles it and executes the contract and doesn't come back to -- to council for approval, you know, just executed based on council's direction. Couldn't we just give direction on some changes that we would like to see and leave the staff to negotiate and execute those changes. When I say that the context is a number of these changes are simply very minor technical changes. There are grammatical errors. There's the use of ie instead of eg. Nobody proofread the document. Simple grammatical errors. It shouldn't be that hard for staff to take direction to fix those things and sign the contract. Seems to me we could give direction like that today without having to have it come back to council for further approval. It could be done rapidly without delaying any meetings. [01:27:37]

It would be an option for council to negotiate including the incorporated changes and execute the contract, yes.

Is it true that the proposed changes are non-substantive? Because I just heard you say earlier that wasn't the case.

There are actually a couple of that are probably some that we need to verify with the consultant, you know, the impact that they are. In other words some involvement by I believe the task force in reviewing some of the tasks and activities that are going on. We'll just have to look at what t impact is. As I mentioned before, i don't think we're going back to the drawing board as far as negotiations go, but we will have to just determine union what level of effort -- you know, what level of effort is needed to incorporate that review into the process. I think there were a couple of tasks where I saw that was indicated.

Mayor Leffingwell: Councilmember morrison.

Morrison: I wanted to give a little bit of overview of what the changes are. I apologize for getting it 00, i did want to take the time to read it because I wanted to make sure that the scope of work reflected our approved documents in terms of how the process was going to work. One of the critical things that we included in our public participation and the discussions and presentations from the -- from the -- from the planning staff was the involvement of the -- of the task force. The concern that I had raised and that we got included actually reflected in the documents that we all approve was that -- that we -- in order to have real confidence by the public in our plan and in the planning process, we needed to ensure that we didn't I guess as we described it, have the consultant or the consultant and staff going into a black box and creating policies and creating things and then bringing them out for review. And the way we mitigated that was -- was by ensuring by ensuring that the task force would be involved at some points in the actual generation of these products. What I did here was I did find four places where I was concerned that we were actually back sliding to that -- that earlier approach of having the -- the consultants creating things and then having the public respond as opposed to actually having the task force be part of the synthesizing and creation. So what my comments are in four places just to ensure that there's an opportunity for the task force to be part of that, the way that I've -- that I've cast it here is please include an opportunity for review, comment and suggested revisions of these four different items by the task force. So my -- my perspective on this is that these comments actually bring the scope of work in to be consistent with what we had -- what we had approved previously. Then there are just two minor things where I wanted to make sure that we were giving by example or traditional underrepresented groups as opposed to explicitly listing them out. That's the difference in ie versus eg. So I would be -- I would be comfortable if -- if we could approve execution and I guess this is going to be a -- a motion. That we approve execution with the direction to staff to -- to review these items and ensure that as appropriate the task force is involved in these four different steps in the process.

[01:31:21]

Mayor Leffingwell: I want to make sure that i understand the motion. If you approve the execution of it as is, but you go back and negotiate these additional changes, is that what it is?

Morrison: Thank you, I'll clarify it. It's to approve staff to go forward and ensure that appropriate task force involvement is incorporated into the scope of work. And then to -- once that's clear, to staff, to go



forward and to go ahead and execute it without coming back to council any further.

Mayor Leffingwell: City attorney?

Deborah, do you have some thoughts? I do, but --

that's just -- it's a motion to -- to instruct staff to renegotiate. On these few issues. And to bring it back.

Morrison: Well, I guess maybe from a legal perspective, if in fact the scope of work does not reflect what we have already approved, where are we with that? What I'm trying to suggest is that I'm leaving it up to staff, you know, evaluation and assessment with this input as to whether or not it -- it does reflect our previous approvals. If it doesn't, then clearly they need to renegotiate and hopefully they are very minor issues and the consultant will say great, let's move forward.

Motion to negotiate and negotiate and execute given with the understanding that we are discussing the -  
- the proposed changes that you have made.

Morrison: Correct.

Deborah, if you would extrapolate a little on the impact of that. Sounds to me like it's a motion not to approve what has been negotiated. And a motion to direct staff to go and attempt to renegotiate in four different areas. And if staff is successful on renegotiating in terms of the councilmembers' proposals, on those four areas, council under this motion would then -- I mean, staff under this motion would be authorized to go ahead and execute. But -- but implicit in that is if staff is successful on renegotiating those four areas, then where are we?

My understanding from the councilmember was that she was authorizing the staff to use it's discretion in that area.

City manager -- city attorney --

Mayor Leffingwell: Councilmember morrison?

Morrison: Yes, I was authorizing them to use discretion with their -- with their understanding that we need to ensure that everything that the council has approved is adequately reflected in the scope of work. Because what I'm saying is that there are some elements of what we have already approved in terms of the public participation and how we're going to go forward that should be reflected in the zone of work. That some of -- scope of work, that some of those are missing. [01:34:27]

Cole: Mayor, I have a comment.

Mayor Leffingwell: I was just going to say that i think it sounds a lot cleaner to follow councilmember cole's suggestion and go ahead and approve the execution of the contract, and then come back at a

later date, perhaps in two weeks, to give direction to go forth and seek amendments to the negotiated contract. That way I don't think there's any gray area.

The only thing, mayor, that I would add to that is that in that two-week time that we have the proposals by councilmember morrison summarized and distributed to all of the councilmembers' offices and also with the information about what the potential cost estimate and potential delays would be in adding those items as a -- as I will call it a renegotiation amendment that we add to the contract. That we go forward today with what is before us, that has been before us before, that would not cause any delay in the public hearing and that everybody has an opportunity to decide if there are cost implications and to the extent that we want to delay the process. There's a motion on the floor so I will not be supporting that motion.

Mayor Leffingwell: Well, we need to get a second on that motion. Is there a second?

Riley: I would still like to see the technical changes -- in addition to the technical changes that councilmember morrison mentioned, there are others that I would like to see. I'm just a little embarrassed, our basic contract for other comprehensive plan includes language like the consultant team will be administered to formal focus groups. Dumb little changes like that would make me feel better about this contract. If we could just proof read it, clean it up, to the extent that staff is able to achieve the changes that we have sought that councilmember morrison has requested to bring it up in line with our prior direction, then I would -- minor cleanup items like that we can take care of. It's anything that's really going to impact the scope of the services is really what our focus is when we go back to renegotiate.

I'm seeking to make sure that I understand the motion. What appears to be offered as a friendly amendment to -- since the motion appears to be a motion --

Mayor Leffingwell: We still don't have a second to the motion.

Riley: I would second it.

Mayor Leffingwell: Okay, councilmember riley seconds.

Riley: Would we consider those technical changes you are offering as a friendly amendment to the motion made by councilmember morrison? So if I can add one more question -- ask one more question of deborah thomas to make sure that we understand. With this motion which is actually giving direction to staff to go and attempt to renegotiate, is it your understanding and, councilmember, is it your intent that if staff is unsuccessful on renegotiating any of the points that councilmember morrison has brought up, staff can still execute the contract that's here today? [01:37:34]

That was my understanding of what the councilmember was saying.

Morrison: Right and perhaps to fill it in just a little bit, I want to ensure that the intent of the documents

that we have already approved as council in terms of how the task force is involved is adequately reflected in the scope of work. To me it doesn't make any sense to approve a scope of work that doesn't reflect what we have already approved. There may be some judgment calls in this regard, so i would be deferring to the -- I would be deferring to the staff judgment in terms of what we originally intended with particular focus on these four points where i thought they had been left out. Based on our previously approved documents should be included.

That is my understanding.

One of the note that i want to make is any of the changes that go back and make sure they are incorporated have any cost impact to the contract, those would potentially have to come back to council because that might put us past the amounts that we have allocated at this point. Just wanted to make that note. Again I'm not sure what those are, but we would have to look at that as part of the process.

If we approved an approach that's already, we have approved an approach, if that approach is going to cost more than we have allocated, then, yeah, we should have talked about that.

Mayor Leffingwell: I'll just say this is way too fuzzy for me, so I will be opposing the motion. Any further discussion? Councilmember shade?

I will just say that i really appreciate the fact that councilmember morrison put this extra time in. I recognize we talked about how it ended up being last minute. We've had a few other items on the agenda this week that have taken some time. I'm going to oppose the amendment because I'm like mayor leffingwell it's fuzzy to me. Not in concept. What I would rather do is approve and then over the next couple of weeks add an amendment to that contract. That's my explanation for why I'm going to be voting against the motion. [01:40:04]

Mayor Leffingwell: You know, that could be a substitute motion if you are so inclined.

Shade: You are always teaching these parliamentary procedure tricks. I guess that I will make a substitute motion then that we move forward with the existing contract with the intention that colleagues work on suggesting amendments to that contract ready for our next meeting ON NOVEMBER THE 6th. I'M SORRY, 5th.

Mayor Leffingwell: It's a motion by councilmember shade to approve item no. 15, And to -- with direction to -- for the council to study additional proposed amendments to the contract and come back with those that -- at a later date. Is that substantially correct?

I will second the --

Cole: I will second.

Mayor Leffingwell: Councilmember cole seconds.

Cole: I will also add a friendly amendment to councilmember shade's motion that in the non-technical, non-impact that councilmember riley has suggested, that are grammatical be taken care of today with him or his staff as long as they don't have a fiscal contact on the contract -- contract and they will not delay moving forward on the plan.

Shade: I accept that.

Mayor Leffingwell: Gram make and sin tax is -- grammar and syntax edits approved then. Any further discussion? All in favor of the substitute motion say aye.

Aye. All opposed?

Opposed.

Councilmember spelman, did you vote aye? Okay. The substitute motion passes on a vote of 6-1 with councilmember morrison voting no. That brings us to item no. 22, Which has been pulled by staff for a brief presentation.

Mayor and council, I'm anne morgan with the law department. Here to recommend a settlement in a lawsuit charles wilkes and eunice wilkes versus the city of austin. This is a car wreck case involving multiple vehicles, the plaintiffs were on a motorcycle and had some serious injuries. The parties have gone through mediation in the case and have agreed to \$210,000 settlement total and with your approval, i will go forward. Happy to answer any questions.

Mayor Leffingwell: Any comments, council? I will entertain a -- motion by mayor pro tem martinez to approve item no. 22. Seconded by councilmember shade. Is there any other discussion? All in favor say aye. [01:43:10]

Aye.

Any opposed? Passes on a vote of 7-0. Thank you. I will now call up item 28. Which was pulled for speakers. First speaker is chip rosenthal. For the record I am signed in opposed to this item, I do support a ban on texting while driving. My concern is with the language, I would like to request a postponement. I will get into some of those details in just a moment. I would like to outline my concerns. They come in two areas. My concerns are in the area of language as well as process. As far as the language area, this ordinance is largely misunderstood by the public. This has been portrayed to the public as a ban on texting while driving where in fact it is actually a wide ranging ban on the use of cellular data and -- cellular data and instruments that use that data. We are banning it all through this ordinance with some exceptions carved out which are not sufficient particularly in a field moving so rapidly. I mean an amazon kindle is a wireless communication device under the grounds of this ordinance you can imagine future devices will be emerging that fit under this ordinance. So I do have a concern there. One

of the -- one citizen copied me on some comments to you. They kind of labeled it as a superstitious approach, we were criminalizing technology instead of harmful behavior that we want to get at. I share that concern. As a result I think the language before you will have unintended consequences and unanticipated consequences because once again we're dealing with a moving technology. The other issue is because the scope is so much wider than just simply a ban on texting, I really think this needs to be brought before the public so that we can have public consensus that this is indeed the way we want to move forward. Which gets me to the process issue. On the language for this ordinance was made available to the public just one week ago. I received a copy from mayor pro tem martinez's office on tuesday. So basically I've had two days to review and prepare a response to this. This has been on a fast track. It has bypassed the board and commission process. I have talked with other commissioners, I serve on community tech and telecom, talked to my commissioners, other commissioners, some have expressed concerns including the urban transportation commission. Keep in mind, this commission is chaired by rich mckinnon, also the founder of austin wireless city. One of our bona fide wireless experts in this town. The fact that he wants to have input that's not being taken up is of concern to me. So my request would be for postponement, send it to utc for presentation and let's bring this back. I do have some use cases that are results of this ordinance that maybe I can share by e-mail. Thank you very much. [01:46:54]

Mayor Leffingwell: Thank you, chip, next speaker is debbie russell.

Thank you, debbie russell, aclu central texas chapter. I would like -- like chip I'm not against people not texting while driving. Of course we know that's a problem, of course we want to -- to see that -- that alleviated. I actually would like to ask a question, I heard a rumor would like to get it confirmed because we are asked to speak before y'all make any language changes is there going to be a motion to -- to expand this measure to include all wireless communications. Anyone? Nod their head. Anything?

Mayor Leffingwell: No idea.

In that case, speaking of process, this did run through the public safety task force and that's great. We -- we did talk about it quite a bit. What we didn't talk about in the task force in which -- which was just discussed at a council meeting and then integrated into the language was the exception made for emergency personnel. I have not heard anybody justify why we need that, why in any emergency situation a provider trying to get to an emergency situation needs to text or type on their computers while driving versus have dispatcher relay any direct information or -- or this incident information that's going on at the time. I don't think that -- that has been justified or -- or had -- we haven't had a chance to discuss that. As the public. And I think what we're doing here is actually making it more dangerous for emergency personnel to get to the -- we're increasing their opportunities here for having wrecks and not actually reaching the emergency situation. So I think we really need to vet that and have a public discussion. In terms of slowing this thing down, I echo that because it will give us a chance, since we are not investing any money in public education on this, the more we discuss it publicly, the more people will be educated and we can make a difference. Studies show only public education campaigns truly make a difference in creating new laws do -- and creating new laws do not make a difference in people's behavior. Examples after examples from cigarettes to littering after that fact. I also

want to again echo what we've said in the past about the problem with enforcement. We haven't out how this will or won't be enforced. When there's mistakes made, people aren't actually texting this still opens the door for intrusive searches, the people's personal information for evidence they may or may not have been texting. We need to again focus on public education. The longer we have this debate the more people will be educated. We need to find funding for public education campaign, that's the only thing that will make a difference, thank you. [01:50:06]

Mayor?

Mayor Leffingwell: Thank you, councilmember morrison?

Morrison: Debbie, i have a question for you. Was your first question whether there was going to be a motion this cover all wireless devices? Actually it does already cover all wireless devices. It's wireless communication device.

I meant hands free communication. I didn't state that correctly. Thank you.

The question referred to cell phone usage in cars. I merely said I have no idea.

Morrison: Okay i thought you said wireless.

I did, I didn't mean to say that.

Thank you. So -- so we have the following speakers are signed up for not wishing to speak. Patrick groden, garcia, rob demiko, preston tyree, william shepherd and lucky loosian no is signed up in favor and will speak if there are questions. Excuses me -- excuse me that's leslie luciano. [Laughter] scott johnson is signed up for. And wishing to speak. Scott? Good morning, mayor, councilmembers, assistant city manager and staff. Driving a vehicle or riding a motorcycle or riding a bicycle and using a cell phone for any reason, particularly texting, is just outrageously irresponsible behavior and i strongly support this measure. However, I would prefer that the motion -- that this resolution be postponed for a period of one to two meetings to look at the language. I have already sent on my comments through -- through mike martinez's office to be reviewed. When the item was sent to city legal, there was no input from me and I -- i initiated the idea through the street smarts task force. I support it, I hope in the future we also get after hand held cell phone use as I've talked to y'all before. Regarding debbie, I've been in contact with debbie, i hope that the aclu supports the education effort through their channels and their resources to educate the community. I'm not saying dedicate funding for this. But it is important, also, to enforce something. We have a lot of laws on the books that aren't well enforced. Right now I do believe is a very professional organization, professionally managed, but they need to do a better job in terms of these issues where cyclists and motorists conflict. Both from the cyclist perspective who can be outrageously irresponsible as well, to my friends in that community as well as people driving and riding motorcycles. I hope that this measure does get implemented and I'm interested to follow the dialogue on it. I would be happy to answer any questions. [01:53:02]

Mayor Leffingwell: Thank you, scott. Some additional folks who have signed up for not wishing to speak are robert chatan, jennifer cochran, chris carter, mark stein. Signed up not wishing to speak but opposed is paige hill. An additional speaker signed up neutral now, wishing to speak. Dustin lanier. Dustin?

Thank you mayor and council, my first time here. I sent you an opportunity. I sent and you communication this morning. On this measure I think a little additional time to work on the language to make sure that we are not picking up unintended consequences. I think staff made a good effort to try to respond to your direction by trying to take a complex issue and address it in a few simple words. I think we may loop in some unintended consequences that you all should consider and give a little bit more time. Basic setting such a broad definition on electronic message, that's the primary thing that causes the action, then by saying it's to view, compose or send, it's just a little too big. A little extra time would benefit. Also, I believe there needs to be some clarification on how it would implement. Can citizens call about other citizens and if so how would I differentiate between me checking a voice mail or me taking a call and whether I was texting and then do I have to proactively prove that I was not texting by -- by revealing to the whole world my cell phone and all of it's usage. I think that starts to come into real privacy questions. Clarification on the language and clarification on implementation. If it's a good idea now, it will be a good idea in a week. If it's a bad idea now, it can be a good idea in a week. So I would appreciate you all's consideration on the item. Thank you.

Mayor Leffingwell: Council, I believe those are all of the speakers signed up wishing to speak. If there's anyone else signed up that I didn't call, please come forward now. No more speakers? I will recognize mayor pro tem martinez.

Thank you, mayor, first of all, I want to thank the folks that have given us suggestions. I think the dialogue is good. I think that we can continue to review this, like any other ordinance, this is now a living document. That can go through a board and commission, can go through a public safety commission, and if there are amendments that can improve the ordinance, we can certainly entertain those. It's not been on a fast track, we brought it up two years ago after the public safety task force and have been talking about it since then. The dangers of use of a device while driving are just absolute abundantly clear. Yes, this language does encompass things like a kindle device. If you want to read a kindle you should not be behind the wheel of a vehicle. That to me is just common sense. So -- so -- so I think that -- that the intention here, it's not about enforcement, it's not about revenue generation. It's about safety. And it's about awareness. And so -- so we know that voluntary -- voluntary compliance will happen once we enact this ordinance. There will be some cases where folks will be cited. I believe that we have made the penalties stiff enough to where you're going to have to make a choice and if you choose to text and drive, you choose to -- to assume the risk of being caught and cited and the fine could be in excess of 500 on your first offense. I think it's that serious. I appreciate my colleague's support. We did have one amendment as an affirmative defense that I think is very appropriate. And it is adding to the affirmative defense a -- where it is solely in a voice-activated or other hands-free mode. I think that's appropriate. I think technology will also begin to address these issues and concerns moving forward. I think you will only be able to use hands-free in your vehicles as technology advances. So I think it's appropriate that we move forward on this and I think chief -- I thank chief mcdonald for his support, the

police department for their support. I certainly expect the public safety commission to continue this conversation, russell's question i think it is absolutely appropriate that we continue the dialogue about hands-free, complete hands-free while driving. So I look forward to continuing that discussion. With that I will move approval, mayor. [01:58:18]

Mayor Leffingwell: Mayor pro tem martinez moves approval with the additional amendment that he just enunciated. I believe that is in writing, everyone has access to that. I will second. Is there any further discussion? Councilmember shade?

Shade: I would like to just thank mayor pro tem for his leadership on this and thank those of you who have spoken, chip and scott in particular, as well as dustin who I just recently met, for giving additional input. Again it was well received and we were able to work closely with the staff and various offices to get the language approved from what it was just a short time ago. Excuse me. One of the issues that was raised was that I was -- that I was particularly sensitive to, I think it was chip that had mentioned in one of his e-mails to several of us about being a high tech oriented city, they have to match up with the culture and the message that we wanted to send about that. I guess, you know, I think we -- we moved forward with the full recognition that technology is changing and maybe of the places that have already taken a much stronger stance on this issue are actually the high tech centers o country. So california, pretty widely publicized recently I think maria schreiber the governor's wife has been cited for violations of using a hand held device. You are not even allowed to use a hand held device at all, including telephones, and I have lots of friends in los angeles and in northern california who have talked to me about how that's worked out there. Again, I don't think that we risk sending a wrong signal. I think the fact that we are sensitive to this is actually getting ahead of the curve and suggests that we are in fact a high tech community and that's -- that's something we're proud of and that's why we need to be in front of the curve not behind the curve on this issue. So thank you. I will definitely be voting for the motion.

Mayor Leffingwell: Anything further, councilmember morrison.

Morrison: Thank you, mayor, I want to say I fully support us moving in the direion of having bans on texting and using devices. As you know, I think everybody from personal experience knows when you -- when your brain go into that other mode of working with an electronic device, it gets distracted from -- from driving. I do belief it has been a long conference. The difference of what we are looking at here in front of us today and what we have been talking about, maybe it was just short hand that we were talking about banning texting, which is an active thing, whereas this is a much broader -- a much broader ordinance. Some of the information and background we had for moving forward was a study that came out recently on the increase in accidents when you are texting. So that was part of what we were working from. I do want to say that i think that it's -- it's poible, quite possible, that we can improve the language here. I think that -- that with the expertise that we have in the community, that -- that fuller discussions could ensure that we have something better on the books. While I certainly understand mayor pro tem's approach of let's go ahead and get it done now and we can fix it later, I think my personal opinion is that it would be much better to take a minute, because I don't think that there's any hurry in moving forward, to take a minute and at least have a little bit of a conversation, especially because this is different than whate had advertised over the past couple of years and I believe it's



broader than what the public safety task force had actually discussed. I might be wrong about that. We do have an emerging tech council committee next wednesday and I think that i want would be an entirely promote place for us to have a conversation and hear from the -- appropriate place -- to see if there are recommendations to ensure that we don't have unintended consequences here. With that I would like to make a substitute motion that we postpone this item UNTIL NOVEMBER 5th, WITH The understanding that the emerging tech committee would have the opportunity to discuss it and hear from the public and make recommendations.

Mayor Leffingwell: Councilmember morrison offers a substitute motion to postpone until november 5th. Is there a second? Councilmember spelman seconds. There is any discussion on the substitute motion? Comfort.

Riley: This has been in the works for a long time. As a member of the street as a matter task force we talked about it at length. A period of two years. I understand this language is new language. But my preference would be to adopt the approach that mayor pro tem has suggested just in light of the public safety concern and issue, you know, if we are talking about people's lives here, people are dying on our streets and often it is because people are distracted by things like cell phone devices. So my preference would be to go ahead and get it in place, continue the conversation, get input from the -- from the emerging technology and telecommunications subcommittee and the -- the urban transportation commission which is chaired by rich mckinnon, get that input and work on further modifications to the ordinance. This is an area with an evolving technology, we will need to make changes over time, no doubt. But my preference in light of the public safety concerns at issue, my preference would be to go ahead and get the ordinance in place, make adjustments based on input from -- from groups like the urban transportation commission as soon as we can.

Mayor Leffingwell: And for myself I would just say I really don't see it as a technology issue. I see it as a safety issue. Maybe that's an oversimplification. But I think that it's really boils down to -- to a device and an object that's causing distraction to drivers. That's what we are addressing here today. So I will -- I will support the main motion but not the substitute. Councilmember cole?

Cole: I would just also like to add there's been a lot of talk about the dangers, I agree with that. But the dangers are particularly prevalent in teenaged and young drivers. And so I think -- they do have technology issues. And so I will be supporting the motion and I think it is perfectly appropriate for us to move forward in a timely manner.

Mayor Leffingwell: So, council, first we will vote on the substitute motion. So all in favor of the substitute motion, which is to postpone action on this ITEM UNTIL NOVEMBER 5th, Say aye.

Aye.

All opposed say no.

No.

Mayor Leffingwell: That motion fails on a vote of 5-2 with councilmember spelman and councilmember morrison voting for. That brings us to the main motion. Is there any further discussion on the main motion? Mayor pro tem.

Martinez: I want to ask staff one question on -- maybe it's just david. David, if we vote on this today, when does the ordinance take effect?

Christie orr in the back, also carey grace. This is a penal ordinance so it has to be published before it can take effect. I will ask christie orr on to come back and talk about the time parameters on that, mayor pro tem.

There's no emergency clause, so it's november 2nd.

Martinez: Thanks, christie, I also want to thank you for all of the work that you have done. David, would it be allowable to post an effective date so that conversations can take place that is beyond NOVEMBER 2nd, SO LET'S SAY JANUARY 2nd, SO THAT IN These next six weeks, if councilmember morrison and spelman and other folks want to talk about it and potentially propose amendments, it wouldn't take EFFECT UNTIL JANUARY 1st.

Yes, I believe that's possible. I'm looking at the lurking lawyers to see if they have any different opinion, but i think council could put a different effective date after that date.

Martinez: I think that would be appropriate. Simply from a public outreach campaign, posting it, letting folks have a little bit more conversation. So what I will do is add an amendment, if it's friendly, to the mayor. To not have this ordinance go into effect until january 1st with an outreach campaign.

Mayor pro tem amends his motion to delay the effective date until january 2nd and with the additional instruction to -- to staff to conduct an educational program in the interim. And that is acceptable to the second.

Martinez: Thank you, mayor.

Mayor Leffingwell: If nothing further, all in favor of the main motion say aye.

Aye.

Aye.

Any opposed? Passes on a vote of 7-0. Thank you. So, council, I think now we have two items posted for a 30 briefing, we are well 30, we will go ahead 49, a presentation on the strategic mobility plan.

Good morning, mayor, council, mayor pro tem. My name is Robert Spiller, director of transportation for -- for the city of Austin and I'm here today to brief you on the Austin Strategic Mobility Plan. Mike Trimble will take over the second part of the presentation to present the consultants that you have before you today. For presentations, can I get that presentation, please, thank you.

I want to start with background, in June of this year Council directed the City Manager to procure a team of professional engineers and planners to proceed with the development of a Strategic Mobility Plan. This was asked to be coordinated with other local agencies, inclusive of the entire community. And included both short term and long term improvements as I know some of you have been very concerned about. The budget authorized for this plan occurred with the 2009-2010 budget amendment. Or the budget approval. Under the title of the Austin Mobility Plan. That Austin Mobility Plan actually held a series of projects that we're actually in the process of launching right now, this being the first of those projects that would come before you. The RFP process was started in August of '09 and we're now here to brief you on the results of the initial evaluation of those consultants. Let me start by saying what is or asking the -- the question what is a Strategic Mobility Plan? It's a document that looks at the current system problems or gaps and develops projects to address those gaps. We've been out in the public talking about this plan and really focusing in on the existing system, the existing gap, knowing that the Comprehensive Plan is busy defining what our future land use scenarios will be and the future transportation system that we will need to coordinate with as we move into future phases of this project. But we can all talk about and recognize gaps within the existing system. In fact, we've already had a soft launch of this system and been working with the public to take comments on what those gaps that they may see. In just a single public outreach, we were set up as a booth in tandem with the Comp Plan as well as for -- a couple of minor pilot launches with the neighborhood group. We have already collected over 400 comments from citizens, 300 comments, excuse me, from citizens about gaps that they see every day in the travel stream. Those gaps range from missing sidewalks and bike lanes to needs to address signal improvements, all the way up to major gaps that you might imagine missing interchanges, missing roadway links, so forth. These comments are unfiltered, that's what we are trying to do, going out to the public with blank maps if you will, really hearing good comments from the public. The plan that will evolve out of this gap analysis will begin to -- to develop a ranking system of -- of projects that allows us to -- to compare the value of a specific bike gap project to a specific roadway or a specific transit gap type of project and allow us to develop for you a long-term strategic plan of how to address these needs that are perceived by the public. We fully anticipate many of those gaps will be on regional plans, for example the Campo, Capital Metropolitan Planning Organization long range plan. We hope the information that we bring back to you will help give you some sense of the citizens priorities as you serve on those various committees and can advocate for -- for the citizens of Austin obviously. The RFP requirements, we have asked the consultants to respond to the ability to create a plan to provide the most efficient cost effective and sustainable roadway, bikeway, transit system for your community. So we are very focused on the multi-modal system. We want to go beyond the public involvement and strategic messaging, coordinating with parallel efforts like I have said with the Comp Plan as well as a variety of other regional-wide efforts going on. This is to better serve you as your staff as you serve on these regional transportation committees. Key RFP requirements, I slipped into acronyms, request for qualifications, to address current mobility issues facing Austin including gaps in all of the various areas

we have already talked about. We want to focus on plan implementation because our goal here is to provide you with information that will inform, not just the next potential bond election but a series of future bond interactions as well as those regional discussions. We want to focus on plan implementation and achieve above -- the above items in a timely fashion. We have divided this -- this approach into two phases, the first phase is really focus on that gap analysis going out and reaching out to the public. The second phase is -- we envision, we will start to look at key corridors. On behalf of the city of austin, help us develop a concept of what specific corridors might want to look like when they grow up is what I have been telling you. You think of the martin luther king, corridor all the way out into east travis county. Right now there's no plans for how that might develop and the city of austin should certainly have a concept about how that particular corridor as well as others might evolve. And again the two -- the two phases or the gap analysis in the corridor planning, we've termed the corridor planning as corridor investment studies, if you will. And again to come up working with -- with the planning department as well as the comp plan as it develops, to really develop these corridors out so that developers as well as landowners along these corridors know what to expect as we begin to develop these out. The other efforts that are ongoing as part of the austin mobility program, as I talked about, is -- are austin urban rail program, that process is currently in a selection process right now. Will be coming back likely next month to begin that discussion with you as well. We have also started two other efforts, the urban rail environmental studies. We have gone to our rotation lists to jump start that effort. Again to begin to define what the environmental issues are related to urban rail and we have also done the same to complete the alternative analysis, there's a few technical issues related to that very important project that we need to wrap up. What I hope you see is by our launch of this overall umbrella program, that we really are addressing both short term, near term projects, midterm projects and longer term projects. We believe this will coordinate well with the land use program that's going on through the comp plan and the key decisions by the community to be made there. I think this is where I hand it off. I want to say that we -- that the process that we have been using has been inclusive of the public. We have made presentations at several commission's meeting, both the planning commission as well as the utc where people have had a chance to comment. You will notice out in the atrium here in the middle of city hall, the consultants that you will be hearing from both have booths out there and are answering questions from the public. We are providing forums out there for the public to directly comment on one or both of the teams and we will supply those comments prior to the 5th when we come back and ask you to make a decision. [One moment please for change in captioners] all were responsive and compliant. There was a four phase process that was used for this r.f.q. The first phase included receiving submittal as and having an evaluation panel review and score those submittals. Phase 2 was the evaluation panel conducting interviews with the firms. All four firms were interviewed. And that resulted in the result of phase 1 and 2 were that two finalists were identified and I'll talk more about that in a second. Phase 3, the portion we're here for today, are the final presentations to council which also give you an opportunity to have questions and have a question and answer session with the finalists. And phase 4 will be -- is scheduled for november 5th and that would be when we bring back the item for council award. That item will include staff recommendation based on results of phase 1 and 2. The finalists that we have to present to you are faron pierce. Some notes that I wanted to you note, both the finalists have vast experience providing transportation services at outlined in the r.f.q. They are both nationally recognized firms with sustainable roadway, bike way and walkways and the subconsultant teams have expertise to

provide the breadth of technology knowledge required for the plan. A couple of key areas in their presentations. One is the team organization itself. What the work plan is and overview of the work plan. The communication plan we have in place for the plan and similar project experience that shows their experience and qualifications for this type of work. Each firm will have 10 minutes to present to council and then following that there will be a question and answer session. Each firm will be given three minutes to provide their answer and we'll rotate their order of answers again to maintain fairness to the process. I do want to talk a little about the public input component of the r.f.q. One is having the finalist presentation here today. We did also invite boards and commissions and other key stakeholder groups to attend the presentations today and also review the displays and meet the teams after the presentation. Finalist presentations will be published on the city website and we have the website listed up here. We'll also be putting a notice on the main city page to give people a link to get into that information. We'll be posted the finalists presentations, the materials themselves on the website as well as the videotape from this item as well so they can see what the presentations consisted of and any questions and answer with council. The deadline for citizen input IS THURSDAY, OCTOBER 29th. We will have all the information posted immediately following this. We have to have that in place by tomorrow morning and that will give us hopefully a week to get public comments back. We'll compile the comments on october 30th and provide you a couple days to review that prior to when the item comes back november 5th for potential award. So the next steps going forward, I mentioned november 5th we'll bring an item back for potential consultant selection and award. Past that we're on a very aggressive schedule to get this contract in place. The contract kickoff meeting would be scheduled for november 9th and then we are giving us a short time to turn this around. Contract execution scheduled FOR DECEMBER 7th, 2009. I think we have the two teams ready to present and I believe the first team is going to be faron pierce.

Good morning. Mayor and council. I'm matt henry, president and c.e.o. of faron pierce. On behalf of our team and all of our team members here today, we are very excited to be here and to be considered for the austin strategic mobility plan, such an important project that will set the near term priorities and long-term vision for the city's mobility. I wanted to be here personally to express the commitment of our entire company to this effort as well as our entire team. It's extremely important project to us as a firm and that's why I wanted to be here. We believe there are three key areas that distinguish our team as uniquely qualified to do this project. First of all, we are national transportation planning specialists. Specializing in sustainable transportation. We at faron pierce, we don't design bridges or water treatment systems. We do transportation planning and that's all we do. And our mission is to be the best at that in the nation. So that -- that singular focus brings our clients a unique breadth of experience from similar projects across the country as well as technical department, innovation fr some key areas that are going to be influential in that project such as greenhouse gas emissions and their effects on climate, energy and health. Secondly, we have a passion for engaging people. We know how critical that is here in austin and we thrive in areas and projects where the public process is more than just public involvement, as staff said a minute ago. Finally, our team brings a wealth of local knowledge and experience on key projects, key transportation issues right here in austin, and we'll talk more about that in just a second. At I'll turn it over to don and heidi.

Good afternoon. We've connected over 30 similar strategic mobility plans over the past 10 years

throughout the west and in communities very similar to here in austin. We've learned several things during those efforts. I just wanted to highlight a couple of them. First of all, the need to subdivision early working with the council and the community, and we've heard a lot of conversation that people are interested in quality of life, not just looking at traffic, levels of service and things like that. And along that line, the public really does want a meaningful role in al of these plans that we've conducted. One of the things that's interesting is everybody defines mobility differently, and so we need to be mindful of that and make sure that we're meeting those needs for everyone. And finally, the "multimodal" is mainstream throughout the nation.

In addition, we're a local team with strong austin experience. My firm has been working in austin on projects for over 25 years, both public and private sector. We worked on key projects in austin including the mueller project, cesar chavez two-way conversion, domain and many other projects where we've worked for all of these agencies shown on the slide. Personally I have over 16 years experience working in the austin community and based on that joint experience in our team, we understand how to work with neighborhood groups to reach consensus and we have the best understanding of local network issues. From our history of working in austin, we -- we've learned a lot of experience, we've gained a lot of experience from that work effort. We know that a lot of good ideas in austin don't come to fruition due to ineffective communication or lack of consensus building. Historically we as a community haven't taken a holistic approach to transportation planning. Based on our understanding of the community, understanding the values of the community, we have built a team to best meet the city's needs.

We've put together a very diverse team. I'd like to have the rest of our team stand up here in the back. Our team includes a lot of local presence combined with our national expertise and a lot of commitment to a strong role for minority and women owned businesses. I will be your project principal. Don, our project manager area me could not be here due to an unavoidable conflict. Heidi ross will be the deputy project manager and providing the strong local presence. You'll be hearing from other members of our team as we finish our presentation. Our overall approach is, first of all, to give you some early input into a project list next year that you can consider for a possible bond election. We're going to go beyond that and really look at prioritizing all modes of travel within the community. And we've done this successfully in a number of different projects. We have different techniques for analyzing the modes and prioritizing them. We are going to focus for mobility on all people, as i indicated everybody has a different perception of mobility so we're going to be very mindful of that. And we're going to make sure that all of our technical work is integrated with the strategic communication plan that you'll be hearing from in just a minute.

As far as our work plan for phase 1, the gap analysis, we put together a nine-month schedule so that if desired we can go to a 2010 november bond election. So we're going to hit the ground running, developing our matrix or measures of effectiveness. We're not going to reinvent the wheel here. We have an existing bike plan and pedestrian plan as well as faron pierce has developed the 67 quality of life metrics for the reasonable transportation system in denver. Through a public involvement process we're going to identify and rank the projects and come back to you in may for you to vote on a package that potentially could go to november bond election, and the package of projects would reflect the

community values. Phase 2 of the work plan would be to finalize that more comprehensive vision as part of the mobility plan. And then also to look more to corridor level analysis to integrate the land use recommendations out of the comprehensive plan, but look at infill strategies and linkages across those specific corridors and looking at a more microscopic level. At this point I'm going to turn it over to jed and linda.

As matt noted in his opening, our team places a premium on stakeholder engagement and that's the philosophy that's going to guide our communications program. We've developed several goals but we would like to work with you in partnership to refine those. Couple of the highlights, we believe there is a need for a comprehensive overall message platform that encompasses all the transportation initiatives not just the strategic mobility plan. And then the second one is the idea of balancing responsibility with responsiveness. We've got to keep communicating the city's overall mission as it applies to the community at large while ensuring there is an opportunity for every stakeholder to be heard in the process. So how do we do that? Where do we start? The first thing we should do, we believe, is brand the city's transportation department and all its initiatives. Give it a singular look and feel and talk about a common purpose and common cause as well as the problems the city is trying to solve. Linda and I ran a similar effort with the take on traffic campaign last year. We have also grouped on outreach efforts into two categories, a traditional outreach program as well as a nontraditional program. One idea for the traditional program would be to piggyback on existing events of which we're taking advantage of outside today with an opportunity for citizen input at our booth. We think this will allow us to get input early into the process and move forward quickly with the time lines in mind. The nontraditional is about the idea of engaging the unusual suspects. Those people that typically don't show up at meetings, we want to go to them on their terms, allow them to have input. Social media such as facebook and twitter could play a significant role. And those are just some ideas to start the process.

I wanted to point out that our proposal includes the coordination of communication with all four projects that rob spiller pointed out earlier today, the strategic mobility plan, alternative analysis, the environmental assessment, and the urban rail preliminary engineering. Our team has worked with the alphabet soup of transportation agencies for years. We understand the technical issues and we know how to communicate them so neighbors and communities can get involved in that. We ran the community rail campaign, we ran the aisd school campaign, the library campaign. We know how to run projects on time and on budget. We also know nothing moves forward without trust in the process and our team knows more about the communication, we build trust.

In closing, we believe we're the perfect fit for this project and for the austin. We feel we bring the right combination of national expertise, particularly multimodal and sustainable transportation. Local experience, you've heard about that as well as a comprehensive strategy for engaging the public. [Buzzer sounding] we know you have a very aggressive schedule and we're the right team to do this job. We really want the business we're excited about it, we look forward to working with you. Thanks very much.

And our next team will be kimling horn.

Give us a couple of minutes. I believe we had one team remain outside while the other did their presentation so give them a few minutes to make it in here. Go ahead and get started.

Okay. First of all, my name is Kirk Shults with Kimling Horn and Associates out of our Dallas, Texas, office. What I'm going to do today, first before I get going I want to say thank you for short listing us and allowing us to be here to present today. We're honored. But the presentation is going to cover four main things. Our team philosophy, our work plan, multimodal examples and I'm going to get on our experience, doing these types of plans. First of all, our plan is at the core a community driven process. A grass roots process that will ultimately lead to creative ideas. And these ideas are going to come from the community. They are going to come from the staff. They are going to come from all parts of the city. And we're going to show you how we're going to engage the community outside. But our philosophy, and I'll read this quote, sets in motion a sustainable process that mines the collective intelligence in Austin leading to a world-class transportation system. That's a lot of work, but what it means and this graphic tries to show it, we want input from the staff and all the agencies in the area and input from the community and our team wants to kind of piece that puzzle together. We want to find out where those missing gaps are. We put this team together with that philosophy in mind. Kimling Horn and Associates is a national firm. We have national experience doing transportation planning. Kittleson is one of our associates, but we have a host of team members local to Austin and so we wanted to create that combination of local and national. We know that empowering the community is critical. We want to do that through a number of mechanisms and this graphic was developed that really specializes in engagement and messaging of strategic messages. So it really builds on a strategy of coordination, engagement and education. And so we want to coordinate those efforts from the comp plan, the urban rail and the campo plan and coordinate it with a consistent message with our plan and with those other plans. We want to be able to educate in terms of the basics and the vision and we want to engage people in a lot of different ways. And we can go into detail on that if you desire, but with forums and online communications and media, we want to cross all the boundaries there. The question is how do you uncover gaps or how do you figure out what is the right transportation system for Austin. There's lots of ways you can do it. You can use very technical analysis tools to do that, and we're going to do that as we screen things down, but our approach really is four different tiers. Number one, we're going to conduct staff and agency interviews. We're going to sit down with the staff and local agencies and we're going to roll out maps and we're going to say show us where those projects are that you've been thinking about for 25 years and let's get those on a map. We're also going to take all the adopted plans and policies and embed a lot of good ideas from there. The 2009 bike plan is a good example of some good projects that we need to embed in our plan. Also the parallel planning projects that are going on with the comp plan urban rail. We take good ideas and bring it into the umbrella of the mobility plan. Then we're going to have community workshops. And these are very interactive and I'm -- I invite you to come out to our booth because I can show you some of the interactive tools, but we are going to engage the community with transportation decisions that they can make in a lot of different ways so I invite you to come out there. Once we get these ideas and all these good ideas, we start screening them down. Okay? That's where the technical part comes in. When we start running operational models and what's the best solution, but also looking at bicycle, pedestrian, multimodal solutions. We start phasing them down. In phase 1 on that left bar, the best -- the best projects that are gap low-lying fruit-



type projects roll down and we put that into the bond program. The longer term goes out into phase 2, those are longer term projects and that's where we start developing corridor plans and start looking at that. When we evaluate projects, our team has a tremendous amount of experience doing mobility plan evaluation and corridor specific evaluation. This is just an example of some of the manuals that clients have actually hired us to write the manuals that they often use. I'll point out too in one of the 2010 highway capacity -- on the surface sounds like a nerdy manual and it is, but for the first time that manual is going to -- which has been auto focused, for the first time you can do level of service for bicycles, pedestrians and transit. Okay. And that will be set at a national level so now we can use these tools and we're already using those. The other is the context sensitive solution manuals. The complete streets, you know, takes on a lot of different names. But we are the -- kimley horn was the primary. Two very different agencies. We are able to bridge the gap of those two and come up with a manual that everyone is using nationally as the guide for multimodal street design. We've got a lot of experience. The question is going to be how are these projects going to get funded. That's going to be the key. One of the things we have on our team are some people very knowledgeable on what's going on at the federal level. Taken key is this, u.s. are combining their organizations in the new transportation bill. What this means is that their focus is going to be on livability and sustainability. Projects that meet those requirements are going to be the ones that get funded. This is going to come through so we want to set up in a way so you can take advantage of that money. Okay, you'll have projects set up and ready to go with that in mind. One of the best ways to be consistent with that policy is through context sensitive solutions. We know that streets need to change as they pass through an area. The one size fits all, this corridor that I'm showing in the bottom, changes as you pass through a town center or a residential area. The street needs to change. And we do that, we can build on the goals of the comprehensive plan. Since we've got teammates that are actually working on the comp plan, we can look at the goals and specific corridors, we can use those goals to prioritize the elements and find the best land use transportation fix for each corridor. Again, our team has a tremendous amount of strategic mobility experience. I just finished the houston plan, the dallas transportation plan, houston-galveston area regional plans. Southern louisiana plans. Plans in portland and plans in new york. I mean this is only a fraction of the plans we have, but what this does, it's a lot of experience, but what it does, it allows us to tailor a plan for you. This isn't our first strategic mobility plan. We can tailor a plan that fits your needs. That's really the main point of that. At the end of the day, we want to develop a world-class transportation system for austin. I'm showing pictures of denver and portland and dallas and addison. And there's great places and there are nuggets of greatness in each of these places, but at the end of the day, we want to facilitate a community-driven process that builds broad consensus here in austin. We want to create a strategic messaging campaign that creates a unified vision and develop a world-class transportation system to make austin a model for other cities to follow. Wouldn't it be great 10 years from now to have portland and denver looking at austin saying we want a transportation system like austin. That's my presentation. I thank you for your attention and we look forward to addressing your questions.

Mayor Leffingwell: I have one question with your last comment.

Mayor, if I could -- we want to have both teams here before you ask any questions and I think they are

making their way in right now.

Mayor Leffingwell: Okay.

Okay. My apologies. I think we have both teams here now. Both teams are here, mayor, so if you are ready for your question. My apologies.

Mayor Leffingwell: I was interested in your comment when the funding from federal sources. And this is -- could be classified as new start for us, any kind of mass transit operation. And have been previously told that it's difficult to get these funds for a new start projects. You inferred differently, i thought. And I also know that the system being planned currently by round rock is predicated on obtaining federal funds for a new start project. And I just want -- my comment for you and everyone else, i think it's very important that we keep that in the picture, that we need to seek federal funds for any transit project that we undertake. New start or not.

Okay. That's a very good question. And I think the way that i would answer that question is in two parts. First of all, in terms of the federal policy that I talked about was in regard to the overall federal transportation bill and how projects are going to be selected based on those projects. And I'm talking about multimodal projects, automobile, bicycle, pedestrian, transit. And so the funding and the funding formulas for those types of projects, we're going to start to see those changes come down the pike. So my comment was more directed towards how do we -- and not how we, but we will put projects forward through the mobility plan that if the federal funds become available and if they fit the formulas, that those projects will be ready to go and they will already fit the requirements in terms of formulas. In terms of new starts, I'll ask joe to say a few words.

One of the things we've worked with around the state is agencies that have done local projects, but keeping them conforming from a federal standpoint so their local match dollars can be counted towards future expansion projects. I know that was one of the focuses I've heard talked about with the potential urban rail, the first chunk would be a process that was locally paid for, but keeping in mind that your process and your vision has to follow the guidelines on new starts. Always having that in back of your mind if that we want to follow the process but we may want a local process before we can get the funding options. Always keeping that in mind is the biggest emphasis to make with the federal requirements.

Mayor Leffingwell: I hear what you are saying, I just respectfully disagree that we should disregard the opportunity on a new start project for funding for a rail system. Because I know others are doing it. Thank you. Anything else? Councilmember cole.

Cole: I want to thank you, the teams -- I almost said gentlemen, gentlemen and gentlewomen, for putting all this work forth. I know tha not easy. You realize austin is contemplating a multimodal project, bicycle, trails, transit. I was curious about your thoughts on how we would prioritize that and what you would do with community outreach to get some feel for what we should prioritize.

We'll start with this team over here.

Thank you. I'll initiate this and let Linda step in. On a lot of the projects that we've done, what we do is we go out to the community and get a sense of their values and their priorities on different topics. And then we don't so much ask the public necessarily to do the prioritization themselves, but we take their values and put them into a prioritization framework, and we then can work through priorities between the different modes of if a value in one neighborhood is really strongly pedestrian and bicycle versus another area which might be transit, then we can reflect that when we go through our prioritization process and make it very transparent.

Just real quick, the communication part of this is all the way through this project. At the beginning it's collecting information and data. Then it's geographically looked at. I think that this is multi ways we can pull it together. One of our quiz at the booths right now if you had \$100 to spend, how would you spend on each mode so we've already started that process by collecting some data today.

I just wanted to reiterate that our group has already had experience in collecting this information. Rashid was -- we've already connected that office. Kathy sat on the street starts committee and is very familiar with the gap in barriers identified in the bicycle plan. We're familiar with Austin. We've been working in the area for years. With respect to your question on the metrics, smart mobility plans like carbon emissions reductions, sustainability, so we're talking about the national experience of a firm that has already done these types of evaluations comparing a cross modes as we bring that to Austin.

Cole: Okay. Thank you.

I think we have a very unique approach. The way that we conduct our community workshops and community meetings is we go out to the community with a series of tools and we actually sit down with maps, with the tools that are fiscally constrained, okay? And we'll provide the community with several different options. Option A may be a packet of tools or projects that are more transit focused. It may be another packet that may be more auto focus and another packet that's kind of in between. What we do is we let the community come out and they start physically putting these transportation tools on the maps. We take all those maps and we collect it all and we actually put it into our computer systems and we're able to evaluate where they put the projects and how much they put -- now, the key, though, is each of these project is fiscally constrained. Let's just say that you have \$200 million to spend over the next 20 years. We'll give them \$200 million worth of transportation tools. Now, if the group at the table says, well, guess what, I want more bike lanes, then they have to trade for something. They trade. They trade for more -- less highway lanes or less transit or whatever it is. They have to make that decision at the table. And so that we're able to have a pretty good idea, a pretty good sense. Now, that's where we get all the information to actually select the projects or start selecting the projects. Now, the prioritization of the projects is a little more technical. For a pedestrian and bicycle improvements, we're looking at pedestrian and bicycle levels of service, and I think out of the manual that I discussed, the 2010 highway capacity manual, is a start towards that. We've done this in many places. We've done this in Houston. We did this in Dallas. We've done this in Fort Worth on the gap study. So there's a lot of different

ways that we've done this and prioritization is kind of second nature to how we do business.

Cole: Okay. Let me ask another question here. I believe that in one of your presentations you talked about the need to brand the city with certain traffic initiatives, such as the take on traffic initiative. And I was really curious because we're not just doing roads or just doing signals. We're, again, talking about multimodal and trying to address some of the needs of the entire city. I mean we want to be able to go to the voters and sort of say there's something in this for everybody, but it might not be everything that you want, but we want you at the table to know what is the most important and we know it's determined by where you live so we're really dependent on you guys to bring us back that kind of information so we can weed through it and figure out what it's going to justify that potential city resources. I would like your thoughts on that.

I'll take you back to the process that I laid out in terms of going out to the community and understanding their needs and getting their ideas through interactive workshops. One of the things that's going to come out of that is the messaging campaign. And I would like to ask Mike to come up in a second, but the idea is based on what we're hearing from the community at these workshops, what's going on in the urban rail plan and the comprehensive plan, we want to understand what the overall message needs to be in terms transportation. And so with that, I would ask Mike to come up and say a few words.

Thank you. Mike Clark Madison. One of the things to remember on this is we, of course, have been talking about transportation for a long time in this city, and we have a lot of work on the ground, plans that have been done, campaigns that have been done, we've all been involved in them and we kind of now, I think, there is a general direction in this city that we want a multimodal transportation systems that leads towards alternatives to single occupancy vehicles. Starting on that and owning the work that's been done up until now, the challenge is to go to the end user when we go through this process and really talk to people in the neighborhoods and the community who their involvement is they drive or ride a bike or walk or take a bus. And get them to think in terms of how these things work together and how our resources are best invested. We know that we want to communicate that the city really does want to, you know, implement projects that break the mold and get us closer to a vision that I think is further being enunciated by the comp plan and the campo plan. Also to be honest with them and share the dilemma about resources. When we talk about how much money we have, the feds have, the state has and how we have to divvy that up, there's not enough to go around and transportation is really expensive. So how do we make those dollars go better, and one way of doing that is by leveraging all of the opportunities to integrate transportation with land use and planning and create complete streets and a more multimodal environment. I think that's where I'm looking at sort of a big picture when we talk about messaging, and I know that ultimately, yes, we do need to lay the ground work in public education for what could be a bond election or some big decisions made by this council. And you know, making sure that people have accurate information and understand the relationship between these very large, confusing, often very technical acronym-filled entities is going to be a big part of this job. [Buzzer sounding]

my thought on the umbrella kind of platform is the idea that, one, you've just created a new transportation department, you know, and have really pulled that up and you really haven't got your

voice underneath you. It absolutely has to be multimodal. You are look at three for railen the strategic mobility plan, the land use camp plan, but all of them have transportation issues. So that can get really confusing for neighbors and communities. You know, are we all going to the same meeting, what meeting is this compared to this meeting over here, what's this message there. So one of the things that i thought was super important for this council was to look at an umbrella platform where all the information, all the e-mails came into one place. They can all be divided back out, but there's an easy way for communities and neighbors to interact on transportation issues and develop the city's brand. And I don't know on transportation, you know, the messaging, it doesn't have to be on traffic, that was for a specific thing, but I think that's an important thing and a way to give one voice for the city on transportation issues.

Cole: Okay. And I just have one last comment about that. I think we have a very progressive council, some of us only ride a bicycle, and one of us -- I wasn't even going to go that far, but i think that regardless of what team is chosen as we do our plan, it's not necessarily for, you know, one and a half year period or two-year period. We're trying to set the plan for the city for long term. And that to the extent that you get information that people are more immediately concerned with sidewalks or roads in their neighbor or traffic lights as opposed to rail, and that's dropping down to two or three that we need to know that information and synthesize it because it will affect our decision-making process especially not only to the extent that we allocate resources, but also as we plan long term.

Mayor Leffingwell: Councilmember spelman.

Spelman: Both of you spent a long time talking about how you are going to be engaging the public. And with regard to councilmember cole's concern about multimodal systems, I'm concerned that when you engage the public talking about multimodal systems, there's a fair amount of speculation going on. People are primarily uni modal right now unless you count the walking from your core to the elevator in the parking garage. We're asking people to think beyond their current means of getting around. I can imagine wishful thinking on both sides. If we had a train, gosh, I'd love to take a train and they don't at a time. Then the opposite going on, there's no way you'll get me out of the car, but as soon as it makes sense to get out of car, they will do so. How do you manage that level of speculation. I'll best ask a followup question, but how do you manage people's expectations and keep them practical?

Thank you. I'll start and then get input from our public involvement folks. One technique is to make sure that when you bring people together that they are not just talking to the same people that might either be auto riders or bicyclists and get them engaged in understanding the needs of people that aren't, you know, traveling on their particular mode. One quick example that we've done in a couple of examples is to take an intersection and we can all envision the traffic going through an intersection and delay and so forth, but we've gone and said, okay, what if we put it from the pedestrian standpoint and say what kind of delay is the pedestrian having going through the intersection or a bicycle, and people can then say, well, this is operating really well for me as a motorist, but it's not operating well for pedestrians. So you start visually and through simulations and things being able to have people picture what it's like to be someone that's not traveling in their particular mode.

I want to go back to the simulations. I like simulations. Maybe it started as a middle school teacher, but I think when you start looking at how to get different groups of people talking, I commend the council for the way they did the budget where they had different issues. I think there's an education process that could be part of this strategic, at least the long-range group so you can educate people on how easy it is to use bicycles, how easy it is to be able to walk more or how this works. I mean I can tell you that it's sometimes hard to even use the current bus system without a little bit of education in the process. I think that's part of this process as well.

There's -- I guess three points that I'd like to make. First is on education. And that our team has a tremendous amount of experience in going out and conducting workshops or educational workshops. Usually before we do our workshops, we end up having a presentation that educates people on multimodallism and good examples and bad examples so there's a lot of education and a lot of materials that would go along with that process so the community has a baseline of education on multimodallism, what does it really mean, what are the advantages and disadvantages. The other thing is we have to look at this plan in terms of the first nine months, which is the gap study phase. Because we have to get to a bond program in the fall of 2010. Okay? So what are those low-lying fruit projects, what are those easy to implement projects that the city can take on and how do those tackle the community's issues or interests in terms of transportation. So to look back at your question, when you said, you know, how do you get people to look at the bigger picture or get them to understand that -- that getting out of your car is an option and that will be an option some day. You do that through a phasing approach. The first nine months is a project that could be implemented easy. The other is a long-term vision of the transportation plan which is the strategic mobility plan. That's why we overlapped and you'll see in our proposal we overlapped, and I show the graphic where we had phase 1 and phase 2, we're getting input at the first workshop on short-term things, but every workshop I've ever done, people give you big ideas too. And we need to understand that and we need to take advantage of those big ideas. And those will be moved over to phase 2, which becomes the vision of the city. So it's incremental steps is how you get there. Over time it's incremental steps. Let's fill those transportation gaps now, but let's do them in a way we're not precluding the ultimate vision, because that's a mistake that can be made and I've seen made in many places where you do short-term projects and then you're not in concert with your long-term vision.

Spelman: Mayor, may i continue? Both of you in a way discussed the challenge of getting the unusual suspects to show up to public meetings. I wonder what kind of approaches you've used in the past to do this. Which unusual suspects among the hundreds of thousands you could be choosing do show up to meetings and how those foes end up speaking, behaving differently in those meetings, if at all, than the people who always do show up.

I think -- yeah. I think at the outset I would say that we hand pick -- mary and sanchez, to help with the communications and really the outreach portion of this plan. And we did that because i really -- and after I got to know mary and I understood how passionate she was about reaching the nonusual suspects, okay? So I'm going to turn it over to the expert in that field.

Thank you for the question. Yes, I do have a passion for that. I call it nontraditional participants as opposed to -- and so there's several strategies to bring them to the table. First of all, transportation is

subject that we talk all the time. You can ask anyone about if they have a hard time on mopac or trying to cross the street. No matter what age you are, you understand the issues in transportation. But the challenge is to bring those ideas back to the table so we can consider them during the plan. And there's several strategies to do that and I'd like to point out three of them and it's just a philosophy we have with the company. First we talk about high tech. The high tech will probably be the social media we're very much aware of, the [indiscernible] and the fear which is way to create input and participate you communication efforts. Then we have the low tech. That's easy, sitting with the churches and listening to the community. It's passing fliers. It's perhaps having a focus group at a school. And then we have what we call the high touch, and high touch will be utilizing the media, utilizing groups and organizations and really getting in the heart of the smaller groups such as the moms, the families, the young professionals and so forth. I do believe that if we keep that strategy and that follows with land use and planning will be able to reach out to the nontraditional participants, because we do know that the traditional will participate, will be at that table and will provide input but we want bigger than that.

I would add to that because we know we have planning processes going right now and have had previous planning processes, we know who didn't show up to a lot of these things. And some of them are key stakeholder groups and we just need to talk to them. One of them, and no offense to anybody in the room, who i thinks need to have shown up more is major employers and i think we're going to have to the focused interview group with major employers to say their input in this context. When we talk about an empty i channel approach focusing on users, you know, that's sometimes it just means going out and finding somebody and asking them. ..

I think a couple different things. One is definitely going to them. If you have a big open house, those are good, but it's -- you have to go out and fine the people in the community. There's hundreds, I've got hundreds of people that have -- [buzzer sounding] -- I assume that's not for me. Hundreds of people that have groups that we've worked with on campaigns, et cetera. So I think it's going out to those groups, big those in, talking to them. And then everything we do would be bilingual material. One of the interesting things we did with take on traffic is publish a telephone number. And my thought was maybe we could do multiple telephone numbers for bikes, pedestrians, whatever, and as people are on their cell phones, I notice we can't do that while we're driving, but I think that they could -- they pick up their phone and they will call if they are thinking about things and pur investment. Y this bead back into the system. I would louvre to implement that as well in that. We've already the people tweeting to come down and give us their input on our booth outside so I think all of that is just a natural process here. And it can't be just open houses and check off the box.

Mayor Leffingwell: Any more -- are there any more questions besides councilmember riley's because I would suggest that since we've past our time certain for citizens communications, unless we can dispose of the questions quickly, that we recess this public hearing until after citizens communication.

Mayor? I do have one question.

Mayor Leffingwell: Any other -- councilmember riley, we'll see how it goes.

Riley: I hope this will be fairly quick. I just have a question -- first let me say I enjoyed the presentation from both teams and appreciate both team's commitment on the multimodal network. One thing that strikes me, everybody hears the word and goes along with that and yet when you look at the streets in austin and across the country, most of the streets that are out there are not really genuinely what we would consider complete multimodal streets. I want to ask a two part question about complete streets. The first question is what in your past planning efforts, what are the impediments that you have encountered in the effort to move in the direction of complete streets? And then the second part of the question is I think one issue that we may encounter here in austin is that some of our principal corridors actually are subject to control by txdot, texas department of transportation. I wanted to get a quick assessment from you as to how you see that factor entering into the discussion and how would you foresee degree with it?

I'll make this brief given your timing. We do a lot of work with complete streets around the -- around the west in particular. One thing that I've been doing personally is through the institute of transportation engineers, we've been putting together new guidelines for these types of facilities. And what we're finding is that not every street necessarily can serve every single user. There are certain major arterials that are probably never going to be bicycle streets. And there's others that really need to be calmed for traffic to be able to accommodate an emphasis on bicycles and pedestrians and transit. So our approach is to go in not with a very clean slate and look at the characteristics of each, as it could be that different portions of the corridor could have different treatments. Again, a long corridor may have different needs closer into the downtown than it would further out. So that's the general approach that we take in looking at these types of facilities.

I was just going to add on to what you said, you know, we've developed strategies like that already with the austin downtown plan. We have transit oriented streets, we have commuter streets that are more vehicular focus and then pedestrian streets. We were involved with caesar chavez and we're working on the shoal creek right now. And often traffic engineers like myself -- I'm not included in that group, tend to take a single look at vehicular movement. I would say our firm is known for our ability to look outside the box and consider all modes and we considered that in the cross-section in the middle of the project. But with regard to your question on coordination and dealing with txdot, I think we've entered into a new era. Carlos lopez, the new engineer, is a traffic engineer. He understands funding is limited and we all need to work together to get roads working in austin. And with rob spiller in the transportation department. We have a new energy and enthusiasm across the board, across the agencies. And I feel optimistic that we'll be able to work together to solve the problem.

I'll address your question a couple different ways. First of all, a little pitch for us. We actually were the primary authors on the new spelled ite, institute of traffic engineers and c.n.u. manual. It's multi-disciplinary manual. That has set a new expectation and it has set a new precedent for how streets should be designed. Now everybody is looking at complete streets and context sensitive solutions. Just about every city we work in, we rewrote the city of houston's street standards. We came up with the guidelines. The city engineering department is taking those and putting those into their design criteria which was a major hurdle for the city of houston. We've done similar things in dallas. My point is that one of the biggest -- you talked about constraints for -- for multimodal streets. One of the biggest



constraints has been the engineering community. And it's not at their fault, it's because the only manual they had was the green book, and it said you can do this. And then txdot has their manual that says you have to do this. So now there's a new document out there so there's a new era. So it's opening up people's minds, and I think it's the greatest thing for engineers because they can stretch their technical skills. Instead of looking up in a book, they can use their creativity and education to apply these principles. I believe that is going away with these new manuals and because it was endorsed at the highest levels, at the national level, they are going to start moving forward. The other is txdot. Now, txdot has recently -- there was a committee set up to look into this specific issue. And one of our team members actually is chair of that committee. And so txdot now has changed their project development process and they have -- they have endorsed or I don't know what the right term is, but they've endorsed the i.t.e. Manual. So now we can go back to txdot and if it's on a txdot facility which there are many in austin and say wait a minute, we need to step back in our process and look at looking at this from a context sensitive standpoint and i think they will be more open than they used to be.

Mayor Leffingwell: Councilmember morrison.

Morrison: Thank you, mayor. I want to thank staff for all their great work and for your presentations. I'm excited. We have a great opportunity in front of us. The one question I wanted to ask, obviously transportation costs take a big chunk out of families' budgets, for some families it's a bigger percentage than in others. I wonder if you take into account social equity when we're looking at sort of measuring the benefits and cost of things that are on the table and proposed. And if you do, how -- how do you do that? Thank you.

Well, I think the social equity question comes back to -- I guess I'll take you back to our process in which we're going to be very inclusive and mary anne sanchez talked about some of the techniques by going out into the community and getting input. And so it starts there. First of all, it has to be an inclusiveness of input and something that the city really does want to hear everybody's input and not just hear, we're spending a lot of money to hear your input. Then when the question is when it comes down to the short term or the gap phase of the project, how do you prioritize projects and are those projects going to be going into disadvantaged areas. And so that's a very good question. Now, I did a prioritization program for dallas county, this was about 10 years ago, and we had all these and social mobility factors. That's something I think we need to consider as we look at the prioritization and ranking of these projects is how much weight do we put in that for social mobility and equity. Those were looked at in terms of income, household income and so we were able to look at areas or census tracts that contained projects within those areas and so they got a little more points. They are ratcheted up. Thank god the new administration is looking at different ways to prioritize projects, but what's happened OVER THE YEARS IS THAT NPOs An txdot and other agencies are prioritizing projects based on congestion alone. And what does that do? It sends all the transportation dollars out to the high growth areas. And those aren't usually traditionally the under served areas. And so we've got to weight these formulas and spend a lot of time talking about how to weight these formulas.

I would agree with a lot of points he made. I just wanted to add a couple of quick perspectives. One is, as I mentioned in our presentation, in denver we looked at the quality of life indicators. There were 67 of

them as part of the -- part of their plan. And at least two of those dealt with social equity and general sustainability and the emphasis nowadays on what's the family's carbon footprint, there's a lot of interest in that. That's an interest that we as a firm have been in the forefront in terms of coming up with techniques and to quantify for a particular strategy, a land use or transportation strategy, what the effect would be on a community or a family's carbon footprint and other air quality factors. So we think those are important things that have been emerging and need to be brought into the process.

Thank you to both teams for being here and being part of the presentation to answer questions. Thank you, mayor and council for participation in our process. I want to mention in closing the teams are available from the atreat yum along with setup to engage the public and we'll be receiving public information and compiling that later on.

Turn it back over to lucky.

Mayor Leffingwell: Council, without objection, we'll go now to citizens communication before we go back to the morning agenda. And the first speaker is linda green, whose topic is why buy fluoride waste. While you are coming up, council, we don't have any executive session schedule for today so what I would suggest is that we -- there are television monitors in the back where you can watch the proceedings, we go back and have our lunch in groups of two or three so that we maintain a quorum here in the next hour or so.

Thank you, mayor. I'm coming to speak on behalf of fluoride-free austin. We do have a new website com and for the past year we've been speaking about the toxic waste found in our water that we as citizens of water pay to put in our water every year. And it's frustrating to me that we would spend money to put toxic waste in our water. The cdc and the ada both say babies should receive no fluoride in their water, and yet the city of austin is considering a brand new water treatment plant. I'm assuming they are plan to go put flour ride in our water there. And recently it's like I've come to put this little puzzle together, there was a music festival where about 60,000 people wallowed in their waste for 24 hours because our city of austin puts dillo dirt on our parks and dillo dirt is a composted matter of grass clippings that contain pesticides, herbicides, dog waste, cat waste, anything you can imagine that people put on their lawns. Then it's composted with sludge which is, again, human feces that's been treated. And last week I called the city water utility department and I asked them to send the mayor a copy of the test results that show the heavy metals in this dillo dirt, the fluoride in the dillo dirt and the pharmaceuticals in the dillo dirt, and to this date neither the mayor nor I has received these test studies has stated is all right to use in our vegetable gardens. And I'm requesting that the city of water utility go on stations and retract the statement that dillo dirt is actually okay to use in our vegetable gardens until we've done further studies on this. Fluorides that we put in our water, as acknowledged by jane from the water treatment plant, is a waste product from the scrubbing towers of the phosphate fertilizer industry and we don't need to be putting it in our water. We don't need aluminum from heavy metals. We don't need pharmaceuticals and we don't need to be putting this in our vegetable gardens or on the lawns where young people go to listen to concerts -- [buzzer sounding] -- where they breathe this when it's dust and wallow in it when it's mud, and I ask you to please take action on getting fluoride and dillo dirt

out of our system. Thank you.

Mayor Leffingwell: Thank you, linda. Next speaker is ryan rittenhouse. Whose topic is austin energy and the future of the city's energy mix.

Good afternoon, mayor, city council. Thank you for your allowing me to speak today. My name is ryan rittenhouse, i work with public citizen and here today to address mostly the fayette power plant and our v. But I would also like to state that public citizen does also oppose the new water treatment plant. So to get started, if everybody who came today wearing black, the dead folks, can you please stand up for me. Thank you. You're looking at about a little over half of the number of people that the fayette power plant kills every year. To put that into a little more understanding and context, the nrdc did a report with the clean air task force studying a lot of the hidden costs of power plants. And they broke it down by individual power plant and they found that among other things the fayette coal contributes to 1230 asthma attacks and leads to premature deaths of 50 people every year and this is about half that. Every year we keep a plant like fayette running, this is the amount of people or twice this amount that our coal plant is killing. Austin's share is over one-third of that. So that's something to bear in mind. I did have some props today, they wouldn't let me bring them in because they were in powder form, but I wanted to show you some of the actual representation of pollution that this plant puts out. And the way I broke it done was per electric meter. So along with the electricity that the plant was providing, it's also per meter, per household, you know, whatever. It's also sending folks over five pounds of sulphur dioxide every year, over three pounds of nitrogen oxide every year, and every month it's sending 1400 pounds of carbon dioxide, about the same size as a small automobile. And all this stuff has a very derogatory effect on human health, the environment and everything else. It adds to our nonattainment region. It's estimated that it could add about three parts per billion to our nonattainment problem, the emissions from fayette. The list goes on and on. The national research council of the national academies also did a study which found that these hidden costs, the externalized costs, of coal plants in the united states is \$62 billion. And that's about 156 million averaged out on each plant. 2 cents her kilowatt hour. That's what it would add to the electric rate if you accounted for this health cost. Now, fayette is -- because of involvement of groups like ours, we've gotten them to clean up a lot in the past so they are about a third of that. They are cleaning that some of the really dirty plants out there. But there's still massive hidden costs at plants like this including our own plant that aren't being taken into account. And the other thing to remember about that -- [buzzer sounding] -- study specifically, it focused on air pollution.

Mayor Leffingwell: Please wrap up. Your time is up.

Sure, I'll wrap up. It did not include global mining, transportation, water contamination. The other reason we're here is the event which is going on STATEWIDE ON OCTOBER 31st. And if you don't mind, I would like to give one minute to jake stewart who had just a few things to say.

Mayor Leffingwell: You don't have any more time.

Thank you very much. [Applause]

Mayor Leffingwell: Olie pope. Olie pope is here. His topic is the veterans day parade. Welcome, olie.

Hello, mayor and councilmembers. I have with me today a packet that I want to hand out to you a little bit later. Within the packet --

Mayor Leffingwell: You can just pass it to the clerk at your discretion and she will pass them out.

What I have in the packet is, number one, the official veterans day poster by the v.a. I would like to present that to you all so you may display it anywhere you would like. Secondly, I would like to present to you is the official travis county and the city of austin poster for the advance veterans day parade and ceremony. The parade and ceremony will start at the south congress bridge, now known as the ann richards bridge, and will travel up in front of the capitol. Viewing stands will be at the austin hotel on 11th and congress. That viewing stand will have the announcers of the parade with individuals from the local radio station that will announce the parade and announce every participant in the parade. I would like to extend an invitation for the listening audience, for anyone who wants to come out and participate in the parade to do so. NOVEMBER THE 11th. The parade will start at 9:00. If you are participating in the parade itself on the bridge, please come and be prepared and assemble at 8:30. Other programs that are -- that are ongoing during that time, for instance, the golden corral sponsored by the , they will offer free meals for any veteran to come into the restaurant and partake of the meals. APPLEBEES and McCormack and smith. I have received the and the austin fire department, so you are looked into the parade, all we need is the participation of the staff and other city members and the community to come down and participate in the parade. After the parade, at the steps of the capitol, 11-11-11. The ceremony will start, the program will start. This year's theme for the parade and ceremony, we felt that it was due time to represent families of veterans and active duty members. [Buzzer sounding] in the past, those individuals have not been recognized. The service member goes off into war on active duty and they are left home to manage the family and take care of day to day operations of the family. We would like to extend and recognize and honor those individual family members this DAY, NOVEMBER 11th, 2009.

Mayor Leffingwell: Thank you, olie. I plan to be there personally.

Yes, sir. Yes, sir. I know there's some other --

Mayor Leffingwell: And your time has expired.

Is that what that was?

Mayor Leffingwell: We're with you on this one.

Okay then. Thank you, sir. [Applause] 57600 next speaker is ronnie to speak on peace and fred dumb.

Thank you -- freedom.

Thank you,.

I just read what's written down, ronnie.

Thanks, it's not your fault. Like I said, my name is ronnie [inhale] reeferseed and I say no drugs for growing brains. You know, not no kids, obviously. But we should say happy every ending truck month for texas here. We should revoice for the ron paul's ongoing revolution of love for topsoil and conservation and love for liberty in our sacred constitution because for that bankster stooge obama shocked the world, he showed that he's listening to this roar of joy from the hemp friendly farmers who at least in 14 states and many other municipalities nationwide have overwhelming voted to at least decriminalize legalizing medicinal marijuana, big worldwide so-called rare reaction to the seasonal flu vaccine. It's really a horrible thing. A lot of people are dying. It's like desiree jennings, for example. On fox news, her story, a redskins cheerleader who now suffers from dystonia, the story flu shots are safe, !! This story of desiree and people waking up about it like the swine flu vaccine fiasco of '76 it's going to save lives. Remember swine flu vaccines killed many people during gerald ford's administration, they stopped the nation-wide vaccination because the vaccine did more harm than good, killed many people. More truth about the swine flu shot, what is in the regular flu shot, egg protein, formaldehyde, mercury, tryton, polysobon 80, it's -- it doesn't work. It's like a flu shots work not in healthy babies, not in children with asthma, not in children -- not in adults, not in the elderly, so it's just a scheme. Kind of like this thing on killing granny. They are trying to kill us. They want to kill us. It's really hard for people to grab hold of this. But they are planning on killing us. You need to read the textbook by -- by john holdgren, obama' number one science advisor. Again, on this sheet of paper, what can you do? We can all do something. Share information with everybody and it's really grim and it's hard to face this reality. But here's something on the war on drugs front line news. Of course the afghanistan election of kharzi were a total hoax, one third of his votes were totally fake. What we can do is read net online. ron paul writes this foam regularly. Don't forget [www.campaignforliberty.com](http://www.campaignforliberty.com) And [lewrockwell.com](http://lewrockwell.com). Pick up the phone, (888)916-6035 or [indiscernible] weekly updates from dr. paul. Thanks so much for your patience.

Mayor Leffingwell: Next speaker is rae nadler-olenick. Rae nadler-olenick. Speaking on water fluoridization.

Good afternoon, mayor leffingwell and councilmembers, this month which marks a year since i first spoke here brings some news. As linda greene earlier mention the blog has transformed into a full-fledged website at [www.fluoridefreeAustin.com](http://www.fluoridefreeAustin.com). The blog is still there, along with powerful new features like news and links and direct e-mail addressed to reach us. We will be posting down loadable educational materials to a -- a couple of fliers are up already, as well as information about the city council. The website being brand new it's fairly basic at the moment, but we expect to build it into something really fine. This is through the efforts of a very talented young man, our web master doug, kudos to him. A local dentist gave me a copy of this hard to obtain 56 page booklet called building better oral health, a dental home for all texans. It's a report commissioned by the texas dental association, the first of its kind and dated winter, '8so it's recent. The choice of type phones and colors makes it difficult to read. Whoever designed it must have known that. Perhaps they didn't want it widely read because within these pages can be found abundant evidence of the utter ineffectiveness of community water

fluoridization, for its stated purpose of improving the dental health of underserved populations especially children. The failure is expressed not directly but indirectly between the lines in tacit admissions and flagrant contradictions. While like all american dental association publications it promotes fluoride but with less than the usual zeal as if the authors just once were allowed to stray from their primary propaganda mission the results show. I first encountered the report on line, a bit more ledgible provided you have a large screen monitor, just google a dental home, hit the lucky button, you will be right there. I will have more to say about this document in the future. Thank you.

Mayor Leffingwell: Thank you. [ Applause ] next we have paul robbins speaking on city issues.

Mayor, council, citizens of austin, I'm paul robbins. I am an environmental activist and consumer advocate. Austin prides itself on being number one in a number of areas. I want to show you yet another way that austin excels. Congratulations river city. We have the highest combined water wastewater rates of any major texas city. Higher than houston, dallas, fort worth, and san antonio. It's another reason to be austin proud. Now viewers, note the two bars on the far right. The one next to the edge is austin and the one to the right edge is austin's number one rates with the reported cost of water treatment plant number 4 added. It looks like we want to keep our number one position for a long time. Now, here's a second chart. That breaks the total cost down to wastewater. The blue is water and the red is wastewater. Austin is about average of the top texas cities for water wastewater right now. But with the added cost, again the far right bar, for water treatment plant number 4, we will catapult to the number 2 spot, only outdone by garland, texas. Now, people are really going to see the bottom line and not the cost broken out. But nonetheless I want to put things in perspective. Now, four council members made a promise to the voters to let us have a referendum on this issue as specified in the city charter. And I want to ask you again to honor your promise. This country is in the worst economic shape it has been in since the great depression. We have had the highest water wastewater rates of any texas city and want to raise them higher. The citizens deserve to have their opinion. We have voted on things like this for a century. And it seemed to be legal up until david smith became city attorney. Thank you. [ Applause ]

Mayor Leffingwell: Next speaker is gus pena. Speaking on city issues. mayor, councilmembers, rudy, gus pena, proud native of east austin. East fifth street. I want to say something about the mobility plan that is being pushed out over here for the people to be educated on. I want to thank lindand marianna sanchez, both teams. We need to get the people educated traditionally. I think it was mentioned multiple pee mobile system and others engage the public was what councilmember spelman said, I think it's very important that we do engage all of the public and not just some of the public. I'm pretty sure with linda and mary anna. I did not make the list last time mayor so we're going to have a surprise for you all. I'm hoping that you enjoy that. Veterans housing stand down. This is going to occur on OCTOBER THE 24th, OUR Veteran service officer mr. Olie pope forgot to mention this. Saturday we invite the homeless veterans it says at vfw post 586, 401 east alpine road, off of south congress for homeless veterans who served our country and other countries, freedom, safety, democracy with pride and were injured, were wounded, came back hurting. Veterans need ptsd training or treatment excuse me affordable housing, mentors and tutors for the students. The dropout rate is not acceptable here in austin, in the austin independent school district. You as a public servant, elected official, can ask for people to volunteer,

mentor, tutor the kids. This is costing the city and travis county budgetary cycles a whole lot. If you don't believe me, ask judge biscoe. He will educate you. Socioequity is mentioned. What's that? I don't see it here in the city of austin. You want to keep the city of austin weird, kee it affordable. You have a lot of people out there, the homeless. A lot of people that are starving and I want to say this to you, mayor and councilmembers, whoever partakes of this food, lunch, supper, extras, i hope you enjoy this supper and this food, because there are a lot of people starving out here in the city of austin. A lot of people need help you are spending more than \$600 per council meeting on food. Give that back to the community. [Buzzer sounding] let the people that are starving be fed. Keep the kids fed and healthy. Thank you very much. And god bless america. [ Applause ]

Mayor Leffingwell: Thank you. And our final speaking is stoney williams. And stoney's topic is texas fireworks, celebration OCTOR 31st, PRESENTED BY Planet k and cap at that time area food bank and mobile loaves and fishes.

Hi, mayor, councilmembers. I'm not stoney, I'm michael klineman, it's a pleasure to be here, founder, chief cook and bottle washer of planet k, texas. Just for the record --

Mayor Leffingwell: Just for the record, you are not allowed to donate time if you are not signed up. So if you are not stoney, you really can't speak. But without objection, since you didn't know that, is stoney here. You still can't donate time.

Will we be able to let the charity speak?

Mayor Leffingwell: Without objection, go ahead. But for future reference, you can't donate time in citizens communication.

We're sorry. We didn't know that. We're really here to invite you and all of the citizens of austin to a wonderful fireworks display. Can we -- can we get the fireworks going from last year that we did here. It's a free event behind kreig baseball field. We won't to invite everybody down in east austin to enjoy these free fireworks. We are ending the citizens communication with a bang here of sorts. We are very happy to do this. It leads off our month of giving to the house the homeless, to the capital area food bank and to mobile loaves and fishes. As you have been hearing from other speakers, there's obviously still a very important need to provide funding and supplies for these organizations. People are hurting. But in the meantime, we want to celebrate those who have passed, our families, our friends who have passed. It is a traditional hispanic holiday that been around for ages, century, we are kind of lighting up the sky was the life affirming fireworks here as you can see. We are dedicated to -- besides praying for the dead, fighting like hell for the living. That's what's important. And with that I would like to introduce kelly from the capital area food bank and then we will have richard from the house the homeless talk about their needs.

Mayor Leffingwell: One minute total left.

My name is kelly and i just want to thank you all for inviting us here today. I just want to say i encourage

the community to go out and attend the fireworks show on halloween. It benefits three local non-profits and the capital area food bank right now is experiencing a 60% increase in need. We have a lot of new faces and a lot of new people. I encourage y'all to go out and pass on the message that hunger is unacceptable.

Mayor Leffingwell: Thank you.

Thank you for this unique opportunity to speak, mr. Mayor. We recognize that there was some confusion. But house the homeless is the oldest consumer non-profit action homeless organization in the state of texas. We are proposing the end of homelessness. We urge people to join us in our efforts. We constantly work on plans, projects, employment projects to help people leave the streets of austin. Please come out and support this effort. Planet k has 12 -- very well respected business with 12 stores in this city. And has given graciously of their time. We are most pleased to be part of this initiative. Thank you.

Mayor Leffingwell: Thank you. [ Applause ] as I said before, we have no executive session scheduled for today. 30 in the morning briefings. So we will hear a briefing 50 on the waller creek master plan.

Thank you, mayor, joe pantalion with the watershed protection department. Today we do have for you a presentation on the draft waller creek master plan. The master plan lays out a vision for the lower part of waller creek in eastern downtown. This is an area that once the tunnel project is completed, we'll have 28 acres of floodplain removed from downtown, which of course will remove a significant development restriction from the -- this part of downtown. Now, the master plan is part of a bigger program. There's several things going on for waller creek. Of course the tunnel project, which is well into design and permitting, on schedule and budget. It's being financed by a tax increment financing district. Within that district, there are -- there are some important park resources, waterloo park, palm park, the trail, waller beach. Parks are vital to the health of the district and the master plan as you will see. To support the master plan, to support the tunnel project we've had an extensive outreach project. smith, can we move these conversations outside, please. David. Can we move the conversation outside, please. Sorry. Thanks.

Thank you, mayor pro tem. The -- the district master plan and the tunnel project have really benefited from an extensive public outreach program through the council appointed waller creek citizens advisory committee, several public meetings and a number of individual meetings with stakeholders and participating groups and interested groups in the downtown area. Just a little detail about the waller creek tunnel project before we go into the master plan. There are a couple of early projects that we will be start in this the coming year. Some projects in 2010 include the bridge rehab project and a boat house project. These projects will then make way for the larger tunnel projects, which will begin in 2011 and wrap up in late 2014. And in late 2014 that's the time period when that flood control benefit from the tunnel will be experienced and the floodplain will be reduced back from those 28 acres of downtown austin into the banks of the creek. Therefore, that will make way for the redevelopment that is envisioned by the master plan that you are about to see. So with that, just very brief introduction, what I'm going to do is turn it over to jim robertson of our planning and development review department and



their consultants to go over the details of the master plan.

Thank you, joe, jim robertson with planning and development review department. And I'm the project manager for the waller creek district master plan. First of all, I want to express our appreciation, not just our project team but I think really the austin community's appreciation for the fact that the council provided us the opportunity to link this major public investment in the infrastructure of the flood control project with a planning project that will identify a vision and lay out recommendations for achieving that vision. Because it's only through the close coordination of the public investment in the infrastructure and our investment in the master plan and the vision that it lays out that we will achieve the full potential of the waller creek project. Just a few logistics about the waller creek project and then I'm going to turn it over to our consultants just to give you a sense. Our project boundaries as defined by our project are 15th street on the north, i-35 on the east, lady bird lake and davis street on the south and red river and trinity on the west. Sort of the eastern portion of our downtown. We began work on this project last spring. We have done a lot of work already, including detailed topographic surveying and mapping and all of us have spent a lot of time, you know, in and along the creek corridor to develop an intimate understanding of the waller creek area. We have also pretty consistently coordinating with the flood control tunnel team itself because we regard these as two integrated projects. We've had a lot of stakeholder meetings, we had a big public workshop back in may, we had about 150 citizens at that when we sort of kicked off the visioning process. Where we are right now in this project is we have a draft master plan, that's what we will be presenting to you today. Just we will also be -- we have previewed the draft master plan to the waller creek citizen advisory committee, the committee that you created, we previewed it to them in september, they have a meeting this evening in which we will have further discussions about the draft master plan. Our next steps after today, we will cough go back and assimilate all of the input that we have gotten from you, from the waller creek citizen advisory committee, our ongoing explaining of information with the tunnel team and the input that we get from the community, we will refine the plan, continue our analysis and ultimately return through the boards and commissions process and the waller creek citizen advisory committee to you with a final master plan we envision that happening in early 2010. With that I just want to identify the people we have here today. I'll be followed by boris [indiscernible] principal with roma in the san francisco office. Also joined by bonnie fisher, another principal in roma san francisco office. And jana mccann, chief technology officer here at the roma austin and jim adams with roma austin, all principals with the roma firms. So with that, I will turn it over to boris.

Thank you, jim. Good morning, mayor and city council. It's a pleasure to be here. I'm going to give you a brief overview of the draft master plan. And if I may say, you know, the decision in 1998 that you all made and the community made to pursue the tunnel project is really a landmark decision that will be comparable to the damming of the colorado river in 1893. This is a big step for the city as a whole, really commendable. You know, it has been said by joe, you know, the flood control project is going to remove 28 acres of land of downtown real estate from the 100 year floodplain. But from the stand points of the master plan, it's important to recognize that in itself that it will not change the negative image of waller creek. Really -- and make it a people oriented place. There are really additional steps that need to be taken. If we're going to realize the full potential of the investment that is being made mp, improvements are required that will cleanup, upgrade, physically improve the creek area as a whole and make it safe

and secure for everyone to use to a great extent. So maybe I could ask you if you are looking at the material that was handed out on page 36 the draft master plan and it is on the screen, to look quickly at the open space concept first. Basically, the draft plan called for the natural qualities of the creek corridor to be reinstated. Eroded banks need to be repaired. And the riparian landscape needs to be established. The image of the creek as a storm water channel needs to be replaced with a more ecologically diverse, authentic and sustainable environment capable of serving multiple roles simultaneously. The plan also calls for the -- for parkland associated with the creek corridor to be upgraded as well. So that this becomes a really, truly destination for all of the people of austin. Palm park is a very important component of that. And it needs to be improved so it reinforces the ecological identity of the creek corridor as its neighbor and becomes a more attractive place for family oriented activities that it was originally intended to serve. At the north end, waterloo park, about 10-acres, is intended to be improved with the tunnel project and there are some improvements that are also needed to symphony square and symphony plaza, which also create this cluster of parkland at the other end of the creek corridor. In terms of the -- of these improvements, one of the critical ones that we have suggested is that the underbridge connections at 11th street and red river be eliminated. They are really not safe. They are actually-- they actually don't contribute positively to the environment, seldom do people really use them. At this point in time until better connections can be made, we think that those are detrimental, I think that we have gotten a great deal of community support from that aspect as well. We are also recommend -- we also recommend that the parkland on either side of this area be improved, particularly when additional surface parking can be found at -- in adjacent projects. So that it relates better to the creek corridor. Ultimately, there may be additional opportunities for parkland associated with the creek corridor and if the city decides if you all decide that the future to pursue redevelopment of the police department blocks, there may be an opportunity with the further redevelopment of that area to create some additional parkland there as well. These are some of the highlights of the open space concept. But I think in summary, the open space vision that is -- that is -- has emerged is that the entire creek corridor should be more seen as a linear green way that winds its way, integrates well with the surrounding community and extends and connects the landscape qualities of lady bird lake all the way to waterloo park. Now, may I turn you next to page 7, the bike-pedestrian linkage concept and give you an overview of that aspect as well. The improvements of bicycle/pedestrian connection all the way from , east austin, rainey street and downtown is a major consideration of the master plan effort as well. And these improvements need to be undertaken. There's a couple of things that we have found during the process of really thinking about how to best achieve this. And that is it's important to recognize that the movement system within the creek corridor needs to be appropriately scaled and integrated with the desire enhance [indiscernible] and avoid some of the attempts in the past to build pathways along the creek that today are not so successful. The paths that, in fact, create additional concrete obstacles within the creek corridor. Particularly in tight areas where they obstruct water flow and where they detract from the overall green and ecological value of the corridor as itself and in some cases become attractive nuisance leading people down to a place that is not particularly attractive and unsafe. Therefore we have to very carefully fit in each one of the elements within the corridor. It is not a very wide corridor and it needs to be considered carefully as to how sense actively to fit into that area. Sensitively to fit into that area. In terms of the plan, we suggest a broader approach of achieving all of the linkages in terms of the pedestrian and bicycle movement. We think that

within the corridor the light touch is the right approach and also we want to recognize that some of the adjacent street systems can also play a role in a kind of multi-faceted approach to circulation, multi-modal circulation as all of you have been talking about that, through the area as a whole. Let me give you a couple of examples of what the plan is calling for. First of all, we identify in the plan that the achievement of the pedestrian bicycle movement systems, one of the most critical components is the connection to the trail system of lady bird lake. I mean, we have an exquisite 10-mile piece of trail within the lady bird lake within the downtown, the ability to really extend it is going to be a very critical standpoint. From that, we look at several linkages that can be created that connect better to the lady bird lake system. One of them most directly, is a new linkage to the convention center? The entrance right through creek corridor. We also have suggest a light board walk like structure that will go within the creek corridor and extend all the way to third street through this area. Additionally, this would be on the west side of the creek corridor. On the east side we call for two additional connections on davis and driskill street. So multiple connections really linking inextricably this area with -- with the -- with the creek corridor and lady bird lake. The plan recommend that's sabine street which currently only extends between third and seventh street be both improved as a major pedestrian bicycle promenade. It really creates an open space opportunity as well as a movement opportunity. And can create a more interesting and diverse setting to those adjacent blocks next to the creek corridor that are the most constrained. We are also suggesting sabine be extend, all the way for palm right. The right-of-way exists but improvements haven't been made, that is one of the worse sections, it will allow for the connection to palm park to be much stronger. Within palm park as well, further extending it from second street, past cesar chavez, to rainey street. And then rainey street in turn creates an excellent connection further to the south and really a connection to the mexican mexican-american cultural center, the mac, further extensions to lady bird lake. If we're going to make waller creek really a destination for everyone in not only downtown but east austin we need to connect it really well. In a multi-faceted way using every element possible making it an exciting public oriented place. Maybe next I will summarize some of the land use and Tose actively to fit into that area. Sensitively to fit into that area. In terms of the plan, we suggest a broader approach of achieving all of the linkages in terms of the pedestrian and bicycle movement. We think that within the corridor the light touch is the right approach and also we want to recognize that some of the adjacent street systems can also play a role in a kind of multi-faceted approach to circulation, multi-modal circulation as all of you have been talking about that, through the area as a whole. Let me give you a couple of examples of what the plan is calling for. First of all, we identify in the plan that the achievement of the pedestrian bicycle movement systems, one of the most critical components is the connection to the trail system of lady bird lake. I mean, we have an exquisite 10-mile piece of trail within the lady bird lake within the downtown, the ability to really extend it is going to be a very critical standpoint. From that, we look at several linkages that can be created that connect better to the lady bird lake system. One of them most directly, is a new linkage to the convention center? The entrance right through creek corridor. We also have suggest a light board walk like structure that will go within the creek corridor and extend all the way to third street through this area. Additionally, this would be on the west side of the creek corridor. On the east side we call for two additional connections on davis and driskill street. So multiple connections really linking inextricably this area with -- with the -- with the creek corridor and lady bird lake. The plan recommend that's sabine street which currently only extends between third and seventh street be both improved as a major

pedestrian bicycle promenade. It really creates an open space opportunity as well as a movement opportunity. And can create a more interesting and diverse setting to those adjacent blocks next to the creek corridor that are the most constrained. We are also suggesting sabine be extend, all the way for palm right. The right-of-way exists but improvements haven't been made, that is one of the worse sections, it will allow for the connection to palm park to be much stronger. Within palm park as well, further extending it from second street, past cesar chavez, to rainey street. And then rainey street in turn creates an excellent connection further to the south and really a connection to the mexican mexican-american cultural center, the mac, further extensions to lady bird lake. If we're going to make waller creek really a destination for everyone in not only downtown but east austin we need to connect it really well. In a multi-faceted way using every element possible making it an exciting public oriented place. Maybe next I will summarize some of the land use and development aspects of the plan. If you would like page 9 of the draft document and also on the screen as well are some of the maps associated with that. The tunnel project along with these improvements will create and enhance opportunities for redevelopment. I know this is a concern in terms of the tax increment financing district, but also a concern in terms of creating a public oriented special place as a whole because it really needs to create more opportunities for people to use the area and a greater intensity for activities for it to become the kind of successful place. From a development standpoint, the district offers a wide variety of opportunities for residential, commercial and hospitality oriented uses. Of these residential uses, to be of the greatest benefit to the district, in bringing a larger population to the area and establishing a sense of neighborhood. Residential uses can take advantage of the proximity to the open space within the corridor and the activities planned within the parks and open air dining areas along the creek. There are also wide range of types and scales of housing that could be accommodated within the district. Including family oriented live, work lofts and a wide variety of sizes, price points and affordability. From a regulatory perspective, the size and scale of the future projects are most significantly affected by the capital view corridor height limitations. These restrictions, however, not only limitations on development, but they also create opportunities for a diversity of building types and scales, which will add to the interest and attractiveness of the area, for smaller scale creative businesses in a more unique lifestyle opportunities for residential and workplace development. It will also create a greater diversity of scale and types of financial requirements for redevelopment that will allow for a broader range of investment opportunities. In preparing the master plan, the maximum development capacity of the waller creek tax increment financing district, which extends and includes the rainey street area as well, as analyzed, projections were looked at for opportunity sites greater than one quarter block, these projections indicated the opportunity sites could 4 million square feet of gross floor 4 million square feet of -- no, I said that. Of gross floor area and an average floor area ratio of 9 to 1. By the way, these projections take into consideration the limitations of the capital view corridor and utilize the proposed downtown density bonus program. It's important to note that these projections are only estimated development capacity and don't represent a market analysis nor what individual property owners may decide to do with the property. But these projections show a healthy amount of development, certainly significantly above the projections of what the tax increment financing district was based on. Next one, please, in terms of an implementation strategy, there are a number of aspects that we are starting to evolve relative to the realization of the planned improvements. One of them that we want to point out that it is important to take a comprehensive approach for the entire corridor. Because we need a -- a

transformative kind of improvement program and frankly we have to say that this cannot be achieved on a piecemeal fashion by just individual private property owners doing piecemeal development. I mean the whole image, character, identity, needs to be transformatively created. Therefore it's going to take public actions as well as private development to really realize those opportunities. There are four strategies that we have outlined within that approach. The first one is the public improvement strategy, which we focused in the diagram on the southern area predominantly right and then extending all the way to sabine street and seventh street, it's -- you know, and the public improvement strategy is throughout, but this is the focus of the public improvements in this area. Why are we doing this? Because the public improvements in this area and the connections that we are proposing to lady bird lake will be the most transformative in nature in terms of the corridor as a whole. They also happen to be the ones that create the greatest opportunities for more family oriented recreational activities in palm park and that's part of this improvement approach. And they also are in the area where we see probably some of the greatest potential for additional development. So having a focus on these areas has been very important. Between fourth and seventh, we suggest that the approach is much more of a public private coordinated effort. Part of reason for that strategy is because it will be difficult to undertake improvements without the private sector in those areas that already has developed many of the properties. In terms of the area between seventh and 10th street, there is a great deal of publicly owned land there. Once decisions are made regarding the future use of that land, the potential additional improvements to the basic improvements of the creek corridor can proceed as part of a disposition or redevelopment strategy already undertaken, can include components of affordable housing as a part of that strategy as well. Finally, in the area of symphony square, symphony plaza and waterloo park, these are all parkland improvement proposals, as i mentioned earlier, some of them are undertaken as part of the tunnel mitigation, others can be undertaken in a similar manner as part of a parkland improvement program. We believe with the revitalization of the planned improvements, the value of waller creek will be extended not only to the surrounding community but also throughout downtown. Waller creek will become a linear park and a positive public space that enhances the image and identity of the city. Gives additional structure and orientation to the urban experience, connects and reinforces activity centers, and serves as an attractive destination. It will also be a catalyst for redevelopment and revitalization, a center piece of a revitalized east side of downtown, and an attractive amenity that helps to overcome the barriers that exist between downtown and east austin. Thank you all. I will gladly answer any question. [00:11:49]

Cole: Councilmember riley?

Riley: I do have a few questions. First I want to thank you for all of the work that's gone into this, it's an impressive feat to get all of this done. If we can start down at the creek at the lake e. I'm particularly interested in bike pedestrian issues. I know the map on page 7 shows a link to davis street I see in the text on page 6 there's mention that the davis street connection would be achieved through an easement on private property. That connection of course did exist up until fairly recently it was closed off. Have there been ongoing discussions relating to reestablishing that easement?

Maybe if I could turn that over to jim adams. Jim, why don't you get on the other end? Jim has been

meeting with many of the adjacent property owners and stakeholders.

Thank you. We have and are continuing to meet with all of the property owners along the corridor. We have specific development standards for the area. Part of which will include recommended easements and setbacks and so our ongoing discussions will include that. With this particular example we have met with one of those property owners and are continuing to discuss with them that idea.

So the hope is that the easement -- we will be -- establishing public access will be allowed once again --

the hope is that we can as that project proceeds, we can establish that as a linkage, whether it's an easement or some kind of right-of-way dedication or some kind of connection.

Any idea, I have heard from a number of folks about that connection. Is there any idea on a time frame for when people might be able to have access through there again.

Not yet. We will work on that.

If I may add to that, the davis street connection can happen a lot quicker than the one that -- that connects us to driskill because it doesn't require an integration with the future development to as great of a degree. So there are two connections that we're proposing in that area and one is on an old right-of-way that the city did have, but now is privately owned, that's on the davis street, you know, driskill can be achieved, integrated with the development -- [00:14:09]

one of the complaints that I heard was when the davis street access point was closed, users were forced to take the existing trail that leads to the driskill street access point which has been there for many years but considered fairly dangerous and unclean place because it's so shielded from view. Are there any thoughts about way that's can be cleaned up and protected for the long term?

We think that with the redevelopment of that site that it will be cleaned up. What we would like to two years do on the driskill street connection is to work with that developer, that property owner to come one a viable and safe linkage through the development project and how exactly that happens going to have to -- that happens is going to have to be worked out collaboratively with them. The davis connection we think could be implemented in a more straightforward fashion. But clearly the existing path is not functioning in a safe and accessible way today.

Riley: Right. Then moving up to the sixth street area. There is of course an old path under sixth street that's been closed for some time and then very peculiar set of stepping stones on the north side. I take it that the vision is to move away from the understreet crossing there altogether and is that correct?

I believe you are referring to the one at 7th street.

Riley: No, no, no, seventh street is a perfect bridge. Sixth street there is a very narrow -- there is a

passage at sixth street --

I know which one you mean now.

Riley: With a series of stepping stones and stairs on the north side.

Yes, we are proposing that I want particular undercrossing be closed. We don't believe it's safe. Or sustainable. In general, the pathway as Boris says between fourth and seventh streets that currently is in the creek itself, we're recommend that that pathway be reconstituted along the Sabine street promenade and that the creek improvements be done collaboratively with the private property owners and include some public passage way from Sabine street to the creek overlooking cafe areas, small pocket parks and plazas. Rather than proposing through movement within the creek channel, we would be promoting public access to the channel and that the through movement would be more along Sabine street. Yes, we would recommend closing the very constrained sixth street as well as-- well six street undercrossing for sure.

And removing the stepping stones on the north side.

Yes.

There would again be for the through passage access north of sixth street to go down under the seventh street bridge. [00:17:09]

Um -- I think we believe there may be benefits of an allowing an at grade crossing of seventh street appreciate maintaining -- rather than maintaining the undercrossing in that area. There is a significant amount of grade and accessibility that needs to be overcome. There's a historic bridge structure and very tight connections. Rather than trying to create a very, very long ramp if we're going to make the creek corridor accessible, we think that actually coming up on the north side to the intersection and having a full intersection at Sabine street and seventh would be the better way to connect. Both at grade and other activities.

Neither bikes nor pedestrians would be able to go under the seventh street bridge.

That's correct.

That's --

that's a recommendation that we're looking at right now.

Riley: That seems peculiar to me because that is the nicest bridge on Waller Creek. Architect Sinclair Black has talked about that, very interesting, beautiful bridge, safest under street passage along the creek. Perfectly fine as a bicycle user, there is a -- the ramps down on either side are fine. Seems -- I --

I take it they are not a.d.a. compliant.

One of the considerations is the historic nature of the bridge, too. And if you look at the cross-section about half of the stream channel is taken, almost half of the stream channel is taken up by the path under the creek. So one of the thoughts was that you would still get use to that bridge, but not constrained that channel with a walkway. Then again that is one of our recommendations.

Riley: I think it would be unfortunate to lose bicycling access to that under the bridge. Because it is one of the highlights of the creek currently.

We hear you, we will look into that. So.

Riley: So moving on to the north in the area south of 10th street around the what's now waller creek center, there is a -- there is a surface on that path that is the most bone jarring tooth rattling surface for cyclist that you can imagine. I can't fathom what it would be like for someone in a wheelchair to try to go over that. I don't know what anybody was thinking when they put in that stone surface, but it is extremely unpleasant if you are on wheels of any kind. That extends not just -- for some distance, a periods of about a couple of blocks, very rough, rough surface, different from what you see on most of it in the rest of the creek. Have you all examined the surface there and given thought to making some adjustments? [00:20:02]

Surface improvements and path improvements are part of the plan of the corridor as a whole.

The idea would be --

yes, the answer is yes.

Okay. Then up in the area around symphony square, I realize maybe that path is not use the very often. I am one of those people who actually uses that a lot. I'm there all the time. It actually provides very convenient access to avoid the traffic around red river and 11th street. I understand in the long term that may need to go away. It just raises a question to me about how we're going to make this be -- the corridor appealing as a whole given that we would be moving away from an off street path as we have on shoal creek for instance and then instead moving towards multiple at grade crossings, which is going to tend to reduce the appeal as a bicycle pedestrian connection. I'm a little puzzled by examining the -- comparing the bike path map and the circulation on page 8, seems different in terms of the crossing right at 11th and red river. Do you all have any images depicting how that crossing would work -- I'm looking at the bicycle circulation context on page 8. That looks like there's one crossing immediately -- well, to the -- well, let me just leave it to you to describe the -- the -- how you envision the bicycle/pedestrian connection there. It's really more of a matter for bicycle there's.

Red river and 11th street.

Well, I think that one of the things that we have to recognize, of course, if i can step back for a minute,



we have to recognize that -- that a full and complete circulation system within the creek corridor is not feasible. We have several bridges that are not crossable at this point in time. So intersection improvements are going to have to be made if we're going to have a clear path system. I think that also goes for 9th street, for example, if we are recommending a mid block crossing be implemented in that area. Now getting to the one you ASKED ABOUT, 11th STREET WOULD HAVE TO -- 11th Street and red river has -- that whole intersection has to be carefully improved in order to create the continuity of movement and circulation. Yes, we are suggesting that the undercrossings in that area are not contributing positively to the overall experience. Now, I know that some people, and you may be one of them, are going through those corridors, but the majority of people are scared to go through them. [00:23:03]

Riley: I understand that. I'm not challenging you. I'm asking about the design of the at grade improvements. Currently the bicycle circulation context map on page 8 shows lines both at 9th street, at grade, mid block, and at 11th and red river and the code says off street multi-use trail little or no contact with vehicles. I'm just asking about do you vault any imagines of what you are envisioning for those places where there are crossing that would seem to contemplate some contact of vehicles.

We -- that would be one area where there definitely would be contact with vehicles and that as boris said the crossing at 11th and red river would need to be carefully designed for that. Actually two crossing, one at 11th and one at red river. In an ideal world. We would like to see those bridges reconstructed and for there to be better access beneath the roadway. But we are also very intent on creating a plan that will not create sticker shock and that can be implemented in tandem, we're hoping with the tunnel project. So, yes, the -- the crossing at 11th and red river from a pedestrian and a bicyclist point of view is not ideal, but one that we think can be dealt with and will create a viable system in the short term. In the longer term, we would still like to promote the idea of reconstruction of those bridges and those undercrossings.

Riley: I agree. I think at some point fairly soon it would be helpful to have some images of the crossings that you are contemplating at 11th and red river. The issue there is it's actually counter to what motorists would typically expect. You are going to have bicyclists coming on a multi-use trail in a manner that's different from -- a manner than the way vehicles travel on roads. Safe cycling entails riding and acting as if you are a car at most intersections, to sort of be going the opposite direction adjacent to an intersection raises safety questions which have to be considered very carefully. I think if you could -- if --

we will certainly address that.

Okay.

Riley: Okay, thanks, that's all I have got. Thanks.

Mayor Leffingwell: Anything else?

Yes, I have a few questions, mayor.

Mayor Leffingwell: Councilmember cole.

Cole: I want to thank you for your excellent work. I also want to thank our staff, joe pantalion, jim -- george adams, I would be very remiss at this point laying out the master plan to not also mention the help that we had on this project from former mayor pro tem betty dunkerly and also john steven leslie browder. I also wanted to ask and remind everyone that the county is our partner in this endeavor and ask that we also check with the county for whether they would like a presentation, also. I did want to highlight the event that we are having saturday morning, I believe at 9:00, where is it. [00:26:33]

At the convention center.

Convention center. Because I think a lot of these issues, this is just a plan. It's not final. We're trying to get the input to try to figure out what we're going to do short term and long term. So that being said, let me admit just like councilmember riley, I run this trail, even though it's not safe. And i, too, have some slight concerns that we -- that we maintain as much continuity as we can to the water. Because I think that's what people are anticipating. And I recognize that the problem -- the problem with the bridges and the safety issues and, you know, the questions about usage. I think we might explore some lighting issues and we might actually go ahead and put on the table some potential alterations that we can do to the bridges in light of the fact that we are contemplating a bond package in november of 2010 for trails and bicycleway improvements. With that being said, I -- i was -- noticed that you suggested 7th through 10 street for affordable housing. And -- and it's my understanding that affordable housing on the was never anticipated. And I don't want to start to promote that idea or suggest it. It is simply not budgeted to pay the money back that we're borrowing for this project. But I don't know the financial implications of that. I just wants to be careful before we get out there suggesting that too far. We talked about, also, the police station, we actually did do a feasibility study into moving the police station. And basically staff came back and said, well, right now we don't have anyplace to put all of the parts. But if we thought about how to break it up in terms of a downtown substation and administrative offices one place and then different parts different places we can think about that long term and the recommendation is that we do that because we would like to be able to use the property for other means along waller creek. But what I noticed that you suggested about the use of that property was that it would be used for parkland or parking, would you like to comment on that? [00:29:07]

Yes, I think that the suggestion was that certainly there is a major development opportunity should you decide to pursue the police side. We have estimated that in excess of 600,000 square feet of gross floor area. There's also an opportunity as boris mentioned to create additional open space immediately adjacent to the creek and at the terminus of sabine street, actually under the former sabine street right-of-way. So we think there's an opportunity to do both, to have a significant development opportunity there as well as public open space that would enhance the experience.

The only thing that i would add to what jim is saying is that there is a case there where the development of some additional open space does not have to detract from the amount of development that can be

put on the site like that. So it's not an either/or situation. It's just the site is big enough to be able to accommodate the development potential of the site and the far that is possible there without -- without limiting and in fact enhancing the open space as well. If it's done in a comprehensive and appropriate manner.

Cole: I think that is a good recommendation. I just wanted to make sure that we struck a balance because if we move the police station we're going to have to buy another one. So we can't just turn it all into parkland. But we have significant green space in our other developments. .. You have? High rises close to the -- some high rises close to the convention center. Is that not no the capital -- not in the capital view corridor.

That's correct.

Cole: Okay. The last thing that I wanted to highlight is that -- is that I actually went to a presentation about -- about the medical research facility and the potential for a medical school that was actually put on by some leaders that -- that -- at seton and the travis county health district. And brackenridge hospital. Just recently. Three days ago. And they were really excited about this project and wanted to help and think about just implementing some ideas because of their long term plans. And I think this venture becomes even more exciting when you think of that type of development right adjacent to it. So I'm hoping that I can get with staff and you guys and sometime in the future arrange a joint meeting.

That would be great.

Cole: Thank you, mayor. [00:32:00]

Mayor Leffingwell: Thank you, anything else? Thank you very much.

Thank you. So before we go ahead, a couple of announcements. 54, a zoning case, the mueller energy substation, we anticipate, we can't do it now, we have 00 to do it, anticipate that will be postponed until november 19th by staff. And also item 59, again this 00 time certain, but we anticipate that will also be postponed until november 5th. At the request of staff. And -- and in addition to that, when we passed the consent agenda this morning, it is not required to read the backup material into the record, I have been asked to read the appointments, board and commission appointments, into the record and it's fairly short, so I will just do that quickly. [One moment please for change in captioners]

Mayor Leffingwell: We have several items remaining on our morning agenda, and without objection, council, i would like to address those first. The ones that have very few people signed up to speak or no people signed up to speak hoping that we can address those before we take up zoning at 2:00. Hearing no objection to that, I would first like to take up item number 44. And item number 44 was pulled by councilmember spelman.

Spelman: We just need to pull to it make sure everybody had the latest and greatest language for the resolution itself. The language should be before you. If it's not, I have extra copies here. You may not

have it before you. [00:35:04]

Mayor Leffingwell: We're talking about item 44.

Spelman: 44, The animal advisory. I don't anticipate much of a discussion. Let hey pass this out and move approval, mayor.

Mayor Leffingwell: Councilmember spelman moves to approve item 44. Is there a second? Seconded by councilmember shade. Is there any discussion in all in favor say aye.

Aye.

Mayor Leffingwell: That passes on a vote of 6-on with ---6-0 with councilmember riley off the dias. The next item has only one citizen signed up to speak. It has been pulled by councilmember martinez. So councilmember martinez, would you like to address item 44 before we hear from speakers?

Martinez: I would like to go back and reconsider the previous item so councilmember riley can cast a vote.

Riley: I just missed it martinez I just want to make sure he casts a vote on an item he sponsored.

Mayor Leffingwell: Mayor pro tem moves to reconsider item 44. Seconded by councilmember spelman. All in favor say aye.

Aye.

Mayor Leffingwell: We will now reconsider item number 44. Who would like recognition?

I'll move approval.

Mayor Leffingwell: Councilmember riley moves approval of item number 44. Is there a second? Martinez second.

Mayor Leffingwell: Seconded by the mayor pro tem. All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? That now passes on a vote of 7-0 martinez thank you, mayor.

Riley: Thank all of you all.

Mayor Leffingwell: Mayor pro tem, item number 40.

Martinez: Item number 40 is an item from council directing the city manager and solid waste services to

implement recycling at city sponsored events. We've been discussing this through the green events ordinance and solid waste has been making recommendations to out. We're contemplating a green events ordinance and asking all of the events that take place, some 80 different events around the city every year, to do more recycling, and, you know, just be more conscientious about the waste that comes out of those festivities and events. But I firmly believe that we should lead by example. And if we can't do our own events and recycle at them, then I find it hard for us to expect anyone else to do that. As we talked about this, the cost estimate was \$20,000 or thereabouts. When we started digging in deeper, we found out this week that the estimate is now in the \$70,000 range or a little bit more. While I realize this is a difficult budget year and that is a substantial amount of money, the estimate is based on full-time city employees standing at each container at every event educating folks and ensuring there is no cross-contamination, that only recyclable materials make it into the bin. To keep the costs down. But we need to come up with a sustainable, long-term model for how we implement this at our city events. I firmly believe that, again, that we have to lead by example. So that's what this item does. While there is a fiscal impact, I am willing to discuss this further with councilmembers who have raised concerns about the cost of implementing this. I think it would be -- I don't think it would be inappropriate if we were to take the \$70,000 out of the solid waste reserves on the remainder of this year and then work on a plan on how we fund it in future budget years, but I'll leave it open to discussion if we want to pass this item today, we can do that, if we want to postpone it, I'm totally ambivalent. I just want to make this work.

[00:39:49]

Mayor?

Mayor Leffingwell: Are you through?

Martinez: Yes, mayor.

Mayor Leffingwell: I hate to repeat what you just said, but I think it is very important if we're going to ask the citizens of this city to engage in recycling and we're not willing to do it ourselves, that we're speaking out both sides of our mouth. Further than that, if it's true that these costs are based on requiring an employee, a city employee to stand by every container to tell people how to put things in the container, then I would respectfully request that we go back and redo that estimate because that is not realistic.

Good afternoon, council. Jessica King with solid waste. The estimates are not based on one employee standing at each container, it's one employee per 10 containers over a one or two-mile area. You've got cross-contamination issues but overflow issues so you are monitoring those containers across the board and really making sure that employee can move between each of those containers and service those containers as needed. So it's not one per container standing the whole time, it's one per ten over that area that they are covering.

Mayor Leffingwell: It still doesn't seem necessary to me to have one employee standing out there in the entire time monitoring ten containers. We have recycle containers all over the city, all over city hall, in our parks, on our golf courses. To the best of my knowledge, we don't have anybody monitoring those containers to make sure they are not cross-contaminated. Again I request we go back and take a hard

look at that cost estimate.

We would absolutely take a look at that and work with council to do that. The information that we received from other event organizers warranted that ten container concept so we've learned from those, we've taken information from other event organizers who have instituted recycling, but we can look at that and reevaluate that with council. [00:42:03]

Mayor Leffingwell: Definitely do. I believe councilmember cole was next and then councilmember spelman.

Cole: Yes, I had a couple of questions for you. First, who empties the containers?

The recycling containers or the waste containers?

Cole: I guess I'm trying to understand the full process of recycling, not just the separation.

Sure.

Cole: And what that involves for the city.

In developing the concept for recycling at events, and again in speaking with other event organizers at other cities who require recycling or provide it, the standard operation is to have a recycling container next to a waste container. If they are separated, then cross-contamination occurs in a larger scale. We're trying to avoid that contamination or minimize that contamination rate at all levels. The emptying of the containers the way we've worked it from city of austin staff, we have coordinated volunteers to empty them, put the recycling to the side to allow staff to come by and pick up the containers, and then reupping in new bags and replacing new bags so that additional recycling can be placed in there. So then a staff will come by, we'll utilize juneteenth, for example, at the juneteenth event, we had volunteers and some staff working out and monitoring the containers, moving throughout the park events. It's a large park scale. What ends up happening is you have the containers out there. We had carts that went around and the volunteer would wrap up the containers or wrap up the bags, they are clear bags, and put those to the side, put a new bag in and staff will come by and pick up the recyclables at that point and carry to it one receptacle that I recognize when we pass resolutions they created work for staff. And I don't believe that we should do that and not spend the resources to make that happen. Especially if they are truly our values. And I want to work with councilmember martinez and his office to really wrap our brains around what it's going to cost, whether it's a whole lot less or a whole lot more, but I don't want staff to feel like they've got to come up with x number or else, you know, we're going to do or not do the program because that's supposed to be our decision. And I do agree with the premise that we cannot require other vendors to do a recycling program and we don't seriously consider it ourselves. But I do believe we have to seriously consider it in light of our public resources and public constraints and many demands on those resources. But what I really appreciate about what was suggested by councilmember martinez and his aide andy moore and what you said was the fact that we do have volunteers. And so I do want to postpone this item because I think that we need to make a very

deliberate, concentrated effort to those volunteers especially to those that are involved in these events and other environmental organization to simply, honestly make the case that we want to do this, but we need your help. And that we need to do that in a very deliberate manner, not only with these type of items but many other items. And so I am definitely committed to doing that and I would support a motion to postpone, to have you do additional work on what that would take from staff, but also us doing additional work to getting individuals committed to helping with them. [00:46:03]

Mayor Leffingwell: Thank you, councilmember. Just for clarity, I hope there was not an inference there that either myself or councilmember Martinez directed the staff to come up with x dollars as a cost.

Oh, no.

Mayor Leffingwell: I don't think either one of us ever made that inference or made that request. Simply asked for a realistic cost assessment. And further, you know, it may be that we can't support all of these events if we can't afford to pay for the recycling. So perhaps the further evaluation should include a study of what events we should do away with in order to meet a reasonable cost estimate.  
Councilmember Spelman.

Spelman: Mayor, do we have a second for councilmember Cole's motion?

Mayor Leffingwell: She didn't make a motion and we have speakers so we'll wait until after we have the speakers.

Spelman: I notice, King, that you are estimating the cost of staff time in making sure there's no contamination of the cans, stuff in the cans is taken to the appropriate place and so on. But you don't mention the total cost of processing the recyclables. Is there an estimate that you try out a bunch of ideas first before you decide to provide a number?

That's a difficult question in all honesty because each event is so incredibly different. If there is a way to -- especially events that are super green and work with vendors to minimize containers and don't result in a lot of waste to begin with, they were you are going to see a decrease in the amount of recyclables and trash. So each time we have an event, it's really hard to estimate that. For each event we could come up with a generalized estimate dependent upon the size and expectation of the citizens and patrons that join us, so we could possibly figure out -- we could finagle numbers but it would be a very rough estimate.

Spelman: It would probably be based on the number of people you expect to show up at the event and the amount of time. You could estimate 10,000 at an event would be thus and such plastic and so on.

Right. A lot of that will have to do with the vendors. If there are no vendors, the likelihood of the amount of recyclables depending what they bring in and out will vary. A parade, for example, where you may not have vendors, where it's just driving up the street, you may not have a lot of materials and, again, it comes down to a bang for your buck. Do you want the containers out there where you may not have a

lot of actual materials going into the containers. So those are the questions that we weigh whenever we look at providing recycling and looking long term in terms of providing long-term infrastructure to support recycling on major thoroughfares. [00:49:14]

Spelman: Two I don't remember questions. One is real quick. This is under the assumption all of that monitoring of the repsych willing containers is going to be done by staff people. From your experience working with this stuff, can all of it be done by volunteers? Does some of it need to be done by city staff? What's the bare minimum in city staff numbers that we can drive this down to?

Again, size will be the issue. But you could technically have volunteers throughout the event. The issue is that volunteers are a come and go situation. And so we erred on the side of caution presuming we do not have those volunteers. If there are more volunteers come and they show up and are there and present as we expect them to be, then the costs will significantly go down because we won't really need as many staff members to actually be at the event. You'll still have to have a certain amount of stuff there to actually be there, monitor the volunteers, help them through the containers, collect the materials on site. But you won't have to have as many.

Spelman: So half as many? A third as many? Roughly.

Gosh, it would be a guess again, but I would presume about half as many.

Spelman: Okay. So we could cut the cost from roughly 72,000 to roughly 36,000.

Potentially.

Spelman: Last question. You are proposing to take the 72,000 out of the increase --

we checked on that.

Tammy, solid waste services.

Spelman: You're proposing to take the 72,000 out of the fund balance reserved to pay for emergencies.

Yes, but I want to make one correction. It would not be a budget amendment.

Spelman: No budget amendment would be necessary.

That's correct.

Spelman: What was the increase this the reserve associated with the increase in the fees associated with [inaudible].



I believe it was approximately \$821,000.

Spelman: So this reduces that increase by about 10%.

Just about, yes, sir.

Spelman: Which is not a very large change this the grand scheme of things.

No. No.

Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: One additional item that I would like to point out for councilmembers is that the two most costly events that you see on your sheet, the austin farmers market, which is estimated at 23,400, and south by southwest, which is estimated at 31,000, literally 53,000, 54,000, they already do recycling. So we haven't factored in maybe a negotiated process where they continue but we support as opposed to what the estimate is and that's paying for all of it for the whole event. So again, that's over \$54,000 that potentially could be backed out instantly from this deal. So I think there's some good conversation going on. I feel appropriate -- I feel like it could be appropriate to move forward and just continue this conversation so I would move approval. [00:52:21]

Mayor Leffingwell: We have speakers.

Martinez: Oh, we do? Great.

Mayor Leffingwell: Actually we have speaker. Scott johnson. Scott johnson? Is not in the room. Also signed up for but not wishing to speak isabel walker, paige hill, colin clark, brandi clark, lou metzger, mccall johnson and sharla chamberlain. So those are all the speakers we have, so mayor pro tem. Mayor pro tem moves approval of item number 40. Seconded by councilmember morrison to postpone until -- you moved approval, sorry. Move approval of the item and seconded by councilmember morrison. Is there any discussion?

Mayor, sorry, there is one edit that needs to be made to the resolution. A resolution number at the second whereas which is identifying first night, this was removed because it's co-sponsored in a separate way, that resolution number should be removed. Martinez I'll make that friendly amendment.

Mayor Leffingwell: Is that acceptable to the second? All those in favor please say aye.

Aye.

Mayor Leffingwell: Opposed? Passes on vote of 7-0. So now without objection, council, we'll take up

item 39.

Cole: Mayor, I had a couple of questions on item 39. I guess they would be directed to someone in our finance department. My questions really want to address cost issues.

Mayor Leffingwell: Councilmember cole, is your mic on? I can't quite hear you.

Cole: Yes, mayor. Is that better?

Mayor Leffingwell: Yes. So on 39, councilmember cole has questions for staff, financial staff.

Cole: Yes. Is anyone from the finance department or anyone who talked to anyone at the appraisal district about how the process would work for the solar panels? Why don't we give staff an opportunity to get down here and do you want me to postpone for a minute or -- [00:55:08]

Mayor Leffingwell: While they are coming up, I'll just say that I talked to the norwell spears this morning, and she is ready to engage in these talks and is very enthusiastic about going ahead with the problem. Again -- not the problem, the project. Which, of course, is based on authority vested in state law. So mr. robo government o.

We are ready to have those conversation and we know we're going to need to have those conversations but I'm not aware that anybody on the team has started having those conversations with members of the appraisal district to date.

Cole: I only have a few questions and I have those questions mainly because of the presentation that you gave to us last week about how popular the solar program has been in this community, and i expect that to continue and we're very proud of that fact and we all fully support renewable energy and programs to promote energy efficiency. But at the same time I want to make sure that as we are contemplating that we make these loans, that they will actually not only be paid back, but in a we go through the procedures to actually perfect our lien. And so would you explain what that process looks like or has been or you plan it to be?

It's going to be planned to be. That's one of the issues that we've identified that we're going to have to go through. We know at austin energy, for example, we're going to have to screen the sites and go through the requirements for the electrical inspections and things like that, so systems will have is work. That will also apply to energy efficiency. We have a well established system for energy efficiency measures through our rebate programs. The -- we have to talk and the resolution calls for us to talk to members of the financial community, members of the finance -- you know, financial staff and others to do all that qualification process, to evaluate the value of the homes so that this is a reasonable fixture to add to the value of the home. And then to create the -- ultimately --

Cole: Let me slow you down. When you say it's a reasonable fixture to add to the value of the home,

does that mean the fixture will actually attach to the home so if it's sold it will attach?

That is very much contemplated by the resolution and by the statute and specifically that these solar systems will become a permanent part of the home. That's so that the payoff can stretch out over the life of the home -- or the life of the equipment for the payoff period and wouldn't have to be, you know, paid up in full when the current owner sold the home.

Cole: So the subsequent owner would be bound by the same contracted?

That's right. If you built a pool or put a new roof on and you rolled that into your mortgage, like say on a re-fi, that becomes a part that's part of the property. What's different about this, that debt doesn't float with the private mortgage company, it floats through the taxes. So it runs somewhere between probably roughly a simple pay-back period and the life of the equipment likely. We're going to have to work out and set that period. [00:58:27]

Cole: But you understand the significance of working that out.

Right.

Mayor Leffingwell: Can I --

Cole: And the last question I have, I know that we will be the first city enacting this program and that I think I recall that we are following Colorado's example, but our particular property tax laws are very different. For example, we are a homestead state and we have certain lien priorities. Do you know where this would fall, that priority would be I guess below the main mortgage, but third or fourth?

I don't know.

Mayor Leffingwell: Let me answer that question. It is not a lien against the property. It's part of the tax bill. It has the same priority as the tax bill. That's the way the state legislation reads. It is designed in the resolution it says that this program will be no cost to the city. No cost at all. The city will be able to provide the loans so that a homeowner has no upfront costs and it's anticipated no cost throughout the life of the payback because that will be off set by energy savings. So to sum it up on a bumper sticker, it costs the city nothing, it costs the homeowner nothing. The thing is paid for by energy savings. And it's secured at the same security as your property tax bill. Robigo said, it doesn't run with the borrower she it runs with the property. It's a part of the property. Part of the property tax bill that is passed on to the next owner should you sell the property.

Cole: Okay. I appreciate that and I understand that the repayment is actually opposed to be repaid by attaching an additional sum to the property tax bill. My only concern was that we perfect that interest in the event that someone is unable to pay. Because that is becoming an increasing, you know, issue in our market in that we perfect that securely under state law. And I fully support the program. I just want to caution that we take the time and steps needed to make sure that the money that we loan is actually

repaid the same as we don't get paid all of our property tax bills.

It absolutely would have to work that way so this ends up at that zero. And the owner will also have some responsibility for maintenance and upkeep. That will be part of it as well because we don't want the value of the investment to go to waste. So we'll address all those issues during the period contemplated by the resolution.

Cole: Okay. Move approval, mayor.

Mayor Leffingwell: Let's see, I believe, councilmember, we have speakers. So hold off on that thought just a minute. And the first speaker is dusty HARSHMAN, AND IS dan McTee in the room?

Thank you, council and mayor. Dusty harshman, a personal financial planner in the austin area. As I listen to the conversation, I would like to say I agree with everything you said, mayor, but as you'll see there's a little bit of discussion yet to be had. In my occupation, I help people make sound financial decisions in the increasingly complex world in which we live. With clients, financial planners tend to answer interesting questions. We set a goal-based vision and build incentive-based frame works to achieve the vision. Today I hope to offer a similar framework that may serve to stabilize the boom-bust cycle that austin solar incentives have experience understand the last year and further the discussion of the solar financing resolution, and that's the item we're discussing here. Sorry. As a planner, I'm interested in managing around metrics and, again, towards a vision. I look forward to -- as we've been through a bit of a rough patch here, resetting the vision based around the austin climate protection plan to decide where we want to go with the rooftop solar program. Is it the type of foundation we wish to build that fosters the marketplace and drives industry to austin, replaces our fossil fuel energy core type of program that subsidizes a few folks to install solar arrays on their roof. I think it's important to come out and state this as publicly as possible, at which point we could establish the kind of metrics whether this is net present value based or a method by which the vision can be managed. You know, for what it's worth as you've experienced in our discussions of recent weeks, we've had difficulty managing the vision. And hopefully we can return towards that. I'd lastly build the kind of policies which a lot of innovative policies have been proposed around managing the metric proactively and transparently. And to that end I would like to discuss different scenarios and the value it provides through a net present value metric. Last week I suggested that the payback period might be a value it metric. In the world of financing opposition, you don't have necessarily a payback period if you don't have a front cost. In that case we want to take a look at a different metric and that's the net present value. A scenario where an array installed would be suggest savings above and beyond cost, if that were the case I would suggest there is market responses to that value offering. And you know, I put them into gradients here, but if it's an extremely high value offering, you would see rapid marketplace adoption and industry driven. That's certainly my goal and like to manage towards. If it's still a positive net present value, again you are weighing it against other investment options and I think a positive net present value can sway a whole lot of people towards putting renewable energy on their roof. If the net present value drifts negative, then you are really testing people's value of their green, their green ethic. If they place a value enough to where they would take money, put it in a paper bag, burn it, perhaps, and say i value solar that much, that's where you get when talking about net present values. And lastly, if it's -- if you are asking the

participant to put forth a significant outlay and in essence it's that extreme net present value, i think very few would pursue it. So that brings me up to unfortunately there's some math here and I apologize for this, but I wanted to do -- basically present where i think we've been with the up front rebate program, with how the financing may affect it and lastly financing without rebates. The up front program, there was an extreme positive net present value to the rebates as laid -- you know, this summer, and that's kind of where you saw the large demand. I call it incentive, you can call it being overly generous. With the proposed upfron rebate, a net present value dips into the negative territory and, again, that concerns me when I take a look at marketplace adoption. If that were to be rolled in with a financing scheme, financing has the benefit of improving the net present value if rebates were included. But without rebates, under the scenarios presented of multiple interest rates there, you can see that we are no longer looking at the kind of net present value offering that is going to promote large-scale adoption or perhaps adoption at all. That's where I think the further conversations will help refine that and bring it back towards the positive. But in a world where we're trying to replace rebates with financing, I don't think we're there yet. Maybe at some point in the future or maybe some hybrid system can improve that. [Buzzer sounding] thank you for your time. Appreciate it.

Mayor Leffingwell: A couple of clarifications. First, it is the intent this would replace the rebate program and it would have a less cost to the consumer and less cost to austin energy. And also I wanted just for clarification, we're not measuring this in metrics, we're going to use standard american units. We also have signed up to speak in favor but not wishing to speak page hill, colin clark, brandi clark, luke metzger, mccall johnson, charlotte chamberlain. Those are all the speakers we have. Cowm cole. -- Councilmember cole. Councilmember.

Cole: Cole second.

Mayor Leffingwell: I was going to give you the opportunity.

Cole: I heard you later.

Mayor Leffingwell: Motion by the mayor pro tem, seconded by councilmember cole. Any further discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Passes on a vote of 7-0. So now without objection, council, we'll take up item number 42. So item number 42 is pulled by -- because we have speakers. And we'll go right to the speakers. The first speaker is john bush. John bush. And is heather fazio in the room?

I'm here.

Mayor Leffingwell: Heather is here. So john, you will have six minutes. Mayor pro tem.

Martinez: I want to make sure there were several versions passed around. I want to make sure what is -

- I'll just walk over and confirm.

Mayor Leffingwell: We'll get it straight. Go ahead, john.

Good afternoon, council. Mr. mayor. I want to start by thanking the council, especially councilmember spelman, and the mayor for moving forward in the right direction. We appreciate the work you've done to not only ensure public safety, but ensure that constitutional protections were secured. We were able to find significant obligation in the community and managed to build a broad based coalition to the idea of police officers doing blood withdrawals. Texans for accountable government, travis county republican part, libertarian party, the republican libertarian, texas civil rights project and the recently the resolution was approved by the issues committee of the travis county democratic party. So one of the key things texans for accountable government tries to do is demonstrate there are certain issues that cross political boundaries and this is one of them that the community was able to get behind. We hope to continue the conversation regarding the police -- I'm sorry, regarding fatalities and accidents and moving forward from this point we hope to also deeply examine the efficacy and constitutionality of the no refusal weekend as a whole. We're faced with a unique opportunity as a city in moving forward with how to solve our d.w.i. Problem. Do we continue on with the coercive measures should as blood collections against somebody's will or sobriety check points, do we continue on this path which has demonstrated to be noneffective, of questionable constitutionality and legality or take advantage of the unique nature we have as austin citizens and the civic minded nature and orientation and move forward with solutions to this common problem that we all share that are not ecoers I have, rather community based, that prevent individuals from getting behind the wheel in the first place. And one of these community solutions is called square patrol. A gentleman here today to speak with you about the possibility the square patrol has. And one of the main things that I see this prevents drunk drivers from getting behind the wheel in the first place. Forget about the opportunity to pull them over, we want to prevent them from getting behind the wheel and having the opportunity to inflict harm on other individuals. There's a lot of debate about the efficacy of these programs be they blood withdrawals or community solutions and how you judge these programs is by harm reduction. While we may see an increase in prosecutions, we may see increase in arrests, we're not seeing a significant decrease in harm reduction. I define harm reduction as a net decrease in fatalities or accidents or injuries related to d.w.i. z. We have a unique opportunity. I think we're selling ourselves short in that we're only focusing on those measures rather than coming together as a city and working together to further these community based solutions. Now, the resolution that we have here, the second be it further resolved states the city manager is directed to research and prepare a range of alternative blood specimen collection methods and present them to city council with any needed fiscal notes. To me this is still continuing on the same paradigm of coercion and prosecutions rather than thinking outside of the box. Now, there's alternatives that are out there. We would love to have the city council get on board with these community based alternatives, and to that note I'm hoping that somebody on council will recommend a friendly amendment to state city manager is directed to research and prepare a range of alternative blood specimen collection methods and alternative preventive measures and present them to count again, it's time we think outside of the box. We have a lot of solutions that aren't being explored by city council. We would love to bring the austin police department, the community and the city council together. We have a lot of great minds in this city that are willing to volunteer their time to work with

council in order to explore these alternative means. We have a perfect opportunity while we're directing the city manager to examine different means, we would also like to explore alternative measures altogether. I have the language there. Again, I want to thank you'll for taking a step forward in the right direction and I'll hand this off to -- thank you. [Applause]

Mayor Leffingwell: Next speaker is debbie russell.

Thank you, mayor, council. John said a lot -- pretty much that needs to be said about this. Thank you very much, councilmember spelman, for running with this and our co-sponsors, we do definitely extend our appreciation, and as I understand it, it is widely supported by the rest of council. So for that we thank you for seeing the wisdom to protect not only civil liberties but public safety and public -- also public health as part of that. I have not found any supporters outside of the for this program. I have actually since this was brought to my attention over a year, a every officer I see on the street I ask do you want to be trained and they say no, very -- very emphatically. They do not want to be a part of this. They recognize that the liability is -- will essentially fall on them when it comes down to it. The city can't afford it, can't afford it and certain officers shouldn't be burdened with that. The chief, one of the things he has been taking that he needs this for is that he can't afford the contracted phlebotomist. The first off, the hospitals were refusing to start to take the blood after the last legislative session, there was a fix that relieved them of some of that liability and so they are now back essentially on board. Whether we need the broad draw room is in yes and our officers are actually paid on average as they come out of the academy \$30,000 more a year than phlebotomists are when they finish their training. According to the american society of clinical pathologists, it requires not only the 40 hours of training that the chief says that his officers would get, but 100 hours of clinical training that they would not get in order to take the national phlebotomist certification exam so they are missing out on a huge chunk of training that the medical professionals doing it consistently every day and practiced and supervised are doing it. This is really a bad idea. I'm glad you see that. We do very much want to engage and you know that, tag and myself and the board are not afraid of hard work. We're going to be there at the table to find these alternative solutions. I have a great idea that i already floated by a.p.d. About voucher programs so if you leave your car downtown it doesn't get towed or ticketed, so your choice is do I risk getting in my car or do I risk having my car toad and all the money that costs. There are very simple solutions that doesn't cost anybody any money and makes the taxi drivers a little more money. So -- [buzzer sounding]

-- thank you so much. We applaud you to standing up for civil liberties and for public safety.

Mayor Leffingwell: Thank you. Next speaker is john fernando. You have three minutes.

Thank you. Honorable councilmember and councilwomen. I'm director of a nonprofit organization in austin. Every night for over a year i and my organization have been providing designated drivers for austinites. The way our service works is simple. If you find yourself without a designated driver, we will provide one for you. That sober driver will get you and your car home safely. In this way we have prevented hundreds of drunk drivers from getting on the road. In regards to the agenda item today, I believe that the issue is one of concerns between the balance of public safety and privacy. But I find

myself today on the side of privacy. I am all too aware of risks public safety supposed by drunk drivers. As someone who deals with drunk drivers literally every night, as someone who sees the accidents and sees the shrouded bodies of our fellow citizens as I make my rounds, I can understand the drive to do anything and everything to stop what police chief acevedo calls carnage on our streets. But honorable councilmembers, I am here to show there there are alternatives. That we have options. Today we are talking about plbotomy and not drink driving. I look forward engaging in a discussion about this in the future about this major public health concern. I absolutely believe there are practical solutions to this \$85 million a year problem. Solutions that all of us can agree on, from owners to insurance companies to health care providers to law enforcement to private citizens. I believe that with ingenuity and commonality of purpose we can benefit this city and, more importantly, we can save lives. Thank you very much.

Mayor Leffingwell: Thank you. And also in favor but not wishing to speak william shepherd, stacy goutri, roger borgelt and linda green. Council, those are all the speakers we have signed up. The floor is open for a motion on item 42.

Spelman: Mayor, I have a motion, but I would like to ask staff a couple questions first if I could.

Mayor Leffingwell: Councilmember spelman.

Spelman: Is there somebody from the legal department who is here?

Mayor and council, david douglas with the law department.

Spelman: douglas, an early resolution and one in the electronic backup had resolved by the city council of city of austin that the city manager was directed to bar austin police department officers from conducting plbotomys. Do you remember that version?

Yes.

Spelman: What did you tell me about that version? I said that resolution as originally written contains a provision in conflict with state law.

Spelman: Why was it in conflict with state law, in your opinion?

The part that says to direct the city megger to bar the austin police department from conducting phlebotomies, the duty of every peace officer to preserve the peace within the serve's jurisdiction to affect this purpose, the officer shall use all lawful means.

Spelman: By barring the officers from conducting phlebotomies, --

that's correct.



Spelman: You've seen the language of the latest version of the resolution?

I have.

Spelman: Is there any conflict with state law, in your opinion?

I've seen none. No conflict.

Spelman: Thank you, will douglas.

Thank you.

Mayor Leffingwell: City manager.

Yes, I'd like chief carter to come forward. The police department has been working on some strategies that are consistent with the spirit of what council is trying to achieve here with this resolution and I'd like chief carter to give us --

Mayor Leffingwell: Before you answer, councilmember spelman still had the floor and I believe you announced you were going to make a motion.

Spelman: The second thing I was going to do, mayor, was to call chief carter up and ask a couple questions.

Mayor Leffingwell: I want to make sure --

Spelman: That was the same question I was about to ask.

Mayor, council, david carter, assistant chief with austin police department. I'm happy to answer anybody's questions.

Mayor Leffingwell: City manager.

David, it's my understanding that you've been in conversations with -- the police department has been in conversation with the travis county sheriff's office for us to work on a program for phlebotomies and it's my understanding we will not be training officers to conduct blood draws. Is that correct?

Yeah, that's absolutely correct. When this issue first came up, in a way it was a response looking at lawful best practices across the state to respond to a gap in what we perceived as one of our duties to collect physical evidence on the order of a judge. And some of those practices, including using officers who were trained to collect physical evidence including blood at other locations. Since that time, we have worked with the -- both the sheriff's department as well as the professional medical community in austin. The medical community in austin has actually come to us is a serious problem. Obviously this

year alone, year to date we've got 50 fatalities so far. A good many of those involve impairment. It's something that's very important that we do. We've had challenges regarding presenting evidence in court. The courts expect quality evidence. The prosecutors expect good evidence so they can properly adjudicate these cases. And I also I think it's real important for us to state we're in agreement with sus sell in terms of focusing on prevention. I think people think we want to arrest people for d.w.i. That is not the case. The mission of the austin police department is to keep this community safe. And the safest we can and the way we do that is through outreach and prevention. For those who make the wrong choice to go out and drink and we know what the consequences of those actions are, then we have to arrest those individuals and present them to a court for adjudication. But again, just to reiterate, the sheriff had some concerns initially on because of budgetary constraints. We are now back in discussions with them and we're considering perhaps an amendment to the interlocal contract that we have with travis county, so all the players are there at the table now and we clearly can meet the objectives of this resolution. Councilmember spelman, your resolution, by february at least in terms of a fiscal note or other types of issues.

Spelman: Be sure we're definitive about this, chief carter. The city of austin is not now training police officers and having police officers conduct blood draws. That's correct?

That's correct. We have not trained anybody nor are we currently seeking to train anybody.

Spelman: And you don't expect to do it in the future?

We do not expect to train anybody in this issue. This was a gap -- this was a response to a gap that occurred in the system. We were looking at best practices. We think we have a resolution for that now.

Spelman: Okay, so there is no gap and you expect the notions with the sheriff will continue that you are going to have phlebotomies taken by nurse practitioner or e.m.t. Or somebody like that at the jail.

As designated locations the sheriff has indicated is available to us. The issue really was an issue of money. And as well as the medical community also it was discussed about the issue of problems with hospitals having to draw blood and the issues of their folks having to go to court costs them money. But the good thing is that issue is now being actively worked and discussed between us, the sheriff's department, as well as the hospital district.

Spelman: Chief carter, on behalf of all of those bush list add few minutes ago, i would like to thank you. You've made everybody's life a little easier and we'll all rest a little better. While you're here, I wasn't expecting to have to ask this question but I may as well because you came up with the potential for involuntary blood draws. About, roughly, how many blood have collected every week, every month?

In terms of on a search warrant --

Spelman: Yeah -- just in total.

Just a second. Commander baker, could you come forward, please? Commander baker is the commander over highway enforcement division and i think he can help us with that information.

Spelman: Thank you, chief.

Council, mayor, commander donald baker. To answer your question, this year to date we've had 253 blood draw, whether they are from our no refusal search warrants, the mandatory, or consensual.

Spelman: About what percentage of all those 353 blood specimens taken were consensually given, voluntarily given?

That I would have to get back to you. It's a smaller percentage. We've seen a rise over the past year on those want to go give the consensual instead of the breath. I don't have the specific breakdown.

Spelman: Would it be safe to say most of the blood specimens taken as a result of , most of the specimens have been voluntarily given or most of them have been taken as a result of search warrant?

Most fall under the mandatory draw from the state, and then the next group would be the voluntary, and then our search warrants.

Spelman: Okay. Mandatory, the -- under what circumstances would have you to mandated to give a blood specimen as -- you could blow into the breathalyzer instead, could you not?

And the state law changed from there, but it was under -- if there's a fatality or serious injury and then it changed also if there is now a serious injury or an injury and a person has been transported from there. Also now if there's a child in the vehicle, then it's been state mandated. We've seen a rise in those cases for the blood draws.

Spelman: Because you see a rise in serious accidents or when there's a child in the car and so on.

Right.

Spelman: Thank you very much. Mayor, move approval of item 42.

Mayor Leffingwell: Councilmember spelman moves approval. Seconded by councilmember shade. Any further discussion?

Martinez: Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: I just wanted to thank chief carter and mcdonald and the city legal staff to helped work on this. It's a ongoing issue and a tough issue and one that's not going to go away. I thank councilmember

spelman for his leadership on this.

Mayor Leffingwell: All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Passes on a vote of 7-0. Council, we'll take up item 33, which is pulled for speakers. No preference on the order. Pam winslet. Is linda roberts here? Linda. Okay, so linda is donating here time to you, so pam, you have six minutes.

Good afternoon, mayor, councilmembers and assistant city manager. I am pam winslet, vice president and chief operating officer for merchants and professional credit bureau. We know you have very important packaging today, but this resolution involves millions of dollars and we thank you for taking the time to study this unfortunate incident, our situation. We want to reiterate that our numbers we provided last week are accurate. Previously staff had made comments that these numbers could not be compared to the current vendors' recovery percentage due to the length of time we had the accounts versus the time they had the accounts. While it is true that longevity does help, the fact remains that even if you compare the first two years of any of our contract periods to any of the previous vendors' first two careers, you will find we greatly outperformed those vendors and would have returned more revenue to the city. [One moment, please, for change in captioners] not only do we have longevity with our management and supervisory staff, we have it with our employees. 3% Of our staff has been with us for more than 10 years. Another indication of our experience is that mpb currently serves 7 e.m.s. , , life net of texarkana, metro care abilene, left lynn, dawson, and cochran county e.m.s. We are also continuing to collect on previously assigned austin travis county e.m.s. accounts. This indicates a significant amount of experience in a specific area, as required in the demonstrated experience section. In the demonstrated experience section, mpb exceeding in all areas and requirements. Based on all this, how could the selection committee possibly rate mpb 8. In the project concept section, which is totally subjective, mpb was ranked 33 points of a possible 30. Again, how could they possibly come up with this ranking when our history with austin/travis county clearly proves we are successful in our collection techniques and efforts. We have state-of-the-art collection software, online account and report access, top of the line hardware and system with all calls recorded and archived. Every one of the criteria listed, mpb surpasses. Our notification for purchasing said we may contact sydney with any questions. I called monday and asked for the number of persons on the selectionommittee and the names. She was very polite, but said we must fall under the open records act. I asked if we could at least have the number of committee, she said let me go ask. She returned and said rick fudge, deputy purchasing officer said we could not have the number or the names even if we filed under the open records act. I was astonished. Could this small committee operate under a total veil of secrecy and be answerable to no one? The anti-lobbying affidavit states between the date of the schlitiz station and the date -- solicitation -- may not make an offer to the city council, et cetera. In other words, no one can question their recommendation until council's approval and the contracts are signed. It appears some never to be identified persons did all of this number guy rehabilitations and gave the ridiculous valuation to council with the recommendation that would cost the city millions of dollars in revenue. This has happened in the past couple of rfp's, we have let it go thinking eventually they would get it right. It just

doesn't appear that is ever going to happen without some intervention from the city council and someone setting some definitive guidelines for committee members to follow. Thankou for your time.

Mayor?

Mayor Leffingwell: Councilmember spelman.

Spelman: I would like to ask the speaker a question, if I could. Ma'am, there were nine firms that were bidding on this contract. You were one of them. That means there were nine proposals that were considered by this group of people from the staff. Did you have a chance to read the other eight proposals submitted?

We -- we have -- we have got to ask for them on to the -- under the open admissions or the open records act. We have not done that yet, so no.

Spelman: So you haven't read the other eight proposals. It's my understanding, i have been on the proposal review committee not for the city of austin but for the federal government off and on for many years. You would be surprised at the great variety of ways in which proposals are written, the great variety of ways different firms have of approaching the same kinds of issues. And you might be surprised at how -- how different the approaches of some of these other firms are from your own. But my guess is, again i didn't sit on these, I have read these nine proposals, I'm prepared to believe that the staff actually did read all of these nine proposals and did a reasonable comparison among all of them, taking into account a lot of different elements of each of these proposals and I'm prepared to trust the staff to have done the right thing in this case. Particularly since they have read them all and you have not had an opportunity to do so yet.

Yes, sir. The preferred vendor they have chosen, though, has been in business less years than a large portion of our staff has even worked at mpb. I'm just trying to point out that our experience should have been taken into consideration.

Spelman: I've actually had a chance to talk with staff on this question, I'm persuaded that the staff did actually take your experience into account. It was important factor in their decision as to how many points to give your firm and all of the rest of the firms. And I understand how you are disappointed not to have gotten the nod and been rated more highly. But perhaps you could discuss with the staff in the future how to write a better proposal and better meet the needs of the city in the future. Thank you, ma'am.

Mayor Leffingwell: Next speaker is kernan hornberg. Mile stamos. Kernan you have six minutes.

Members of the client services division to mpb credit bureau incorporated. I would like to thank the council for postponing the vote for last week. Disappointed to hear councilmember spelman's response and the city has come back and pretty much spoke their way through it, I guess. I want to address some of the comments from byron johnson. Last week he stated that mpb is in violation of anti-lobbying

provision. johnson pointed out mpb was ranked 9th in the vendor evaluation matrix. At no time has mpb lobbied for this contract. We strongly stand by our position that this process was flawed. And that we were only blowing the whistle, if you will, on what the e.m.s. Committee unfathomable evacuation. We did request the other bids, told we could not have access to that until council awarded the vendor, which is completely to me is a closed process that this can be pushed all the way through without any -- seems very closed doors. Last week's council meeting johnson confirmed that the process was flawed, in our opinion. He said the cost factor, let me 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 are their recovery rate, what we did is applied the universal recovery rate that would be the expected recovery rate across all of the companies so that if you applied that you would have a fair way to evaluate what percentage, so the contract if it was awarded to them and the other companies had not bid, would have meant less revenue for the city. End quote. Those comments don't make any sense. To me it's bureaucratic nonsense. He's saying that the recovery rates, the mpb past performance were not even considered. Yet in the same sentence he statements mpb would have generated less revenue for the city. They should have been looking at anticipated net yield of return to the city. There's no cost factor at all as the fees come out of the recoveries. In mpb's case every dollar collected means 77 cents to the city. The fact that the recovery was not even a deciding factor in the committee's process clearly shows it was flawed. We firmly stand by the numbers we provided to the city at last week's meeting. If further information is needed we would be happy to prov substantiate. John ralston seemed to be saying that the numbers were showing recovery over a longer period of time of time therefore we won't comparing apples to apples. If we add up the numbers from 2001 to 2002 [indiscernible] you will see that the end of 2002 mpb already collected \$454,648, 40% recovery on a new contract, car are far exceeding cca's recovery of [indiscernible] and in far less time. He said there's always quality take it active factors that we look in terms of just the efficiencies of being able to transmit information to and from the vendor. Working with the vendor in terms of answering questions, working with clients. There's a process involved with transmitting accounts -- I mean there's staff time involved, we look at whole process. But certainly customer service and being sensitive and attentive to patients in the billing process is a priority. End quote. This needs to be addressed briefly. Council [indiscernible] transmitsed to mpb through our secured website, payments, notes made on that same web portal. Also mpb doesn't utilize a phone [indiscernible] a livid answers, mpb handled ... accounts since 1994. and -- excuse me, represented to and mpb and our efforts, you know, to our knowledge never. We have delivered consistent results in a manner respectful to the patient or guarantor and always surpassed the results of any competitor awarded this contract. We respectfully request that the council vote no and appoint a new committee formed of council staff and/or staff from the city auditor's office. Excuse my, thank you for your time. Excuse me, thank you for your time.

Mayor Leffingwell: Thank you, we have one more speaker signed up for and that is jordan frytag. Jordan? You have three minutes.

Hi, I'm jordan friday dallas tag, I do represent gila, municipal services bureau, the company that asked to be awarded this contract. I just wanted to give the mayor and council to ask any questions of us, our qualifications to be able to successfully perform these services from the city.

Mayor Leffingwell: Any questions from the council? Thank you.

Okay, thanks.

Mayor Leffingwell: Councilmember spelman?

Spelman:, MAYOR, FOR Better or worse, the reason why this issue was postponed for a week, I finally concluded after talking to byron from the purchasing office that the primary problem on my end was my inability to understand byron. We use language a little bit differently. Once I talked with him and some other people who were working on this contract i understand that the evaluation that was conducted of these nine proposals was exactly the sort of evaluation that i would like us to be conducting. I move approval of item 33.

Mayor Leffingwell: Councilmember spelman moves approval of item 33. Is there a second? Seconded by councilmember cole. Any discussion? All in favor aaye.

Aye.

Any opposed? Passes on a vote of 7-0. So now we will take up item 30, which was pulled because of -- because a number of people signed up to speak. I would note parenthetically that all of the speakers are signed up in favor of this item, which was on consent this morning. You know have the opportunity to talk us out of it. So -- so the first speaker is tom walt. Tom walt. I don't see time here, wanting to donate time to him is mike cornwell. Andrew donziger. An dry -- andrew, timothy baron. Next speaker is matthew robberson. Leslie luciano. All right. Next speaker is robin stallings. Leslie luciano donates time, she is in the room. Scott johnson. Scott? Not here. Patricia [indiscernible] nizwander. So, robin, I think I saw you here, you have six minutes. Roy -- roy waley is signed up in favor. Is roy here? No. Robin? No, wait a minute. Let me check this. Eric cavanaugh. Ricardo trevino, ricardo trevino? And speaking up in favor but only wanting to speak if there are questions, javier elenas, sun lun ping, jenny tynes, edgar pace, preston tyree, patrick jones. Marcus gomez, in favor, not wishing to speak, chris fan bowers, christopher [indiscernible] steve, timothy lynch, chris hornsby, patrick roden, kathryn sherwin, barry mayor, glen gary, greg griffin, christopher campbell, jason nichols, allen gibbs signed up against, not wishing to speak, thomas graves, cherry garcia, isabel walker, leo anderson, chip rosenthal, mike case, and a number of others which the clerk will enter into the record. So -- so robin stallings. You have six minutes.

Mayor, members of the council, I'm robin stallings, I'm the executive director of bike texas, the state bicycle adequacy and educational organization. I want to say thank you very much, austin will be a little bit safer. This is an opportunity to get some education out there. We look forward to working with the city and implementing anything that we can do to help, appreciate it.

Mayor Leffingwell: Thank you, that was a quick six minutes, robin, i appreciate that. All right. Those are all of the speakers that we have signed up wishing to speak. And I'll recognize councilmember riley.

Riley: Thanks, mayor. Thank you, robin stallings, for all of the work that the texas bicycle coalition has put in on this, thanks to all of the cyclist who's have shown up here today, registered their support and who have been advocates in the community for safe conditions for cyclists, including this particular safe passing rule. We know this is not going to solve all of the problems that bikes face on the streets or car drivers face on the streets. We absolutely need more education and outreach to make the road safe for all users. But this is an important piece of it. This recognizes that bikes have a proper place, that we need to make room for them and three feet is a reasonable measure of the space that's needed when cars are passing. So I -- with that said, i want to thank the mayor pro tem for helping bring this forward and I'll move approval.

Mayor Leffingwell: Councilmember riley moves approval of item 30. Seconded by the mayor pro tem. Any discussion?

Morrison: Comment, please.

Mayor Leffingwell: Councilmember morrison.

I think this is a terrific step, also, an and important opportunity for education, I don't know if we have anybody from transportation department or public works, okay. Great. Because I did want to ask, i think it's really imperative that we get word out to the community, both motorists and cyclists that we do have this new three foot passing rule to make sure that nobody getsonfused about why a cyclist might be expecting it. And why cyclists need to be following the law to -- to enjoy that protection. So I wanted to know if we had any plans for doing outreach.

Good afternoon, howard lazarus, public works, we do have thoughts and plans to advance education of this ordinance. It's a fortunate time to do this, we have a couple of things coming up that will help with the education effort. Our application to the league of american bicyclists is due in february, which will upgrade we hope to upgrade the city's standing from at least silver to gold. As I found out, that standing is not just a matter of feeling good about the city. It's also something that's very important in our ability to attract visitors and conventions. We also have bike month coming up in may, so we can integrate that into those plans. We do need an education component in our application to also help us strengthen our application. In the theme of some of the things that were presented earlier in the day, we want to have a multi-modal, multi-user approach to education focusing not only on drivers but visitors who would come into austin and not be aware of this requirement and also the bike community because bike bicyclists have a duty. We have money set aside for the bike month, the department's budget as a whole for community outreach. We look at multiple paths, on their enforcement and education efforts. They have the ability to put chalk markings down and have officers on bicyclists to help educate motorists, signage along bike routes and major arterials, to and capital metro to help us with signage for those key points. We have a cooperative approach that will reach out to those entities that deal with visitors to the airport, rental car agencies, hotels. Also we -- through our child safety program we reach over 30,000 students a year, so it's an opportunity to work through that existing program. And to work with aisd as a train new drivers through driver education program. We also intend to work with the various cycling stakeholders throughout the community and to put forth some public service announcements on channel 6, work with



aid to get it through their television network and some -- some more traditional print mechanisms, putting notes out on our website. Then have promotional items as we participate in various events. last lazrus, that sounds quite thorough. I think the education is really important. In general I know education is a major part of our bike plan so this is great. Thank you very much.

You're welcome.

Mayor Leffingwell: All in favor of the motion say aye.

Aye.

Mayor Leffingwell: Any opposed? Passes on a vote of 6-on with councilmember spelman off the dais. And I believe I need to announce that without 51 our executive session item is withdrawn. And that brings us to -- there's only one item left from this morning's agenda, but it has a time certain of 4:00. So we will now take up our zoning matters. And mr. guernsey. Thank you, mayor, city council, let me go through 00 zoning and neighborhood plan amendment items that I can offer for consent today. The first item that I would like to offer for consent is case nu 02, for the congress avenue baptist church. This is a property located in the greater south river city combined neighborhood planning area and this is an amendment to the austin tomorrow comprehensive plan to amend their future land use map from civic to mixed use on the western portion of the property located at 1511 south congress avenue. It was recommended by the planning commission to approve the mixed use in the western portion of the tract and this is ready for consent approval on all three readings. 53, c 14-2009 on 032 for the same property at 1511 south congress avenue. And the applicants' agent, henry gilmore gave us some information today that in light of the opposition by some of the nearby residents and the problems with support given the valid petition that's been filed, the congress avenue baptist church hereby amends their rezoning request to leave the eastern portion of the property sf 3 nccd np and the cs-co for the western portion of the property as recommended by the staff and commission. They want to thank everyone for so much for their assistance in the matter and the church looks forward to being -- continue its ministry on south congress avenue for the next 100 years. I think they were already there 117 or 118 years and continue to be a good neighbor. gilmore is here if you have any questions. So we would offer item no. 53 For consent approval only on first reading, acknowledging that it's only for the portion of the property that was recommended by staff and commission that's the cs nccd-np portion of the item. 54, c 14-2008-0242 located at 24 on 3 east 51st street, a discussion postponement item. Mayor I go through the rest of the consent agenda, we can come back if you would like to do that or hear from both sides right now.

Mayor Leffingwell: It's my understanding that it's going to be consent postponement on item 54.

This is a dispute over the date of postponement. Both parties agree to a postponement. The islamic center of greater austin would like a postponement to december 10th and austin energy would like a postponement to I believe it's november.

Mayor Leffingwell: 19th. All right. We will come back to that. We will have a discussion postponement on

that one.

Very good, 55 is case c 14-2009-0091 for the property located at 213, 215 and 219 east third street. This is a zoning request to zone the property cbd cure, which stands for central business district, central urban redevelopment combined district zoning. Recommended by the planning commission. It is ready for consent approval on all three readings. Staff would like council to consider one amendment to your ordinance. Under part 3 of the ordinance and that would state in addition to the language that already exists, which limits the property to 2,462 trips per day, to include an additional portion of that to say unless a transportation impact analysis or tia is reviewed and approved by the director of planning and development review prior to the issuance of a site plan. And with the -- what the effect would be is at the time the site plan, if they turn in a tia and approved and reviewed by my staff they could exceed that trip limitation of 2462 trips. With that we would offer that as a consent item on all three readings. 56, c 14-2009-0093, the property located at 2205 a and b western trails boulevard. The applicant has requested an indefinite postponement of this item. 57, c 814-2008-87 known as the south shore ment be a discussion item. That concludes the items that I could offer for consent approval at this time. And we can bring back the 54 if you would like to hear from both sides regarding their postponement requests.

We will that I want up right after we do the consent as a discussion postponement. The consent agenda is item 52, consent on all three readings, item 53, consent on first reading only, with the revisions enumerated by guernsey, basically that the eastern portion of the property remain sf 3 ncnp and only the western part nearest congress avenue be rezoned as requested.

Correct, mayor. Also the petition that was filed against that case is now actually moot because it was really just about the eastern portion.

Mayor Leffingwell: So the petition is no longer valid.

The petition is no longer valid with that removal.

Mayor Leffingwell: I don't think you said that before.

Gurensey:: I didn't, i wanted to get that in so that you understood that.

Mayor Leffingwell: All right. Item 55, is approved consent on all three with the additional change with regard to the requirement for tia approved by the director of planning and development review before issuance of the site plan. Indefinite postponement of item 56. So that is the consent agenda. Is there a motion to approve the consent agenda?

Move.

Mayor Leffingwell: Councilmember morrison moves approval of the consent agenda. Seconded by councilmember spelman. Any discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Passes on a vote of 7-0. And so now we can take up the discussion postponement item no. 54.

Mayor Leffingwell: Do we have representatives from both sides here. I believe we do. It's again case number c 14-2008-0242 known as the mueller austin energy substation at 2403 east 51st street. We have a postponement request from the islamic center of greater austin to december 10th and austin energy is agreement to a postponement but only to NOVEMBER 19th. But not sure which party that you would like probably the islamic --

Mayor Leffingwell: We will hear from the islamic center and, sir, if you would just come up and introduce yourself and you have three minutes. Please remember we're talking only about the postponement, not only not the merits of the case. My name is sammy mcmuhud. Basically that additional time is needed so we can reach all of our member, including the -- our school members so we can give them the -- whatever we reach with -- the solution we reach with the austin energy, so we can get their input on that solution, simple as that. We still oppose that issue. We still oppose it. But we need to just give them some time to give us their input. We have big amount of members. That will take us at least six to eight weeks, really, to --

Mayor Leffingwell: All right. Well, thank you. Do we have a representative from austin energy?

Thank you, I'm sonny kuhl, the active manager for austin energy real estate. We are requesting the NOVEMBER 19th. We have been in this process since december of last year. We've been discussing this issue with the neighborhood, with the mueller commission, for the last 10 months. And we are working very diligently right now on some alternatives that we have put out there based on what was presented at the planning commission. We did find out yesterday that in meeting with trouble maker studios that the alternate site we had hoped to go to is not going to be available to us so we are looking at other options. Our time sensitive, the reason that we're asking for the 19th because we recognize in december the council has two dates. We are running into a time sensitive issue as far as our project management, our scheduling is concerned. We will have the majority of our work done by the end of next week. We are more than willing, the islamic group hasn't been part of the discussion for the last 10 months. They were notified three times that this was going on, but first time we have heard from them is at the planning commission where I've offered to meet with them, provide all of the information that we have to date. But that's not going to take eight weeks to get that information out. I can do that any time they want me to meet with them. Our time sensitive is that our project managers tell us and our load forecasters tell us we have to have a substation up to meet the need in 2011. It takes two years to get a transformer ordered and on site. If we do not get a direction by the end of the year, we're going to be unable to meet the need date for load calculations that we have. Right now we are looking at several sites. The november 19th date gives me the opportunity to have all of that information available to make a major presentation to the council, then if there's any additional information that the council wants I have two opportunities in december to come back and bring that to you and follow up on that. So we're basically asking for that time frame to give us the 19th to come back to you with our solutions and have

the 10th and 17th to come back if you ask us for anything else.

Mayor Leffingwell: Council, I would also like to -- to just remind everyone that this is a zoning case. If it comes back on the 19th and there's a situation where it takes three different meetings, three different readings to -- to accomplish that zoning, it would be december 10th before we were able to finally address it. So it seems to make sense to me at least that we postpone it until november 19th because of time constraints and it's something -- if something else comes up between now and then, we can address further delay on NOVEMBER 19th. That's -- those are just my thoughts. Councilmember cole.

Cole: So move.

Mayor Leffingwell: Councilmember cole moves to postpone, seconded by councilmember spelman to P.B.O. TO THE 19th. Any further -- discussion? Any further discussion? All in favor say aye? Any opposed? Passes on a vote of 7-0.

On that last item, although I note the planning commission did not recommend the item moving forward, they did recommend that the case be sent to the mueller commission for their consideration. As part of that. Of their recommendation. They did not recommend the case. I wanted to point that out if you had any questions about that. Our next item is item no. 57. C 814-2008-0087 known as the south shore district p.u.d. Located at 1701, 1801 south lake shore, 1414 arena drive, 1333 arena, 1200 tinnin ford and 1201 town creek. This is a rezoning request from the multi-family residence medium density, multi-family residence neighborhood plan or mf 3 np zoning and community commercial gr np to planned unit development neighborhood plan or pud-np zoning. The council did approve on a vote of 5-2 first reading on SEPTEMBER 24th. At that meeting, the council gave some direction to staff to work with the applicant prior to this reading, possible reading, to analyze and present a menu of affordable housing options for city council to consider. We have two proposals that are -- have been proposed by the applicant and one that's been proposed by our neighborhood housing and community development office staff. And the first option that the applicant has proposed would be a combination fee and fee in lieu of and on site affordability approximately the fee would be \$1,620,000 in fee paid to the austin housing finance corporation housing assistance fund. This would equate to approximately 1,350 per unit. And then on site there would be 60 units rented to tenants earning 80% mfi for a period of 40 years. The second option that's being offered by the applicant is a fee of \$2,625,600 paid to the austin housing finance corporation housing assistance fund which equates to approximately \$2,188 per unit. And then in the third option, this is from our neighborhood housing and community development department office, is a fee that would be paid of approximately \$4,650,000 to the ahfc housing assistance fund, but then noting that part of what they have submitted includes a variety of community benefits, including a relocation package for existing residents that's valued approximately at \$90,000, retail concessions, including concessions for a local restaurant and free space for a non-profit organization and an a.p.d. Substation which values into the leases and times of approximately \$800,000, so that would equate to approximately \$3.76 million. So we wanted to make sure that you were aware of those proposals. The two that have been proposed by the applicant's agent and the one that's been from our neighborhood housing department. I could go into more detail , but i think that you probably are well acquainted with them by now. The applicant's agent is here. I bieve there's at least

one person from the neighborhood that's probably here. The public hearing is still open at this time. We do not have an ordinance prepared at this date. So the only consideration that you could take today would be approval on second reading only. Staff would be eager to hear what direction you may have to us on how to prepare the third reading that we could bring back at a later date.

Mayor Leffingwell: So you are eager to hear that direction, that's good.

Yes, mayor [laughter] whatever that may be.

Mayor Leffingwell: Any questions for staff? Then we will go to our speakers. The public hearing. First speaker is steve drenner signed up for, is amanda swar here, michelle houseman, michelle and michelle rogerson. drenner you have 12 minutes.

Mayor and councilmembers, this will be a record for me because I won't get anywhere near 12 minutes. guernsey's portrayal of our offer is correct on all accounts. The thought behind that was to give the council two choices, one to take the maximum amount of -- that we could afford in a few in lieu and to do with it what the council and the austin housing and finance corporation wanted to do with that. The other would be to look forward a bit and to realize that while there's a tremendous amount of affordable units in this area today, that a lot of those are affordable because of the condition of the units and that they will more than likely be redeveloped in the next 10, 15 years. And by -- by included the on-site component at a workforce housing level, that there may be some benefit, long term, to -- to continuing to have affordable units at that level in this urban location. So that's -- that's the purpose for -- for giving you those choices. We appreciate the -- the conversations and help that we've gotten from austin housing and finance corporation staff and happy to answer questions about the proposal.

Mayor Leffingwell: My questions?

Spelman: Mayor?

Mayor Leffingwell: Yes, councilmember spelman.

Spelman: I have a couple of questions for you, mr. drenner. First, I recall that your proposal called for a maximum of 20,000 square feet of cocktail lounge space which could be divided into cocktail lounges as large as 5,000 square feet, is that correct.

That's correct.

How much heart burn, only 30,000 square feet of commercial space in the entire project. Given that you have got 30,000 square feet, two-thirds of that is currently slated at least conceivably for cocktail lounge space. That's a maximum I realize, not a promise. But could go up that far. Do you really need 20,000 square feet of cocktail lounge?

Councilmember, the 30,000 feet reflects a minimum number that was a request that we put a minimum

number in there. My suggestion would be that if we're at or near that minimum number, the -- the cocktail lounge space could be reduced proportionately. I think that -- that we wouldn't be needing the 20,000 feet unless we build closer to the numbers that have been studied in the tia for retail space.

Spelman: Okay. What's going to determine whether your commercial space is more than 30,000 square feet?

Market forces. But I guess my suggestion would be if we are -- that we have a proportionate reduction to some degree. I wouldn't think that there's any way that we need 20,000 square feet of cocktail space if we have 30,000 feet of retail space. It's not intended to be that kind of a --

I understand.

Of a development.

Spelman: Suppose the mark were such that residential were favored and commercial were not and you did go to the minimum of 30,000 feet of commercial space. About how much thousand square feet of cocktail lounge space would make sense?

> I would guess in that sort of a situation, at 30,000 feet, 10,000 feet would be a max.

Spelman: Would I be remiss in suggesting that an additional restriction that no more than one third of your total commercial space be devoted to cocktail lounge would not affect your project much? That would at 30, you would get 10, at 60, you could get 20, that sort of a thing.

I think that's fine.

Spelman: Okay. You would be -- sending a message to the neighborhood that you were --  
absolutely.

Spelman: Covering the place with cocktail lounges, they would be pleased to hear that.

That's not the intent.

Spelman: I didn't figure it was. Second, you and I talked a couple of days ago about the stf's recommendation with respect to affordable housing. You have got two offers on the table, the staff had another recommendation for you that would essentially 1 million for you; is that correct.

Spelman: That's correct.

Spelman: Have you had a chance to think harder about that proposal?

We have. The -- the issue is combined with the other things that we're doing that are somewhat extraordinary, can we afford to increase that number. I don't think that we can. We increased our number by a million-one from the number that the planning commission considered. And we're frankly on our tip toes at --

Spelman: I understand. About what -- to the nearest million or so, how -- what's the total cost of this project

from an ad valorem basis I have that in my briefcase, I can give you that on rebuttal, why don't I do that so I can give you an accurate number.

Spelman: If you could, I would appreciate it. Thank you. Mayor, I have a legal question.

Councilmember cole

Cole: I have a legal nuchols, i know there's some limitations on how we approach affordable housing issues with -- with applicants on the dais. Can you give us a brief overview of what those rules are?

The law known as the baxter bill, after the sponsor, basically says you can't put a contion on a building permit, site plan, subdivision, or any other sort of -- of approval that sets a maximum house -- sets a maximum price on a privately produced housing unit. So -- so if you are not setting a maximum price, you are not violating the law on its face. Now, if you are doing in sort of in lieu fee, you must have an argument that it's close enough. However, there is an exception to the baxter bill that says it does not apply to any sort of density program or voluntary program. First of all, we structured ordinance so that the in lieu fee is a density bonus. So we're safe there. To give ourselves belts and suspenders, we basically say the whole idea of p.u.d. Zoning is a voluntary program. Applicants voluntarily choose to apply for p.u.d. Zoning. The city is not holding a gun to their head and making zoning, so we think that we are well within what's allowed by the law.

Cole: Thank you.

Mayor Leffingwell: And the next speaker speaking against is jeff jack.

Mayor, there's three other people that I believe are going to donate their time to me. Linda land, tony --

Mayor Leffingwell: Okay. Give me the names, one at a time.

Linda land.

Mayor Leffingwell: In the room? Okay.

Tony house.

Tony house? Is tony. Gale goth.

Mayor Leffingwell: Gale goth. You have 12 minutes, mr. Jack.

Appreciate it. What is the intent of the water front overlay? A lot of people have been dancing around that word. I want to ask you a question. If you went to a car salesman and you said i would like a mercedes, i would like it to be -- to be gray, with leather interior, air conditioning and a cd player and he came back to you with a car that said it's gray, it's got leather interior, it has a cd player, and air conditioning. But it's a yugo, would you believe that it met the intent of what you asked for? We're sort of in that condition. What is the overriding, overarching goal of the waterfront overlay task force report to you in all of the years of work, that is to keep the spatial quality of the town lake corridor. All of the other things that are written there, are the great paint job and the leather seats and the air conditioning and the cd player, but the mercedes is the space. And what I just passed out to you is confirmation of the sensibility of the community -- that the community had back in the 80s WITHOUT KNOWING IT, Just feeling it, they promulgated a code that basically protected the scenic vistas, openness, spaciousness. Here you have a report that golly, somebody has verified that's good for the human condition. Is it worth giving up? I want to talk to you as a business person. Councilmember shade had a business, she sold it. I bet you before she sold it she had some estimate of what the value of that business was. Have we figured out what the value of the entitlements that we are giving to this project? We have a department upstairs called economic growth, redevelopment services with a budget of \$8 million a year from austin energy and we can't produce an in-house pro forma knowing what the value of what the entitlements are that we're giving to this developer. Yet he stands here and he says extraordinary things that they are giving away. They can't make another dollar on affo housing. Where are your numbers? You don't have any. You will stand there and the pro forma that jeff jack created they are boeing bogus, they won't work, but he has never put his numbers on the table. I want to talk about could we achieve the goal of everything that every one of your councilmembers want from this project, from the bike racks to the hike and bike trail, all of that stuff, and still maintain the integrity of the waterfront overlay? The answer is yes. Plus, you could have actually more density than the zoning case that you are about to approve. All that you have to do is figure out what his pro forma requirement was that would allow you to shift the distance, the number of units between the 60 and 90 feet on the other parcels of the site. It may not have been 120 feet. It might have been 125 or 130. But you didn't ask the question. So we're allowing us to give up the protection of the watershed front so that this -- waterfront so that this developer can build a building type that he does in houston, texas. Why don't we demand he build a building type that works in austin, texas, gives you all of the things that you want, and doesn't violate something sacred in our community. Talk about affordable housing. Ka echols was here at the first hearing, said the intent of the new p.u.d. Ordinance as housing advocates saw it, that we should be looking at about 7 or \$8 million. Why are we getting less? Oh, we can't afford it. Where's your numbers, won't show them. You buy into it. The last thing, if the community is define -- a commune is defined by lots of people. I think recently the barton hills neighborhood association sent you a resolution. You have gotten communications from people all over this city telling you how important it is to maintain the integrity of the waterfront overlay. I suggest to you, this is a turning point. The whole effort of the waterfront planning advisory board that spent nine months studying this will be irrelevant with the passage of this p.u.d. case. We will be dealing with these properties one by one around the lake front for years to come.



You all can do better. You can do better by the city, you can do better by our waterfront. Negotiate a deal with the developer that gives you all of the things that you want. But also protects the waterfront by maintaining the hghts. Why do we have to settle for just what that developer wants to build? I ask you one other thing. When asked whether you would support the intent of the waterfront overlay, the answers were yes. No amount of redefining what intent or yes means will change that. Thank you.

Mayor Leffingwell: Thank you. We also have several other people signed up against, but not not. And those will be entered into the record by clerk. Those are all of the speakers then that we have signed up. Any comments from the dais? Or -- excuse me?

[Indiscernible]

Mayor Leffingwell: Okay. Come forward, I will have to -- to see if you appear when I refresh this thing.

I'm kathy echols.

Kathy echols. You were signed up twice, but you get three minutes. Is there someone else that signed up?

Karen popp also signed up, but she's going to speak.

Okay. Well, looks like we have -- she can speak after you get through. But she's not -- she is on there and you are signed up -- three minutes.

Okay.

You heard from me last week, so I will be quick. I'm kathy echols with housing works. I really at this point just want to very strongly make -- very strongly make the argument that we look really hard at getting on site affordable housing in this location. That's really important. Even though there is a lot of -- affordable housing in that area right now, that housing is older housing, it's housing that's very likely to be redeveloped in the next 10 to 20 years. Steve drenner has made that comment in the information that they provided to you as well. And I'm sorry, I'm -- I just raced in here, so I'm a little bit flustered here. But it -- if we want to really -- you know, that's a very desirable area because of its close proximity to downtown and other parts of central austin that's going to be a really good area for transit. So as that area is redeveloping, it's really important that we keep affordable housing in that area. Looking forward as years, in coming years, if we don't do anything in terms of keeping on site affordable housingability, we're going to see all of those properties redeveloped and that's going to become a more exclusive area that's not going to provide affordability at a level that people, working people in this community can afford. The current offer includes 80% of median family income. That's probably what market rate housing is going to be in that project at best, at least for the kinds of smaller, lower units that are -- that - - in which the affords would be. It really needs to be at least 60% of median family income to have any value in that area and ideally it would be lower. And so -- so I would just argue very strongly that you really try to look at this -- at the offer and continue pushing to try to get on site affordability and to get as

much on site affordability as possible in this project and another reason that I argue for this, I think this is a precedent. We're going to see a lot more of these projects coming forward. If we say it's too expensive to do affordability here, it's going to be the continued message that we get and we're not going to get it anywhere. As the downtown plan is coming through, we're hearing in that case that the affordable housing -- too expensive to deal with affordable housing downtown okay we're doing it in the area around downtown. Here's a project in the close in around right around downtown, we are saying it's too expensive to do it here. Where are we going to do it? I really want to ask you to please work very, very hard, do whatever you can to get on site affordability in this project. Thanks.

Mayor Leffingwell: Thank you, karen popp.

Good afternoon, mayor, mayor pro tem, members of council, my name is karen popp, also a member of housing works. ordinance has many features in order to establish what would be considered a superior development and I'm just going to speak to the affordable housing aspects of the superior development. One of the principles in adopting the p.u.d. Ordinance, the one that's on the books now, many of the other density bonus provisions of other ordinances is to obtain affordability throughout the city. If we provide for affordability with density bonuses in each type of zoning category that we adopt, then we will see affordability spread throughout the city. That's a very progressive goal and I think something that would really lend to the superior nature of the development throughout austin. In this particular case, affordability of on site units would be between 50 and 60% of median family income. That would fit with what the median rents are in the riverside area. I calculate that they are about 55% median family income. The riverside area currently houses a number of working families, their children feed into recognized schools and the aid system. And it is an area where -- among the highest ridership rates of capital metro. This is an area where people already are living denser, more urban lifestyle that we seek. We should work to attain or retain affordability within this communities. The proposal that's being discussed now does not contain rents that are between 50 and 60% of median family income. That's what's affordable. 80% Rents are more expensive than the average rents in every other part of town except downtown. So if we get 80% rents we really haven't accomplished something. The fee in lieu is set so that it would be offered only if we can't get the units. I don't think we have explored thoroughly enough getting the units and if we go for fee in lieu, then it should be calculated the way that the ordinance anticipated. Thank you.

Thank you.

Mayor, I would like to ask the speaker a question, if I could.

Councilmember spelman. [One moment please for change in captioners] spelman moves smell so in fact although it's not 60% of mfi, it's 80% of mfi which cat you suggests is roughly marketing rate and I think she is very close to being exactly right. One way or another we're getting 60 units at least on offer right now. If we could get more units off site, at some point I think we would all agree the number of would be off sight and better off going -- we get 120 units onsite, you would prefer the 120, am I right is this.

Prefer to get the units on site and at the affordable level that's specified in the ordinance.

Spelman: Of course.

80% Units she we're not accomplishing anything there. Downtown we are and we have an ordinance on the books for downtown that recognizes 80%, which is the only part of town where 80% rents would be affordable rents.

Spelman: Right.

In terms of getting them off site, that's an up in the air question. I haven't heard anybody identify units we would be adding to affordable units much there's no specific project that's additional units for the affordable demographic that we have in riverside that's being discussed. Sheriff's deputy sheriff's deputy sure. One of the arguments for the fee in lieu that goes into the pot and we will use that over the course of the year to find units elsewhere radio right.

Spelman: I guess what I'm looking for is some way of getting a sense for how strongly you feel about the on site versus off site. If I can get 120 units at mfi versus 60 units at 60% mfi on site, we're holding everything constant except the site. How much should we be giving -- how many more units should I have to demand for it to be off site.

If we knew where off site units were, next door or if we knew where they were, we would have something to compare.

Spelman: Okay.

But I'm not familiar with any specific units so it's the fee in lieu and then the advantage of creating the units is when that property is developed, those units will be put there. With the fee in lieu or a proposal that there will be off site units, we have to wait until somebody comes up with a way to create those units and we go through this whole process of zoning and so forth to get the units.

Spelman: So part of it is the time delay between when the cash comes in and when the units get on the ground.

Right.

Spelman: It's faster if we do it on site.

Right.

Spelman: But you don't have a metric because you don't have enough information to make the comparison.

If there was a proposal to do something next door, that would be something worth looking at.

Spelman: Okay. Thanks.

Mayor Leffingwell: Councilmember morrison and then councilmember cole.

Morrison: Just to follow up on councilmember spelman's question, you were alluding to it might be easier to give an example if it were next door. Can you think -- if it were next door, what would your thought be in terms of the number of units that you would expect?

I would expect the same number of units.

Morrison: And would that be somewhat similar if it was in the same planning area?

That would be a general -- that would be one way to look at it.

Morrison: And so would it be correct to say that the farther away it is, the more units you would need to get in return? Would it be that general rule that you are following?

The location becomes different the farther away we get. We could get to a more desirable location or a less desirable location.

Morrison: The reason I'm asking is obviously because one of the suggestions from the neighborhood was to ask that the -- if there's going to be a fee in lieu, that it be dedicated to the neighborhood planning area to ensure that it's spent in that area. Could you comment on that possibility?

There are a number of apartments in the riverside area and there are redevelopment initiatives so it is an area where we might want to put some special attention to retaining the affordability that's out there because that's what's at stake. It still is an up in the air proposition. Somebody has to identify a project, negotiate a purchase, go through any kind of zoning or land development regulations, so it's still -- there's a delay in actually -- and then studies show that where there's a tradeoff between on site units or fee in lieu that we get fewer units out of fee in lieu. And that's been the experience nationally.

Morrison: Right, and I understand that point. The other point is the desire to have in the erock area if it's going to be a fee in lieu, the desirability to keep the fee in lieu to have it be used in that area if at all possible.

Right. I think that's the second choice. The first choice is to get the affordable units. Not 80% units but affordable units on site. Second choice is to provide for creating units in a that area another way.

Morrison: Thank you.

Mayor?

Mayor Leffingwell: I believe councilmember cole is next and then councilmember riley.

Cole: Karen, I had a question for you. I'm sure that there are times that you support fee in lieu. Is that true or not true?

I mostly support units on site.

Cole: You mostly support units on site. Because -- and the reason i ask that is because I also thought that you supported geographic dispersion of affordable housing.

Yes, I do.

Cole: And so you certainly realize that to the extent we take a fee in lieu and we put it in a neighborhood that has lower priced housing, then we can get more units.

If we put it in a neighborhood that has lower priced housing, then we've missed an opportunity to create housing in more affluent areas. And that's a lot of what happens with fee in lieu is we move from an area with high development costs to an area with lower development costs, and that sounds good on the surface, lower costs is generally a good thing, but in terms of fair housing, in terms of opportunity, in terms of where we're going to have affordable housing in the future, I prefer the on site units because we've got a guarantee, we're investing in affordability in that location. Riverside is kind of in the middle because in some ways it's an area with a lot of low-income people and a lot of apartments and concentration of lower-income people, but it's also an area that's very close in and we're looking at redevelopment initiatives coming through that area and changing it so that it probably is worthwhile to invest in retaining or creating affordability as it redevelops.

Cole: But there's no question if we take a fee in lieu, we have more options as to what we're going to do where and when, whether we put that in the nearby area or another -- the holly area or actually disperse further northeast, southeast, I mean we can make those decisions if we make that contribution to the austin housing finance corporation based on a lot of the work that you participated in. Do you agree with that?

Are you getting to whether it's better to reserve a fee in lieu for the east riverside area or to leave it in the housing trust fund or the housing assistance fund for general?

Cole: I guess all I'm trying to understand is make sure you are not opposed to a fee in lieu even though you prefer on site and that you understand that -- or you agree that if we do take a fee in lieu, we do have some flexibility that we otherwise would not have if we do on site affordability.

Well, I strongly prefer the on site units. If there is a fee in lieu, then it needs to be an amount -- the amount that the ordinance provides is a much higher amount than I've heard discussed recently. And

looking at being able to -- it's a loss to the city of those units. And how does the city create those units? How does the city replace that opportunity? Well, that's a higher dollar amount.

Cole: Thank you.

Mayor Leffingwell: Councilmember Riley.

Riley: Karen, I just have to ask one more question on this.

Mayor Leffingwell: You're on the stand today, Karen.

Riley: This is a tough question for me because it does pit several very important objectives against each other because we all want to see geographic disbursement of affordability but we are also of the mind of setting a clear precedent in this area especially given this particular site is right next on to a transit stop and we know there's a strong community desire to ensure that we have a significant level of affordability at our transit stops. I guess -- and I'm also mindful that the neighborhood's desire to keep the -- to the extent we have funds for affordability, to keep those within the confines of the neighborhood. I'm particularly interested in seeing what we can do to address the -- the -- the trans aspect of this to make sure that we direct funds for affordability towards ensuring that we will have affordable units by our transit stops, ideally within the irock neighborhood. That raises some interesting questions. On this site in particular there is, you know, a car route in the area that would be closest to the transit stop, and that area is expected to be developed at some point in the future. And I suppose I could a drenner about plans for that but it wouldn't be in the next few months or the immediate future that we would see anything happening on that site. And there's also no -- no -- no -- not necessarily any reason to expect we would get more units with those funds on that piece of land next to the transit stop than we would get in the subject parcel. So I guess I just want to ask you if we're looking at the area from the standpoint of want to go ensure affordable units near transit stops, there are a couple of stops that are contemplated in the transit area, in the irock area in the corridor study. In terms of what is happening in the short term future, I think it's harder to say exactly when those things would be taking shape, when the [inaudible] would materialize. I guess what I'm looking for is input from you. My sense is you would rather just take what we've got and to get those on site in this development as opposed to waiting and trying to identify other opportunities for directing these funds towards other opportunities in the neighborhood that might arise down the road. Is that fair to say?

I certainly prefer going with the units that are part of the development plans. I'm not really familiar with the carve-out parcel --

Riley: I can ask Mr. Drenner about that.

It's my understanding this project would be developed over a period of time so that the affordable units would come on line over a period of time. And I haven't seen proposed as an alternative that there's a nearby tract of land near a transit stop. I'm not familiar with that.

Riley: Do you share an interest in -- to the extent we can direct the funds like this towards affordability at transit stops that that is an important factor to consider?

Creating torment near the transit stops is a very important factor and I asked capital metro for other purposes about ridership in this area and having people having the habit of riding the bus is kind of valuable in creating a denser area.

Riley: Okay. drenner a couple of questions.

Any other questions?

Mayor Leffingwell: Anything else? Councilmember riley.

Riley: I would like to get some impressions from mr. drenner, if we could.

Mayor Leffingwell: He's up for rebuttal. You want to let him give his rebuttal and you can ask your questions.

Riley: I'll do that.

Thank you, let me give you a couple of the numbers first. Total cost would be in the 150 million range for the project. It would require about 50 million of private capital to be invested. In the world as we see it. We haven't talked about benefits from ad valorem taxes and so forth but I think on a conservative basis you could expect to see the city realize an additional \$10 million in ad valorem tax over the first 15 years. I'd also note we've looked at the community benefit package, the unusual things that are happening on this project, and I think it's pretty easy to get north of \$7 million with that package if you include other off site costs, for instance, the developers are accustomed to paying, you get north of \$9 million. The fee in lieu issues, and I think it's a really interesting policy issue that we face. I would tell you that we had ideas about where the fee in lieu, if that was the chosen alternative, should be spent. I think the -- probably quite properly the austin housing finance corporation does not see that as our purview and I understand that. So I think that is a choice for you and that group to determine, but I do think it's -- it's very much a part of the discussion. And finally, I would just tell you from a reality standpoint, like all developments, there is a tipping point where it doesn't make sense to go further. As you would know in this market, any market, capital is agnostic. It's going to go where -- where the return is sufficient for that capital. I think the -- the thing that gets lost sometimes by looking at all of the details is that there is between private equity and finance that there is a desire to invest \$150 million in this area that I think desperately needs it. And we are -- we have attempted to check all the boxes and to do all of the things that would be desired from a community benefit standpoint. We would love to have more of that available for affordable housing, but I will tell you in all honesty we have reached that tipping point. [Buzzer sounding] so mayor, I'll stop there and answer questions.

Mayor Leffingwell: Councilmember riley.

Riley: drenner, i want to follow up on the conversation we were just having with karen about locations for affordable housing, whether on this site or other sites. And one factor I was raising was the fact transit, the fact that there is -- there has been a lot of work towards a -- on a corridor study for east riverside and a lot of discussion about the potential of having a transit line along east riverside. I mean it's already a high transit area for buses and i hope on the part of many there will eventually be a rail line and I think that has something to do with the fact that a chunk of land has been carved out of the subject tract lining east riverside. Is that accurate?

That is accurate. We've got about 10 acres.

Riley: There's 10 acres there with the idea being eventually if rail goes in, that we will see transit oriented development taking shape right there along east riverside. And I guess it's -- is that a project that grayco expects to pursue in the future?

Grayco owns the majority of that land, not all of that land at this point, but it was very much to be a part of this development that would be part of this master plan. When the transit ideas began to be discussed, we just thought it's not person enough to know how to propose it at this point, but it would be everyone's intention that that come back and be something that would look the same as if it had all been zoned at the same time.

Riley: Have y'all -- i guess at this point it's too speculative to look at that as a potential location for affordable units for spending these funds.

Well, and I do think the council will have that opportunity to make their desires known. We are -- we only have gr zoning in that area today. I think if there is a station, particularly a station on a portion of our property, that we probably will be subject to rules, and I think the rules are fairly clear will were affordability.

Riley: Let me shift gears. We've heard from the neighborhood some interest in extending elmont. Connection with this project, establishing more of an urban grid that we see today. [Indiscernible] will be extending, instead of dead ending in town creek to tinnif ford. And I've heard interest in the neighborhood doing something similar with elmont, which approaches this from the east. And the neighborhood has -- a few folks in the neighborhood have asked about setbacks and easements now that would ensure elmont could be continued as a public street westward over to -- over towards -- well, actually stated as arena, but looks like it would be extended on through to town creek drive. Is that something that's come up in conversations? Have y'all considered that? Right now we see that red line where y'all would be extending arena to where -- did you all look at -- at extending elmont through?

It's very much been a part of the discussion. The grayco does own all of the property that's where you see the words "future transit oriented development," they own some but not all of the property in the block between town creek and tinnin ford. We have a couple of provision that look forward to the extension of elmont, making sure that's a possibility if not a probability. Staff brought these things up. One is a setback on the north side of that proposed extension so that we can't have a building any



closer than 20 feet to the expanded right-of-way to allow for that extension.

Riley: That's that area 7?

That is area 7.

Riley: Okay.

The other thing that it provides is the width of that right-of-way would be between 25 and 36 feet, which is consistent then with the extension that goes between town creek and lake shore. So it was modeled so that eventually there could be that connection to elmton. Obviously off of our property you would probably have to reconfigure the intersection at tinnin ford and elmton, but everybody thinks long term that that connection makes sense.

Riley: And the question that's come up is that the setback only applies to area 7, how would there be enough side on the south side of area 6.

I'm going to ask amanda to put up a map that was up just a second ago. There. That's taken care of because the private drive, the roadway, if you will, is part between town creek and arena. So you've got the -- passes on a vote pavement width is fixed between town creek and arena. It's not fixed between town creek and tinnin ford, and that was the purpose of the setback and then the provisions saying that we would have to be able to accommodate something that's consistent --

Riley: That right-of-way is already established and required by the p.u.d. notes?

That's correct. That -- that -- just like all of those connections, it's very much a requirement of this p.u.d.

Riley: So but under the notes there would be enough space to extend elmton through as a public street west?

Yeah. We'll get into the public street versus private, but it's very much must be built as a roadway.

Riley: Okay.

Martinez: drenner, i wanted to make a point it was because mentioned a few times by speakers and they were referencing the new p.u.d. Ordinance, this particular request doesn't fall under the ordinance, but the applicant has voluntarily agreed to apply the new p.u.d. Standards. So we need to make that real clear when we start referencing something that doesn't actually apply and is not binding on this particular request, but again, we are applying those standards.

Yes, sir.

Mayor Leffingwell: Anything else? Thank you, council. Councilmember cole.

Cole: I was waiting for spelman to get back, but i understand margaret shaw is not here. Is it gina, is she here? Hi, gina. I know margaret is not here so I'm going to try to make this not so painful.

Okay.

Cole: I want to understand what happens when we make a contribution into the housing trust fund with those contributions, what are our options as a council since we serve as the board of directors?

Normally those funds would be used for gap financing.

Cole: And when you say gap financing, you mean if we decided to another affordable housing project in east riverside or adjacent to that, it would be 50 million and then this 2 million could be part of the upfront costs?

Absolutely coal cole can we use those funds for master planning or not?

I believe we can. It would be at the board's discretion.

Cole: Okay. It would be at the board's discretion.

That's my understanding. I'm 90% sure of that. Give knee 10% hedge room, but I think we can. I will find out for sure tomorrow.

Cole: Okay.

Mayor Leffingwell: 90% Is pretty good for a lawyer.

Cole: Councilmember riley and I might tend to disagree with you. I also wanted to understand some of the work that has been done on geographic disperse and sort of policy questions. I just wanted to get an overview of that about what we're balancing when we talk about on site property versus a fee in lieu of.

Well, in this instance, we did look at the housing in the area and in determining our recommendation. I'm not sure if I can answer the question.

Cole: Well, I know that as a city council we've made a decisi just like some of the affordable housing advocates in particular, miss karen pop said to have geographic dispersion that we can continue to do that -- as a body and I'm trying to figure out if that's correct.

That's one of the things that we look at in our analysis where thedevelopment will be located.

Cole: Okay. Well, mayor, I'm going to go ahead and make a motion that we approve this item only on

second reading with the same conditions that we did on first reading, which was basically the planning commission recommendation. And that we close the public hearing with the following recommendations. First, that we have no more than one-third of the space be devoted to cocktail lounges. Commercial space be devoted to cocktail lounges. And second, that we take the staff's recommendation as to affordable housing and we give the applicant credit for the displacement cost as well as the a.p.d. substation. And so then that yields a net affordable housing contribution of 3.76 million.

Mayor Leffingwell: Okay. Motion by councilmember cole to close the public hearing and approve on second reading the planning condition recommendations with modifications, maximum one-third cocktail space, staff recommendation for affordable housing with two exceptions, one is the a.p.d. Substation and the other i didn't really understand.

Cole: It was the displacement relocation package.

Mayor Leffingwell: Displacement relocation. For a total value of 3.76 million? So that is the motion, seconded by councilmember spelman. Is there any further discussion? Mayor pro tem.

Martinez: I would like to keep the options in there to continue the discussion for potential on site affordability.

Cole: I consider that a friendly amendment and would like to add to motion to see it comes back on NOVEMBER 5th.

Mayor Leffingwell: Okay. The friendly amendment is to keep the option open for on site affordable housing and third reading on NOVEMBER 5th. And that's agreeable to both the maker and the second. Do. Okay. Any further discussion in councilmember riley.

Riley: I'll support the motion, but I did want to add I'm glad to hear that the options will still remain on table and there will be further discussions. My own strong preference would be to include affordability on site. This is a significant case in so far as it is right next to what hopefully will be a future transit stop on a rail line and I don't think we want to work toward the vision of having -- as sites redevelop along this transit line, i don't think the vision should be that the redeveloped sites have no affordable housing and affordable housing is everywhere except next to transit. We need to make sure that we achieve a model that will promote affordability on site near transit stops. And I think this is an important case to establish some precedent for achieving that. So I hope we can get that. And I hope we can get some site -- some units at 60% or below on site. So I'll look forward to continuing discussions to get to the right numbers on that, but I just wanted to make clear my own preference.

Mayor Leffingwell: Anything else? Councilmember morrison.

Morrison: We had plenty of discussion on it the last time this was here, but just for the record I wanted to reiterate that I won't be supporting this motion. I don't believe that it achieves the -- that the site achieves the goals of superiority for -- that we require in particular because of violation of the waterfront

overlay. It violates the neighborhood plan and I'm still very concerned about displacing 600 affordable units so I won't be able to support the motion.

Mayor Leffingwell: Mayor pro tem.

Martinez: I'm sorry, one last brief comment. I'm not going to make an amendment to change anything, I'm just going to make a comment that I am not going to be supportive on third reading of adding credit for the police substation to an affordable housing component. Because in we're applying the standards, it doesn't allow you to blend tier 2 add-ons into tier 1 requirements and that's what's taking place here. So if we're going to truly apply the new p.u.d. Standards, and if the offer for a tier 2 add-on is a police substation on site, great, I applaud them, I think it makes it superior. But I don't believe we should be subtracting from the affordable housing requirements that amount of -- the 800,000 that's estimated. Just a comment going to third reading. Thanks, mayor.

Mayor Leffingwell: Okay. All in favor of the motion say aye.

Aye.

Mayor Leffingwell: All opposed say no.

No.

Mayor Leffingwell: That passes on second reading on a vote of 5-2 with myself and councilmember morrison voting no. That brings us to item 13. And we will have a very short staff presentation and I see he's on the way.

Mayor and council, rudy garza, city manager. Item 13 is our contract with ranger excavation for the site preparation for the raw water pump station. It's the same item that we've talked about in previous discussions.

Mayor Leffingwell: I think we all know that it is, for sure. Did you have anything to add to that?

No.

Mayor Leffingwell: Any questions of staff? In that case, we can go directly to our speakers. And we do have a number of speakers signed up with a total time indicated right now of 81 minutes. 21 Speakers. Unless council has some interest in discussing a limitation on the time and/or number of speakers, we'll go ahead and begin that process. Councilmember.

Cole: Cole mayor, i november we've had considerable public testimony. I would like to know if anyone is interested in limiting the discussion to 30 minutes a side because we're already at 81.

Mayor Leffingwell: Is there any objection to limiting discussion to 30 minutes per side? Hearing none --

hearing no objection, councilmember spelman.

Spelman: I'm not sure I'm registering an objection. I want to get clarification. How many speakers?

Mayor Leffingwell: Total of 21 speakers, two are for so 19 against.

Spelman: 19 Against times three minutes each. That's about an hour. So the difference the between --

Mayor Leffingwell: Well, some have donated time. This is computer stuff, councilmember. Couldn't be wrong. [Laughter]

Spelman: So this is actual people speaking, not people either signed up to speak or donate.

Mayor Leffingwell: Correct. There's 81 minutes of time and 21 speakers.

Spelman: If it is the collective wisdom of the city council to give both sides a half an hour, probably getting more time than we need from the four people, but we may want to give the against people maybe five minutes to get themselves together to figure out how they will use the half hour if we decide we want to do that.

Mayor Leffingwell: Okay. In that case, are there members of -- those speaking against, those with the majority of the speakers signed up, are you all here? Or for the most part? Okay. So without objection, council, we'll recess for 5 minutes to allow you to organize your speaking time. [Recess]

Mayor Leffingwell: Council, we are out of recess. A quorum the present. And before we take up item number 13, I just want to mention once again that it's very strongly probable that we will postpone item number 59 UNTIL NOVEMBER 5th, ALTHOUGH We can't officially do that until after 6:00. So if there are people out there waiting on item number 59, it is very, very unlikely that we're going to hear that tonight. So council, I believe we're ready for public testimony on item number 13. And the first speaker signed up in favor is frank harron. Frank? Is frank harron in the room? Welcome, you have three minutes.

Mayor, mayor pro tem and council, my name is frank harron and I'm here on behalf of the austin board of realtors. I and a number of the other members of the association are here in very strong support of the construction of this water treatment plant and specifically the item that's on the agenda today. And I'll yield the rest of my time to the other speaker in favor.

Mayor Leffingwell: Thank you. Next speaker in favor is frances mcintyre. Welcome, francis. You also have three minutes.

Good afternoon. I'm frances mcintyre, president of the austin league of women voters.

Mayor Leffingwell: Frances would you suspend a minute? robbins, would you not approach the dais

while we're in session? And reset the time for three minutes for ms. mcintyre.

I'm franc mcintyre, president of the austin league of women voters. I'm speaking in favor of the construction of water treatment plant 4. The league has been an advocate for planning in all aspects of government for longer than I've been around and we have been monitoring the city's water activities for the past 30 years. Earlier this year we updated our study and arrived at some planning criteria that I would like to share with you. In addition to planning for future needs regarding our water supply, we support funding new facilities through bonds and having maintenance funding addressed on a regular basis in the city budget. Austin has neglected maintenance of miles of water pipes. In planning for maintenance of infrastructure, we would include not only drinking water but sewage and storm water and we suggest the set up regularly scheduled repairs to avoid crisis management. Recurring maintenance costs should be included in every year's budget. Additional conservation programs directed towards usage reduction should be a primary consideration. Recurring maintenance costs of new facilities should be included in the budget. Emergencies and capital expenditures should be separate budget items. And ongoing tests for water and wastewater leakage should be regularly scheduled. We also support fees that reflect the services and take into account water usage of the new development. For example, high-rise condos. The league supports aggressive water conservation measures which will help reduce water usage so that austin can have adequate water as the water treatment plants grow older and our population increases. The council must also find ways to address the rate increase on our citizens with lower incomes and help them with maintenance. Lastly, the league recognizes that the interrelationships of air, water and land resources should be recognized in designing environmental safeguards and we hope that these factors will be considered in the building of the water treatment plant number 4. Thank you.

Mayor Leffingwell: Thank you. Ms. mcintyre. So all of the remaining speakers who wish to speak are signed up against. And the first speaker is kent ripperger.

I'm ken ripperger.

Mayor Leffingwell: Stand by. There's a correction here. We also have keith donahoe and jeff howard. Is there anyone else signed up in favor wishing to speak? Okay, we'll start with keith donahoe. brown, he's are not in order.

Good afternoon. Mayor leffingwell, mayor pro tem martinez and councilmembers. My name is keith donahoe and I'm with the real estate council of austin. Our organization supports moving forward with the contract being considered and ask that you vote yes on item 13. Our organization also supports aggressive water conservation efforts and look forward to reviewing the integrated water management plan introduced by councilmembers morrison, spelman and riley at this morning's press conference. Thank you.

Mayor Leffingwell: Thank you. Next speaker is jeff howard. Signed up in favor. Three minutes.

Thank you, mayor. Good afternoon, councilmembers. My name is jeff howard. I'm also here on behalf of

the real estate council of austin. I want to thank you all very, very much for the very thoughtful way that you have considered this important item. And this project. I especially enjoyed the public debate that was had. It gave me personally an opportunity to learn a lot about the project and ask more questions and so I really appreciate the thoughtful way you have approached this matter. We certainly do support commencing construction of the water treatment plant. It's been over 25 years in planning and discussing and considering. And we feel very strongly that the time to start the project is now. So we do ask for your support on this item number 13. As keith mentioned, we do look forward to working with you and with the councilmembers who proposed the integrated water management plan. We look forward to reviewing that. As you may recall, reca has participated in and supported prior water conservation efforts that this city has undertaken and we look forward to working with you on the future as well. Finally, I'll just note that in addition to -- you heard from the board of realtors and league of women voters, the austin chamber of commerce, the asian-american chamber of commerce, b. Ma, arrow, home builders association are other business groups in support of this item. And finally I would note that 46 folks signed up in favor, not wishing to speak, and you've probably received hundreds of e-mails in support. We thank you for the consideration and please vote yes on item 13 and if there's any questions you may have, I'd be happy to answer them. Thank you.

Mayor Leffingwell: Thank you, jeff. And we also have signed up for wish to go speak tom jackson.

Mayor leffingwell, mayor pro tem, members of the council, I want to thank you for allowing me to address you today. My name is tom jackson. I'm here today representing an organization that is over 270 members strong. We own and/or manage in excess of 30 million square feet of office, industrial, commercial, residential and retail properties. Our organization is boma austin, that's a acronym that stands for building owners and managers association. We are in favor of building water treatment plant number 4 now. Because in this market and at this time, we can take adntage of this down market and save literally hundreds of thousands of dollars on the construction of the plant. The real estate market runs in cycles. Every seven to eight years we have peaks and valleys. At the peak, it's a seller's market. In the valley, it's a buyer's market. We are in the valley. We are at the bottom of the cycle. Right now is when you get your most competitive bids. You know she it's not a question of should we build water treatment plant number 4, the question is when. We ask that you vote in favor of item number 13 and start construction of the plant now. Thank you.

Mayor Leffingwell: Thank you. Next speaker in favor is nathan green.

Good afternoon, councilmembers, mayor leffingwell. My name is nathan green, one of the founders of the austin young chamber of commerce. I'm here on behalf of our 400 members. More importantly I'm here as a citizen who by 2016 will hopefully have a family, and as a citizen, I feel it important that we pass this legislation and I do not think that hydration and conservation are at odds. Thank you very much.

Mayor Leffingwell: Thank you. So that's all I have. Is there anyone else signed -- okay. And just introduce yourself because I don't have you signed up wishing to speak.

Mayor, council, ross smith. I have come down in favor of building this plant. I think it's a good idea. You all know that I am a pessimist when it comes to the future status of our water supply. I believe it is going to be getting smaller not larger, barring new sources, and what we have available from the lakes is going to be going down. I don't believe we'll see the need to build out to 300 million cubic feet because I don't think that much [inaudible]. The conservation is important, but it is not a substitute for a new supply, it merely buys time for the day of rock -- reckoning when supply grows shorter than demand. The reason I came down in favor is because I'm also in favor of hedging our bets. Thanks to our lovely soil in this town, clay and limestone, no concrete structure can be considered 100% secure over the long run. I've seen too many cracked slabs and sagging buildings to believe that. Contrary to what you will likely hear from the other side. The other reason is because we live in tornado alley. All it takes is one bad luck of a tornado to rip off the superstructure off of one of our existing plants and suddenly we have no cushion left. And I'm a believer in maintaining a cushion. And hedging our bets. And that's why I believe this is a good idea and the right time to do it. Thank you.

Mayor Leffingwell: Thank you. And the last name I have is mark clayton. Mark clayton. Did I get that wrong?

No, you didn't, mayor. Mayor, mayor pro tem and council, my name is pamela madear. Mark signed up to speak to you today but he had to step out. david's health care foundation is giving an award this evening and he had to go be with earl. david's health care wants to express support of water treatment clayton gave me today a letter to give to you all expressing that support. As council is aware, reliable and affordable water is essential to the delivery of medical services in our community. david's appreciates your support for proposition 13. Thank you.

Mayor Leffingwell: Thank you. And I believe we a did get the letter. Anyone else signed up wishing to speak in favor? I have an order, a pencilled in order of speakers against, and the number of speakers totals 24 minutes, which gives you at least an additional si minutes. So if cruel let me know when you come up if you wish to take more than three minutes, we'll allow for that. The first speaker is kent ripperger. Did I say that right? [One moment, please, for change in captioners]

not only that, but we're being asked to do this in pretty quick order, rather than waiting to do it with the planning process. And after an environmental impact study has been done with the bull creek watershed in mind. Given those two sort of exceptional situations there, I think the bar should be rather high for evidence. I've attended -- this is my second council meeting. I've read the evidence present bid staff. I went to the debate and I've been here at an earlier meeting. I think the quality of evidence got better over time. I was never convince bit either side. When I looked at the statistical offerings of a value, that's fine, but if creature not sampling right data, it's a meaningful estimate. So I didn't find the estimate the water projection is compelling. I think there's a lot of uncertainty on both sides, which certainly made more sense to look at other cities that have recently implemented conservation programs and experience add decrease in usage and look at their eight and 10 and 15 year projections. What we're saying here is do we need a water plant in 2014. That's the issue on the table now and we're committing money in that direction. I don't think that's been demonstrated. Let me go further about why I don't think the evidence has reached the necessary bar. In the recent past we closed an existing



plant, which could have been refitted and repaired in a fairly short period of time to provide additional water. That suggests to me that if the compulsion really there to have extra water, redundant water supply, we could have had it. We could have done it for less money. That decision was not made for some reason. I've heard about the cause considerations, those considerations are irrelevant if the need is not there. They're window dressing that comes after the fact to justify the decision, but they're not a decisive factor on their own. And if we don't really need to get to that plant, they become irrelevant. And that even applies to funds we might get through federal funding for incentives and for -- I'm lacking the term right now to restart the economy. [Bell ringing] next speaker is bill bunch.

[Inaudible - no mic].

Mayor Leffingwell: I'm going by this list provided by paul robbins. Do you have another list?

[Inaudible - no mic].

Mayor Leffingwell: If you give me the list I'll be happy to honor it.

I had some time donated. [Inaudible - no mic]

I'm going to try to do this in six, but it might take a few more than that.

Mayor Leffingwell: Okay. Who would like to donate time to mr. bunch?

Andrew hawkins. Pa (indiscernible). That should be sufficient.

Mayor Leffingwell: Okay. You have nine minutes then, bunch, up to nine minutes. That will take all of the excess time of the speakers you have signed up.

I'll try not to do that. Thank you. I'm bill bunch with save our springs alliance speaking against moving forward and spending more money on this boone doog he will project. Without stepping back and really looking at our options carefully and closely and getting all the information that we need to really make an informed decision about rate impacts, environmental impacts and the better options. Where did this plant come from? It came from a plan 30 years ago that's never really been closely reevaluated. It kept being pushed off because it cost too much. We've always found better options and we can find better options today. But most recently it came from the city council MEETING OF APRIL 2nd, 2002, Which you have on the screen here, the backup. And highlighted, as you can see, it says from the staff that we need to build this plant because we're going to get to 281 million gallons per day peak in the summer of 2009. We just went through that summer and our peak was 228? Actually lower than the peak of the previous summer from when this project was started? Summer 200 one was our record peak? So the whole world changed and the whoam framework of what we know about our world changed from when we started so it's really time to step back and figure out maybe we need to look at a different path. Over three years ago, councilmember futrell forced councilmembers to rush forward on the bull creek site because it was an emergency. And then lo and be hold it wasn't an emergency and we were able to

look and find a better site, although perhaps not yet known to be a suitable site. The environmental studies are not even done yet on the transmission mains, on the plant site itself. We have endangered species all around the site, probably on the site. We don't know what those impacts are going to be. We haven't even chosen the rights for the transmission mains and don't know that they can be built safely. We're not in an emergency and we should have this information before we move forward. I'm very excited that all of you seem committed about serious water conservation goals. But our bureaucracy is not delivering it. The water utility simply not interested. They've shown that year in and year out that they've set weak goals and failed to meet them. They have weak programs that they don't measure and monitor the success of and change accordingly. And they have weak management. And I'd like to just demonstrate one aspect of that.

Mayor Leffingwell: We have a travelling mic here, if you want to be heard by anybody outside of this room.

[Inaudible - no mic]. ... On today's statesman. Let me try this again. I am quite surprised because it's not doing exactly what it did for me 20 minute ago. You can try it for yourself, but here's what happens. When you get -- when you click on that you get the austin water utilities' banner ad and you click on that and it asks you where do you live, water iq's? Put in your zip code, 78704, it takes you to the austin water utility website and it tells you about our two day a week watering schedule. Now, how long has it been since we've not been on a two-day a week watering schedule? How much money are they spending telling people how to violate our current rules and regulations? This is extreme, gross mismanagement. That's the water conservation plan, but it ought to give you pause, are we really going to hand them half a billion dollars to build a plant? When they have such disregard for our limited resources? We have all kinds of cheaper options. If you can show -- this just lists some of them. You're already planning to eliminate the bottleneck at davis plant. That gives us 10 mgd. We can make inner -- emergency inner ties with adjacent providers to provide backup emergency service if we're concerned about that. We could expand our reclaimed water system, more advanced, and get up to 20 to 30 mgd for 50 to 60 million. Jumping down to number 5, we can follow the white house executive order on sustainability and inst on 26% reduction. By 2020 that gives us 57 mgd of savings. If we do that at the same price that san antonio is getting their savings it's similar to order of magnitude, that's 60 million. And we can recognize that our stage 2 drought management is in fact a peak demand management strategy that is essentially free, and that can give us 10 to 15 percent savings. So you add that up, you get 122 mgd of capacity for \$110 million compared to 50 mgd for \$508 million. That's enormous savings. All of this is extremely feasible and doable. I would urge you to back up, take a look at this, get the real information, look before you leap because they're really isn't an emergency at this juncture. Thank you. [ Applause ]

Mayor Leffingwell: Okay. I would -- with regard to that list you just gave us, I want to address just -- most of them were kind of speculative, but the one specific about the bottleneck at davis, I would like for the utility to address.

Thank you, mayor and council. I'm with austin water. I think there's a misunderstanding about davis. First in terms of expansions at davis, it's land locked, surrounded by neighborhood property. There's no

new opportunity to expand it. There is a small pipeline hydraulic restriction that we're working on that would provide two mgd of capacity out of davis, not 10. I think sometimes folks that visit davis have been rolling that up to 10 mgd. It's not. It's a two mgd pipeline correction that is a part of our capital program. But davis is rated at 120. There's really no opportunities to expand it above 120. We can only pump 118 because of the pipeline restriction and we're going to try to remove that in the five-year cip.

Mayor Leffingwell: Thanks for the clarification. So the next speaker is roy whaley. Are you planning on three, roy?

I'm shooting at six, maybe less, I hope. If it's less than six, i would hope that one of my --

Mayor Leffingwell: I gave back two minutes to bunch, only used seven instead of nine, so I gave that two back.

That's fair enough. My name is roy whaley. Howdy, y'all. I am the vice-chair of the austin sierra club and I am speaking in that capacity today. And I'm here to say austin sierra club says we won't water. We won't water. Well, what a stunner, we all want water. That's just one of the silliest things I've ever heard. I don't know whether to be insulted or laugh about that. We want water. We all want water. None of us want to go turn on our kitchen tap and have sand come out. You want a glass of sand? I have a nice cold pitcher of sand in the refrigerator here. No, no. Tap sand is good enough for me. We want water. We all want water, but at what price? At a billion dollars? And I say a billion dollars because this is the number that's come out of the water utility. At what price do we want this water? And who do we want to pick up the price tag? Who do we want paying for this? The ratepayers of austin will be the one to pay for it. We've already got the highest water rates in the state, and we're going to bump them 15%, and the people that will be picking up that will be the people -- the ratepayers that pay their monthly bills, the people that can afford it the least will be the ones to do this. We all want water. And we can build this billion dollar boondoggle. I like saying it because it just rolls off the tongue. But we can build this, go out there, stand on a hill and look at an empty lake travis and still say, we want water. Because if we don't conserve the resource, this is not a commodity, this is a resource. And if we don't conserve this resource, it doesn't matter how much we can treat. And we've said it before, it was said this morning, water treatment plant 4 does not manufacture water. It doesn't make water. It will not add a single drop of water. What it does is it treats water. Conservation creates water. We want water. Well, bill showed you some of the ways we could get water. But one of the ways that i like that we can get water comes straight from the water utility, and they say that if we are to fix our failing infrastructure, which we have to do anyway, 6 billion -- billion with a b. 6 Billion gallons of water a year by fixing our leaky transmission lines. You want water? We got some water. So these are the facts. So if the facts aren't enough, if the information isn't enough, we've got the water, so what is it? It's the fear of not having water. Is it the fear of not having water that we have to concern ourselves with? Because that's what this is. To me it's a bunch of people jumping up and down saying i can respect fear. I have my own fears. I don't want y'all making decisions based off of fear, though. The fear you should have, the concern you should have is not making the right decision now for the future so that we've got that water. I can respect fear. What I can't respect is fear monkerring, manipulation with fear. To talk people into spending a billion dollars of tax money and ratepayers' fees when we don't have to. It's been said we

can have both. We can have both. But if you solve the problem for three years -- and that's what sierra club is asking for. We're asking for three years for the comprehension plan to be done so that we can have a business plan. And that's what it would be, our taskforce comes back with their recommendations, the comp plan comes back with their recommendations, and then we have a business plan to make an investment like this. Nobody is going to invest their own money without having a business plan in place. But you might be willing to invest somebody else's money. So it's stuck on the ratepayers. 6 Billion gallons of water right there. That's fixing our infrastructure. So is it fear that we're not going to have enough? Is it fear that we won't be able to water our yards twice a week? And we're going to stick ratepayers with that kind of increase? Especially when we're going to be increasing -- our energy costs are going to go up. This is not just one issue. It has to be part of that comprehensive plan. And we have to look at all of it. mazaro said about the 10 mgd from davis, I was part of the tour that went to davis. Outstanding facility with a few creekky parts. -- Creaky parts. Spare tire. I'm having trouble with my tire, I don't go buy a new car. I fix the tire. Davis is being fixed. I was told by three separate people on that tour that when we expand the capacity to pump and the transmission lines, it expands capacity at davis by 10 million gallons a day. So I'm getting my information from the water utility. I hope it's correct. And as far as it goes, what better way to attract new business than to offer a reliable source of water? The resource itself. Not the ability to treat this water. It doesn't make water. [ Buzzer sounds ] is that my six minutes?

Mayor Leffingwell: That's your six minutes.

Okay. Thank you for your time. I'm a little dry. I'm going to go get something to drink.

Mayor Leffingwell: Go have some sand.

Don't feel like soda. I think I want water.

Mayor Leffingwell: The next speaker is mary arnold. [ Applause ] and you'll have three minutes. There's no more excess time.

I hope not to take that long. This is a contract for the raw water pump station for ranger excavation to slash away a mountain top. And yet as bill bunch said, we don't know the environmental impact or the routing for the proposed transmission mains out of the water treatment plant that's proposed. This is premature as far as I'm concerned. The routing of the water transmission mains and the environmental impact that those could have need to -- that needs to be made clear before we go ahead. Also, I was disappointed with the fiscal note in the backup because it did not tell me where the money was coming from. It said simply that this was appropriated, but is it bond money? What bond thing is it? It certainly didn't tell me. Thank you very much. Please vote against this contract.

Mayor Leffingwell: You only took one minute. City manager, do you want to answer the question about where that money comes from?

The funding for water treatment plant 4 is an appropriation in the capital budget, a combination of both

transfers from the operating budget as well as revenue bonds.

Mayor Leffingwell: Thank you. Next speaker is David Foster for three minutes.

Thank you. I'm David Foster, here to speak on behalf of clean water action. Water treatment plant number 4 has been described as a boondoggle. I have to say in my opinion it is not a boondoggle. It's worse than a boondoggle. It's a mistake. It's a mistake because climate change is likely to lead to less overall water in the region as the century unfolds and this is a time when our region's population is doubling or more than doubling by mid century. It's a mistake because what we call drought is likely to become a very common occurrence and not the unusual circumstance that the term implies. It's a mistake because water treatment four is about peak water usage. We shouldn't be spending the millions of dollars so people can water their lawns twice a week. It's a mistake because as I've said before every dollar we spend is a dollar not available for conservation. I know you've said that you are very much in favor of conservation and I believe you. The problem is no one can know who is going to be on the city council five, 10, 15 years down the road and how committed those folks will be to conservation. It's absolutely imperative while we can that we put every dollar we can into long-term green infrastructure that will sustain the city of Austin, that will enhance its reputation as a sustainable city, that will protect and preserve our water resources as our population doubles and as climate change hits us. To sum up, I think the best way to say it is to paraphrase a slogan from the 1960's is all we're really saying is give conservation a chance. I believe the people of Austin will respond. I believe you need to go beyond what you've done so far and I look forward to the discussion of the resolution that three of you have brought forward that I believe is coming up two weeks from today. Thank you very much. [ Applause ]

Mayor Leffingwell: Thank you. Next speaker is Paul Robbins.

Mayor, how much more time is allotted for this?

Mayor Leffingwell: Let me run the calculation here. 11 Minutes total, and there are two speakers after you.

So is there anyone else who could donate three minutes time that is signed up? Jean Mather has said she will. Okay.

Mayor Leffingwell: Six minutes.

I'm Paul Robbins. First, before I go into anything, Mayor, you had specifically asked that my side deliver a list of speakers. I did that. I don't believe I should be slapped down for it just because I'm doing what you requested. Now, to the point, first there are a number of us that feel that this should not have been limited to 30 minutes. [ Applause ] we feel that this 30 minute rule is selectively used when there's a controversial issue that people would like to have dispensed with quickly. We would like to have our say. This is the annual residential water-wastewater cost for the top cities. Meant was annual cost. The annual houses built. And note that Austin's is the highest of the top 10 cities in the state. The second

point that I wish to make is that none of was happening when I became an activist in 1977, at least not in austin. So none of you went through what I went through regarding the south texas nuclear project. There are demand projections that are unrealistic and there is a bureaucracy that despite what it claims is antithetical to conservation. I generally have been skeptical of just -- on principle of utilities managing their own conservation programs because it is an inherent conflict of interest. You're asking an institution whose main purpose is to sell a resource to save a resource. And so I'm distrustful just on those grounds alone. But the austin water utility has taken it a step further when they hired a director of water conservation with no background with no water. Most of the veteran staff were gone or are gone. The programs are not effective. The equipment is not being inspected. A lot of the installed conservation equipment is not being verified after the inspection -- the inspection that isn't taking pce to see that it isn't -- to see that it is working as expected. I don't trust them. And I think that water conservation should be put in a separate department. For that matter, I think energy conservation should too. Roger duncan has done a very good job of protecting the programs he helped start in the 1980's. Unfortunately for austin, he is leaving. And who is going to be there to protect them now? I do not trust institutions inherently based on my formative experiences with the south texas nuclear project. I think you all should consider that very strongly. Good evening. [ Applause ]

Mayor Leffingwell: So you left two minutes on the robbins, so we'll add that back in. The next speaker is jeff jack.

Mayor, council. You know, the slogan for austin is the most liveable city in texas. Back in the 1990s austin was the least expensive city in texas to live in. 2009 We are the most expensive city in texas to live in. Our per capita debt is greater than any other city in the state. What's happene we've been through a period unbridled explosive growth and while that slogan, the most liveable city in texas, certainly serves some people well, they have a high quality of life, and a lot of them depend on continued growth in order to maintain that. And we've heard from many of them this evening. That want this water treatment plant, realtors, developers, consultants, contractors. But what about the rest of the people in the city? It's been mentioned that this water treatment plant doesn't need to become a crisis for us because we don't need it right now. We have a number of years that we can still go before we have to make water from a new plant available. And it's also been mentioned that we're embarking on a comprehensive plan and we can talk about gallons per minute -- million gallons per day or leaky pipes and all that sort of stuff, but the underlying question is the future of austin, what's it going to look like? How many people are going to be here? The city of san antonio, in order to maintain its growth curve, is looking at four major water projects. One of which is to build storm water dams on the southern colorado river. One is to run pipelines to lee county to take alcoa 'swater. Desalineization plants, and to pump the aquifer dry just to maintain growth. We have a just to look at our future and design around the resources we have today and that we can anticipate in the future. We don't have to assume that the projection of our growth that was in the past is a given for our future. In fact, if we want to be truly liveable, sustainable, Good job of protecting the programs he helped start in the 1980's. Unfortunately for austin, he is leaving. And who is going to be there to protect them now? I do not trust institutions inherently based on my formative experiences with the south texas nuclear project. I think you all should consider that very strongly. Good evening. [ Applause ]

Mayor Leffingwell: So you left two minutes on the robbins, so we'll add that back in. The next speaker is jeff jack.

Mayor, council. You know, the slogan for austin is the most liveable city in texas. Back in the 1990s austin was the least expensive city in texas to live in. 2009 We are the most expensive city in texas to live in. Our per capita debt is greater than any other city in the state. What's happened? We've been through a period unbridled explosive growth and while that slogan, the most liveable city in texas, certainly serves some people well, they have a high quality of life, and a lot of them depend on continued growth in order to maintain that. And we've heard from many of them this evening. That want this water treatment plant, realtors, developers, consultants, contractors. But what about the rest of the people in the city? It's been mentioned that this water treatment plant doesn't need to become a crisis for us because we don't need it right now. We have a number of years that we can still go before we have to make water from a new plant available. And it's also been mentioned that we're embarking on a comprehensive plan and we can talk about gallons per minute -- million gallons per day or leaky pipes and all that sort of stuff, but the underlying question is the future of austin, what's it going to look like? How many people are going to be here? The city of san antonio, in order to maintain its growth curve, is looking at four major water projects. One of which is to build storm water dams on the southern colorado river. One is to run pipelines to lee county to take alcoa 'swater. Desalineization plants, and to pump the aquifer dry just to maintain growth. We have a just to look at our future and design around the resources we have today and that we can anticipate in the future. We don't have to assume that the projection of our growth that was in the past is a given for our future. In fact, if we want to be truly liveable, sustainable, we have to ask ourselves what are the limitations of those resources. When envision central texas did its original scenario planning, the question was raised, how much water does the city have? We own some out right through the right of the river, but we have water deals with lcra. And lcra last month had to cancel a contract with san antonio because they couldn't provide the water. Are we looking down the road far enough? Shouldn't we be finding out what our water future looks like first in our comprehensive plan before we commit \$500 million, a billion dollars, depending on how you look at it? And then straddle the ratepayers of this city with that cost? Thank you. [00:04:21] [ Applause ]

Mayor Leffingwell: So the next speaker is colin clark. Colin, there was a lot of time given back. I'm showing seven minutes total remaining. You're the last speaker in the preference group that was signed up, so you can take that time or give it to someone else who has not had the opportunity.

I'll try to do it in three, but I want to say when you have 19 people signed up against the staff and four with the staff and you give them equal time it doesn't feel like a democracy, it feels like a kangaroo court.

Mayor Leffingwell: I understand how you feel. [ Applause ]

I'll try to do it in three.

Mayor Leffingwell: Before you start, and don't start the time yet, I want to explain something. This is not an item that was postd for a public hearing. That means that there is no legal requirement to take any

public input whatsoever. By tradition and by council rule we do take public input, but it's only a council rule. And if you noted the process that went on here on the dais just before we started this item, I asked if someone had a suggestion to limit. A suggestion was made and there was no objection, so that constitutes a waiver to the council rule for that. And again, there is no legal requirement to take any public input whatsoever. We do that because we do take public input as a rule because we do value your input. So go ahead.

Okay. Could you go ahead and role the video? I'd like to start with a little video I took -- that's the slide show. Here we go. A week ago today at south congress and ben white it had been rain fog about the last four days, and at least they're not watering during the middle of the day. What's going on here? You see the shine? That's the sidewalk. And then there's the street. This is a patch of grass between a highway frontage road and a gas station. And if you understand that water is a precious, essential and scarce resource, you would agree with me that this is a really absurd thing to do with water. Watering sidewalks, watering grass. But that's what we do with water. So when the chamber and when all the business interests say they're with us on conservation, I really hope that y'all won't obstruct efforts to prevent this type when we ask for drip irrigation systems, soil depth, high frequently water fixers, are you going to get in the way? Are you going to go behind the scenes and raise cain that this is going to raise water rates. What's going to raise water rates is this water treatment plant. [00:07:38] [ Applause ] so do we need the plant? Here's a graph of our daily water use, 2008 and 2009. And there's a green line across the middle on the next slide, and that shows half of our system capacity. Most of the year we're under half our system compass si. For a few days we're over 200 million gallons a day. If we follow the obama executive order and cut our water use 26 percent, what would our peak day look like? It would look like less than that. It would be under 200 million gallons a day. So if we ought to get our peak water use under 200 million gallons a day, why do we need 335 million gallons of system capacity? We don't. There's been discussion of setting a goal for the new water conservation taskforce to -- to set a goal of 140 gallons per capita per day. I hope you will make that goal policy for that taskforce. And during the campaign, mayor leffingwell, you were asked by clean water action about that goal, and your response was, I think, per capita water use of 140 gallons per day is reasonable and achievable goal that austin should pursue and I hope you will support seght that goal for the taskforce. We've already heard about the spare tire. You've said that a number of times. Well, there's a treatment plant down here that you voted to close. So if we're on a spare tire it partly because you voted to close other treatment plant that you have. At that time, the utility said we're going to build another treatment plant downstream on lady bird lake, but then they switched course and are going for the most expensive water treatment plant they could possibly imagine. So I'll just wrap up by saying there's a huge financial contradiction here. If we're committed to conservation, we're committed to selling less water. [ Buzzer sounds ] if we're committing to selling less water, why do we invest a billion dollars so that we can sell more water. How do you make up that revenue gap? Raising rates. So how expensive is it going to be to live in austin and will the chamber of commerce still support making austin even more expensive in the years to come? Thank you. [ Applause ]

Mayor Leffingwell: Is there anyone else wish to go speak in opposition? We have three minutes for you. [00:10:23]



I have three minutes from ms. sarah foust. I think this is all separate from the previous group of people.

Mayor Leffingwell: Three minutes is all that's remaining of the time allotted on the 30 minutes. In other words, we've already spoken for 27 minutes. Is there any objection to butler an additional three minutes?

[Inaudible - no mic].

Mayor Leffingwell: One at a time, please. Councilmember shade.

Shade: It looks like there are a handful of people who would like to have their three minutes in addition to the 30 that we've done. I'd like to see if we could make that possible. Especially somebody that's come so early to sign up. It is like a handful of people.

I have no objection.

Mayor Leffingwell: Without objection, go ahead, mr. butler.

Members of the council, thank you for what you're doing today. I feel somewhat regretful being here because it is so late in this process and i commend you for staying open to hearing all sides at this late date. Frankly, I don't come down to the council very often. I haven't been down here in several years, but this issue is quite pif vit ol and I think it's important to take some pause to think about the consequences. I first got involved in working with the water utility some 30 years ago. I look around and I don't see anyone as old as me anymore, so it's different, but having done that and having written the ordinance that created the water and wastewater commission that has advised the city and the utility and having moved to take a job at the lower colorado river authority in 1986 after having voted as a citizen and as a member of the water, wastewater commission, I believe I was co-chair, in favor of water plant 4, but with the stipulation that it not be built until it's really needed. I went to the lcra and the lcra entered into a contested situation with the city of austin over water plant 4. I was very directly involved in the formation and the contesting of the water plant 4. The settlement between lcra and the city of austin was to not really even discuss water plant 4 foe at least 11 years. That's how the demand and supply were out of kilter at that time. I think looking back with the -- at that time i believe it was \$19 million a year in principal and interest on the bonds that would have been issued to pay for that first phase. We've saved 22 years of \$19 million a year for that plant. We've made many other improvements. We've spent a lot of money in the meantime, but on a dollars per gallon we've saved fortunes for our citizens as a result of measuring twice and cutting once. I had the opportunity to spend some time in california in the late 1980's and early 1990's while working for the city of austin on a project, the bccp, and I was able to fly over southern california with the general manager of the metropolitan water district during the great drought of california, 1987 to '92. One of the consequences of that drought was that because californians learned to conserve water, but the end of the drought in 1993, the metropolitan water district had a deficiency in their water revenues on the order of \$300 million. And they had to raise rates. They requested a rate increase of 11 percent pitchily to make up for the conservation attainments of their various customers. I think what this means to me is that not only do we have to do conservation

aggressively and intensively and I commend the council members who are already on board to do that, but there's two ways to do conservation, and I'm speaking from my own professional experience. I'm a professor of water resources planning at the university of texas. I teach in this area. I've done a lot of work with utilities. There's front door and back door water conservation. Front door water conservation is when you declare goals and policies, you develop good, reasonable measures to attain those measures and you do what you can and you should be able to attain those. And there are various ways to do that. The savings is that you don't spend nearly as much money on capital improvements. You save on the capital improvements, but at the same time you have the option of doing what is before you now, which is the back door approach. Take a supply side approach, build large capacity with excess capacity to a level that is -- as you're hearing today, and I regret being here, but I think the excess capacity here is lavish, unnecessary and not fiscally prudent. The back door approach means that we can stretch our utility capacity with excess capacity for a longer time than what the projections show. And I'm thoroughly convinced in my own opinion that we will save tremendous amounts of water, we will raise rates significantly higher than what has been projected by the utility. We will find people who will tell you and you'll be frustrate that had they are totally uninformed by this whole process as they end up paying rates, that they had no idea they would be subjected to without any noticeable benefits. And I think the good corporate interests that are here today and have been for the last several months are telling you sincere stories about their concerns for reliability. We all share that. But I think they're equally if not more corporate interests and future corporate interests coming to austin who will be looking for a reliant of an entirely different sort. In my 30 years in working with the austin water utility, I've seen a lot of changes, I've seen a lot of tumultuous arguments. This one is being handled fairly pass fististly. There's anger and resentment, but I think you will be seeing things in the next few years that will be deep resentment of the utility and the council for not carefully looking at the zero net disaicial revenue scenario that we are likely to face with aggressive conservation. And the consequences on paying our debt payments on such large supply side approaches. If we were ready for this, i would be willing to say that we're going to spend a lot more money on utility capacity and we'll learn to conserve by the economic principles of marginal costs and the elasticity of demand. And we will. But honestly, I don't think our planning is ready either. As a planner, I feel that our water and wastewater master plan really should be done well before we take on such a vast supply side approach. Our specific projects on the environment are not ready. I've spent a long number of years of my life working for the city. [00:17:26] [ Buzzer sounds ] on endangered species. And I don't see a plan ready that will protect the species that are threatened in this area and on the equity side I see an issue of fairness to people who have --

Mayor Leffingwell: That buzzer was the single for your minutes.

I encourage you to delay this until we're really ready. [ Applause ]

Mayor Leffingwell: I understand it's the council's will to extend the time for public comment and take additional signed up speakers. Is there any objection to that? All right. So I'll fill in the blanks here. Victor emanuel? You have three minutes.

Thank you very much for letting me speak. I won't need three minutes. I just wanted to say I'm very much in favor of conservation. I think the most important way to do it is financial incentives and

disincentives. And there are a lot of ways to promote conservation that haven't been considered. And one I'd like to advocate is rewarding people with the financial incentive if you put in a natural guard yard. And that also has an advantage in terms of wildlife and children being exposed to nature. If the city would promote that aggressively, if you got, say a thousand dollars over a number of years, as a rebate on your tax bill, on your water bill, if you had a certified natural yard, people would find that it would save them the problem of maintaining a regular yard that have a more beautiful yard that would reduce water usage. The other idea I would like to promote and perhaps this has been considered, I know it's been talked about the electricity rates. That people are allotted a certain amount of water at a very reasonable low rate that is an adequate amount for a family, even a fairly large family, but over that your rates increase substantially five or 10 times more. I saw the article in the statesman about some people. I think the best way to promote civevation is financial incentives and disincentives. I do think that water usage by austin and other cities can have a deleterious effect over usage of water on downstream areas. Particularly on the bays, which are very important for wildlife. If cities take out too much water, there's not going to be the water to maintain our shrimp and our fish and our birds and other animals that live in the bays that are downstream. I'd just like to speak in favor of more stringent methods of civevation and i wonder whether if we do that we really need this plant. But mainly I want to put my voice behind new ideas and new approaches for more stringent conservation. Thank you for your time. [00:20:24] [ Applause ]

Mayor Leffingwell: Thank you. Next speaker is bill stout.

I have a couple of overheads.

Thank you for allowing me the time to speak this my name is bill stout, I am the travis county green party's co-chair and legislative lee liaison for the green party of texas. The greens are looking for opportunities to transition city toward an alternatives that are attainable to take solutions that will take our society from an unsustainable status quo of public policy and market forces of profit over people and the planet. The first document you see on the overhead is referenced. This was sent to -- I sent this by e-mail to all the councilmembers, city managers, as well as mr. darrell slusher. These are recommendations and findings that were produced by some of texas' finest experts in water resource management at the behest of the texas legislature and was published by the texas water development board. It opens stating that two billion gallons of water are available through rainwater harvesting annually with just 10% of the roofs of a major metropolitan area. We're talking about cutting water use for landscaping primarily, estimated fist to 60% used on people's lawns. This reference was the primary reference used by representative patrick rose and authoring proposed rainwater harvesting legislation. Rainwater harvesting can be used by businesses, homes, utilities and to recharge the aquifer. I'd also like to reference it's not part of the institute, rocky mountain institute and the pacific institute, these are publications of studies showing the future technology of water treatment plants and wastewater treatment plants going to smaller distributed systems. This is completely counter to what is being offered to the citizens of austin to invest in. This is the water treatment plant number 4 wood and will be -- would and will be dated an expensive infrastructure, saddling taxpayers with elevated water rates. Many alternatives are tested solutions, and professor kent butler who just spoke has given several of those. wat conservation policy and programs like those at san antonio water systems and the city of los

angeles. Saws' aggressive programs are reference understand a statesman article that was dated august 9th of this year and written by alberta phillips. Water conservation can not -- water conservation not only saves money and saving water, it also creates more jobs than one water treatment plant, plus enhances property values that are rainwater harvesting fixtures that are fitted, inexpensive water conservation systems, including native planted gardens. Second pub pub la indication that you see already on your screen, water conservation, rainwater harvesting -- [00:24:07] [ buzzer sounds ] if I can just summarize.

Mayor Leffingwell: Finish your thought.

Thank you. Greens would like to be able to have public participation, inclusive public participation. It was referenced earlier being able to have a water conservation plan in advance of looking at such a large infrastructure investment. I'd like to be able to see some aggressive water conservation programs as --

Mayor Leffingwell: That's another thought.

Yes. One last thought then?

Mayor Leffingwell: Your time is up. Your time is up.

Thank you.

Mayor Leffingwell: Is brandy clark in the room? Brandy clark. Travis robinette? Travis, just hang on just a minute before you speak. I've heard saws mentioned again tonight, and repeatedly set up as the paradigm of water conservation. And I would like for staff to come up and give us some data on our record on water consumption as far as increasing year over year saws or san antonio versus the city of austin.

Thank you, mayor. I have a small presentation. We knew saws would come up today, so we did a little work and I think nobody would dispute that saws has a superior water conservation program. We have learned lots from them. We have more to learn from them in the future, but i think that there's been a lot of statements about saws adding customers without increasing water over a 20-year period. I think as we move into the future and look at working with saws and adopting and modeling some of our programs it's important to understand the data that saws has and use that as we're making our decisions and some of the lessons that saws has learned. So I want to give you a sense of some of our research there. Saws has made a statement that's come up often about serving customer growth, 20 years of customer growth with no new water. And we did some research because we want to understand that because that is a significant achievement. And I went to their website, our team did, and we have here -- you can go to their website too and find this under water conservation. They say 50% more customers, zero% water used. I think it's important to read the specifics of their statement. And it's the last sentence on this slide at the top. It says, despite a 50% increase in customers over the same period, the volume of water distributed by saws remains the same in 2007 as in 1987. I think it's

important that saws particularly called out a particular year and a particular time frame, 2007. 2007 Was, as you all lived here, know, the wettest year on record in central texas. And that significantly drove down saws water that year. And sure enough, if you go look at their data, and we got it this both from tceq and it's also on their website, their 2007 total pump acknowledge was equal to 1987. So that's a true statement, but I think when you really expand the window and just as an example, saws is also subject to unexpected demand growth that they have to plan for. And if you look at the years bracketing the saws statement of 2007, the year 2006 and 2008, in 2006 the year before, they used over 13% more water than in 1987. In 2008, their last full year, they used 23% more water than 2007. And of course, 1987. So even saws with superior conservation programs, can see sudden jumps in their water use. And as a matter of fact, 2008 was their highest water use ever. And again, I'm not saying this because I think saws is off course or their conservation programs aren't superior. They are. They have probably some of the best conservation programs in the nation. But even with that you can have water demands. And I think again that goes to in part planning for that. And so just in summary we compared the last five years, and again, just another perspective of saws water use to ours. They actually had 34 percent increase over the last five-year period of water use. That was slightly higher than austin's increase in water use over that time. I mean, you need to -- unique to each community. I think that goes to explain why saws is pursuing water themselves. That they're looking at investing billions of dollars in additional water treatment capacity from a whole host of different solutions. So I think we do want to learn from saws and use our conservation programs, but also understand that even with world class conservation, you can have a sudden jumps in your water use through seasonal variation as well as demands from growth. [00:29:16]

Mayor Leffingwell: Could you also very quickly give us a quick brief on the lcra meeting in matagorda where they discussed water usage by folks down there on the coast and water losses.

Yes. The saws board is meeting across the state with their drought contingency plan and they had a meeting in matagorda county with rice farmers, and earlier this week we had one of our staff go down and give testimony because obviously rice farmers are concerned about saws curtailing some of the water. I think one thing that folks understand is rice farmers use four times the amount of water each year that the city of austin uses. And rice farmers flood their fields, they have canals that lose hundreds of thousands of acre feet of water each year, so I think you know if we think about our water in lake travis and where we should push for conservation, push on austin. We know we need to do better, but I think we should also as a community think about pushing on other sources of lake travis, highland lakes water, such as rice farmers, where they have interruptible supplies that are often four times as much water in a typical year than we use.

Mayor Leffingwell: Thank you. And it's also my understanding that they're unaccounted for water in those canals and so forth is more than the entire city of austin uses in a year.

That's correct, mayor.

Mayor Leffingwell: Okay. So there's more than one big user in the colorado basin besides the city of

austin. Thank you. Thank you, very much. Travis, now you have three minutes.

Thank you very much for hearing me. My name is Travis Robinette and I'm a citizen of Austin, born here in 1985. I wanted to talk about the Southern Nevada Water Authority, which serves Las Vegas and surrounding areas. And it has decreased its annual consumption of water use between 2002 and 2008 by 20 million gallons. That's spurring the arrival of 400,000 new residents and nearly 40 million annual visitors to the Las Vegas area. And one of the worst droughts on record in Southern Nevada, 10 years running, has forced an aggressive conservation plan to be implemented under 2003. The Southern Nevada Water Authority had goals to decrease water use to 250 gallons per capita per day by the year 2010, and that 245 by the year 2035. And to give you an idea of the plan's success, the authority reported the use of 248 gallons per capita per day in 2008, last year, a decrease of 66 since 2002. And already besting the mark set for 2010. Yet here we are with claims that water use will rise with the coming influx of new residents in Austin. Perhaps we should be more like our fellow southwestern cities and plan to reduce water use despite so many newcomers. That would rule out any need to keep pouring taxpayer dollars into an unnecessarily -- unnecessary water treatment plant. And from the numbers I've come across, Austin's current record for peak day water use, which was set in 2009 as I'm sure everyone here knows; still well below the existing system capacity in place with the treatment plants. With more aggressive water conservation methods in place we could easily stay there. Combining through the Southern Nevada Water Authority's be doing that I don't believe we are already are at. [00:32:58]

They wanted them to have no grass and not to say we need to go that far in Austin, but why not have more drought resistant grass in Austin and the like.

Sorry to interrupt you, but we do require that.

Thank you.

Tier the water rates also. My understanding is that Austin water rates are flat. And we should have incentives to use less water, so as the more water you use the higher price per this way water is always affordable for basic use and conservation is encouraged. The Southern Nevada Water Authority calls this one of its most effective methods. Turf replacement rebates as well. Give citizens an incentive to replace grass with water efficient landscapes. They claim a savings of nearly seven billion gallons of water per year due to that by this alone. And also another very easy one is pool cover rebates to make sure that water doesn't evaporate from backyard pools. The authority claims a saving of 200 million gallons per year. [ Buzzer sounds ] one more thing. Just take a moment to consider the money that we're talking about investing this water treatment plant and think of how much further that money could go if invested in advertising campaigns, rebate programs and educational forums. If other cities in the southwest can reduce their water use despite population increases, so can Austin thank you very much.

Mayor Leffingwell: Thank you, Travis. [ Applause ] again, I apologize for interrupt you, but I did want to show that I was listening to what you said. Councilmember Shade is reminding me that there were

comments, and good comments, about making our water rates progressive so that the more you use, the more you pay. And we do that. I mean, right now we have four different tiers for water rates and the fourth tier is five times as much as the first tier. That's pretty steep progressiveness. And when we get to the fifth tier, it's going to even -- it's going to be steeper than that even. So I bring that up because we've discussed this, all of these issues for a very long time. There's a whole lot of information here, too much to address point by point. But time and time again these things come up. You should be doing this, you should be doing that, and the answer is we're already doing that. We're already doing nearly everything that's mentioned to us. So with that said, council, that is all the people we have signed up to speak. And fortunately or unfortunately from your perspective, it is now time to live music and proclamations, so I believe out of respect to that, we ought to recess this item until we get back from live music and proclamations. And I will entertain your perspective on that as well. Okay. So we are now in recess for live music and proclamations. The public hearing is now closed for this item number 13, and we will take up deliberation when we get back. [00:37:58]

Good evening, everyone. It's now time for live music as we do every thursday at the council meeting. If you could please take your conversations outside while we do live music and proclamations. Thank you. If you could please take your conversations outside while we do live music and confessions, it would be greatly appreciated. I have a suggestion to yell shut up, but I'm going to refuse to do that. [ Laughter ] thank you very much. It's time for live music and proclamations today. Joining us is julius young. He is a teen yodeler. He is a senior at austin walldorf school and began yodeling just two years ago. He is inspired by many other yodelers. He also has performed at the haufbraus in municipallic, the texas capital and at many texas heritage society festivals. He is a member of the st. David's episcopal choir and will be in a performance there on december 8th. Please welcome julius young. [ Applause ]

first I need to find my pitch. ????? [00:41:10] [ applause ]

Martinez: That is extremely impressive. It reminds me of sitting on my front porch at my first home. Every tuesday night I would listen to don wallser playing on tuesday night. It's great stuff. I have a proclamation, julius, that I want to present to you. It reads, be it known that whereas the city of austin, texas is blessed with many creative musicians whose talents extend to virtually every musical genre and whereas our music scene thrives because austin audiences support good music, produced by legends, our local favorites and newcomers alike and whereas we are pleased to showcase and support our local artists. Now therefore i, lee leffingwell, mayor of the live music capi, do here BY PROCLAIM OCTOBER 22nd, 2009 As julius young day in austin, texas. Congratulations. [ Applause ] so julius, if you could tell us, is there a website or where we can go see you perform?

I don't have any website. But let's see. Two days from now, the 24th, I'm going to be performing for october fest with the german texas heritage society, which is at 10th and trinity. And then on -- and the walburg boys are also performing there. They're pretty good.

Is this the german free school between trinity and red river on 10th street?

Yes. And let's see. On halloween -- on halloween I will be participating in the pumpkin patch as theio the

yodeling. I'm sure our school would appreciate in guests. It's at the austin -- where exactly is it? The austin walldorf school down on 290 and southview. And other than that, i just -- I'll just be yodeling around town, whole foods and the capitol building. Oh. And the music, the school -- but I'm not yodeling at that. The musical? Oh, yes. I'll be performing in our school's musical, which is written by the parents - - not parents, the teachers. The musical is a tale of two cities and I'll be performing for half of the performances as a major role. [00:44:27]

Martinez: Great. Thank you much for being here. Let's give him a round of applause. Thank you. [ Applause ]

Martinez: All right. Now it's time for proclamations. We'll take them a little bit out of order. Am I reading this one? It is municipal courts week, and I'm proud to introduce our newly reappointed presiding judge over the evelyn mckee. Let me tell you guys real briefly. I'm glad we're recognizing our municipal court system. You know, it's hardly known, but they deal with thousands and thousands and tens of thousands of citations and issues that come before the court. And judge mckee is the presiding judge who manages the dockets of all of our associate judges, but as well our substitute judges who have to come in and fill in for our associate judges when they're out. It's a daunting task, but it truly is one of the most important roles in city government because it is the first step in the judicial process at the municipal level. And so all of the ordinances that we enact and all of the things that happen in the city can't function and happen without our municipal court system. So I'm proud to read this proclamation. And I'll read it and then present it to judge mckee and ask her to say a few words. It reads, be it known that whereas since more citizens come into contact with municipal courts than any other courts in the state, the public's impression of the entire judicial system is largely formed by their experience in municipal courts. And whereas austin municipal court personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all and conforming to standards set by the cannons of judicial conduct and whereas we are pleased to recognize the accomplishments of our austin municipal court and downtown austin community court personnel, including nine judges, 14 substitute judges and 159 court support staff, we absolute their critical role in preserving public safety, protecting our quality of life and deterring future criminal activity. Now i, lee leffingwell, mayor of the city of austin, texas do here by proclaim november 2nd through the 6th, 2009 as municipal courts week in austin, texas. I thank judge mckee and all of our judges. Thank you. [00:47:12] [ Applause ]

well, speaking on behalf of the other judges and the staff members there at municipal court, I would like to thank mayor pro tem and the council for giving us this recognition. Municipal court truly is the court that most people have contact with in their lives. Most people don't murder and rob and that sort of thing, but if you drive a car, chances are you're going to end up at municipal court. And we try to make -- we try to make that experience as convenient as possible and we look forward to our new courthouse in a couple of years where we will have sufficient parking. And again, thank you.

Martinez: Thank you. [ Applause ]

Martinez: And if you text and drive you're definitely going to go see judge mckee after today. Okay. Mr.graham? Bill, please come up. Another privilege to present this proclamation each year, the real



estate council of austin, texas selects a nonprofit organization to receive an early christmas gift of renovations of their facility. It's called christmas in october. It's a wonderful program that reca puts on. We have folks from reca, mobile loaves and fishes here to accept the proclamation. So I'll read the proclamation, present it to alan graham from mobile loaves and fishes and we'll allow them to say a few words. The proclamation reads, be it known that whereas the real estate council of austin is giving a early christmas gift of improvements to the mobile loaves and fishes habitat on wheels project at royal palms rv park and whereas two rv's will be acquired, renovated and donated, existing rv's will be I am proovied and landscaping and public tables will be added. And whereas habitat on wheels is an ongoing effort by mobile loaves add fishes to effectively confront homelessness in austin by getting people off the streets and providing them with recreational vehicle housing and the support they need to improve their circumstances. And whereas reca members range from londers and developers to various service professions that facilitate the industry. They annually give the gift of renovations to a local nonprofit organization. Now therefore i, lee leffingwell, the mayor of the city of austin, texas, do here by proclaim october 24, 2009 as christmas in october. Congratulations. [ Applause ] [00:50:04]

well, this is awesome, particularly because what the real estate council of austin is going is really demonstrating that it takes all of us in the city in order to address some of the most complex problems that we face in our community. Because of you guys on saturday, three people who were chronically homeless today will be homeful on saturday because of the real estate council. And this is extraordinary. Thank you, guys. [ Applause ]

I'm bill mcclellan, a board member at mobile loaves and fishes and have been for the past several years. One thing I would like to say is we're bless understand austin to have a city council and a mayor that understand the homeless issue and are trying to do the right things to help resolve it as best they can. For that I'm grateful. Thank you. [ Applause ]

thank you all. I always know when christmas is coming around because alan let's his beard fill in for his role as santa claus every year.

Ho ho ho.

I want to turn it over to councilmember shade for the next proclamation.

Shade: Greg, you will have to help me with your last name.

Shade: Be it known that whereas pancreatic cancer is the fourth leading cancer death in the united states, more than 2100 deaths will occur in texas this year and whereas the patients have the lowest survival rate of any major cancer, yet there have been no significant improvements in early detection, treatment methods or survival rates for the disease in the past 30 years. And whereas the pancreatic cancer action network affiliate in austin provides support for patients currently battling the cancer as well as to the families of those who lost their lives to the disease a and are committed to nothing less than a cure for this cancer. Now therefore I on behalf of mayorly lee leffingwell, mayor of the city of austin, texas, do here by proclaim november 2009 as pancreatic cancer awareness month. Having recently lost

a very dear friend to this terrible disease, I am especially honored to present this. [00:53:16]

I am greg and I am the austin affiliate coordinator for the pancreatic cancer network. I lost my mother eight years ago after seven months after her diagnosis. It's a very cruel disease and we lose people very quickly. And I do have a couple of my other people here with me. Robin, would you come up?

I'm robin howard moore. My family had howard nursery on shady lane, koenig lane for over 94 years. My dad died at age 57. Daddy had had a three week diagnosis and my husband and I had not had a chance to have our sons. My father would have loved our sons. My brother died at age 61 in 2005 of pancreatic cancer. And thank you for helping us raise awareness and hopefully we can raise funding. So nobody else has to go through this. It's painful. It's not pretty. And we appreciate the attention and the awareness.

My name is shirley and I'm currently living with pancreatic cancer. I'm one of the lucky ones. I've had it four years. Next month it will be four years. I was able to have a surgery called the whip he will which they remove a large portion of my pancreas that had the tumor. At that time they also removed my spleen and my appendix. I've had recurring problems which happens many times and I am now facing what could possibly be spread to go my right upper lung. All pancreatic cancer patients have a five percent chance of living no longer than five years. I have triplet 18-old-month grand babies, sons, I have a wonderful husband and I've been with gracie title for 34 years. A wonderful employers. This disease is so painful and so fast. Am I scared? Absolutely. My goal is to get the awareness of this horrific disease out in the public eye so many -- so many people are unaware of this cancer because the ratio, as they said, is so low and it happens too fast with no signs. Thank you for taking the time to listen to my story and thank you for addressing this proclamation and making it a part of today's agenda for november being declared pancreatic cancer awareness month. [ Applause ]

Shade: Next we are recognizing habitat for humanity's pride build day. She's here. Betty is here. Excellent. It looks like you're joined by nikel and michael, this is great. This is really an honor to get to do this one too. Be it known whereas home ownership is a critical component of an evolved dynamic community and whereas habitat for humanity has empowered austin residents to participate in making home ownership a reality for others and whereas the austin lbgt community has come together to sponsor the third annual pride build with habitat in the state of texas and whereas this partnership represents the only multi-year annual pride build in the country and this year honors betty nayler, who has been one of the most courageous leaders for more than three decades. Now therefore I on behalf of mayor lee leffingwell, mayor of the city of austin, texas do here by proclaim october through december 2009 as habitat for humanities betty nayler pride build. [00:56:55] [ Applause ] come up and talk about what you've organized. Build awareness.

I just want you to know that I am very, very happy that we can call pride build the gay and lesbians community working on this, this is our third house. The houses are gorgeous and I cannot tell you how thrilled our community is to be able to do this. [ Applause ]

thank you. My name is michael and I'm president and ceo of austin habitat for humanity. I want to see

how pleased we are, betty and thank you for your leadership in being such a spokesperson for this build. This being the third build, it is tremendous to be able to have the lgbt community coming forward and supporting not only the community as a whole, but our habitat homeowners. And as one of our board members is here with me today just to say thank you for all the work that you've done to promote this and make this happen. Thank you all very much. [ Applause ]

I have to add because he's not here, but i remember when betty had this idea, and my partner works at dell and helped with some of the funding to kick this off. And I want to recognize michael keller. He's back there because he was a volunteer, a very good volunteer and now he's on staff. Lots of things can happen. I think it's really great. It's been a life changing thing for a lot of people. Thank you. [ Applause ] [00:59:13]

Spelman: Thank you all for coming. Be it known that whereas love of bull is an organization committed to promoting responsible pit bull ownership through advocacy and education. They provide information to members and the public regarding spaying and neutering, adoption, training and pit bull temperament and behavior. And whereas this 450 member group is passionate about serving as role models of responsible dog ownership and work to eliminate negative stereotypes, dog fighting, abuse, neglect and breed specific legislation, and whereas this weekend love a bull is host agriculture family fun day at zilker park with john garcia, the rehabilitator of the michael vick dogs for best friends animal sanctuary and a downtown pet parade on sunday starting at city hall. Now therefore on behalf of lee leffingwell, mayor of the city of austin, we proclaim october 24th to 25th, 2009 as love a bull weekend. Congratulations and thank you. [ Applause ] [one moment, please, for change in captioners]

we have a free training program for our members. Several of our members have earned the canine good citizens status and work as therapy dogs in schools and hospitals. We combat dog fighting. We track and oppose breed specific legislation and we hold fun social meet ups and events. ... a member of the city's pit bull task force. We want to promote positive messaging and restore the positive image of what was once america's dog through pit bull education and advocacy. A little bit more about our events this weekend, john garcia is our special guest. He works for best friends animal sanctuary out of utah. He specializes in working with the 22 dogs that were seized from michael vick's dog fighting operation to rehab and rehome these wonderful dogs. Many of them have been placed into homes and he does community outreach and national speaking with many of these dogs. He will be our special guest at zilker park, saturday, and we will be leading a pet 00 p.m. here at city hall.

Meghan covered it, but please check us out at [www.love-A-bull.org](http://www.love-A-bull.org). You can find us a facebook, meet up and twitter. Thank you. [ Applause ] 4,

Spelman: As a member of the austin city council, i know exactly what it's like to be unfairly maligned just like put bulls are. I thank you for all that you do. Mayor leffingwell?

It's my privilege this afternoon to be here with jean warneke to issue a proclamation with regard to german heritage day. And I think that we all know here in central texas what an important part the german settlers played in central texas and actually throughout the state of texas. New braunfels, the

hill country, portions of northeast texas, all heavily populated and influenced by our german culture. I'm old enough to remember myself, you know, having grown up here in austin, taking trips to fredericksburg and going into a coffee shop in the morning and sitting down and hearing the strange language from a group of people sitting at the next table to me. So even as late as that, german was widely spoken in the homes and public places here in central texas. And they have made such a contribution. I read recently that the city of seguin, which here in austin the big city of austin we think of as a small city. Back in the 1920's, the city of seguin had five opera houses. That is the kind of contribution that the german settlers have made to our history here in texas. Again, it's a special privilege for me to read this official proclamation, with the gold seal on it. It says -- be it known that whereas german settlers have been coming to central texas since the 1800s and whereas these german immigrants have contributed to the city of austin and the state of texas, in many ways, and whereas the mission of the german, texas heritage society is to promote awareness and preservation of the german texan cultural heritage, now, therefore, i lee leffingwell, mayor of the city of austin, texas, do hereby encourage citizens to celebrate oktoberfest and do hereby proclaim october 24th, 2009, AS GERMAN Texan heritage day in austin, texas. So congratulations, jean and I really like that head gear that you have on there. It's very befitting and comblly.

Keeping austin weird.

Mayor Leffingwell: We're doing our best to keep austin weird. Would you like to say a word or two.

Sure, thank you.

Thank you very much, I'm proud to represent the german texan heritage society. As the mayor said on saturday we'll be having oktoberfest at the german texan free school, which is at 507 east 10th street. It's right by red river. Just behind the mohawk lounge for those of you who use that for a reference point. The german free school was the very first school chartered in the city of austin and it offered free schooling to the children of german immigrants, as well as anyone else if they could not afford to go to school elsewhere they were welcome to come to the german preschool. It was a school for a number of years, went into private hands and then it was kelly stevens, who was an artist and professor and he used it as his home and studio in THE LIKE 40s, 50s, 60s, 70s, ON HIS DEATH He had no german background whatsoever, he did the research and he deeded the building to the german heritage -- german texan heritage society. It's been our state headquarters ever since. It's a great place to celebrate german heritage. As I'm sure you know the primary thing we do to celebrate is eat and drink. We will have german wurst, beer and wine, also entertainment and refreshments for the children, too. Please come by saturday from 00, we will also have music, including austin's newest well-known yodeler julius young, he will be doing yodeling with us. 00 we officially tap the keg and we invite you to come. Thanks a lot. [Speaking german] [ applause ]

Mayor Leffingwell: Special privilege for me to be here today. To honor one of austin's outstanding citizens, dorothy richter. Dorothy richter has worked for the betterment of this commune for I want to say more years than I have been alive, but that may not be quite true. At least I was very small when she started. One of the best stories about dorothy, by the way dorothy is being honored today because of

her long service on the board of adjustment which she has been begging to retire from for several years and I've been able to coax her to stay on it just one more term. But now, she is retiring from the board of adjustment after many years of service. But the quick story that I was going to tell about her was Dorothy lives in Hyde Park, for those of you who don't know. And back many years ago when Roy Butler was mayor of this city, the city decided they were going to close down that fire station. But Dorothy Richter didn't really go along with that and so she went about mobilizing all of her forces and even got the Austin American on her side, and they ran a couple of editorials to the -- Ben Sergeant, Ben Sergeant, okay. The cartoonist? Did he do a cartoon of you in your fireman's hat? So finally, when the agenda item comes up at council, Dorothy shows up with her contingent in a fireman's hat. An official fireman's helmet. When she came up to the podium, I think Mayor Butler said okay Dorothy we give up, you can keep your fire station. That's community input at its very best. So again I want to -- I'm really honored to be able to read this award. Distinguished service award for her commitment, collaborative efforts, and valuable input as a member of the board of adjustment, Dorothy Richter is deserving of public acclaim and recognition. Dorothy has shown exceptional dedication to the board, having served as a member or alternate since January 1983. That's a long time. Community involvement is one of her trademarks. She is known as the Hyde Park's mayor for life. So as an advocate for citizens causes, especially protection of the environment, and is one of Austin's longest tenured board or commission members, this certificate is issued in acknowledgment and appreciation of her 26 years of service, the 22nd day of October in the year 2009. City of Austin, Texas, signed by myself, Mayor Lee Leffingwell and the members of the Austin City Council. Congratulations, Dorothy, and thank you for all your service. [ Applause ] do you want to say a few words?

I remember the first time I appeared at the city council. I was sick at my stomach I was so nervous. It was at the old council chambers on 9th street. As he said Mayor Butler was the mayor. Well, the fire station is still there. I had a lot of help and it's been -- it's been threatened several times since, but we're thankful to still have it. I need to thank this council for getting me off the board of adjustment. And they are going -- there are going to a lot of people that say it's about time they got rid of that old girl. But I need to thank the prior councils for allowing me to serve and don't think that I wouldn't have been serving unless I really liked it. So I'm -- I really don't -- I really have to thank them for keeping me, letting me stay. Honored to have my daughter here today. And I'm also -- I'm pushing something else. For those who can't see it, it says don't mess with my body clock. It has a clock. With a crossed out hands. One time for Texas. I'm pushing to get rid of daylight saving time. I'm tired of falling back and springing forward. [ Applause ] and losing sleep. And so -- so this is my next project.

Mayor Leffingwell: Thank you.

That's very nice.

Mayor Leffingwell: Thank you, I don't know if the city of Austin has the authority to declare standard time year round here, but we'll look into that.

Well, another thing it's been my no smoking, my secondhand smoke thing, I have appreciated the

council's acting on that.

Mayor Leffingwell: Okay, thank you, dorothy. [ Applause ] are we done?

Mayor Leffingwell: We are out of recess, a quorum is present. Council, without objection our public hearing agenda tonight is very short. I anticipate that two out of the three items will be postponed. The third will be very short indeed. Without objection, I would like to go ahead and take care of that, then we can go back to the previous item. Mr. guernsey?

Thank you, mayor and council. I would like to present the first two items, 58 and 59. Postponement requests. On behalf the water utility, item 58 was to conduct a public hearing and adapt an ordinance amending 25 site plans to add 25-5-5 to .. staff is working on this item with the law department doing further respect and respectfully requested an indefinite postponement on item no. 58. We would have to repost in order to bring this back at a later date. So it would be renotice, repost. Item 59 we would also offer for a postponement this evening. Item 59 is conduct a public hearing on appeal by champion assets, limited and 2222 coalition neighborhoods associations of the zoning and platting commission's decision to approve a site plan extension for the site located at 60125 north capital texas highway, project known as the champion commercial development. The appeal's attorney on behalf of the neighborhood filed legal papers with the law department. Staff respectfully requests postponement to examine some of the issues that have been raised in some of those documents. We would ask for a two week postponement to november 5th. On item no. 59.

So -- so council, taking both of those items together, an indefinite 58 and a postponement until NOVEMBER 5th, ON ITEM 59. Do I have a motion for approval on that?

So move.

Mayor Leffingwell: Councilmember shade moves approval. And I will second. There is any discussion? All in favor say aye.

Aye.

That passes on a vote of 6-0 with mayor pro tem martinez off the dais. That brings us to item 60.

Yes, mayor and council. 60 is to conduct a public hearing and consider amendment to the land development agreement between the city of austin and round rock independent school district to limit building coverage for the development of westwood high school located at 12400 mellow -- excuse me, mellow meadow drive to 50% of the gross site area. The high school was recently annexed at the beginning or the end of last year. They had already when working with architects and construction plans. As they were coming in, we actually realized that they were slightly over the building coverage amount because it came in as interim rr. And so we asked that this be approved so they can continue the construction in accordance with the bonds that they had approved on previous years and we would offer this as a consent item. It was recommended to you by the zoning and platting commission. We are

only kind of going through this process because you may recall we had interlocal agreements that were asked to go through a process similar to the zoning changes. This is the first of those and so we have gone through that process, we did notify property owners and utility customers within 500 feet of the high school site. As far as I know, we have not heard from anyone. So we would offer this for approval. I'm not aware of anyone signing up in opposition to this request.

Mayor Leffingwell: Council, there are no citizens signed up to speak. For this public hearing. And it is offered for consent. So is there discussion or motion for -- to approve item no. 60?

[Indiscernible]

Mayor Leffingwell: Councilmember morrison moves to close the public hearing and to approve the amendment to limit building coverage at mellow meadow drive. See I did it. [Laughter]

good job, mayor.

Mayor Leffingwell: Is there a second? Three times fast. All right. Seconded by I'm not going to take that challenge. By councilmember spelman. Any discussion? All in gave say aye.

Aye.

Any oppo? That's approved on a vote of 6-0 with mayor pro tem martinez off the dais. Thank you, mr. guernsey. Now, we will go back to item 13 with all of the speakers having spoken. And open it up for council discussion and/or a motion. Anyone? Councilmember spelman?

Spelman: Thank you, mayor. I had an elementary school teacher who once told me that I would not believe that the world was round unless I could prove it to myself. This came back to haunt in the context of water treatment plant 4. The first time this issue came up a few months ago, i had not had a chance to prove to myself one way or another whether water 4 was a good idea at this time or not a good idea so i deferred to city staff and voted in favor of the then \$5 million item before us. Since that has happened I've had a chance to put a pencil to it, look over a lot of information very graciously provided to me and my office by the water utility. I provided some information back to them. And I now have an idea for what it is we're getting into and how exactly I feel about it. And if the -- if the council would allow me a little bit more than three minutes, i will try to keep it as short as possible. But I would like to explain to the extent possible exactly why it is I'm voting the way I am. Go ahead. Let me start by reminding of what you already know. We have a real recession, the worst nation-wide of my lifetime, although in austin we have not felt it as badly as in other places in this country we are still feeling a series recession here in austin. Our jobs have gone down by a little under one percent over this time last year. Income per capita has gone down by a little bit more than that, partly because wages are flat, all city employees got no wage increase this year, that's happened in a lot of other places, bonuses given up, a lot of salaries have gone down. A lot of people have come into town to try to find jobs, it is not as bad as it is in other places. Our unemployment rate is at 5% above where it was last year. About three times the unemployment rate of three years ago. Our unemployment rate is not as bad it is in

erie, pennsylvania, but three times as bad as it was at that low rate we have become accustomed to throughout most of this decade. Even people who are not jobless, have not suffered huge wage increases are still extremely uncertain as to what's going to happen to them in the future. One way to look at it is what they are buying. 5% from last year. What that means, I think, is that people are extremely uncertain about the future. Worried about whether they are going to be laid off, what their wages are going to look like over the next year. What they're doing is putting off not the small things like food and clothing, but the big things like cars, like washing machines, like refrigerators and they are nursing along those big appliances just a little bit longer only buying what they really need when they really need it because they simply don't want to get themselves in over their heads. Okay. The recession is real, even here in austin. I can't get this thing to work. There we go. Let me put this in a little bit of context. We have had a lot of controversial decisions on the city council over the last few years, I wanted to put the water treatment 4 case in the context of other decisions of similar kinds that have also been controversial. Half a billion dollar is a lot of money, how much it really is I want to try to bring it home a little bit. In 2003 the city council considered the issue of domain incentives. That it wasn't controversial in 2003, it became extremely controversial a couple of years ago. The cost divided among all of those people ends up being about \$44 a person. More or less the cost of a toaster. A pretty good toaster if you come, we're talking about a toaster that will take only two slices of bread that looks really good, toast all sorts of different ways. It's just a toaster. The samsung incentives are the biggest chapter 3 economic development the city of austin has ever entered into. If you add up all of the costs, sales taxes, rebates so on, a little bit bigger, \$56 per person. That's a little bit better toaster. Stainless steel, takes four slices of bread, it will take bagels, still just a toaster. People probably not willing to put off the cost of a toaster too much. Many of us were excited about the housing bonds passing in 2006. A lot of people spent time framing those bonds. If you add up the costs of all of the bonds that were passed in 2006 and divided it up the number of people having to pay for it. \$64 A person. Coffee maker, really nice. Still just talking about a coffee maker. If you add up the cost of the new central library also passed in the 2006 bond package, that went on for 20 years, this was a huge controversy when I got on the council in 1997, we hadn't resolved it when I left it. We resolved in 2006 after 10 years ever arguing. That cost of that was about \$105 a person. That's a microwave oven. You add up the toasters, couple, microwave oven, not the sorts of big ticket items that people are likely to be putting off because they are uncertain about their economic situation. But take a look at water 4, \$515 per person, just the sticker price, not adding up all of the interest payments, just look at that half a billion dollar cost divide it by all of the people going to pay for it. That's \$515 a person, Target doesn't sell things that expensive, Sears does. You can buy a pretty good Kenmore refrigerator for \$500. The cost to our citizens is going to be \$515 per person, every man, woman, child in Austin would have to pony up \$515 on time over a long period of time. Still \$515 a person. That's more than the domain incentives, Samsung, housing bonds and the new central library all added up together. We're talking about a big, big decision. So big I can't even get off of this slide. What we are asking everybody to do here is buy a new refrigerator, not every household, but every man, woman, child to buy a new refrigerator in the depths of the recession since 1930's. I had to buy one last year, I put it off as long as possible. We only bought it when we absolutely needed it. Many of us are going through exactly the same sorts of things with cars, washing machines, other sorts of items. I think the city council should be thinking about this issue in exactly the same way that house holds all over the city are thinking about it. Do we really need it, it's a big issue, big item, it's



going to hurt. Well, if you think through whether we need it right now. We have conflicting claims. Water utility says they think we're going to run out of drink being water in five years, maybe less. Greg has done a terrific job in explaining the water utility's thinking. I won't try to reiterate. If anybody wants to see the description for how they worked through this, take a look at my website, I have a powerpoint which works through it in great detail. Basically if I follow this argument for peak demand or at least the possibility for peak demand. It's possible they think that we will have demand exceeding supply by about 2014. Therefore we have to start building it now, they say because 2014 is the critical point. On the other hand the S.O.S. Alliance, environmental defense fund, other folks put a pencil to it in a slightly different way, using equally reasonable assumptions which are different. They say we have enough water to last for 30 years. This is a situation for me as a couple of months ago when I first started paying a lot of serious attention to this issue. Again, I don't believe anything until I put a pencil to myself and prove it to myself. This is what I was thinking through. Who is right? How long do we really have? Do we really need to buy it right now? Can we wait? Can we put off buying it a little bit longer or do we really need it right now. I'm a statistician by training. I don't have a professional statistician's license, we don't have a statistical certification procedure, but this is what I've been doing every day of my life for the last 30 years, teaching it pretty much every day of my life for the last 20. I started to look at this issue the same way that I would look if I were writing a paper on it for publication at the University of Texas. First thing I looked at what's happening with peak day pumpage per capita. Normalize on population, see what's happening. This graph jumped out at me. Some of you may not see this as a steady decrease, looks like a saw tooth, up years, down years, over the period from 1966 on the far left of the graph up to 2008, it looks to me like a fairly steady reduction in the peak day pumpage per person over that 43 yr period. Seems okay, something going on here. The water utility, explains this as follows, we have a conservation program that started in 1984. What's happened here a period before the conservation program began IN THE 70s AND 80s WHERE Our numbers were relatively high. He we started conservation program in 1984, since then lower. That's not an unreasonable explanation all by itself until you look at it and you realize that even if you just look at the numbers up until 1983, the highest peak day period, early part [indiscernible] forget about the preconervation look at after. The highest pumpages are in THE BEGINNING, 80s, IN THE Lowest are at the end in the last few years. Looks like there might be something else a little bit going on here than just conservation reduced our peak day pumpage. Alternative explanation is there's a long-term trend. We used to have high peak day pumpage. Now steadily lower over time, over the last 43 years. Those of you in the back row can't see this, there are actually two lines here. The first line going up to 1983, first blue line has a little slope to it, that's just looking at the data between 1966 '83. Was there anything going on, we had a steady reduction in peak day pumpage. The second line is looking only at the data from 1984 to 2008, at the post conservation period, the best fit still a straight line with almost exactly the same slope. A few are really nerd -- if you are really nerdy, hold it up to the straight lines, you can verify they are just a little bit different. Based on completely different data sets, but almost exactly the same line. That linear trend starting IN THE 1960s CONTINUED Without a break all the way up until this year. It turns out this trend is not limited to Austin, Texas. It is a state-wide trend. I don't have data on peak day pumpage for San Antonio or Texas or anyplace else. But total pumpage the trend is almost exactly the same. If you look at all of the data development from the Texas Water Development Board. For Austin we have that nice steady trend from 1974 first data that Texas Water Development Board calls update take, from '74 down

to 2004, last date I can get from the water development board, apples to apples, nice steady linear trend. Exactly the same in san antonio. U I estimated it, exactly the same line. A little bit lower since san antonio is a little bit ahead of us in conservation. I look at texas where they are a little bit behind us in conservation. In texas you get a line that has almost exactly the same slope. In austin, san antonio, texas, all over texas, we are having a steady reduction in the amount of water used per person per day for the least the last 25, 30 years, maybe for the last 43 years. So this is not just a statistical fluke. This is not limited to austin, texas. This is a state-wide at least phenomenon. Well, any time you see something like this my first reaction why is there a long-term trend. I went looking for some explanation. The environmental protection in washington has the following explanation. Massaged data from all over the country and concluded that the best predictor of urban water usage is population density. This threw me for a loop until I actually read the reported and understood. More apartments, more condos, smaller lots, even if you don't have smaller lots, we have bigger houses these days, so your house covering more the lot means less yard, less irrigation. Irrigation is about half of the use of potable water in austin, texas and most places in the united states. If you have more people living in apartments, don't have yards to water, smaller lots, bigger houses, our yards are getting consistently smaller and they have been since the 1960s. That kind of makes sense. uses this as an argument against urban sprawl which is fine, but my only argument here this is a pretty good explanation for why we are facing that steady reduction in water usage per person. We have more people living in apartments and condos since 1980 in the city of austin, 22% in 1980 increasingly steadily to 29% on 2007. Also more people living this dorms, group houses, trailer parks. A casual inspection of newly built houses in avery ranch, for example, I was there a couple of weeks ago, the houses are getting so big that the lots although the same size are leaving a lot less green space, these people don't water nearly as much with people with smaller houses and bigger green space. Makes sense less irrigation that you need over time. The question that I think we need to ask is whether this trend is going to continue. We have four possibilities here. The top red line is more or less the assumption being made by the austin water utility and all of the demand curves they have been producing for us over the last few months. Basically they are saying there's no trend. All that's happening here is all of the data 1984 today are the same we are going to average our peak day pumpage per person per day on peak day for that entire period. No trend, we can just average them. I think the trend is undeniable from a statistical point of view the likelihood that there is no trend given data that look like that jagged blue line is approximately one in 20 information one of the reasons I like stat -- one in 20 million. The probability is pretty close to one in 20 million that you would have no trend in data that looks like that. There's a trend. The question really is will the trend stop right now, will the trend continue or will it start to slow down? This turns out to be the hinge on whether or not we need to build water 4 right now or not. If the trend stops, we're stuck at something like 250-gallons per person per day on the peak day. If the trend continues, well, right now we're at 250, but we could expect it to slowly decrease in the same way it slowly decreased every year on average since the 1960's, if that continues we're going to need less water per person per day in the future. For every year. If the trend slows down, somewhere in between. So I said okay let's try all these different ways, see what effect that has on the need for water treatment plant no. 4. The easiest way, she may not be happy with my crediting her with this, but I got this idea from councilmember shade who said really the best way to think about 4 is as an insurance policy. An insurance policy we're buying against the risk that our demand for water exceeds our supply. I think that's exactly the right way to think about it. The next step

we shouldn't be worrying about demand what is the probability in any given year that our demand for water on the worst day is going to exceed our ability to supply water? What are the risks that we're actually going to be upside-down? Two classes of risks. By risk I mean the peak demand exceeds available supply in any given year. Okay we will say that the same failed. By risk I mean then the probability that we will have a failure on or before any given year. That will be a little clearer in just a second. Two kinds of risks. The one that we have been spending most of our time talking about is demand risk. Peak demandings up and down. Really hot, really dry, everybody needs for water their lawn, we need to pump it out as fast as we can. We can't. We run out of water. We -- run out of water. Run out of water. Alternatively we may have a supply risk problems. About 25% of the time there is a pump station problem, there's an electrical problem with one of our treatment plants. A bunch of little things happened over the years. Our water system cannot always be counted on to be working at full capacity. We need to consider both demand and supply risk. At this point I'm going to ask your indulgence in a bit of magic. There is a fairly statistical procedural that is way too tortuous, if you want to know how it works it's available on the third of three powerpoint presentations available on my website. I will not walk through it now, particularly since it's getting a little bit late and the city council is ready for me to stop talking. Let me cut to the chase. I don't know why I think that. This graph is different from any graph that we have seen before. So let me walk through it just a little bit more slowly than usual. This shows every year from 2009 that's on the far left-hand side of the graph all the way out to 2026. What I'm measuring here is the probability that our demand on the worst day of the year is going to exceed our supply, our ability to meet that demand on the worst day of the year. Taking into account demand risks, ups and downs associated with the weather, population increases, also taking into account supply risks, the likelihood that we might not be able to meet 285 million-gallons per day even though that's our maximum capacity because there's a problem with treatment plants or transmission lines. Taking both of those things into account we can still estimate the likelihood that we will be upside-down and not able to meet demand. The red line is more or less the line that comes out of the assumptions made by the Austin water utility. No long term trend in the water utility's estimates. No long term trend towards less water usage per capita per day. As a result of that they are averaging all of those numbers and it looks like if that's true, it's not, there's only one in 20 million chance that it is. If it were true, we would need it right now. There's a 10% chance that we are going to be upside-down next year or there's a -- rising up to something like a 90% chance that the demand is going to exceed supply in some year up to 2025. Sometime between now and 2025, our demand is going to exceed our supply and our risks are becoming close to critical. 10% Critical. At even in year 2010. We need it right now. If the water utility is right and there is no long term trend. If you believe the trend, I do, I think it's almost undeniable. The trend is going to stop right now. It's not going to go any further. We're not going to continue to use less water per person per day on the peak day over the next few years, that 43 year trend stopped dead in its tracks, we still need to build it north because by 2014 there be a non-trivial likelihood that we will be upside-down. Only if the trend stops right now. If you believe the trend is going to continue in exactly its current state, which it has for the last 43 years without any change at all, opportunities out we may never need water treatment 4 at all, not 10, 20, 30 years because our demand for water is going down faster than our population is increasing. That means that we would be spending \$515 per person on a water treatment plant that really was not necessary from the point of view of providing additional water. We're to the going to need additional. That's that green line. Even if you split the difference between the

blue line of the trend stopping dead in its tracks and the green line of the continuing on, that's that red line of trends slowing, we don't need it now. We're not going to need it for another 10 years because the probability that in any year between now and 2024 we're going to get to the point where demand will exceed our ability to meet that demand, our actual capacity. Is less than 10%. Very unlikely that we are going to be in a -- situation where we're upside-down in the water. At this point you have to take some things on faith. One of those cases we can analyze away population risks, supply risks versus demand risks. This is one of those things which we actually have to make a decision as to what it is we just believe to be true. I do not fundamentally believe this trend, which i believe is undeniable is going to stop dead in its tracks right now and level right off. 43 Years a steady reduction in pumpage per person per day of the peak day, I think it's going to continue and slow down, but not going to stop dead in its tracks if it slows down or continues we do not need water 4 right now. We're going to need it in 10 years, we don't need it right now. So if you don't think there's a trend you have to build it now. If you think the trend is going to stop, you need it right now. If you think it's going to slow down we need to revisit this conversation in three, five, seven years see if that trend is continuing or not. If you think the trend is going to continue, maybe we will never have to have this conversation again because maybe we're never going to need that plant. What we're asking everybody to do with this decision more or less is to buy a refrigerator, spend \$515 per person in the middle of the worst recession of my lifetime on the off chance that a trend which has gone on for 43 years in not just austin but in san antonio and every place else in texas will end right now. I think we're asking too much. This is why I'm voting no. We're asking too much of our rate payers in the middle of a recession, thank you, mayor [ applause ]

Mayor Leffingwell: My other comments? Any other comments? Councilmember shade did you want to --

Shade: I wanted to start out first by saying thank to you a lot of the people who are in this room, but a lot of people who aren't in this room, but many many people who have spent countless hours bringing me up to speed and helping me to deliberate on this topic. Special thanks, I want to go on the record, to bill bunch, paul robbins, colin clark, len sherman [listing names] chip wolf. Each of these folks has given a specially valuable perspective maybe even more so than they realized. I wanted to thank each of them publicly. Also rude garza, greg, they have put in a lot of extra hours, I appreciate some more than others but the thousands of e-mails that i have received from constituents and I also appreciate the extra hours that my council aide glen coleman has spent helping me to come to a decision. I really wanted to make a special recognition to the people who participated in the town hall on september 17th. It was moderated with talent and sensitivity by jim walker, I think it was a very civil, highly informative, thought provoking discussion that i think set a very high bar for the way our community should have discussions about big investments like this one. I wanted to make a special thanks to the mayor and to his staff for making that happen. Then finally, I wanted to make a special thanks publicly to my two newest colleagues, chris riley and bill spelman. Chris and bill in particular have given the opportunity to brainstorm, debate, think differently about how to approach this important decision. It's a decision that they, too, are grappling with not only as we approach tonight's vote but also as we approach those to follow. You know, decisions like this are not easy. Mistakes are costly. I recognize that. The political pressure is intense and I did not expect to be the swing vote on this matter. It's definitely added to the pressure. And yes I have endured more than my fair share of olympia snow jokes, just say that publicly. Someone will read this 20 years from now and go olympia snow, what's that about? But I was part of a

panel of women elected leaders last friday with councilmember cole and a dear friend who was also on the panel explained her philosophy for leaderships being summed up by saying doing the right things for the right reasons. Regardless of which side of this discussion you may take, please know that i really believe that I'm doing the right thing for the right reason based on the information that I have. I think that everybody here knows that I intend to move forward to support the staff recommendation on water treatment plant no. 4. I think just especially because councilmember spelman talked about my insurance analogy, I should talk a little bit about it. He mentioned refrigerator, this is the first chance I've had to see his presentation, my analogy was actually the hot water heater. You know, it's not something that I want to ever buy. But it's something that we need. It's not something that i ever want to wait for until a crisis occurs. I want to go as long as i can, then I want to buy it enough time that I'm in the a crisis with no hot water, having to runouts and buy the first thing that's available. I understand your analogy, i think it's very important to be looking at all of the other items that you compared this to. I looked at this as a necessity item, not like a coffee maker. More like a refrigerator, something that is a sustenance item. The question is when do we need it? There's a lot to consider on this issue. All sides have laid out their positions well. I really believe that most if not all recognize that a future need for additional water capacity exists. The question is when as you've said. And then it becomes an issue of what your risk tolerance is. So, you know, I took real seriously the fact that, you know, I'm less concerned actually about the cost of the treatment plant itself and, you know, I should say this is not \$550 million plus interest for 50 mgd's, this is a transition system, new technology, taking advantage of gravity and elevation to take us decades into the future. Not something for the near term. And I took that into consideration within the context of the fact that we have two aging water treatment plants, both land locked and booted within close proximity of neighborhoods. Both. Many that have concerns. I thought about the trend that you're talking about. What's interesting about it is I understand why e.p.a. Might suggest it has to do with the density issue. But it also might have to do with the fact that technology is increasing and improving and our industry experts have something to do with the fact that we are becoming more efficient. I wanted to take those ideas into consideration. Again, reasonable people, you know, can disagree. I looked hard at the edf analysis in particular. And to me it became one of these discussions of should we do it now or wait five years. Could we wait a little, maybe, could we wait a long time? No. Then my, you know, it's funny I saw [indiscernible] here, I don't know if you all have the discussions that my partner kayla and i have, we do hate to have the insurance discussion, which is why it was so top of mind. Because we have two small children, one of them very new to our family it's a topic of discussion. Not something that we want to discuss or like to spend money on. It's something that we believe we need. So we grapple with it. We go to experts. And we do our best to use common sense, not fear, to motivate our decision. There's no real answer to the question how much insurance do we need. We may never need the \$515 refrigerator. Kayla and I will never need the insurance that we purchased. Like it or not, I would rather have too much insurance than too little and ultimately that's why i came to the decision that i did. I do want to make a final point, though, I guess related to this. I had written out a lot more comments but I want to keep it short. That is people have said over and over again water treatment plant is all of the capacity in the world doesn't really matter if we don't have a supply of water, not capacity for treatment. But the actual supply of water. We know clearly that we're a big and growing city. And yet even with this new water treatment plant we're still drawing from only one source and it's a source that many other growing neighboring communities are also drawing from. That

is undeniable. And the water levels in our precious highland lakes are at 40% of their capacity. That's what triggered stage two water restrictions, I think we need to think seriously about keeping those in place, some or all of them. Conservation is not a nice have, it's a have to have. I don't believe that the water treatment plant should be the focus of that debate. I understand those people that say there's an opportunity cost associated with spending money on this and not on conservation. But you could say that about everything we do in city government. You know, we have and -- mall advisory commission -- animal advisory commission item on the agenda today. When we spend money on spaying and neutering we hear from adoption. Vice versa, I think we have really got to change that mindset. It doesn't have to come from the same pot. I think Paul Robbins' point about the conservation efforts and the paradox, strange paradox that we're in, we have utilities that have revenue models based on increasing consumption and yet at the same time we know we need to reduce, 80's huge paradox not only impacting water but electric and solid waste in particular. We have to think about it. Be more strategic about it. Our city council, this city council maybe this one or the one before us, I don't know, the city manager certainly our current city manager has supported and called for the creation of an office of sustainability office. We have got to do that. So that we can tie all of these programs together and, I mean, we get a lot of kudos for being green, but there are great cities around the world that are all going green now and our sustainability efforts for the most part are, you know, aspirations. They really need to be operationalized across the city and explicitly managed if we expect to get long results. I could call for so many things that we need to do. We need to partner with our local non-profit organization goes, not fight with them. Together we can develop avenues for public education outreach. But apart we miss valuable opportunities to change behavior. San Antonio example has been brought up often tonight and there were a number of us on this who went on a trip to San Antonio to see this place called Haven for Hope. 73 Social service organizations collaborating, almost everybody, I don't know how many people were on the bus that went to this trip, everybody said we could never do that in Austin, collaborate get 70 non-profits to work together. I have really high hopes about the creation of an eco exchange that maybe things could be a little different in the environmental community going forward. But as is pointed out in the Austin Chronicle recently, opposition to water 4 was a higher priority on the eco exchange list than was worry conservation. It's got to change. I want to turn the page. Not to sound like President Obama, but we need to turn the page. I think what he says is the time for the can't do won't do won't even try needs to stop and I could not agree more. And so in closing, I'll just say that I really -- there's a lot that's going to happen in the next months with respect to this effort. And you know I want to make the ask that we do turn the page. A new friend, Kent Butler who I just recently have gotten to know, he said to me earlier today that maybe I could go from being a swing vote to a bridge vote. I hope that is what I could do. I mean I'm confident in the vote in a I'm taking tonight, but I want to be able to work with the people who called for increases in sustainability office, who are asking that we reach at least reach and exceed the state standard of going from 170 to 140 is, you know, gallons per capita is something we should be leading on not lagging on. I want to work with the utility. I want to see a change in the way they approach this discussion. I hope that we can see a change, you know, and move forward. So really again this has been a long day, long debate. I spoke longer than I expected to. But, you know, regardless of the disagreements take we may have with respect to the construction of this contract and the construction of this plant, I really, really hope that we can work together to advance water management conservation, sustainability issues. We're all rate payers. Business community pays

water rates. They worry when they go up too high. Small businesses, individual rate payers, every one of us are in this together. We really, really got to remember that and move forward. I think -- I don't remember the last young -- the last guy who spoke, he was born in 1985. I thought about it. Because I realized that, you know, he was, you know, not -- he was not even in first grade when the s.o.s. Debate happened. And yet so often our debates are framed in things that happened before -- what, 300, 400,000 of our fellow residents even lived in this community? Or were born? Approve I think we shouldn't berate people who relate to the party. I this -- who are late to we ought to embrace them and move forward. Like I said I'm going to be voting to support number 13. [ Applause ]

Mayor Leffingwell: Anyone else? Councilmember morrison?

Morrison: I'm going to set a new example and be very, very brief. A lot has been said already. I want to point out at the august 6th vote, which i voted against, it was because I wanted to understand, I thought it would make no difference at that point. I wanted to understand the different projections that we had. Bill talked plenty about projections and the fact that we really don't need it. I did a lot of studying myself. I appreciate the work from environmental defense fund. I believe that's quite clear that we're not going to neat 4 by -- going to need water 4 by 2014 especially when we instituted stage two watering restrictions we got a drop in peak usage I think 18 or 20 million-gallons a day. That takes a far cry several years farther. The question becomes why not build it even if we don't need it right now. It's jobs and all of that. As david foster said today, it wasn't just that -- he thought it was a boondoggle, but he thought it was a mistake. I agree with that. butler has very articulately explained the situation we can get into where we sort of may, if we're successful with conservation, we may get into a spiraling rate hike because we would be selling less water and need to raise the rates. And imposing a serious consequence, especially on low income folks, making it a less business friendly environment, affecting low, excuse me, small businesses. So fundamentally what it comes down to for me is we really need to not build 4 until we have the population that requires it. So I feel that this is ahead of its time. I want to also thank everybody for the conversations that we've had. It's been a very intense conversation. All of the group that's have come out and made their statements and gotten involved, that's great. Personally, I'm thoroughly convinced this is not the right step for the city of austin right now. And I'll be voting against it.

Mayor Leffingwell: Councilmember riley?

Riley: Well, I'm going to be even briefer than councilmember morrison. We have got --

[indiscernible]

Riley: That's true. This is a -- a very -- complex subject obviously. We've all given a lot of thought to it. The fact is that the whole community is focused on this problem. Doing a lot of work on how to address it. Council recently gave a new charges to our citizens water conservation implementation task force, they are hard at work for plans on water conservation, my hope is that we will achieve significant savings beyond those we already know we are going to achieve. If that is successful, then it's my view that we need to step back at that point, reassess our water plans, take a new look at the time frame for

when we will need this plan and then make the decision on whether or not to go forward with water treatment plant no. 4. I think that is a responsible thing to do from a planning standpoint i think the real decisions on the plant ought to wait until that time. I'm not going to be voting in support of the item on the agenda tonight.

Mayor Leffingwell: Mayor pro tem?

Martinez: Thank you, mayor, I'll be brief. I want to thank everybody for sticking it out tonight. Not just tonight but for the last 25 years. That's how long this gate has really been -- debate has really been going on. I want to thank councilmember spelman for your presentation, you blew my mind, though, because i don't own a toaster. I eat tore tortillas in the morning. I appreciate the work everyone has done, the dialogue and debate that's taken place, this is arguably the most important and critical decision this body has made at least since I've been on it for three and a half years. I always enjoy the way our citizenry gets involved in the decisions that we make. I just encourage you to continue to stay involved. We can't be the city that we want to be without you folks helping us get to these decision points that are very difficult sometimes. Thank you all for being here. Thank you, mayor. I want to thank staff as well. I did have one brief question, hopefully it can be answered briefly. There was -- there's talk this week about an integrated water plan moving forward. It was my understanding we already have an integrated water plan. If so can staff briefing explain what that entails? Would we be adding to this current existing plan or would we be creating a new integrated water plan?

We do have a -- have a very comprehensive system within the water utility. We touched on some of the key points of that without going into a lot of detail.

Can you do that briefly.

We do have a water plan. We have a contingency plan, a master plan, by certain elements are an integrated plan, we are certainly interesting in continuing the dialogue, being a bridge to continue to enhance all of the elements not just supply, but conservation, reuse, gray water, rainwater capture, I think if you look at the whole water cycle an integrated water plan would work through all of those kind of issues, we are open and want to continue to grow and learn and be a better utility for the community.

Mayor?

Mayor Leffingwell: Councilmember spelman.

Spelman: This will be extremely brief. Mayor pro tem martinez, may I call your attention to com a tortillas warmer for \$43, almost exactly the same cost of the toaster oven that I led with.

I can get you one for two bucks.

Spelman: If you can get me water treatment plant no. 4 For the same price, i would buy it [laughter]



Cole: Mayor? [One moment please for change in captioners]

Cole: I think that's important in this context because you all recognize that you're going to see a split vote tonight on a major decision. But that says nothing about the character of my colleagues. We simply disagree, and reasonable minds can differ. And because we allow and encourage and value transparency in this community and public dialogue, it has taken us a mere 25 years to come to a decision. But I think we have come to a decision, and we have also spent a considerable amount of money in the process of making that decision. , \$130 Million so that we could continue to study the study or plan the plan or we can stand up and grow up and make a decision, whether it's right or wrong, but we did our best efforts in trying to make sure that it's right to take our city forward. So with that, mayor, I move approval. [ Applause ]

Mayor Leffingwell: Councilmember cole moves to approve item number 13. And mayor pro tem martinez seconds. And I want to make -- I'm the only one that didn't have anything to say --

Cole: You've been saying a little bit, though.

Leffingwell: I promise you that I will be very brief and when I'm brief, you know it's really brief. To me there are several aspects to this issue that has been going on for a long time, and that's been pointed out. First of all, the environment. This is the environmentally responsible thing to do. If you want to address i think the number one environmental problem that we face in this city and the state, in this world even, it's greenhouse gas emissions. This plant at the elevation it will be at will take enormous energy savings because of the fact that it's closer to the areas that it's intended to serve. That will add to those energy savings. The calculations have been done from day one for every gallon of water that we distribute to the people of austin, we'll save 13 and a half% in greenhouse gas emissions. So no question it's the environmentally responsible thing to do. On the economy, I'm going to be very brief on that as well. I'll just say suffice it to say that being in a recession is precisely the right time to build. This is when we want to build that plant. It's cheaper, it produces jobs. It's the right time to build it. Finally, not a lot -- some has been said about risk. And I can think about all kinds of aviation analogies that have to do with risk, but I'll just tell you one. I remember reading a letter from a man one time, and this has been a few years ago, and he says, you know, airline ticket are too high. It costs too much money. And I think part of it is we spend too much money on these airplanes. We don't need to spend all that money. They've got this elaborate on board oxygen system for passengers in case we lose pressure, these oxygen mask will drop down and you will have some oxygen to breathe. He says, you know, I've been flying in the back of these airplanes for 30 years. I have never used those things. So I said, well, some day you might, and the price we pay for safety is sometimes pretty high. We have two aging plants that are literally co-located. One is 55 years old, one is 40 years old. They're right across the river from each other. If someone were to drop some k e-coli bomb off the east penner backer bridge, it could conceivably knock out both plants at once. We would have no water. It is very conceivable that things will start going wrong with them. And with a massive out teenage, even a partial out teenage of one of these two plants that will be folks in austin that are without water. So it does boil down to in large part a matter of risk. It is a gamble not to build this plant now. It's a gamble. And I for one will not gamble, I will not roll the dice with the health and safety of the people of austin. [ Applause ] motion and a second on

the table. All in favor say aye.

Aye.

Mayor Leffingwell: All opposed say no.

No.

Mayor Leffingwell: Motion passes on a vote of four-three with councilmembers riley, morrison and spelman voting no. [ Applause ] we have one bit of housekeeping to go before we can adjourn. Item number 44, the question has been raised on the motion made by councilmember riley. Councilmember riley, did you have the latest edition of the resolution in your possession and in your faculties when you made that motion?

Riley: Absolutely. I felt dead certain that we were doing the revised version that y'all had approved.

Mayor Leffingwell: According to our city attorneys, we had to get that in the record to make sure you knew what you were doing.

Riley: Absolutely. Of course. [ Laughter ]

Mayor Leffingwell: That being said, there are no other items on our agenda tonight, and without objection, we stand adjourned.

**End of Council Session Closed Caption Log**