

Closed Caption Log, Council Meeting, 02/11/10

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Mayor Leffingwell: Good rning, everyone. I'm austin mayor lee leffingwell and we'll begin today with the invocation from father isidore, pastor of albert the great catholic church. Please rise.

A mother is going to church with her little girl and the girl asked, I want money for god and I want money for candy. So the mother gives her 25 cents for candy and 25 cents for church. As they are walking into the doors of the church, a quarter drops and falls through the cracks of the wooden floor. And the little girl says, god, there goes your money. I was running late and I was afraid you might say, father, there goes your prayer.

[Laughter] but I'm glad I made it. Almighty and loving god, you commanded your children of israel to offer you daily sacrifice. We offer you this prayer this morning on behalf of our city leaders. Mayor lee leffingwell, mayor pro tem mike martinez, and all the city councilmembers. May they be led by your wisdom in their deliberationss for the people you placed under their care. May they seek your will in every decision they make for a people that fear god are indeed a great people. Illuminate their hearts and minds with knowledge and courage to do what you would have them do. And e ask this in your name, now and forever, amen.

Mayor Leffingwell: Please be seated.

Mayor and city councilmembers, I have thanked you in writing for giving albert a great traffic light and now I want to thank you directly and in person. Thank you so much for changing the lives of so many people in north austin. Thank you.

Mayor Leffingwell: A quorum the present so I'll call this meeting of the austin city council to order ON THURSDAY, FEBRUARY 11th, 2010. At 10:06 in the morning. We're meeting in the city council chambers at austin city hall, 301 west second street, austin, texas. I'll begin with the changes and corrections. Item number 6, add the phrase "recommended by the water and " item number 15 will be postponed until february 25th by the mayor and council if there is no objection from council. Item number 18, add as co-sponsor councilmember sheryl cole. Item number 19, correct the spelling of the word "identify" change inden activity fy to identify. And also change from nitrous oxide to nitrogen oxides on item number 19. Item number 27 is withdrawn. Our time certain items today are at 10:30. We'll have

an annual update on the city of austin-lcra water partnership. Second we will have a staff presentation regarding an economic development proposal to create an economic development program for legal zoom.com. And without objection, council, even though public comment is permitted, we will limit that comment to 30 minutes. And third, we'll have a briefing on the east riverside corridor master plan. It says here by the consultant, but the consultant is snowed in in new york city so the staff will make the presentation instead. 00 we will have our general citizens communications. 00 take up our zoning matters. 00 we'll take up our public hearings. 30, we will have live music and proclamations. The consented agenda this morning is items 1 through 22, and I will read item number 16 into the record and it remains on consent. These are appointments to our boards and commissions. To the commission for women, veronica garcia is appointed by mayor pro tem -- or nominated, I should say, by mayor pro tem martinez, and to the comprehensive plan citizens advisory task force, roland hays and charles miles are nominated by the council. So as I said, the consent agenda is items 1 through 22 with the following exceptions. Item number 9 is pulled because we have several people signed up to speak on that item, and item number 18 is pulled by councilmember randi shade. Are there any items -- any other items to be pulled off consent by council? And I don't believe we have any citizens signed up to speak, any single citizen signed up to speak on items already pulled. Correction, we have two speakers that have just signed up on item number 20, so council, without objection, I will pull item number 20 off the consent agenda as well. The items pulled are items 9, 18 and 20. Is there a motion to approve the consent agenda? Councilmember shade moves to approve the consent agenda, seconded by councilmember morrison. Is there any discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Passes on a vote of 7-0. So we'll now take up item number 9, which is pulled for citizen comment. First speaker is gus pena. Gus pena.

Good morning, mayor, city manager. Gus pena. Item number 9 has to do with a resolution authorizing the parks and recreation department's application for \$1 million grant funding for the improvement of morris williams golf course. If you remember, early last year and before then we have overton and myself, who is scheduled to speak, I don't see him right now, have been trying to educate the council and the community about the neglect at morris williams golf course. It's just not about a golf course, it's about a place that has been not only for austinites or professionals that come in from throughout the world and throughout the world, but to improve a golf course that has history for the african-american people, the mexican-american people. Lee trevino played there and many african-american golfers, but the kids. The kids have been provided the opportunity to have an alternative to the streets, to gangs, to play golf. Anyway, I want to thank you all very much for this resolution and trying to get funding to improve the quality of life for the people in that area. Also morris williams golf course. Thank you very much, and I overton will be here, the son of the great overton the president of naacp, a great civil rights leader. Thank you very much for that and good things do come to fruition and thank you all very much.

Mayor Leffingwell: Thank you. And the next speaker is valma overton. Is valma overton in the chamber? He is signed up for. andrew jackson. Dr. jackson? Is dr. jackson in the chamber? jackson is also signed up in favor. In fact, all three of these speakers are signed up in favor of the item. Those are all the

speakers that we have signed up. I'll entertain a motion on item 9.

Cole: Mayor, I would like to make a motion and a brief comment. Overton and I believe Gus Pena and Wilson, Bertha Means, Mean Wyatt and several leaders in the African-American community came to see me about this golf course. And I am just very, very proud that my colleagues have seen to it to make this a priority as we move the city east into the desired development zone, we are not for getting about open spaces and the need for recreational activity. So I just want to recognize those people that have worked so hard to make this come to fruition in the parks department and to again thank the staff and my colleagues. So I would like to move approval.

Mayor Leffingwell: Motion to approve by councilmember Cole. Seconded by councilmember Spelman. Any discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? That passes on a vote of 7-0. Council, without objection, I'll go ahead and go to item number 20, which is pulled solely for citizens comment and go back to item 18. Item number 20, two speakers signed up trying to talk us out of approving it on consent agenda. First speaker is Gus Pena.

Mayor, councilmembers, Gus Pena again. One more time on a very important issue. Councilmember Cole, thank you for your kind words. Thank you. Item number 20 involves an activity that's going to be held at the YWCA, the reinstallation of women's veterans to the family. And the sole purpose I'm here also -- [inaudible], bad weather probably precluded them from being here, I want to make it abundantly clear, we want to thank our veterans and our military veterans serving throughout the world, especially in Iraq and Afghanistan but we need to recognize the services of our female veterans. We have to do that because the female veteran has certain distinct health concerns from the male veteran and they have not -- health care issues and the women's veterans have not been appreciated and this important throughout the world to acknowledge the efforts and the sacrifices female veterans have done trying to reintegrate into the family back in the United States. I know it's very difficult, Mayor Leffingwell, you are a military veteran and you know how it's difficult coming in from Vietnam, overseas, and trying to reestablish yourself in society. We didn't have counselors, but we're just trying to make it and improve the --

Mayor Leffingwell: I didn't need one.

You probably did. You flew all those bomber missions. You probably did. I beg to differ with you on that. But respectfully, I appreciate your service to the committee, but I want to say this, there's so many issues that have cropped up that are hurting our military veterans, especially our women veterans. Police, I don't care your position on Iraq or Afghanistan, support our military veterans and show your appreciation especially for women veterans. This item is not only important in Austin, Texas but throughout the world and throughout the United States. Thank you very much for your wisdom on these

issues.

Mayor Leffingwell: Thank you, gus. Next speaker is jane lanier. Is jane lanier in the chamber? Not in the chamber. Jane is shown as being for the item. Those are all the speakers we have so I'll entertain a motion on item number 20. Mayor.

Mayor Leffingwell: Councilmember cole.

Cole: I was pleased to be able to sponsor this item along with mayor lee leffingwell and laura morrison pena's comments about this being a special need to recognize female veterans and to kind of segregate that out even though we appreciate our male veterans also. But I want to specifically point out to him that he forgot to recognize that we are also celebrating and are making an issue of mommy veterans. So those are special people also that we care about and with that we'll move for approval.

Mayor Leffingwell: Motion motion to approve by councilmember ole, seconded by councilmember morrison. Any discussion? All in favor say aye? Opposed? Passes on a vote of 7-0. We will now take up item 18, pulled by councilmember shade. We have one speaker signed up to speak and three others signed up ready to speak if we have questions. Do you have comments before we start the public comment, councilmember? Okay. First speaker is stacy suits. Stacy is signed up as neutral. Welcomes, constable. You have three minutes.

I'll be very brief. Constable king is in a training class and couldn't make it. I'm speaking on s behalf. And basically I understand there might be some proposed changes and that's why i signed up neutral on this. Some of our questions and concerns have been addressed and answered. Look forward to moving forward with this as part of the process. And I'm mainly here to answer questions if there's any questions about any activity on the part of our office, past, future or present, I'm available for anyone to talk to us about it.

Mayor Leffingwell: Any questions for mr. suits? Thank you.

Thank you all very much.

Mayor Leffingwell: We also have bruce elfant and jan gerard signed up. Elfant and lopez signed up as neutral and gerard against. All three not wishing to speak but willing to answer questions. I'll turn it over to councilmember shade.

Shade: From -- well, for many, many years, we had a very confusing ordinance in place to deal with street closures, and the -- several different places in that ordinance that we -- that we replaced with a new ordinance this past spring had a -- had language that said that the police chief shall determine the number of peace officers and security agents required for closures. It actually said specifically that the police chief shall determine the number of police officers to provide police security for a parade. There wasn't a lot of consistency throughout, but in all cases the police chief had the authority when it came to city streets and when it came to off-duty officers working in traffic control. We have over the years there

have been an increasing number of events. There are more than enough events for lots of our local peace officers to be able to help with, and thankfully over the past several years we've had lots of great examples where constables have worked events such as the book festival or eeoers's birthday and I think there should be more opportunities for police department to partner with local peace officers in particular. When we voted last spring, we had a series of documents to help with us the street closure ordinance and the recommendations that were in the version, you know, when we had the initial presentations in on first reading, had very specific language that said that -- that basically reinforced whas in lots of different places in the orlando ordinance, that only city of austin commissioned peace officers unless otherwise authorized by the chief of police shall be +sed by traffic control in the city right of way. Again, the ordinance has exceptions for local peace officers when it's dealing with security, for private individuals and businesses and organizations. This is specifically related to street closures, right-of-way, traffic control, and what somehow happened, which I'm really not clear on how, the language that ultimately got put into the ordinance was so broad that it suggested that any off-duty peace officer commissioned by the texas commission on law enforcement could be used for traffic control without any authorization by our city's chief of police. And I had -- I did not recall that even being discussed on the dais, and it was brought to my attention recently because we have an upcoming event where a group of houston police officers are going to work traffic control for a local event. And that's not -- to me that does not seem like good policy. The buck stops with our chief of police and he's responsible as -- for our city streets. And again, if somebody is on duty, this does not apply. This is specifically for off-duty officers coming in and working street closure events without any authorization by our police chief. And so we went -- so that's what this ordinance is about. In the process of working on this ordinance, I had an opportunity to speak with some of the organizations that use off-duty peace officers and i also had the opportunity to speak with my constable, bruce elfant, who I have known a long time and have respect for and I want to read into the record a letter which states it is my understanding the austin city council intends to address the austin street closure. For years deputy constables have worked many events in the downtown austin area including the texas book festival and pecan street festival. My officers have willingly compliant with city regulations and not received any complaints. In recent years some event promoters have been pressured to employ off he duty officers for events that involve street closures even though constable precinct 5 has an exemplary record. We charge nonprofits significantly less as much as 50% less and on occasion donate our services so a greater portion with be used. -- Unless otherwise authorized by the police chief, i understand that a statement will be read into the record that event promoters will be able to select local law enforcement officers other than apd officers to work temporary street closures as long as they are familiar with city rules and ordinances and with the understanding that the police chief has the duty to ensure road closures are carried out safely. I appreciate the efforts by several councilmembers and staffers to help resolve this matter and am hopeful the updated ordinance is stated and its intent will work out to everyone's satisfaction. And I want to reiterate how important I think it is that we take seriously the notion that eventpromoters absolutely have to have a way to use off-duty officers beyond just those at apd and I've asked the chie and sergeant beck to be able to to come forward so I can ask you all a couple of questions.

Good morning, mayor, councilmembers. Al ails, assistant chief.

Shade: And sergeant beck is with you who is responsible for these special events. And my question is --

and I've talked to you off line about this, but I wanted to say public luckily, will you be willing to work with the local law enforcement peace officers, specifically constables and sheriff's office, to do more to partner with them for these kinds of special events?

Absolutely. And let me just say, and I had a brief meeting outside with some of our members with travis county, local law enforcement partners, we have, I believe, a very strong relationship with our local law enforcement partners within travis county and our surrounding counties. They do a great job. They support the austin police department in a great way. And so absolutely we are committed to communicating and dialoguing and working through any of these issues that may arise. I will say that the communication portion early on was at fault. We'll take blame for that. I think we should have probably provided a little more clarity in what we are attempting to achieve here, which is strictly operational, and that is just that we want to ensure that those special events that we have that fall and that are narrowly defined under this ordinance are carried out in a safe manner, a consistent manner, a standardized somewhat manner where we are all aware they are occurring and should something occur we are prepared to handle it. And I know we'll continue to dialogue with our law enforcement partners here.

Shade: And do you have any intention of taking off the table the current events that constables, for instance, are working?

No, and councilmember, i think some examples of floated around that really fall under the -- under the category of where this ordinance would not apply and where they would allow to conduct business as they always have and have always done suc an outstanding job in doing so. So this would -- there are just a few times when this would apply. Again, we do feel like the fact that we work closely with local law enforcement and that it really does help make the wheels turn a lot smoother, our challenge would be, of course, and councilmember, you brought this up, if others from far away were to come in and try and work, then do you have challenges of communication of a uniformity of standard of rules that apply when doing these special events.

Shade: Tnk you. And again my expectation is that nonprofit and other events will be able to choose who they want to use for traffic patrol, but apd needs to know about them and who is trailing and they have to ensure the compatibility with the consistency that we're trying to achieve city-wide.

Absolutely.

Shade: And that's the intention of this. In no way are we trying to, you know, say that all of these events should covered by apd. It's impossible for that to happen, and it sounds to me like there's opportunities to increase even the opportunities where other local law enforcement could be of help. You know, again, I -- you know, am supporting this and carrying it because I didn't realize that this change was made when we did the street ordinance. I think it was, again, not something that was ever discussed to dais. I'm confused as to why that happened, but rather than bemoaning that I'm just say we'll have a much better situation going forward and oval.

Mayor Leffingwell: Councilmember shade moves to approve the item, seconded by mayor pro tem martinez. Councilmember morrison. Councilmember cole next.

Morrison: Thank you, mayor. I think all of our -- all of us on the dais were contacted and made aware of the situation that councilmember shade brought up that really raised the issue of having folks doing street events, doing law enforcement for our street events that might not be familiar with our roads and laws, and so certainly I'm behind making sure that we -- that we have that consistency for security for our street events. But as I've been discussing this issue with folks and the proposal that's on the table here, it's become very clear to me that there are a number of disconnects about what this -- what this proposal would actually do. The is -- it's fine to look at the language and it's fine to talk about intent, but there's a lot of concern that the intent might not really be clear in the language, and as we were -- I read an e-mail last night from one of our county elected officials, the reality of the way things are processed versus the intent if it's not clear in the language can become a real problem. I've also run into disconnects talking with folks about when the police chief would -- would not allow somebody besides a.p.d. The language says it would just be based on familiarity with our laws and our -- and being in some proximity to the city of Austin. But another suggestion was made that, well, they would actually look at the operations plan and if the operations plan didn't have enough police officers -- enough law enforcement officers, then it would be kicked out. So sounds to me like there's still some discussion that needs to be had about what kind of authority the police chief needs to be able to have in this situation. Another disconnect that came up was talking about liability. If our police department is actually in essence signing off on the operations plan from other law enforcement folks, is there an issue of liability and what does it mean to be actually approving it or not approving it. I think that's a question that we need to talk to our legal about. And it was sort of proposed there will be winners and losers and we have to pick the winners. I don't agree. I think we need to have a conversation about what our priorities are and how we can really best serve the citizens of Austin. One of the big issues here is that for some law enforcement folks to do street events, do the security for street events, it's much less costly than using a.p.d. folks. So for nonprofits doing fundraising and on very strict budgets, it can basically make their events and their fundraising, et cetera, impossible. When we did the street events ordinance, I do recall what -- how that all came about. The street ordinance task force did not talk about this issue. They had long, arduous discussions and then there was a staff senator into what came before us to add the discussion about a.p.d. And so it hasn't gone -- it didn't go through the street events task force. Obviously this hasn't gone through the public safety commission, and I think with the street events task force, what we learned was it's really foreign bring all the stakeholders to the table to make sure we can get all our priorities out there and balanced. So I would -- I am going to make a substitute motion in just a minute to postpone this item to allow that discussion to happen. I did talk to the chief last night and he said that wouldn't be the end of the world, from his perspective, if we postponed it. There wasn't necessarily any urgency. We did receive communication from Sheriff Hamilton requesting that we postpone it so that there could be a broader conversation. And I know Constable Elfant is here and I wonder if I could ask you, Constable, to come up and share your thoughts on that. I know that there was an e-mail that Councilmember Shade read into the record that you sent a few days ago, but in terms of participating in a broader conversation, I wonder if you could share your thoughts on whether you would be willing to participate and if you think that could be productive.

Sure, thank you, mayor, councilmembers. I'm Bruce 2., Travis County Constable for Precinct 5. This issue came to my attention last April. Not from anybody in the city but from one of the event promoters who saw some language that she was concerned that would require her to use the Austin Police Department as opposed to constables. And that's how we got involved with it. And as I understand, it didn't go through the public safety committee back then or the street closure committee. And within the last few weeks this issue came up again and I've spent a considerable amount of time with Councilmember Shade and others trying to work this out. A week ago when I sent that letter, I felt reasonably comfortable. I wish we could have had the language in the ordinance that would have protected Travis County officers, but I felt reasonably comfortable, but in recent days and hours, it's been made real clear to me by my colleagues that they weren't comfortable. And I take some of the responsibility for this. I should have asked that we bring all the stakeholders to the table much earlier and get everything out on the table and work through the concerns. I'm not happy hearing about concerns through telephone calls yesterday afternoon that I had never heard about before. We just need to get all that on the table and create a procedure to get through this. And then a long-term process. So when we have events downtown that we have post-mortems afterwards. We want to make sure the event is going to more successful the following year. We're interested in working with the council and the police department and all the stakeholders, the event promoters to make sure the event promoters have the opportunity to choose the law enforcement agency that is going to carry out these functions within the parameters that we all meet all of the city ordinances and regulations and we do all that, and absolutely the police chief. If we have officers whether or constable or sheriff that haven't met the requirements, they shouldn't be allowed to do it in the future. And I'm confident if we can get a stakeholders together we can work through this and come out with an agreement.

Morrison: Thank you, constable. I would like to make a substitute motion we postpone this item for three months which will take us to the May 13 meeting and in the interim we ask staff to pull together the stakeholders which would include other law enforcement, and some event folks. I've spoken with eeyores and to come up with a -- have a discussion, come up with an alternate proposal that folks feel meet the needs, take it to the public safety commission for review and recommendation and then come BACK TO US BY MAY 13th.

Mayor Leffingwell: Substitute motion by councilmember Morrison to postpone until May 13th with instructions for process to occur between now and then. Seconded by councilmember Spelman. So the floor is open for discussion. Let me just say I am a co-sponsor of item number 18 and I agreed to be a co-sponsors because a couple of important reasons. First, street closures are very sensitive issue in this city. We went through a long and lengthy process trying to address the concerns of people about access to their homes, their businesses, their churches. This is a complicated issue and we spent a long time trying to figure this out. So one important element of making this system work is that we have peace officers managing these events who are familiar not only with Austin standard and procedures, as was pointed out, but with Austin itself. It's very important if you have some kind of emergency and you need to get through that the officer who is guarding that intersection, so to speak, be able to give you good, reliable alternative directions to where you are trying to go. And so this was mainly directed at precluding the possibility of out-of-town peace officers, who I'm sure are good and capable men, but they don't come from Austin. They would not be able to fulfill that function. So I think -- and secondly, i

think it's important for that reason that we have peace officers who know the city of austin and are able to act in that capacity. Second, I think it's very important that we have a central point of accountability. That central point is logically the chief of austin police -- chief of police of austin, texas. These are city of austin streets that we're talking about. Where we're not in the city, this would not be an issue and we would not have jurisdiction. So for those reasons, and let me say one more thing. I do not expect any change in our -- in the way we currently operate these events with our very capable constables and area who have been doing this job for many years and been doing it very well. I expect that to continue. If my expectations do not turn out to be true, I am very willing to revisit this issue at a future date. With that being said, I will not support the motion to postpone.

Mayor?

Mayor Leffingwell: Councilmember cole.

Cole: I'd like to say that I am also a co-sponsor of this item and I agree with all the comments of the mayor and councilmember shade and have also had discussions with constable elfant, who is also a very dear friend of mine and I know we're all respect his position, especially the one set out in the letter. But I'd like to point out that I come from a very different perspective because during texas relay, I woke up the morning of texas relays and it was all over the front page of the paper, and my phone was ringing about the fact that austin police officers and the city of austin had plans to close several exits along i-35 especially into downtown, and that was creating quite an uproar in the city. And that didn't have anything to do with the constables. And I was very glad that i didn't have to make but one telephone call. Two, not three. And by the time I got to city hall, they were going to all be in my office. Now, this doesn't have anything to do with the nonprofits that you currently serve and the -- your desire to be able to continue to do that and negotiate that issue with the police department. But I brought it up simply because I have a different perspective of our need for our police officers and our police chief and our city manager to be in charge of street closures. Because that event made national news, and I don't think we've had an event since I've been on council that made national news. So this is the very, very critical vote for me and that is why I am a co-sponsor. But I am confident that I will stand behind the constables constable elfant in making sure that the events into the future does not cut y'all out because that certainly is not this council's intention. Because among many, many reasons besides public safety and good governing and relationships, we all love going to your ice cream social. With that being said, I will not be supporting the substitute motion.

Mayor Leffingwell: And city manager, staff would like to make a comment? Chief mcdonald.

michael McDonald, city assistant manager over the public safety department. A couple things have been said here that I really want to reemphasize from the conversation the chief and i have had. First of all, when it comes to constable elfant, sheriff hamilton, the other constables in the area operating under their official capacity, their agency, we simply don't sense a problem here. Each of those agencies are very capable and know traffic plans and everything from their agency responsibility, and there is an accountability there. The issue here has to do with off-duty employment. In some cases when you are working with these different groups, they are on a shoestring budget, and in some cases they are trying

to get much as they can out of it and safety can be overlooked. There have been times from the police department's point of view where our own a.p.d. Officers have been in an off-duty capacity in charge of a particular event where the chief has had to assert himself to make sure that safety was covered across the board. So this really is more about the off-duty and making sure that there is an agency that as accountability that can take a look at things and make sure all the safety aspects of it are covered. But the chief has no interest whatsoever in trying to deny any of the agencies that have been mentioned today here in this local area their opportunity for off-duty employment or the different groups and not-for-profit profits the ability to work with those agencies other than a.p.d. It's just simply someone has to take a look at these plans particularly on public right-of-ways and ensure because you don't have the normal command structure you would have placed request the agencies were to diagnose it. Somebody is looking at it and making sure those bases are covered.

Mayor Leffingwell: Thank you, chief. I'll just restate, you know, I'm glad you said that, but that is not the case I am perfectly willing to revisit the issue. Councilmember shade.

Shade: Just a reminder to everybody that up until last april, which means when the constables started doing the eeyore's and the book fest and some of the other events that we're talking about, the language was that the police chief was responsible ultimately for determining the number of peace officers required for the closure of streets and adjacent areas. It wasn't until last april that we got into the site closure -- the street closure ordinance and in the process of making those changes, unbeknownst to me certainly, we created language that gave our citizens no single point of accountability. And to me that -- you know, mayor said it and several other colleagues have said that, you know, councilmember morrison made the comments about winners and losers and that may be in reference to a conversation we had. The buck has to stop someplace for safety. So again, all of the events that constables and sheriff's office was working off duty happened under the former language. We are replacing what became, I think, unsafe language and certainly any accountability for citizens putting that back and actually improving the language that used to exist by saying that in making a determination for authorization, the police chief shall consider the local familiarity. That is to say that we expect off-duty peace officers are -- should be included as people to work these events. There is nothing that excludes that from happening in this change. And I just want to reiterate that. Secondly, the discussion about having a postponement to have all the parties come together and have the discussion that needs to occur, we've had constable elfant, we've had the -- assistant city manager McDONALD AND THE CHIEF ALL Agree that that discussion should happen and passing this ordinance today does not preclude that discussion from happening. In fact, I think it creates a sense of urgency that it should happen. I would like to suggest after its passage we go ahead and send this to the public safety commission so they can further track this. But I am not in favor of postponing it. I am really uncomfortable with the fact we have language that gives the citizens no point of accountability. Again, I'm sensitive to the events, but this isn't about events and job opportunities, cetera, it's about public safety first and foremost and making sure we have somebody who the buck stops with and that's why I will not be supporting a postponement.

Mayor Leffingwell: Councilmember riley.

Riley: I just want to note that some of the events like the Texas book festival and Eeyore's are some of the most treasured events in our city. I'm grateful to the efforts of all of our law enforcement officers including the constables and sheriff's office as well as the A.P.D. For working together to help make sure that affordable access to public safety officers is provided that makes all sorts of events possible, and the last thing we want to do is put those events in jeopardy about being able to meet public safety needs within their means. I'm glad to hear the suggestion about continuing this conversation at the public safety commission and through continued conversations like those we've had here today and in the past few days and weeks, and I appreciate everybody's willingness to have those conversations. Based on my expectation that those conversations will continue and we will be able to continue providing affordable access to law enforcement services from the whole -- from our whole local law enforcement community, I'm willing to move forward on this today and oppose the p. -- Postponement.

Mayor Leffingwell: Councilmember Spelman.

Spelman: That you are. I'm noticing a disconnect between the language of this ordinance and the language we've been using across the dais and in our discussions with the representatives of the city manager and police. We've been talking about this not be an exclusive ordinance, that we would not be excluding constables, county sheriffs, conceivably peace officers who are licensed to work in Travis County, but the words in the ordinance state: Unless an officer has been authorized by the police chief or otherwise on duty, in other words, if they are not on duty, only peace officers commissioned by the city shall be used. Now, I understand there may be exceptions made, but it seems to me that if we are talking largely in terms of exceptions, if we're talking about a lot of these events using constables, county sheriffs, that ought to be reflected in the construction of this ordinance. This looks like a restrictive ordinance. In addition, a lot of our very recent conversation in the last few moments have been about the buck stopping with the police chief. The police chief taking a look at a security plan. But that's not reflected in this ordinance anywhere either. All the police chief is authorized to do under this ordinance is authorize an individual officer or set of or otherwise, to work events, but not actually to look at the security plan at all. It seems to me that if we're -- if that's what we want to have accomplished by this ordinance, rather than accomplish it through legislative intent through this kind of discussion and forcing people to go back to the transcript and say what did they really mean, we ought to write the ordinance the way they want it to ride so it actually reflects our real intent here. I am always uncomfortable with postponement, particularly for a three-month period because a lot of things can happen over a three-month period and sometimes we just forget, but in this particular case, there is such a disconnect between what I believe we all want to have happen and the way this is written that in this instance I think it would be appropriate for us to have a little more conversation. To have that conversation and involve the public safety commission in giving us a recommendation, then I'm in favor of that.

Mayor Leffingwell: Further comments? Councilmember Shade.

Shade: Just to clarify, we're changing only one sentence in what is a long section of safety requirements. To all the requirements of the permittee to have the emergency personnel plans approved by the director, having fire department, street closure guidelines met, talking about the barricades, if the

event is gated, you know, all of the street closure and number of security officers or agents, you know, to remain on site during the street closure, all of that is incorporated in a pretty extensive large ordinance. What we're changing is only one sentence -- you know, one sentence, which currently reads a permittee plus employ off duty peace officers for traffic control. Which gives no point of authority and which allows a broad definition that would include houston police officers, it would include dental examiners, it would include a very large number of people. So that's the sense of urgency that I feel in making ts correction now.

Mayor?

Mayor Leffingwell: And chief, no dental examiners really should be on your approval list. Councilmember spelman. Plumbing inspectors either.

Spelman: Although I would prefer not to have dental examiners included, dental examiners are licensed peace offers and they do have the same basic educational requirements that police v they don't know our stuff as well as the austin police do. Is there a requirement, councilmember shade, this was passed before I got back here and so I'm less than familiar with this ordinance than you are. Is there a requirement that the event planner furnish the police chief with a security control plan?

Shad YES, AND THERE'S An engineering plan required --

no, there's a traffic control plan. There is a requirement tha the department sign off on basically the event. We generally will request certain information, but that is not currently required in the ordinance.

Spelman: Okay. So this is something you are doing by a standard operating procedure. You are asking for it, but this is not an actual requirement anywhere elsewhere in the ordinance?

No, not currently today. For the police department, the law enforcement public safety side of it.

Mayor Leffingwell: Further discussion? We're voting on the substitute motion which is the motion to POSTPONE UNTIL MAY 13th. All in favor say aye.

Aye.

Mayor Leffingwell: All opposed?

Mayor Leffingwell: The motion fails 5-2 with councilmember spelman, councilmember morrison voting in favor. So tht brings us back to the main motion, which is to approve item 18, the changes in item 18. Is there any further discussion on this? Councilmember spelman.

Spelman: Mayor, allow me to -- I understand how my colleagues may have the same reluctance I have to postpone action on this item, I think it's important to take action of some sort.

Allow me to propose the following amendment which i think better reflects our collective intent.

Mayor Leffingwell: A friendly amendment?

Spelman: Well, there is offered as an amendment and if it is construed as friendly, I'm happy bit. If it's not construed as friendly I'll just offer it as an amendment. It is not intended unfriendly at all. The language would then read: A permittee must selected peace officers commissioned by the texas commission on law enforcement standards and education for traffic control and who are license to do work in travis county. The permittee must turn a control plan included the proposed number of law enforcement officers who will provide security for the vent. The police chief has the authority to accept the plan, reject the plan or require amendments.

Shade: Do you have that written down anywhere?

Mayor Leffingwell: Councilmember shade, let me just say I'm a little nervous about rewriting legal language on the fly here, so -- the question is do you accept that as friendly?

Shade: I would like see it in writing. Do you have it written down anywhere?

Spelman: I can arrange for it to be sent to you.

Shade: Okay.

Mayor Leffingwell: Mayor pro tem.

Martinez: As the seconder of that motion, I just had a question. Is a licensed peace officer license to do operate in a specific county in texas? Or are they just tclos certified. The amendment said a licensed peacicer licensed to work in travis county. I don't know that your certification comes with the specificity of a county. And if it does, somebody tell me. That long would not be able to apply.

Mayor Leffingwell: So mayor pro tem, first of all, do you accept that as friendly?

Martinez: I can't at this time. Until clarification.

Mayor Leffingwell: Before we go to a vote, we have a motion for an amendment, seconded by councilmember morrison. So I'd like to hear from the city attorney.

Thank you, mayor. Yes, councilmember, do you have that in writing because I've been conferring with the attorney who has worked on this and we would like the opportunity to look at it. I n't want to say that we affirmatively we have concerns, but I have some concerns and I would like to look at the language.

Spelman: If I were you, i would definitely want to look at the language before I said yes, no or had

concerns about it. Mayor, perhaps we could go to the council briefings and take this back up after the briefings are over and that would give the city attorney and the rest of us opportunity to take a look at the language.

Mayor Leffingwell: We could do that. I would suggest, council that is correct we go ahead and act on this item without the amendment and that we go forward with the process that will be direction from council to take it to the public safety commission and through the other public venues that we might have and do that thorough vetting and that might be a byproduct of that. But I'm just afraid that if we get into trying to write legal language the fly, we're going to wind up postponing today. So let me just say that I am not going to support the amendment and unless there is overwhelming consensus on council, I would prefer to go ahead and vote on it now.

Mayor, I have a question.

Mayor Leffingwell: Councilmember cole.

Cole: It might be for the officers or might be for legal. If we give direction to send this item through the public safety commission and the recommendations that actually come out of the public safety commission, how are those binding on the department?

The public -- you're asking if the pickup safety commission's recommendation would be binding. It would have to go back through the same process. They would make a recommendation to present the ordinance to council and then you guys would vote on it. So it would just be a recommendation.

Cole: So I'm correct in assuming that items such as councilmember spelman's recommendation and even items such as constable elfant's recommendations as to how we may potentially deal with certain nonprofi, that all of those considerations can go to the public safety commission and potentially come back to us.

Yes, ma'am. Can I make a comment too?

Shade: One thought is that in the current amendment again there is a mechanism and place for authorization. And so perhaps what we charge the public safety commission with is coming up with a process for that authorization to occur. And that way we can proceed today and we're not writing legal on the fly. So that's --

Mayor Leffingwell: City manager.

I guess in terms of the public safety commission, you know, I guess it's my understanding that they are advisory to the council and not unlike what the attorney said, as long as that is understood that what they might offer in the final analysis is advisory and/or rmendation to the council and that we don't -- we don't and the chief certainly doesn't, the police department doesn't take direction from the advisory commission and that that would have to come back to this council. And, you now, it's possible. I don't

know it will be the case that police department and chief may have a different opinion than whatever the public safety commission may advise subsequently to the mayor and council. I want to make sure you are aware of that possibility. At some point I want to be mindful that we're talking about an operational issue in so far as the police department is concerned. And my concern is that we do nothing to lessen the chief's prerogative, legal prerogative to do what he thinks is in the best interest of providing public safety to the city of austin and the citizens here.

Cole: Mayor, I would like to follow up with those comments.

Mayor Leffingwell: Councilmember cole.

Cole: The main reason that I would support the -- sending this item to the public safety commission is because I think that would be the entity to get the comments from the stakeholders that have been suggested. I think the idea that people -- and the idea that people need to get together and put forward their ideas and recommendations. But I fully understand that those would not be of direction to the police chief unless council acted on those, but I do think it would give a forum for simply those recommendations to be heard and for the police chief to have the opportunity to review those.

Mayor Leffingwell: As the format would be, direction from council accompanying the amendment to the ordinance to send the ordinance to the public safety commission, have them make a recommendation back to council in the future. But first we have an amendment on the table that has been seconded and so we have to vote on that. City attorney.

Thank you, mayor. The city code, I think it's just the code and not the charter, but they work together, places upon the city attorney some obligations. One of which with respect to ordinances is that the direction is given that the ordinance either be drafted by the city attorney or passed upon by the city attorney. And in fact if the city attorney has legal objections to an ordinance, the code directs that the city attorney should file those objections in writing with the clerk. In mentioning amendments, the code says that if possible, the city attorney should try on the fly to write up the proposed amendment. And I will try to do that, but before council votes on the proposed amendment, I've just been handed it in writing a couple minutes ago, I've given it to my attorney, I would like some time to mull over it with my lawyers before I advise council what I think about the amendment, and if I'm not given that time and if council goes ahead and votes, well, it makes it difficult for me to discharge my duty under the code and under the charter.

Mayor Leffingwell: But one alternative, councilmember, would be to withdraw or amendment or amend your amendment to table the motion until sometime later this afternoon when the language has had -- the attorney has had time to evaluate and pass a legal opinion on your proposed language. Mayor pro tem.

Martinez: Mayor, if we take a vote on this amendment and it's voted down, then the time necessary to review is a moot point and then we can move on the original motion.

Mayor Leffingwell: That is correct. The attorney was just offering his opinion that if the amendment passed, he would be in sort of a box here and he would have to advise us to file in writing with the city clerk an objection to that. So councilmember spelman, it's up to you here.

Spelman: Mayor, I would like to move to table this motion until later this afternoon to give the city attorney time to take a look at the amendment.

Mayor Leffingwell: Motion to table. Until later today. Seconded by councilmember morrison. Let me just say I won't be supporting the motion to table for reasons previously stated. Is there any further comment? That is a substitute motion.

Spelman: No, that's actually a motion which lay as top of the amendment. The amendments on the table.

Mayor Leffingwell: All in infavor of the amendment with the direction to table until later this afternoon say aye.

Spelman: Mayor, I want to be clear what I'm voting on. The motion on the table at this point is to table discussion on this item including the amendment, including the main motion until later this afternoon. Am I right?

Mayor Leffingwell: That is correct. You also said we're voting on the amendment as well, but to table the discussion until later this afternoon.

Spelman: So it would be tabling all discussion including discussion on the smith has had a chance to look at that.

Mayor Leffingwell: We have to vote on something.

Spelman: Voting on the tabling.

Mayor Leffingwell: That's what I said initially. The motion is strictly to table until later this afternoon. All in favor of that say aye.

Aye.

Mayor Leffingwell: All opposed? No. Motion to table fails on a vote of 4-3 with councilmember cole, spelman and morrison voting in favor. Again, that brings us back to the main motion, which is the motion made by councilmember shade with additional direction to send it to public safety for a recommendation. Councilmember shade.

Shade: We have to vote on the amendment. Now we've just voted against tabling it, but we have to consider the amendment. Again, I feel like because i did look at this quite a bit in the last weeks that --

and actually had language somewhat similar to that that I was looking at in trying to cobble together some things and what became cheer is having a process in place for the authorization to occur, and I think that, again, we have all the parties here willing to get to the table and get a process in place that works for everybody. I think it solves the immediate challenge where we have this lack of point of accountability today, which I think is a challenge that I'm just sorry I didn't know about sooner. And again, we've also gone the extra step to say this is something we're charging the public safety commission with coming back with. It's about a process for authorizing, and actually I think that's something that, you know, it seems to satisfy, again, this does not preclude anybody, it's hard to define what does it take to be authorized. I'm going to vote against the amendment.

Mayor Leffingwell: It's my understanding councilmember Spelman mended his amendment to ask for tabling of it. Are you now asking for a vote on your amendment?

Spelman: Yes, mayor.

Mayor Leffingwell: Motion made and seconded. All in favor of the amendment say aye.

Aye.

Mayor Leffingwell: All opposed say no.

No.

Mayor Leffingwell: The amendment fails on a vote of 5-2 with councilmember Spelman and Morrison voting in favor. So now we're back to the main motion. Further discussion? All in favor of the motion say aye.

Aye.

Mayor Leffingwell: All opposed say no.

No.

Mayor Leffingwell: Motion passes on a vote of 5-2. Councilmember Morrison and councilmember Spelman voting no. That concludes our morning agenda and we'll go ahead with our 10:30 briefings. Council, if there is no objection, we could take up item number 24 first since there are a number of speakers signed up and maybe we can get 00 citizens' communities, mayor, mayor pro tem, city councilmembers, city management, Austin citizens. I'm Kevin Johns, I'm director of economic growth and redevelopment services. We're here this morning to speak to an economic development proposal for LegalZoom, incorporated. LegalZoom is the nation's leading online legal document preparation service. The purpose of our briefing today is to present the following information. 1, A background of the economic development proposal itself, time lines for future city council meetings. Second, an overview of LegalZoom. Third, a review of the economic development matrix criteria and the scoring. A summary

of the impact ails. A compilation of the overall benefits and review of the proposal itself. What is being considered and when, a proposed economic development agreement between the city of Austin and LegalZoom to locate its regional headquarters to create jobs and make investments in Austin. The economic development proposal is being presented over two city council meetings. Today's, of course, where we're providing a briefing on the economic development proposal to the city council and to the public. And secondly on February 18th at a specially called city council meeting, the economic development proposal will be placed on the agenda as a public hearing and as an action item. For the company overview, LegalZoom is a privately held based company founded in 2000. It's recognized as the number one online legal document and service provider in the nation. It provides legal document services which include articles of incorporation, wills, living trusts, trademarks, patents, name changes, copyrights and other legal documents. They observed over 900,000 customers and have a 95% referral rate. The Better Business Bureau gives them an A-plus rating. They have experienced rapid growth in the last four years, increasing from 70 full-time positions to currently over 400. What criteria and analysis were used in the economic development proposal. First, the economic development matrix approved by the city council included these five measures. The matrix is a scoring tool as a reminder that assesses firms using the following categories. Overall -- one, overall economic and fiscal impact. Two, linkage to the local economy. Three, infrastructure impact. Four, character of jobs and labor force characteristics. And five, quality of life and cultural vitality. The second analysis utilized was the web loci fiscal impact analysis approved by city council. The web loci analysis is a tool that over 300 chambers across America use as well as local governments that basically estimates return on investment. It was developed in 1999 by Georgia Tech. The economic development score, what was the score for this project. LegalZoom scored 75 out of 100. The score reflective of the following. LegalZoom will establish a regional headquarters in Austin. 2, Will create 600 jobs within five years. 3, LegalZoom offers health care -- a health insurance benefits and job training for its employees. We've also calculated that in addition to the jobs, the benefits are 18% in addition to the salary that's indicated. The web loci fiscal impact analysis is now presented. As a reminder that the fiscal impact analysis represents only direct costs, direct benefits and costs as a result of the projects and jobs created, not the multiplier effect. Total direct benefits over a 10 years period, 8.11 million. The total direct costs are 7.55 million. For a total net benefit of \$560,000. This -- this cost figure is net cost, which includes a performance based economic development grant which we are proposing at \$200,000. So the overall benefits are, 1, the city of Austin targets the recruitment of regional headquarters and this is what is proposed by LegalZoom. 2, 600 jobs are created in Austin. 75 Million of company investment in leasehold improvements and machinery and equipment. 4, A positive financial benefit to the city according to web loci in the amount of a little over half a million dollars. 5, The employees are offered health insurance benefits, job training, career paths above average wages and other benefits. And lastly the company will locate in the decide decide and adhere the city's water quality regulations. The contractual obligations of LegalZoom. Again, the performance obligations are locate a regional headquarters to Austin. 75 million in leasehold improvements, machinery and equipment. Create and maintain 600 jobs. Work with local minority chambers of commerce to expand a pool of diverse candidates and employment recruitment efforts. Abide by a supplier diversity policy. Comply with standards and principles of the city's ordinance for minority owned and women owned enterprises and adhere to all city code regulations including water quality regulations. The contracted you'll obligations

for the city would be in years 1 through 10 to provide performance based economic development grants of \$20,000 annual for a total of \$200,000. The city is not obligated to make grant payments for any year in which the city has determined legal zoom has failed to fulfill an obligation or position applicable. The next step, of course today the public has the opportunity to comment following the briefing. ON FEBRUARY 15th, ONLINE Public comments will be transmitted to the mayor and city council. AND ON FEBRUARY 18th, A Public hearing will be conducted followed by city council vote. Here with us today are frank montisarri, president and chief operating officer of legal zoom and his wife melanie. And also mike wilson, who is the vice president wh would head up the operation in austin. So thank you very much. We would be happy to answer any questions.

Mayor Leffingwell: Questions? Go ahead and hear from our speakers. We have several people signed up to speak who are all the persons wishing to speak are in favor. So first is paul buery. Well, you have three minutes.

I will not take all that time. Thank you, mayor, councilmembers. I'm paul buery, immediate past chair of the greater austin chamber of commerce. We we talk specifically about legal zoom, I just want to thanthe city and y'all's leadership and working with us so closely on the economic development packages that we're working on. Obviously jobs are extremely important right now and this and a few others we're visiting with you about are creating a number of jobs and we couldn't do it without your support so thank you for the lead ship. Legal zoom is a great economy. It's a e-commerce company and bringing them to austin will be a great boost with 600 jobs that they are going the create. They are high paying jobs with full benefits. It's a win-win situation across the board as you've seen in the presentation here. Again, this with the partnership of the state and their economic incentive packages really is going to be huge and help the city on a long-term approach. So again, thank you very much for considering this. We would be glad to answer any questions and work with you all closely to make this happen. So thank you.

Mayor Leffingwell: Thank you. Next speaker is erika. Steder. Tell me if I mispronounced your name. You signed up for and you have three minutes.

Good morning, mayor, councilmembers, city manager. My name is irrelevant an a steder, executive director of the austin asian-american chamber of commerce. I'm here today to speak in support of the proposed economic development agreement with legal zoom. As devoted advocates of economic develoment, our chamber recognizes that the support of this proposal means more than the 600 jobs that would be created. We realize that legal zoom's presence would highlight the city of austin's dedication to small business. Legal zoom is a reputable corporation that would help to encourage the entrepreneurial spirit of our community through their unprecedented array of resources and services. This is especially important in terms of the potential synergy that could help compliment our chamber members' professional endeavors. More over, legal zoom was founded in part by asian-american attorneys who have worked at some of the most prestigious law firms in the country. Therefore, inviting legal zoom to be a part of our community means that we are inviting a company that understands and appreciates the value of minority entrepreneurship. Their diverse history, expertise and dedication to help make legal resources accessible for everyone is an inspiration and an asset to our members, our

minority community, and our city. In closing, this is an important decision that if supported will help to create a significant number of jobs, diversify our economy on a voter of levels, reinforce our commitment to technology, and emphasize our dedication to small business and entrepreneurs. The austin asian-american chamber of commerce believes the project parameters meet if not exceed the criteria set forth by council. And as always, we are positive that each of you will review the proposal thoroughly and vote in the future accordingly. Thank you for your time, your consideration and your dedication on behalf of the entire community. Good day.

Mayor Leffingwell: Thank you. Next speaker is tim taylor. Tim taylor signed up for and you have three minutes.

Thank you. Thank you, mayor, mayor pro tem, councilmembers. I'm on the board of directors of the greater austin economic development corporation which you are more familiar with as opportunity austin. I'm here as a director and local attorney to say that i fully support bringing legal zoom and their regional headquarters to austin. I think it's a great opportunity to bring in excellent jobs, to bring in a company that's very well respected and that will add to austin's business diversity. I encourage you all to do this. You have have been great. Working with everybody on other economic development matters and attention to this and insightful question has been great. I encourage you all to support this when the vote comes. I would be happy to answer any questions.

Mayor Leffingwell: Thank you. So we have frank monistera, eric stavriatis signed up for, but willing to answer questions, not wishing to speak. Jeff comstock neutral, questions only. Signed up for and not wishing to speak, adriana cruise, scott johnson, mike rollins. Those are all the speakers that we have. As you know, we're not going to take any action today. We will have a public hearing and consider the economic 30 on FEBRUARY 18th. Do we have any more questions today? Thank you very much. We will now take up item number 23.

Good morning, mayor and council. Austin utility director. I want to update you as we do each year on our agreement with lcra on our water partnership. Our partnership was created in 2007, a joint agreement between lcra and the city of austin to plan for future water supplies, collaborate on optimizing water supplies that we have now, coordinating that with our basin needs in terms of water and flows and estuary. We have an annual requirement to produce an annual report but also come back to council and provide you with an annual report and that's why we're here today. Just a little background. The water partnership, the central committee is what we call our executive management committee. That's four members. I'm a member and rudy garza on behalf of the city of austin. For lcra, suzanne zarling as well as beck yow motel represent the lcra. There's several standing committees or stakeholder committees and any other special committees as needed. The executive management committee meets on a quarterly basis and technical committees and stakeholder meets about those -- stakeholder meets about the same frequencies. In terms of 2009 key activities of the partnership, probably the central activity was working with the lcra on the drought. As I think everyone is aware we had a very severe drought throughout this last summerment we coordinated with them in terms of lake levels and responses in terms of stage 2 regulations and also worked with them on their efforts to work with tceq throughout the drought. That included tceq releasing the 2003 water management plan they were operating off the -

- the 2003 plan went into effect which was more favorable to city of austin. We worked closely with lcra on conservation related issues and take collaboration on our water iq. Several technical issues in terms of coordinating various issues on a technical level. Some activities with region k, the state planning agency. We coordinated water ue reporting the tceq. And our stake hold committee met at least twice. It was composed members throughout the basin including a meeting with rice farmers. For 2010 what we're planning to do is meet some requirements of the partnership. We're going to do a 100-year water projection for them. We're going to be working on water quality monitor. We're going to continue on drought related issues and water management plan. Joint reuse application permit is an activity we'll be continuing to work on and, of course, our continued coordination on conservation. So again, just a brief update on the annual activities of our water partnership. We would be happy to answer any questions you may have on that.

Mayor Leffingwell: Questions? Thank you very much. Next we'll have a briefing on the east riverside corridor master plan.

Good morning, mayr and councilmembers. As mayor leffingwell mentioned earlier, our consultant is trapped l the east coast blizzard so therefore staff will be making a presentation on behalf of them. I'm with the planning and development review department and also making the presentation is molly scarbrough, same department. This morning we're going to talk to you about some of the main concepts of the east riverside corridor master plan, but want to give you a little bit o information on the background of the plan for those of you who may not have been on council when this planning process began. There are a number of different reasons that this plan was initiated. One of them is that it was identifd as an action item while the east riverside/oltorf combined neighborhood plan was underway. Also because of proposed rail service on east riverside drive. And you'll be hearing a presentation about the urban rail proposal on FEBRUARY 25th, AND WE'VE Been coordinating with transportation department on this plan and the urban rail initiative. And finally, we did receive council direction to initiate the corridor plan in 2007. But in addition, there are reasons that a plan is specifically needed for the east riverside corridor. One of the mst significant reasons is that change is indeed underway. There are quite a number of aging and underutilized buildings in the area. And to replace some of those aging buildings, there has been quite a bit of redevelopment that has been displacing some lower income residents living in the area at present. Addition, the population of the area continues to change through time. At one point it was a major hub for university of texas students. That has changed somewhat as more students have moved closer to the university. Therefore, a plan is needed to try to -- excuse me, better direct that change and to guide it in a way that is directed by a community vision. We need to make sure that we balance the desire for change and the change that's already occurring with the needs of a diverse group of residents of a variety of incomes and backgrounds. Ne moment, please, for change in captioners]

covers approximately a thousand acres and includes mainly multifamily and commercial properties near east riverside drive itself. In terms of the planning process and outreach, the planning process itself began approximately a year and a half ago in the summer of 2008. We had early stakeholder meetings to which we invited neighborhood association meetingsffordable housing advocates, poder, church and school representatives, property owners and property managers, bicycle advocates and others to be a

part of this planning process. We had a few different visions sessions in which participants were asked to participate in a visual preference survey, questionnaire, and a vision translation workshop and then a number of different meetings to present different concepts and get feedback on those concepts. In addition we had very specific targeted meetings with spanish speakers, montopolis business leaders, other neighborhood association, contact teams, affordable housing advocates, property owners and developers as well as the waterfront planning and advisory board and the bicycle advisory council. We also met with the neighborhood planning subcommission -- subcommittee, excuse me, of the planning commission three times over the course of four months before we went to the planning commission this past tuesday. I'm going to show just a few images that were shown to the public as part of the visual services, one part of the planning process, but the goal of the visual preferences survey is to help define the community vision. People were shown literally hundreds of images and then were asked to rate those images from negative 10 to positive 10, depending on how appropriate they thought those images are for the area now and in the future so just to show a few of the most negatively rated images, they're largely of the east riverside corridor as it exists at present with underutilized parking lots, underutilized strip malls, aging, large signage and few pedestrian amenities, and what these negative -- negatively rated images show is that there is a desire for change in the area. And so if we look at some of the images that were most highly rated, what we see is an area that has a different feel and has a different orientation, one that is well-served by rail transit, has much better pedestrian amenities as well as a real space for bicyclists and people who use a wide range of transportation options, including walking, et cetera. There is a need for new open space in the area, especially south of riverside drive, and we'll get into some of the details of that in a moment. So the following goals basically came out of the planning process, including the visual preferences survey, questionnaire and numerous stakeholder meetings, and these goals -- excuse me -- really have to do with quality of life and livability issues. It's making the east riverside area be a place that people feel comfortable living, where they feel safe and where they feel that they have the resources to serve their local and regional needs. Those include efficient and frequent rail and bus service, making the area be more attractive, reducing criminal activity, having improved park space, enabling transit support of redevelopment around primary transit stops so that transit will be supported if it is included in the area in the future, and truly making it a -- making east riverside corridor be a multi-modal corridor. Getting into the elements of the draft plan itself, as i mentioned, one of the main elements that is transforming the east riverside corridor to be able to support rail transit, bike transit, pedestrian, pedestrian safety, with wide sidewalks, with street trees, and importantly, new design standards to bring buildings up to speed so they will provide interest to people walking on the sidewalks. The main concept having to do with transit is the rail line going down the median of east riverside drive, and this is part of the concept of the u initiative. We are suggesting four primary transit stops around which there would be more concentrated development with a true mix of uses so that people can get their needs met in a neighborhood hub-type space, and molly will be talking about that more in a moment. If rail doesn't come to east riverside, bus rapid transit is also in the long range plans of capitol metro, so that's another potential for the area. A huge percentage of participants in the planning process supported light rail or a street car system along the east riverside corridor, 89%. One of the concepts in the plan is a transit plaza at the intersection of pleasant valley and east riverside drive, and these images show transit plazas in other locations, but our consultant also has a vision of what a transit plaza in the east riverside area could look like. This shows the median at that intersection

right now. As you can see, there is a wide median space, which is kind of a no-man's land between the eastbound and westbound traffic. In the future that area could be transformed into a transit plaza with new development, open space and a place for coordination between bus and rail service, and this could be a -- an incredible new hub for the area to guide redevelopment and also have amenities for local inhabitants and workers. Now molly will continue on with other elements.

Good morning, mayor and council, molly scarbo with the planning and development department. I will continue with the presentation. A number of elements of this plan are about improved access and mobility for all transportation modes. Unfortunately the current configuration of streets are not conducive to this. As you can see by this map there are large blocks with few interconnecting streets. There are large stretches in which, as you can see here, there's over a half mile without any connecting streets in between, and this makes it difficult for pedestrians and cyclists as well as automobiles to get around and it also funnels all cars and all traffic on to riverside drive. So the plan seeks to address this by recommending that large blocks be broken up into smaller blocks with interconnected streets as the area redevelops. This makes it more efficient to navigate for pedestrians and cyclists as well as automobiles. As you can see on this map, the existing streets are shown in solid and the new potential streets are shown in dashed. This is a conceptual layout of streets that's intended to provide guidance for future private development. A more fine grain street network is also beneficial for cyclists. The plan recommends a mix of bicycle lanes in all street paths and includes a recommendation for a specially marked bike lane on riverside drive and completion of the country club creek trail and trail at lady bird lake to provide better regional access to and from the area. A key element of the plan is also to enhance the open space network. This area has great regional assets. It has lady bird lake, roy guerrero park, acc riverside golf course, but these assets are really cut off from the area due to poor connections. We want to create a true open space network through better connections, new neighborhood and pocket parks and create of standards to ensure that private on-site open space is of high quality. The plan also recommends a number of sustainability measures, including encouraging greenbuilding and distributed energy sources, such as solar and

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[ind, as redevelopment occurs, as well as the use of green infrastructure for storm water management. Building off of the hub concept that erica mentioned before, the plan recommends several land use districts to guide the development of new design-based zoning and urban design regulations that we anticipate to be developed through a public process following adoption of the plan. As you can see here, 77% of participants support our -- or highly support the idea of concentrated infield redevelopment should occur in nodes along the corridor to really break up the string of strip mall development that occurs now and create neighborhood hubs. Districts envision greater uses and destinations in the future, primary mail stops at the hubs and the idea is to create a land use pattern where it's easy and preferable to walk, bike or use transit by clustering uses together in a well-defined way. As you move away from the transit stops, the districts become more residential in nature and smaller in scale. The land use district concepts and plan provide guidance for future development, but they won't become requirements until the development of regulations to implement them. The master plan does provide recommendations for base entitlements to guide the development of these future regulations. Those

entitlements are recommended to be to existing zoning, in regards to height, range from 35 feet to 60 feet in height. They're really more about enabling a mix of uses and improving urban design. The plan does encourage greater density in the hubs. The solid green circles that you see on this map represent approximately a quarter mile from potential future rail -- primary rail stops. This is a conceal area for potential density bonus where greater height and density would be allowed if community benefit such as additional parks, affordable housing or better bike facilities or greenbuilding is provided. The plan recognizes that the design of new development is critically important. Where buildings are placed, parking located and how buildings connect to and address open space has a tremendous impact on the way a place feels and how people use public space and interact with one another. Like the land use recommendations, the urban design recommendations in the master plan will guide the next step of creating a design-based zoning code or what we're calling a regulating plan for the area. Affordable housing. As many of you know, this is a complex planning area that has started to and will continue to go through change. Maintaining affordable housing as change occurs has been raised as a challenge to be addressed. The area has a very large percentage of both subsidized and market rate affordable housing. As you can see here, 19% of the city's total subsidized units are located in the 78741 zip code. Now, that is a larger area, but it encompasses our planning area. Through the east side corridor plan and the future development of a regulating plan and thence the bonus for the area, we have the opportunity to link transportation, urban design, density and affordability in the plans themselves, and these are -- we feel that these are all interrelated concepts. The plan takes a holistic approach to balance the desire by the community to revitalize the area, to support rail transit and urban infill but to do so in a way that addresses affordable housing needs. This won't be an easy task. There are many challenges in this area. There is aging and in some cases deteriorating multifamily housing stock. Redevelopment is already occurring due to market forces. There is a need for affordable housing throughout the city, and as we all know there are limited public funds to meet those needs. The master plan states the importance of maintaining a supply of affordable housing as the area develops and redevelops over time. We work closely with neighborhood housing and community department, the neighborhood planning commission, and stakeholders to identify both city-wide and area-specific affordable housing tools. Some examples of citywide tools include first and foremost the renewal of existing subsidized units so that they remain affordable, exploring opportunities for the preservation of existing market rate affordable housing and increasing the supply of housing in general, especially in the central city and near transit where prices are higher due to pent-up demand. Some examples of area specific tools include incentivizing private development to contribute towards affordable housing in exchange for a density bonus, and to further explore the possibility of developing a catalyst project with affordable housing on the city-owned lands at the pleasant valley riverside intersection. The master plan articulates a vision and provides a framework to guide those private development and city investment in the area over the next 15 or 20 years. The plan presents implementation steps to make that vision a reality. For the public sector, once the plan is adopted various city departments will begin incorporating the plan's recommendations into their departmental work plans and spending priorities. To ensure private development contributes to the vision, we've identified both interim and long-term regulation changes that should occur. First the interim changes, and these will be in agenda item in conjunction with the master plan, when you see this at the public hearing on february 25. We're recommending reclassifying east riverside drive between pleasant valley road and highway 71 as a core transit corridor

for the purposes of applying existing citywide standards. Currently only half of our corridor falls under core transit corridor standards. The portion from I-35 to Pleasant Valley does. The portion from Pleasant Valley to Highway 71 does not. And so this is an interim step that would extend existing more stringent design standards so that they apply to all of Riverside Drive. This will require wider sidewalks, a greater percentage of the building be built up to the street, and importantly, would also apply to multifamily development, which the current standards -- the usual roadway standards that currently apply do not. Following adoption of the master plan we'll be looking at long-term regulatory changes through a design-based zoning code and density bonus system. We'll have frank and open discussions with the community about the details of height and density, what's needed to reinvigorate the area and support the potential public investment in rail transit, and specifically, what other public benefit trade-offs should be made and how -- trade-offs should occur and how to protect the public in light of these issues. This will be an extensive process that we think will take about a year to complete, but we need council approval of the broad vision in the master plan to guide that detailed discussion. I'm going to head back one more. Through the planning process we heard from many groups a strong desire for rail transit and multi-modal improvements, revitalizing the area through well-designed development, creating better, more sustainable and more walkable places and maintaining a supply of affordable housing in the area as redevelopment occurs. This is a very complex area with a variety of passionate interest groups with very strong and sometimes different opinions of what should occur. The master plan is a good first step of identifying what a variety of stakeholders can agree on, but also identifying areas that need additional public discussion in order to come to agreement. On Tuesday we held a planning commission public hearing on the East Riverside Corridor Master Plan. The planning commission voted to -- on the two agenda items before them, to recommend that council adopt the East Riverside Corridor Master Plan and also to reclassify East Riverside Drive between Pleasant Valley and Highway 71 as a core transit corridor. The planning commission also recommended two amendments to the master plan. I'd like to take a few minutes in the next two slides to talk to you about those recommendations. One of the recommendations was that existing single-family zoned property within the master plan planning area should be changed to the neighborhood residential land use district designation in the plan. Now, there, if you watch the animation, you see that blue pop up? There are existing duplexes currently zoned single-family that are currently designated as urban residential in the East Riverside Corridor plan. Those are ones that planning commission recommends be changed to neighborhood residential. Single-family detached homes or duplexes are not part of the vision for the urban residential district as suggested in the plan. They're intended for more moderate -- moderately dense multifamily and condos. The planning commission recommended the existing area of duplexes be changed to neighborhood residential district, which would include single-family homes, duplexes, townhomes and smaller multifamily buildings. We also want to make you aware that we've heard from a resident who in line with the planning commission recommendation will also be requesting that an existing PUD just north of those duplexes that is -- consists of townhome development, that that also be changed to the neighborhood residential subdistrict, so we wanted to make you aware of that. The second recommendation from planning commission was that all existing city compatibility standards should apply for all current and future single-family land uses, both on the edges and within the planning area. The master plan is a vision document that includes recommendations to guide the development of new regulations following adoption of the plan, but it does not get into the specific details of how those future regulations

interrelate with existing citywide regulations. The purpose of doing a design-based code in this area is to take the specific conditions of the area into account instead of using a one size fits all approach. The planning commission recommendation clarifies exactly how city compatibility standards would apply to and supersede the future tailored regulations for this area before they are even developed. This map shows the effect of the planning commission recommendation on limiting the potential for greater heights in the planning area. Now, just to orient you again, the solid green circles represent the area r potential density bonuses. The darker orange represents areas where existing city compatibility standards would restrict heights to 60 feet or less, and the yellow area represents areas where compatibility standards would restrict heights somewhere between 60 and 100feet -- I'm sorry, 120 feet. The planning commission recommendation removes the possibility of discussing modification -- the potential for modifications of compatibility standards with the public at large. Examples of modifications that could be considered during the public process in the next phase include whether all or part of compatibility standards are waived as part of a density bonus, whether compatibility standards should t pog topography into consideration. We have quite a bit of topography in this area. Whether citywide compatibility standards should only apply for certain distances within the planning area, such as 100 feet, which is a compromise that was made during the todd stationary planning processes, or whether single-family us inside the planning area would trigger compatibility. Now, these potential modifications, it may end up that those are included in the final regulations. It may end up that they're not included in the final regulations. We feel -- staff feels that the potential for discussing such modifications should not be taken off the table now, that the compatibility should be part of the detailed public discussion of trade-offs between height, density, transit, affordability and other public benefits when creating the regulating plan in the next phase. So on february 25 we will be holding a public hearing for the master plan, and staff recommends that council adopt the master plan as it is without the planning commission recommendation regarding compatibility. At that public hearing we will also be asking, as a separate agenda item that council consider reclassifying the portion of east riverside drive as a core transit corridor, as an interim step as we -- to get better design standards in place while we have a pubc discussion of the longer term regulation. Thank you very much for listening. Staff will be available to answer questions. Thank you. I've got a couple questions.

Yes, sir. and council member riley next. I know they're only sketches, but the sketches showing the street scape, i didn't see any parking. Are you planningn using parallel parking or perhaps back-in parking?

The general concepts are for parking to be beside or behind or in structured park. On riverside drive, it's not anticipated thatthere would be parallel parking. It is still a major roadway, we didn't fell comfortable suggesting parallel parking on riverside drive but certainly on other streets would be recommended. no parking at all on the streets even though you have all thought shops.

On riverside drive?

We did have discussions with the transportation department about looking at innovative parking solutions in the future, such that the curb lanes could perhaps be converted to parallel parking during off peak hours. So there is the potential for that, and we'll continue to work very closely with the

transportation department to consider various options of that type. they've got this new back-in parking that seems to be working well.

We probably don't have enough right-of-way width for that on east riverside, unless lanes of through traffic were reduced, and we've heard that that not -- it's not preferable at this time. so you'll work with transportation on that?

Absolutely. and the other thing is -- spill to -- I had one more question too, but go ahead.

Thank you. It's robert spiller from the transportation department. I would certainly concur with that. Parking has not been ruled out, but it is difficult given the significance of this street and the other -- and the right-of-way constraint. But as we get to detailed store by store design, if you will, we will certainly look at ways to provide parking where we can, but there's a number of innovative ways to look at it. seems like it would be a priority since it's going to be mixed use. And the other question is, i know they're only sketches, again, but is it a requirement that those buildings be that close to the street or is that -- is there a possibility to move them back and have landscapes and so forth at the local property owner's discretion.

Yes, as of right now the master plan again isn't instituting new regulations, so adoption of the master plan would not create that requirement. However, the master plan does recommend that building be built up to the street as we develop the actual regulations for the area. What's been suggested is roughly 15-foot sidewalks from the street. As you know, with our current citywide design standards, there is some flexibility for what we call a supplemental zone, where they could setback a little bit further to have sidewalk cafes or public access uses also on the sidewalk, so that would be something that certainly would be considered during the development of the regulations. thank you. Council member riley?

Thanks, mayor, and thank you for the presentation today and for all the work that's gone into this. I know this reflects a lot of hours on the work -- of work on the part of staff, consultants and the whole community and I appreciate it. Just a few questions. First, the -- the planning commission's recommendations raised a few questions about the sequence of events that we can -- that we're contemplating from here out, and just to get my own head straight about that, typically in -- when we've looked at austin's corridors and talked about commercial design standards and vertical mixed use, we've generally been anticipating height limits of about 60 feet on those corridors. When we've gone through stationery plan processes around transit stops on the red liern, we've red line, we've actually had a different discussion about density and compatibility with respect to those areas, and in general we have allowed for som limited compat waivers and heights around 60 feet in order to have different things around the transit stops and to meet affordable housing. I want to get a handle on what's anticipated with respect to this corridor because this planning process is a little unusual in thatt represents kind of a combination of those two things. The typical corridor planning process and in some respects the anticipation that there will -- we will have rail stops here. At the same time we know that rail has not actually been approved for this corridor, and it may be some years before -- it will be some period of years before we actually get a rail line, if it ever is approved. So let me frame the question this

way. Do you expect that in the event that a rail line is approved and built for this corridor, that there would be a later stationery planning process in connection with those transit stops or is this plan expected to cover that ground now?

I think the short answer is this plan is expected to cover that right now, but but the difference between a stationary planning process and a nuance of this process is we're bringing forth the master plan provision, the concepts to you now, but the regulations and the specific discussions of how high, how dense, what the density bonus should be, what the trade-offs for public benefits in that bonus should be, would be launched as a next phase following adoption of the plan. And so the master plan is sort of asking council to say, yes, we agree with the future vision in this area. We agree with creating nodes of activity around transit, whether that be bus rapid trans-et or future rail, these sort of neighborhood nodes to that concept, and we agree that staff should launch into the next phase of detailed regulations and detailed discussions of how high and how denies as the next phase. Now, as you know, we have the urban rail discussions that are coming along at the same time. The idea for rail going downriver side has been around for a couple of years, and that's one reason why this plan. That idea is sort of further flushed out in our plan, likewise the transportation department and others are further fleshing out sort of the more transit technical components of that idea, and now those plans are kind of coming tether now saying, you know, that rail is a possibility for this area, and if rail comes, what should t land uses be. Now, as we launch into the next phase, and you-all on the 25th will also be discussing sort of the next steps of the rail planning process, we anticipate the development of regulations to take about a year. During that time frame we as a community will be having more discussions about whether rail does, in fact, go downriver side, and some of those -- some of those decisions will be -- become -- we will have more decisions regarding rail as we're having these discussions about density. So they will sort of continue to get in the next year. That was a lot of explanation but I hope I got to your point.

I have one more question about money. We know that if rail does go there, that there will be -- that will only happen through funding through various sources, whether it be bonds, federal funds or whatever, and I know that the plan also speak in terms of density bonuses as a means of funding some public needs in the corridor. Has this plan addressed other potential sorts of funding, such as a tax from the financing district that could conceivably be tapped to support infrastructure improvements and other public needs in the area?

Excuse me, I'm sort of spiller as well. I know that through the rail planning process they are starting to look at possibility for -- to funding for -- tif funding for the rail transit. We haven't specifically designated that in the master plan for other infrastructure improvements in this area at this time, but that might be a possibility?

Yes, thank you, mayor and council. Again, robert spiller. As part of the urban rail project we'll be coming to you later this month, on the 25th, I believe, to brief you on an urban rail system plan, and I believe you've been made aware of that. As part of that process and moving over the next several months we are looking at a variety of funding mechanisms that we'll be better able to report to you as we go through this process. I want to stress that the urban rail program, as well as the east riverside program, are well-coordinated right now, and so as the east riverside starts to talk about the vision, that's

obviously been coordinated with the concept that urban rail may be headed for east riverside. As this council gives direction on that one way or the other, that will then give them more firm footing, if you will, to start talking about how the specifics of the east riverside plan come together in terms of the regulating plan, but then also that gives us an opportunity to talk about financing opportunities and so forth as we move forward, and how we choose as a community to use those financing plans -- financing concepts.

Okay.

So we are looking at those. We don't have anything to share with you right now.

Great. Thanks. I have one last question, a fairly simple one about density. We know this is a fairly densely populated area already. We also know that a number of public interests are served by allowing for significant density along transit lines. Has there been an assessment of what density might be needed to best support rail or what -- what sort of -- what would be an ideal density for this area in the event that rail were to come through and how that compares with the current density in the area?

Again, let me try to address that. I will tell you that density ridership on an urban rail, or any type of transit. Density will drive that ridership, but urban design is as important to that as the density itself in terms of the walkable paths and the orientation of that density, is that density spread out over a wide area or is it concentrated into individual stations. I don't know if we can tell you that at density x, that benefits a certain amount -- you know, that that justifies rail. I think that's an ongoing discussion. Certainly it affects the intensity of the investment you might make in the rail system at a particular node depending on the density characteristics and what the expected ridership is. The success of urban rail would be discussed on variety of criteria, certainly ridership is one of those important criteria, and so density is important. I don't know that we can point to a density level and say that's the minimum level required for a rail system. ...

Mayor Jefferingwell: okay. So council, we have passed the time for our citizens communication at nn. We have -- if it's just a few minutes we can carry on. Otherwise, I don't want to cut anybody off, we could readdress this issue after. So give me some idea. Just a few minutes? Okay. Go ahead.

Thank you, and I want to thank you all for your work too and I think that this process of trying to get the vision down and the overall plan and thekettling into the nitty-gritty is going to be a helpful productive way to go about it. And just to follow up on council member riley's comments about is there a minimum density or whatever, I think it would be really great if we could explore some winw of target densities, because as we get into the discussion about bonus densities and the land uses and things like that, i think that would give us a much better foundation to work from if we can all sort of get a grip on what we really need to make it work. I fully understand the issue that you have brought up, rob, that there's a lot of factors, but if we could at least get some kind of range. I'd love to talk with you about that some more. And then just real briefly, in terms of the transit plaza that you're recommending at pleasant valley, I guess it is, my question is, and maybe we'll just need to have this conversation later as you look into more information -- my question is, what do we as a city need to do to make that happen? We've got, obviously, you know, urban design guidelines and some regulations we can put in place, but do we

need to acquire land or work with someone to acquire land? Do we need to put in specific infrastructure, and will that discussion be coming about with your more detailed recommendations?

The intersection of pleasant valley drive and east riverside is an incredibly wide intersection. It was actually designed -- or originally set aside as a potential highway interchange, and so the city does own the median space and there is, at least based on preliminary analysis, enough space existing there for a transit plaza, the rail and deconstruction of the actual traffic lanes in that area. It would be a major investment and should really be closely coordinated with rail. East riverside drive will have to be rebuilt if/when rail comes to the corridor, and so the transit plaza concept should be considered as one of the items involved in the potential new rail. There are hurdles that will have to be overcome. As you can see, there are power transmission lines there. They don't necessarily preclude development, but -- but they will have to be taken into consideration. There's also some slope issues that again will have to be taken into consideration. So it is a concept at this point, but with the investment in rail it could -- it's a feasible concept that will have to be explored in further detail. and when I'm looking at the pretty pictures on slide 27 about, you know, concepts of transit plazas, there are actually -- it looks like residential, office and -- there's mixed use right on that transit plaza and you're thinking that can all fit into our excess median area?

Well, so there is space for -- for new development within what is the -- the current median space, and then other mixed use developments would be on private property abutting this space. is on the northwest corner at present, but they're actually moving their store further away from the -- from the intersection, which means that there will be a large parking lot there that may be just ripe for redevelopment by the time we get rail in that area.

Morriso okay. Thank you.

Uh-huh. I'll wait. do you want to ask a question later? Do you want to have them come back? Okay. We will suspend this discussion until after -- after citizen communication and after executive session, so probably sometime around -- well, we'll work 30, @ probably. Okay. Go to our citizens communication. The first speaker is susana almanza. Susana, welcome. Your topic is celebrating the 18th anniversary of the tank farm closure.

Good afternoon, mayor and city council members. I'm susana almanza with poder, and we're here to invite everyone to the thanks but no thanks celebration for the grassroots victory february 00 to at -- the senior activity center at 808 nile. In 1991 a public notice read that mobile oil corporations were seeking a permit to expand its facility and continue emitting gasoline, diesel, exiedz, carbon monoxide. A texas permit request. A grassroots campaign began that would change history in austin and beyond. After years of suffering from the toxic tank farm, east austin residents took charge and demanded their facilities remove the tanks from their neighborhood. On february the 10th, 1992, there was a toxic tour of a tank farm area, where we invited elected officials, city council members, county commissioners, pta presidents and leaders of the community to go and see what was the situation in the community. The tank farm campaign empowered grassroots communities and bridged east and west austin environmental eyeses. It brought together city and county agencies for discussions in east austin. That

was the first time the city council had come to east austin was at the senior activity center. It sparked a dialogue between interagency groups, held officials accountable for protecting the health and welfare of the people and created land use policy changes. It pushed for creation of legislation to protect people and the environment. And one other thing that came out of here was a model, the east austin tank farm citizens monitor committee, which brought together a group of different neighborhood association and civic leaders, which was shared by sylvia herrera as part of the monitoring committee, that also brought elected officials to east austin. Instead of us having to go to the texas control board or the water bod, at that time they were separated, tceq they would then come into the community and answer the questions, so it was a great model that was put together at that time. So next thursday we invite you and all of the city, all the residents, to come and celebrate the 18th anniversary of this grassroots victory with dinner, a slide show and a film screening of los tancos. That's thursday, february 00 to at the conley-guerrero senio activity center, because i have to say that this particular victory then began to really empower the community and they went on to then shut down the bfi industry and the plant in east austin. So you're all invited. hey, susana, since you brought it up, I'll also tell you we are planning later this year some off-site council meetings around the city.

Great. Thanks. next speaker is rae nadler-olenick. Topic is water fluoridation.

Good afternoon, mayor leffingwell and council. Two weeks ago I spoke of some large austin subpopulations that are particularly vulnerable to health damage from fluoridated water. I mentioned people who already have certain medical conditions like diabetes, arthritis, kidney or thyroid problems, also those who consume exceptionally lar amounts of fluids, like athletes, and of course infants, but I neglected to mention another large group, the economically disadvantaged. That sector suffers disproportionately from the preexisting health conditions fluoride aggravates. They also have poorer dental health. The third -- -- the surgeon general's 2000 report called oral health in america one of a, quote, silent epidemic of oral diseases from cavities to mouthcancer, a conflicting minorities and low income americans. The texas dental association's comparable report of a year ago came to the same conclusions. Both reports fingered the refusal by 80% of dentists to accept medicaitients as the core cause. This is important because the corporate promoters of mass water fluoridation use the poor and poor children in particular to justify their position. They had fluoride as a social equalizer even while they admitted to not working, an attitude known as double thing. How many austin children are we talking about? According to your handout, which comes from the u.s. Census bureau, in year 2008, 8% of our city's children age 18 or younger live below the poverty line. We had 172,185 chjldren in 8% of them is about 41,000. So something like 41,000 austin youngsters are at risk, first, for serious dental disease that fluoride won't cure despite all the money thrown at it, and second, for adverse health effects from the fluoride itself. In his year 2000 oral health report, the surgeon general rightly identified low income americans and minorities as separate demographics, though they do disproportionately overlap. It so happens that african-americans of all income levels, that's about 58,000 austinites, also constit vulnerable group, absorbi fluoride more readily. Scientific observations by healthcare professionals bear this out. I've been collecting materials on the subject which I'll be glad to sha with anyone upon request. Thank you. thank you. Next speaker is robert I. Thomas. thomas, topic is labor and industrial relations at rosewood work and recreation center. You have three minutes.

Thank you, mayor leffingwell and mayor pro tem, and honorable members of the council. I want to speak with you today concerning labor and industrial relations at the rosewood park and -- with which I've been involved for about 25 years. Now, on behalf of the athletes of the national football league and the world football league and american football association, we played football in those years and we have incorporated a physical fitness part for the youth of the environment at rosewood. I am the advisory council and union representative from the austin black association, formally, with the job training cenr. Now, in 1987 we had promoted labor, organized labor for the construction city at rosewood. I met with chief charles jordan and presentist williams and administered some documents they had recorded, but during the passing of time the documents have been shed but the work has been done. Now, jordan had promised to elevate me to the position as management of t citizens at rosewood but he breached his agreement and went home to oregon, so i took my grievances and arguments to city hall and met with chief mike McDONALD AND ORLANDO Hernandez fernandez and jason garza in regards to what we had done at rosewood. NOW, chief McDonald had agreed prior to the industrial bonds in 1987 to bring forth some reasonable work to us for the growth of industry in rosewood. Now, I need to speak with bert. I called many times but he won't return my call, nor would he honor me with a meeting. I met with sarah hensley and fred maduny about the project at rosewood but i need a new aid to get me a meeting with maybe orlando fernandez, jason garza in relation to labor standards at rosewood. Now, what I basically wan to do is show you the request that we need for -- that's for the youth and the youth development program that we've had. It's done well for the youth entertainment center. We developed that. The [indiscernible] center, we took that up. And the east side football field all was incorporated by unionism and association of contractors that I've known. Now, just for your time, i need some type of, well, assistance to continue with the meetings. I need to meet with the director of parks, city management. we'll be glad to help set you up for this discussion with some staff back there.

All right. next speaker is michelle kimbrough. Michelle kimbrough, topic is travis county family treatment court.

Good afternoon, mayor and council members. I'm judge darlene byrne. I'm the judge of the 126th judicial district court and this is michelle kimbrough, our drug coordinator. I wanted to talk with you today very briefly about the travis county family drug treatment court. judge, I'm going to interrupt you just briefly. Michelle kimbrough -- you're also signed up?

Yes yes, sir. Yes, sir.

Ayor leffingwell: okay. So we will call michelle next after you, then?

She'll be a part of my time, sir. We were coming together, i thought. you can have three minutes and she can have three minutes.

Thank you, sir. go ahead.

Thank you very much. We've given you some materials related to the family drug treatment court. What

is it and why do i bring it to you at this time when budgetary crunches and money is tight and you're building roads and considering rail and doing everything that you're doing for our families and children in Travis County. I wanted to let you know a little bit about this court. It is not a criminal court nor is it a juvenile justice court. The family drug treatment court is a civil court here in Travis County that I preside over. The civil court deals with the families that are going through the court system whereby child protective services has been called as a result of an allegation of abuse or neglect of children in their home, primarily as a result of drug use. Those are the families and children that we provide service for here in Travis County. For those parents that participate in the family drug treatment court, they participate in weekly court sessions that I presided over this morning. They are typically involved in pretty intensive inpatient drug treatment at Austin Recovery, primarily. They do parenting classes, job training, housing, working on financial statements, budgeting and the like while they go through the family treatment drug -- drug court. Many of their children are actually placed with them while they're at Austin Recovery in treatment for up to 90 days of inpatient treatment. The history of our drug court began in March of 2008. We are almost two years old now. During that time we have served 55 parents and approximately 100 children during that period of time. Kimbrough will discuss with you future some of the statistics related to the outcomes as well as the input related to the work that we've done in this court. And why do I mention the children? What does a family treatment drug court have to do with the children? In this case, as I mentioned, it's not a juvenile drug court. Many of the children we serve are infants that have come into the world drug positive due to the addiction of their mom and her use while carrying the child. This is a court not where parents just work real hard in treatment and try to dot the I's and cross the t's and earn the right to parent their children. This is a court in which children get their parents back, and what kind of parents do they get back if they successfully complete this program? They get a parent that's living a recovering lifestyle, sober and able to parent 24/7. I want to thank you for what you do for families and children here in Travis County, and I'd love for you to partner with us in the family drug treatment court, and you can be our guest anytime. Our contact information is with you. Thank you. So Michelle Kimbrough, you have three minutes.

Okay. Thank you, council members and mayor. My name is Michelle Kimbrough and I am the coordinator for the Travis County family drug treatment court. I work in an administrative capacity doing docketing for the court as well as facilitating implementation committee meetings. I also am an licensed social worker and I work directly in the client by doing home visits and case management. I wanted to give you a few little statistics about our program. We are 62% of the women in our program have given birth to a drug-positive infant, 33% have had their parental rights terminated previously, 84% have a history of homelessness, and over half have been arrested, usually for drug-related offenses but also other related offenses that usually have to do with their substance abuse dependence. The reason I give you these statistics is because we want to let you know what kind of population we serve and why we think that if we serve this population if we get these moms clean and sober, we will actually benefit the community, and we have benefited the community, by lowering cost for foster care, incarceration, housing, mental healthcare, and also children's healthcare, because we have, through the course of this program, had four women give birth to infants while in the program and the infants were negative for all substances. We also have another woman in the program that is pregnant right now and has been sober approximately three months, and we are hoping that she will give birth to a drug-negative infant.

In your materials that we passed out, we have a video that depicts some of the participants. We also have an article about our first graduate, ms. jeannie mercado. Very strong wonderful woman. I was very privileged to have the opportunity to work with her. Part of her commencement from the family drug treatment program is on that video. She wrote -- she didn't write. She said for the article that this program, it saved my life, mine and my kids'. So that is a personal note on that. I sincerely appreciate your time. We really would like to continue to work with many organizations in the community to help with our program, and we also would like to partner with the council. Thank you. thank you. Next speaker is gary etie. Gary etie. Gary is not in the chamber. Next speaker is ronnie reefer side, topic is peace and freedom generally speaking. mayor, and let me first say I urge you-all to finally cancel your unnecessary intrusion in limiting political speech of others who bother to participate. If you really want to hear from more people, limit your limitations. Why only ten people? Sometimes circumstances demand more input from us lowly commoners. Cheery, governors. But I'm talking about population density, the lack of required population density is the only real issue on this train, boondoggle people. Wake up. It's a huge waste of money. Ronnie reeferseed, see, kids don't waste yourself by wasting your own childhood with drugs. Cherish it. But instead lets all rejoice that despite the lock stead media, obama scan every day for year now, citizens are waking up to the reality and the reality is we're not bringing home any of our own brave troops to protect our prdz. The obama administration invents new enemies we're supposed to hate, like in perfectiona years ago, their own democratically elected patriotic leader was eliminated by our own so-called intelligence community, in 1953, cursing the persian civil sayings to rule by suffering with the rule of the shah, which begot the islamic revolution. We can't begin to figure it out. As george washington says, it's not our government's business to mess with their governments over there anywhere, anytime. Look, we don't like it when others mess with our government's foreign policy, right? For example, when the militant israel frantically flaming fire, fighting with iran, eag to sacrifice blood [inaudible] their own evil, bigoted, to talltarian regime hijacked the ancient civilization of judeism. Now israel and the running dogs like us account for untold death worldwide, military expenditures by every industrial banks, media worldwide, ravaging demand for more death worldwide is a problem. It's a bad thing. It's no solution. Look inside yourselves, and another thing is we've got to wake up to the -- cancel your intrusion on the limit of political speech I talked about, but also ron paul call 888-1414 for weekly updates from our own ob-gyn ron paul and check out american free press.net. For more news and sources what's really going on. And of course you can listen 1 fm or 100.1 fment m. to every weekday and 4:00 to 6:00 on sundays. com is the greatest source on-line. thank you, mr. reeferseed.

Thank you so much.

Mayor leffingwell: j.d. Horne. horne in the chamber? Next speaker is paul robbins, topic is city issues.

Mayor, council, citizens of austin, bill, I like your tie. I'm an environmental activist and consumer advocate. About three years ago in these chambers, february 15, 2007, mayor wynn announced his initiative to deal with climate protection. He as well as most of the council announced a aggressive and ambitious set of initiatives to deal with global warming at the city level. I was impressed at the breadth and challenge of what was proposed, and n three years later skepticism about the city of austin's commitment has set in. One good, or bad, example is the city's promise to buy green power. Austin city

government uses about 3% of austin's total electric use, about two-thirds of the city use is going to water and wastewater. The promise made three years ago was to have 100% of the city's power coming from renewable energy in five years. So after three years where are we? This question was prompted when I viewed a tv news story in mid-january. Southwestern university in georgetown just signed a contract to buy 100% of its power needs from green power, and the story interview idealistic college students ecstatic about using renewable energy. It was inspiring. Meanwhile, back in austin, when austin aspires to be the greenest city in the nation, we are stuck at 20% of our electric use coming from green choice. Think of it, we are outclassed by a bunch of college students. Austin's water utility crows about how much energy in carbon its new water treatment plant will save, but even if it works as predicted it's only going to save 6% of the energy and the carbon that the water system uses. Austin's water utility, to my knowledge, has yet to buy any green power. Austin energy, which wins awards selling green power, will not buy its own product. Austin's solid waste services department has the laudatory goal of zero waste, but it also has purchased zero green power. So in conclusion, maybe no bureaucracy is perfect, but right now austin can't even meet the minimum.

next speaker gus pena. Topic is city issues. three minutes. mayor, mayor, council members, mark o'neill, city manager. This is my boy lucio, my proud protege. He went on the campaign trail when we helped judge byrne get elected, and other judges, and of course mayor bruce todd in his first initial run for mayor. Poverty, council members, mayor, you know, bill, we ran against each other in '97. Poverty was prevalent back then. It's more prevalent now. People are losing their homes. You know, people say let's keep austin weird. Well, you know, what, it's cool, if you want to do that it's fine, but let's keep austin affordable. When we say affordable housing, have a true definition of affordability, what can be affordable for people from california, some of them come over here, they can buy a \$350,000 home without blinking an eye. A lot of my people are our people in austin can't even afford \$80,000 homes. Will he be able to afford a home when he grows up when he's 21. We need jobs, high paying jobs. There was a good initiative, presentation earlier this morning. We need to bring in jobs to provide benefits. You know, I like to think of it as this. Hire me by what I can do for the company or the corporation, not the color of my skin. Give me an equal opportunity to show my performance of duty, like I have throughout my years here in austin, and the marine corps. But it's a good initiative to bring jobs, we need to create jobs. Poverty, a lot of people are losing their jobs, homes and actually becoming homeless. It's -- kids suffer because their lives are disrupted and they don't do well in school. Statistically they don't do well in school. You had a presentation at a dropout convention -- you had someone there. One of the things I hated about the superintendent is let's advocate and prevent and intervene in the middle school, no, because by the time that's reached we've lost the kids. Early intervention, remember, bill, we talked about that when we ran for council? That's true know. That started at the earlier stages of life, a baby reads some, et cetera, et cetera. We're just losing too many kids to the dropout rate. Please start the budgetary process area. I thank you very much, those who were here, who continue funding social service agencies and summer job programs for the youth. We need to stop the budgetary process earlier, mr. marc ott. I appreciate. I failed to mention you earlier because you do a lot of input and sometimes it is not recognized by people. I want to recognize you and your staff and everybody's staff. Create jobs and get more funding for summer job programs for the youth and also social service agencies. They're running out of money. I know we can only allocate so much, but please, please -- I was at the seton hospital, got out on the 21st. You know, there was a senior citizen saying, I need to pay for my pharmaceutical bill, pulled out

his credit card, \$1,100, \$1,100. Let's not have this healthcare reform, pharmaceutical reform. Leave you with, society is measured by treatment of the less fortunate. God bless you-all. Thank you. thank you. Are those -- those are all the speakers we have signed up in citizens communication, so council, without objection the city council will go into closed session pursuant to section 071 of the goad for consultation with legal council to take up one item, item 26, concerning rodriguez barr incorporated doing business as the barr company versus the city of austin. Is there any objection to going into executive session on the item announced? Hearing no objection, the council will now go into executive session.

First of all, I want to thank you for all your hard work.

I was actually one of the sponsors of the master plan corridor stayed long with what with mayor pro tem and we thank you for recognizing this is still in the early stages and you have yet to do the implementing plan.

But I kind of needed all you guys to hang around again because I wanted to be clear about the preliminary meaning plan and whether we were going to get any type of economic feasibility regarding rail in connection with that plan.

Okay.

Thank you, council member robert spiller again with the transportation department.

We currently have a value capture study under way, looking at the river side corridor as well as other corridors in this area.

Li will tell you that that study right now is what I would term conservative based on current zoning capabilities, and so as the river side plan develops and contemplates perhaps higher or concentrated density, certainly we will try to factor that in as we go forward.

With regards to the financing of the royal proposal that is yet to come ever you, I will -- before you, I will tell thought financing based on examples of other places is based on a whole range of tools.

And value capture certainly, although will likely be a important part of that tool, it will be one of those tools, so we will incorporate your comments and as we move forward work with river side quarter to make sure that is integrated as part of that financial planning.

Great.

I remember in the past you talk about the fact that we were going to try to bring a number of resources to bear on the cost of rail and in making the analysis of the economic feasibility.

But I also know we talk about the fact that the various routes that we were contemplating, none of them

had the potential for increase in property value like this particular corridor.

And so am I right in that?

Yes.

And I think that's borne out by the plan that they've talked about where they highlighted the empty parking lots.

Certainly from a drive-through would have the perspective of being redeveloped so we would think that rail would be a catalyst for that, yes.

Okay.

And I also felt a need to emphasize the need to be conservative in the estimates of the economic feasibility, like you just said that you would, but I didn't feel like we had given enough guidance to help you do that as you all were kind of laying out the visioning process.

And I know that is just the vision process but I thought that we needed to be clear on things like the waterfront overlay.

That we should probably do that feasibility analysis assuming that we give no height variances to the waterfront overlay.

We should probably also do that feasibility analysis with the assumption that all of the planning commission recommendations that actually suggest restrictions of height and promote compatibility are actually going to be adopted by council, even though we don't know that because that would be the most conservative assumption to make at this point.

Yes, ma'am.

What we will try to do is include those scenarios as we look at financing options as we move forward and hopefully be able to brief you as part of the proposal.

And the last thing I would say is I know there is a lot of interest in affordable housing in the area.

And so I don't remember the exact mix of affordable housing.

Do you have that, that we approved for south shore pud?

I don't have that information but I believe Miss Shaw is coming up and she might have that.

Good afternoon, council members.

Margaret shaw, neighborhood housing and community development.

As I remember, council member cole, it was a roughly fee, 1300 rental housing units on site, another million dollars to support home ownership in the neighborhood and the third million dollars coming back to hssc.

All that was coming in when the applicant was pulling down a phased site plan.

Do you remember any of the other developments?

I know since I've been on council, I'm trying to remember but there were several other developments we have approved along river side that have actually, to date, not began.

And so I guess --

yes, ma'am.

I'm not asking you to list those, the only thing I am assaying about those particular -- I'm saying about those particular pacts is it would be important as we try to look at the economic feasibility from the tif from that corridor we look at the mix of affordable housing because that mix also dictates or controls how much potential revenue we can receive to help, you know, pay the rail bill.

And so I'm very committed to see, the city go forward with our analysis of rail, but I feel like we spend a whole lot of time on the stuff that is kind of fun, you know, like the route and the pictures and we just do not spend enough time thinking about the numbers.

And there's nothing that I want more than to be able to go to the voters after we have done all that we can to nail the numbers.

Yes, council member.

We will definitely include a financing plan as we bring a proposal forward for you.

And so that will be part of that package.

And certainly, there is very important items we will need to make sure we include in our planning process.

So the affordable housing, mixes of affordable housing is part of that investment.

Of course, not just from what the potential impact of the financing of the rail proposal might be, but also to the benefits that that brings in terms of ridership to that corridor.

So we will be focused on that, yes, ma'am.

So that's three things.

Affordable housing, density, the heights, the zoning, the most conservative estimates, we want all those things and i understand you've got that.

An finally, I want to let staff know and this council know, because some of the council was not here on the waller creek tif, we ran the numbers three times and we ran them by at least two different consultants, if not three.

And we ran them locally twice and we ran them out of the city twice.

And so I am going to urge the council and the city manager to take that same prudence here because we have even me dollars at risk and a longer commitment and I just think that I cannot tell you how many times that I have been glad when people have asked me about the feasibility, economic analysis, that I could say we ran them three times.

We ran them among three different consultants.

And not that that's a silver bullet, it just shows our due diligence.

So whatever it takes for you to be comfortable with that and understand what we're trying to accomplish and guarantee to the public, please let us know what you need if, in terms of making that happen.

Yes, council member, thank you.

Any other question, council?

Council member riley.

Thanks.

A couple more questions since I've got you back for another shot.

I now in this subsequent phase we're about to go into in the next year or so and staff are going to be working on fleshing out these broad concepts in terms of actual design standards and so on, I've seen rejs to design-based zoning -- references to design-based forming which sounds like form-based codes without quite calling it that.

Do you see this as an opportunity to apply form-based codes?

There is a lot of interest in the community in that sort of effort?

Do we see it as an opportunity to form base code we use the design-based code because not everybody understands the term form-based code and some people think of that as not having a land use element and we do intend to have a land use element so that's why we use the term design-based code.

But those who are kind of famili with form-based code and the fact there is quite a bit of variation between different form-based codes throughout the nation, his, what we envision is I think, would be considered a form-based code, we're just using a little different terminology.

One follow-up to that question.

One common theme that you see in exercises using form-based codes is that, is the application of a transect con sect where by actually have -- concept where by actually have different categories of building types that are intended for different, let's say different sorts of places where you have a whole spectrum from very dense urban places at one end to down to something that is more traditional and residential the other end, and in between there is opportunities for various sorts of building types.

And you can have form-based codes or design-base zoning, whatever you want to call it.

It can be helpful as you're trying to transition from density along the corridor, down to residential areas adjacent to the corridor or near the corridor.

Have you all thought through how in this case we're going to make that transition from the corridor to the morris more residential areas.

That has been an issue in or corridors in general with our commercial design standards and vertical mixed use there have been some concern about the neighborhood side of our corridors so I wonder if this is an opportunity to see if we can do a little better at that.

The masterlan in our land use districts begins to look at that a little bit, where the mixed use and some of what is in tended to be higher in density is closer to the rail station and transitioning to other districts towards the existing single family on the outer edge.

W, the degree to which the design changes between those land use districts hasn't fully been flushed out yet but it sort of sets up a similar concept as you're talking about with sort of different zones, if you will, as you transition from the rail to the single family residential so the short answer is in concept, yes in detail, we would be looking at it more closely in the next phase.

Okay, thanks.

Any other questions? Thank you very much.

00 zoning cases.

Mayor and council.

My name is greg guernsey, director of neighborhood planning and zoning.

00 time certain zoning ordinances.

These are where are the public hearings have been closed.

The first item I would like to offer is item number 28.

C14h-2009-0047.

Pace-perry house.

Staff is requesting postponement 246 item until the march 11 meeting.

Applicant is working with staff on this property so we would off item number 28 on postponement until march 11.

For concept agenda items we've already held a public hearing is item number 28, postponed to march 11 is there a motion to approve that?

Council member spelman.

All in favor say aye.

Vote is 6-0.

Council member cole off the dais.

Thank you, mayor and council.

00 zoning and neighborhood planning amendment.

These are items where plic hearings open and possible action this evening, item 29 is case number c14-2009-0097.

11505 Anderson mill road.

This is to zone the property to neighborhood commercial or Ir district zoning.

Zoning and platting commission to grant neighborhood commercial- conditional overlay Ir-co combining

district zoning.

This is ready for consent approval on first reading only. Item number 30 is case number c14-2009-0107.

Property located at 9500 nenah avenue. vincent's depaul catholic church.

District zoning to multi-family residence-moderate high density mf-4 district zoning.

to grant general office-conditional overlay go-co combining district zoning.

This is ready for con sen approval on first reading only.

Item number 31 is case number c14-2009-0157.

For the property located at 214 east anderson lane.

This is to zone the property commercial liquor sales, conditional overlay, combining our cs-1-ico.

The zoning planning commission's recommendation is to grant the commercial liquor sales conditional overlay or cf-1-co zoning.

This is ready for approval on all three readings.

0 Case number 32, c14-2009-0157.

Albert road.

And matthews lane.

We have a postponement on this item.

The planning commission has yet to review this case to the february 25 agenda.

And item number 33, case number c14-2009-0158.

Again on albert road.

Staff is recommending postponement of this item as well to the february 25 agenda that concludes the items I can present for consent approval or consent postponement.

We do have folks signed up not wishing to speak but trod answer questions on both 29 and 30.

Let's point that you let's close the public hearing and approve on first reading item 29.

Close the public hearing and approve on first reading item 30 and both of these are the zoning and platting commission recommendations.

Item 31 to close the public hearing and approve on all three readings.

The zoning and platting commission recommendation.

And to postpone until February 25, items 32 and 33.

That is the consent agenda.

Council member Spelman moves approval.

Council member Morrison second.

All in favor, say aye.

Vote is 6-0 in favor with council member Cole off the dais.

Council, without objection we were in recess for 10 minutes until 4:00.

We are out of recess.

A quorum is present so now we will take up our 4:00 p.

m.

Public hearings.

The first item semi-annual -- is item number 34. First I will ask if anyone wants to raise any preliminary issues such as postponement or standing.

Mayor.

Mayor pro tem.

Thank you.

The next two agenda items were pertaining to outdoor music venue permit requests, and as we started looking into this, what we're finding out is that there maybe has not been enough dialogue between the venue operators and the unables in terms of addressing concerns that might exist.

And I think that's the whole, for me that, was the whole intention of the music venue permit requesting process is that concerns could be addressed and that we, as a council, could issue a sound permit with

stipulations that addresses those concerns, such as hours of operation, decibel level, days of the week, only during the day-type events.

All of those things.

And that is what I don't think has been discussed, what is before us is an appeal to deny an outdoor music venue permit but yet there hasn't been, to my understanding, enough dialogue.

So what I would like is to postpone these two items for two weeks and ask staff to sit down and have this conversation to figure out what those specific concerns are and bring that information to council so that we may be able to contemplate allowing the permit to be put into use, but with concerns addressed in the adoption of that.

So I will move postponement actually on agenda item 34 and plan on doing the same with 35.

Before you do that, mayor pro tem, I want to first ask gurney will staff be willing to facilitate that discussion.

We've discussed things with both applicants and the neighbors but not with all the parties in the room at the same time.

So I take it, mayor pro tem is suggesting and what you're asking is for us to host a meeting where all the parties are at the same meeting at the same time to discuss these issues and we would be more than happy to set that up and we can set that at the city building so it is seen as a neutral location.

And I would hope that they would come to the table with specific issues and concerns.

If the position is simply we're against it, I'm okay with that too.

You have every trite take that position.

But what I want is to truly try to address issues and concerns so that we as a council can make a policy decision whether or not to issue the permits.

Okay.

Before we move to the motion, you've heard that there will be a motion to postpone.

There's eight people now signed up wishing to speak.

Given that the motion will be made to postpone, I would ask if there is anyone that wants to speak on the issue of postponement.

Not on the merits of the case but only on the issue of postponement.

Good afternoon, council.

Yes.

My name is daniel with the river bluff neighborhood association and I coordinate the planning team.

I don't think that you should postpone it and council member martinez, we have talked with sustainable waves and the neighbors in north university have had conversation with little woodrow's.

And on tuesday, we had a huge meeting with city staff and talked about all the various things that are deficient in the situation and how we can remedy.

And actually from that meeting we got two things that apd and city staff could do administratively, so we're rolling with this process.

Weave been talking with the venues.

When we were here last time at council, I spoke with a representative from sustainable waves and we had a conversation and, you know, we'll address that in our remarks.

I mean, if you all think that we should postpone it for two weeks, okay, but you know, it is hard enough to come over here and to get the neighbors and the neighborhood over to these places.

You know, people work, they take time off.

I'm speaking for several people who can't be here.

And I'm sure some of my other neighbors are.

So I suggest -- and I say to you that we have been talking with the venues, with specifically with the venues.

Those of who are appealing, and we have had extensive conversations with staff and several of you council members.

You are all very well aware.

martinez, we didn't meet with you but we met with other council members.

We didn't meet with miss cole, because we couldn't get appointments with you.

Most of us have had conversations so please, don't postpone it.

Council member shade.

I'm curious, so you didn't talk -- when was the last time you talked to sustainable waves?

The venue.

When they were here.

The last council meeting?

Last council meeting.

Now with not since then.

Not since then.

But we had a very, you know, good consration, and as a matter of fact, I mean, I'll tell you right now, they only applied for a permanent permit because that is the easiest thing to do the least complicated and the least expensive.

They're not interested in becoming a permanent venue, they just want to take advantage of south by southwest, which is reasonable.

But for us there is a big difference between events during the year and establishing a music venue, particularly an outdoor music venue.

Ever since we met, I've really spent a fair amount of time trying to get into this and when it came to my athat neil sustainable waves hadn't had any further conversation about finding a common solution since we talked about the new tools and brought a new staff person on board, I would just hate to take a precedent-setting vote without knowing there was that conversation between him and you in particular, since you've raised the most complaints about it.

And you know, so I'm comfortable supporting the postponement while I absolutely recognize how frustrating it is to come here, especially on a rainy, cold day.

Actually, council member, since we were here, I spoke with his representative.

I don't remember his name, i don't have his card, but after that, I called neil twice answer just didn't return my calls.

Okay.

So we've been trying.

Okay.

Any more questions.

I appreciate this.

Thank you, thank you.

Mayor that last comment is exactly what's being heard and that is why I believe all parties should be in the same room with facilitated conversation and meet big staff because that is exactly what is being said on the other side of the issue, that somebody is not returning phone calls, somebody is not returning e-mails.

And again, I'm not trying to blame anybody or find anyone to blame but I want this conversation to happen with everyone at the table at one time so we can get that information that comes out 2456 meeting.

Mayor pro tem, anyone else wishing to speak on the issue of postponement?

Yes.

Mayor, council members, I'm scared more risk with the north neighborhood community association.

We're addressing item 34 now.

Yes. Not 35.

We don't have a problem, per se with a postponement to postpone to facilitate meeting with the applicant.

We met with the applicant at his site for an hour and a half a couple weeks ago and we were delighted at the exchange.

We did not come to any agreement -- excuse me, are you talking about the item 35?

34. Little woodrow's.

And I met with Rick Eng and he hosted the meeting.

So if you would like to have us get back together with the staff, I think that would be great.

We have had about three meetings with the staff in the interim, as well.

And we're just -- we wouldn't object accommodating that request.

Council member morrison.

I would like to be able to ask the representative for sustainable waves, but I guess we're only on 34 now.

That's correct.

Although we heard lot of testimonz 35 at this point.

So I'll night so mayor pro tem makes a motion to postpone item number 35 until february 25.

Are we on 34?

34.

34, Until february 25.

Second by council member shade is there any further discussion of that? All in favor4 say aye.

Passes on a vote of 7-0.

And now we'll te up item number 35.

And before we begin discussion, I will ask if anyone wishes to raise any preliminary issues such as postponement or standing.

Council member morrison.

Thank you.

I would like to ask a question of the applicant for sustainable waves.

I think we already have a feel for the neighbors disagreeing with the postponement but is there somebody representing sustainable waves here that could talk to the issue of postponement?

So we don't have any representative? From sustainable waves here? Mr. guernsey, do you know?

No.

We do have 10 citizens signed up wishing to speak on item 35.

Council member, I don't know if neil --

I have some information on that.

Okay, council member shade.

Someone from my office spoke to neil earlier, answer was planning to be here and when he heard that - when he -- i should get my aid up here to tell me exactly what is going on with neil but she spoke to him earlier today and she couldn't make it and he heard that there was a chance it might be postponed and was willing to have a meeting with staff.

But that's all I know and I am just reading that 06 -- he has some sort of a business engagement tonight.

Is there a motion to postpone item 35?

I'm going to just say it is very frustrating.

Clearly, we're hearing a difference of opinion as to exactly what is going on here.

I'm going to go ahead and support a postponement because i trust my aid was in direct contact with him.

I have driven by the venue, I've taken a look at it and learned a little bit more about the business and I feel strongly there is a definite opportunity for the -- for neil, not his agent, but neil himself to meet with daniel and some of the other neighbors.

I really feel like if they would talk, especially given the fact when we met, when the neighbors and I met there was a definite possibility that there could be a mutually agreed upon solution so rather than setting a precedent that's very important, this is precedent-setting and because of that I take it especially seriously.

So I think I would support -- I'm going to make a motion for postponement.

Motion by council member shade to postpone item 35 until february 25.

Second by the mayor pro tem.

Council member morrison.

I think we're in a really unfortunate situation here, and I know sometimes things get worked out so there is going to be postponement and folks can save their time and not come down here but we generally try and do that with both sides so I'm really very uncomfortable that we got here without even telling the

neighbors, so I'm not going to be able to support this motion and what I would really prefer to see would be that we go ahead and take testimony and we always have the option to postpone later, after the testimony.

I think in fact, you could con guernsey, if we took testimony, could we then make a motion to postpone.

You can't, there is already a motion to postpone on the table.

You can continue the hearing to the next meeting.

That's not uncommon with your procedures, and then you could hear the testimony, though that had not heard before and sometimes the mayor in the past has asked the indulgence of those who have already spoken, unless they want to add additiovat information.

Thank you.

I think out of courtesy of the folks that did come down here and didn't get the word there would be a postponement, it makes sense to start the hearing and we have the option to hear from the representatives.

So I would like to offer an amendment to the motion to actuastart the hearing and consider continuation later.

I'm certainly willing to support that.

I just -- because I feel really uncomfortable representing neil, who I've not myself met, but i want to say from what I'm hearing from my aid, it sounded like the communication was literally in the last 10 minutes with him, he was on his way and isn't come.

So council member --

it is not like it is some planned out thing.

I can't understand exactly what happened.

Will you withdraw your motion?

I will withdraw my motion.

Mayor pro tem, is that all right with you, notion withdraw.

That's fine.

Thank you.

Thank you, mayor and council.

Item number 35, this is to conduct a public hearing and consider an appeal by the river bluff --

sorry, brent wade, city law department.

Unlike most public hearing, appeal hearings have a prescribed process set forth in code and there are due process rights at issue and one of the -- there is an order of steps in conducting an appeal hearing and one of those steps is a presentation from the applicant's representatives.

And if there is testimony and evidence presented that the representative is not here to hear and respond to and prepare their case, I believe that raises concerns so my recommendation totally sympathetic to the issues that were raised on the dais, but my recommendation would be at the hearing is either held which was problematic because the representative isn't here, or that it be postponed by the hearing not take place with testimony unless the representative is here.

You're speculating, but the situation right now is that we have no motion on the table so we're going ahead with the hearing and the first item then that procedure is to receive a report from city staff.

Mayor and council, greg guernsey, again.

Item number 35 is to conduct a public hearing and consider an appeal by the river bluff neighborhood association of a decision to approve an outdoor music venue permit for sustainable waves, located at 4822 east cesar chavez.

This is a request that came in for an outdoor music venue permit on october 30. daniel yanes representing the river bluff association has filed an appeal of 9 approval based on several points. First, that the area is 65% residential in nature, that the east austin residence have had to endure the pollution from tank farms, bfi, industrial sites, there are a number of unregulated venues in this area, and the applicants violation of the permits during south by southwest in 2009.

An interested party may appeal a decision under the code, if they are the applicant. Notice owner within 600 feet.

A single family owner within 600 feet of the outdoor venue.

The notice of the multifamily venue and this is for a new permit, which this is a new permit, or a residential neighborhood association which is the appeal land today who delayed boundaries within 600 feet.

The actual property is developed.

It has warehouse type uses on it.

The properties to the north have different truck storage.

There is a yum-yum ice cream company that has trucks that go out, offices to the east and west there are machine works, gas air supply companies, to the west, there is an art store, hair supplies. Haircutting.

To the south there is some equipment, auto sales, restaurant uses.

But just a little bit further to the south, below the site or below cesar chavez street, there is red bluff and single family homes that front on lady bird lake and further down east, kind of northwest of the site, there are some residences.

The venue operator is one that does not typically operate all year round.

They have a three or four venues a year.

They have agreed and staff has worked with the applicant, with our channel 6, not our new music position but with our channel 6 staff to make sure the sound equipment that they used recently during a halloween event was oriented to be facing into the property more and that it would be localized in nature.

The hours of operation are 30 p.m. sundays.

00 monday through wednesday. 00 on thursday and 00 to midnight on friday and saturday.

We've had several interested parties that have taken an interest in this particular application.

We do have one event that did take place on october 30 where there were complaints filed we did find an apd officer did arrive at property and noticed that the decibel reading on their meter registered 95-decibels, which is above the required amount.

The officer spoke with security, had them turn it down.

I understand it was turned down but later that same night there was another complaint by several calls as it got louder and louder.

That, I can pause at this time and you can hear those in testimony that are present this evening.

I know daniel is here and, as i said before, I believe neil is here as far as representing and being the

owner of the property.

I hear from the appellate, person making the appeal. You have five minutes. yones, you have sylvia, are you he chamber? Carman yones. Carmen is not in the chamber.

So you have five minutes.

Thank you,ayor.

I'm daniel yones with river bluff neighborhood association.

The staff has listed river bluff as the one appellate but also 23 other neighbors are part of this appeal and it is not just my neighborhood association and also the neighborhood association in johnson valley terrace so mayor and council, we asking to you support our appeal tore the permit issued to sustainable waves.

We ask that you deny the permit and give them the opportunity to apply for a temporary one.

The outdoor music venue permit was issued, excuse me, the outdoor -- the omd permit was issued under what we consider to be a flawed ordinance.

I know that much work has been done create it but too much has been left out of the ordinance and it does not afford adequate neighborhood protections.

It is one thing to pay and go to an event but it is totally another one to be forced to listen to distorted music and noise that turns into noise in your own home with no escape. Many of my neighbors had to endure that last year during south by southwest.

The ordinance under which this permit was issue is backwards in terms of neighborhood review.

In zoning cases and other issuances of permits, an cam a application is received, reviewed by the stakeholders and then determined when it is appropriate to grant a permit or zoning change.

In terms of the review and issuance of the omd, the ordinance is backwards.

The permit is issued first, then the rest of the community finds out.

That is why we're here now. Had it been different, we probably would have worked all this out.

I also want to say, council member shade, before the halloween event I had four conversations with neil and we went through this whole thing on the immediate and long-term aspect of this, so we have been communicating.

Another aspect of this ordinance is that a permit holder to the omb is exempt from the established noise criteria, but everyone else, ever other business or restaurant or music venue would have to add here to.

But because of the way the ordinance is written they're exempt from the standard noise ordinance.

Also, sustainable waves is not an established music venue and they informed us many times already that they only wanted to do an event few times a year but applied for a permanent one because the process is such that temporary permits are less costly andly less complicated than applying for permanent one.

And we have spoken with staffo this, that is the big meeting we had last tuesday.

And we have to recognize that there is a big difference between a permanent established music venue and an entity that is not an established music venue and wants to have a permit on a tell rather basis.

Much -- tell rather temporary basis.

The surrounding neighbors must be able to participate and give their input prior to the issuance of such an ordinance, of such a permit.

And also, to review the level of the impact on the neighborhood, this ordinance as written also contra tickets established -- ntradicts established procedures and ordinances.

There are no procedures addressing the appropriateness are compatibility of land use.

No consideration to the size of the venue in a given area.

When there are music venues in different places, established ones, there is a predictable size.

These out door ones tend to be pretty wild and big and uncontrolled.

There are no requirements for a holder of this permit for parking, fire safety, or crowd control or alcoholic consumption.

Valley johnson terrace neighborhood plan discourages businesses with alcohol and when we have huge crowds, they council member out drunk and i don't want to tell you all the thing those on the way to their cars.

An established venue like shady grove, for example, has a parking lot.

It is controlled.

Sustainable waves could do something inside.

They have a huge building and they have a big area.

If they, you know, wanted to, but there again, -- let's see, where am i. guernsey pointed out, our ighborhood is 65% residential and it is growing.

And those sustainable waves is located in a cluster of warehouses, there are residences 360 degrees around them.

Your time has expired.

Yes, sir.

Just let me finish my sentence if I may.

Those other warehouses act to amplify and distort the sound, turning it into inescapable noise.

That was the end of a sentence.

Yes, sir.

I have two paragraphs.

I'm sorry, that is all the time you have there other speakers if someone wants to donate their time to you.

Lorraine atherton.

Allan robinson.

I'll donate to daniel.

Thank you so much.

Thank you, mayor.

So allan robinson.

You have another three minutes.

Let's see.

Where was i.

Oh, yes.

So we have 60% residential and even though a sustainable waves is located in a cluster of warehouses, they have residences around them 360 degrees and those warehouses actually amplify and distort the sound.

There is next to no lighting on cesar avez and sustainable waves does not have parking to adequately accommodate the crowds they have a been drawing their events in the past have created double parking on both sides of cesar chavez itself from springdale to spencer and there shady there has been inadequate response by apd and code enforcement.

This is traditional in our neighborhood.

How, I must say that apd in the last couple years has been much more responsive to our questions.

But sound ordinance and noise is a low priority for them.

So we ask to you support our appeal for a permanent permit, and let them apply for a temporary one.

They can do that and take advantage of south by southwest like everyone else.

And I don't know, but, because i haven't, I just came from work, but I thought that you 46 all were going -- that the music commission had a resolution expand the temporary permit is that so?

Did you all in a?

Did you.

So you see that, was created as a response to us to give them an opportunity.

We don't want to get in the way of music.

I'm a musician myself, as a matter of fact I invite you to the restaurant for valentine's day so this is not about music, about inhibiting music, this is about compatibility and for us all to get aalong this beautiful city we have.

Thank you so much.

Thank you for giving me your time.

Thank you, daniel.

In particular the criteria relating to proximity and additional limits on hours.

I request that you grant these appeals today and take whatever action is necessary to prevent the granting of any other omv permits before staff has established a review procedure that incorporates these criteria as required in the ordinance.

I also have the zilker neighborhood newsletter with me, which contains a summary of the six omv permits that have been issued in our neighborhood, and I would be happy to answer any questions that you have about our experience with negotiating omv permits.

thank you.

Next speaker is bobby rigny.

Welcome.

You have three minutes.

Thank you.

I'm bobby rigny with the zilker neighborhood association, vice president.

I can just repeat what our executive committee has voted which is to vote the strictest interpretation of zoning and sound ordinance code.

We have some outdoor music venues in our neighborhood and some that are upcoming that are worrisome, but i guess many times any of them that come up are always worrisome because you think the worst.

I do like to point out that -- I believe I heard it suggested that the city would have a hosted meeting for -- as opposed to an informal negotiation like we were directed to do with our current music cafe, now changed to opah, its name change.

And that would be good, but as the code reads today, if there's no reason for the permit applicant to really want to negotiate down from what their allowed.

And the neighbors around them have every reason to be concerned about giving up the protections of article 1 that occur whenever somebody has a permit, all article 1 permit -- I mean, protections go away.

So I guess really I should close -- just save my time for whenever things get -- on the 25th maybe we'll know some more information, but i do look favorably upon david's -- I mean, danielle's thinking about maybe they should go for a temporary permit, so that would be an okay move. thank you, bobby.

Next speaker, susana almanza.

Susana almanza?

Bill neil?

Thank you, I'm bill neil.

I live in the zilker neighborhood, and recently the city adopted a consideration of preexisting land use when it comes to -- to granting some -- an outdoor music permit, and in the case here we have preexisting residences, the issue of the commercial facilities surrounding the property is kind of irrelevant.

I mean, it's the conflict -- we're talking about noise, so the conflict is between the residents and the venue.

So -- and also the automatic permit granting for initial application only applies to restaurant footprint, and so they're not a restaurant, so why were they granted the permit if there is conflict -- if there's noise conflict between the new facility, the sustainable waves, and the existing residents.

I just don't see how this can happen, unless somehow this restaurant footprint applies to any entity that is applying for a permit -- an outdoor music permit, which, according to what I heard at the tuesday meeting between staff and concerned citizens, is actually something that the legal staff actually supports.

Well, if that's the -- I don't understand the reasoning behind that, but why wouldn't the 70-decibel restriction on restaurants also apply in that case.

I mean, I don't think anybody would object to sustainable waves being an outdoor music venue if they had a 70-decibel limit.

Then they could get their approval and there would be no conflict.

So I don't understand how the city ordinance is being followed here.

I just think that as a legal matter the permit should not have been granted if the preexisting residential use in the surrounding area, not just the immediately surrounding area but let's say within 600 feet, because we are talking about 85 decibels.

I just -- I don't see how the code really is being followed, and it just doesn't make sense to me.

So I would -- I would like to ask that -- the legal department of the austin city council make available their reasoning, you know, how it is that the restaurant footprint exemption can apply to everything, and then not the 70-decibel limit also apply.

Thank you.

Oh, and also, I'm interested in this because I live as I said in the zilker neighborhood, kind of near mary

and south lamar and that area is changing, and so I'm concerned personally about whether this issue of -- or consideration of existing land use is going to have any meaning at all, and it seems to me that it should because it's in the city code.

Thank you. thank you.

Next speaker is rosa santis.

Rosa santis.

Suna almanza.

Oh, okay.

Welcome.

And you have three minutes.

My name is rosa santis.

I'm a business woman and I'm here to support the neighborhoods because this music venue is also creating some kind of confusion among some people that want to establish some restaurants or some businesses in these.

That was the case that i have in my property on east 7th and shady, that I have a contra with a company that was going to develop the area and establish a barbecue restaurant.

When they came to the city and they see that it was easy for them to get a permanent music venue, they decided just not to develop the area, and I was forced -- and they were forced also, to -- I mean, to break the contract because they didn't want to make any investment because they said it was easy just to get a permit for music venue.

That created a lot of problems to me.

As business person I have to lose money, and it was an opportunity also for some development in the east.

So I'm here to support the neighborhood -- the neighbors.

Thank you. thank you.

Last remaining speaker wishing to speak is susana almanza.

Susana is not in the chamber.

Several others signed up that are for the appeal, not wishing to speak and their names will be entered into the record.

So now we have -- even though there was no testimony against the appeal, technically you have a three-minute rebuttal by the supporters of the appeal.

So I believe, daniel yanez you can name someone else to do it.

You you don't have to do it.

Yes, sir.

I understand that. Once again, like I said, we're not trying to nibt inhibit sustainable waves or anyone else.

This is precedent setting, you said that, council member, and in govalle terrace there are other forces who are looking to extend the music district into our area because they think that no one lives there, but it's such an illusion.

We have residents all over that area, and as a matter of fact, behind sustainable waves on 5th street our planning team just helped to rezone a couple who bought justine's, and they have justine's in front and we rezoned the back of their property to residential and they're building a home there. Down the street further towards downtown in the next layhe is opening a clinic which we love, opening a clinic.

Same thing, the front half on fifth street she's opening a clinic.

The back half she wants to put eight townhomes on there.

So govalle johnson terrace is downtown now and more and more people are moving there as residents.

So the issuance of a permanent music venue would set precedence and that's what we need.

Sustainable waves can do whatever they want through the temporary process, and i hope they hire me.

So thank you all very much for your time.

thank you.

Those are all the speakers that we have signed up, so council, discussion or a motion would be in order.

Mayor pro tem? Mayor pro tem moves to postpone until february 25.

Is there a second?

Second by council member cole.

Any further discussion?

Mayor pro tem? You are leaving the public hearing open with your motion?

Yes.

so all in favor of the motion to postpone.

All right.

Council member shade?

I want to make sure that the direction is included, which is that the staff is going to facilitate a meeting that has everybody in the same room, and i would so like to add that yanez pointed out, there is a new pool that pe approved as of today, for a 96 hour permit, and I want to be sure that neil understands that that's available as well as understanding how the 24-hour permits work.

So that he's informed about that by the time we get to the next meeting.

Council member, I'll make sure that both the owners of both venues, one that was previous to thicase and the current one, receive a copy of the new ordinance that was passed on emergency passage today in effect today, and staff will facilitate that meeting.

We'll probably be at 1 texas center and try to find a time that works for everybody.

Object object ion.

Direction to council to have a facilitated discussion by the city, acceptable to the maker and the second.

Okay.

Mayor, I have one comment.

I want to request that staff notify our offices of the date and time and location of that meeting so that we may be able to send aides or attend ourselves, if we're available.

I'll be included also.

All in favor of the motion to postpone with additional instruction, say aye.

Aye.

Mayor Jefferingwell: aye.

Any opposed? Passes on a vote of 7-0.

Public hearing remains open.

So that brings us to item no. 36. Mayor, council members, my name is Kevin Shung from the Watershed Protection Office Floodplain Office.

The item before you today is a floodplain variance request for 801 Red River Street.

The property known as Stubb's, which is in the Waller Creek Watershed. Here's an aerial view of the property with the approximate property lines outlined in the fuchsia color.

The light blue polygon area is the 25-year floodplain, and the darker blue area on the automatics of that is the 100-year floodplain.

You can see that a large portion of the property is currently in both the 25 and 100-year floodplains.

We are currently in the process of reviewing a site plan for this property with the owner, and what we're here to discuss today is what we would call the phase 1 development associated with that site plan.

The phase 1 development proposes to permit buildings and structures that are currently on the property that did not receive property building permits and those buildings and structures are outlined here in the green color, and they include the outdoor performance stage and attached covered walkway and various bar structures, canopies, decks and dumpsters.

Some of those buildings and structures are located within the floodplain and some of them are not, so with regard to the floodplain variance we're here to discuss just those items that are located in the floodplain.

There is a picture on top of the outdoor performance stage, and to the left of that the wood structure there is the covered walkway.

In regards to the floodplain regulations, we consider these two items to be buildings, meaning that they - if they have two walls and a roof we consider it to be a building, and with regard to the floodplain regulations that means that they are required to meet the finished floor requirements, which is 1 foot above the 100-year floodplain, in addition to the safe access out of the floodplain requirement.

The two pictures on the bottom are the performance stage view from waller creek itself.

These are a few of the other pictures of some of the structures.

Top left there is one of the bar structures.

On the right side is a deck area with another small bar structure, and then on the bottom left is the -- are some of the dumpsters that are placed, that are located in the floodplain as well.

When reviewing site plans that propose development within the floodplain, we obviously have some criteria that we go through, the floodplain regulations to ensure that they're satisfying those requirements.

First and foremost is making sure that there's no adverse flooding impact due to development the the owner has submitted information to the city which indicates that the development for this phase 1 does not increase flood heights on waller creek.

In additn, the owner has agreed to remove some fill material that was placed in the floodplain over a period of years, which, you know, displacing floodplain volume we consider that to be an adverse impact, so the owner will be with this phase 1 development removing that fill material, so again, staff's view is that there is no adverse flooding impact in soches the so much as the building in their current locations causing increased flood heights.

There are regulations that say that buildings condition encroach in the 100-year floodplain, and there are also exceptions to those rules for certain business -- for certain properties that are within the central business area.

If properties meet certain requirements, then they are allowed to be built and encroach on the 100-year floodplain.

The director has the authority to wave some of those requirements.

So for this particular development the director, staff felt that it was appropriate to waive the requirements for the finish floor elevation and the safe access for the two buildings, the stage and the walkway, and the justification for that is that neither of these buildings are habitable structures, and stubb's does have, you know, an evacuation policy to get people out, and they don't have -- they're telling us they don't have shows during rainstorms.

It was our feeling that it was okay to have those buildings below the finished -- below the designed flood elevation.

There are also regulations against buildings encroaching on the 25-year floodplain, and there are exceptions to this 25-year requirement, but this development does not satisfy any of the exceptions for

the 25-year encroachment.

Those exceptions include buildings such as pump stations and recreational facilities on parkland.

In addition, any design and construction within the flood hazard area is required to indicate flood proofing certification.

In other words, the developer -- the owner is required to provide certification from a structural engineer indicating that the buildings and structures can withstand the forces of the floodwaters, and last but not least is the requirement for a drainage easement, development on a property.

The owner is required to dedicate to the public a drainage easement to the limits of the 100-year floodplain.

The owner has requested variances from several of these requirements, phase one regulations.

In particular, the certification, their request is to eliminate entirely the requirement to submit structural certifications that the structures and buildings can withstand the forces of the floodwaters.

They're also requesting a variance to eliminate the drainage easement requirement entirely from the property, in addition to the buildings encroaching on the 25-year floodplain.

I want to talk a little bit about the floodplain -- flood proofing requirements.

Flood proofing is a very important aspect of flood management and obviously the reasons for our floodplain management is to protect the public from flood hazards.

When we don't have structures that are flood-proofed, essentially what happens -- what we're saying is when the flood does occur, that these structures would not be able to withstand those forces and they make break apart, fall apart, collapse, therefore causing debris to float on the floodplain clogging bridges, culverts, storm drains and causing public safety hazards.

So the flood proofing requirements try to minimize that debris in the floodwaters.

The land development code speaks to this in addition to the national flood insurance program minimum standards.

As far as our being included in the national flood insurance program we are required to adopt and enforce a certain set of minimum standards, floodplain regulations, and one of those is requiring that buildings and structures in the flood hazard area be flood-proofed.

I just had some pictures of some various -- these are actually taken in Austin, some various areas showing you what kind of debris can do within the floodplain, whether it be pieces of plywood or

shopping carts or tires or trash, they tend to clog up the channels.

They block bridges and culverts, which can then increase flood hazards above and beyond what our flood maps show, because when we do the engineering analysis for floodplains, we assume [03:54:00] that bridges and culverts are free and clear of debris and not blocked with debris.

Regarding the drainage easement requirement, again, the drainage easement is a very important tool in the floodplain management toolbox.

Again, its intent is to protect the public from flood hazards and how it gets to that goal is by limiting activities on the property that could increase flood hazards, so when somebody proposes to develop a piece of property and there is floodplain on it, the code requires a drainage easement to be dedicated to the public to the 100-year floodplain.

That then informs that property owner and any other future property owners that there is floodplain on that property and there are limitations placed upon it, which they can't put fill material or other structures which could increase flood hazards.

Just wanted to talk a little bit about some possible ramifications of approval of the requested floodplain variances. You know, we see some -- might see some increased flooding risk due to the possible debris.

We haven't -- we haven't received structural certification of the structures.

That's not to say that they're not structural -- they can't withstand the flood forces.

We just have not received the certification.

In addition, some implications to our national flood insurance program. Fema does monitor our progress on a yearly basis, and then we typically do a very overall overview every five years, and they will often ask questions about why we permitted such structures or why the variance was given for certain developments, and if -- if they find in their view that we're not complying with the national flood insurance program, then they could take certain precautions of maybe, you know, requesting that we mitigate the situation with the owner or maybe possibly putting us on probation or suspension.

So there are implications with the national flood insurance program.

It's a very important tool that we have in the city, provides flood insurance to the community.

In addition, the community rating system is a program from fema that rewards communities for going above and beyond the minimum standards, which the city of austin does.

That gives people who have flood insurance discounts on their flood insurance premiums, and some --

you know, some certain level of variances or not enforcing the code could impact that just a summary of the findings that we found on the development again.

It's within the 25 and 100-year floodplain of waller creek.

The applicant has submitted and the staff agrees with their calculations, that the development will not result in increased flood heights.

They do meet some of the exceptions for the 100-year building encroachment in the central business area, and the development has not been certified to withstand the forces of the floodwaters.

Based upon the variances that are requested by the owner, staff is recommending denial of the floodplain variances. One thing I did want to point out, there is a draft ordinance in your packets, and that draft ordinance was prepared by staff, floodplain staff as well as legal staff, and we -- we attempted to prepare that draft ordinance as a middle ground between the complete variances that were requested and maybe getting some of those items, not necessarily at the time of the site plan but maybe during the building permit phase.

So the variances, instead -- the ordinance is drafted such that it's not a complete variance from the flood proofing requirement. However, it is a variance to say that they would need to provide flood proofing certification prior to certificates of occupancy being completed.

Instead of the complete requirements of the drainage easement requirements, staff is recommending that the variance be to just exclude buildings from the drainage easement, which is a typical request that people make and we give those on administrative floodplain variances, and you also consider those on some other floodplain variances. Now, we do have three conditions placed on -- on the draft ordinance that I want to discuss. One of them is a restrictive covenant document.

The picture that I have there to the right is a picture of some propane tanks that I took at the Stubb's property a couple weeks ago, and this is a good example why we want to educate property owners, educate the public on where the floodplains are and what they can and should -- or should not be storing in the floodplain.

This is a good example of what we do not want in floodplains.

What could happen if a flood occurs, these canisters could be floating downstream, which is an extreme safety hazard as they go downstream.

So what we're trying to do with this restrictive covenant is to say that while the floodplain exists and where the floodplain exists on this property, the property owner is restricted from storing material that could be hazardous if they get in contact with floodwaters.

In addition, the second condition is the -- basically talking about the deliverables, which is the flood-

proofing certificate and the drainage easement, and those deliverables would be, again, attached to certificates of occupancy instead of at the site plan stage.

With the draft ordinance as you see in your packet, staff recommends approval of the floodplain variances.

We do have a representative from the law department here, and we'll be more than happy to discuss any of those ordinances -- I mean, any of the conditions or variances in the ordinance, and we can -- we can work with some of the language, but I just wanted to make sure that everyone was aware that the ordinance as it is drafted in the packet, is different than the requested floodplain variances, and again, I'm here to answer any questions that you may have.

Questi questi onfor staff.

Council member spelman? what would be required -- the big structure here is the stage.

If you were to flood proof a stage, what would you have to do to it?

That's a very good question.

I mean, I'm not exactly sure what has to be done to the stage to make it flood-proofed.

I'm personalty not a structural engineer, so i don't know exactly what steps would have to be taken.

In our conversations with the property owner and the applicant, they -- they have told us that they have been in contact with structural engineers to look at the stage, and I haven't -- I'm not aware of where that conversation is, and we haven't been given any flood-proofing certificate for the stage or the structures.

Spelman: okay.

So you're not sure what would be required but you know there's a certification procedure. Once you get a certificate, that's as far as you need to get into it.

Yes, sir.

One last question.

What is the nature of that easement? I'm not familiar with real estate law so I'm not quite sure what the city is gaining from the easement you're referring to.

Well, basically the drainage easement indicates to the property owner, current property owner and any future property owners, that there is floodplain that exists on that property, and the reason for that is so

that they -- they are aware that there are limitations for what they can do within that floodplain -- within that drainage easement, placing fill material, placing structures, buildings, fences, if it's residential lots, you know, play scapes, you know, putting materials or items within the drainage easement that because it's in the floodplain could cause flood hazards if they're swept downstream.

Spelman: okay.

So there would be -- is this presuming then, if you ever an easement on part of your property, you would not be able to build on that part of your property?

Correct.

Spelman: okay.

That's the whole -- does the city get any rights over that property other than the ability to inspect it and ensure that the conditions have been met?

Generally when we do flood drainage easements for property, and we sthe a lot of times with residential properties that are requesting floodplain variances, we draft a drainage easement that says that floodwaters have the right to exist in this drainage easement and the owner es not have -- doesn't have the right to place materials or buildings or fences or anything that would cause -- you know, increase flood hazards.

So it's not the standard drainage easement that some developments are placed upon, but it's differently crafd.

I got to say, it sounds vaguely medieval that the city is now arguing on behalf of floodwaters, but i understand what you're getting at.

Thank you, sir. any more questions?

We'll hear from the applicant, and I don't know if you have an order.

The first speaker signed up is john lewis, but you can go in any order you'd like.

Okay.

First speaker is richard suttie.

Joshua gothray, in the chamber? Okay.

Jeff wattle, wattle. Okay.

Tracy overath and eddie patterson.

Eddie patterson.

That maxes you out as 15 minutes, mr.

suttle.

Thank you, mayor, council, I'm richard suttle, I'm proud to be here on behalf of stubb's tonight.

I have to get it in.

Stubb's is the same outfit that was voted as the coolest outdoor music club by rolling stone magazine in 2008, and we've got -- we've got the mbgine and the article to prove it.

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We're here tonight asking for these variances, but i first wanted to start by telling you that a lot of the speakers are signed up are here just to show support and we won't be wearing you out with speakers.

It's a relatively simple issue tonight and I want to do start by thanking the staff, agreeing guernsey, leon barber have been helpful in helping us to identify the issues and expediting this process along and we wanted to thank them for that and hope that they'll continue that help in solving these.

We're here tonight asking for floodplain variances to allow existing improvements to remain in the floodplain.

These improvements include the stage and a walkway in addition to some other areas that are are small bars and coolers and stuff.

They're not habitable structures, as you might think of a habitable structure.

It's not like a building.

These are basically one, two -- or two-wall, three-wall sheds and the stage is essentially a structure in the air with -- similar to a deck stage.

This site is unique in that it is on the western edge of the floodplain of waller creek.

Imagine this.

If you go to the east of us all those parking lots, if you look at that photograph, and the police station, all are in a -- in the flood zone or in the floodplain of waller creek.

Waller creek, this side is unique, though.

It sits on the high side.

There's a retaining wall on the side.

The flood area or the flow area I think is what the engineers call it, actually is in the creek, and we're not actually in the flow area.

We don't have water pushing through us in.

In the event of a flood i think the way the hydrology works, the flood comes, hits the bridge and starts backing up and imagine instead of water flowing through stubb's we would just start getting water rising slowly up.

The reason that is, and what makes this unique, is that stubb's has a lot of older buildings, anywhere from built in the late 1800s to the 1950s, that essentially enclose the yard, that if you've been to stubb's that you know is the outdoor music area.

So we're actually in a storage area, not in a flow area.

And that makes this site unique and eligible for the variances that we're asking for.

An elaborate hydraulic impact study was performed by garrett inan engineers and it has been determined as kevin told you that there will be no adverse impact occurring as a result if you choose to grant these variances to leave these structures within the floodplain.

It would allow us to keep them there and to maintain them as we know, and then as you also know, when the waller creek improvements come along, which hopefully is sooner than later, then this entire site goes out of the floodplain.

We're also asking for relief from the flood proofing and the certification process.

I think kevin mentioned, that would normally be associated -- I understand how it would be associated with a habitable structure, one that people are actually coming into a building or going out, but imagine that these are basically outdoor structures that are -- they're not habitable structures.

They're just housing the stage and the coolers and all. Your point was well-taken, council member spelman, how do you flood proof such a structure?

We've asked engineers and architects to go out there and give us that certification, and what they're basically telling us is, well, it looks okay, but in order for us to certify it, we have to be in on the ground floor from the start to the finish of constructing it so we know all of it's constructed, what the dmexes are,

the depths of the footings so in order to get that certification we would be forced to take it all down and start over and we'd like to avoid that both from a time and inconvenience factor and an ex factor.

We're also asking for relief that the 100-year floodplain be designated a drainage easement.

The majority of this site as you see is on the floodplain, and contrary to what kevin says, I am a real estate lawyer, and anytime you have a drainage easement over your entire site, the first person that looks at it is the title examiner and they don't understand that it's austin and we just have kind of a weird little easement.

All they see is drainage easement.

And it does convey rights to the city.

They're protecting the floodwaters, but essentially it says you can't do anything with this property.

You're going to always allow water on it, and I haven't seen the easement that kevin is talking about but I'm sure it says the city has the right to go in and maintain or do whatever they need to keep it a flood storage area.

And what that does, when a learned looks at that, when a title examiner looks at that, when anybody coming in to do a project or anybody looks at that, they say, well, heck, the city basically owns you, because they own a drainage easement over your entire site.

It precludes future development, so that if we came in with the ultimate plan -- remember, this is phase 1 of a bigger plan to ultimately radically improve stubb's.

If we do an easement on it, it would preclude us from being able to build the ultimate plan, unless we came back and got a release of the easement, and at that point we don't know what the circumstances will be or who we're dealing with, and we would be put in the position of begging for the release of an easement that we already granted. Finally we're asking for an immediate effect of the ordinance should you choose and find that we've met the findings to grant this ordinance so that we can have immediate effect so that we already have building permit plans on file with the city.

We'll file a site plan exemption with greg's office.

If we don't get immediate effect today on it, then what will happen on it is we have shows next week that we won't be able to have because the way all these permits fall, and this is what started all this, is we get the floodplain variance, site plan or exemption, building permit, and then our sound permit, which needs to be renewed, and under the new rules we can't get that last one, our sound permit renewed, until the rest of the things fall in place.

So we're asking for -- should you decide that this is an appropriate variance, that it have immediate

effect.

So we respectfully ask approval of the variances as requested and be addressed pretty quickly.

Well, I already did.

The conditions that staff has mentioned along the lines of the certifications and the easements and the restrictive covenants and all, we looked at that ordinance and essentially it was almost like not getting the variances because the way it is drafted is so broad that we -- we don't know what a lot of that stuff means.

For instance, the restrictive covenant. I would have accepted a restrictive covenant that says we no longer will place our empty propane tanks in the yard to be picked up. Kevin and I were out there. They were there, they were chained to a pole because the guy was going to come and throw them in the back of his truck and go refill them later.

We would agree to that, but the way that covenant is drafted in there now, it's basically whatever Kevin deems to be an unsafe piece of equipment or structure, we couldn't do, and it's just too broad.

So the ordinance is drafted with the granting of the variance in conditions the conditions is what the applicant is respectfully asking for.

I'd be happy to answer any questions you might have.

We have lots of people here either from Stubb's or involved in Stubb's or rely upon Stubb's.

We appreciate all their support too.

If you want to stand real quick and then we won't have to speak and get everybody in and out of here quicker.

We appreciate it.

Thank you very much. Thank you.

Mayor? John Lewis? Do you still want to speak?

[Inaudible] Mary Engle?

I know you want to speak.

I'm Mary Engle, and I live at -- about 30 blocks away from Stubb's and I have kind of a strange relationship with the place, even though I don't go there, I hear the words of the song in my front yard

louder than they are down at the venue.

So it might seem inconsistent that I'm here speaking on behalf of Stubb's and supporting them, but damn it, get this project done.

This is phase 1.

We need to get phase 2 and phase 3 and get this thing finished so that I don't have to write any more pesky letters to the council.

Thank you.

thank you.

There are no more persons signed up wishing to speak, and the rest are signed up in favor, so those will be so with that said, entertain discussion or motion.

Mayor pro tem? Thanks, mayor.

I couldn't have said it better than Mary.

This is the first step in really getting to a much bigger and brighter future for Stubb's, and while I certainly take the issue of floodplain variances very seriously, and I appreciate staff's work.

Work, you know, in trying to get this process moved forward, I respectfully disagree with their recommendation and position, but I understand why they have to do that. You know, Stubb's has been around for quite sometime, and we all know the benefits that it provides to our community, not only to the musicians but as an entertainment venue. Folks that come into town stay overnight to watch a show, spend money and go home, and those are the perfect kind of folks that we want coming to Austin.

You know, some of the issues brought forward about in a flood event, you know, this could be very dangerous or the canisters could be floating down the creek or parts of the stage.

You know, if we have a flood event of that magnitude, a stage and a canister is the least of our worries at that point.

This town will be in complete chaos.

So while I certainly appreciate the considerations, I just think that, one, Stubb's is willing to do everything they possibly can to run a safe operation that's open and accessible to everyone, but at the same time, you know, as long as the economy comes back and they're able to operate as a venue, they're making a commitment to move forward for future development and redesign of the site, which I hope happens.

I hope the economy turns around, hope their success continues so that they can actually do that, and really mitigate the sound issues, mitigate the access issues, and then of course once waller creek is done, the waller creek tunnel project, the floodplain issue will be moot, and they'll be able to completely redevelop their site.

So with that, mayor, i believe all of you have a copy of the applicant's request, and instead of reading all of it, it really doesn't add anything to staff's version of the ordinance, it only redacts, so I will just make a motion that we adopt the applicant's request, and i would also move, though, that we adopt it on all three readings, with emergency passage, so that it can take effect immediately and stubb's can move forward with requesting a sound permit to be prepared for their season, which starts next week.

Second.

mayor pro tem moves to close the public hearing and approve on all three readings, emergency passage of the ordinance as passed out to us in its redacted form, seconded by council member cole, and could -- could we ask the city attorney to comment on the emergency passage issue?

The I media si of the ordinance is based on the funding -- there's an emergency to suphe need to be immediately effective.

So if you are declaring that it is, in fact, an emergency, then it can be effective immediately.

Unders unders tood.

Mayor pro tem, your motion?

Council member cole? Any discussion or questions? yes, mayor, I had a couple of things to say.

I couldn't agree more with mayor pro tem's comments, but I also don't see this as only impacting stubb's, with the waller creek tunnel and the significant funding that we have put into it, we are taking approximately 11% of downtown out of the floodplain, and as we do that we want to do all that we can to accommodate the businesses along that area so that we can get the money that we loaned back.

And so I'm excited that stubb's is doing this and i agree with mary engle that we need to get on about the business of phase 1, phase 2, phase 3, a third story, and anything else, because that contributes to the tif and that makes all of us very, very happy.

And that -- we've already had a motion and I made the second, so -- any further discussion?

All in favor say aye.

Aye.

Mayor Jefferingwell: aye.

Any opposed? Passes on a vote of 7-0.

Those are all of the items on our agenda for today, and we do have live music and proclamations to begin in 15 minutes.

I would anticipate adjourning the meeting immediately after that, so council members, we are in , and I would just add that if you don't have a proclamation or -- to read or to attend, I can adjourn the meeting by myself at 6:00.

That's a hint.

That's a hint.

Okay.

Without objection we're in denlt list erd list erdz list ardz listard ardmore

mayor Jefferingwell: okay.

It's time for live music in austin, texas, in the council chambers.

And tonight we have my personal favorites, the lounge lizards. [Cheering and applause] I always get a chuckle out of your lyrics, I don't know who does that, but they're very profound.

Somebody is a deep thinker in this group.

Okay.

So formed in 1980 this group has appeared at festivals and concerts across the , canada and the united kingdom.

30 Years later -- you guys must have been little kids when you started -- they're still delighting audiences with their satirical folk, country and bluegrass melodies.

Winners of multiple austin music awards they have been featured on npr's morning edition and in michael moore's sicko.

I saw that movie too.

The group will perform their 30th anniversary show on february 20 at the cactus cafe, if it's still there.

So go ahead, guys.

[Laughter] [music playing] see what I mean? Classic lounge lizards.

Those lyrics are classic.

Do you want to tell us about our web site so people can study up on you?

Well, it's as you might austin lounge lizards.

com.

That does make sense.

We got there first. the dot-com was the part I was really wondering about, so -- [laughter] so you're going to do an anniversary show, but in the meantime working folks see you play.

-- Where can folks see you play?

The fort worth -- the anniversary show is next weekend, the weekend after this one. you're pretty much around all the time, except when you're not.

Except when we're traveling.

Mayor leffingwell: okay.

If someone wants to buy your music, anywhere --

well, same web site, you can get it, or waterloo records is the one place in town that has all the titles.

Some of the others have some of them, but they keep them all stocked there. yeah, waterloo record store, the city of austin was original originally named after that.

I have a proclamation for you.

Be it known that whereas the city of austin, texas, is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the live music capital of the world, do hereby proclaim february 11, 2010 as austin lounge lizards day in austin, texas.

So congratulations.

[Applause and cheers] [applause]

mayor leffingwell: okay.

Everybody want to come up? Are you by yourself? Many people know that austin energy annually sponsors a science fair.

The purpose is to encourage young folks to take up studies and eventually careers in science-based fields. Everybody in america knows that that's where our greatest deficiencies are, in science education and where our greatest lack of professionals is in science education, so i think it's a great service that austin energy provides, as they do so many other services to our community.

So I'm pleased to offer this proclamation in honor of science festival 2010.

Be it known that whereas science festival 2010 will showcase the talent of almost 4,000 elementary through high school students from public, home, charter and private schools throughout the austin area, and whereas science fairs, like science festival 2010 with the theme from imagination to innovation spark children to pursue careers in science, math, and engineering careers, and whereas we congratulate the participants, especially those whose winning projects will go on oh to on to compete, and we thank austin energy for sponsoring and organizing this important event for the 11th year in a row. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim february 24 through the 27th, 2010 as austin energy regional science festival in austin, texas.

Congratulations, and on behalf of austin energy we ha ingrid -- ingrid vigrin to accept this proclamation, and would you like to say a couple words? [Applause]

thank you, mayor leffingwell.

I'm the executive director of the austin energy regional science festival.

We have students who have won at their local fairs, and they come to us from about ten counties, 23 school districts, and last year from 190 schools.

We really appreciate the support we get every year from city council and the city manager for this important event because all of us want to support students who are engaged in science, math and engineering. Last year council member morrison came and shook about 300 hands for elementary students, and i think she will do so again, and the public is invited to come look at the projects.

The middle and high school projects will be at the palmer event center for public viewing on february the 25th, this is thursday, 00, and the elementary projects are available for public viewing on saturday the 27th from 2:00 until 5:00.

We hope to see you there.

Thank you.

[Applause] well, natural segue here, we're going from promoting science to promoting the practical aspect of science study, which is engineering.

Now, many of you may be surprised to know that i myself am a engineer by education.

I graduated from the university of texas, I was a mechanical engineer, and as I've said many times, fortunately for the people of austin I have never practiced engineering.

But anyway, I'm very proud of my education at ut, one of the premiere institutions of higher learning in the country, and I'm -- you know, going through an engineering education kind of forms the way you think about things going through life, and I've certainly been accused of being an engineering-type thinker myself.

So it's with special pleasure that I read this proclamation.

Be it known that austin industries based on energy engineering and technology educate highly -- because engineers play such an important role in our society it is exciting that children discover careers in engineering, technology, mathematics and whereas volunteers from local companies and institutions are making classroom visits during engineers week, which is february 14 through the 20th, and will continue through the rest of the school year providing hands-on activities and discussions about the pours of engineers and career opportunities available, and whereas we support these efforts to inspire more students to pursue careers designing our future and improving our world.

Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim spring 2010 as engineers week and discover engineering in 2010.

Congratulations.

AND rick McMaster is here to accept the proclamation on behalf of the thousands of engineers in the austin area who will participate in this program, and I'd like to invite you to say a couple words if you'd like.

Thank you. Congra congra tulations.

Thank you.

Okay.

I had hoped to be joined by a couple of my colleagues this evening, but I guess the rain and cold kept

them away.

Oh -- okay. Hey, jose jose guerrero from the city of austin, one of our steering committee members. [Applause] last year we had hundreds of volunteers that went out to visit schools.

They represented over 50 local companies.

We saw over 14,000 students in the classroom and another 3,000 at community events.

And the reason we're out there really is to encourage their study of math and science and keep the door open as they go on with their school careers. Not everybody has to be an engineer.

They can become a mayor instead.

But again, it really gives everybody an appreciation for what it's all about. As I said, there are over 50 companies locally who participate, and I do want to recognize a couple that stand out, not just companies, but institutions, some of them are professional societies.

3M, the american society of civil engineers, applied materials, at&t labs, the city of austin, ibm, ieee, intel, skill point alliance, the society of women engineers and the university of texas at austin.

I do want to mention two upcoming events.

The austin chapter of the asce and greater acea are holding engineering day at the austin children's museum this saturday, and the first 400 children are admitted free.

It's a great opportunity for them to do some hands-on engineering and have some fun.

The following saturday is introduce a girl to engineering day, hosted at the university of texas, and they anticipate probably a thousand young ladies will be joining that effort.

I do want to encourage any of you who would like to participate in the local effort, whether you're teachers, parents, volunteers, engineers, scientists or someone who just wants to encourage our children in their studies of math and science to visit our local web site, and that is centexeweek.org.

You can learn more about the local effort we have and you can also sign up as a volunteer or if you're a teacher sign up for a classroom visit.

Mayor, I don't know if you like your shirts tight or loose so we brought a couple sizes for you, so wear it proudly when you're out jogging the streets of the city. i will, thank you.

Thank you. [Applause] mayor leffingwell: okay. From engineering to dentistry, we're making a rapid

transition here.

Many of you know that a few david's sponsored an originated project to provide mobile dental care to children in the city of austin, which was -- filled a great need.

Many of us know, you know, as bad as healthcare coverage is and as many folks as we have in the country, but he especially in texas and in austin, as many people who don't have healthcare coverage, many more than that don't have dental coverage, because for some reason it's just not attached.

You've got to -- in most cases you've got to go out and get a separate insurance policy, and it's so important to young kids, you know, because most of us, at least, only grow two sets of teeth in our life, you know, and so if we -- if we foul 2, we're pretty much stuck with that the rest of our lives.

Very important not only for the obvious reason of good dental health, but because now more and more we're finding that dental health affects our general physical health.

Many internal diseases are -- have their genesis -- or their beginning in dental infections and so forth.

So it's very important, and we're really grateful to david's and the folks behind me here, the healthcare district, for initiating this project, and so I'm proud to read this proclamation.

Actually, b that I do want to mention a few months before this program was rolled out they brought the dental van down here to city hall, so I agreed to go out there and help with the inauguration of the service, and somehow or another got talked into actually sitting and posing in a dental chair.

So I had those -- the same old feelings that most of us have when you get in a dentist chair: anxiety.

But they didn't hurt me.

We just took a few pictures with my mouth wide open, which weren't very flattering, but it was a great experience and I was glad to be a part of it.

So the proclamation reads, be it known that whereas recent studies target tooth decay as the single most common childhood disease affecting nearly 60% of u.s. Children.

Poor dental health contributes to absences from school and other obstacles to learning, and whereas through the dentists on david's foundation and the capital area dental society, will teach third graders at more than 30 area schools proper brushing techniques and will answer questions about dental health, and whereas we urge all austinites, especially parents, to learn more about good dental health and help their children form good dental habits, i, lee leffingwell, mayor of the city of austin, texz, do hereby proclaim february 2010 as dental health month in austin, texas.

I personally use an electric brush so I don't need to learn any technique, do i?

So accepting this proclamation, earl maxwell, st.

david's foundation.

Would you like to say a few words? [Applause] thank you, mayor leffingwell, and one thing he didn't say is that our david's dental program, our first partner was actually the city of austin, and the program started with the city of austin and david's foundation sharing a dental van, and it's now grown to a program that this year will reach over 30,000 children this title 1 schools from six districts.

And we couldn't do this work without the leading -- two leading partners who are with us today.

And stacy wilson is representing the travis county healthcare district.

We have a whiffle partnership with the healthcare district, and then representing the capital area dental society stanley lacraw, and kevin kelp, and the volunteer dentists do a wonderful job of educating students abo importance of oral hygiene and they also volunteer and provide free dental services on our six advance, and then they also take referrals of children whose dental needs are so significant that we're unable to treat them on the van, and these fine people from the capital area dental society treat those children in their offices free of charge.

la craw, who may want to say a couple of words too.

Thank you.

[Applause]

thank you.

First of all I'd like to david's foundation for giving us the opportunity to volunteer our services and go out into the community.

They provide a vehicle for us to go out and share what we can do with others without us having to really transport our offices and everything else that it would take.

The doctors program was developed to augment the education tha the

david's foundation already does on kindergarten through second grade students, and we decided if we could go ahead and hit third grade students, that we'd go ahead and continue that.

And what we've done is we've recruited volunteers from capital area dental society and we're talking to these kids, because there's not enough of us to treat all the cavities out there, so the only way we're going to make any headway is if we can prevent some of those so there's not that load on society and

everybody else to treat that.

That's the true answer to access to care.

next, council member randi shade will be up here to read two proclamations, I believe.

And mayor leffingwell, we are going to leave with you a dental bag that all the children leave the advance vans with, and we're also leaving these with the council members. a tooth brush and dental floss, and as my dentist says, if you got them, floss them.

I don't know who's accepting on -- oh, take heart first.

I'm sorry, take heart first. You're standing right in front of me.

I'm sorry.

They changed the order on me and I didn't notice.

I'm sorry about that.

Well, I'm very honored to get to present this proclamation.

Be it known that whereas take heart austin is the 8th annual celebration for cardiac survivors, family and rescuers and whereas victims of cardiac arrest are blessed to have access to lifesaving care 24/7 thanks to more than 2,000 dedicated members of the austin travis county emergency medical services, including paramedics, communication medics, firefighters and law enforcement personnel, and whereas we are pleased to recognize the austin travis county ems system for its efforts to improve survival and recovery through professional and public education, now, therefore, i on behalf of lee leffingwell, mayor of the city of austin, texas, do proclaim february 12, 2010 as take heart austin day.

And again, I'm very honored to present this to you-all.

Thank you very much.

When we think about the most important austin city services, when I talk to citizens, ems comes up every time, so I just want to say publicly, thank you for all that you do.

Thank you.

[Applause] take heart austin is a wonderful program we use for public vehicles of the public awareness of the more than 500 cardiac arrests that occur every year in this community as well as a vehicle for education to promote public cpr programs.

We use this program to take the latest scientific information and implement it through the prehospital

care and the to hospital discharge.

Tomorrow is one of our best days in the year in our system.

It's our cardiac arrest survivor celebration where we celebrate the survivors of cardiac arrest for the last eight years we've had in the system.

We also acknowledge the efforts of all their providers that were involved in their resuscitation and rescue, so it's one of the best days of our year, and invite anyone to come.

Thank you very much.

[Applause]

now I'd like to come up for Han Rothman.

Thank you.

Good to see you.

Yeah, please, bring the team up.

One of the biggest joys of being on Austin City Council is getting to interact with all the different communities of Austin, and I think one of the most active, truly rich communities and certainly a community I've gotten to know and appreciate since I've been in Austin is the Bangladesh community so I'm excited to present this to the whole team.

Be it known whereas the people of Bangladesh led a language movement on February 21, 1952, to protest the government of Pakistan to declare Urdu as the only state language of their land and many people sacrificed their lives to retain that language, Bangla is the fifth most spoken language in the world.

And February 21 is a day honoring those Bangladeshi community, who organized the school to teach native language to future generations in observing this memorable day in their history.

Now, therefore, I, on behalf of Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby proclaim February 21, 2010 as International Language Mother Day.

And I am also specifically dressed in black because I know that's the tradition.

Thank you.

And I'd like for you to say a few words.

Thank you.

First of all I would like to thank the mayor, council member, and the city of austin for proclaiming february 1, 2010 as the international mother language day.

In november of 1999 unesco declared 21 february as the international mother language day to be declared globally in recognition of the bangla in recognition of this date in 1952 for establishing the rightful place of bangla.

It is homage to the international community of back la desh.

Languages are the most powerful instruments for preserving, nurturing and develop develop our tangible and intangible heritage.

It inspires solidarity based on understanding, tolerance and dialogue.

To commemorate this day the local bangladeshy community, bangla school invites all austinites to an outdoor festival at the city hall plaza right outside featuring ethnic food, song, dances and drama performances typical of the bangladeshy heritage.

Thank you very much.

Look forward to seeing you all.

[Applause] last but certainly not least I'm joined here by rebecca campbell with the austin film society and we're here to celebrate and recognize the texas filmmakers production fund, which was funded -- founded in 1996 by richard linklighter and since that time they've invested more than a million dollars into projects that have really added to the vitality and the vibrancy and the success of austin film.

It's supported over 250 projects, some of them premiering at the top film festivals in the world, including caan, sundance, berlin, toronto, to name a few, and I suppose south by southwest.

These projects have been distributed thee at rickly, which means they've gone commercial, and broadcast, they've been broadcast on pbs, show time, ifc and other cable outlets and they've also won independent spirit awards and student academy awards, which is really very exciting.

And this year in the spring festival we've got going, there are several films that will be premiering, well, at sundance and south by southwest and I want to list those off and rebecca will tell us more about those.

Amy grapel, with the film quadrangle, will be at the sundance film festival, brian boys dance, lovers of hate.

The dry lane and david and that than jal fiddle stick.

All will be at sundance, which is an amazing honor, and also at south by southwest this year we have two that have been funded by the texas filmmakers production fund.

One by jeff marslet, which is mars, and then another by mike wolf, which is called richard gariet, man on a mission, which of course a lot of people know -- i assume that's a documentary, but richard actually went up in space, so that's pretty exciting.

I also want to message that brian poiser who I mentioned has a film at sundance this year.

He's now an employee of the austin film society, and his work has been accepted in dramatic competition at sundance, which really only is -- it's a very high honor.

Only 16 films make it into that, out of thousands that apply and would like to be.

So he is definitely on the watch list for the independent film community now.

I'd also like to remind everybody that the austin film society texas film hall of fame awards are coming up in four weeks, and those awards over the years have raised over 2 1/2 million to promote film production and culture in texas funding grants, internships, educational programs and film exhibitions, so we are really very fortunate to have such an entity and all this energy and passion where people are really able to make a difference in our city.

So with that we have a proclamation that says, be it known that whereas the texas filmmakers production fund, a project of the austin film society, was founded by richard linklighter in 1996 to support film projects by texas filmmakers, and whereas the fund has awarded \$1 million in grants for films that have premerited such top film festivals as caan, toronto, berlin and sundance, and have that be thee at rickly produced, and broadcast on pbs, show time and other cable outlets and whereas this spring texas filmmakers production fund recipients are premiering their fems films owe sundance and south by southwest film festivals.

We recognize them for bringing accolades to our region and enhancing our region as a center for film production.

Therefore, i, lee refusing, mayor of the city of austin, texas, do hereby proclaim february 2010 as texas filmmakers production fund month in austin, texas.

Congratulations, rebecca.

[Applause]

well, we -- we do work hard to raise these funds and make grants to filmmakers, but it's only as good as

the talent and hard work of the filmmakers, and so it's really nice for us to get this recognition from the city and just have a minute to kind of be able to brag on these particular six filmmakers, and these are representative -- these are six out of a total of 250 who have received funds in the past, but if there's -- there's something very exciting going on where it seems as if the profile of some of these filmmakers is really getting raised up.

We were just amazed at how successful so many of them were this season, and so I'm just going to say a word or two about each of them.

Amy grape.

L's film quadrangle is a short film.

It's actually based on her childhood, and she grew up with her parents were in an open marriage with another couple and she decided to make a movie about it, and it won a jury award at sundance film festival a couple of weeks ago, which is -- figure that probably 5,000 short films get submitted, a hundred or so get selected, one wins a prize like that.

And she's now -- she went straight from there to rotterdam and she's trying to raise money to get this turned into a feature film, so we really wish good luck to amy grappel, a great artist in austin.

And then brian poiser, as council member mentioned, does work for the film society, and his film was in the dramatic competition.

And what's so neat about this is that brian received films from the texas filmmakers production fund about five years ago for his previous film, which was called dear pillow, and then basically even though he's an accomplished feature filmmaker he also has to have a day job, and that's just a reality for independent filmmaking and we were able to hire him at the austin film society, so for three years he's been working for us and he's been administering this fund that he once received, and so he's been you got himself out oh he's been putting himself out for other filmmakers and then for him to get this kind of recognition, it makes us so proud.

And ryan pierce williams, the film the dry land.

Ryan now lives in el paso, and this is an amazing feature film.

Also it was in competition, two films in competition out of a total of only 16, out of thousands submitted.

We couldn't believe it.

But ryan actually used to live in austin, and he used to work for the austin film festival.

So we feel really proud that his career is blossoming the way it is.

And the dryland is a serious film that's probably going to make a big difference as way out there in the world.

It's about posttraumatic stress disorder experienced by soldiers returning from iraq.

And america ferreira is in the film so we're really looking to seeing that released.

Nathan and -- zelner's film, fiddle sticks.

The zelners are a an amazing team, we're lucky they're working in austin, texas, and all I can si about fiddle sticks is you have to go on-line and see it.

It's only about five minutes long, and it's -- it's spelled fiddle sticks but s-t-i-x-x, and you can google it and you'll be absolutely amazed at this five-minute piece of eye candy.

And also the zelners -- a feature film that's currently on cable called goliath, and all I'll tell you about that is no actual cats were harmed in the making of that film.

And going on to southy southwest, and these -- by southwest, these will be films that people can see next month if they attend, jeff marslet's film mars was filmed at austin studio green screen, and it's something the austin film society operates.

So mars is quite futuristic and interesting and it's all done digitally.

And finally mike wolf, obviously richard garriot is a home tone hero so it's wonderful that a local filmmaker, home town hero is premiering at our local film festival.

So we're so proud of these creators and hundreds of others that are working to get their work made, whether or not they're going to ever be able to be commercially successful, it doesn't matter, they still are dedicated to their art, and I think that they really do bring recognition worldwide to the city of austin, and thank you very much, laura.

[Applause] I just want to close by saying first of all I saw dear pillow.

It was great.

I'm sorry brian couldn't be here but his film was also showing at south by, and the other two rebecca mentioned and just to get a little applause, people can get individual tickets so you can go on-line and schedule scet aschedule and get a schedule and see when these folks are playing.

During spring break.

Spring break.

Last year I hit 39.

Oh, my gosh.

So I'm going for over 40 this year.

My husband almost hit 50, so -- thank you.

Thank you.

Appreciate it.

Here we go.

Do the photo.

there being no further items on our agenda today, without objection we stand adjourned at 6:13:00 p.m.

End of Council Session Closed Caption Log