

Closed Caption Log, Council Meeting, 11/19/09

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good morning, if I could have your attention. I'm austin mayor lee leffingwell, before we begin this morning, I want to take note of the fact that this is the fifth anniversary of the current building, the city hall, that we're in meeting today. The first meeting was held this week, five years ago. Just wanted to take note of that because we're so proud of this building. In terms of environmental sustainability, it is a gold leed certified building. In addition to that, it has been acclaimed nationally by architects and honored as one of the two most innovative and recognized buildings in the state of texas. Just taking note of that. [Applause] so we will begin this morning with an invocation, cassidy, redeemer presbyt church, please rise.

Let us pray. Our gracious and almighty god, creator and sustainer of all, whose mercies are new every morning, hear our cry for ourselves and on behalf of others as we seek your face. Forgive our sins, they are many. Direct our feet at your paths. For we easily wander from your commandments. Look with kindness on this assembly, granting to our mayor, our council, and all who govern and serve here the wisdom which is from above. Peaceful and pure. Take our weakness and grant your strength, take our pride and bestow on us your humility, take our stubbornness and teach us to listen. Take our fear and grant us your love. May your hand be with all of those who seek the welfare of the city of austin, give courage to our first responders and aid them in their duties, may city planners have in their hearts the sidewalks of the kingdom as they ponder the streets we call home. Support those who richly supply the needs of the poor and the downcast. Prosper those who risk so much and dream so boldly in their initiatives to create new jobs and avenues of service. Grant that our artists would create and draw our ears and eyes to the beauty and wonder your hands have first fashioned. Deliver this city from evil in all of its manifestations and lead all here to the knowledge of your truth and your love, filling our hearts with thankfulness for your abundant blessing upon us. We commit to your good hand our rock and our redeemer, in the name of the father and the son and the holy spirit, amen.

Amen,.

Mayor Leffingwell: Thank you, reverend, please be seated. A quorum is present. So I will call to order this meeting of the austin city council. on november 19th, 2009. We're meeting in the council chambers at atin city hall, 301 west second street, austin, texas. We will begin with the changes and corrections to our consent agenda. 5, add the sentence reviewed by the rmc, that's resource management

commission, and the citizens water conservation implementation task force. 24, add recommended by the electric utility commission. 31, change the sentence to read relative to amount and source of funding, it should read: \$145 In collection from 2009, et cetera. Item no. 37 is withdrawn. Item number 38 is postponed TO DECEMBER 17th, 2009. 45 add the sentence recommended by the electric utility commission. 46, revise the sentence to add the word "the" in capital letters instead of small letters, prefacing the university of texas as the word "the" is actually part of the name of the university. We're very -- we're very conscious of the important details here. 73, add the words "after rental fees and certain -- add the words notification and signature" and continue with requirements under c code. 88, the sentence should read after the words balcones place condos, a valid petition has been filed in opposition to this rezoning request. Those are the changes and corrections to today's agenda. The time certain items, we will have a briefing on water conservation programs update. 00, we will have our general citizens communication. 00, we will take up our zoning matters. 00, we will convene a meeting of the austin housing finance corporation board of directors. 30, live music and proclamations. And the featured musical group is -- is georgia 00 we will take up our public hearings. And I would add, I would anticipate that -- I will ask the -- the permission of the council to go into 30 today, and we will not return until 00, so that all councilmembers can attend the memorial service of former mayor roy butler. The consent agenda will consist of items 1 through 80, with the following 5 is pulled by councilmember -- 15 is pulled by councilmember 17 is pulled by councilmember 27 is pulled by councilmember 40 is pulled by councilmember spelman, 48 pulled by councilmember riley; item 63, pulled for -- for -- for scheduling purposes because it relates to item 5 is pulled by myself, mayor leffingwell; item no. 68 is pulled by councilmember spelman; and -- those are all of the items that I have -- I have no items that are pulled because of citizens communications that are not already pulled. Are there any additional items? I see one coming up here. Councilmember shade?

Shade: Mayor, I would like to amend number 76 to READ FEBRUARY 4th, I WOULD Like to keep it on the consent agenda. But this is changing the public hearing for the tree protection ordinance to a later date. I'll suggest february 4th after the holidays.

Mayor Leffingwell: Item 3, which I mentioned is pulled by myself because 85, if I misspoke and said item no. 5, that is corrected. And -- and incorporated into the consent agenda on item 76 is a -- changing of the -- of the date to come before council, until FEBRUARY 4th, 2010. City attorney? No problem with that?

No.

Okay. I would also mention that 78, this public hearing, is scheduled for THAT ONEMBER 17th, But -- but a managed growth agreement is either in the process of being completed or has already been completed and on december 17th at the time of the public hearing we would anticipate that that public hearing will be withdrawn. And the managed growth agreement substituted fo it. 59, which are our board and commission appointments. To the austin music commission, margaret mosier appointed by councilmember morrison, also waives the residency requirement. Marsha -- marsha zwilling is appointed by myself, mayor leffingwell, also waives the residency requirement. Downtown commission, daniel leary is appointed as a representative from the historic landmark commission by myself, mayor

leffingwell. To the impact fee advisory committee, charlotte gilpin by councilmember shade. To the sustainable food policy board, allan beetle, by councilmember riley. And arthur diandra by councilmember spelman. Before we -- before we take a motion on the consent agenda, I will check and see if there are citizens signed up to speak again. And speaking on items 2 and 3, item 2 and 3 together, casey marshal, is casey marshal here. We are now showing three 2 and 3. So -- so I will pull items number 2 and 3 from the consent agenda. And we'll take up the public discourse later. So we will add -- pull number 2 and 3 from the consent agenda. Any further comments? Any additional items to be pulled from the council?

Spelman: Mayor, I move approval with the consent agenda with the proviso that I will be shown as 46 as relates to the university of texas, my employer.

Mayor Leffingwell: So councilmember spelman moves to approve the consent agenda with the additional advice that he is abstaining on item no. 46. Is there a second? Second by councilmember cole. Any further comments by councilmembers? Councilmember morrison?

Morrison: Thank you, 17 is storm water facilities for water treatment plant number 4, i would like to be shown as voting no on that item.

It's been pulled off of consent.

Morrison: Okay. I would like to note then that on item 26, that has not been pulled off the consent agenda.

That's correct.

Morrison: That I am voting yes on item 26, although it does relate to water treatment plant number 4 but I think that it's something that makes good business sense in terms of added oversight and risk oversight, so I'm pleased to be voting for that.

Mayor Leffingwell: Okay. 17 has already been pulled by councilmember spelman. So -- so motion and second on the table to approve the consent agenda.

Spelman: Mayor?

Mayor Leffingwell: Councilmember spelman?

Spelman: I am advised that the proper term is not abstention by recusal on item 46. I didn't realize there was a distinction between the two.

Mayor Leffingwell: Let the record show that councilmember spelman is recusing himself from item no. -- excuse me, item no. 47. 46. And there is a difference. Abstain means that you just don't want to vote on

it. All right. [Laughter] all in favor of the motion to approve the consent agenda say aye.

Aye.

Any opposed? With the -- with the -- that will pass on a vote of 7-0. And we will -- we will -- 2 has been pulled -- 2 and 3 have been pulled for speakers.

Mayor Leffingwell: If you could hold your conversations down until you exit the chambers, we would very much appreciate it. I guess nobody heard me. [Laughter] actually, I'm waiting on the high speed computers to change pages. Okay, we're going to resume our meeting, so if you have conversations, please take them outside. The first speaker on items 2 and 3 is casey marshall. Is casey in the chambers? Casey was signed up for items 2 and 3. The next speaker is bill bunch. Who is signed up neutral on items 2 and 3. Is bill bunch in the chamber? Bill bunch? Come forward. You have three minutes.

Thank you, mayor, members of the council, my name is bill bunch with save our springs alliance, I just wanted to speak in favor of -- of marrying this program with the water conservation retrofit efforts. That has not been done. Seems like we're doing two different things that ought to -- separately, that really n integrated. I was at a community meeting on this program for the weatherization and the stimulus funds that this item addresses with -- with ae -- representatives, i asked, are you going to do the retrofits for -- for dual flush toilets, low flow shower heads, low flow faucets, looking, making sure the pipes are leaking like sieves, all of those things are quite common in our lower income housing, that are issues that need to be addressed. The answer was well we're going to check it, we're going to look at it, if it's there we will tell them they need to address it. That's not the same as fixing the problems. This whole program is about going in, assessing the problem and fixing it. So if you are sending in a follow-up crew to fix the energy efficiency problems, that same crew or a parallel crew that's again integrated needs to fix the water efficiency problems at the same time. It really makes no sense whatsoever to be doing these things separately, wasting a lot of people's time and money and including the tax and ratepayers. So I hope that you'll give some very stern direction to ae and austin water to put those two programs together and make them work effectively and efficiently. Thank you.

Cole: Mayor, I have a question.

Mayor Leffingwell: Thank you, mr. bunch. Just for the record I want to say I agree with you on that, I will be looking into ways to incorporate water conservation measures into these items. Councilmember cole?

Cole: Could I ask you a couple of questions, then i have a couple of questions for staff. It seemed like that you assumed that the same contractors that went in for energy efficiency were skilled and trained to do water conservation. Is that true? Have you looked into that?

No, I don't know if they are or not. If they are not, they should be quickly trained to do so. I mean this -- this stuff is pretty simple. Or -- or if you can't train them to do it, you know, add one other person that's

doing it anyway on the water side, but have them, you know, just, you know, do their checklist and the list of customers and deliver those services together.

You are really not against this item. You're just saying it should be done in conjunction with the water conservation efforts, also?

Exactly.

Okay.

Exactly.

Cole: Okay. Let me ask staff to give us any input on what that would entail, what that would cost? Are there additional costs or --

good morning, mayor, members of council, I'm karl robideaux. Yes from the time of the program initial design concept, when we became aware that this funding was going to be available, we started having conversations with the water department exactly on this point. A couple of key points to keep in mind. First of all, this is highly regulated federal money, we cannot co-mingle spending, so we have to be able to show a specific audit trail for the funds that we spend and the water conservation measures do not -- would not be eligible for the spend on this money. The only possible exception if it was related to a safety issue, that's not likely. So -- so the challenge is coordinating delivery. The first step, which is actually a novel step and we very much appreciate the comments of the person who just spoke, is to make sure that our auditors are trained to identify the opportunities for the use of the delivery of water conservation program measures. So we're going to make sure of that. Our intake kind of inspectors will look for the -- the -- the low flow shower heads and aerator installations and toilets to see if those are all eligible for the program. Then we will coordinate to deliver the services. One other thing to remember is that the initial review of the house is not the only contact with the home. In fact, because of the special stimulus fund levels that are available, the \$6,500 per house, it's extremely unlikely we'll deliver services on that first visit. We'll have to coordinate a return because we'll be able to for do things like appliances or blow-in insulation. That's going to have to be scheduled. The challenge for us, which we accept, is going to be to coordinate it so when we intrude on the people's houses we're actually bringing along the people from the water department to deliver it all in one visit. But that's what we aim to do.

Cole: That's part of the plan. I guess I need to talk to greg or daryl about -- it seems like to me we would need additional funding to actually go back in and deliver the services that are identified as being needed for water conservation because of the restriction that exists on these funds.

Well, we just have to make sure when we deliver those water services it's done on separate -- separate spending. That the water department takes care of that. That I have got a clean audit trail. My team has got a clean audit trail on the weatherization program delivery so that we survive the federal requirements that their money is only spent on energy weatherization.

We definitely don't want to run afoul of the federal requirements and low income disability and putting that money at risk. Let me just ask greg one question about -- about -- if we go in with a two prong approach but we're only doing, you know, what we can do under the ara money but we identify items that need to be repaired to comply with our water conservation program, what type of funding do we have available for that or are we seeking additional funding for that?

Greg, austin water, we have been anticipating this kind of work. You may heard we talked about our help program which is designed to go in and make these kind of repairs. We have \$375,000 in funding in our current conservation budget to be able to partner with austin energy on these kind of programs where we go in and repair leaks and/or retrofit a toilet.

Cole: Okay. I remember that number 5 5 additional million dollars going into water conservation. Can you speak to that? And how it might interact with this program or not or this -- if you have given it any thought?

Any additional budget adjustment dollars that we have on the agenda today would be above any of our current conservation funds. Roughly the budget amendment is structured along \$3 million for rebates, \$500,000 for outreach programs and \$500,000 for programs yet to be named. Certainly the -- the yet to be named programs that those dollars should the council approve the budget adjustment could be shifted into this help program if we exceed the 375,000, so there would be options to -- to work around some of our conservation funding if we see a lot of activity due to weatherization improvements.

Cole: Okay, basically i bunch from that a coordinated effort is needed and perhaps we can think about the public awareness money actually being used for both efforts. And -- and as we kind of go through that analysis, i think it would be good to keep council informed because all of these initiatives are high priorities, especially in the low income areas.

Agreed. We have been working very closely with ae on this, too.

Cole: Thank you.

Mayor Leffingwell: So we can coordinate the activities, we just can't co-mingle the funds. We need to keep that straight. I anticipate that's exactly what will happen. So the other speaker that i called earlier, i understand, is now here. Casey marshall. Casey marshall signed up for. And you have three minutes.

Thank you, mayor, through a clerical error, I was actually trying to get on to a different part of the agenda, so I'll defer my three minutes to the committee. Thank you.

Mayor Leffingwell: Okay. Well, let the clerk know which item you intended to sign up on so that we can get that straight.

It was the public comment period. I was wishing to speak about the solar program. That would be a

valuable use of the committee's time right now --

Mayor Leffingwell: Thank you. We also have angela sergeant signed up not wishing to speak, but she is for. Angela sergeant. So I will entertain a motion on items number 2 and 3 together. Mayor pro tem moves approval of items number 2 and 3. Is there a second? Seconded by councilmember spelman. Any further discussion? All in favor say aye.

Aye.

Any opposed? Passes on a vote of 7-0. So it is now 10:30. Time for our briefing on water conservation. And we'll call up assistant city manager rudy garza to begin. Let me say that I will be off the -- off the dais for just a few minutes to attend to a matter outside in the media room and turn the chair over to mayor pro tem martinez.

Good morning, mayor and council, I'm rudy garza, assistant city manager. This morning we're going to do our second presentation on our water conservation program. And the reason we're coming back is for a couple of things. One is obviously over the last several months, there's been a lot of attention, a lot of energy on water treatment plant 4. We consistently stated publicly to the council that our approach has always been a dual track approach. We recognize the need for water treatment plant 4 and to move forward with that project, but we consistently stated that water conservation is equally important. The fact is that doesn't matter how much capacity for treatment we have if we don't have the water, we're all in big trouble. We want today -- what we want today is to be able to share with you and with the public a recap of all of our programs, our plan going forward with water conservation and also talk to you about - about a budget amendment that is coming up that will again talk about specific programs and also talk about our marketing and outreach for our conservation. The fact is over the last few years we've spent a lot of time, a lot of efforts on the operations side of water treatment plant 4, our distribution system, all of as well as our conservation programs, where we have not done a good job -- is in marketing. What you are going to hear today from our director, some of our efforts and our ideas to engage the public and solicit their feedback to help us with the outreach and marketing of our conservation program. I think you will see we have been very successful, we need to do a better job of continuing to build on our successes. So with that, I am going to turn it over to -- to greg and we do have one prop to help us with the presentation to give us here a couple of seconds, besides our banner, we have one additional prop that we will share with you.

Thank, rudy, mayor, council. We -- rudy is -- we're going to have fun today to maybe start off. With the budget amendment, our conservation programs we talk a lot about toilets and our high efficiency toilets so we're not sure if you have one in your house, we thought that we would start off tongue and cheek this is our high efficiency toilet that we do tens of thousands of those a years, we thought that we would bring it in here to show you. Maybe a couple of other items related to this. You are going to think I'm making this up, but it's the truth. If you could grab this -- [inaudible - no mic] -- world toilet day. This is the truth. I did not make this up. The organization water for people, that encourages bringing safe drinking water and safe sanitation to those in the world that don't have it, declared today, THURSDAY, NOVEMBER 19th, World toilet day. So I think it's fitting that we're here today on conservation and

budget adjustments and so I just thought that I would share with you. Water for people is a great organization. Again things that we take for granted like safe sanitation, safe drinking water here in the United States in the developed world are things that are desperately needed in other parts of the world and so we encourage people to -- to help there. The last item I'll mention on the toilet is Rudy Garza earlier in the week felt compelled to e-mail me and remind me that I should not bring a used toilet to council, I just want you to know that I know council protocol. If I'm going to bring a toilet it's going to be a new one. So we handled that. Let me kind of --

Martinez: Is this a joke that the mayor set me up with? [Laughter] are we going to be on candid camera or something?

No [laughter] okay. Let's get started. As Rudy said, we just wanted to revisit some of our conservation programs. When we were here in July, this was in the context about a lot of discussions about plant 4 a lot of other related things. We just want to return now that we're through with the long, hot summer, again rehash where we are with some of our conservation programs, some of the policy foundations of that, answer questions and kind of get a sense of what's upcoming. So what I want to do today is talk about again our current policy and programs, really that the current policy foundation that's rooted in the water conservation task force recommendation. Some other complement terrestrial conservation programs. Looking into the future, some discussions about our budget requests today, then talk about gallons per capita per day as one of our measure that's we get a lot of questions on. Things start with the water conservation task force recommendations. Again these were adopted by council in May of 2007. You have seen this chart before, it's a portfolio of about 20 some different conservation activities that the utility started to implement in the summer and fall of 2007. It's kind of been a road map for us for the last couple of years. It has a stated goal, besides reducing overall water demand that we are looking to have this also help us reduce peak demands by at least 25 mgd and it's also reviewed by the water -- the citizens water conservation advisory group. Another perspective on these programs is this graph here. We took this graph and mapped the program elements by water savings. So the first program, the highest saving program, the irrigation schedule, is about -- was estimated a little over 6 mgd, then you can see kind of the declining -- declining savings of each of the other programs. What the utility has been trying to do, at least in the first few years of implementing the conservation task force is to focus on those top five areas. You can see that those account for the bulk of the savings. We really wanted to come out of the task force recommendations implementing those elements as soon as we can. Particularly the -- the irrigation schedule, what we call the enhanced water use management activities. And then again, you know, implement all of the programs, activities going on in all of the programs, but we have been focusing on those early heavy hitters. The top one being water restrictions. Currently we have a permanent year round restrictions in a typical year we would have year round restrictions for multi-family on Tuesday and Fridays and we prohibit automatic irrigation. Seasonal restrictions are also in place from May 1st to June 30th, MODERATE When you can water, to September 30. We have been in stage II since roughly the first half of August, again that was really because of the intense drought that we're in, that limited all watering to one day per week for all users as well as limiting the time of automatic irrigation and all of those phase II restrictions are currently in place. The second big recommendation, the second highest savings area was reclaimed water that we have been investing in reclaimed water. Again this just kind of gives you a snapshot of some of our reclaimed water

investments. Kind of the five-year look back. We invested about 12.6 million in reclaimed. Looking forward the next five years of our capital program, ramping that up, just under 29 million. Some key projects are our u.t. project. You may have seen our 51st street tank is now fully erected. You can see it near the mueller airport. Kind of architecturally distinctive. That tank will soon go into service and ultimately bring water down 51st street and then red river main that's currently under construction that would bring water to the university of texas. And ultimately be extended more into the capital complex and downtown. application alone we estimate from 400 to 600 mgd of potable water offsets beginning probably about 2011 when that water linings in service. Also large investments going on around airport, montopolis water line and tank and its part of what is ultimately a master plan for us on reclaim. You can see as this graph shows, reclaimed water use, over roughly about the last 10 years. And reclaimed water use this year again we continue to see it rising, it's above two billion gallons of reclaimed water per year, starting to get a pretty healthy reclaimed use. That represents between 6 and 7% of our treated wastewater effluent put back to use through reclaim. Then that number will continue to climb into the future as we deploy more and more reclaim systems and customers. Then I think we'll have to work in the future with the council on reclaim policy issues, perhaps the rate that we charge for reclaim right now is heavily subsidized rate. I think ultimately we may come into issues of what's the appropriate amount of reclaim water versus how much direct flows we should return to the rivers. There may be policy discussions that would come up on that. That's already coming up in the current citizens task force in terms of some of their deliberations. I think, you know, we'll have to work together as our reclaim strateg unfolds in the future. The third next level for us in terms of conservation was pricing strategies. And we have taken significant steps to advance our pricing strategies beginning this MONTH, NOVEMBER 1st, OUR Fifth block for residential water use went into place. It adds to what was currently already the steepest pricing strategy for large national utilities in terms of the more water that you use, the more you pay. So that's been kind of a strategy for -- for quite a few years to try to make sure that we have economic pricing to conserve water. And I think this graph really vividly illustrates that -- that conservation pricing strategy. At the bottom, we have water uses for 2000 and 5,000, 10,000, 20, 50,000, this is kind of residential water use as people use more and more water. Then the different colored bars are different cities. Austin is in blue, dallas in yellow, san antonio in green, albuquerque, east bay m.u.d. You can see if you are a residential customer and you use a lot of water, you pay on austin's rate scale a whole bunch of money that we have a very aggressive pricing strategy, again, you know, compared to these other conservation minded cities, very aggressive. And sometimes during citizens communication we hear a lot of comments about the utility needing to price water more aggressively, we do. We are very aggressive in water pricing. I suppose there's always more that you can do, but we really have been putting in the structure to try to change behavior through pricing strategy. You can see a 50,000-gallon per day user, is paying i think roughly \$470. The other item that I would point out to you is what i might call essential water, water below about five to seven thousand gallons, that we are very competitively priced, we take a lot of steps to try to see that our water remains affordable for essential water, really, you know, what you might say non-irrigating water, water for your home, your toilets, your bath it is -- baths, cooking, sanitary needs. We try to keep our water very competitively priced for residential customers in the lower range. That aggressive pricing doesn't kick off until you get above about 10,000 gallons. The next highest area of conservation potential savings is in rediving lost water. Again, we've deeply extended sentiment into our organization.

We have allocated significant dollars in our five year c.i.p. Actually probably the most dollars that we've ever had for water main replacement over the next five years, over \$80 million for water main replacement. Again that helps us upgrade our system, reduce the risk of leaks and breaks, fire flow, improve the quality of water. In the downtown area as an example, we still have miles and miles of two and four and six inch water line, hundreds of miles, cast iron mains installed before the 19 autos, again just -- 1950's. Again they are just inadequate from today's measures, we are targeting aggressive water main replacement now and into the future. This is something that's going to be long-term for us. It's going to take us decades to continue to invest in that. On the operating side, we have significantly increased our meter testing, particularly for large meters, so that we make sure again it's a pricing strategy that the meters are registering accurately and that the people are paying for the water they use. We have since this summer we have a new standard in terms of leaks. Any visible leak that we see or that's called in, we repair that day. So we have now reduced open leaks to essentially 0 in terms of -- of being aged leaks. And we are currently in the process of enhancing our staff council approved 's, to have staffing, a second shift that's going to help us detect leaks, fix leaks and operate the distribution system more efficiently. Toilet rebates. Again that's a big part of our program, it's a big part of our budget adjustment today. This graph shows you the climbing toilet rebate programs that we have. Again in 2007 you can see our numbers for toilet rebates and free toilet programs. The last completed fiscal year you can see that we were right around 20,000 total low efficiency toilets rebated and upgraded and then 2010 we expect those numbers to be considerably higher particularly if the budget adjustment is approved if there's just a huge demand for -- for toilet replacement, particularly in our multi-family. We have some third party installers that are doing really an aggressive job marketing that program and -- and that's what we are seeing, huge demand for that. I share with you just a little bit of facts about toilet rebates, I will take multi-family as an example. We currently estimate that we have about 37,000 multi-family toilets that don't meet high efficiency standards. About 75% of the market in multi-family meets the standard, about 25% doesn't. Our natural replacement rate is about 2%. So if we didn't do anything, about 2% of those 37,000 multi-family toilets would be replaced in any one year. With our rebate programs, including the budget adjustment requests today, we estimate that we produce -- we will produce in 2010, 13,600 additional toilet rebates or replacements in multi-family units. So besides the natural replacement rate of about 1,492 units, we will add this year an additional 13,600 units of toilets replaced in multi-family. So, you know, the rebate strategy we can sit around and in essence not rebate for replacements and let the natural replacement rate occur and would take probably decades to do the available multi-family toilets. The rebates programs allows us to really accelerate that. Just as an example, those 13,600 additional toilets that we would replace in multi-family units in 2010 equate to just about 85 million gallons per year in additional water savings. Just for that one year's worth of rebates. So we think that we get immediate value for the rebate programs and that they are worth preserving and keeping and enhancing. I would also say that toilet rebate helps us on the wastewater side. By -- by reducing toilets, it's a year-round activity, not just during irrigation months and besides saving water, it also reduces flows to our wastewater plants which helps us conserve wastewater treatment plant capacity and all of the related things that go along with treating more wastewater. Another kind of example, all of the rebate programs that we do, in the last fiscal year that just completed, we estimated that all of those rebate programs resulted in over 211 million gallons per year in savings. This is real water savings through our programs. We are kind of shifting into some of the --

some of the other parts of our conservation program. Again, ones that have a less effect, but are still important. We have been really ramping up our irrigation audits, this is kind of a graph in terms of irrigation audits that we do to help people better -- better make their irrigation system more efficient. In January of 2008 we upgraded the plumbing code to require a more efficient irrigation systems. What -- what was pending, what the council will see coming forward in the future here will be additional requirements on landscaping, this is recommendations where we will have minimum soil depths for parts of the communities where you will have to have I think it's eight inch soil depths, it might be six inch, so there's enough soil depths over areas where there's currently thin soils if you are building a new home will require minimum soil depth that helps manage water use. We will have mandatory irrigation audit requirements in the code coming up this budget year for the code amendments. And again that would be for commercial sites where they must have an irrigation audit on a recurring basis. Again, kind of grouping together other things that you have, we have incentives to reducing pressure, that was one of the recommendations, obviously our advisory group is still in place. They are currently as you heard at the last council meeting contemplating, pondering additional conservation recommendations to the city council. You will have additional plumbing code changes or plumbing code changes that we've made that includes any new apartment complex is submetered instead of a master meter, we submeter each apartment unit so that individual apartment dwellers know their water use better. We have new efficiency standards for cooling towers, car washes, urinal flushing systems. The last one, probating once through cooling liquid ring vacuum pumps, that's for dentist offices, we have programs to control our dentist offices use water. Again I want to give you a sense that we have these big heavy hitters, first four or five recommendations, but we have this whole large portfolio of conservation task force measures. We're going to work better to have the community understand what's available in how to use those. And again this is just other things that we have, rainwater harvesting, we have our education outreach. Free irrigation audits. Just, you know, a whole host of things that the community can tap into to our conservation programs. Just maybe talking a little bit more about some of the budget adjustment requests, we are asking for additional dollars for marketing and outreach, but we really center those dollars around public information office under Kevin Buckman, where we would have also -- we requested some additional f's, we want to do -- ftes. We want to do more work, more outreach you see a banner in the back today kind of thanking the community for saving water. We estimate that water conservation measures, including phase ii restrictions this year accounted for over two billion gallons of total conserved water. That's actually a conservative conserved water estimate. We want the community to know we are making a difference. We hope to keep it up. We want to do more outreach, with our help program, make underserved parts of the community more available or more understanding of the programs that are available and to work directly with them to make repairs to their plumbing and/or rebate -- do their toilet, to make it turnkey for them where it's easy and simple. We want to do more outreach there. We are looking for opportunities to partner with some of the environmental groups more to help -- help us distribute our material, to help us maybe to do grants for research funding, to evaluate new and emerging conservation areas, perhaps areas like gray water. We want to do more brochures for people that maybe want to look at rainwater harvesting or gray water programs. I will be honest, we haven't got all of this marketing figured out. Part of it is a desire that we say here today. We have working closely with the city manager's office, we are teaming with Austin Energy that we're very serious about enriching our marketing program, making it effective. We're taking constructive criticism. I know

colin clark from routinely reminds me in the -- and the council we haven't been using our bill stuffers enough. I agree. I think that that's something we had stopped using and it's something that we should start using again. So we want to do more at a lot of different levels with your outreach and marketing. We want to have a community outreach person that spends their full amount of time going to civic groups, neighborhood meetings talking about conservation. These be just ideas. Neighborhood competitions where we could give awards to neighborhoods that save the most water. We need to put more meat on these bones, but we are going to have a much richer conservation outreach and marketing program in the future. Again with that, we're looking for other expansions, I think an emerging area is new and expanded landscape programs. We want to enhance the way we work with grow green and water rise, we want to add more funding to the grow green program, encouraging people to do xeriscaping, we expect additional recommendations from the citizens task force in terms of their deliberations and we are going to implement those, actually that's part of the budget amendment request is a reserve of 500,000 to start those programs. Excuse me. And we are going to continue to engage the community, they are very eager to save water, trust me wherever I go, I hear about other ideas to save water. We know that people want to do this, they have a lot of ideas and we are going to continue to work with the community to see those ideas are implemented. That's kind of the recap of the programs. I thought that I might end a little bit. We get a lot of questions about gallons per capita per day, what is your gallons per capita per day, where is it going? We thought that we would just put this slide up there. This was in the water conservation plan that the council, that we submitted to tceq that the council approved in the summer. And what we did here is, we did this in the plan, we showed you kind of a 10-year window of our projected gallons per capita per day. That's just one measure, we measure water by peak demand, by conservation programs in kind of a qualitative way, compared to other utilities, what they are implementing, we measure by how much reclaim water we are using, we measure by how many water mains we are replacing, leak efficiencies of our system. There's a whole host of ways that we measure conservation. This is just one. It's gallons per capita per day, an excellent measure for internal process. As we talked in the summer, it's our belief, my belief, that it breaks down when you start to try to use it to compare across all different cities, all different regions, there's some use for it there, we think it's really useful internally. What we did is we separated out a couple of ways to one is gallons per capita per day, which includes all use, including heavy industrial and wholesale. Industrial and wholesale can vary dramatically from city to city and region to region. Here in austin, we're blessed that we have some very high value industries, chip makers, solar panel makers, and why they -- while they conserve water and work with all of the time to conserve water, several of them are currently working with us to convert reclaimed water, they do use a little more water than other industries, universities of texas, one of the largest public university in the world, again they use a little more water in our community than other communities that wouldn't have that kind of institution. They are working closely with us to conserve. So we feel it's important to not only track total gallons per capita per day, you can see that on the left side, we are currently about 170 gallons, we see that falling to below 150, 149 in the 10 year period. But we have also separated out what we call retail non-industrial. If you take out our five big industrial or five to seven industrial users, the as well as some of the wholesale markets that we sell to, this is our retail non-industrial. This would include all commercial, other institutional, residential and currently we are at 78 gallons per capita per day, we see that 24, we will update those numbers as we get new conservation recommendations added to the programs, as we

see the results of the program that's implementing. That's one of the things that's hard to predict. How well do these programs work as you peer five, 10, 12 years down the road. Some programs will exceed expectations, some programs may be slower, but we will annually be updating our gpcd projections, we wanted to at least get on the table what our current projections were that we supplied to tceq. With that, I would be happy to answer whatever questions that you may have.

Mayor pro tem?

Martinez: Thanks, mayor. Greg, I wanted to go back to a slide where you talk about plumbing code changes and the requirement of -- of submetering for multi-family properties. And I agree with that. I think that is a step in the direction that really puts the onus on the individual to change their behavior patterns. But what I want to ask you to do is also look at not just new properties moving -- just new properties moving forward but old properties that are under an hoa structure today that pay their water bills through hoa. For the individual condonener or apartment renter in that type of framework, there is no incentive to -- to conserve water. There is no incentive to replace shower heads and toilets. Because they have to pay through their hoa and their hoa pays one water bill for the entire complex. I want to make sure that I think we have enough older properties in town under that type of structure that could have a significant impact on water conservation. So I just hope that we will continue to look even further into how certain complexes are structured in terms of their billing system because it really doesn't create any incentive for the individual dweller to try to conserve water when they have to pay \$150 a month in hoa fees and out of that comes their water bill. [01:58:36]

That's a great point. I think that's something that we will definitely be looking into.

Martinez: Thanks greg, thanks, mayor.

Mayor Leffingwell: I would point out, you may have mentioned this, I'm sorry, I was off the dais. But with regard to metering and submetering, the water conservation task force back in 2007 passed a policy to require that retroactively for all apartments. Having in mind that by state law, all of these units constructed since 19 something, I forget the date, have been required to be plumbed for submeters. Separate meters or submeters. But it is a policy of the city, correct me if I'm wrong, to retrofit the existing apartments with meters or submeters.

I know that it's for all new meters. All new apartments, let me verify that.

We'll get back to you on that.

Mayor Leffingwell: I'm pretty sure that's the you case. We need to get that straight. Councilmember Spelman?

Spelman: On page two, we've got the conservation task force recommendations and you are assigning a peak day savings in mgd for each of the programs, starting with the enhanced water use management going down to car washes and public education. And that adds up to 32 million-gallons per day, which is

a lovely figure, i really would love it if we could actually meet that. I noticed that many of these programs are scalable. You're talking about reclaimed water use, we've 95 mgd peak savings to our reclaimed water program over the next several years. That could be scaled higher, it could be scaled lower, depending on basically how much money we want to spend on reclamation I'm guessing. Similarly for retrofits for reducing water losses, all of these things are a particular size. I wonder if you could give us some insight as to i couldn't picked the particular size that you picked and didn't make it bigger or smaller?

Well, I think it was -- I wasn't here during the task force deliberation i can't speak firsthand, i think our staff worked with the -- with the task force members in terms of maybe what was reasonable in terms of the ability to get work done. We I'm sure went back to our reclaimed water master plan and looked at where we were extending lines, what kind of uses, were on those lines, university of texas, other kind of agencies. I think similarly we had some estimates about how fast we could reduce water leaks and other forms of lost water. I think we estimated about -- over the 10 year period we could reduce lost water by about a third from where we are today. I would say, councilmember, these were probably informed engineering judgments, estimates of -- of where we would be extending these pipelines for reclaimed water, what's -- what kind of customers would hook up, how much water we would save. I think that -- that again as you say these are scalable. They won't stop. These are 10-year estimates that as we go into the future I think reclaimed will probably always be a growing part of our utility, will always be trying to reduce the lost water. And I think, you know, there are opportunities to -- to enhance these as -- just the other day we had one of our large industrial customers talk about reclaimed water. In the past they hadn't been interested. That's probably not in these estimates, that's probably a little bit of how that came together.

Spelman: Sounds like it's engineering judgment, back of the envelope calculations, but you probably haven't gone to the next step, which would be figuring out how much we're going to get with the first million dollars spent, second million dollars spent, third million dollars spent, figuring out where's the right point on that spending pattern to say this is the right place to stop with reclamations, this is it is right place to stop with fixing the leaky pipes and so on.

No, I don't think we have done that for -- for every program.

Spelman: Would that will a valuable thing to do.

I think we're always looking how to get the most value for our dollars. We are currently working as a part of -- of some of our work on our water resource planning, we have some activity to get a report on kind of pricing of reclaimed and emerging reclaimed issues. You know, as I mentioned in my introduction, I think our reclaimed water rate, we're going to try to examine some of that more holistically, so yes it's worth doing. I think we are beginning and have some of those steps underway. In terms of lost water, i think there will be a diminishing return. It's similar that the -- you can reduce water loss fairly rapidly in the early years. I think chasing after more and more water gets more and more expensive.

Spelman: Right.

But I would always hope that we would have a water main replacement program because water main replacement besides reducing lost water, also helps with fire flow, water quality, other things, so some of the economic measures of things like water main replacement are more than just conservation minded kind of things.

Spelman: Maintaining the system by -- by frequently replacing stuff which is in danger of leaking or which is leak in this a small way saves you money later on [multiple voices]

of course, yeah.

Right.

I also noticed for each of these programs we don't have dollar signs associated with it. I know that you got that someplace. But for example enhanced water use management is basically water restrictions which was well cheap to the city government. It may or may not be expensive to the people who actually had to follow through with it, depending how they feel about the roses and how careful they were in adhering to the requirements. But I think for each of these things, one could come one the bang for the buck, how many gallons per day per dollar did we get at least some unit of paying. The best way to decide among these, it sometimes to me -- it seems to me would not be to pick the ones with the highest bang but the highest bang for the buck.

Some of the items were in the original report. I cut them off of that table for slide purposes. But I do have some of those here if you would like to know -- any of the estimated costs for those.

Spelman: In particular, we're dealing with the toilet retrofit as part of item 5. And you cited a figure, what was it? You expected to be able to replace -- to get another 85 million-gallons as a result of the item before us today? Was that -- is that an accurate statement?

What was your --

Spelman: Spend another 3 million bucks on the toilet retrofit program. You were saying we were going to get another 85 million gallons out of it.

All rebate dollars, not only the budget adjustment but what's in the current budget, we estimate that would produce 13,600 multi-family toilet replacements at -- create about 85 million gallons in water savings.

Spelman: Okay, that would be 85 million gallons over the course of the entire year.

Yes.

Spelman: Which is about a quarter million gallons per day. .23 Million gallons per day.

You must have your calculator.

Spelman: Do I have a spread sheet. Get an estimate in the context of the whole conservation program, we have one item before us, we're going to have other items before us presumably next month, two months from now. Some of them look about the right scale in the sense that the amount of water conserved per dollar is relatively low. Some of them are going to look more expensive, the water conserved per dollar is going to be relatively high. What I'm trying to do is get a sense for the item before us today, on item 5, how that fits into the context of all of the other amount of water we are going to be able to conserve or not have to use and costs per million gallons associated with that. Could you give me just a rough cut sense, if nothing else, on item 5. 3 Million bucks to get a bump in that -- get some portion of that 85 million gallons over the course of the year. Where are we with that, what are we buying with that 3 million bucks?

The -- the toilet retrofit element of the task force recommendation at the time we put it together, we estimated 77 per gallon saved. That was one of the higher si of the 20 some recommendations that the council adopted. So rebate programs for toilet replacement do fall on the more expensive side. Just like you mentioned from at least the city's side the cost to implement the irrigation system changes relatively to the zings, it was very low cost per gallon saved. Now, I would say that the advantage of toilet program is that it's doable very -- it has a speed element to it. To build out the reclaimed water system as an example, you know, takes years, similarly replacing a water main could take years. Where doing something like toilets, you can -- you can -- do those pretty rapidly, pretty easily. So while it's a more expensive part of our conservation mix, it gets a result in early years as opposed to being kind of spread out or thinned out over a long period of time. But rebate programs are -- are one of the more expensive elements of the council's -- of conservation task force plan.

Spelman: Right. Well, toilets also have the advantage of being easy to count. You know exactly how many rebates you have given, you know exactly how many low cost toilets you put?

It's deterministic, it's easier to have a value to the estimate of that. It has -- I don't think we have accounted for the valve of the wastewater side, it does have a wastewater element to it, too, where you reduce the treatment of sewage, also.

Spelman: Would -- as you know, the item 5 and more generally our water conservation efforts, it had some -- raised questions with the water conservation task force and with the resource management commission in the last few months. And I wondered if there were a way of reporting the recommendations, reporting items like item 5 in such a way that we could see what kind of bang for the buck we are actually getting and putting that in the context of our entire plan. So resource management, the conservation task force, this council, water and wastewater, anybody who is looking over your shoulder and I apologize for having so many people looking over your shoulder and being one of them, but I am one of them, you know, that's my job.

Fair enough.

I'm going to continue doing that. If there's a way of putting all of this stuff into context so people can say okay here's where this fits in, here's how much we're getting for this \$3 million expenditure, so people can have a sense that yeah, this makes sense, we should be spending that \$3 million on low flow toilets and perhaps shower heads and a few other things and not on irrigation standards or not on plumbing or not on reclaimed water. I think that would go a long ways towards making a lot of the people who are for better or worse looking over your shoulders feel a lot better about what they are seeing.

I think -- let me repeat the request back. You are asking when we bring forth conservation related rca's or recommendations or the like, that we include more of the cost elements or the cost per gallons saved so folks can -- I'm certain that we can calculate or estimate those.

Spelman: Part of it would be gallons savings per dollar and part of it would be context. Here are 14 things that we're talking about doing to save water, here's how much per dollar each of these things is costing being here's how much this is costing, here's part of our great portfolio which is eventually going to get us to 32 million gallons per day peak savings over the next 10 years. That sort of a thing.

Yeah, I think we can certainly do that. I might maybe add or ask that in terms of the conservation task force recommendations, I view that as a policy directive from the council in that although some of those items had a higher cost per gallon of water, that we are -- you know, we are saluting and doing those and I just want to, you know -- that that's kind of my --

Spelman: Much as i love obiscence and saluting, if you think that we're wrong we need to hear it. If we are scaling any of these things too high, too low, we're asking too much from you or too little from you, your engineering judgment, if you believe that --

exceeded the value.

Spelman: Wrong recommendations, exceeded the value or underestimating the value on the irrigation seems like we may be underestimating what we could accomplish. If we can just figure out a way of getting to people. Then I would like to hear about it and I don't think that you should consider that these recommendations are set in stone at all. We -- if there's a way of improving on it, I would love to help you improve on?

Okay. I think it's a great point particularly for new recommendation that's we get we certainly need to estimate the amount of water saved and costs. So I think between those two our existing recommendations certainly we can continue to work with the community and councils on what the right value mix of those.

Okay. Thank you.

Mayor Leffingwell: Just a quick comment. First of all the water conservation task force did consider

costs in all of its recommendations, although we didn't write down a number and quantify it, it was considered in making these recommendations. That being said, I think councilmember spelman idea to attach a number alongside the number of millions of gallons save bid a particular proposal is a good idea and we should do it. Just as an example, you know, we know we have something above 10 million gallons a day losses and leakage in the system, we didn't -- the reason we didn't say let's save \$10 million -- let's say 10 million gallons a day by fixing all of those leaks is because it was cost prohibitive. Instead our recommendation was to reduce that by one third. And that is the current policy. With regard to the toilet rebates. There were no toilet rebates in the water conservation task force recommendation. That was a preexisting program. It's been in existence for a very long time. The water conservation task force recommendation was actually to move forward with the mandatory program to replace toilets in a way -- I've got to be very careful about how I say this. Not attached to the point of sale of a single family residence, but triggered in some way by the sale of the single family residence. For apartments, there was a definite time schedule to have all of these replaced. So what we're talking about now is an enhancement of a preexisting -- what we will be talking about is enhancement of a preexisting toilet replacement program which will lessen the impact of the requirements passed in the water conserve -- by the water conservation task force. So that being said, I do think, I will reiterate, I do think we ought to attach a formal number so -- with the -- with the caveat that we did consider costs. One more quick comment with regard to leak repair, which is a big ticket item for us. We know that we have approximately 600 miles of 50-year-old cast iron pipe in our water system and that's where most of our leaks come from. And we -- we -- part of the recommendation in reducing that leakage by a third was to concentrate on proactive ways to fix those leaks. If I can say this without getting a laugh, to fix those leaks before they occur. With an inspection method. And that's where we need to be concentrating our biggest efforts. Most of that is in downtown, older parts, older neighborhoods in or near downtown. Councilmember riley.

Riley: Just in honor of world toilet day, I want to start with a few toilet questions. First, you mentioned both free toilets and toilet rebates. Could you help us understand which -- what circumstances would -- would -- in what circumstances would we provide that free toilets as opposed to rebates?

Well, you can -- you can change out your toilet in several different ways. Through several different programs. If you are say just you own your house and maybe you are redoing your bathroom or you want to change out your toilets. You can come, often we have events at local home improvement centers and we will give you avoucher for a free toilet. And then if you go to our toilet distribution vendor center, you get that toilet. It's a specific toilet. It's a specific vendor brand toilet that we have a contract that, you know, council approves every so often, take you that toil home and you put -- that toilet home and you put it in. Another way that we have been doing these is like with these apartment complexes where there's third party installers that come into town and they go to apartments and they say, you know, your apartment was built in the 1970's, you know, you probably have 1970 vintage toilets here, you have five hundred units, we'll come in and we'll replace all of those toilets for you and the city will rebate you \$200 for each one of the toilets. That's our rebate program. So the apartment complex works with us and their third party provider and they go in and sweep through and, you know, in a week replace all 300 toilets or whatever it would be, then we write a rebate check back to the apartment complex. We had been doing it to the third party installer, now we are doing it to the actual owner

themselves of the apartment complex. We verify, you know, that the toilets were replace. That's what we maybe will call more kind of these multi-family rebates where you have a really big chunk of toilets through an apartment complex as opposed to just an individual maybe getting a free toilet at our -- at our vendor. That's kind of the mixture of -- of programs. [One moment please for change in captioners] .. where they are looking at weatherization and the plumbing and say there's leaks and old toilets and they will call us and we'll sic our program to help. It might be going out to them directly, the weatherization program. We want this whole mixture of ways we get at this leaky plumbing and old toilets.

Riley: As you look at the university of old toilets, have we prepared any prioritization, jails, restaurants, hotels that are particularly heavy water users? In other words, have we prioritized the -- the title that are out there in terms of water usage so that we're able to strategically target our resources towards the ones that are drawing the most water use?

I would say yes and no. I think, you know, we have a sense of -- of some of the markets that haven't been penetrated very well. As an example, two or three years ago we looked at the multi-family market and found there was not as much natural toilet replacement and rebate replacement going on there as we had hoped, so we've kind of been beefing that that market a little bit. What is nice about multi-family, you can replace a whole bunch of toilets all at once. I think, you know, toilet per toilet, you probably have a little higher flush rate in restaurants and/or hotels, and so I think as we would look into the future that we would want to bring those more to the forefront and start to scamper after those toilets more than we have in the past. I would say we haven't formalized those strategies. It's been more as we've been escalating the programs, the multi-family market was more primed and, frankly, easier for us to get after as we're maturing and broadening these programs that we'll be targeting restaurants and hotels a little more. Although I think, you know, the restaurant item probably -- and maybe hotels are going to have to think through some of that a little. The current code requires the automatic flush toilets in restaurants and things. I don't know off the top of my head what's a better strategy of keeping those automatic flush toilets and probably a lot of folks have made investments changing those out. If we come in and try to change them out with high efficiency or how that all works, I think we may need to puzzle that out a little bit more, maybe even work with that industry or those users a little bit more to understand that. I probably want to follow up on a little more details, talk to my staff. I'm just kind of speaking from --

Riley: I would like to work further on that since this is an expensive program and resources are limited, I think it would make sense in the way we target this money and aim it specifically at the highest users first. My last question about toilets is just help us understand why -- san antonio tends to prefer the dual flush toilets. When they bring out their toilets that has the two buttons that the user will select, why haven't we chosen to go that way in austin.

I might want to bring up -- you are exceeding my toilet expertise.

Good morning. I'm drema gross, acting gigs manage manage other austin utility. Our rebate program includes single flush and dual flush. The rebate program offers customers a choice and what works for

them, what works in their house. You know, personally my kids don't like the dual flush because they can't reach the buttons. So for some people that may not be the ideal choice. Our free toilet contract will be before council on DECEMBER 5th. This is a program that was suspended briefly while we established a new contract because the demand for it exceeded the existing contracts amount. And our new contract has a different toilet. This is one of our ones that we gave out for the previous contract. The new contract has a pro-flow ferguson toilet. It's a dual flush toilet, but it operates on a handle. It doesn't have two buttons. You push up for the light flow and down for the heavier flow.

Riley: Okay. Great.

Shade: Can I just follow up, you said --

Mayor Leffingwell: Councilmember shade.

Shade: You said -- are you talking about our item number 5 for today?

No, ma'am, that's on the december 5th council agenda. We are planning --

Shade: Don't we have a meeting on december 10th and 17th?

I misspoke. DECEMBER 10th.

Shade: December 10th there's going to be more -- explain that again. I missed it.

We are intending to bring forward an item to -- for a contract to estart our free toilet distribution program where customers can get a voucher to pick up a toilet from a vendor.

Shade: But that's not what we're voting to fund today on item number 5. 5 million or the \$3 million that would go into the rebate program will assist in funding that contract, but we have funds in our current budget that are available for that. It would help if there is increased demand for that, but we do have funds to establish the free toilet contract for fiscal year '10.

Shade: Thank you.

Mayor Leffingwell: Councilmember riley.

Riley: Just a couple more questions. campaign, i appreciate you showing the new ad there in the back of the room. Could I ask, are we -- when the water utility does p.r. Efforts like this, is that done in-house or do we contract with p.r. Professionals in undertaking that sort of campaign?

It's a mixture. We team -- as an example, we partner with lcra on some of programs and we have some outside support for. That like when we had our jingle in terms of water conservation jingle, that production process was was done through outside providers. We have hired firms to help us with some

of our marketing material. I think with our current marketing budget and if council approves the new marketing budget that's something we'll want to do more of is hire more outside firms to help us better understand how to communicate and reach certain markets. Excuse me. We are also -- you know, again, some of these ideas, contemplating about putting together a group of local folks that do marketing and maybe like some pro bono contributions to our program, ideas and ways that we could identify. So I think in short we do use some outside providers, but, you know, we want to -- we want to do more of that in the future to have, you know, better understanding of how to reach people. Better look and feel of materials so it's easier to idea.

Riley: Right.

We do some of that now, but I think we want to do more.

Riley: I would like to see more of that in the future. One thing I've noticed about efforts on water conservation, seems to me the images that strike home are those in a sense of how parched we are as a region. When people go out to lake travis and see how low it is, that strikes home when the water utility ran the ads urging people to save water, the ads showed water skiing on lake austin and everything looked fine. This ad conveys a lot of blue water and it doesn't really convey the same sense of our region being starved for water that I think people would -- would sense when they see images of like what lake travis was. That was just something that occurred to me. professional, but there are those who are good at this sort of thing and I hope we'll work with them.

You are better with me because those are good ideas. professionals either.

Riley: On the bill stuffers, I appreciate your saying that we do need to do more work on that and one particular aspect I'm hopeful to see in the future is something in people's bills that allows them to assess their water usage in comparison wi those of comparably sized homes in the area. I know we've talked about some in the past. Are there plans to do something like this?

Yes. As a matter of fact, the first quarter of 2010, we will have a graph on your water bill that shows your water pattern over at least a year period. It will also show your electric pattern. So that's our first activity to get water pattern usage on the bill. I've seen examples and ideas about -- from other communities that have done kind of comparison to your neighbor and read an article i think in the "new york times" they had -- they had like a little frowny face on your bill if you used more water than average. I think we want to do more of those kinds of things to understand their water patterns and use. I think one of the keys for that happening is completing the new customer information system implementation that a.e. is under taking. Right now the current vendor and the current configuration of the system, it's hard to do some of these things to get data out and synthesize it. So I think completing the customer information system implementation will really facilitate that. There's probably still opportunities for to us try to do some things -- because that's like a three-year project, to maybe do some things before that. We've been working on ideas to have more web based tools and some exist already where you can log on the the internet and get much more detailed information on your water use and I think we want to continue to enhance those in lieu of or until the new billing system is fully completed. So in short, you'll see some

of these starting in 2010, and I think that there will be more and more of this coming out as we develop more of these tools and as this billing system gets completed. And similar for power use, I think you'll see the same kinds of things on that side.

Riley: And my last question follows up on councilmember Spelman's questions about asking for a breakdown of savings and costs associated with water measures when they come to council. I know there's been some discussion about the citizens water conservation implementation task force having access to information like that with respect to the measures that they are considering, and I know there's been some difficulty in having access to that kind of information for the task force. I just wanted to see if you anticipate that information like that could be made available to the task force as they consider various water conservation options. What can the utility do to provide them with information about cost and anticipated savings associated with particular water conservation measures.

We're at the service of the task force. However they need us to help them, we will certainly help them. I wasn't aware that we had refused any request from them but I will do whatever is necessary to get them the information they need to understand the potential savings of their recommendation and/or the cost of that.

Riley: Okay. Thanks very much.

Mayor Leffingwell: It's my understanding, in fact, that the staff asked the citizens water conservation implementation task force if they wanted to attach numbers with regard to savings to their recommendations and they said no. And you have to have that number before you can proceed to a cost number. But certainly I want to consider -- you to consider it direction from council that any recommendation you bring forward from whatever source, whether it be implementation of the old water -- the original water conservation task force recommendations or new ones from the citizens water conservation implementation task force, or any other source including in staff that those numbers be attached to it. Both the savings in terms of and the costs associated with the recommendation.

I understand.

Mayor Leffingwell: That is direction from council.

Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: Thanks. I don't want to get into great detail, but I do want to make some comments and maybe something that you guys have already been looking into and addressing. While I think the toilet rebate program is very successful and does help achieve our water conservation goals, the one thing that's constant that doesn't change is the rubber flapper valve in the middle of the toilet. Regardless of how old and how new your toilets are, that is where the problems typically come from. I want us to look beyond just a brand new toilet that only holds a gallon and a half of water. In fact, there are mechanisms

that absolutely only allow one and a half gallons to be dispersed into a toilet period, regardless of the size of the toilet, the age of the toilet. Those are the types of things that I think when you take into account how many hotel rooms and apartments and things like that we have in our city, I think that we need to look at as many possible tools in the toolbox as we can to achieve that. Again, I believe that replacing toilets with new, you know, with the new low flow toilets are a good thing, but as soon as that flapper valve goes out and that toilet runs, and this person will remain nameless because you know him, he had this happen and he had a water bill of hundreds of dollars and didn't know why and it was because, you know, his toilet ran for three or four or five days. There should be preventive measures in place where, you know, after 100 gallons of constant running there's a mechanism that shuts this off until a repair can be made. And I'd really like for us to focus on areas such as that as well. Thanks, mayor.

Mayor Leffingwell: Mayor pro tem, are you proposing a flapper valve rebate program?

Martinez: Actually -- it's actually not a flapper valve. It's a mechanism that you insert into any existing toilet that simply shuts off after a gallon and a half, period.

Mayor Leffingwell: I see. Thank you.

Martinez: But I'm open to any suggestions.

Mayor Leffingwell: [Inaudible] the flapper valve you need this new device.

Martinez: That's correct. I think we should focus on all aspects.

Mayor Leffingwell: Putting a brick in your tank. I understand that works. Councilmember morrison.

Morrison: Thank you, mayor. I know I hear plenty of grumbling from my husband with all the flapper valves he replaces and it may pay to teach people how to replace flapper valves as opposed to having to hire a plumber, but that's just my idea. Thank you, greg, for all your work on this and sitting here and answering so many questions. As you know, we have a community that's passionately interested in water conservation and what could be better than that.

Don't I know it.

Morrison: Yes, I know you know it. So I have a few questions that I would like to ask and thoughts I wanted to share with you. The first is about the slide that you showed us on the road map with the recommendations from the water conservation task force. And I wonder if we have at this point fleshed this out to be more than a road map but an implementation plan or do we have plans to do that so that we -- we know, for instance, our time line for each of these different aspects of our conservation efforts.

I would say it is an implementation plan. We look at this as implementing all of these. In terms of a time line, I think we have time lines on the bulk of these items. Some of them are land code changes that

have to go through boards and commissions and you can't predict precisely when those will spit out, but I could certainly share with the council and put together a memo and follow up with more specifics of, you know, particularly when we get down to there's like 20 some items, which ones are done, you know, which ones we think are going to start in this first part of 2010. I think we could certainly help you better understand more specific that implementation side of those recommendations.

Morrison: That would be great, and obviously you can't put a very specific date on many of them, but if we could at least sort of have it laid out as, you know, the sequence of all of these and obviously that would play into, you know, our understanding of the needs for resources and the water conservation division and things like that. So I think that that would help us, that would take us a step further. , the resource management commission, obviously has a lot of interest in this also. And so with regard to, for instance, their -- their consideration, and i appreciate you taking the budget amendment of the resource management commission and the task force, I think if I understand correctly that -- that the response to both of them was sort of generally, boy, we would really -- of course we're for conservation, we will really like to be able to flesh this out a little more and see how this fits into our overall plan for conservation. And so I think if we have that fleshed out road map and when these budget amendments come forward, we're going to be able to understand them a little better and folks will be able to have a more interest -- you know, a more informed response and input. And I'm sorry I have to go back to toilets just for a minute, but there was a piece of the memo that the staff put together explaining the budget that just raised a question for me. And it goes a lot to the whole bang for the buck thing. And you probably have numbers or can provide numbers to -- to explain this. In the anticipated water savings section, this is in our backup, it's the memo from STAFF ON NOVEMBER 5th, AT The bottom there's something about anticipated water savings, and it says last year the rebate programs accounted for 580,000 gallons, and that with the amendment we start to realize additional conservation savings of 250,000 to 400,000 gallons per day. I mean maybe it's because we're using different units, but if we're increasing our toilet rebate program by 130%, it looked like, you know, we're not increasing our gallons accordingly because we're going from 580 -- we're only adding 250 or 400. We're not doubling it. Am I getting -- maybe it's just that the units could be straightened out, but it looks like we're not getting much bang for our buck for increasing the toilet rebate program by 130%. I would expect to more than double the savings.

Well, let me make sure i understand your question. You're saying -- ask again, I'm orry.

Morrison: Can okay. I'll ask again. It looks like with the additional funds we're going to add about -- we're going to get about just roughly a 70% increase in gallons saved.

You're asking why isn't that more?

Morrison: Yes.

I think if you look at the 580,000 gallons of -- that we saved in the last fiscal year, I think that's probably across all of our rebate programs which would include washer rebate, certainly toilet rebates. All the rebates that we have where I think probably our estimate for the additional savings from the budget

adjustment, that the bulk of that is for toilet rebates at multi-family. That would be my --

Morrison: Okay.

-- My response. Just so I'm on the same wavelength, the 250 to 400,000 gallons per day is the amount we would save through the budget adjustment. We would still save roughly another 580 to 600,000.

Morrison: Sure. We're adding on top of that. In terms of toilet rebates, has the water utility ever evaluated whether it would make sense and be effective to do like a 50% rebate or something different than a full rebate? How do we decide that it should be a full rebate?

I don't know. It's been in place for quite a while. We actually I think we even increased the amount that we rebate. I saw some numbers where we used to rebate years ago like \$50 or \$100. We didn't have as much participation as you might imagine. The more dollars you put into it. I think certainly those are options that you could look at smaller rebate amounts or other ways to spread that cost into the consumer more. I think it's, you know, there's probably some policy implication. How much do want to incentivize that. I think there's a whole lot of different ways you could slice that up.

Morrison: It's really sort of a optimization problem, how do you get the most bang for your buck and you have to be able to project what the participation levels are going to do if you change the rebate.

Exactly. The economics of that. If you drop it, the elasticity of that.

Morrison: Right. And that really sort of goes back to what councilmember spelman was talking about in terms of being able to get reported the bang for the buck or the cost per gallon or things like that. I think that that would be -- I think that austin energy has a model with the resource management commission where they are reporting on a regular basis on their programs in terms of what's being saved, how much it's costing, what was our participation goal and how far are we in our participation goal. In terms of what we're talking about, I understand that would be helpful information. Is this information that would be difficult to be able to provide to the commission from the water utility or could that be included in the reports?

It probably depends on some of the details they would want to have, but I think by and large we could work through those things.

Morrison: I think that would be terrific and I know the phrase you have a lot of people looking over your shoulder at this point. I sort of want to remold that a little bit and suggest that you have a lot of people working with you on this challenge that we have, and i think that -- I mean I'm a true believer that today and going forward is the time where if we all can sort of come together and roll up our sleeves and figure out what's the information we need to be able to be making good decisions and including, you know, all the various stakeholders and the staff, of course, as the folks that bring the professional expertise, but we have so many others, many on our commissions and all the citizens that are providing such great input. So I hope you will be able to move forward and have the commission work with the

utility to define the information that will be really helpful in terms of improving the input that they can provide to the commission -- to the water utility. Okay. With that, thank you very much and again, thank you for all your work on this. You've been standing there for a long time, over an hour so I really appreciate it.

Mayor Leffingwell: Thank you, and sounds like a good project for councilmember Spelman to optimize the bang for the buck on the toilet rebate program. [Laughter] not today, but I'm sure you can work one up for us. Thank you very much.

Thank you.

Mayor Leffingwell: And you can take your toilet with you.

I think they just went through my ear, that's flapper free.

Mayor Leffingwell: That's right. Mayor pro tem, the modern ones don't have flappers.

I'm done flapping.

Mayor Leffingwell: Without objection, council, we just have a few minutes before 00 citizens communications so without I would like to proceed out of order and take up a couple of items that appear they will go very quickly. The first is item number 27. And 27 was pulled by councilmember Spelman. Excuse me, councilmember Riley.

Riley: 27 is an item related to engineering services for the Austin Bergstrom International Airport storm water master plan update. I'm all for doing an update and I expect to vote in support of this. The only reason I pulled this is because I want to make sure that our efforts on that item are in sync with another item that we have on our agenda today, which is item 64. Item 64 is a resolution directing city manager to initiate code amendments related to alternative water management. This relates -- this was a followup to a previous council resolution which really just asked a question about whether alternative storm water management techniques could lead to more -- a smarter method of managing storm water and the example we talked about in connection with that resolution was currently we tend to treat -- we have in the past tended to treat storm water as something we need to get off the site as quickly as possible and funnel it into gutters and get it out of the way as quickly as possible. When you see large commercial parking lots, we've required people to erect expensive barriers to protect our landscaping islands from all that nasty water. We actually put them up on curbs. So we're asking what if instead -- instead of raising our landscaping up on curbs, you had them depressed and channeled storm water into those so you could take advantage of the storm water to irrigate our landscaping rather than just trying to get the water off site as quickly as possible. And staff in response to that previous resolution, staff took a look and said, well, yes, as a matter of fact, it does look like we could make adjustments and use alternative storm water management that would make some sense and would result in a better use of our rain water to actually water our commercial landscaping. Anyway, with all that said, now that we're moving forward on that item, we're prepared to go forward with the code

amendments, as we look at our airport, it seems like there is an opportunity there, if there is a new approach to storm water management, as we go about that master plan for the airport, which is a very visible demonstration of the way that we approach landscaping techniques in general, I just want to make sure as we go forward with a plan for that that we are in sync with this alternative water management approach that we're discussing in connection with item 64. With that I'll staff and ask staff to speak to that.

Yes. Thank you. Sharon harvinson with aviation department. Part of the ordinance from 1994 was to have some xeriscape or native vegetation and also provide drainage criteria for the development. Airport. What we're trying to do is create a master plan and have a final solution in updating that 1994 ordinance and we can use alternative and new measures to conserve water and reclaim water, et cetera, and to continue the native investigation for the development of the airport. Yes, to ensure those incentives we will be putting that into the updated ordinance and coming back for the approval of that ordinance hopefully sometime late 2010.

Riley: Okay. And so the staff that are working on those code amendments, will they also be involved in the work related to our airport?

We can get with them and look at those amendments, do they work with this ordinance, and mainly just hearing what you are saying, the land side development of the airport, there's probably good means of including that into the updated ordinance. Air side with impact of maybe wildlife hazards, we would probably have to have maybe a different approach, but we'll have both of those in the ordinance.

Riley: Okay. Well, I would appreciate that and especially important with the fact the storm water that we -- that the latest thinking on the -- on the -- on our airport site just as we're trying to update our codes for commercial sites in general.

Yeah, that makes sense.

Okay. Thanks. With that, mayor, I would move approval of item 27.

Mayor Leffingwell: Councilmember riley moves to approve item 27. Is there a second? Councilmember spelman. Is there any discussion? All in favor say aye. Aye. Any opposed? Passes on a vote 7-0 and the motion is passed with direction to incorporate storm water management techniques into the landscape. To the extent possible. Next we'll call up item 40, which was pulled by councilmember spelman.

Spelman: I think we can deal with this quickly, mayor. Is there somebody from the police department that can speak to this item? This relates to the constitution -- the requirements for people participating who are assigned to the internal affairs department; am I right? 40?

Yes, sir. I'm having a little trouble hearing you.

Spelman: I'm sorry. I can speak louder. This is related to the classification of positions in the internal affairs section.

Yes, sir.

Spelman: and what we're doing, currently the people in internal affairs are required to be investigators. And this would require them to be sergeants and one of them would be required to be a lieutenant, the chief of internal affairs would have to be a lieutenant. Is that correct?

That is correct, sir.

Spelman: The requirement that they are all currently investigators is because what i.a. does is investigations. Is there -- is the argument for making them for all sergeants is if you would briefly explain why should they be sergeants.

Okay, by the way, patty robinson, one of the assistant chiefs of the austin police department. Thank you for allowing us to come up and speak with you. As you know, internal affairs is the gateway and the gatekeeper to our department. They investigate all of our internal affairs. One of the things that we have experienced in the last several years is a growth in not only our community but also in our officers -- our officer population, and as a result our investigators have had to take on more and more work. What we did last year, what we started last year in july of '08 is that we sent all of the minor internal affairs investigations into the field so that the supervisors of the officers were actually the investigators. In other words, no one below the rank of sergeant investigated any of the class b or the minor internal affairs investigations. And what we saw when we did that was we saw an increase in the consistency, the comprehensiveness and in the discipline meted. The time iness of the investigation, we have about 180 days to complete them and they were coming back in 35 days, which is very unusual and promising for us. We took that to the next level. We had been planning on incorporating that same system into our major investigations, class a, which are currently investigated by detectives. Some of the problems we found in there was that the detectives do not have a [inaudible] authority in order to do some of the investigations. When you are doing internal affairs investigations, you have to give particular orders, direct orders. Detectiv supervisors. In some cases the detectives did not have the experience nor the departmental knowledge in order to address particular questions. Or even indeed address some of the investigations.

Spelman: Okay. So by ensuring that all your investigators are sergeants and have had supervisory experience, they will be equipped to understand what supervisor was in a position to require of the patrol officers and detectives when doing an investigation.

And one other thing I would like to add to that, especially for some of the folks on the dais and that are listening is that our work strength is 1,621. Out of that there are about 1,358 that are the rank of detective and below. And about [inaudible] officers. That's a huge, huge population. So we need to ensure that we have supervisors doing these types of investigations, especially since we want whoever

is doing the investigation to be a supervisor or manager at least one rank above mother [inaudible].

So how will the position requirements change? They will have to be a sergeant. How many years of supervisor experience are you going to require?

First of all we're requiring that they are experienced and supervisors, in other words, have you to have experience would be more than a year at the supervisory rank. Vetted means the entire chain of command all the way up to chief of police understands what that person's background is, that the applicant to the position, what their background is not only in officer involved investigations but internal affairs background and their work history within the department.

Spelman: So you are effectively giving them veto all the way up the chain of command, knows particular individuals -- you are talking about putting them in internal affairs.

That is correct, sir, and the chief will personally approve the selection.

Are you also going to continue to require investigative experience of i.a. investigators? What they are still doing is investigations. Are they going to have to be investigators too?

Yes, sir.

Spelman: Will they have to have investigations experience as well?

Of course you are talking about the training that's provided out at our training academy for every corporal and detective, yes, sir.

Spelman: Okay, actually i was thinking about something different. What you're talking about, they are all going to be sergeants by definition. That is a position requirement.

Uh-huh.

Spelman: They are going to have to have one year supervisory experience. you have to be a patrol sergeant someplace else, patrol sergeant, detective. Will they also have to have a year of investigations experience with the detective burrow?

Let me back up. In order to get to the supervisory rank you have to have a minimum of two years as detective or corporal. Oh, I'm sorry.

michael McDonald, assistant city manager of public safety. To answer your question, yes. I had detailed discussions with the chief about this and what he's looking for, these sergeants, what the assistant chief was trying to explain is the rank that they -- that they achieve prior to becoming sergeant is detective corporal so they receive a lot of investigative experience prior to becoming a sergeant. What the chief is going to be looking for is the best of the best. You know, whether they have or narcotics experience,

there's a lot of areas, homicide, he's going to be looking for those sergeants that exhibit that type of background that can exert that level of separation that he's -- you know, because that's been some of the concern he's had with having detectives in there.

Spelman: I think you -- let me recap. , you are going to have to be a sergeant. And a sergeant with one year or more of supervisory experience. In order to get to be a sergeant, you have to have two years of experience as an investigator so we can be sure and vetted up to the chain of command is going to have supervisory experience and a couple years as investigator. Is that correct?

Correct.

Spelman: Mayor, move approval.

Mayor Leffingwell: Councilmember spelman moves to approve item 40. Seconded by councilmember cole. Further discussion? All in favor say aye. Yay. Any opposed? Motion passes on a vote of that passes on a vote of 7-0. We have a few minutes remaining or we could take up item number 48, if we anticipate that will be fairly quick. Councilmember riley, did you pull item 48? Are we going to be able to dispose of that quickly?

Riley: I expect, but i wanted to have staff address a concern. This relates to purchase of vehicles for the austin police department. 58 Police patrol sedans not to exceed \$1.5 million. The reason I pulled it, I want to make sure our fleet expansions are aligned with our climate protection efforts. I've heard from some citizens pointing to other communities around the country that have actually been buying hybrids for their police forces and they are asking why isn't austin. I know we're using e-85 ethanol -- we're buying vehicles that are equipped to use ethanol based products, but I just wanted to make sure that we have thought carefully about the carbon footprint associated with all of our fleet efforts and in particular if I could just get an answer as to why we're not buying hybrids for our police force when other communities are. mayor, members of council, I'm jerry caulk, fleet officer for the city. In answer to that specific question, when we're making purchase -- then we consider the most environmentally friendly alternative that falls within that set of parameters. Hybrids, to specifically address the question of hybrids, the only hybrid unit that's currently available in today's market as a police unit is the chevrolet tahoe, -type vehicle. It does not get any better gas mileage significantly than the ford crown vic. The crown vic is the choice around the country and these are capable of burning e-85. We are currently ramping up the use of e-85. We've got a project right now to install e-85 capable service station on you've which is where a big portion of the police department fuels. So that will ramp that up. But the chevrolet tahoe, it is a hybrid, but it doesn't get any better gas mileage and it's about twice as expensive as a ford crown vic.

Riley: How does it compare in emissions?

Not any different. You get about a 15% reduction in co-2 emissions, an increase in nox, but co-2 is the primary greenhouse gas that causes ground level ozone problems. So that's the direction we try to go

there.

Riley: And I know we've been monitoring the department's actual use of the e-85. Do we have targets for -- I'm glad to hear that we're adding another fueling station. Do we have targets?

We haven't set any hard and fast goals currently of those units that are in service that are capable of burning e-85. They fuel with that fuel about 20% of the time. As this additional station comes on line, we expect that number to move up to about 40 to 50% of the fuel burned in those units that are capable of burning e-85.

Riley: Is this a subject the public safety commission could look at going forward once it starts meeting in december?

I'm not aware of what the public safety commission has done.

Riley: I will add we have a public safety commission that will be meeting start in december. We also hope to have a new sustainability officer on board in the not so distant future. My hope would be going forward, both the sustainability officer and the public safety commission would be involved in ongoing consideration of whether we're doing everything we need to be doing with regard to climate protection as we expand our fleet in the future.

In all of our fleet decisions, we work closely with the austin climate protection group in determining how we move forward with alternative fuels.

Riley: I appreciate that. Thanks. With that, mayor, I would move approval of item 48.

Mayor Leffingwell: Councilmember riley moves approval of item 48, seconded by if mayor pro tem. Is there any further discussion? All in favor say aye. Aye. Any opposed in passes on a vote of 7-on. With that, council, takes us 10 minutes certain for citizens communication. Just as an advisory for those of you waiting to speak on additional items on the morning agenda, it is not likely we will hear those items before 3:00. It's not certain but it's not likely because after citizens communications we will go into executive session and anticipate that executive session period lasting until we go into recess at 1:30. And we'll be back about 3:00 or after. The first person signed to speak is richard viktorin. Billing errors, wastewater and austin water and wastewater utility.

This summer used to a water leak which caused me to scrutinize my water bill, my attention was brought to the wastewater charge. What I discovered was an error affecting as many as 90,000 accounts in the city of austin. 90,000 Times 12 months. I'm a cpa for some 25 years. There's a problem with the winter averaging program. The purpose of the winter averaging program is to estimate wastewater volumes based on water usage during the winter when it is presumed consumers are not watering their lawn. Lawn water is not wastewater. It does not go into the sewer system and should not be included in wastewater volumes. The winter averaging method works reasonably well except when drought conditions appear. This flaw was recognized during previous less severe droughts in 1989, 1996

and 2000. In 2001, council permanently adopted a patch which was to strike the high winter month. 89, 96 And 2000 were relatively low drought years. However, in the winter of '08-'09, that winter was not a minor drought. Austin was off the charts, past severe, past extreme into the highest category of exceptional drought. Our travis county extension agent scott richter advised homeowners to keep watering throughout the winter months. Precisely because of exceptional drought, there were no months to be found where there was no lawn watering. This matter was presented to the water and wastewater COMMISSION ON OCTOBER 14th. Staff responded they did look at some of the impacts but felt the drought was not significant enough to go to council. A near century record drought not significant enough to go to city council. An error in estimation which produced for revenue for the utility via overcharge, it was aware of, an overcharge of citizens who own the utility was not significant enough to go to council. This is very troubling and particularly when you consider the economy which was in free fall in 2008 and the likely consumer response. Likely because of the economy your citizens were being very conscientious about their water use inside their home where wastewater the produced, but had no choice but to continue watering their lawns outside or risk losing thousands of dollars in landscaping. The correct way to find wastewater volumes which do not include -- is to allow affected customers to use winter average from 07-08. Those overcharges will continue through 2010. Based on its own numbers, it appears just over 47,000 customers are owed \$50 or less. Just over 41,000 are owed an amount greater than \$50. The overcharge refund on my bill came to \$258. Context matters. These billing estimates occurred at a time when we were being asked to trust -- [buzzer sounding] -- in the balcones zone.

Mayor Leffingwell: Your time has expired. Please conclude.

Inflated wastewater bills here, inflated future demand estimates there, inability on the part of the utility for two years running to tell the impact advisory commission how many matters it has in field, I draw your attention and that of the city auditor's office to the possibility of cyst memberric error at the water and wastewater.

Mayor Leffingwell: Thank you, next speaker is jimmy castro.

Good morning, mayor and councilmembers. My name is jimmy castro. I'm here to speak speak on my own behalf. For these high school students planning that summer job next surge an everyone else looking for a job, now is the time to add those business skills employers are looking for. Like the austin community college continuing education, administrative assistant program. The program prepares students for a technical administrative support position. Their program is a series of 13 continuing education classes. Students can register for the entire series or the individual courses such as keyboarding, eight hours. Introduction to the computer keyboard. Windows and file management, eight hours. Microsoft word introduction and microsoft word intermediate. Business math, 16 hours. Microsoft excel introduction, eight hours. Microsoft excel intermediate, eight hours. Microsoft access introduction, eight hours. Microsoft power point introduction, eight hours. Internet, eight hours. Data entry, eight hours. Practical business applications, 24 hours. Business communication, 20 hours. For further information, you may contact the administrative assistant program at the continuing education department at austin community college at 5930 middle fiskville road right behind highland mall for call

them at (512)223-7542. Finally, austin community college not only wants to help you apply for that job, they want to help you get that job. Thank you, mayor leffingwell.

Mayor Leffingwell: Thank you, jimmy. Next speaker is gavino hernandez. El concilio mexican neighborhood association supports push up foundation quest for a conditional use permit to operate a car wash.

Good afternoon, council. Mayor, before you start, i would like to request that my comments and testimony be made part of the record.

Mayor Leffingwell: They will be.

My name is gavino fernandez, coordinator of el concilio and a letter to submit to you and I will read to the record. We the members of the el concilio, a coalition of mexican neighborhoods, submit this letter in support of request for a car wash located at 1711 was cesar chavez. Under a previsa nonprofit drug assistant rehab. Since 1999 when the pushup foundation moved into this location and carried on with a car wash activity, it has earned a reputation of being a neighborhood friendly business. Homeowners and businesses in our neighborhood have known this activity to be available to us as a quality detail car wash at a reasonable price. We strongly appreciate this activity -- this service -- we strongly appreciate this service being available in our barrier. We understand that our patronizing of the car wash assists [inaudible]. Given the most difficult economic times we pray the austin city council will join us in supporting the quest to obtain a site development location for a sp wash. Signed by president of east town lake citizen, francis martinez, leona landers, president of bon in a advicist and joe quinn tear are, the greater east austin neighborhood association. Council, again, we are only asking you to help us because the economic reality of this effort is it provides jobs for the clients, it allows them to begin that second phase of rehabilitation and coming back into society. As we all know, it costs \$150 a day to incarcerate someone and today the court's practice is to send individuals to rehab as opposed to incarceration. The environmental reality of this is the bucket and sponge car sh is one of those practices strongly echoed in water conservation practicing. If you were to calculate the number of gallons of water saved by having your vehicle cleaned by sponge and bucket, it would be an enormous amount of gallons. The other issue is neighborhood friendly. When I was working at crystal ray -- one day as I was going back to works, sister dolores and I asked her where she was coming from and she said i just left the car at pushup. So this is a business that has gained high reputation in our barrio. [Buzzer sounding] with that, mayor, we pray you would consider this request,. Open your hearts and conscience for this particular business to continue. Thank you.

Mayor Leffingwell: Thank you, gavino. Next speaker is carol ann rose kennedy and her topic is thanksgiving prayer, with a e.

Welcome back, council. And thank y'all and your staffs for serving. To include the house keepers who endure my singing in the bathroom. Giving thanks and thanks forgiving. I thank you for the soldiers who serve in worldwide wars, now or ever. I thank you for the conscientious objectors who serve america's home land 24/7, 366 in our homes, our schools, our hospitals, our churches, our workplace. I thank you

for the church leaders who preach what they practice. for the man who is twice my age and half my size who is in front of me at the express lane with 11 items, 12 coupons and searching for spare change tucked away in 13 pockets. I thank you for my neighbors who don't alert the homeowners association security because my weeds are three inches higher than my grass. I thank humans who recycle more than they throw away and the street sweepers who get assigned to other -- during ozone days. I thank you for the prisoners facing judges who can stand tall, swallow pride, not breathe a word and show him you are in total control of your life. The truth, not the judge, is what sets you free. I thank you for the law enforcement officers who opt to use their guns and badges and muzzles and bullets as a last resort instead of their first line of defense. I thank you for the firefighters who go in when everybody else runs out. I thank you all for -- I thank all of those who choose not to own or use a car and take full advantage of the awesome public transportation available to all right here right now. I thank the smokers who don't drop their cigarette butts on playgrounds, public parks and bus stops. I thank you all for the neighbor who works on his 00 in the morning and still preserves a silent night. I don't even hear him swearing. I thank all humans who find the heart to home the harmless, help less, hopeless, houseless. I thank you for the newlyweds who made it through the seven-year itch. I thank you for the neighbor's brat who practices her trumpet at 0500 hours texas time every saturday, sunday and holiday. When I hear taps, I just roll over and go right back to sleep. And the length of the naps i take at grandma's house. [Buzzer sounding] giving thanks and thanks for giving.

Mayor Leffingwell: Thank you. Next speaker is brad beam. Topic is animal welfare.

Maybe, mayor pro tem, councilmembers, city manager. The corporation for national and community service in 2009 ranked austin as the 9th or 11th best city in terms of volunteering. We are 9th best based on the hours of volunteer per residence. We are 11th best based upon the percent of residents who volunteer. Austin is a city loaded with citizens who want to volunteer. I am here today to ask the city council and city manager to encourage every department to create a culture where volunteers are recruited, welcomed and utilized. I think we all agree in difficult budget times for the city, use of volunteers is one way the city can maintain services with little or no additional cost. I would like the council and manager to look at why there is an apparent disparity between city housing and volunteers. The austin parks department does a great job creating a culture that welcomes volunteers. You can adopt a park program, conserving wildlife habitat and the trail foundation. I would like to commend the trail foundation. I'm at the hike and bike trail most weekends. At least once a month the trail foundation sets out signs along the trail, settings up a table, has volunteers performing community outreach telling the citizens about the trail and asking for their help. On the other weekends they are working the guard epps and enhancing the beauty and function of the area. The parks department does a great job creating a culture that welcomes volunteers. Sadly at the other end of the spectrum is town lake animal center. When I returned to austin 16 months ago I went to town lake seek to go volunteer. I was told hi to wait to come back a month later because the volunteer coordinator was out of the office until then i asked if there was any other way to sign up and told there was none. So I came back to town lake office a month later and again I was told I was not able to sign up as a volunteer at that time. I walked away disappointed and confus because I knew there were 200 to 400 dogs that needed attention. It baffled me because I have substantial experience working at other shelters with off site adoption programs, walking dogs and being a member of a shelter facility committee. Believe me, no shelter ever has

enough volunteers. ON NOVEMBER 5th, MANY OF THE Animal welfare community including myself were excited the city council passed a resolution directing the city staff to work the animal advisory commission and related partners to implement the aac recommendations. Particular, one of those recommendations is to increase the use of volunteers in various programs at town lake. Believing that change was on the way at town lake, I began encouraging friends to sign up as a volunteer. This way they could complete the background check and go through the orientation and be ready to help when the implementation plan is adopted by council. Until then they can help walk dogs. [Buzzer sounding] I became disappointed when i heard four friends were told they could not sign up and would have to wait until next year. Yesterday I went down, tried to sign up as a volunteer and again I was told the same story, that I needed to wait until next year. The person at the front desk told me the volunteer program had been closed and all the materials had been removed [inaudible]. If town lake is not taking volunteers, signups for november and december, it's losing 1/6 o volunteer base and I ask the city looks into the reason there's a disparity between the departments. Thank you so much.

Mayor Leffingwell: Thank you. Councilmember morrison.

Morrison: I wonder if we could hear from the city manager and get improved response.

We'll send a report back to council on what the volunteer program is. At this point we'll try to get you more information.

Mayor Leffingwell: Thank you. Next speaker is michael campbell. Michael campbell. Is michael in the chambers? Evidently not. Richard torrey. Richard torrey's topic is the reuse -- the refuse haulers ordinance.

Mayor, city council member members, it's ronald torrey. As you may know, captain hook has been trying for a number of years to have the present refuse haulers license orders revamped. In the spirit of keep austin weird, I believe that is finally being accomplished. But do to inability and delay by the solid waste advisory committee to form a subcommittee regarding good and I had two meetings and a couple of phone calls. At the second meeting good good stated at the start the enforcement procedures i presented were a given. However, at the meeting this week with solid waste compliance and the haulers, the fee structure was presented by the city but nothing else. Somehow compliance and solid waste were not given the good and i discussed. Thus most of the hot air expended at this meeting was on enforcement procedures. There's a disconnect somewhere in the city process. This packet I provided you does resolve most of the issues that concern the austin hauling community. The pieces of the puzzle are contained in this pact. Sometimes you can't see the forest for the trees. Page 1 is a business plan for the swac committee. Page 2, resolution by the swac committee made last year. Page 3 is an enforcement program that's proactive to inform the public that change is coming. You know, knowledge is a key ingredient in compliance. So the next six pages deal with the ordinance itself. The last three pages are the city's efforts to provide a fee structure, staff requirements and budget. I think these are fair and equitable. So all the parts of the puzzle are here to be put in place, but there's too many people on the city's side and somehow or another the information isn't going back and forth. So I respectfully ask the council to name one person to be in charge of this. And I believe this issue can be resolved and

put in place by the first of january. So -- and also, finally, austin haulers realize that a properly crafted ordinance is good for business.

Mayor Leffingwell: Thank you. The next speaker is dan McATEE. Dan's topic is solar rebate agenda item 22 of october 15, 2009.

Yes, sir, it is, dan McATEE. I'm just following up with the gentleman from the animal shelter. Acc does welcome volunteers. On 10-15, I and a group of neighbors came to council to detail austin energy's treatment of our solar applications. My wife and I were among applicants whose applications were rejected after having been received by austin energy. Council responded with a resolution just mentioned number 22. In its comments to roger duncan regarding the resolution, the mayor directed duncan -- and this is transcript -- number one, what can we do for the current fiscal year especially for folks who had expectations about receiving a rebate and in some cases made down payments to get improvement and invested significant time, energy and resources. Based to assumption the funding would be available for the current fiscal year. And I understand there was fine print in austin energy's communications. We talked about that before, but I think we also understand austin energy has a serious stake in maximizing the number of panels on rooftops to the extent we can and especially honoring those folks expecting to take advantage of the program in the crept fiscal year. -- Current fiscal year. duncan said we will look at met to do so to go back and see if there are ways to owner people who put in applications earlier. As seen under the quotes. A further resolution, city manager was to report to council on 11-8. That report was made by mr. duncan. It did not address the issue of the 135 rejected applications. At yesterday's stakeholder meeting, carl refuture the reported and when asked -- to duncan he responded, and I'm paraphrasing, that the 130 applicants were taken care of when austin energy retroactively rejected the 135 rebate applications and there that would be no further discussion of the issue. We find ourselves in the same position we were in on 10-15. Austin energy encouraged applications throughout the summer months. We followed their process that that was in effect at the time. Austin energy delayed our pre-qualification for several weeks due to workload problems. That's the comment they made about volunteering, I asked if I could help them out and they said that's not possible. During the summer months, austin energy stated on at least two occasions that rebates would not be lowered before october or mid-october. They received our application on september 23rd and on september 24th retroactively rejected the application. So we followed the austin energy's process and the city's process and my question is where do we go from here. How do I proceed?

Mayor Leffingwell: Any comments, council? City manager, do you have a response?

I believe carl is here from austin energy and could respond to the meeting yesterday.

Did I get that right, carl? I didn't write it down.

Mayor, mayor pro tem, city council members. Let's see. What can I mostly respond to here? I think the point about the 135 applications sort of has been addressed before. The point was if those 135 applications had been processed through the letter of intent stage it would have exceeded the budget that we had. That's why we undertook revision of the rebate level. All those applicants were returned

their applications and offered the offer to reapply. We're proceeding to process them. In terms of the speed and diligence with which we process applications, I would point to the memo sent yesterday which sort of reveals in paragraph 1-c the fact that the staff in the closing weeks and the earliest week of the new fiscal year were able to process over a million dollars worth of letters of intent to sort of make more money available for the current fiscal year resulting in about \$400,000 worth of additional funds so that we would have more applications that we could move affirmatively on. So we're moving as diligently as we can. Our basic reality is that the former rebate was too generous and that was what the market reality showed us and we've adjusted it and the new program is up and running.

Mayor Leffingwell: Thank you. AND THANK YOU, MR. McATEE. Next speaker is dusty harshman. Topic is austin energy solar increases -- incentives.

Thank you, mayor, council, city manager. I have a little different take on the same idea as dan, but i would like to reveal graphically here is the customer experience through this incentive program. And where we have been, where we are at and it may be a little insight into what energize austin presents the customer. The first -- I presented this bar chart and I believe you have copies of them. The first column of the chart represents exactly what carl and dan had mentioned, that the previous 375 rebate produced a very lucrative or incentive-laden condition for the customer. And that 20-year net present value on that condition was around \$4,000. To explain that, that's as if on day one of the project you were \$4,000 ahead. That's the easiest way to explain that condition. So that may in fact have been too generous. It did certainly provide a lot of deployment of solar during that time period. [One moment, please, for change in captioners] with this financing we have less. I look forward to, you know, talking about why -- why this is, I hope to have these conversations directly with the utility, what we were given through the last resolution was a series of stakeholders meetings that were somewhat directed by the utility without a chance to have thoughtful discussion, per se, on this topic. That's all that I really want. I don't want to talk to the utility through the council, but I feel this is pretty much what I'm left with. [Buzzer sounding] in closing if we choose to have incentives in any way, let's give them incentives over other options which would include revenue bonds for nuclear plants and --

Mayor Leffingwell: Thank you, dusty. Next speaker is jeff carrol, the topic is the music patrol manager position.

Good afternoon, distinguished members of the city council, mayor, city manager. City attorney. The purpose of me getting together with you guys today is really just to introduce myself to you and to speak briefly about the position. I did want to first thank mayor pro tem mike martinez for mentioning live on the radio one day that unsolicited he thought that I would be a grade candidate for this position. Because of that I'm here today. I took this opportunity because in today's age where you apply for positions through the internet and through the mail, I saw this as a perfect opportunity to have a little personal contact with each of you, I know your schedules are very busy, I think this would be a good way to accomplish that, so you could learn just a little bit more about me and how I can benefit you guys in accomplishing your goals, branding austin as the live music capital of the world. My name is jeff carrol, been in austin for almost three decades now, I have been a businessman and a person associated with the music community. Not only do I have business experience with budgets, managing

people, advertising, marketing, branding, putting on major events here in austin and elsewhere, but one of the things that I learned with my 25 years of working with lady bird johnson is giving back to the community. You can see from my materials that I left with you, I live up to my word in doing that, I was on the board of directors of the breast cancer resource center, work with the american diabetes association, lance armstrong foundation, helped out sims and give kids the world and many, many others. Music has always been important to me. It's gotten me through my awkward teenaged years, but brought me a lifetime of enjoyment. I see that as a very important part to many people here in austin. Not only as a revenue generating item that brings millions of dollars to austin, but also as an important fabric of our community. A part of our lifestyle, a part of the thing that makes living in austin such a great thing. Now the perception recently is that the music scene has taken a lower priority on our ladder. I think it's a misconception. I think everybody on this -- on this council understands the importance of the music -- that the music scene plays here. I think what that is a lack understanding and communication and trust. When I talk to club owners who talk about how hard it is to come up with \$20,000 to get the permits to continue to have their live stage and operate a live facility, how long it takes to get the permits, the musicians about how tough it is to survive in austin, to park to unload their equipment, to people who go out to see the concerts that there are fewer and fewer places to do that, and fewer and fewer events to go to. That there needs to be an understanding, that come together, where all sides participate and all sides understand that -- that each side needs to win in this. And I believe my background gives me the expertise to do that. I appreciate the time today. If you have any questions, please give me a call and i thank each and every one of you for the excellent job that you do for our city.

Mayor Leffingwell: Thank you. I believe I called michael campbell, michael campbell's name. He's not in the chambers. Those are all of the speakers that we have signed up to speak on citizens communication. So without objection, the city council will go into closed session pursuant to 071 of the government code for consultation with legal counsel to take up one item. Item 83, concerning ppt development, lp, verse the city of austin. The -- versus the city of austin. The council will also go into closed section 072 of the government code which allows discussion of real property to take up one item, item 82, to discuss real estate development options related to the sale or lease of green water treatment plant and the austin energy control center sites. Is there any objection to going into executive session on the items announced? Hearing no objection, the council will now go into executive session.

While involved on civic [00:34:03] boards, his passion remains he has played a vital role sin the beginning of the austin greater crime commission, served as austin chair of texas exile, a state if crime commission. Locally involved in police oversight and training standards. A member of the public safety task force. Recently he donated the funds to pay for the newly designed badges for a.p.d.

He has stood by this -- this police department day in, evening out. First whenever we were in need of any advice or any assistance, he has unhesitantly given us his time and energy to stand with us, during the most difficult times as well as the good times. His support for all of us that wear this austin uniform, that wear this badge has been unwavering.

Through the years, the and texas public officers association have named him citizens of the year. Police hone their skills at the public safety training campus which opened in 1982. And today our city honors

roy butler, by dedicating the police academy campus in his name.

Leffingwell: Good afternoon. A quorum is present and we are out of recess. And without objection, we will again recess this meeting of the austin city council and -- before we do that, I would like to -- here's what I would like to do. Go ahead with ahfc, this one item on that agenda. And then do the consent items, including one postponement discussion on the zoning items. And then go back to executive session and finish one short item there, and then come back and just start plowing through the agenda in order. Is there any objection to that? So then without objection, we'll again recess this meeting of the austin city council and call to order this board meeting of the austin housing finance corporation and I'll call on [02:36:00] shaw to make a presentation.

Good afternoon, mr. President, my name is margaret shaw, treasurer of the austin housing finance corporation. We have a short specially called meeting today. Only one item, to approve the negotiation execution of an acquisition and development program alone. As the board may recall we actually passed this exact deal on our september meeting; however, the applicant has changed to austin people trust, so we're changing the name of the loan applicant. And with that I'd like to move approval or answer any questions.

Leffingwell: Unfortunately you can't make a motion from out there.

I just realized that, sir.

Leffingwell: You can suggest that.

Staff would recommend approving -- [laughter]

Leffingwell: Council? Councilmember morrison.

Morrison: Thank you. Margaret, I have some questions, if you don't mind. I wanted to check in on the time line for closure of this whole deal. And what the milestones would be. I understand that sometimes the deadlines for closing the deal need to be coordinated with the legal documents coming through, so I wonder if you could speak to that for us?

Yes, ma'am, actually with this one, this one has been -- the closing date has moved a couple of times, so we're actually prepared with closing documents. In fact, I mention that had to the applicant at the housing works saturday morning that we should have loan documents this week or next. So we should be able to close in the next couple of weeks.

Okay. And can I just ask is the applicant here? There she is. I just want to make sure that everything works from all directions. What's your -- do you have deadlines in terms of getting the documents?

Thank you, councilmember. I'm kelly wise, executive director of austin people trust, austin community land trust. Ideally we would be able to close monday. I met with staff this [02:38:00] morning, went over

changes and legal documents that we received last night, so i think we've come to an agreement on the deal structure. It's just a matter of getting the law department to turn around those changes, get the documents executed and then over to the title company so we could close. So ideally we would be able to have that happen monday.

Morrison: That's this coming monday?

Monday. And realizing next week is a short week, but that was a time line I laid out for staff. So I'm hoping that they can help us with that. We have had to move this closing back. It's costing us money, it's costing the developer money, which adds to the cost of the project.

Morrison: Do we have -- in terms of the legal resources, as I understand it, is it now a matter of the legal departments reviewing the documents that you have delivered back?

That is my understanding, yes.

Morrison: Does that seem to work with staff?

Actually. That's why I was conversing with counsel on that. Both kathy chiles and I have not known what the changes are from this morning's meeting. She will have to turn them around. Are you saying the legal structure changed?

No. We're basically using a structure that we've used before for habitat as opposed to --

Leffingwell: If you could speak into the microphone.

If it's a similar deal that we've executed before, there shouldn't be any problems. I was conferring with law to turn that around by monday.

Kathy chiles from the law department. I'll meet with kelly and we will go over the changes. And if it's a structure we can do with the funding source, then we will have it done so we can close on monday.

Morrison: Okay. That would be terrific. If you run into any problems, please let me know because I would like to make sure we get this closed up. Thank you. With that I'll move approval.

Leffingwell: Board member morrison moves approval. Of item number 1. [02:40:00] Board member shade.

Shade: I want to second that, but it to reiterate not just to communicate with her, but to all of us. We would all like to be up to speed.

Leffingwell: Seconded by board member shade. Is there any further discussion? Motion has been made

and seconded? All in favor? passes on a vote of seven to zero.

Thank you.

Shade: Mayor, before we adjourn, since I know we just had one item, I would like to ask margaret about a couple of items. One is I know we have a meeting scheduled for december 10th and I've been tracking one of the applicant that submitted an application for shady oaks back in september. I'd like to ask formally that that be on our agenda FOR DECEMBER 10th, A Recommendation or -- so that we will be able to have the opportunity to vote.

We would be happy to bring that back. We have asked the -- the staff has met with the applicant, foundation communities, on the shady oaks project. We have some significant concerns about some of the underwriting challenges. Two-thirds of the financing is not secured and the rehab cost estimates are based on just visual inspections. So we do is some questions that we're waiting for them for some information, but we're happy to bring that back for the board to CONSIDER ON THE 10th.

Shade: Even if your recommendation is negative. And I just understood that it hadn't been before the bond review committee, which I guess maybe you could tell me how does that work? Usually it seems to turn much quicker.

When we have all the information we need from an applicant, then we schedule the bond committee review. So we have not had enough information to bring that before the committee.

Shade: Does the applicant know that he doesn't have all of his --

we have converse bd this, yes, ma'am.

Shade: So this will also be -- you will keep us up to date.

Absolutely. With direction from the board we will move that faster and take it to the committee.

Shade: Great. Thank you.

Thank you. [02:42:00]

Leffingwell: Thank you. If there are no other items on our agenda for the austin housing finance corporation board of directors meeting, so without objection, that meeting is adjourned and I'll call back to order this meeting of the austin city council. For those councilmembers who were off the dais when we came back, we decided on a course of action which I'll reiterate for you. It was what we have just done. We will now take up zoning matters and address only those items on -- that are on consent, plus a consent postponement item. Then we will go into executive session to finish our executive session agenda, and then come back out here and begin plowing through the agenda in order. So without any

further objection, we will bring up guernsey to take us through the zoning consent agenda.

Thank you, mayor and council. 00 zoning ordinance restrictive covenant items. These are where the public hearings have been closed. I can only really offer you one item for consent. This is item number 84, case c-14-2009-0032 for the property located at 1511 south congress avenue. This is to zone the property general commercial services, neighborhood conservation district neighborhood plan combining district zoning. This is ready for consent approval on second and third readings.

Mayor Leffingwell: So the consent agenda is to approve on consent second and third readings item number 84. Is there a motion to approve? Mayor pro tem moves approval. Councilmember spelman seconds. Further discussion? All in favor say aye. Any opposed? Passes on a vote of seven to zero.

Thank you, mayor and council. Let me then continue. 00 zoning and neighborhood plan amendment [02:44:00] items. These are where the pleegz are open and there's possible action. The first item I would like to offer for consent is item 86, case c-14-2008-0242 for the property located at 2403 east 51st street. We have a request from the austin energy to postpone this item to your december 17th agenda. Item number 87 is case c-14-2009-0031 located at 313 red bird lane. The applicant's agent contacted us and had a conflict regarding another funeral that's taking place that his family is involved with, and has asked for a postponement of this item to your december 10th agenda. Item number 88 is case c-14-2009-0077 for the property located at 5011 balcones drive. This was a zoning change request to multi-family residence medium density conditional overlay combining district zoning. The zoning and platting commission recommendation was to grant the combining district zoning. The parties, although there is a valid petition on this, would agree to consent approval on first reading this evening with the acknowledgment that there are certain documents that relate to compatibility standards and release of easements. That these would come back after these documents are completed for second and third reading consideration and both parties would like to maintain that the public hearing be left open, so this was possibly a discussion postponement, but they've come to this agreement in the last two hours. With that information, i would offer this for first reading only on your consent agenda. And then we would work with the parties regarding the easements and other documents. [02:46:00] Item number 89 is case c-14-2009-00111 for the property located at 8919 brodie lane. This is to consider a zoning change to community commercial conditional overlay combining district zone to go change a condition of zoning. The platting and zoning recommendation was to grant community commercial conditional overlay combining district zoning to change a condition of zoning. This is ready for consent approval on all three readings. Item number 90 is case c-14-2009-0098 for the property located at 9704 swanson ranch road. The applicant has a request for postponement. This is their first request. It is to your december 17th meeting. Item number 91 and 92 are related items. Item number 91 is for an amendment to the govalle johnston terrace neighborhood plan, an element of the austin tomorrow comprehensive plan to change the land use designation on the future land use map from commercial to mixed use for the property located at 4710 east fifth street. The planning commission recommendation was to grant the request for mixed use designation. This is ready for consent approval on all three readings. The related item is item number 92, case c-14-2009-0083. This is a rezoning case at 4710 east fifth street to zone the property to general commercial services mixed use conditional overlay neighborhood plan combining district zoning. The planning commission's representation was to

grant the csmunp combining district zoning. This is ready for consent approval on all three readings. Item number 93 is case npa 2009-005.01. This is an amendment to the montopolis neighborhood plan, an element of the austin neighborhood tomorrow plan to change the land use [02:48:00] designation from commercial to mixed use. The planning commission's recommendation was to approve the mixed use land use designation. This is ready for consent approval on first reading only. Item number 94, the related zoning case is case c-14-2009-0092 for that property at 6503 carson ridge. To zone the property to community commercial mixed use conditional overlay neighborhood plan combining district zoning. The planning commission recommendation was to grant the gr-mu-co-np combining district zoning. This is ready for consent approval on first reading only. Item number 95 is case c-14--2008-0220 for the property located at 10200 to 10614 south i-35 service road southbound. We have a postponement request of this item to your agenda of january 14th, 2010. The last item, item number 96, there is a valid petition. The property owner is in opposition. That will be a discussion item. That is all the items I can offer for consent at this time.

Mayor Leffingwell: What is the discussion postponement?

The discussion postponement would have been on the balcones place can doughs, and mayor, that was the one where I mentioned the last two hours there was an agreement for first reading only, keep the public hearing open and then when we come back for second and third reading, that will be at a later date after we work through some private agreements and some documents that the city would also be involved with.

Mayor Leffingwell: So the consent agenda for those items where the public hearing is still open will be to postpone item number 86 until december 17th, to postpone item 87 until DECEMBER 10th. To approve on third [02:50:00] reading -- excuse me, on first reading with the public hearing remaining open item number 88. To close the public hearing and approve on all three readings item number 89. To postpone item number 90 until december 17th. To close the public hearing and approve on all three readings items number 91 and 92. To close the public hearing and approve on first reading only item numbers 93 and 94. To postpone item number 95 until january 14th, 2010. That is the consent agenda. I'll entertain a motion. Mayor pro tem moves approval. Seconded by councilmember morrison. Mayor pro tem.

Martinez: I need to ask a question on item number 86. And I don't see anyone from austin energy here, but I do want some clarification on -- at least an update on the last meeting that I had with -- I believe it was with sheryl and a couple of others, we were discussing trying to find a footprint large enough on or very near the site of morris williams golf course because of the transmission lines that traverse the course, avoiding any potential impact to the neighborhood and to the aesthetic, you know, perspective of the mueller development. Was wanting an update on that and where we might be in those discussions.

My name is sonny pool, acting manager of public involvement real estate for austin energy. Our initial discussions with pard and with the golf community, we have done the preliminary work to find a location that will work. We have identifiedur routing and our distribution routing, so all that has been done. Where we are right now is at a point where we need to sit down with pard and the golf [02:52:02]

community and get their approval. They've seen an overlay, an aerial with an overlay of where it is. We've been on the site with the golf supervisor out there, and have been working with ricardo solis on this. So we've come a long way in the last three weeks. We're just not -- we haven't sat down and come up with a number yet that says we can move forward. Once we do that, then we're -- we then have to go back to all the stakeholders and make the presentation on how we would do that. So we're very close to getting all that moving. I'm hope to goave a bunch of that done by -- since next week is thanksgiving, the following week. So sheryl is -- in fact, i met wither he monday and tuesday on this thing. We're moving rapidly in that direction. It's just getting all the parties -- have a solid plan together before we take it out and show it to everybody.

Martinez: Great. I want to thank you guys for all the work you've done and trying to find the alternative methods to achieving something that is good for everyone. If I could just get the most updated information sent to my office whenever you get an opportunity, I would appreciate it.

You bet. I will do that.

Thanks, mayor.

Leffingwell: Thank you. We'll look forward to hearing this case again on the 17th with the proposal to move it to the golf course. All in favor of the motion to approve the consent agenda say aye. it passes on a vote of seven to zero.

Thank you, mayor and council.

Mayor Leffingwell: So council, without objection, the city council will go into closed session pursuant 071 of the government code for consultation with legal counsel to take up one item, [02:54:00] item 83 concerning ppt development, lp versus the city of austin. Is there any objection to going into executive session on the item announced? Hearing none, the council will now go into executive session.

Mayor Leffingwell: If i can have your attention, we are out of closed session. In chosed session we took up issues relating to item number 83. No action was taken. So council, as previously discussed, we will now begin to work our way through the remaining agenda in order and we'll begin with item number five that was pulled by councilmember shade. Number 5, yes. I just thought you would like to make a few comment. We do have six people signed up to speak.

Shade: I'd hike to hear the people speak. And then I might have a few comments.

Mayor Leffingwell: All right. Paul robbins is signed up. And giving time to paul is scott johnson. Scooter, you're on the list too. I see you are in the room. Lloyd whaley is in the room. So paul, you have nine minutes.

(Indiscernible) got 75 minutes. I think nine minutes is equal time. Council, for the record I'm paul robbins. I'm an environmental activist and consumer advocate, have been since 1977. I really shouldn't

have signed up against, but rather neutral, but I have grave reservations, not about conservation, but about the way this money is spent. Why I'm all for saving as much as is possible, conservation advocates are charged with being good stewards of money as well as water. I'm bothered by giving 100% rebates for toilets when that may not be needed. It seems like they're throwing money at a problem or as I've said before, throwing toilets out of airplanes. My suggestion is that the city do away with rebates for apartments in commercial buildings and instead offer a 100% finance arrangement similar to a savings program, the city would get after the savings back until the retro fits are paid for. After this customers will be given the equipment. Instead of costing the city as much as \$200 each, it would ultimately cost us nothing. Customers would be getting an amazing deal and we would still be getting the same savings. Now, some other points that I want to bring up regarding this program is that some of the units that the city has purchased in the past do not work well. Some models work very well, but others are lacking. I've personally talked to three people that have had problems with city distributed units, but in the last three years there's never been a customer survey conducted by awu to see if the models the city is giving are working well. The city is going to spend 6 million on one specific model. That was briefly discussed this morning. But to my knowledge they've never obtained samples of this model to see how well it works. And given the past problems we've had, that would seem appropriate. Inspections of toilet installations were stopped over a year ago. Now, it is possible that they've been started again for apartments, but when I checked on the city's website this morning regarding residential units, I don't believe that they're being inspected. It used to be that they received 100% inspection. So they're claiming that the city's water department is claiming savings that literally may not be there. During the water treatment plant 4 hearing right after that, a rather animated person came up to me after the hearing and began complaining that -- they said, I've got -- they said I got rebates for two toilets and then discovered that they wouldn't fit in my house. And I had already faxed the rebate form in, and it just slipped my mind to ask them to cancel it. And so I took my products back and got my money back, and then I got a rebate for two toilets. And he took 400 one dollar bills in a three-inch wad and waved them at me and said, I want to show this to council. I urged him to come back. He said well, the public hearing is over. I said I think they'll let you speak. This is important. Go back. No, I'm too angry. So you didn't get to hear him, but I heard him and I've been hearing similar things from people -- knowledgeable people about this for some time. Now, I'm not sure how likely it is that you're losing a great amount of money in the residential sector, but in apartments and commercial buildings, I'd say there's room for graft if someone was determined. [One moment, please, for change in captioners]

in short, I don't know what most of those people do. So as a conservation advocate, how can I ask for more staff when I don't even know what the current staff are doing. There seems to be a lack of cooperation. I have personally attended many of the resource management commission meetings in the last year, and I have observed a lot of lack of cooperation on the part of austin water utility. At one point, although I don't think this is happening as much anymore, awu staff were literally hiding information. They kept monthly reports away that had been given out since the 1980s. They said, well, it takes too much staff time. Consequently, after this kind of treatment, it might come as no surprise to you that the resource management commission did not endorse their proposal that's before you now. I really don't want to get into the position of speaking for that commission. I am not a member of it. I can tell you what I've observed over the past few months has a lack of cooperation, and it wouldn't surprise me if that is

part of what drove their decision. Recycling is another issue. Austin is on record as being a zero waste city, or we aspire to this goal, but at your last meeting you gave away rebates that will ensure that 400,000 pounds of solid waste will be going to a landfill. Do we have a program that might collect some of this? No. So let's see, do I have anything -- I'll stop there. I do not like being in a position of opposing conservation programs. I have in my 31 years as an activist opposed maybe two others, and this might be the third, out of perhaps dozens or hundreds that I've supported. I would ask you to wait until you know -- you have answers to these questions, till you know that these models work, till you know that we can get a shared savings program next year, till you know what these positions are going towards. Thank you for your attention. next speaker is bill bunch, and bunch, you have three minutes.

Council members [inaudible] priority and it's a waste of money. If this water utility and the water conservation program were serious about conservation, they would have actually done what they claimed to do, which is be in touch with the san antonio saws water conservation program who figured out toilet rebates very c years ago, and what they figured out is there are a bunch of toilets that people were giving rebates for that are certified by epa, as gross mentioned, that don't work. They're not durable, they fail, they therefore piss people off who get turned off to water conservation. What they did was they went and got a bunch of units and tested them thoroughly and figured out which ones really do work. Then they went out and bought those wholesale, so they got the best price. And then they figured out which toilets get flushed the most, and it's not toilets in apartments, and it's not toilets in single-family. Those might get flushed, you know, five, ten, fifteen times a day, but you go to bars, restaurants, offices, hospitals, schools, other institutions and businesses and those toilets are getting flushed dozens, you know, even hundreds of times a day. So they figured out that's where we're putting our toilets. This was years ago they figured this out, and you're talking about a savings difference of, you know, you know, 300 to a thousand peps. This isn't just a -- percent. lazaro should know this, slusher should know this and this is where our money should go. Every toilet that's being flushed a lot should be replaced immediately before these lower flush toilets. The only rationale to target multi-family is you're helping out, you know, an affordability angle, but there's nothing that I know of that says there's going -- this is going to target affordable units and make sure the savings are passed on to the tenants and not just a big free gift to the apartment complex owners. So we need a plan. Audits is another place. I mean, then you put it in the larger context of, well, how does this investment compare to other programs that might give bigger savings? There's nothing there to compare it to. So on its face we know this is not a wise use of our limited conservation dollars, and so I think for that reason you should not support it today. Thank you.

Lou metzger is signed up for the item but not wishing to speak. Those are all the speakers that I have signed up. Council member shade? mayor, I'd love to get staff's response to the issues about the toilet rebate program, if that would be okay.

Greg, austin water. Did you want a specific question or -- yeah, I think earlier today, you know, i was struck by the discussion and I think council member morrison was talking about -- in fact, I was laughing because every time you would say we're going to flesh this out I thought you were saying we're going to flush this out, but there was this issue where you made a comment of restaurants, bars, versus who we're targeting. Can you address that? You made a comment about not really knowing how we might

reach restaurants and bars, who to target. Intuitively it seems to make sense those would be the bigger users. So can you talk about how we decided who to target with this program?

I would agree that certain applications, bars, restaurants, probably flush the toilet more often than maybe in a single-family house or a multi-family. I think in part this is a decision of opportunity. Our multi-family market is really very active now, very actively seeking toilet replacement. I think it all started last year, we took a bid to do toilet replacement in multi-families because again, this is an area that traditionally underutilized rebate programs. The bid came in to install toilets at about \$200 per toilet. Not a lot happened with that. Ultimately we ended up not moving forward with that contract, getting it approved, but that generated a lot of interest in third-party installers who have kind of self-marketed this to the apartment complexes, so it's really generated this opportunity, really this flood of applications coming from multi-family. It just it kind of is sairn dip dust that -- darren dip dust that they're available now, and there's a toilet -- that they have -- a restaurant that the rate of toilet use might be higher, that there's maybe only from four to six toilets per restaurant where with these multi-families we can really knock them out. So it was really kind of the way things lined up, that multi-family was first and we've been putting a lot more dollars into that because we're getting so many applications from that side of it. Slade slade right, but earlier one of the other comments when we were looking at issues with price-setting for rebates, you know, when it starts to get -- once it starts -- you start seeing a flood of people, it might mean that the price is too high or the deal is too rich. I mean, we've looked at that with respect to austin energy and some of the redates, so I just -- i don't know if it's necessarily good news or bad news to get a flood of applicants, but can you explain to me the timing now for what it is we're being asked to approve here? 3 Million would be for this rebate program, and would all of it -- when would this be spent and committed and so forth?

I would -- in terms of the pricing, I would just comment on that just real quickly, that we did have lower rebates, you know, over the years and we didn't get a whole lot of participation at \$100 and the likes. When we got up to more \$200 here is when we get more participation. You know, it is a fair policy question in terms of how much should our rebates be, are they too high. I think, you know, those are fair issues. Matter of fact, we asked the water conservation task force to take this up as one of the things they're work on is to review our rebate programs and see, is it the right mix, are we doing the right things. In terms of this budget adjustment it's a \$4 million ask. Of the \$4,000,003,000,000 of the budget would go into our rebate programs. You know, we already have some dollars in the rebate programs. We're projecting a \$3 million deficit in our rebate programs this year, and we would begin -- we'd have to turn away a lot of applications that we have pending, particularly, again, with multi-families, without the additional dwhrars that the applications have just -- dollars, that the applications have just flooded in over the last two or three months with the multi-family apartments. So the bulk of this \$3 million would go into our rebate program and the majority of that --

is already committed.

Would flow out to multi-family rebailts. We would still reserve -- rebates. We would still reserve dollars for multi-family toilets, washer rebates and some of our other programs, but the really lion's share of the

original budget request is for multifamily.

Shade: okay. But the \$3 million would be to offset what you already anticipate is oversubscribed program?

Yes. so I'm just immediately -- I guess that's not something that i understood till now. So the \$3 million that this allocation is essentially already spent?

Yes, we took all the pending applications that we have sitting on our desk today and we used last year's data to say what we anticipate coming in through this next fiscal year, and that produces a \$3 million deficit. Without the budget adjustment we would literally leave today and call apartment complexes up and say, we cannot process your application because we won't have enough budget dollars for all those applications. but you would still have to do that because, in other words, you have enough in the cue to already spend this \$3 million. It still sounds like you would need to understand this program, if I'm understanding that correctly. Am i? In other words you've already got \$3 million already in the queue, so this would fill those -- those would take care of all your pending applications, but then you'd still have more people out there that would want to participate, or is this a projection of what you anticipate would be pending?

It's a little of both.

Shade: a little of both.

We've calculated all the applications we have right now, plus we've projected forward other applications that we'll get for other rebate programs, you know, single-family and the like.

Shade: right.

And that total, both what is pending and what we expect to come in over the next 11 months is -- creates a \$3 million deficit. I think it's like \$3.1 million deficit.

Shade: okay. So what's pending now, how much does that total? That's what I'm asking. Does anybody know?

Do you have my memo?

Hold on. I have it here. Just one second.

Council member, the pending rebate applications is 1.9 million.

Shade: okay. That's that column. And that's an amendment. Those are the ones that there's already an application that's already -- they're just waiting to be approved, this application.

1.946 Million. and those are for multi-family and those are people who have already turned in an application?

Yes.

Shade: okay. So then that would leave -- that's roughly 2 million of the 3 million, so the remaining \$1 million, explain to me how that works? Because that's -- I mean, that would be to fill out the rest of the -- does that still mean you have to turn off the commercial program because you can't accommodate any more -- if you just took care of those pends ones you've spent 2 million of the 3 million.

Yes -- sounds like we're in a bad situation either way.

Yeah, this was in the memo that we sent to council. I'll summarize this. We currently have about 3 million in a budget that was approved at the budget time. We have \$574,000 committed that we've approved already paying out for a commercial multifamily replacement. 94 million in pending commercial toilet replacement pending. We project that our free toilet program, where you have a voucher, that is more like single we have 934,000 for that contract that will be coming, and all projections for all of our other rebates throughout the fiscal year, because this all comes out of our rebate budget, we're projecting a 9 million -- based on 2009 levels of participation if that continues. So if you add all those numbers together and 2 -- 3 million allocated budget currently, that leaves a deficit of 1 million that we would project by the end of the year. So we would -- we would have to stop these programs, you know, because obviously we couldn't go into any kind of a deficit like that.

Shade: right. So it sounds like on the commercial side we have to stop that program now, because once we approve this, you've already got 2 million pending and the other remaining columns here are for other programs that aren't commercial.

Yes, we wouldn't want to spend all our rebates only on commercial multi-family because if somebody came in and said I have a toilet in my home -- we want to balance those. You're right. so the remaining is for non-commercial. So of the 3 million, 2 million to fill the -- is for -- but we are not going to be seeing future commercial outreach or anything. The next outreach targets are not going to be commercial because you've already -- I mean, you're anticipating the rest of this is going to be other programs?

Right.

Shade: okay. I just wanted to be clear. You know what, is it -- you know, in the context of the conversation that we had earlier today and we had lots of different phrases for bang for the buck and return on investment, and clearly we're having this issue of you know, what does outreach mean and is that for marketing programs like this or is it for advertising for the kinds of promotions or inserts for bills? I personally would like to suggest that we approve the rebate, the \$3 million for the rebates, but not the remaining portion of this budget amendment, other than to say it's for conservation efforts, but I just feel like I need to understand better how we're doing our outreach, what that money is going to be going for. I'd like to see an outreach plan before we spend those dollars on additional staff or anything else. My

suggestion is, because i do respect the work that you're doing and thought lots of ideas were circulated earlier today, i certainly take seriously the comments that were made about how we should be integrating with the other programs and projects. I just would feel much more comfortable to understand more, and so I think we're at a great place right now in terms of people's awareness topic and also the citizen task force back in business and a lot going on. So, you know, this could be within the context of six weeks or three months. You know, I'm not giving you direction on anything other than to say my suggestion would be that we amend this so that we do \$3 million for the rebate program now and the remaining -- the remaining portion of this go in that reserve fund to support conservation and let's understand what we'd be spending that on, and I'd like to see an outreach plan before we approve those dollars. I want them earmarked but not spent. was that a motion? that's my motion, sorry. let me try to recapitulate that. That's a motion to approve the \$3 million for rebate programs and the balance which is for public outreach would be held in reserve but not -- the expenditure of it not be made until you come back to council with a plan. with an outreach plan. with an outreach plan. That's the motion. Is there a second?

I'm sorry, just to clarify, the remaining amount is half a million that we had assigned to marketing. The other half million w for future programs to be identified by the citizens task force.

Shade: right. And I really, you know, want to see them involved in what we're -- what we'd be suggesting. I mean, having them look at this rebate pgram is a great task and I look forward to having -- and they're going to be right in the middle of doing their recommendses so I'd -- recommendations so I'd feel more comfortable spending these limited dollars understanding what's in their \$500,000. I want to know what they're spending -- what they would suggest that we would spend that on. So keep that all together.

Mayor leffingwell: okay. So council member cole, did you second? I did second, and i also had a question of staff. well, let me reclarify. \$3 Million for rebate programs is the motion request that you approve that, with the balance of the request being held in reserve pending formulation of a plan that is approved by council.

Second. yes, I did second that. But I also had a question, because we talked earlier about the weatherization program, and I realize that this is funding for the water utility conservation program. And what I want to happen is that we have outreach efforts both with the weatherization program and the conservation program and that we work together so that this \$500,000 is used in both efforts because we had testimony earlier that we're going to trouble to double-team our efforts there. Do you have any comments regarding --

well, we have 375,000 in our current budget that's not a part of the budget adjustment that we're targeting to this help program that we would link into the ae weatherization. So we have at least 375,000 to team with them on their weatherization, and I think that would certainly carry us for some months, maybe months into the future. And then I think I would certainly feel comfortable that if we're spending down that money and we could come back and tell the council that part of our plan to spend the additional dollars that you put in reserves, did you approve this motion, that we would want to put more

into that partnership with ae, that we could certainly do that at that time. So I think in terms of our current budget we have enough money to certainly work with ae for many months and then if that looks like it's not enough, come back to the council and present a plan on how to use this -- this reserve that's created.

Cole: okay. And the other direction that I wanted to give and thought I understand that we don't need to make any specific direction now in connection with the allocation of this 500,000, because you already have 375,000 that you can work with ae on on the weatherization program. But this direction I want to give with both potential outreach programs, and that is that we have to reach the minority community, and we have to do that with outreach efforts on the minority radio stations, in the minority newspapers and with our council members also making the rounds on the radio stations once we decide to launch programs, that you-all need to feel free to ask us, if our schedules won't permit our schedules won't permit, but we're just not going to simply make the public awareness splash, if you will, that we need, I don't believe, in the minority community, the low income community, the disabled community, unless we are willing to invest some time in making that public awareness effort. And we may also need to consider firms that actually specialize in this type of outreach. I know that that is what they did in houston, and they were very, very successful. And so that may be part of your plan or part of your suggestion, but the idea of having half a million dollars and \$375,000, and we're still not covering the zip codes and the neighborhoods, that if we had these programs in, we could have just huge water conservation and energy efficiency.

Wise advice, I agree, i think on both counts. we need to get busy, huh?

Uh-huh, and taking you up on your offer and other council members. council member shade? I was going to say, sheryl -- council member cole, I think this point of integrating the weatherization and the water [03:56:01] conservation and the help program is something that actually we have been looking at pretty seriously in our can meetings. This is something that the county has also gotten some -- you know, gotten involved with, and we have -- and council member morrison can add to this but this is not something we haven't seen, especially with the stimulus money coming down, but there's a lot more intergovernmental agency working together. There's been quite an effort so that we don't have the kind of discussion that we had earlier where people -- I mean, we have the home repair program, so that we can have people who go from the nonprofit organizations who are directly working. I mean, urban league is involved. These are all groups that are reaching directly to these folks so that you don't have to have somebody from austin energy who may not know who the service providers are be the ones having to figure this out. There actually is a lot more collaboration going on now even than there was just six months ago. I think that needs to continue. I read the minority newspapers every week. And I have yet to see an ad, I have yet to hear an advertisement on minority radio stations. So even if we are making a effort it's obvious we need to make more, and I think I'm not excluding myself from helping with that process and I think we do need to continue that effort with the non-profits. we're not -- it's not the advertising budget? Sorry -- do council member shade and council member cole enter into a colloquy? I wanted to address this. \$200,000 is not an advertising -- the only thing we're seeing is the ads that you see on --

mayor, I have a question. mayor pro tem? since we're talking about how we do the outreach and it was suggested we look at firms, I think looking at local non-profits that have been in the community for years [03:58:00] and decades in some cases, that have the trust of the community, that have the pulse of the community, would be able to help us do that outreach without reinventing the wheel. We have many local environmental groups and environmental advocacy groups that have been in this community for decades that I think would give us the biggest value for any investment in terms of reaching out to the community. So I hope that we keep that as part of the conversation moving forward.

Mayor? council member morrison.

Morrison: thank you. Really, a lot of terrific points have been made here, and really just to follow up on mayor pro tem martinez, to remind you also perhaps you could look into the program that we have one of our close by cities that was using the local community group and non-profits for outreach and it was a method of fundraising on their part because they found that it actually paid -- I think they paid them \$25 for each person they signed up for a certain conservation program, and they were the ones that were knocking on their neighbors' doors and everything, so I'd be glad to give you a reference to that, because I think that, you know, using our community roots that we already have is a terrific idea, as is using the celebrity council members on the radios early in the mornings. And in terms -- just to go back to the details of what we're talking about here, one of the concerns -- i mean, I appreciate the motion in terms of moving forward with the rebate program and holding back on the other funds so we can sort of sort that out, it's my understanding -- if you could confirm this, greg, that -- that we have 2 million of this \$3 million is under the projection for other rebates, so those aren't -- for -- for fiscal year 2009, 9 million, so that's the projected value and that's in the \$3 million. We haven't signed those people up yet. We're just thinking that if it follows the same as last year, we will need that much money.

Yes. is that correct?

Yes. so one of the concerns I have, then, about actually allocating all 3 million of it right now is because you mentioned that you had actually asked the task force to evaluate the rebate program now, and we have many of the -- many of the questions that have been raised here today already were about, like, does it make sense to be targeting the way we are or maybe we're not really targeting, we're just taking advantage of the folks that are showing an interest, does it make sense to have only a partial rebate. So my concern is about assuming that this year, and dedicating funds with the assumption that this year is going to be like last year, because we're already asking people to make it different. On the other hand, understand we don't want to put the skids on something that's got a lot of momentum, so I want to throw this out to see if you would consider it as a friendly amendment, and that would be to actually hold back also 1 million of the \$3 million rebate so that we can -- we can go ahead, but we will still have that money held back in case we want to shift gears after the evaluation, which would take it then to -- to 2 million instead of 3 million. city manager?

Let me clarify something. I think there is a lot of numbers going on, and i think the question that you asked, council member, was that of the 3 million, 2 million -- the question asked was, is it basically for this last column, for projection, and actually we're going to combine the existing budt with any budget

amendment, and the fact is that we really are targeting additional funding for the pending applications, not for the projected numbers of the 1.9. It's just coincidentally the same number, but our target would be to satisfy those pending applications of 956 that is a projection. I guess I'm confused then, because the last thing -- council member morrison?

Morrison: I'm sorry. The additional funding required is, let's just say \$3 million, and that's a sum of all these -- of this bottom line.

That's correct. so if we are talking about \$2 million in one thing or the other, and I'm just saying what about shaving back 1 million off the projection toward other rebates. I mean, you've got a pot of cash. You can use it for any of those and spread it across there any way. mayor, point of order, a friendly amendment had been suggested and I'm not sure it was suggested as friendly. well, this -- this was an endeavor to clarify the data behind the friendly amendment, so i was going to go along with that until we get that issue resolved because there seems to be some disagreement between council member morrison and the staff on what that number is that is pending. So are we clear on that now? Council member shade, do you accept the friendly amendment to amend the rebate portion to \$2 million instead of 3 million? I didn't -- my understanding was that of the 3 million, 2 million was to take care of those that are pending and 1 million is yet to be spent on programs that I agree with council member morrison, should be changing, but you told me, lazaro, thathat's for non-commercial. That will be for the other programs, made it sound like maybe, no, they're not all determined yet. Asked the task force to evaluate the rebate program now, and we have many of the -- many of the questions that have been raised here today already were about, like, does it make sense to be targeting the way we are or maybe we're not really targeting, we're just taking advantage of the folks that are showing an interest, does it make sense to have only a partial rebate. So my concern is about assuming that this year, and dedicating funds with the assumption that this year is going to be like last year, because we're already asking people to make it different. On the other hand, understand we don't want to put the skids on something that's got a lot of momentum, so I want to throw this out to see if you would consider it as a friendly amendment, and that would be to actually hold back also 1 million of the \$3 million rebate so that we can -- we can go ahead, but we will still have that money held back in case we want to shift gears after the evaluation, which would take it then to -- to 2 million instead of 3 million. city manager?

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No, you got it right.

Shade: okay. So in that case I think what we're talking about is this million dollar number is the non-commercial, non-multi-family that should be these other programs. I completely agree that this needs to look very different a year from now, but I do -- I'm comfortable keeping it as is, because that million is still yet to be spent. Nerd, are you asking council member, morrison, for the friendly amendment that that come back to us before -- with the reevaluated. so how would we do that? We'd do \$2 million amendment to conservation and the other million would be in a reserve for conservation and the remaining 500,000 would be for -- I'll ask the staff to respond to that question, but -- i am -- I am very concerned about limiting the rebate program. I mean, we've had all this -- we've just gone through all this input on solar rebates that we basically established program, which becomes oversubscribed and all of a sudden we don't have the money budget to follow through on those commitments. I think it's very -- would be wise to perhaps commit a little bit more money than we anticipate using rather than deliberately fall short of what we've already said we anticipate using. Is there a response from staff on that?

I think we would agree, and when we talk about our rebate budget, it's not just for toilet rebates. These kind of are all rebates and, you know, we would be concerned that if we don't get enough money in here and we allocate it all to multi-family and commercial, because there's so much demand right now, that we'll suck down the whole budget and washer rebates and other rebates throughout the year, or even the first half of the fiscal year, we may not be able to process because we spent our current and proposed budget adjustment dollars down and we don't have enough fuel for the rest of those rebates. Exactly. And mention was made earlier, or perhaps we're not putting these rebate dollars in the right place and perhaps they should go to places like bars and restaurants that have a lot of flushes, and the fact of the matter is we pretty well know that all those changes have already been made, that commercial high users of water are well-motivated to make those changes and make those renovations. Certainly there's nothing wrong with going out and attempting to make -- to put -- to fine-tune the

estimate of how much of that remains, but my understanding is that very little of that remains. [00:06:46]

Morrison: mayor. coab morrison.

I'd like to withdraw my motion but in terms of earlier in the day, making sure we've got the full information, resource management commission was interested in, I think it will help us, it will allow us to -- allow you-all to adjust the programs as more information becomes available, and if folks with input from the commission see that it might make sense to adjust them. So I'll look forward to being able to provide that information to him, and with that I'll withdraw my motion. the request for a friendly amendment is withdrawn, so the motion stands as original. Council member spelman? at the beginning of the day I was -- earlier in the day I was convinced that this was the best use of \$3 million for water conservation. After hearing the presentation and our discussion right now, I am no longer nearly as convinced as I was that this is the best use. We have \$3 million to allocate to water conservation any which way we could I'm not sure this is the best place to do it. On the other hand, this is the program we know how to do it. There is already existing demand for this program and we have, if not made commitment to these people, they at least believe we are likely to follow through and they want us to. I hope we don't have this kind of a conversation next year or in a few months because if we had an integrated water management program of the kind that you suggested to us a few weeks ago in a letter, we would know what the least cost alternative was, where we were getting the most bang for the buck, and the question I have, what's the best use for \$3 million come up because we would know what that is. I'm going to vote for this but I hope that my residual uncertainty will be resolved before I have to vote on something like this again, and I'll have fair certainty as to what the best use of the next \$3 million is. council member shade? I just want to echo the same comments. I think we have some work to do to change our approach, and I'm serious about seeing some changes, which is why we approached this outreach, and I really want to see some more definitive cost benefit analysis of what we're doing, and I'm willing to help in every way I can, and I appreciate the staff's interest in doing that, so that we won't have that kind of uncertainty in this vote. And I apologize for being so rambling earlier. I think I was just as confused as anybody else. So thank you, and I call to vote -- i would like -- [00:09:20]

I would like to?

> Council member spelman. I would like to thank council member shade for keeping her comments well under 25 minutes, however. any further comments? All in favor of the motion say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0.

Thank you. I call 15 and I'll call first on the city attorney to make a few comments about item 15.

Mayor, I have some news that is relevant to item 15. A lawsuit was filed, and this morning a judge issued an order that the city not act on awarding this bid yet, and it's the kind of order that lasts for a certain number of days. The judge has set a second hearing for this coming monday to decide whether

the order should be extended for the life of the lawsuit. So my suggestion is that item 15 be postponed until council's meeting on december 10. mayor pro tem moves that item 15 be postponed until december 10, and I'll second. Is there any further discussion? All in favor, say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0, postponed until december 10. I'd like to call up -- i don't know if we're going to be able to finish it or not but I'm going to call up 17, which was --

that was mine -- pulled by council member spelman. greg, come on back.

Thi first, of i presume water treatment plant 4 -- that will come before the council. This is the first one after our test vote of a few weeks ago where we established pretty definitively that unless something truly substantial changes, that there are four people on this council who are in favor of water treatment plant, at least at this time, and three people who are against it. As one of the people who is against it, voted against it and spent a lot of time, i hope I didn't bore you too badly, arguing against building water treatment plant 4 at this time and at this cost. I am happy to acknowledge the inevitable. There are four of you and only three of us, and i think my role is now changed from somebody who is ad advocating not doing this to someone who says, it's going to ham. My job now is to try to bring it in on time and with as low a budget as possible, and if possible lower than half a billion dollars that you earlier estimated. With that in mind, let me ask you a couple questions about 17. 17 Is drainage facilities for the entire water treatment plant site. [00:12:18]

Yes, the main plant site, both permanent and temporary storm water quality and detention ponds.

And this is the only drainage facility contract that we are likely to get for the entire period of construction on the water treatment plant for site, is that correct?

In terms of building these bonds, some of the other packages, that may be piping and other things to get water to the ponds, but these are creating the core receiving ponds for storm water on the site, yes.

And this will cover the entire -- the entire site. I don't know what the acreage is, but this is the whole area that would eventually be built out if we decide to go to 300 million gallons per day?

Yes, these ponds ring the site and they serve the different parts of the site where we have different treatment facilities. Each one of these ponds will receive water that there is no dry pond in anticipation of future build-out but they each receive water from different parts of the facilities. could you explain to me what is going to be the status of the parts of this entire site that we will not be constructing, the first phase of water treatment plant 4 on? What are we going to do with the part --

any portion of the site that we don't construct facilities on, that's reserved for future expansions when and if they happen, remains in a natural state. We are only clearing land where we're building facilities as a part of this project. So it's not a total mass wiping out of the trees on the site. It's just where the

roadway network goes, where the ponds go and then ultimately where the first facilities go, but we don't clear the land for future facilities. so we're only clearing the parts of it that we need to build in each phase.

Yes. that said, however, we're going to have some impervious cover over the entire floor plate of the site.

Yes. and that means we need to build drainage facilities for the entire floor plate of the site now even though we're only building on roughly one sixth of the site right now.

That's correct. I was looking for some means of value engineering so we could reduce our needs for drainage facilities to something like one sixth or a smaller percentage but there doesn't seem a way to do that without having a dramatic effect on your plan. So with that in mind, mayor, I'm going to move approval of item 17. could you hold that motion? We had three folks signed up to speak.

Spelman: I will hold.

Was that it for me? yeah, you can sit down for a little while. [Laughter] okay. 17, the first speaker signed up against is paul robbins. You have three minutes. [00:15:03]

Imagine me signing up against. big surprise to me.

I have a very short presentation. Now, you-all have seen this before, so I'll move on quickly, but I wanted to remind you in the studio audience that austin currently has the highest residential water -- wastewater cost for the top ten texas cities. If you look at this bar graph, austin's rate as of two weeks ago, before our rates went up, were the second bar to your right, and the first bar to the right is with water treatment plant no. 4. Could you go to the next slide? This doesn't say who's going to pay for it, and if you look at the breakdown for 2010 austin water rate increases, there's -- single-family has the highest increase, and if you go to the next slide you notice that for austin wastewater rate increases, single-family and multi-family are the highest rate increases. Note that the large volume is actually a negative, that is a decrease, of 2%. So this is not only an outrageous cost in the greatest economic downturn since the great depression, but it is falling on residential users more than large users. Now, I would have liked to have run this projection out five years instead of one but was told by the main rate manager at austin water utility that that simply was not possible. They only do things a year in advance. So I'm sorry, I couldn't do more. So now that we have established the gravity of the situation, my question muzaros -- you can stand up again -- is could you please provide me with cost per mile for the tunnels that are going under the preserve land to the reservoirs? It would seem to me that that would be the most vulnerable place for overruns to start, because if you haven't done the test bores -- let me finish one sentence -- if you have not done the test bores prior to the funding, then you are -- if you found a problem, you have -- you have an overrun. So I would like to get -- [00:18:29]

mayor leffingwell: mr. Ro ro bbins --

-- get that information. you can make your request through the normal channels for information, and I'll just respond very quickly. It's not a question but just a response to the comment about water rates. Our water rates are high because they're tiered. We use that tiering structure to conserve water to discourage folks from using a lot of water for irrigation. That is the purpose of the tiering. We currently charge -- I believe it's five times as much for the fifth tier as for the first tier. Structured that way on purpose. So we could lower the rates, but that would -- it would encourage more water use. Next speaker is bill bunch. Three minutes.

Thank you, mayor, bill bunch. I'll just respond to your last comment first and say that a huge part of the cost of increase is to pay for what is a billion dollar water treatment plant, if you count the interest. It's not a conservation major. Instead we're -- measure. Instead we're being told by the water utility company that they showed you a big banner. Thank you, citizens, for saving money. Well, the real thank you they get is a 10% rate increase the first year, and they're insisting they can't even estimate what the rate increase is going to be in years going forward, even though they've told you that they plan to have a rate increase every single year for at least the next four years. Now, is it -- is it any way imaginably truthful to say they can't estimate what those rate increases they've already told you are planned for the next -- each of the next four years, or to give you different scenarios about whether, if we actually do get serious about water conservation, how much steeper those rate increases are going to have to be to offset the lower sales of water? You're setting a rate trap for the community. I think you know it, and I think it's shameful that you won't talk about it with honest information. You're putting the cart before the horse and going forward with the specific contract that's before you to start clearing the site and putting in the control facilities, because the studies and the determination that the transmission mains can be built safely under the bcp prefers, the nature prefers that we spent tens of millions of dollars and over 20 years preserving and acquiring and managing, we don't know if that can be done safely yet. Those studies aren't even done yet. If this were a federal project at this juncture, it would be completely illegal because it's the first rule of honest environmental evaluation that you do the evaluation first before you've decided to build the project, before you've started committing money to the project. The backup that's provided doesn't tell you how special this place is that you're voting to scrape and dig out at some depth, they won't even tell you how much depth. This is less than a quarter of a mile from tooth cave. Our permit requires us that we protect tooth cave up to a quarter mile. your time has expired, mr. bunch. [00:22:37]

Just the last sentence. That cave is probably the most biologically unique cave among the top five in north america. There's cave critter habitat all over the site, and you're going to go chew it up, carve it up and you don't know what the effects of that will be. thank you. Next speaker is roy --

you ought to have that information. next speaker is roy waily.

Mayor, can I ask a -- council member morrison.

Morrison: quickly. In terms of getting the projected water rate increases over the next coming years, actually I know that was a budget question that I had asked, and I believe it's in the budget too, and I

wonder if staff could point that information out.

Yes, council member. That information is available. It's in our forecast, and it's on the internet, on our web site, and we can direct bunch to the web site, but we did discuss that over the summer and it's very public on our rate projections over the next several years.

The question that I saw was like -- was a question asked of you, mr. bunch?

It was not answered. next speaker is roy whaley.

Howdy, you-all, I'm roy whaley. I'm speaking as vice chair of the austin sierra club. To start with, I would ask -- or state that the sierra club continues to be opposed to the wtp 4. We do not think that it is the best use of the funds at this time, and of those on the council that have opposed it we would ask you to continue to oppose it and not look at it as if it's going to happen anyway, let's do it the best way possible. There's still time for this to be postponed until the need is there, and we ask for that. And I do hope that you-all will have an open mind. I hope that you will really look at this and consider it, because the reason we continue to oppose it is because we still think that conservation can delay it until a more reasonable time that -- we've spent a lot of money at the bull creek site, and that's money that's gone forever, and then we wind up here -- we don't need to spend this money now. bunch was saying about the eis. We're going to get to a point where we put so much money into this that we're going to have to do it because, well, we've spent this much. Let's keep on going. That's like saying we got halfway across the desert, it's hot, I'm thirsty, let's turn around and go back. No, you'll keep on going. And we did have a test bore done at the original site and it did drain a spring, and I have no idea -- i don't know what the county has to say about this. I don't know if the commissioners have been contacted on this and where they stand on this, but if we get in there and we've spent this much money, we're drilling and they're test boring as they tunnel and we find out there is a problem, I you-all want to say, well, are we going to let that ooment of money to go down the drain -- that amount of money go down the drain, so to speak, or do we want to go ahead and know what we're doing now. Please keep an open mind on this. Please delay this, and please wait until you have better information on what we can do in terms of conversationation. Like I say -- conservation. Like I say, those of you that have opposed it, thank you, continue to do so. Those of you that support it, please sit back and have an honest reevaluation of what we're looking at here. As far as the water rates are concerned, there's always the song about it's cheaper to do it now. Well, you know, I hear it all the time. You can save a lot of money on your christmas shopping if you do it on black 00 in the morning, or black friday at 5:00 in the morning. Guess what. You can save even more if you don't go. All right? Just send cards, well wishes, all of that. You can save a lot of money that way too. For every year, and you can say thank you to the environmental community -- for every year that we've delayed this we've saved \$14 million, approximately. You can continue to save that money also. It will more than make up for the savings in whatever construction cost savings you may be looking at now, particularly if we can do that for another 10 to 15 years, and also if you're doing your christmas shopping or holiday shopping, you know, you can go to the wtp 4 appliance discount store where you can pick up refrigerators and microwave ovens and toasters and tortilla warmers as inflated prices according to council member spelman. Thank you for your time. Really, think about this. Say no to it. Thanks. thank you. Those are all the speakers who have signed up

that wish to speak. Ellen gibbs and luke metzger have signed up in opposition. Christina ortiz, cindy bell, walter payne and frank herrin have signed up for, not wishing to speak. So a motion by council member spelman. Council member spelman, is your motion as you stated before, to approve the item no. 17? Seconded by the mayor pro tem. Is there any further discussion? Council member morrison? just briefly i would like to note that I do believe it's appropriate for me to continue with my vote in opposition, but I would like to note that i supported the other item today, item 26, in terms of oversight for the contract. and so you did. Anything further? All in favor say aye. [00:28:50]

Aye.

Mayor leffingwell: aye. Any opposed? [Laughter] so passes on a vote of 5-2 with council member riley and morrison voting no. So we have two minutes until 30 time for live music and proclamations, and so we will recess for that purpose at this time. , Without objection. [00:35:01]

Folks, we're going to go ahead and get started with our live music, and joining us today is pop singer and songwriter georgia that poll napolitano. That --

napolitano.

She's one of the rising stars of the dynam u-2 1, that stands for under 21 music scene, growing in austin. Georgia has been singing since age 6 and is now a high school senior. It is her dream to become a famous singer, and this is the place to get started for that, and help the less fortunate children of the world. This year she was chosen as the austin idol and also one of the prestigious youth cast contests presented by the austin school of performing arts. This past sunday she emceed and formed the second youth cast competition where she handed over her winning cup to a new young star. Georgia is currently presenting her first studio ep entitled, "and so she sang," produced by grammy award winner john hudson in london. She has performed the national anthem at fenway park, that's a baseball stadium in boston, for you aggies out there,. [Laughter] appeared in blender and okay magazines and has participated in charities with her music. She recently started her own charity, texas for autism. Please welcome georgia napolitano. [Applause] [?? singing ??] [00:40:03] [applause]

thank you. Excell excell ent. Now, georgia, you get to promote yourself a little bit and tell us where we can see you perform and where we can buy your music and tell us about your web site, if you have one.

Okay. My web site is actually my com, so georgianapolitano.com. I just got my cd printed so I'm excited about that but it's not quite on I tunes and cd baby but we're going there. So if you'd like to hear some of my original music, it's on my web site, georgi that poll tan -- and it shows you where I'm perform,ment I'd like to thank my guitar player zack kenik. [Applause] all right, and so yes, i have a gig coming up on saturday downtown at the paradise, which is on sixth street, and it's from , so if you can make it in that time slot I would love to see you there, and yeah, I'm just, you know, doing stuff and keeping up with teens for autism, which is a lot of fun helping children with autism has been such an an inspiration so I'm really happy to do that. best of luck to you. And for your charity. We have a proclamation to read and it reads as follows, be it known that whereas the city of austin blessed with many creative musicians

whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, i, lee leffingwell, mayor of the live music capital of the world, do hereby proclaim november 19, 2009 as georgia napolitano day in austin, texas.

Thank you. [Applause]

and I'd like to welcome carol dicardenas, who has been such an amazing support to me and is the founder of aspva and without her a lot of what I've done wouldn't be possible, so this is carol.

Thank you. [Applause]

thank you so much for honoring ge napolitano in this way. It's a big deal to have a day named after her. I'm with the austin performing and visual arts and newscast is a new tradition. We host this event at the long center and we'll be hosting another event in may. And the event was created to launch our mission for the austin school for the performing and visual arts and that is to support students like georgia napolitano and our newest winners, clue, an amazing singing and dance act that won at the long center last month, and that will be passed to them. We expect for this to be kept about 150 years, so we add 150 years for -- we expect to fill this cup with those names. We are very excited to make downtown austin home for the austin school for the performing and visual arts. We just landed a spot at 1110 guadalupe street, and we now open for 6 through 12 grade. You can see us around town. We get invited to numerous occasions to support austin artists. Thank you. [00:44:03] [Applause] we'll look forward to seeing your next student sometime very soon. Thank you.

Thank you.

In june of 2007 council member leffingwell came to a conference downtown and accepted a great big aluminum sign that said that austin was a bicycle-friendly community. I'm preston tyree. I'm the education director of the league of american bicyclists and I'm a resident of austin. Tonight we're doing something very unusual. Austin applied to be a bicycle-friendly business as well as a bicycle-friendly community, and the only city in the nation to win this award. So austin is, again, proving themselves to be unique. The bicycle friendly business program is a new initiative, a program that offers a framework for evaluating organizations and assessing their internal support of bicycling by their employees. The program honors innovative efforts and provides technical assistance and information to help organizations become even better for bicyclists. It's a new program, only in operation for a year. We've had 108 applications and only given out 83 awards. We look at engineering issues, education, encouragement and evaluation. The city of austin is addressing corporate social responsibility by reducing our carbon footprint and improving the health and satisfaction of the employees through bicycling. The work to promote bicycling transportation just one more way that you inspire people to protect and care for their community. The league is impressed with many aspects of the city of austin. A number stand out. A free employee fitness initiative, the pe program that includes bike classes. The bicycle program where we provide showers and lockers for employees. And the city cycle bike sharing

program where people can use a bike and bring it back. The city of austin is showing great leadership in encouraging bicycling in the workplace as well as in the city of austin itself. Thank you for being a leader in this endeavor. On behalf of the league of american bicyclists I'm pleased to present the city of austin with a silver bicycle-friendly business award. Congratulations. [Applause] thank you, preston. I am very pleased to accept this award on behalf of the city of austin. As many folks in the bicycling community know, a couple of years ago the city started a process. We convened a special task force to work on bicycle issues. Preston was a part of that. They worked for over a year and made a whole series of recommendations, which will be implemented over time to make austin even more bike-friendly than it is now. We're very proud of that effort. I see some staff folks back there who are very instrumental in that process. Anique bouda yeah. Come on down and take a picture with us. I know you went to every one of those meetings and were such an important part of that effort that we want to specially recognize you, and I guess I'd better also recognize howard lazarus, our director of public works, who plays the often unsung role of putting some of these practices into place on the ground. So thank you very much for your diligence, howard, and all the rest of the city staff and all the people who participated in that effort. And the reason cyclists, the real cyclist on the city council is council member chris riley. He truly walks the walk, and so, chris, would you like to say just a couple of words? Okay. [00:48:31]

Riley: just a quick word. I feel so grateful to work for an employer who takes bicycling seriously and from day one on the job here it was my pleasure to be able to ride to work and park my bike in a special room just for bikes downstairs, where they actually keep bikes that are available in case there's a day I don't bring mine I can borrow one there. It's really a great place to work and I hope we can get even better in the way we promote cycling so we can set an example for all employers, to promote this very healthy and environmentally friendly form of transportation. [Applause] come on up. This presentation is going to take a little bit of time because there are 79 of these proclamations I'm going to have to read. [Laughter] no, I'm just kidding, really. There are 79 awardees and we have the certificates for all 79 of these great city of austin employees, but I'm only going to read one, and we will pass out the certificates. This is for folks who have -- you know, one of austin's goals to so many years, actually started by mayor will wynn, is to promote fitness, austin, the fit city, and that's what we really have become. And these folks behind me here and others who are not here have done their bit. They've put in their time, put in their effort to make that goal a reality for the city of austin. So we want to express our appreciation to them, and i will read again one certificate of appreciation, and when I get to the name you can silently mouth your own name. [00:51:45] [Laughter] this particular certificate is presented with special thanks to rose reynolds. Say your own name to yourself, for being a wellness champion for the city of austin. We recognize and appreciate your work in helping your coworkers improve their personal health and fitness, by promoting and supporting wellness activities, you play an important role in the city's efforts to foster a healthy work force. This certificate is issued in appreciation of your fine work on this 19th day of november in the year 2009, by the city council of austin. It's signed by myself, mayor lee leffingwell, and also lists the names of all the council members. Again, we have one of these for each one of the 79 recipients, and I would like to give our hr director an opportunity to say just a couple of words, if he'd like.

Thank you, mayor. You mentioned earlier the 79 employees. These are very special employees because in addition to their regular jobs they provide leadership for all 11,500 employees in

encouraging them to live healthier life-styles as well as to maintain physical fitness, and I would declare that not only is austin a fit city, but this is a work a fit workplace, and we offer as we mentioned earlier, not only the biking program but employees engaging in opportunities to run and to walk as well as stress conditioning, swimming, yoga, and we are looking forward to a new class coming next year in non-contact cardio kick boxing. [Laughter] we'll see. So the primary two employees that provide the leadership to our wellness and pe program is sherri bailey and kristy hansen, and at this time I'm going to ask sherri to come and have words and recognize some of the employees that are here today. Sherri?

I'm just going to read the names of the employees who are here with us today. We lee austin, nadia ferreira, bran carlson, gail chavez, jeannie crowlly, tim ons, joan he is esco verks are e, el, sara hans and, sair and I heartily, byron johnson, jessica keen, jimmy la var es, mandy ray, stella richardson cibly and morilla shepherd, merna rios and megan turner. I hope I didn't miss anybody. Thank you all so much. [00:54:32] [Applause] thank you everyone, and there will be a reception upstairs immediately following this. We're going to take a picture and then you can go upstairs for your party. So thanks to all of you once more. so it's a great privilege for us to have here in the council chambers today a couple representatives of the rosary clubs of austin. They're about to kick off a very special project and we want to help them with the success of that project and I want to especially -- the rotary is one of the oldest clubs in america. They've been a service organization for so many years, and they are very civic-minded folks. I know because in the course of my very short political career the last five years or so, I have had numerous opportunities to speak at rotary clubs all across austin and have done so. In fact, I've got one on my calendar just coming up right after the first of the year. So I'm not, you know, asking for that, but that is something that I really enjoy doing, going out and visiting with the folks who are dedicated to serving their community. So I have this proclamation I want to read. It says, be it known that whereas rotary international is an organization of business and professional people who work to better the lives of those in need who promote high ethical standards in all videocations and who -- videocations and help built goodwill and peace throughout the world via their 32,000 clubs worldwide and whereas rotary's motto is service above self, which the rotary club of austin puts into action through their annual service austin project. They enlist the aid of other local service clubs for cleanup, fix-up projects for nonprofit organizes and churches across town, and whereas the goal of service austin is to make austin a better place to live by showing all -- that all people of goodwill can work together, thereby creating long-term positive relationships among all participants. Now, therefore, I lee leffingwell, mayor of the city of austin, tech, do hereby proclaim november 21, 2009 as rotary club of austin's third annual service austin day, in austin, texas. Congratulations and I have here if you want to say a few words, tim dolan and blackwellan representing the rotary of austin. If you'd like to say a few words. [00:59:06]

Thank you. It's a great honor for us to be here with the city council of austin and the mayor this evening. We're delighted because with thanksgiving coming up, that's what service austin is all about, is to give back and say thanks. In fact, you still have time to sign up for a project that will help some who are going to be working in our city parks doing things that we don't have funding for to take care of, who will be working at helping at schools to do painting tasks, helping home bound to build ramps. If you'll go to org you still have time to sign up, and it's our chance to give back and say thanks to the city of austin for what it does and to really come together as a community and make our lives better by working together.

So jeff blackwelder is the chairman of service austin and is doing a terrific job. Jeff, would you just say a few words?

Thank you, tip. I'd also like to say that we appreciate the support of the mayor in this regard and that although service austin is a concept that was brought to austin by tim von dolan and his wife and is being pursued by the various rotary clubs of austin, it's our goal and our hope that someday that what we have created will be a city tradition, that people across the city will know that on the saturday before thanksgiving it's their time for giving thanks by giving back. This year we have many projects all across the city, as tim has already mentioned, and if you'd like to join us in this effort please go to our web site and sign up and be part of service austin day. Thank you all very much. [Applause]

thank you so much. Has worked with pull mon near disease patients for over 35 years. She's a rehabilitation outpatient coordinator at seton medical center and also serves as a volunteer with the american lung association. It's a delight to have the opportunity to read this proclamation for you all today. It says be it known that whereas chronic lung diseases such as emphysema and chronic bronchitis known collectively as chronic obstructive pulmonary disease are the fourth leading cause of death in and whereas 12 million americans have been diagnosed with some form of copd and the same number go undiagnosed, which is why raising awareness of the disease and its serious side effects is so critical. And whereas copd is commonly an invisible disease until symptoms appear, but awareness, early detection and treatment are crucial in the prevention or slowing of the spread of lung disease. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim november 2009 as chronic obstructive pulmonary disease awareness month in austin. [Applause]

thank you, laura. I'm here representing with the wonderful people behind me not only the american lung association, but also the austin tobacco prevention and control coalition. Yesterday was world copd day. Copd is the fourth leading cause of death not only in the united states, but also in the world, and it's predicted to be the third leading cause of death by the year 2020. Today is the great american smokeout, so we have two wonderful reasons to be here today. The copd is the only leading cause of death that's actually increasing in numbers, and most people aren't even aware of what copd is. 85% Of copd is caused by desperate smoking. -- By cigarette smoking. Only 15 to 20% of people who smoke will actually develop copd. Other people can get it from environmental factors, occupational hazards, and there's also a genetic form of copd. By the time symptoms appear, the disease has progressed to a fairly severe level and people aren't aware that copd can be detected as early as the age of 40 to 45 in a doctor's office with a simple test. So we are trying to raise awareness of this disease and early detection. The austin tobacco prevention coalition is especially committed to the prevention of copd. Tobacco use and secondhand exposure is one of the most common causes of copd. Our coalition would like to acknowledge the efforts of the lung health committee for copd awareness this month and also celebrate TODAY, NOVEMBER 18th, AS The nationally recognized great american smokeout. I would like to present sharon barlow. She is a woman who has suffered with copd since she was in her 40's. And she can speak much better than I can as to the debilitating effects of the disease. As she said, I have copd. I've had it since I was one week old. And then I started smoking myself at 13. Copd is progressive. Mine started in the 70's and over the years it took more than a few things away from me. I had to retire at age 48 because of my breathing problems. As copd continued to take its toll on me, later

i needed help taking a shower, bathing, dressing and even blow drying my hair. That man right there did all that. I was on oxygen 24/7, sleeping in a hospital bed because I couldn't sleep flat. And I was getting around in an electric wheelchair. Copd almost killed me. It got so bad I had to have a lung transplant to live and still my old lung is I'm so glad people are now becoming aware of the dangers of secondhand smoke and smoking and are becoming more and more aware of the effects of copd on patients and their families. Thank you. [Applause]

Morrison: So now I'll be joined by shannon haley and damon waits with a program called the tree roundup. The great austin tree roundup. It's not just the tree roundup and they'll tell you about it. It's a very exciting program that's going to really move austin into the future with regard to being able to protect our trees and our green infrastructure. I have a proclamation here. It says be it known that whereas our urban forest provides benefits essential to our lives and the liveability of our city as well as contributing to climate protection. And whereas a new program developed by the lady bird johnson wildflower center and tree folks incorporated organizations committed to preserving our green infrastructure is designed to help manage austin's urban forest by identifying and mapping trees. And whereas by measuring and analyzing the extent of our urban forests, we can begin to account for the dollar value of the benefits trees provide and acknowledge their economic value for our city. And whereas we call on all citizens to join in this effort by mapping the trees on their own properties, streets, school yards and businesses. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim the launch of the great austin tree roundup. [Applause]

thank you, councilmember morrison, so much for your support of this exciting project. Citizens being able to map the trees on their own properties and school yards and in their communities not only helps them to learn about the important ecological and economic values of our trees, it also gives them the opportunity to directly participate in collecting data that influences policy making regarding this important resource.

And I would just like to add that one of the most common quotes you will hear from tree people like shannon and I is, who will speak for the tree? And this project gives every citizen in austin from age 6 to 65 or beyond the opportunity to speak for their own trees, in their own yards. As you can see on this map behind me, we've already started mapping all the trees in austin. This project is so ambitious. It's to get no less than every tree in austin mapped and put online so that we can figure out their environmental and economic contribution to our city by engaging citizens and going out there and mapping their trees. So the web address is treeround-up.org. I encourage you to visit it and start mapping your trees. Thank you.

Morrison: Thank you, guys. I neglected to mention damon is with the wildflower center and shannon is with tree folks and she also sits on the urban forestry board.

Morrison: And now i will introduce councilmember sheryl cole.

Thank you, councilmember morrison. I have the distinct pleasure of reading a proclamation on behalf of our small businesses. My husband and I own a very small law firm, so I really can appreciate the

difficulty of making a payroll and the burden that is on our small businesses to really carry our whole economy. So I am proud to read this proclamation and I will do so right now. Be it known that whereas a landmark study economic impact analysis, a case study of local merchants versus chain retailers showed that if customers transferred their shopping from the chains to locally owned businesses, it could have a multi-million-dollar impact on the local economy. And whereas the austin independent business alliance created austin unchained to encourage austinites to break the chain of habits by shopping locally, especially on the saturday after thanksgiving. And whereas local businesses will be offering specials com to assist austinites in breaking the chain habit and recapping their cultural and economic benefits of buying local. Now therefore i, I lee leffingwell, mayor of the city of austin, today do encourage austinites to buy local for the holidays and do here by proclaim november 28th, 2009 as austin unchained day. [Applause]

hi. Thanks so much. I'm jean austin with the austin independent business alliance. We would like to encourage all residents of austin to shop locally on austin unchained day the saturday we have data that shows it has an incredible impact if everyone shopped locally each day. You can find this information and more at ibuyaustin.com. Thank you. [Applause]

Shade: I have the pleasure of presenting today a proclamation to a dear friend and a new friend. Be it known that whereas the homeless population in austin and throughout the country faces severe economic and psychological devastation. And whereas advocates for the homeless across the nation are uniting to call attention to the plight of the many men, women and children who lack the economic means to provide for their basic needs. And whereas we call on citizens to make an effort to fight this waste of human potential, needless suffering and tragic loss of life. Now therefore i, on behalf of lee leffingwell, mayor of the city of austin, texas, do here by proclaim november 15th through the 22nd as national hunger and homelessness awareness week. [Applause]

thank you, councilmember shade. And dear friend. My name is richard troxell. I am president of house the homeless. We know what it takes to end homelessness now. We need affordable housing, we need health care, and we need liveable incomes. For those who can't work that means fixing the supplemental security income, and for those who can work that means the universal living wage. That means taking the existing federal minimum wage and tweaking it, indexing it to the local cost of housing throughout the united states so that somebody working 40 hours in a week would be able to afford the basics, food, clothing, shelter, wherever they work throughout this nation. This sunday is the homeless memorial. Each year for 17 years we have looked at our inability to solve homelessness by remembering the people that we lost on the streets, those that have lived and died here in the city of austin. We will read their names, we will say a prayer, we will cry. Sarah hickman will lead us in song and city councilmember randy shade will be our keynote speaker. The citizens of austin are invited to join us in our call to end homelessness now. Thank you. [Applause] shade now I get to introduce some new friends. I was in the back and everybody was saying who gets to do the one with the really cool kids? And I said I get to do that one. You have a lot of people cheering you on in the back. So let me call on the children from anderson mill elementary school. I don't know if all of you are coming, some of you are coming, but anyone who wants to come on up. These are the fifth graders of anderson mill elementary school. When I read the proclamation you will see what they've done. Come occupy. You

can just gather up. Which one is scott? Are you the speaker? What's your name?

Colby.

Shade: Great. Let me read this and I will turn it over to you in one second. Be it known that whereas after researching the united nations international observance advances and discovering that the united states is one of two countries that does not formally recognize universal children's day, the fifth graders at anderson mill elementary decided to raise awareness of the plight of the world's children. Whereas they learned that 11 million children around the world die of preventable diseases, 120 million are not in school and 250 million are working to encourage people to get involved the students created an inspirational video, a wiki, a blog and a newsletter and whereas the students learned they need to be tuned in to worldwide problems and to start making a difference in their own community, now therefore i on behalf of mayor lee leffingwell do here by proclaim november 20th, 2009 as universal children's day. [Applause] I want to thank y'all for taking the initiative to do this and I will turn it over to colby who has some comments.

Thank you. I was kind of shocked to figure out that, and I was kind of amazed that we could make a big difference and i learned a lot about the service learning project, and our class made a big difference, and I'm here to danske and everybody in support of our class. So we're here to make a difference and we will make -- we will make this happen and we're trying to raise awareness to celebrate universal children's day around our country. [Applause]

Shade: And we should recognize their teacher. Thank you for bringing them all down here. [Applause]

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Mayor Leffingwell: WE Are out of recess and we will pick up our agenda where we left off. Item number 63, which is the next item on our agenda, is related to item number 85, so without objection, council, I'd like to take up item number 63 after we take up 85, which will be the first zoning case. So that brings us to item number 68. 68 Was pulled by councilmember spelman.

Spelman: I would like to offer an amendment intended in a friendly fashion for 68. Basically it adds a resolution to the resolution in current item 68 directing the city manager to ensure that the parks plan as developed is integrated into the comprehensive plan underway to the extent possible.

Mayor Leffingwell: If that's a motion -- is that a motion?

Martinez: Mayor, I'd like to make a motion that we approve and see if I get a second and the amendment is completely friendly.

Mayor Leffingwell: Mayor pro tem moves to approve the item. Seconded by councilmember morrison. Friendly amendment by councilmember spelman as written, which is accepted by the mayor pro tem and by councilmember morrison. Before we vote, I would like to -- kathy tovo is signed up for this item, not wishing to speak, only if there are questions. I'll bring that up. There's a motion on the table, which

has been seconded with a friendly amendment. Is there any further discussion? All in favor say aye? Any opposed? It passes on a vote of six to zero with councilmember cole off the dais. And I believe that brings us to our zoning cases, gurn sivment and the first case I believe is number 85. mayor, councilmembers. Sadowsky. This case came to you several months ago on first reading and y'all approved it for historic zoning for two buildings on the site. The first of which is the gymnasium shown here, a better view of it. And it was designed by the firm -- houston firm of russa and martin. This is the courthouse in lavaca texas they also designed and the matagorda courthouse in bay city that they also designed. The second building on the campus is what now known as THE jc McAdams auditorium, also designed by the same firm completed in 1961. Since that time the department of health and human services has engaged in a number of meetings with neighborhood representatives and has developed an alternative plan to the preservation of buildings. lurie will be making that presentation to you. I do want to say, however, that staff from the very beginning of this case was supporting commemoration of the history of this school. The texas blind, deaf and/or fan institute was started in 1887 by an act of the texas legislature. The original home was on bull creek road, very near camp hubbard, just north of camp hubbard on the east side of mopac. The school stayed there until 1959 when it moved to this campus, and this was the home of the former montopolis drive-in. These buildings were constructed between 1959 and 1961 while the school was still a segregated facility, but the school was segregated only until 1965 when the entire facility of the texas school for the deaf was integrated and while african-american students continued to be housed on this campus, the school was officially integrated and they took their classes at the main campus on south congress. So staff believes that commemoration of the history of the school is much more significant, much more important than the preservation of these individual buildings, which have a minimal, almost tangential connection with the history of this school if you figure it was on bull creeg road from 1887 to 1959 and here as a separate identifiable facility only from 1959 to 1965. lurie will make the presentation now about the newest proposed plans, and this comes to you with the ratification of the affected neighborhood associations.

Good evening, mayor and councilmembers. Laifd lurie, director of health and human services. I'd like to give you a little bit of background and talk more about a conceptual plan that we've developed in partnership with a number of other city departments as well as neighborhood representatives. So we're very excited about the potential that this property provides for us and we think we've identified some great opportunities. First of all, just to summarize once again our overall goals as it relates to the health and human services campus, as sadowsky indicated, we wish to commemorate the history of the school and also recognize the architectural association related to this campus. We also want to achieve maximum benefit and best use of the property and compatibility. And we say maximum benefit both in terms of our needs within the organization, but also I think very importantly the needs of the neighboring community and a number of services they've identified that they would like to see considered as we go forward. And then finally we've tried to create a development option that's financially viable, affordable and sustainable. The location, just to remind you, this kind of shows you where the campus is located, the major highway on the leaf edge of this map is i-35 and on the right side of the map, 183. And the campus is, as you can see, at the intersection of many major thoroughfares, but primarily where airport boulevard connects or intersects with highway 183. Background back in august of '08, we requested the demolition and we went forward through the historic landmark commission and that's where the historic

zoning for the auditorium and gym was commenced, and sadowsky indicated last december 18, you approved historic zoning on first reading with the expectation that we would go back and research this further and look at other alternatives as well. And just to give you a sense of this, there were 13 total buildings on this property to date four of those have been renovated and seven were demolished so the two remaining are the ones under consideration right now. The auditorium, which is the a-frame building and the gymnasium. When we were here last december we shared with you the fact that we had restored four of the buildings. Those buildings externally appeared just as they did when they were first built. Also we talked about the possibility of a commemorative archway main entrance into the pedestrian area of the property where we would potentially use arts in public places funding to commemorate the history of the school. And we also proposed an open air pavilion where the gymnasium is. The animal services center design also reflects sort of the architectural association in terms of the curved roof, which you will see here later in the presentation. And we've tried to save as much of the brick from the buildings that were demolished so we would be able to use that with the construction of the new animal services center. Again very much reflecting a lot of similarity associated with the original building design and architecture. So the things we went forth with in terms of further research including reviewing available grant funding, that is if there were to be historic designation, does this open up more opportunities for grant funding? What we determined is that that's extremely limited. The few grants we're able to identify at a maximum about one million dollars in total. There's generally a fairly significant match required, and most of the grant funding focuses on the humanities and historical exhibits rather than buildings themselves. We were also asked to review the public works estimates as it related to the cost of restoring the two existing buildings. Initially the total cost was estimated at \$8.4 million. That's been reviewed, particularly in context of reduced construction costs. And now the estimates, which of course really depend a lot on the timing and so forth, would be at 2 million to restore those two buildings, and this is funding we do not currently have programmed. The other element of this that we pursued a bit further was arts in public places process. We did go to the art in public places panel and also the arts commission and they've supported the use of arts in public places funding to reflect historical reference. So we believe that we are in a position to be able to do what we would like to propose in terms of commemorating the history of the school through the arts in public places process. sadowsky did further research as it relates to the history of the school and you have in your backup that report. And then finally, we looked at a legal determination as it relates to the possibility of affordable housing. This property was first purchased for purposes of health and human services, so there is a process we go through to determine if there is the possibility of carving out a portion of the property. And I'll let margaret shaw from neighborhood housing and community development talk more about that. sadowsky indicated we've been having a number of meetings with neighborhood representatives. Specifically the govalle johnston terrace team. We've been working with neighborhood housing and community development, planning and development review, we also had representation from the health care district. And it was a very engaging process and a lot of flexibility was shown by many of the participants and we feel really good about the consensus that was built around this conceptual plan. So with that then I'd like to just kind of briefly go through the conceptual plan itself and point out some of the elements. That's not the plan. [Laughter]

Mayor Leffingwell: This was our live music artist today actually.

[Inaudible].

Okay. This area right here, and I've kind of got this kind of twisted the wrong direction here. Let me see if I can just turn it this way. To give you kind of the north-south perspective, again, this is highway 183 to the south. Levander loop is the frontage road. And then airport boulevard. The orange buildings right -- this is a 44-acre piece of property. The orange buildings here are the buildings that would be the animal services center, so they did not currently exist. We're in the process right now of going through the bidding process for that facility and expect to have to you probably in January or February for your consideration of a bid award for that. This area here is where the auditorium is currently, which is one of the buildings under consideration for historic zoning. And that's where we would propose to have the historic archway or the afternoon way that would commemorate the school. This is the main entrance to the campus, the park and a large pedestrian area would be exposed to that history. The buildings with the silver roofs are the four buildings that have already been renovated and we currently occupy those. We've been talking with the parks and recreation department about developing some park space over here on the sort of east side of the quad angle and Sarah will talk about some other things we can proceed with in the short-term for that. The other is on this north end of the quadrangle is where the gymnasium is and what we're proposing here is that -- it's kind of a multi-use neighborhood center which would potentially be one or two buildings. And the interest there is in having activity rooms, meeting space, auditorium, gymnasium type space and other offices or community services. That would be something we would work with the community as we're going forward in terms of needs. Some of the things that have been suggested, for example, have been a satellite health clinic. There could be other public health services maybe potentially there, but our thinking is that if we can design something new in terms of the use of that particular part of the property, that it will provide us with a lot more flexibility versus trying to do something within the preexisting two buildings that are considered for historic zoning. And we think there's a potential to create a lot of inner life there and it would also connect with some of the park amenities and be very close to the area that is proposed for affordable housing up in the northeast corner. And Margaret will be talking about that a bit more. And then here's about an acre of land that is proposed for community gardens. We would maintain the pecan grove. A lot of trees up on the north end of the property. And there's a pretty large utility line that runs through this part of the property that we can't develop below. So basically the things that are underway and funded at the current time include the animal services center, the buildings that have already been renovated. Some limited park amenities and what we will be looking for in the future is some potential consideration for funding for the multipurpose neighborhood center. And again, we think that would be a more efficient, effective use of the property and probably done at a cost that would be less than what it would take to restore the two remaining buildings. As we indicated the arts in public places is having a commemorative archway as you're coming into the property. This is a sampling of a rendering if we were to proceed with this, the artist would engage the community and the stakeholders in terms of what the final design would be. And also on the animal services building itself, the animal services center, we have a design there that reflects that curved roof. This would be kind of the opposite end of the quad where the gymnasium is and would reflect that architectural feature and would be the hope that the multi-use center that would develop on the north end of the quadrangle would be it would have that on the roof line. With that I would like to turn it over to Margaret Shaw to comment on the

affordable housing.

Again as David Lurie mentioned we had been working with the team for the past 12 months. A lot of the efforts we've had to this point is in the legal determination. Lurie mentioned, this site was purchased with debt financing of the city, so we've had to spend some time with the lawyers and the accountants to understand how much of the land we can use. It did meet the five percent de minimus rule which allows us to be able to sell or transfer to a nonprofit or private entity when we get to that point. So we actually had to go through some calculations with our real estate services to understand how much land would meet set qualification, otherwise we would have to wait until the debt financing was over in 2022, which we didn't want to do. We've obviously worked with the neighborhood and some key supporters and stakeholders to define success is something that the community supports that meets our key housing priorities and also protects our public investment. And some of the questions that will be coming back to the community with are what kind of housing do we want the rental owner? Density of it, multi-family, single-family and who are the priority clients that we want to serve? And none of these topics are mutually exclusive. We've had some great initial conversations with the Govalle, Johnston Terrace representatives. We also wanted to highlight for folks construction and affordable housing does take awhile and especially when we want to seek a lot of input. This is one of the largest tracks of city owned land that has been developed for affordable housing in a few years, so we want to make sure we spend quality time on the front end getting that input. For the first couple of months with the approval of council, tonight would be to start with collecting some best practices and some design models to give the public and stakeholders some ideas about what could be produced there. We would also start the discussion with the neighborhood association -- continue the discussion with the neighborhood associations as well as start them with the community development commission and coming back to council's subcommittee on health. We would also be subdividing the land at the same time with our real estate services and transferring that over to the housing finance corporation so we can work. The first year then would be focusing on community input as well as securing a development team, so architect, engineer and developer, that would be producing the site. The second year then would be finalizing the site design, again coming back to the community for some input on what that would be and who the priority clients to be served on. We would then begin some predevelopment work, which is all the site plan, zoning approvals, building permits. Then with the third year we would commence construction and then lease up our sales, whichever that one is. With that I'd like to turn it over to Sarah Hensley from the parks department.

I have worked with several departments in connection with this area and we will be able to provide some small amenities up front in this effort right off the bat, such as decomposed granite trail track -- not track, but a trail. Sort of a small open air pavilion. Benches along the granite trail may maybe a fountain of some kind and of course a community garden which we know is a priority for the neighborhood. That would be something as we lead into the planning for in the future if money becomes available the opportunity then to work with the neighborhood as Margaret is talking about, but have ongoing dialogue about a neighborhood multipurpose facility that might be how several departments or functions such as maybe a small parks and recreation area just for programs for kids to meeting space for the neighborhood associations, to other departments. So this has an opportunity for us to be engaged with this and we're kind of excited about the opportunity to at least start it off with a pocket park and then

look at a bigger picture down the road when funding becomes available.

Mayor, I just want to acknowledge in addition to our community partners having the parks department and neighborhood housing engaged has really added a lot of energy to the proats and I think a lot of creativity in terms of some opportunities here. Relative to next steps, as i indicated earlier, we're proceeding with construction of the new animal services center. Probably have that completed about mid to late 2011. We are requesting tonight that you deny the historic zoning that and we proceed with the historic commemoration through the use of the arts in public places funding, we would proceed with demolishing the remaining two buildings. As sarah indicated, proceed with some of the parks amenities that we can afford at this present time. As margaret at a time kateed, proceed with the deciding of the property so that the affordable housing process can go forward. Then as funding becomes available or consider the inclusion of a neighborhood center with future development of future needs assessment as it relates to a potential bond project. Again, in the future because we do not have funding for that at the current time. So mayor, that concludes my presentation. Thank you.

Mayor Leffingwell: Thank you, mr. lurie. I believe you've also covered the staff brief briefing on item 63, but we're currently on item 85, which is to approve the request -- the request is to approve on second and third reading historic designation for buildings on this site. Is there any further discussion or a motion? Mayor pro tem.

Martinez: I have a couple of questions and comments and I will be glad to make a motion. First I want to thank my colleagues for voting on first reading 7-0 for the historic designation. We did that so that we could have this dialogue with the community. And so david and sarah and margaret, susana almanza is here from the govalle, johnston terrace neighborhood. All of you guys were able to sit down and come to an agreed upon compromise about how the site would be developed moving fard. I think that was our intention all along. There is some historic significance on the site. I think we found a way to commemorate that, to preserve that if you will, but at the same time come up with a plan to build out the site with not only our health and human service needs, animal care needs, but also with affordable housing. So I think it's a really great scenario that ended up here before us today. I just wanted to thank you all for your hard work. I had one tiny technical question. I had asked sarah earlier and this probably wasn't her realm, but I wanted to ask whoever could answer on the affordable housing track, i remember a zoning case that we had immediately across the street from it, and i remember a floodplain going across that area, trying to figure out is the entire area that's designated for affordable housing actually developable or is there some floodplain issues on that portion?

Mayor and council, jerry rusthoven with planning and development review. There is a small portion at the northern end of the tract that does have 500 year floodplain that's in the area of affordable housing. It will not affect development of the project because it is 500 year floodplain and not 100 year.

Martinez: Great. Thank you. That was the only question i had, mayor. So I would move that we deny the requested historic zoning on item 85.

Mayor Leffingwell: Mayor pro tem martinez moves to deny historic zoning, item 85. Is there a second?

Seconded by councilmember spelman. Any further discussion? I would note that I believe city hall here is in the 500 year floodplain. There are no building restrictions in the 500 year floodplain.
Councilmember spelman.

Spelman: Mayor, do we have any speakers on this issue?

Mayor Leffingwell: The public hearing has been closed the last time we heard the case. Councilmember cole.

Cole: [Inaudible - no mic] all of the work that they put in, especially working with the stakeholders and the neighborhood, especially on the affordable housing issue. I know it's very much needed in that area. And I especially want to thank david lurie for taking me out and actually walking the premises with me and getting very, very familiar with the structures. I also want to recognize fred mcgee for all the work that he's done in documenting the significance of the african-american history that actually remains on the site. And I fully support the efforts that we are putting forth to maintain that. And I will be supporting the motion. I will be supporting the motion of denying the historic zoning with the caveat that we are going to go about the process of commemorating that history. And implied with that.

Mayor Leffingwell: Anything further? All in favor of the motion, say aye? Any opposed? Motion to deny historic zoning passes on a vote of seven-zero. We'll take up related item number 63, which we have basically already been given a staff presentation on, which is to approve the conceptual site plan that we just saw. We do have a couple of speakers signed up to speak. The first speaking in favor is susana almanza.

Good afternoon, mayor and city councilmembers. I'm susana almanza with poder and also poder and a member of the johnston govalle neighborhood plan. I have to let you know that the chair, danielle (indiscernible) is not able to be here. He had another commitment. But I did say I would be here and so I want to say that it's been a real good journey working with all the different departments on this particular conceptual plan and I do want to thank councilmember mike martinez for putting it as an historic zoning which led to the pathway of us having begin to have that dialogue with the department of health and human services and the parks and recreation department and neighborhood housing and the county health district on this particular piece of property. Because the community did want affordable housing there, did want a recreation department there, did want the community services in that particular area. And I think that we've reached a real good promise and something that's not just going to benefit the animals, but also going to benefit the humans. And I think that we always have to make sure that we interweave nature kind with human kind and those balances. I think that's what we're doing here on this particular property, we're creating a balance with nature and humankind and especially the people that have been underserved in east austin for such a long time. To sigh this plan come together, and I really lurie and all the stakeholders who were very open to so many things, and I can tell you that it was very positive, positive meetings, very positive die logs, which goes to show a lot of times people think that east austin can't have those conversations and can't reach those compromises, and we keep teaching people over and over, you know, we did it with the tank farm, we did it with bfi, we've done it with holly and here we are with the department of health and human services where with tried to create something

that will be a win, win situation. And sometimes the council people have to help us. Have to be able to set things aside so we can have these dialogues and we can bring positive things to our community. So I'm just here to say that the govalle johnston terrace planning team were the ones who sat on the dialogues and reached these agreements and we're happy with the conceptual plan and what will be happening. Our next step is to amend the neighborhood plan process, to amend the govalle, john stan terrace neighborhood plan and make sure these new conceptual plans are also made permanent because we know councilmembers change and we don't want nobody to forget about the agreement that we reached. And we don't want -- we don't want to be saying, ah, you did away with those buildings and you got nothing in return. We just want to make sure that the next group of people, the next david lurie knows what we plan for. So we thank you very much.

Mayor Leffingwell: Thank you, susana. This one is etched in stone, I assure you. Is there a motion on item number 63? Mayor pro tem. Mayor pro tem martinez moves to approve item 63. Seconded by councilmember morrison. Any further discussion? Councilmember riley.

Riley: I appreciate everyone who worked on this both from the community and the staff side. One thing is we set aside an anchor for community gardens. I know there's a lot of interest in the area and having that sort of resource available. And so I think this really is going to be a great community asset and I appreciate all the effort that has gotten us here.

Mayor Leffingwell: I guess I should say formerly, even though we've just been informed that daniel was not in the chamber, he was signed up to speak. Mayor pro tem.

Martinez: Before we vote, I do want to say that there is a very strong potential that at the december 17th meeting the mayor, myself and councilmember cole will be bringing forward an item now that we have a plan moving forward and everyone is in agreement, we will be asking the rest of our colleagues to consider naming the entire campus after former mayor pro tem betty dunkerley. We've discussed this had with her. We think it's appropriate for her service not only to the city, but as a councilmember and mayor pro tem with the issues that she worked on so diligently while she served. And so we still need to talk to a few more folks and make sure that we're not, I guess -- that we're leaving no stone unturned before we actually put that item on. But we think it would be an appropriate honor in her name as well.

Mayor Leffingwell: Favor of the motion, say aye. Any opposed? It passes on a vote of seven to zero. That brings up item number 96. Good evening, councilmembers. My name is susan villareal. I'm the case manager for case c 14 h-2009-0016. This is known as travis house, guadalupe hotel, and the ywca women's christian association. The property is currently zoned dmuh, downtown mixed use, and the staff recommendation is dmuh, downtown mix used historical combining district for the original building only. The historic landmark commission echoed that, the staff recommendation at their july 27th meeting on a vote of five-zero. On october 13th, the planning commission made a motion to forward the case to city council with no recommendation. However, they passed a companion recommendation to recommend if the building is demolished that the applicant work with city staff to preserve some significant architectural features from the original building, harvest reusable artifacts and materials and produce a permanent record on site of the occupant's history. That passed on a vote of six-zero. The architecture

of this building is primarily colonial revival with a symmetrical facade, articulated brick coins on the corners, round arches along the top windows, a broken pediment flanking the front entry. This style of architecture is fairly rare for commercial use captured in Austin and is much more common on the east coast. Although colonial revival architecture was the most popular architecture in the country from about 1920 to 1970. The structure was built in 1945 as a 30-unit multi-family structure and had a varied and eclectic mix of tenants, along with dishwashers, lawyers, students and dentists, one of whom was listed as one of the residents was the secretary for a young congressman Lyndon Johnson, and there were also people with at least one with no occupation listed. The multi-family building was zone converted to the hotel Guadalupe as shown in advertisements of 1949. A decade from its construction it was purchased by the YWCA with help from Commodore E. H. Perry. The hall of the building was named for his wife Ludy Perry and it became a residence and the offices for the YWCA organization. At the historic landmark commission meeting, testimony indicated that the YWCA at this location was one of the few places that African-American women could rent and live while attending the University of Texas before desegregation. The YWCA changed from 1955 to 1995 and moved away from providing residences and traditional physical education and no longer needed the type of buildings represented by the structure at 405 East 18th Street. After attempting to merge with the YWCA in 1953, the Austin YWCA went bankrupt in 1964. In 1988 it officially changed its name to the YWCA of Greater Austin and is now located on South I-35. The Travis County Justice System briefly opened a halfway house for ex-offenders at the site in the 1990's, but there was a large public outcry about the proximity of the location to the University of Texas campus and so the halfway house was moved. There have been a few other tenants, including use of the site for training firefighters, but the house has primarily been vacant in the last few years and has become used by transients and an eyesore in the neighborhood. There have been several additions. A large addition was made to the rear of the original structure in 1956. It was done by well-known Austin architect Kooney Rogers -- Kooney Brooks and Bar. There have been minor repairs, repairs and additions such as the installation of the swimming pool and the basement and then the filling in of that amenity in the early 1990's. The -- in your late backup there has been a letter from Houston who testified about the use of the residence hall for African-American women in the 1950's and '60's, maybe '70's. And also there is a list of people opposed to the zoning submitted by the owner as well as a restrictive covenant which lays out a proposal by the owner for compliance with the Great Streets program and completion of documentation of the building should the council decide against historic zoning. [One moment, please, for change in captioners]

Diana Gorum is signed up to speak in favor of the historic zoning case. Gorum, you have three minutes.

Good evening, Mayor, Council members. My name is Diana Goreham, director of the Greater YWCA of Greater Austin. Let me clarify a few things because I see a few faces that don't look to be very clear about the issue. Long before the city had a YWCA and long before the City of Austin had a YW -- it had its own YW, this was around the late 1800s, the YW for whom I work was originally the YW Texas. Now, the YW that saw its demise in the '90s was the City of Austin's YW. We, unbeknownst to a lot of people, have always been about racial justice. I think one of our problems has always been about our public image. We've always been working to provide services to the community, so it isn't as well-known to the community about the work that we've done to promote racial and social justice in our community. It's important to remember Houston, when she has -- and I understand she's communicated to you all

about the relevance to the african-american community about having a facility that was so close to the university, that allowed african-american women to reside. This was before it was mandated by law. That's because that's our history. We are now in a position to look at a piece of property to commemorate that type of effort, efforts that are not mandated but come very naturally to an organization, so much so that if a ywca still occupied that space, they would hang a shingle very similar to the single that we hangouts of our office. We're trying our best to make sure everybody understands. This is what we do. This is what we've always been about, and I think that when you consider, or at least I had to go and do a little bit of research about exactly what constitutes an historic landmark, i realized in reading some of the material off the -- your site, that it -- a building doesn't just have to have architectural significance. There are several other criteria that I found out was relevant, and they're all equally valued: Cultural history, social, ethnic and political, and i daresay that this property pretty much meets all of that criteria, in our opinion. Thank you for your time. thank you, ms. gorman. We have several folks signed up against the historic zoning, beginning with susan harris. Do you want to go in a specific order?

Tim nyas representing the property owner. Me first, an architect first, larry hersec third and people from the harris is here, janice galloway from cambridge towers is here. well, rather than me try to remember all of that, just -- you can speak in the order of your choice and just announce your names when you come up and speak. But jim nyas is first, and is jeff stucker in the chamber? And katherine loysa, so nyas, you have nine minutes.

Thank you, mayor, council, I'm jim nyas representing the property owner, travis hotel group. The owner is opposed to the historic designation as are a number of the surrounding property owners and residents. I believe katherine will submit to the city clerk several petitions in opposition, format protest petitions. One is from the owner itself. Then there is a group of five protest petitions from surrounding property owners within 200 feet. I think we have a map available to show you where those people are. The properties -- the crosshatched is the subject property itself, and the yellow properties are other property owners within 200 feet who have executed protest petitions. harper plumbing to -- across 18 street, the dunham law firm across 18th street, both property owners directly across guadalupe from us and then there is a piece of property on the same block owned by MR. steven McNaly. It's the one on 17th street. So all those folks have signed formal protest petitions against the historic designation and you'll see cambridge tower is also col yellow and then some others. Cambridge tower is a residential project of about 200 people about a block from us, and they are against the designation. galloway will address that more. She's the president of the board and will tell you about that a little bit more. I might add that professor terrell blojit, who is a resident of cambridge towers was here earlier, I think he signed up, mayor, but he had 45, so he's not here but he was in opposition and spoke in our favor at the planning commission. Another map I'd like to show you is the next one. The third protest petition is from an affiliated company of the owners of the travis house. We actually own all the rest of the block bounded by 17th, 18th, guadalupe and rio grande, except for the piece I mentioned on 17th street owned by MR. McNALY. Now, I wanted to show you that other map because you could say, well, that's you, of course you're opposed, but I wanted to show you that other map to show you the other property owners who are not affiliated with us but are truly our neighboring property owners who are opposed to the designation, but if you add in the rest of the property which we own, that's what the map looks like.

A little bit of our recent history. Started acquiring this -- trying to assemble this block, initiated that effort in 2003. The first piece acquired was this one and that effort continued for several years. We've acquired, as i mentioned, most of the rest of the block, most recently some pieces in 2007, and there are ongoing discussions with MR. McNALY SO THAT WE Could assemble the entire block. And it appears certainly that this was an area that the city was encouraging redevelopment and, you know, downtown development. The property right across guadalupe was granted a very significant cure approval just within the last year, i think over 300 feet in height, 350 feet in height. We're not looking for height like that, but that was just an indicator of the kind of things it appeared the city was seeking here. But because of the economic situation the plans that we, you know, were envisioning when we first acquired the first piece in 2003, they're not as feasible now. Everything is sort of on hold for an indeterminate period of time because nobody is starting redevelopment of entire downtown blocks right now, and I'm sure I don't have to tell you that. But most of the block is -- you know, has got operating businesses on it and occupied, and for the most part is not a problem. Travis house, however, is vacant and has become a problem for both the owner and the surrounding owners and residences -- residents because you can't just move somebody in there. This building has enormous problems with lead, asbestos, mold, water damage. It's been vandalized extensively inside and out. Despite the fact that we've boarded it up, all the doors and the windows, people get in and it's become a very problematic situation. In january I guess folks were trying to find some shelter who didn't have another place to go and broke in, and fires were started on every floor. I can understand people wanting to get out of the cold. I'm not sure I understand why somebody would go in and set fire to the building. But that happened. And on top of all those problems, the redevelopment or the reuse of the property is made problematic because it is not ada compliant. It's not compliant with any current city codes, virtually. It would be take -- and our architects will discuss this in detail, but it would take enormous renovation to make this habitable for any new tenant or any use. We have had some of the best preservation architects in texas and some of the most experienced preservation contractors in texas help us try to figure out what it would cost. It's estimated that the renovation would cost about \$6 million, which makes it pro hibitively expensive. There's no way that you could rent it for any use that would bring anywhere near that revenue back, ever, probably. So because of all those reasons it hasn't been occupied and it's become a magnetic for criminal activity and other social problems, drug use, et cetera, that seem to be magnified in the university area. Unfortunate that that's the case. And earlier this year we did get a call from the district attorney's office, apparently in response to complaints from the surrounding property owners, and there was an indication that something had to be done or they were going to implement a lawsuit that is the type that can be brought by the da or the county attorney or the attorney general to abate nuisance buildings. That's often used for things like crack houses, for example. And they often result in the -- usually result ultimately in the building being -- a nuisance building be demolished. So what we asked the district attorney to do was not sue us, that we would -- we would file a demolition permit application with the city. We did so, I believe in march, and that triggers a -- that type of application is always sirveg lated -- circulated to the various staff members including the preservation office, and they routinely, as a routine matter, take that to the landmark commission and they decide whether to approve the demolition permit or initiate an historic zoning case. In this case the landmark commission decided to initiate this case. That's how we got here today, but we believe to follow the landmark commission recommendation, zone it historic would be both erroneous and unfair, ironically.

We do not believe, and the architects will address this further, that at least the minimum two criteria -- all those she mentioned were all in one. But we don't think it meets the minimum 2 criteria out of five -- is that my nine minutes, mayor? that is your nine minutes, yes.

Well, I just wanted to understand what really happened at the planning commission -- I do have one question for you.

Yes. if i understood what you said, potentially if the city were to designate this property historic, thus denying the demolition permit, you could be in a position where to comply with the laws of the city of austin you would have to -- you would have to be not complying with the laws of the state of texas. Is that what you're saying? In other words, you would not be able to get rid of the nuisance building?

Well, that's right, either that or we'd spend \$6 million trying not to be a nuisance. And I did want you to know the 4-2 vote on the planning commission -- that was a motion to deny 4-2. It was not a quorum vote so it was technically no recommendation. we understand that. Thank you. Next speaker against.

Good evening, mayor and council members. My name is eric van hepty. I'm a architect here in town. hold on just one second. Gary hamilton is donating time. Gary is in the room so you have six minutes.

Thank you. As I mentioned, my name is eric van hepty. I'm a architect here in austin. I studied architectural history at the university of illinois and received my master's architecture from the university of texas at austin. We were engaged by a development team for the owner to procure a demolition permit for the property, and that's when i became involved with the project. There are five criteria for declaring a building historically significant. The city staff has identified two of those, one being cultural significance and one being architectural significance, and I'm here basically tonight to talk about the architectural significance argument, and we disagree with the staff in their assertion that this building is architecturally significant, and I'll explain those reasons why. Under the code, which has been a land development code 25-2-352, there are five criteria for finding a building architecturally significant. The city staff are basically claiming these two, that it embodies distinguishing characteristics of a recognized architectural style and that represents a rare example of an architectural style, and that's what I'm here to refute. The colonial revival period started basically at the hundred-year anniversary of the country, and it was a way for people in the country to basically show deference to the forefathers and the origination of the country in reviving what was a vernacular, a very simple vernacular style from the beginning of this country's existence, so the colonial revival style was actually a fairly simple style. It first came back in residential construction and then in the 1920s it was kind of the heyday of the commercial colonial revival. After the 1920s, though, the country kind of moved on to the art deco arts and crafts and modernism movement, and that was no different in austin. Travis house was built in 1945, which was well after the heyday of colonial revival, and in 1940 what you were seeing in austin was the austin theater on the left, which is on south congress, which is directly a copy of the museum of modern art in new york. You also saw the same mo hotel, on congress, which was in the international style, and you have city market on east 7th street which was built in the art deco style, so clearly austin was not in a back water of architectural significance back then. We were building things that the rest of the country was building, and travis house was really an anomaly when it was built in 1945. We do agree with the

city staff that there are certain elements of travis house that are typical of colonial revival, and that would be the symmetrical front, the baroque impediment, palladian-esque window, it's got the brings brick that implies that. The double hung windows which typically would be paired but they're solitary in this case. What it also has, though, are arched windows, which are not part of a colonial revival. That is more similar to a neoclassical or romanesque style. It's got coins which are not neocolonial and it's got an arke traitment freeze which is not associated with colonial revival. When we look at this building we say it was not rift, repetitive representative, of its age and it's pulling in historical references some of which are colonial revival but many which don't have anything to do with colonial revival. To me the building represents something similar to what we have on the left of the slide, which is a building built in the last decade as an apartment building, which also is symmetrical facade. It's got a core corner as, palladian windows, corns, columns. But this building on the left I don't think anyone would say is typical of an architectural style. It's just pulling in element to make it look familiar, and essentially that's what travis house was doing in 1945. So the other element in their argument is that it represents a rare example of an architectural style, and first of all we don't believe it represents an architectural style, but even if it were, there are other examples and better examples of colonial revival commercial architecture in austin that have already received historic landmark designation, and this is the me sonic lodge on 7th, which is several blocks from travis handout location between guadalupe and lavaca, and this one exhibits all of the typical elements of colonial revival and none of the oddities that travis house does, and it's already received landmark status. So as you'll see in the next presentation there are a lot of issues with travis house that do not make it an ideal historic preservation entity, and these are just some of the photographs of the rest of the building. It's my personal opinion from my studies in architectural history that the building, while it does have some elements, it is not representative of the style and it is not unique in austin. Thank you. thank you. Next speaker against. Are you larry ursik.

Yes. so is vincent vast qs -- larry, you have six minutes. I have someone else's time also. john johnam le has -- you have nine minutes.

I'm larry ursik with a firm that specializes in adaptive use of existing buildings. It's pretty much all we do in professional architecture and we were asked by the owners to take a look at this building and see if it was economically viable to adapt. So we were looking really at what use would go in the building, understand existing conditions and what is that cost. Kind of before I get into my presentation here also, i wanted to -- in your packet there's a letter from wayne bell. If any of you know wayne bell, he is really what a lot of people think of not just in austin but really across the state as the voice of preservation. Beans around forever, very well respected. He was a professor at the ut in the school of architecture. He started the preservation specialist program at the university of texas. He was actually the very first chair of the landmark commission in the city of austin, and he also was one of the co-authors of the criteria that we're looking at today for the termination of whether a building has landmark -- determination whether a building has landmark and historical status. The letter that you have from wayne in your packet is that he knows this building and he does not feel like it meets the criteria for historic zoning for landmark designation. You know, we also agree with that, and what eric said, we don't feel like it meets that criteria either. So now I want to get you familiar also with the conditions of the building. You see the front facade on the east up at the top that's on guadalupe street. As you approach the building on the left here you see the entry, which you have to step up to, so it doesn't meet ada.

There have to be adaptations to that and what I'm trying to do is understand the building and the scope that would be involved in developing the structure. You'd have to do that. Right as you approach into the building, through that entry, there's really like about a 7-foot by 8-foot landing that has steps in front of it, so there's no way to even access the building once you get into that entry without an elevator and adapting the building for accessibility. There's no included stairwells. These stairwells are too narrow to meet code so you'd have to tear them out and put in new enclosed stairwells to meet fire safety code. Another real obstacle on this building, there's a lot of them, but the original ceiling heights in the main corridors that run linear, east-west in the building at all three levels are only 7-foot in height. That's the original ceiling heights that we have in the building. Those are furred down with original original mechanical that's still in place, plaster ceilings. The highest ceilings at each floor are about 8-foot 6. On the outside of the building the windows, they are the original windows, but in very, very poor condition. It would be actually much more economical to replicate them and do brand-new windows that matched them. That's what we've priced. There is lead and asbestos throughout the building, over \$300,000 to abate the lead and as best as possible in the building. There's water infiltration in the building, drain it, put in a drainage system, and we've also got mold throughout the building, starting at the lower building, very heavy, and as you go through you still have mold throughout the entire building. Interior, you can see the graffiti all over, but the interior is just a mess. I mean, there's holes in pretty much every wall of the building, doors missing, frames, throughout. It's really not reusable for use nowadays, for contemporary use. Once again these are all the other facades of the building you saw in a previous slide, not any character defining features. What we came up with was an apartment for housing use for our study. We could fit 18 units into the building, three on -- excuse me, six on each of the three floors. They would need secured parking, ADA access, elevators, stairwells, fire suppression, fire alarm protection, lightning protection, and exit signage. To do this you'd have to tear off -- to make this practical, the west addition to the building for parking that's secured. You can see in this slide here what that would look like. [Indiscernible] that was on that addition and do the waterproofing. This is the floor plan now that you pretty much have to gut everything. The walls aren't soundproof. But take everything out to the structure to make this a feasible project. This is a floor plan showing an example of how we can get six units in the building and one thing to note is that the two bottom left units would actually be looking -- you would have a light well. They really don't have views so they're not as marketable and you wouldn't get as much money. And the basement has no windows so it's pretty much mechanical and storage that it could be adapted to. Exterior, you'd have to really restore everything, put on your roof, restore the masonry, replace windows, insulation, entry doors, new lightning protection system and security lighting. What it really gets down to, at the end of the study, like Jim mentioned, 6 million for the construction. There was one million in acquisition, so really it's a 7 million dollar project to undertake so it's not economically viable and unfortunately there are buildings like that that -- you know, that are historic, that unfortunately we just really can't save, it doesn't make sense from an economic standpoint. What Jim mentioned also is that in the planning commission there was a second motion made towards a few elements I'm going to describe here that the owner would like to offer had this demolition is allowed, and that is, first of all, a real appropriate thing to do is to historically document the building. Go in there, measure it, do CAD drawings of the building, do selective historical photography of the building. And then what they want to do is submit that to the Austin History Center to become a record, a historical record that people can understand the building, the YWCA, the users of the building, primarily. Another thing

they would want to do -- and this is voluntary, but they want to do this as part of the demolition is implement the great streets plan on the guadalupe side of the structure. And then also construct a commemorative monument. That's something they want to negotiate with you, but that element, what we're kind of thinking is that it could be where we salvage the entry portal, cast stone, which is a real character defining feature that's quite nice, actually. It's made up of catalog pieces you could buy at that time. Save that and bring it out to the street and that green zone of the great streets plan, salvage brick, make a wonderful entry portal and, you know, put a nice cast bronze black that commemorates the ywca and its occupants and their mission and what they mean to the city of austin. With that the owner requests that you deny historic zoning and allow demolition of the travis house. thank you. Is there someone else wishing to speak? Janice galloway or susan harris?

Thank you, mayor. I'm susan harris and I own 509 west 18th street west of the travis house. For the past three years I've run my business, a commercial real estate company called site solutions from this building in this neighborhood, and i speak today in opposition to the historic zoning designation for this property for two reasons. The first is that as a business resident of this mixed use neighborhood i deal with the homeless population on a daily basis. Despite the consistent and very excellent efforts of the owner to secure the building from casual entry, the homeless get in and it is a magnet for the -- for that element of our society at the moment. The new holes get patched up and the vagrants wind up sleeping on my front and my back porch. They use my building side areas for their no-flush potties, to the reference earlier of the low-flush potties. The proliferation of the homeless in this area is a concern for all of my neighbors, and we have frequently talked as a group about requesting the city to have this building demolished, and lacking any compelling historical significance we would really like to see that happen to help with the problems of the vaig vague vagrant si area. I'd like for you to consider this area north of the capital, the area bounded by lavaca and lamar, is the next area that will emerge in our downtown area as a viable location for dense mixed use development. It is the area least affected by capital view corridors. It enjoys great mobility along two major roadways, and the demand for this location is fueled by ut's continued rise as a world-class facility, the ut at&t conference center, the blanton and state history museums, the texas medical association, which is growing in the neighborhood, and the state government. When you remove the properties owned by ut and the state within that region I described, you -- and you eliminate the blocks in that area that currently have historical zoning designation, and there are nine of them, you're left with only three blocks that can be assembled to support another office tower, residential condo or mixed use development. The subject property is one of those three blocks. Please remain committed to our community's desire for dense urban core and in the absence of any compelling historic value, do not handicap this site with the serious development limitations of historic zoning, and deny the historic zoning request that is before you tonight. We're requesting that you please keep the site entitled for future high density development. Thank you. thank you. Final speaker is janice galloway. Welcome, ms. galloway. You have three minutes. mayor, council members. I'm janice galloway. Excuse me. I'm the president of the board of directors of cambridge tower. We are located, as was mentioned, about a block away from the subject site. On september 22 we sent a letter to each of you stating our position on the matter, so I won't waste a lot of your time tonight. The main point I want to make tonight is that we consider this site, the travis house, when you look at it, the condition of the building is deplorable, and it continues to deteriorate

every day. It is nothing less than a blight on our neighborhood. It's a hazard and an eyesore, and for this reason we urge you to deny the historic zoning designation, and we are in support of the demolition of the building. Thank you. thank you. And those are all the speakers that I have signed up wishing to speak. We also have terrell blogett signed up opposed but not wishing to speak. Is there any rebuttal by the city? The applicant? You don't have to. I just asked if you wanted to.

Well, I would just like to say that rather than being an impediment, that there could be development of this site through the certificate of appropriateness process. We've already said we don't recommend certain zoning for the whole site. We'd be in favor of demolishing the rear addition, even though it was done by kuhny, brooks and bar, who are fairly well-known austin architects, and in addition it would be possible to perhaps further demolish a portion of the original building and build to the rear, but without field notes or some sort of agreement we wouldn't be able to put that before you tonight. In addition I just wanted to note historic zoning has no impact on the interior of the building, so gutting the interior is entirely possible. From the last meeting i understand the structure is made of steel, concrete and masonry, so it's not materials easily deteriorating. I think by definition, having to be 50 years old, no historic landmarks are ada accessible to begin with. The -- I think the -- the fact that the commercial -- the commercial colonial revival structures are rare doesn't necessarily mean it's unique in austin or elsewhere. The -- I think there are -- there might be some city programs -- I know there's a lead abatement program, there may be some other programs that could assist in renovating the building. I'm not sure. I know that, depending on what they plan to do, that might be a possibility, and I think this could be part of a redevelopment of that block. And I know recently there was a speaker in the city who talked about the main -- the largest industry in the world is tourism, and if you take away what's unique about a city, there's less reason to visit the city, and I think there are other places that people travel to to see small buildings that haven't been demolished and that drives the hotel industry in those cities, so a little off the topic, but thank you and I'll answer any other questions you have. thank you. Questions, council, or comments or a motion?

Mayor? council member riley. I'd like to move staff recommendation of historic zoning. council member riley moves to approve historic zoning. Is that to close the public hearing, first reading only or --

riley: yes, it is. is there a second for that? Council member morrison, discussion, council?

If I could just say a few words about that. First I'd like to speak to the criteria that we have before us for historic zoning, and we've talked about two -- I actually think that this building needs three, the criteria for historic zoning. First with respect to the distinguishing characteristics of a recognized architectural style. I think staff has done a good job of explaining why this building is significant. And I would just add that the fact that it blends -- the building blends several different styles doesn't necessarily negate its value as an example. And, in fact, I would note just in passing that in today's austin american-statesman there's a lengthy article about a house just ano carrierringconnect 57600

the property possess value to the community because it represents the cultural, artistic or historical heritage of the city or an area of the city, and I think this did. So I think it clearly meets the criteria to allow for historic zoning. And secondly -- and then i want to address just a few of the arguments that

were raised here tonight. First the last speaker mentioned that this area is poised for redevelopment, and I totally agree, that we are -- we could well see some significant redevelopment in this area, and to me that's all the more reason why we need to hang on to some sense of place in that area. I fear that if we lose buildings like this, that we will in a few years from now, this area may well be unrecognizable. This is one of the few buildings in that area that people know and recognize, and when they pass by it it catches their eye and people know this place. And I worry that after some period of redevelopment this area will not possess anything that speaks to Austin's history or heritage. It will be just another redeveloped mixed use area, and I think hanging on to significant buildings like this will actually contribute to the vitality of the area as it grows. I also want to speak to the argument about -- the arguments about the condition of the building, and I'll first say that I think it's notable that a lot of the -- much of the condition of the building today, the deterioration of the building actually occurred while the property was under its current ownership. In fact, the current owners of the building had the building while the stuff was going on, and they allowed it to continue. And I realize that they may have exerted efforts to stop it, but if someone had really been serious about preventing it, they could have gone in there and redeveloped the building immediately and put it to good use and it would not have become a nuisance. It could have been a very vital part of the area, as it was for decades, before it reached the state that it's in today. And I don't think that it's -- I don't feel obliged to -- I don't feel that much sympathy for the owner given that it was the owner that allowed it to get into this condition. And finally, on that note I would just point out that there are a number of other buildings -- we've lost a lot of billions both in this general -- buildings both in this area and in Austin generally, that got into -- for whatever reason, got into a fairly dilapidated state and then we just -- we let them go, and now we look back and -- well, maybe others don't feel this way, but when I look at the surface parking lot on the southeast corner of 11th and Congress, I think of the courthouse that used to stand there and -- by the time it got torn down it had fallen into a dilapidated state but in old photos it was a fabulous building and if we had hung on to it it would be contributing more to this city than the parking lot contributes today. The old rail station at 3rd and Congress, by the time it was gone it had fallen into a dilapidated state but it was a fabulous building while it was there and if we had taken the effort to fix it up it would be contributing more to the character of the city than what we have there today. So for all those reasons I would -- I would support historic zoning for this building. and I'll just say that I won't be supporting the motion. We've heard from a number of architects and experts on historic characteristics here tonight and we've heard from others that weren't here tonight, outside this room, and we know that the building is in an extremely deteriorated state. We could argue about how it got there, but nonetheless, the fact is it would cost an inordinate amount of money to restore this building. And finally, this isn't an -- this is an area where we do want to promote new development. It's one of the parts of town where we do need more density. We've said that we do. It's in the downtown area, and for those several reasons I won't be supporting the motion for historic zoning. Council member Morrison, did you have a comment? yes, I won't repeat all the things that council member Riley said. I agree with his points and I think that they were well stated. I do want to add just a couple of things. One is that I'm very uncomfortable with the argument that it would be overall expensive to restore it, because I hate to think that people are coming in and buying property with the assumption that it can be torn down when they know that we have historic -- historic preservation as a goal in this city. So I hope that anybody that's going out and doing a business deal understands that the risk is that it might be historic, and so you can't assume your finances are

going to work only if it's torn down. So I think that's a general thing that we all need to keep in mind. And then secondly, with regard to the issue of it being a nuisance, I think it's a shame that tearing down a building is the only way to dealing with -- considered the only way to deal with a nuisance. As one of the speakers said, when it was effectively boarded up, the folks that had been using it to sleep there just went and slept on somebody else's porch, so, you know, tearing down the building doesn't solve the vagrants and the homeless problem in the city, but most importantly, as council member riley stated, and i agree, there are significant historic aspects to this, and I do believe that it qualifies for historic zoning. council member, I asked you this question once and you answered, but refresh -- did you say all three readings or first reading only? First reading. Council member cole? mayor, I'd like to say that I certainly appreciate the need for historic preservation, and i certainly do appreciate the comments that have been made about the need to preserve african-american history. I couldn't feel more strongly about that. In fact, this week I was at an event celebrating the designation of an african-american historical district, which I believe this council supported in a resolution, and recently the state has supported that resolution. But I've seen this property, and as much as I struggle with this issue, I recognize that in this role we have limited resources, and when you have limited resources you have to make tough decisions, and one of those tough decisions that I think we have to make now is whether we can truly support a historic zoning designation, and I don't believe by the testimony that we have heard today that we can do that. So I will be making a substitute motion to deny historic zoning. Substi substitute motion by council member cole to deny historic zoning, second by council member spelman. Is there any discussion -- discussion on either motion is in order, but we'll vote on the substitute first. Mayor pro tem? yeah, just -- i have a few process questions related to this particular structure. It was mentioned that the county -- I think the county sheriff's department used this structure for some type of training scenarios, but then the austin fire department did for a period of months. What appears to have happened is that the fire department entered into an agreement with the private property owner to do some training, and I think it's a good thing. The fire department has done this for years. Anytime we can take advantage of taking advantage of an almost realistic scenario, it's a good thing for us. The part that concerns me is that the owner did this with the assumption that there was going to be demolition in the future, and that was an erroneous assumption. And I believe that the fire department should have ensured that a demolition permit was in hand before we paid, to the detriment of the structure by going in and breaching walls and causing further harm to a building that, once the demo permit was sought, it was going to have to go through historical review, and one of the things that sadowsky and his staff takes into consideration is whether or not the facility can actually be rehabilitated and refurbished. So for me moving forward, i would hope that we would engage in a conversation that doesn't allow the city of austin, any of its departments or any of its employees, in engaging in some type of potential destruction of a structure unless a demolition permit is currently in hand. I would hate that we would be contributing to something that could end up being on the table as potentially zoning for historic preservation, and that to me was a concern. And so I just wanted to voice those concerns. I don't think there was any mal intent by the fire department. As a fire fighter, we took advantage of every opportunity we could to get into live fire scenarios. We even burned down houses that people would donate to us. We ripped open cars that people would donate to us, but I don't think that precludes us from putting a little bit of checks and balances in place so that in situations like this we don't go in and start tearing up old buildings just because somebody is going to try to tear it down at a later date. So I will be working with the city

manager. We've already discussed it. I appreciate all the follow-up from staff, from the fire department. I just think that there was a process flaw that we can correct, as it relates to the actual zoning of historic. I think there is historic significance in this structure. But I don't think zoning it historic is -- I believe that if we zone this property historic it's going to sit there boarded up. One, there is no market. Two, it's substantial cost. So I think creating a commemorative aspect of the historic significance is -- you know, would be appropriate, so I'll be supporting the motion that was offered by council member cole. Thank you, mayor.

Mayor? council member riley. I'd ask for clarification. Is the substitute motion intended for all three readings or is it just the first reading? just one reading is all it takes to deny.

Riley: to deny. So it would just be one reading. Well, I guess I have a question for staff. In discussions with the applicant, and I understand that the applicant has indicated that they may be amenable to a restrictive covenant or some other mechanism for prohibiting the use of this property as a surface parking lot. They have indicated that they would be interested in other uses, such as putting trailers there. If the council wanted to ensure that it is not used as a surface parking lot, what would be the appropriate mechanism for achieving that?

It would be through a restrictive covenant. that would be a public restrictive covenant?

It could be a public restrictive covenant.

Well, in that case, even though I won't be voting for the substitute motion, I'd like to offer, if I could -- what I would hope might be a friendly amendment, or I would suggest that if a majority is interested, that you might consider a restrictive covenant prohibiting the use of -- as a surface parking lot. can we hear from the applicant about the impact of the restrictive covenant?

Council members, the restrictive covenant, which I do have here tonight cuteth executed, along with a check to the county clerk for the filing fee and ownership and lean certificate from heritage title, says that -- basically it says that within 120 days after we've demolished the building, we do our engineering and architectural work and apply for the appropriate pments for the great streets oh permit for the great streets plan to be implemented along this frontage, then we would go through that and work with staff to come up with an appropriate commemorative marker honoring the ywca and the things it did there, as we've heard about. And use some of the elements of the harvest, as the planning commission put it, some of the elements of the existing building to use in that monument along with the appropriate marker, and as soon as we get all the approvals, then we'd mobilize contractors and get under construction in 120 days after that. It also -- the plan that you have -- if you have a copy of it, the plan you see attached says that until -- and this is one of the things that commissioner dealy wanted mainly, it would say that until there was redevelopment on the site, that there would be temporary landscape ground cover until the future development occurs. So we're not talking about scraping it and we're not talking about putting in a surface parking lot. We did talk -- captai n, would you hand them to council member cole? She'll pass them down.

There's no intention to do a surface parking lot, if you mean a commercial parking lot. There was some suggestion from folks in the neighborhood that this might possibly be an appropriate place to put in something like you see on south congress, the little retro trailers, just an idea. But what we do have in the plan is -- we have to have snow cones, in that trailer.

Yes --

cole: [Laughter] oh, it's cupcake. I have a process question for you, mr. nyas.

Yes, sir. the motion before us right now is to deny historic zoning, so conditions cannot be attached to that denial. So you've agreed to execute this restrictive covenant?

I have it right here in front of me executed by -- and I'm -- at the moment the vote goes -- if it goes our way, I'm going to give it to the city attorney, voluntarily, and we agree to do that. well, the city attorney, of course, has not had time to review the restrictive covenant, so that would be subject to a discussion between you and he, if it's a public restrictive covenant.

I actually gave him a copy about three hours ago. the city attorney?

Check, one, two -- I've always wanted to do that. [Laughter] I apologize. We did receive a copy a few hours ago, but we have been otherwise engaged in the meeting, so we really haven't had a chance to review the restrictive covenant at this point and would appreciate an opportunity to review it in more detail if council was interested in such a restrictive covenant. well, I think perhaps we can just give direction that staff nyas and the property owners to execute that restrictive covenant and also to erect the commemorative marker, but we are taking you basically on your word that you are going to do this.

I would never, ever go back on my word to council member cole in a million years. how about me?
[Laughter]

we have to count to four. all right. So I think we're clear, the substitute motion is -- has been made and seconded, and we've had discussion about execution of restricted covenant to accomplish some objectives but the motion is simply to deny historic zoning. Any further discussion? All in favor of the substitute say aye.

Aye.

Mayor leffingwell: aye. All opposed say no?

No. the motion to deny passes on a vote of 5-2 with council member riley and council member morrison voting no. Thank you. And those are all of our zoning cases. Brings up item no. 97. Welcome.

Good evening. Judy plumber, real estate services division, contract and land management. 97 is a change in use in parkland. It's a staging area in ramsey park. That staging area exceeds one year so

thereof we have a chapter 26 public hearing. I know that you also have a hearing before you that rosedale provided, and i wanted to make sure that it was clear in regards to the sprinkler system they requested. We won't be able to put a sprinkler system in, but the contractor is going to be required to control dust on the project. The city inspector will be made aware of the dust concerns and they will be vigilant to monitor that dust situation that the neighborhood is concerned about. 97, the legal fact finding is that there is no other feasible and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park. Questi questi ons of staff? And we do have speakers signed up for this item. Council member morrison?

Morrison: excuse me. One question. Maybe I just didn't read the backup close enough. Can you just confirm for me that in cases like this and in this case the mitigation fees are absolutely dedicated to the area that's being used for --

excuse me, I should have addressed that the mitigation on this project is in excess of 241,000. I have confirmed with the parks department that when construction of this staging area is removed and everything is cleared out, they will work with that neighborhood to invest those funds within that park.

Morrison: okay. Thank you. if there's nothing further we'll go to our speakers. The first in favor is diane mountain. You have three minutes.

I'm diane mountain. I'm the immediate past co-president of rosedale neighborhood association, and in the interest of time I'd just like to hold my comments and let you know I'm here available for questions. thank you, diane. We appreciate that. Richard ralph? Richard ralph? And you have three minutes.

Well, thank you, sir. My name is richard ralph. I'm the current -- one of the current co-presidents of the rosedale neighborhood association, and since there's really nobody here to speak against, I'm here to answer questions. thank you. Any questions? Apparently none, mr. ralph. And chris allen is also signed up in favor if there are any questions. Those are all the speakers that we have on this item. So the floor is open for a motion. Council member morrison moves approval of item no. 97. Council member riley seconds. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 6-0 with mayor pro tem martinez off the dais. Item no. 98.

98. It is also a change in use and parkland for storm drain improvements. This is on the holly shores park. And this particular transaction, the mitigation fee is about 3500. It's a small area that's being used for a change in use on your parkland. The legal fact finding for 98 is that there is no other feasible and prudent alternative alternative to the taking of the parkland which includes all planning to minimize harm to the park. thank you. And if there are no questions for staff we do have one speaker signed up for. Andrew tidrick. Andrew tidrick. You have three minutes.

Thank you. My name is Andrew Tidrick. I'm the owner and resident of the lot in question here where the storm drainpipe goes under, and I myself actually contacted the city in April of this year asking to have this storm drainpipe repaired and remediated. There's a serious problem with erosion with two large trees that are about to fall down off the back of my backyard essentially. And forgive me for maybe addressing this in an inappropriate form. I've been frustrated. I'm not sure how to go about working through the city offices to make this request. Essentially what I was hoping for and wanting the city to try to do is to relocate the storm drainpipe that is under my lot to the adjacent parkland. While I'm really pleased that they're going to remediate this erosion problem, I'm trying to encourage and motivate whoever is listening in the city to relocate the storm drain line so that perhaps a home could be built on that lot to improve the potential for myself and also for the city to have increased tax revenue. Otherwise, the entire lot is covered by an easement for this storm drainpipe. Additionally, -- there's one more point I had. I think it would be coinciding well with the city's overall plan of smart growth and infilling urban lots. It's an ideal beautiful lot. Probably you're not familiar with it, but it has a view to town lake or Lady Bird Lake. It's right next to parkland, and if the storm drain is allowed to remain where it is it's just unusable on city land. And so forgive me again if this is an inappropriate place to address this but I've really been frustrated trying to find an ear who would listen or someone who would consider this option, and I think it would be a small amount of energy and money invested in the project compared to the potential revenue for the city in property taxes if a home could be built there. Well, I'll just say certainly that kind of thing is done all the time, moving of utility infrastructure to allow for building, but the normal practice is for you to pay for that, the property owner has to pay for that. So you can certainly contact city -- city manager can put you in touch with someone to talk about that.

Mayor Leffingwell: okay. I was hoping that while the city was there with their funds and their equipment that it might be a project that could be done together or somehow -- I mean, I'm of limited means myself, and I understand. We understand. Thank you.

Okay. Thank you. And council, that's all the speakers we have signed up on that item, so the floor is open for a motion. Council member Spelman moves to close the public hearing and move approval.

Second. Second council member Cole. Any discussion? All in favor say aye.

Aye.

Mayor Leffingwell: aye. Any opposed? Passes on a vote of 6-0 with Mayor Pro Tem Martinez off the dais. Brings up item no. 99. Mayor and council. Let me get the -- apologize for that. What I have before you tonight is a floodplain variance request at 8225 Highway 71 West. It is a site plan, commercial site plan application known as Silver Mine Plaza and it is in the Williamson Creek Watershed. This photo shows the area west of town on -- the property borders Highway 71 at the intersection with Silver Mine Drive. The red area there outlines the property. The property is in the 100-year floodplain of Williamson Creek and a small portion in the 25-year floodplain. A little more closer-up view of the property itself. The property is currently undeveloped. The applicant proposes to develop a drive-through bank facility. The building is located there in the center in the fuchsia color with a parking lot and then drive-through area related to that development. The parking areas and drive-through areas -- areas and drive-through areas will be

placed on fill material that will be imported to the site, and the building itself will be built on a pier and beam foundation, such that there will be no fill underneath the building. That area would still be an area where floodwaters would gather but would not be fill for the building itself. When developments come into the city and we're reviewing them for floodplain regulations obviously buildings and parking areas that encroach on the 1 25-year floodplain are generally prohibited. There are certain sections of the code that require administrative approval for encroachment in floodplains, and there is essentially seven criteria that projects have to meet in order to satisfy administrative approval. This project satisfies six of them. It doesn't satisfy one, which is the reason why it has to come for council consideration. The one item that it does not satisfy is compensating for the fill, the displacement of the fill on the property. The engineers, through their application submittal, have provided the city with some hydraulic models that indicate that this project will not cause an increase in flood heights. The staff has reviewed those models and we are in agreement with that, that there will not be an increase in flood heights. We've talked a little bit in the past about floodplain storage. Floodplain storage is a very important matter in floodplains. The cumulative loss of floodplain storage can in the future cause increased peak flow rates which could result in increased flood heights. So that is why we consider it an important measure. When we look at the items that the applicant is requesting a variance from, the fact that they're not providing the compensation for that fill, we consider that to be under the adverse impact portion of the code, yet wanted to stress that there is not an increase in flood height due to development. So essentially three variance request. The one is for -- to allow the development to go without compensating for the entire floodplain volume displaced. The second is the general prohibition building and encroaching on the floodplain area. And the third is requiring a drainage easement and the applicant is requesting that a footprint be excluded from that drainage easement. This is a picture of the property in the background. The foreground there is highway 71. This is the rear portion of the property. This picture is looking in the -- at the property in the foreground and silver mine ground in the background. Just wanted to talk a little bit about the development application history on this specific piece of property. The property was platted in 1972. There was a rezoning ordinance approved by council in 1986, which changed the zoning from interim rural residential to neighborhood commercial, I.R. Soon after that a restrictive covenant was put on to this property, that among other things, limits the impervious cover on this property to 40%, or as the base zoning district would allow 80%. Also, just after that restrictive covenant in 1986 there was a site plan and a waterway development permit approved for this property. It was never undertaken, and the property currently stands undeveloped. The site plan portion of that approval expired. The waterway development portion of that approval has no expiration date and is actually still valid. So essentially the owner has the right to go on to that property and place - according to the waterway permit, place the fill, the amount of fill that was approved for that permit is very similar if not the same as the fill they're proposing with the brand-new site plan. They came in in 2008 with a brand-new site plan, new land use and new grading plan land development plan. Just a quick summary of the findings. We reviewed the application. Again, I just want to stress that the development will not cause an increase in flood heights. However, there is a loss of floodplain storage on the property. As we review these applications and we consider how we -- we might have a recommendation for these, but there are certain items in the code that are conditions and considerations on how we would consider a variance being allowed to be approved, and it's spelled out in the code, and some of those items discuss a little bit about hardship conditions, and in our opinion,

there is a hardship on this property. The entire property is in the 100-year floodplain. So it would be extremely difficult to place development on this property and compensate for all the fill that would be placed on it. You obviously can't excavate too low because you'd never get the water out of the property. And again, as we reviewed the code and look at those prerequisites for granting variances, in our opinion, there is information along those lines in your backup packet. Staff recommends approval of this variance, and if you have any questions I'd be happy to answer those and I believe the applicant is here as well if you have any questions for them. any questions of staff?

Just a quick one.

Just a quick one. council member spelman.

Is there an opportunity for an owner to compensate for fill on an adjacent property or a nearby property? It would have to be their own?

Is that allowable? is that allowable.

It would be allowable if the owner could go to a neighbor and, you know, get approval to do that through some certain means, but -- you know the site better than we do. Is there -- technical point of view, is that something that would be possible here? Is there a nearby lot that would offer the capacity for that to happen?

In our opinion there was not -- there was not a viable opportunity, and again, looking at where that volume could occur, we'd like it to be in the general vicinity of the development itself. Spell and your model suggested there is no change in the floodplain. Is that no appreciable change or no change whatever?

There's no increased flood heights with the development. There will be a change in the floodplain because there will be fill placed. No increases in flood height.

There would be a increase in floodplain -- only on this person's property. It will not change anybody else's floodplain.

Correct.

Thank you. so the floor in the building itself will be 3 1/2 feet above the floodplain.

Yes, sir. the 100-year floodplain?

Yes, sir. and there is safe access, so at least one foot for pedestrians and vehicles, one foot above the floodplain.

Yes, sir. The fill material for the parking lot area will be in excess of a foot of the floodplain. that's all I

have. Any other questions? Are you the applicant, sir? I didn't see you signed up to speak, but just introduce yourself and --

yes, my name is charles dunham. I'm here tonight representing the owners of the property, and we appreciate the staff's help on this. The owners did have one additional request for you, and that was regarding to the expiration of this variance, which is currently set at november 30, 2010, so about a year. Based on the current economy and timing scenarios, the owners believe they may not have their building permit finalized and approved and ready for construction within that next year, and would request that -- the council to tie the variance request to the site plan expiration. And they'd appreciate your consideration of that. could you give your -- could you sign up with the clerk right here so we'll have your name? And I would ask the city attorney about that request for extending the variance. I don't think I've seen that before. I don't know if we can do that.

Mitsy cotton. Assistant city attorney. We do have an expiration date in all our floodplain variances of one year. We have in the past, because of the economy, we've agreed to a two-year extension. I don't think we've ever agreed to tie it to the life of the site plan, and my recommendation would be to get a two-year extension rather than the site plan.

Mayor leffingwell: good. Thank you. Council, floor is open for a council member spelman? Throo I move approval of a two-year extension. so council member spelman moves to close the public hearing and approve the variance with the modification of a two-year extension for the variance. Is there a second? I'll second. Is there any further discussion? All in favor of the motion say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. And madam city clerk, I show no more items on our agenda for tonight. That being the case, without objection we stand adjourned at 8:32.

End of Council Session Closed Caption Log