

Closed Caption Log, Council Meeting, 3/11/10

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Morning, everyone. I'm austin mayor lee leffingwell, and we'll begin today with the invocation by , pastor of the david chapel missionary baptist church. Thank you, pastor. Please rise.

Thank you, mayor, let us bow. God, beyond our containment you see so much in our world, way beyond what we can fathom, as governments rise and fall throughout our world and leadership changes in our local governments, you see the politics, the hopes, the aspirations and the dreams. As elections come and go you see what lies in all of our hearts, and many know government as an entity of cynicism, of fear. This is why we need to pray to you. We are people to whom power is too important and we often miss the power that you offer us each day, not power over but power with others. May our city government and its leaders and officials learn to bless you with hearts of grace and care for all people, and I pray that after the -- the impersonal agendas may someday die. Here are the questions in our hearts this morning: Can we find some common ground on which to build a new and caring community? Can our weirdness, so to speak, our uniqueness, be an exemplary label worthy of imitation rather than only a humorous label. Can we cast out fear, can we let go of succeeding at all costs and trust you for our needs? Can we talk instead of fight and disarm instead of escalate contention and division and take a risk for peace even in our community? I pray you will help and guide us. In a public setting such as this I am readily aware that there may be those who do not pray or who do pray but in the name of allah or yaweh, buddha or some other name, but I pray in the name of jesus christ. Amen.

Amen. thank you, pastor. Please be seated. A quorum of the council is present so I'll call this meeting of the austin city council to order on thursday, march 11 at , by the clock on the wall. We are meeting in the council chambers, austin, city hall, 301 west 2nd street, austin, texas. I'll begin with the changes and corrections to today's agenda. And the first is on item 39, add as a co-sponsor council member chris riley. 58, make the following changes. Add the word "building" after vertical mixed use, so that it reads vertical mixed use building conditional overlay. The same change applies in another sentence so that it reads, vertical mixed-use building conditional overlay in the neighborhood plan, and finally, under the planning commission recommendation, make the same change so that it reads to grant commercial services, liquor services, vertical mixed building conditional overlay neighborhood plan. Those are all the changes and corrections. The time certain items, at 30 we have briefing scheduled, the first on the asian american resource center briefing, and second a briefing on groundwater characteristics. Sure to be exciting. 00 noon we'll have general citizens communications. 00 we'll take up our zoning cases. 00 we'll convene a meeting of the austin housing finance corporation board of directors. we'll take up 30, live music and proclamations. Our consent agenda for today is comprised of items 1 through 48, with the following items pulled from item 21 is pulled for speakers and speaking time -- public comment time will be 30 minutes, and i have gotten a list from all those folks who are signed up and we're all in agreement on that. I do have the list. Item 37 is pulled by council member morrison. Item 17 is pulled by myself. And I want to

read into the 30, which is board and commission appointments to the early childhood council, sue carpenter is appointed by yours truly, mayor leffingwell. And in addition to that, as 30, we will approve a resolution appointing mayor lee leffingwell and council members morrison, shade, spelman, riley and cole to serve as alternates to the capital area metropolitan planning organization, transportation policy board. On the appointment of sue carpenter to the early childhood council, with that appointment we are also approving a waiver of the attendance requirements section 2-1-26 of the city code. Before we take a motion on the consent agenda, we have one person who has signed up to speak on the minutes from the last meeting. So is hugh facler, I guess that's an initial, hugh facler in the chambers? Apparently is not in the chamber so I'll -- is there a motion to approve the consent agenda?

Before we do that I ask that we pull item 15 for discussion in connection with item 21.

Mayeffingwellfull item 15? 15, 22 And 21?

That's right.

Mayor leffingwell: okay. 21 Has already been pulled, 15 and 22 are pulled by council member riley. Those items are all three related, so we'll take them all up together. Mayor pro tem moves approval of the consent agenda, second by council member shade. Thank you. That is a -- that is a late entry, I believe. Thank you for that. Okay. 34, the speaker is signed up only if there are questions. Are there any questions on item 34? Okay. So we have a motion and a second consent agenda. All in favor -- council member spelman? I'll be recusing myself on item 9. I'll be voting otherwise in favor of the consent agenda. so all in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? That passes on a vote of 6-0 council member cole off the dais and show council member spelman abstaining on item no. 9. So is professor lauderdale here yet?

Not till 11:00. in that case --

mayor? council member morrison? yeah, he said that he would be here --

mayor leffingwell: right. Well, I was just trying to determine when to call up that item. So he's not here so first 17, which I pulled, and I pulled it solely for the purpose of saying nice things. Just to highlight this item, this is an acquisition of a piece of land in the barton springs greenbelt and wilderness that the city has been trying to acquire since 1992. The owner of the property and subsequent owners, it's changed a couple of times, have been unwilling to sell to the city, so we now -- another organization, the texas nature conservancy, has acquired an option to purchase that piece of property and assign that option to the city of austin. So the city of austin is 6-acre tract in the barton springs wilderness, and it is actually in the heart of the wilderness. It's almost like a dagger in the heart of this wilderness area, and one reason it's so important is this property has extensive development rights on it in the middle of the greenbelt. It has an entitlement under chapter 1704 of about 300 square feet of office space, and two four-story

buildings and an additional five-story parking garage. It also includes entitlement to a wastewater treatment plant, which is located less than a quarter mile from Barton Creek itself. So this is a great achievement, I think, after almost 20 years of work, that the city has finally acquired this piece of property, which completes that section of the greenbelt. And this is due to the efforts of a lot of people, but I want to single a few out. We all know that there are a lot of people that talk about saving the aquifer and talk about saving Barton Springs, and there are actually a few people that do something about it. And I want to recognize those. And first of all, as I mentioned, the Texas Nature Conservancy has played an important role in this. The executive director of that organization is Laura Huffman, who is a former assistant city manager for the city of Austin, now at the conservancy, and she has played an important role in making this transaction work. I also want to acknowledge former council member Darrell Slusher, who has been working on this property ever since he was a council member back around 1999 to 2005. So I want to acknowledge him. He is now director of conservation for the Austin Water Utility and doing a great job for us there, but I want to acknowledge his efforts. But finally I want to acknowledge Junie Plumber, who actually engineered the transaction.

[Applause] Judy has been working in real estate acquisition for the city of Austin for many years, and I don't want to embarrass her by telling you how many, but during the time she has done this, she has acquired over 37,000 acres for the Balcones conservation plan and water quality protection plans for the city of Austin, totaling \$185 million for all of these transactions combined. In her entire career she has acquired over \$300 million in land acquisitions for those two groups, the Balcones conservation plan, water quality protection, but also parkland, which she's been heavily involved in that. She has been working on this project since 1992.

[Laughter] So good things come to those who wait. So that's all I wanted to do is acknowledge, you know, what I consider to be a singular achievement by some of the people that work for the city and recognize them, and with that I would like to turn the chair over to the mayor pro tem for the purpose of making a motion. I'll entertain a motion on the item. And I move to approve item no. 17. Motion made by Mayor Leffingwell, seconded by Council member Shade. All those in favor say aye.

Aye. Oppose? Motion carries unanimously, mayor.

[Applause] Thank you all. I don't know if everybody is here yet, but for items 15, 21 and -- we don't want to take that up yet. 37 has been pulled by Council member Morrison, and I believe we do have some folks that are here available to make statements, but I'll turn it over to you issues council -- to you, council member. I thought we were going to wait for the chair of public safety. Would you rather -- it's only a few minutes and I think we'll consume that time.

Morrison: Okay. Thank you very much. This item concerns the fusion center that we've been discussing in the city for quite a while, and I want to say out right that I certainly understand that a fusion center can be a great tool for us in our public safety world and the city, and that's what we're working toward. There's been some discussion about it already at the public safety commission. The question arose as to whether -- what the rest of the process would be, and I wanted to pull it today so that we can get that out on the table, and with that, mayor, I would hope to hear from the speakers and then hopefully we'll be able to

hear from the chair of the public safety commission and chief carter after that. So I think we're ready for the speakers, if you like. chief carter, did you have a few words to say on the subject?

Good morning, mayor, council, manager. Just to kind of be responsive to council member morrison and the council here, I thought I would give kind of an overview of where we are today regarding the fusion center, which will be called the austin regional intelligence center. Just as a reminder to the council, on august 6 you 9, which basically authorized the police department to move forward looking for space for a center sometime in the future, but during that meeting you also had some requests and requirements of us to be sure that we shared any possible privacy policy with aclu, for accountable government, as well as going before the public safety commission to discuss that. The police department at that time basically committed to all of those things that you asked, because one of the things that we know is for a fusion center to be effective for any community is that it has to have community support and trust, and the only way to get that is through basically four cornerstones that we see, which is basically looking at solid executive leadership, looking at a strong, clear privacy policy as well as establishing a training matrix and some other transparent processes through accountability, auditing and so forth. So just to kind of bring you up to speed, what we have done and accomplished to date, back in september of 2009 we did meet with the aclu and separately with texas impact -- actually met with texas impact and aclu together as well as texans for accountable government as well as to talk about the concepts of fusion in general because a lot of folks have misunderstandings and concerns about fusion centers based on missteps that occurred across the country. We provided aclu as well as texans for accountable government a very rough draft copy of the policy back at that time, and in october of 2009 we actually incorporated some of the recommendations from aclu into that draft privacy policy. At that point we shipped that policy off to , the institute for intergovernmental research, which is basically a dhs contracted think tank to look at it from a legal perspective. I actually anticipated hearing back from them in november, and I did not until actually january and had to remind them that it's very important because we had promised our stakeholders that we would provide that privacy policy draft to them back in november, so there was a little bit of a delay that was unavoidable on our part. As soon as we got that policy back, we once again provided a copy of that draft with a cover memo from myself to the urban area working group dated february 1, and then shortly, within days after that, I then provided that to matt simpson of the aclu as well as john bush with texans for accountable government for their review. As a matter of fact, following that time we actually had planned to go before the public safety commission in february to give a briefing on the fusion center, but the -- there was a lack of quorum in the february, so we had to wait till this month to actually do that, which we did. I think it's really important to know is that the public safety commission gave a unanimous support to the concept of the austin regional intelligence center. However, they wanted me to bring forward, you know, changes in policies as we move forward. So in the next meeting, which will occur in april, i will give them once again the privacy policy draft that we once again reviewed with the aclu, and at that time hopefully we will be through with that, the public safety commission will review that. The steps following that are that we will accomplish the council's request of us from last fall and have that privacy policy before the public safety commission prior to may -- prior to may 13 is our intended date to bring the interlocal agreement we have to sign with all the partner agencies for you for approval, and again may 13 is our target date. We recognize again that there's been some delays along the way, but this is a -- this has been a very deliberate process. We want to get it right, because the one thing is we know is that this center will make not only austin but our entire region safe. We're committed to do it in the right way. I'd be

happy to answer any questions. council member morrison. thank you, chief carter and i appreciate your willingness to be proactive and your work in the community and it's obviously a process, without the community involved, is getting through all the hoops. You know, we had mentioned some issues listed out in the resolution, which you've probably seen. Are those the kinds of issues that you think that the public safety commission will be looking at at that review?

Absolutely. The things that are mentioned in general relate to the issues that we're trying to accomplish, and again, council member, i want to really stress that here in austin we're doing it right. We're front-loading these policies. We're front-loading all of this information so that we get it right. Across the country in the 72 centers that exist right now, the vast majority don't even currently have a privacy policy and they're already operating. That's going to change, but they're having to catch up. So we're front-loading this process, and once again I'm committed to this becoming a national model, and it -- this is something that, again, is very important to us and very important to the community, but we have to have the community's support, so that transparency is part of that process and we will definitely keep the public safety commission informed. as you mentioned, you were looking at this to be a national model and I think that's an exciting opportunity for us in the city to actually lead the way on that. I have spoken with -- with the chair of the public safety commission, and he has also -- he is also apparently very much in line with what you're laying out. Is that your understanding?

It is. and one other piece of something that had been suggested, obviously there's a lot of public interest in this, you know, there have been a couple forums already sort of beyond the confines of the formal commission meeting and all that. One other suggestion is that there could be some public forum after the review and recommendations through the public safety commission, maybe hosted by the public safety commission and the human rights commission. Do you think that that could also fit in to?

The one thing is that we want to do throughout this process going forward, whether they're formal or informal, our plan is to speak out to whoever wants to hear from us on this. We think it's vitally important.

Morrison: okay. Great. Thank you, chief.

Mayor leffingwell: okay. And I notice that the chair of the public safety commission has arrived. So welcome, professor. Come up and introduce yourself, and you may have a few questions for you, from council member morrison.

I'm mike lauderdale. I'm chair of the public safety commission. I just walked out of a class, so I'm old and out of breath. So thank you for having me here. are your students overjoyed?

My students are delighted but I left a proctor behind, so --

[laughter] and actually I got a dps officer talking to them so i think they're in better hands than they are when I'm there.

Morrison: perfect. I don't know if you had a chance to hear chief carter's comments but i wonder if you could just share your view of how you see the process unfolding in the near future.

Yes, I would say, number one, I'm in very close connection with chief carter. I've known him for many years. He's actually taken some courses with me in years past. Council member spelman, the work that I've done with regard to the austin police department. I think there are two things that we're seeking to do, council member, with regard to the public safety commission. I think, number one, as i look at the data in terms of crime occurring in central texas and including austin, I have a concern, and it's part of my scholarly interest, that we need to get a better handle on that kind of data. Let me also mention the only job I've ever really had is as a college professor, and if you are a college professor, if that's your trade or your craft, you should be dedicated to open inquiry and a free society. I think that's critically important. So I'm hopefully in terms of my two perspectives that that will reflect at least an important dimension of the public safety commission. I'm very impressed with the members of the commission. They're bright people. They have a lot of things going on, a lot of experience. So my sense is we are up to the task of doing both of those things, and one is looking very hard at the intelligence center, its operation, and raising the question, are we getting good return for the information that's created? And the second is looking at it very, very carefully in terms of any potential malignancies that might develop. I don't think it would with chief carter, but part of what we want to do is to look at a structure that will protect individual freedom, access to data, those kinds of things. So we are now fully formed, and I think starting to work on these kinds of things, and so I want to assure the council, that's my perspective and my motivations, and I think all members share that.

Morrison: thank you. thank you, professor --

cole: I have a question. council member cole. first of all I want to thank you for your service and I can't waste the opportunity to point out that you're my --

thank you, you're from wichita falls and I'm from north of the red river, so to the extent that someone from texas and oklahoma can be close to each other, you and I are close to each other.

[Laughter] so I just want to make sure that I understand that you and chief carter are pretty much in perfect agreement on how the public safety commission should move forward on this issue --

I think we are in perfect agreement. If chief carter is holding any cards back that I don't know about, I'll be watching that very, very closely.

[Laughter] and I say that in jest, but I also say -- oh, he's going to give you a secret agenda there. I say that in all sincerity, is I think our thoughts are aligned. I have a different set of responsibilities, as does the commission. We respect the kinds of things that chief carter is to do, but we'll look very hard at the issue with regard to the way in which that center is put together, the way those data are collected, how those data are disseminated, and whether or not those data extend safety into our community. So at this point we're in agreement. If we're not in agreement the sparks will fly and i think it will be evident. we appreciate

you serving. thank you, professor. We do have one person signed up to speak, gabriel bigger. Gabriel bigger is signed up for. Three minutes.

Thank you. I'm representing texans for accountable government today, and I'd just like to read a little information real quickly as john bush couldn't be here today. At the august 2009 council meeting bill spelman asked two important question. The first is how do we know the center's privacy policies will be followed? In order to protect the citizens from potential and apparent abuses at the fusion center we feel it's very important to have a strong privacy policy and although eric has presented a final draft of the privacy policy we still have major concerns and feel it is far from final. According to the 2008 baseline capabilities and state and major urban areas fusion centers supplement under the information privacy protections page 27, fusion centers are required to identify stakeholders, to include non-governmental agencies, advocates, the media and others that are essential to the development and implementation of the privacy policy. As a privacy advocacy group texans for accountable government makes these recommendations. Clear a concise grievance process for the fusion centers. Currently we don't really have a way of accountability to these fusion centers. We also would ask that all the privacy policies of every partnering agency and its subcontractors be published. We'd also like to eliminate the confusing ambiguous language within the document, establish a clear chain of accountability and acknowledgment of harm since there is multiple agencies involved, it's hard to really determine which agency should be responsible for any wrongdoings or mishaps, because they have happened in the past. Create a citizen review panel and advisory board, and these other recommendations will be expounded upon in written form and delivered to the council and public safety commission as soon as possible. The second question that we would like to ask is who will monitor eric. It's also very important that we keep hearing about transparency in internal and external audits, boards, public safety commissions et cetera, but there's no straight answer yet and most of the citizens who showed up to the public safety commission haven't been able to speak because there's so much concern. So no matter what eric says about its own external and internal monitoring process, the center will still be subject to monitoring from the federal government and will be required to report back if they want to. And that said, they are receiving federal grant money and this money always comes at a price or with strings attached. We just want to work with the government and, you know, I want to commend assistant chief carter. He's worked for texans for accountable government and has been very transparent in working for us. We commend him for that but we still think there's a lot of concern regarding this privacy policy. With new introduction introduced last week by joe lieberman and john mccain, on the new mexico belligerence, interrogation prosecution act. American citizens could basically be determined a threat, a possible threat and detained just like they were doing in iraq. So I really hope that you guys take this seriously and the gravity of the situation regarding the privacy policy. Thank you.

Mayor leffingwell: okay. Council member morrison? I think council member spelman would like to -- I've got one last question for chief carter. Chief, you mentioned executive leadership, privacy policy and transparency to ensure accountability.

That's right.

As being the issues that we were going to work out and you wanted to work them out in the full light of day where everybody could see them. Will the primary policies on all this stuff be included in the interlocal agreement which we're going to see on may 13?

Absolutely. There's one thing I actually neglected to mention earlier, is that in about two weeks we're actually going to launch a web site that basically the privacy policy will be on that web site for all to see as well as the training matrix, as well as other guiding principles of aric. In other words, this is part of the policy of this transparency policies. The speaker said issues of concerns related to the privacy policies that different jurisdictions might have. One of the concepts and one of the most important things of the mou is that what they are agreeing to is abide by this document that is on-line. In other words, should an organization not follow these principles, whether it be executive leadership requirements, whether it be following the privacy policy, the training matrix or the accountability, open and transparent auditing process, then they cannot participate. And should they fail in any of those objectives, regardless of what jurisdiction, they can be removed by the executive board. That's the plan. and if somebody wanted to look at the stuff that's on-line, where would they find it?

You know what? I'm going to say the aric web site we'll put that out in a press release. I don't know what the title will be. There's probably some phrase we want to use, but austin regional intelligence center web site or something like that. Within two weeks we will put out a press release that makes it very clear how people can locate that. will they be able to get to it through the police department section of the austin city web site?

Yes, you should be able to get to it through there. I haven't exactly worked through the logistics with the folks on the web site but we'll do that.

Terrific. I'll look forward to seeing the local agreement, including looking at this stuff and the stuff on-line, and voting in favor of the fusion center which I'm sure will be a model for the rest of the country. Thanks very much. council member morrison. thank you, mayor. I want to thank you again, chief carter, and also i want to thank professor lauderdale for running down here and making it in time. Your dedication is very much appreciated and, you know, it's clear that with the great folks that we have on the public safety commission, that there will be a process to get this right, which is critical, bigger and everyone els I hope this highlights that everybody on the dais takes this very seriously and finding the right balance so we can make use of the fusion center in a very positive way. I'd also like to mention it really highlights the fact of how critical having the involvement of our citizens and all those who participate on our boards and commissions are because that's where we have the expertise and the broad interest to represent the things that need to be represented to get where we need to go. So with that, it's clear to me that this resolution is unnecessary, and I would like to withdraw item no. 37. without objection, council, item no. 37 is withdrawn. And again, without objection, council, we can now take up together items 15, 21 and 22. Hearing none, we'll go directly to our public hearing, because that's the reason it was pulled off the consent, and with -- by agreement, with the folks who have signed up, we now have nine speakers, which is 27 minutes. I appreciate that. And the first speaker is ellen jefferson. Helen? And you will have three minutes. Following her is sasha evans.

Hi, I'm ellen jefferson, president of austin pets live and founder of emanci pet. I don't want to take up too much time but I want to thank everybody that has gotten us to this today, it's been a community effort. Mayor pro tem, mike martinez and council member laura morrison have been feverishly working on this the last few weeks and i thank them for making the time to bring this issue forward and council member randi shade has also spent a lot of time trying to get everybody to understand each other, and I think that's really important for any process. And the rest of the council members and lee mayor -- sorry, mayor lee leffingwell, I really appreciate the effort and the genuine interest that you've shown in this cause because that's important to us. Barbara rush and laura williamson and mardy veer have also been instrumental. Anyway, I wanted to also thank staff for coming to the table with genuine interest and ideas and working towards consensus and remaining pleasant in the face of some unpleasant comments that are often made and I'm proud to be part of this animal community, and often think, why am I even asking for more from a city who is already doing so much, but I know that we can make austin a no-kill city and I know we can do it now and that's why I'm going to keep asking until we do. So I'm asking you to please support all the additions that are at the end of your agenda items, the four additions, and it will cost less, create revenue for the effort, save lives and make austin the national leader of animal welfare. And I've brought a breakdown if you need this.

[Applause] thank you. Next speaker is sasha evans. Following sasha will be chris rush.

Mayor, mayor pro tem, council members, I want to thank you and everyone here for all the hard work, dedication and genuine passion for this very important goal. Mayor pro tem, council member morrison, council member shade, a special thank you for working on this so tirelessly. I'm so pleased to see the community staff and animal welfare organizations working together to achieve no-kill here in austin and I'd like to introduce the slide show, cue. The dodson here came from an animal center. Every one of them was rescued off the kill list by austin pets alive. All have been spayed or neutered, some by emanci pet. Some are cared for by animal trustees of austin. Every one of these pets was adopted out by austin pets alive, and each one of these are now living in a home with their forever family. I think this is a great representation of the work that collaboration gets you. Certain organizations are good at doing certain things. Town lake animal control does a good job of dealing with animal control. Emanci pets, since ellen jefferson started in 1999 has showed exemplary work in spaying or neutering animals and continues to do so under the leadership of amy mills. It's provided medical treatment for numerous animals with medical team and volunteers. The four paws program for people and animals without shelters. This provides free sterilization services, vaccinations and -- to the pets of homeless. Austin humane society does invbl work with the community cat population here in austin. Since 2007 ahs has sterilized and vaccinated over 11,000 feral cats. This resolution will not only make austin the leader in prevention but now we can be the nation's leader in live outcome, what a great thing, but not a big surprise given our strong partnerships, true commitment and love of animals. You see before you a coalition that has come together with a unified message that austin should become a no-kill community. The strategy you're going to vote on includes having a public/private partnership for the comprehensive adoption program in order to increase live outcome. This public private partnership is absolutely essential for the successful achievement of this goal. Thank you so much for your commitment to making austin a no-kill city, and i sincerely hope you'll pass this resolution to achieve that goal, the goal which we all agree on. Thank you so much.

[Applause] thank you. Gina hush? Following gina will be david lun had stat, and david, if you want to get ready on this over podium so we can save a little time, that will be much appreciated.

Today you have the opportunity to save lives. Nearly 5,000 lives every year, and all you have to do is say yes. Yes to the implementation plan, yes to the outsource comprehensive adoption plan, and yes to increase live outcomes that you lack. Now, I worry that as you're considering this you're thinking, oh, no-kill, sounds like a lovely idea, but it will never work. There are too many animals and there are animals that just won't get adopted. Those are common misconceptions, but they are misconceptions. 3 to 4 million adoptable animals are killed in shelters every year. Meanwhile every year 21 million homes welcome a new dog or cat. Here in austin we kill almost 5,000 adoptable animals every year while 75,000 people bring a new cat or dog into their home. There are enough homes. As for the miss of the unadoptable undesirable animal, I'm on the front line at adoption sites every week, and I can assure you there is a home for every dog and every cat. We had a dog whose ears had been cut off. Apparently his original owners thought it would look cool. His ears got infected and he was dumped at tlac. He needed antibiotics, he wasn't perfect so he went on the kill list. We took him off the kill list and out of tlac and gave him antibiotics, and then the first day he went to an adoption site he was adopted. I've seen a dog with half his fur missing. I've seen a dog with a chemical burn across her back. I've seen dogs with heart worms that need six months of daily medication. I've seen dogs so terrified they hide under their blankets. I've seen old dogs, injured dogs, shy dogs. I've seen dogs so malnourished that you can count their ribs from across the room, and I've seen every one of those dogs find a home. Someone fell in love with that animal and was overjoyed to take him home. Now, as I'm sure you realize by now, I'm an austin pets alive volunteer, and I know what an organization like apa can accomplish, and we can do things the city can't. We can leverage our fundraising capabilities, and we can call on our network of more than 1,000 volunteers. And when the city joins forces with a private organization, it is in these partnerships allow us to do more with less. And this would be very similar to the recent partnership for the windsor hills neighborhood improvement project that was championed by council members cole and spelman and mayor leffingwell. There is strength in numbers and strength in unity. This joining of forces, public and private, benefits everyone. At austin pets alive -- i think that buzzer you heard, that indicates your time is up.

Okay. Well, please say yes and make austin a no-kill city. Thank you.

[Applause] david lun stead, welcome.

Good morning, mayor, council, pro tem. It's my honor to serve as chair of the animal advisory commission and I want to thank the council for issuing this ambitious directive to us. I would like to thank my fellow commission members, who I can honestly say are some of the best people I've ever had the pleasure to work with. They bring an immense amount of knowledge and passion to this process. I'd like to thank the public for showing up to all the meetings we had. Everybody had a lot of really, really good comment and really helped shape the plan that you see before you today. And finally I'd like to thank staff, because during the process from time to time we gave them a bit of a hard time, but they came to this process with an open mind. At times they were very receptive to our ideas, and even when we disagreed they listened. lumbraras, I hope you'll pass that on to brenda and david. In closing I would just like to say that a lot of

people in this room and in this community were around in '97 for the no-kill millennium, and I think we all share kind of a cautious optimism on this day. We think we're on the verge of something really great here, and I just would like to say if we can get this thing implemented, back it up with some funds, I think you're going to see a lot of disillusioned people just step up -- stand up and say, what can I do? How can we help? It's going to happen. So we realize this is just the beginning, and we've got a lot of hard work ahead of us, but we're ready to do it, so I just thank you again and we're really to roll up our sleeves and get to work. Thank you.

[Applause] thank you, david, and thanks also for your service on the commission. Next speaker is kelly smith. , And following kelly will be thomas allbright. Is thomas allbright here? Okay. You can plan on this one. Welcome.

Good morning. Thank you for the opportunity to speak, council and mayor. I'll keep my comments brief and concise. I know that there's a lot of us. My name is kelly smith of the recently formed austin no-kill coalition and i represent the 1700 individual and 40 business supporters who believe in an austin where homeless animals are no longer killed. The american veterinary medical association senses information indicate -- census information indicated that at least 74,000 home each year become a home to a pet in austin. In order to become a no-kill city austin needs to adopt less than 10% of these -- into these homes on an annual basis. With the right practices in place this is easily a possibility. Where there is a will there is a way and I think by the support that is here there's a will. Over the last three weeks the austin no-kill coalition has launched its campaign, and I have for your perusal evidence of support. Here is a list of our individual supporters as well as photographs of our business -- photographs of businesses with art proudly displaying our sticker in their windows. The number of animals laws -- lovers. I hope this package contains the individuals who support austin becoming a true no-kill city. Austin is a progressive city, who loves to be a trend setter. So let's make the ultimate commitment to animal welfare by passing the no-kill proposal that is in front of you today. Let's make certain the goals are adhered to and let's show the compassion our four-legged friends deserve. Thank you for your time and focus on this matter. It means a lot to many of us. It's an exciting time in austin and I'm proud to be a part of it. Thank you.

[Applause] thank you, kelly. Thomas allbright and following thomas, marsha swilling. Marsha, you can get ready.

My name is tom allbright and I'm here to speak in favor of item no. 21. I want to share the thanks that so many have expressed and add my own views that the subcommittee, mayor pro tem and council members shade and morrison, have demonstrated the type of leadership, wisdom and courage in this matter that is necessary and that they have recognized fundamental changes are going to be required for austin to become a no-kill city and the type of city that we can be proud of as austin citizens. That's all I have on that. The lawyer in me just wants to make a point of clarification. I see that the resolution refers to adopting the recommendations and the document that is then the listing of recommendations is broken into two pieces. The first piece is entitled "recommendations," and then the second piece that had some of the more controversial issues is the two pages at the end, and those are referred to, "staff's recommendations with modifications by the " I would just hope that in whatever motion is made and whatever resolution is adopted, that it clearly state that what is being adopted is the phhs side of page on

those last two items, because a couple of those items really aren't modifications of the staff's recommendation. They are recommendations in and of their own selves, and I would not want there to be confusion that if there becomes an issue as to what does this mean that we begin with the staff recommendation and then look at modifications of that as the controlling ruling of this body. So I would just suggest that -- and it's terminology but it's terminology fraught with just a bit of risk. I would ask that the items that are characterized as phhs modifications be treated as the actual recommendations before this board and that those are the recommendations adopted, not staff recommendations as modified. Thank you very much. thank you.

[Applause] we'll be very clear. Marsha swelling, welcome. Next is tom newhouse over here.

I come here today as someone who has adopted several apa rescues that were considered unadoptable, including a pitbull that happens to be the sweetest dog I ever had. Austin pets alive gave p and her ten pups a second chance, and I got a wonderful dog. I'm just one of almost 3,000 success stories. Over a decade ago I wrote an article for the statesman concerning the condition of austin's animal shelter and the amount of pets euthanized every year. We made some progress in the past ten years, but not enough. For as long as I can remember austin has talked about becoming a no-kill city. Last year austin pets alive moved us closer to that goal. Their dedication has been instrumental in causing tlac's kill rate to drop significantly. Apa didn't do it alone, but they did make history. I first learned about austin pets alive in 2008 when i met dr. ellen jefferson. I was instantly impressed with her track record and vision. Emanci pet has been hugely successful in austin. If anyone is capable of making this happen it's dr. jefferson. At last week's meeting someone suggested if we take a risk, the net will appear. It's time to take a risk on change. This is austin. If we can actually become a no-kill city, we will rise to the occasion. I also want to commend dorinda and the staff at tlac and every other group that works so hard on a daily basis to make a difference. I believe that apa will welcome partnerships in their endeavor. Everyone wants the same thing, but apa has the track record to make it happen. This is one of the best councils we've had in years. You can make this happen. It's time to stop the endless discussions. They've been going on for years. Every time it's sent back to staff more animals die needlessly while they continue to debate the recommendations. Our city has always taken pride in being a leader in so many ways. Austin is a world-class music city, a world-class high tech city, a world-class green city. It's time to make austin a world-class humane city. It's time for a no-kill shelter, and you and austin pets alive can make this happen. I urge you to vote yes today to continue the moratorium on killing and to allow apa the opportunity to run a comprehensive adoption program at town lake animal shelter. Thank you.

[Applause] thank you, martha. Palmar newhouse and following palmer will --

hi, palmer nighhouse. First I'd like to thank you for your time on this topic. I'm excited to see how far the city of austin has come in its care and support for shelter animals. Almost 20 years ago i watched as the city took a stand that would be on -- on the method that would be used to euthanize its sheltered animals. They discontinued use of the carbon monoxide gas chamber for a more humane effort. Today I watched austin take another stand for austin's sheltered pets. This time not a stand on how to kill them but a stand on how not to kill them. Thank you.

[Applause]

Larry Tucker?

I'll be very brief. I just want to thank everybody and the council and restate what's already been said here today by others. We've worked hard, we're ready to roll up our sleeves and continue the progress. There is opportunity after opportunity after opportunity, and we're ready to make sure that we achieve your goal and hope that you pass this. We'd love to see a unanimous vote here today. I know that this is a -- has been a tough process, and I remember when we first discussed how to move forward, council member Spelman said, you know, how do you envision this working? And I think we did a good job of moving forward together and we've come up with a really good plan to vote on, with staff and with lots of public participation and involvement, and the animal welfare community is ready to do the hard work and make it happen now. Thank you.

[Applause] Thank you. Those are all the speakers that I have on my list. Mayor pro tem? Thank you, Mayor. I also wanted to issue just a lot of thanks to so many folks that have been a part of this. You know, this actually started before I got on the council in terms of my involvement and education into animal issues here in Austin, and it hasn't stopped since the day I began running for office. But in those four years, four and a half years, there's a lot of good that has been done, and I think today is another step in that process. It's not the end. Actually it's only the beginning, of how we totally turn things around in terms of our animal services here in Austin. I want to thank my colleagues for their leadership, for their patience, for their hard work. I want to thank our city staff, City Manager Ott, your staff, they stood toe to toe with us the whole way and where we disagreed we disagreed, but we disagreed on minor, minor issues. In fact, I don't even want to call it a disagreement. It's just a difference of how we implement it. You know, out of 35 items we were able to reach consensus on 31, and on the remaining three items it's just a matter of semantics. I think that's incredible work and it's something I didn't think I'd ever see, to be quite honest. Four years of working on this and getting to this point is, you know -- it's hard to envision that, when you look in totality of what's going on over the last several years, and as David mentioned, since 1997. But I wanted to thank everyone. What you see before you, Mayor, is going to be -- in the backup, the attachment A, is going to be all of the items that were considered, all of the items that staff has recommended, plus the remaining items that the Health and Human Service Subcommittee recommended unanimously at two different meetings, and so it needs to be said, though, that there is no funding. This is a plan. What we do now is, if it's adopted today, what we do now is move forward to truly determine the cost, but also to truly determine the savings, which is not a component in this plan. This plan does have some figures in it to the tune of 1-plus million dollars, but what it doesn't have is where are the savings that's created if we actually achieve -- when we actually achieve 90% live outcomes or better? There's a tremendous amount of savings that needs to be a part of the fiscal note in this plan. So as we lead into the public budget discussions that has to come forward. Those questions have to be answered and that information has to be put into this plan so that we can make a decision come budget time to implement all of the measures. What I would suggest is the things that aren't costly, that don't cost anything or have minimal budget impacts, that we implement those as soon as possible, and we get to work on it right away. The items, Mayor, where we weren't able to achieve full consensus are, specifically, keeping the entire town lake animal shelter intact. That doesn't mean open and operating but intact, for a period of six

months after the new shelter opens. We've been presented on multiple occasions by staff that it's predicted that a 25% increase in intakes will happen once you open a new shelter because it's new and because of publicity, but yet we're having less kennel space in our new shelter. So if we go up by 25% and we have less kennel space, i just want us to make sure th we have a backup plan in place so that we can, you know, get everything running as smoothly as possible and then move forward with whatever plans we have for the site, the old tlac site. We've committed to maintaining the davenport building as an adoption center. That was your amendment, mayor leffingwell, back when we voted to move the shelter to east austin. So that was one of the areas of differences that i think -- it doesn't delay anything, nothing is going to be ready to be done on the tlac site that soon, so I don't see the harm in that. In fact, I can only see upsides to it if we actually have a 25% increase in intakes. The other was the outsourcing of adoptions. There's a lot of questions that still need to be answered, but the bottom line is we believe that outsourcing adoptions will be a critical component in achieving no-kill.

[Applause] the health and human service subcommittee -- and staff doesn't agree. Staff agrees that outsourcing of adoptions, you know, is a critical component. What they disagreed with is when to implement it. We're saying we want to get started on drafting the rfp right now, answer all the questions, figure out the savings, figure out the costs, figure out the impact to employees, which i certainly don't want to do is harm our city of austin employees. Somehow this plan has to come before this body and be implemented without laying off city employees but achieving the no-kill initiative that we put in place today. So that was a difference as well. Staff agreed to draft emission statements specifically for the animal shelter. I want to thank them for that because I think it's going to go a long way in setting the values for how we operate our shelter. And I'm trying to remember exactly what the other -- the moratorium. This is another item where we weren't able to achieve consensus. Again, staff agrees that a moratorium is a good thing. What they don't agree with is implementing it right now. At the end of the day i think that the health and human service subcommittee felt like implementing it right now only does good in terms of live outcomes. It only helps increase the live outcomes.

[Applause] what we fou out is that there are days where we're already at capacity. In fact, we exceed capacity during the height of cat season. So it doesn't -- to me it didn't make any sense to not implement a moratorium. Staff wanted to get the behaviorists, the veterinary services up and running and the four off-site adoption centers going before implementing a moratorium. There is some logic to that, and I don't disagree that that's -- you know, that that logic flows. But I also don't disagree that our logic of implementing a moratorium today doesn't flow.

[Applause] it's something that -- it's something that we can do. It will be difficult. We will have to work together, all of us, as partners, to ensure its success. The last thing we want to do is implement something that fails. And so we are going to need your help. We're going to need your commitment. But those are the items, mayor. What I will do is move approval of this agenda item with the recommended items from the health and human services committee. and mayor pro tem, does that also include approval of items 15 and 22? I would include that but I do have a question on item 15. all right. We'll just consider item 21 with this motion, and the motion is to approve item 21 with the additional public health and human services subcommittee recommendation?

Second. Second second ed by council member morrison. and mayor, i would like to add that this be a standing agenda item for the health and human services subcommittee every single month, and that we get an update on this implementation, that we get an update specifically on the drafting of the rfp for outsourcing of adoptions, and everything that's in this plan that we just go through it on a monthly basis and stay on top of it so that we can ensure its success. motion with additional direction for consideration by the public health and human services committee at their monthly meeting. I have a couple of questions. council member cole. first I want to thank pro tem mayor martinez, and council member randi shade and morrison for engaging in such heavy lifting because we get lots of emails from this community, and we know that coming together for these recommendations was no easy matter, and we all certainly support moving toward a no-kill policy. I had a question about -- i heard your direction about the budget items, and moving forward with the no-cost items, and I want to make sure from staff that if we approve this item, that we're going to actually come back with the items that have been presented in this budget, together with the anticipated savings that have been discussed later in the process, or does that need to be amended in some type of manner?

Good morning, mayor and city council. Bert lombraros. Assistant city manager. The plan is before on the resolution before you is to actually come back with the steps necessary to initiate the implementation plan, which certainly a big component of that is all of the costs associated with the recommendations that you would consider today. So definitely we would have that piece included. and that piece will also include the savings piece?

That's -- and what we can provide to you is our very best possible numbers because, obviously, you know, some of these recommendations are projected outcomes in terms of what we would plan to achieve within a particular period. As a matter of fact, you know, the recommendation from the animal advisory commission was to try to reach the goal of 90% within 18 months. The plan that staff had submitted was 24 months, whatever the period is, you know, you're talking about projected out. So we'll certainly do our very best and we'll put our best minds to give you all of the savings that we think could be included in this -- with these set of recommendations.

Cole: okay. Because I just want to emphasize that the savings component is very, very crucial because I'm assuming that we will be considering this as kind of part of the overall budget process, and we've seen our sales tax revenues go up and go down and, you know, to remember parks and libraries and streets and all those types of things. So all the savings that you can get, please get them.

Certainly will. and we encourage this community to do that.

And the other point I'll make is that a big piece of the recommendations includes adoptions, and with any adoption that takes place within the system, you know, there are fees associated with that. So certainly we will build those numbers in and we'll give you a complete picture to specifically question. Yes, we will.

Cole: okay. Thank you. other comments? Council member morrison? Moors moors I want to -- I want to lend my support to all the comments that mayor pro tem allenging project to be working on but I'm so encouraged by all the work that's been done and as tara tucker mentioned, this is an opportunity and will

definitely require the assistance and collaboration of the community, and to that end I know that there are a lot of folks in the audience here that are here to support this item, and very graciously you-all have limited your time to 30 minutes. And I just wanted to recognize you-all and just see if you can raise your hands real quickly so we can make sure we can see the enormous support in the audience, which is rather overwhelming. Thank you very much for coming. Just one more comment I want to make, and that is, you know, in the '90s we made the -- the council set forth a resolution to make it a no-kill millennium and i know we're going to make it a no-kill millennium. We'll reach that it's still the new millennium but really what we're on board for here for is to make it a no-kill 2011. So I appreciate all your work and look forward to working with you more.

[Applause] council member riley? Rile I'll I'm going to be -- I'm going to be supporting the motion. I want to make a note of thanks to my colleagues have have worked hard on this as well as the animal advisory commission and staff and everyone in the community to whom this is an important issue. This has been years in the work in the making and the whole community is indebted to all of you who have had a part in it so I really appreciate it. And of course the task doesn't end here. This will be ongoing, especially things like sourcing adoptions. As we look to the implications for that for both the budget and city staff, I hope we'll be considering a whole variety of approaches, including things like whether -- whether current staff who are focused on adoptions can be transitioned over to other animal-related functions in the course of attrition or whether we might even include something in the rfp relating to the hiring of city staff who are currently working on adoptions. We need to think through all of those approaches to make sure that we consider all of the impacts to both the budget and city staff. But the most important thing to recognize is that this is a huge milestone in terms of the welfare of animals in our community, and we've only gotten here through the hard work of folks who are so dedicated to this issue out there and have kept us moving forward on it. So I'm grateful to everybody who has been involved. So I will be supporting the motion.

[Applause] council member shade? I wanted to ask a question about the additional recommendation 4, which is about the moratorium. I'm so embarrassed to come up here. The question that I have is just what critical things -- I want people to understand how complex that piece is, and I'd like for you to explain to me what things you think will need to be in place for that moratorium to be successful.

Okay. Well, I think staff's position was that in terms of the animals that are -- we spent a lot of time looking at the makeup of the animals that make up -- that are a part of the number from the current 32% euthanasia rate to no more than a 10% euthanasia rate, and what we identified is there's a tremendous need for behaviorists, for vet services, make-ready type of capacity within the system. So we identified those as large priorities, and our position was, as I think the mayor pro tem indicated, is that in order for us to implement a moratorium, we need those additional resources to be implemented in conjunction with that to be successful. So certainly we consider that a very big piece of that. And I'll ask dorinda to address some additional issues but that is certainly a big component of why we took that position on that recommendation.

[One moment, please, for] dorinda,.

Shade: Do you have an estimate of how long you think it would take to get that in place, you know?

Veterinary capacity we could bring on board pretty quick limit we have relationship was veterinarians already in place, I think we could do that pretty quickly. Getting the behaviorist position on board might be more of a challenge. There's less of them out for us to recruit from, so that one may take a little time. That one could be 60 or 90 days before we could get it on board. But the veterinary capacity we could bring on board very quickly.

Shade: Great. Then it's been -- discussed already, but in terms of the -- of the -- of the -- of the process that you go through, working with, you know, you're going to have to come back I assume with budget adjustments, sort of the financial impact piece on this as well then. These last four items did not have fiscal impacts associated with them as of yet; is that correct.

Yes, we would have to do -- we would have to do the fiscal impacts.

Shade: That will be happening concurrently with trying to implement the rest of what is on the table for approval today, correct?

Right.

Okay.

Shade: Thank you very much.

Shade: I wanted to make a point to bring up that question. I have met with gosh, many, many of the people here in the chambers today, many more that I have been communicating with by e-mail. When I was a candidate, I was incredibly inspired by the work of dr. jefferson. I think probably one of the most pivotal first meeting that's I had was with gloria, michelle and ryan clinton to talk about the entrepreneurial nature of austin pets alive and the spirit with which they've been able to engage volunteers. There's no question that we, I think sasha's comments today were perfect in the sense that all of the work that's being done requires the help of the entire community. So I guess one of the challenges that I felt during this process is -- is the feeling of having to pick a side, pick a side, you are the either pro apa or you are not or you are pro staff or you are not. You know, the largest and longest standing no-kill animal shelter here is the humane society, they are an incredibly important part of this work. Emancipate pet founded by jefferson, also an incredible part of this. The contentiousness of the discussion at times has been really challenging. There's no question that there's more representation if you're talking about sides from, you know, the apa side versus some of the other important players in the entire animal welfare community. I think that we have gotten to a -- to a good place. I -- I think that, you know, it's really important to manage expectations and I think that mayor pro tem did a good job sort of laying out this is changing what we're focusing on, changing in some ways what we're measuring, shifting some of the priorities but some work really needs to be done to align the resources, not only financial but human as well. And it is truly my hope that -- I'm going to be supporting the recommendation. But it is certainly my hope that as we move forward, we do it collectively because, you know, I pulled chronicle's coverage in 2002, it's noteworthy to say that when the original I guess in 1997 they were looking five years later at 2002, what's happened when the -- when that no-kill plan was or proposal was originally adopted and,

you know, it -- there's no question that until dorinda took over as the director, progress wasn't being made at the rate that it should be. I think that it's incredibly important to recognize her efforts publicly. I have certainly done it privately. I think as you go on to read in that article, you realize sometimes the more things change, the more they stay the same. I think what we are doing here is now ratcheting it up, taking it to the next level, I'm really pleased at that. But as it says clearly in 2002, as most -- as many of you have said here now, it can't happen without the full community support because having caged animals, you know, in the shelter still means community folks have to be involved in wanting to adopt those -- there has to be a process in place for it. Again the creativity from this community outside of city government I think is a huge part of why we've been able to do this and it takes all of the players. Again, I'm going to support this. Again, it's been very challenging to try to walk the line and support the reality of constraints that we face here at the city. Along with the fact that you've got to push the I'm all for if not now when? I was -- I'm a big believer in that. Being the nice jewish girl that I am. That's a hillel quote in case somebody doesn't know that. Again, I'm going to support this, but die want to really encourage that we not only raise the level of what we're going to do in terms of live outcomes and reducing our euthanasia rate but also raise the bar in terms what was we can do with the outsourcing and ways that we can work together.

Mayor Leffingwell: Thank you.

[Applause] I'm going to support the mayor pro tem's motion as well. But I do want to reiterate something that both he and councilmember riley and councilmember shade alluded to. We have got to be conscious of the folks that are city employees now and I think a plan that we come up with in the end has to respect the fact and I'm going to be very sensitive to there should be not, would not be any employee layoffs in the process of promoting this new plan. That's got to be an important component of it. With that said, city manager?

Thank you, mayor. I just wanted to take a moment, also, to -- to just acknowledge this occasion as well. I think this is a great occasion and I'm really pleased with the outcomes and the recommendations that are before may council.

You said it was a rare occasion that you were pleased [laughter]

maybe I did say rare occasion. I guess when you think about the history, it is a rare occasion because this has been going on for a long time. But the sentiment that I'm trying to express is that I'm just really pleased with the outcome. When I think about -- about the tone and the nature of the conversation when i arrived two years ago, it was pretty intense and there was a lot of angst going back and forth to go from that point to where we are today I think is quite an accomplishment. I, too, want to extend my appreciation and thanks to the animal advisory commission, council and council subcommittee and i certainly want to acknowledge my staff that's been involved in this effort for quite some time, in particular bert lumbreras, dorinda pulliam and david lurie. My thanks to you all, it's work well done.

Mayor Leffingwell: Councilmember spelman?

Spelman: Everybody else had something to say, i think that I should have something to say, too. Very quickly, I was the only person on this dais who actually had a chance to vote in favor of the no kill millennium in 1997. I'm happy we will have a chance to stop talking about it and start doing something about it.

[Applause]

Shade: I'm sorry.

Mayor Leffingwell: Councilmember shade, we're almost there.

Shade: I appreciate that comment. I realize there has been talk. There has been a lot of action. You I feel like again, really the point that I was trying to make. There has been progress in the last five years. Significant progress. But definitely needs to be more. I just think that's really important because we have a lot of people who have been working really hard on that, including the austin pets alive and efforts they have been doing up to this point.

Spelman: I was only trying to respect the fact that we limited the public to 30 minutes, but we have not limited ourselves to 30 minutes.

[Laughter]

Mayor Leffingwell: Thank for you that comment

[laughter] all in favor of the motion say aye.

Aye.

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

[Applause]

Mayor Leffingwell: It may be too much to ask, but if you are going to leave the chambers, may I ask that you do so quietly so we can go ahead with our business. We're going to take up a briefing on the asian-american resource center.

Mayor, we still need to take up item 15 and 22.

Thank you.

Thank you. Can we take both of those together. A motion on items 15 and 22, mayor pro tem?

Martinez: I will move approval of those two items, mayor. I do have one question on the minority participation for the animal shelter. Is mike trimble here? There he is. Hey, mike. Hi, ms. lara.

Good morning, council, veronica lara, acting director from the minority business resources department.

When I looked in the backup there was a goal for african-american participation for the animal 7% and it looks like there's no participation. Can you walk me through how we ended up not having any -- any qualified participants as subcontractors in the african-american community?

Sure. We looked at the -- at the information that was submitted on part of good faith efforts from vcc very closely. They did, in addition to the minimum steps that were taken to make good faith efforts, they also took the additional steps. They contacted everybody on the availability list within the five county and beyond the five county area. They advertised in local newspapers, they advertised with our local trade associations and they did work with company that's did submit a bid. There were a handful of african-american firms that did submit bids. Unfortunately in the areas where the bids were submitted, there were areas that were self performed. There was an opportunity that we did talk to vcc about potentially, where there might be second tier subs that are african-american companies, we will be working with them if this contract is executed and looking at those opportunities.

Martinez: So as potential change requests are made, moving through the project, we're going to try to identify those opportunities and try to ensure that we have participation from the african-american community?

Absolutely. We did have a discussion with them about a month ago now, they mentioned at that time one of their subthat's they currently have on their compliance plans have told them they were looking at working with african-american company that's are second tier subs.

Thank you, mayor with that I will move approval.

Mayor Leffingwell: Motion to approve by the mayor pro tem, seconded by councilmember shade.
Councilmember cole?

Cole: I wanted to ask, you talked about your outreach efforts into the minority community to get minority contractors. What newspapers and radio stations did you advertise?

It was actually the -- apparent low bid that's true had those advertisements, it was vcc, I apologize, i don't have that information in front of me, I can get it to you,.

Because there's a significant amount as you know from our m.b.e. Discussions, frustrations in the african-american community about the award of contracts to african-americans, basically being dismal. We already playoffed on consent items -- approved on consent items number 14 and 15, I'm not going to bring the details of that back up. Now we're looking at three major contracts that are going through that do not have african-american participation. I would like to give direction to staff that I am sure that we can do more.

Absolutely. And I was just informed that the three papers they advertised with were the nicoa, el mundo and the statesman.

Cole: Thank you.

Mayor Leffingwell: Motion to approve items 15 and 22 made and seconded. All in favor say aye.

Aye.

Mayor Leffingwell: Any opposed? Passes on a vote of 7-0. Now to the briefing on the asian-american resource center.

Good morning, mayor, council, I'm rudy garza, assistant city manager. I will be very brief. Introducing our presentation today, actually, a very welcomed and great day for us, earlier today council 10, which was the delivery method for the asian-american resource center design build. If you will recall we have been working on this for about a decade now. In 2001 the community came forward with the concept for resource center. In 2003 the council formed the advisory committee and we have been working very diligently since then. In 2006 the voters approved \$5 million for the construction of this facility. And then in 2007 we took our next big step. We purchased the land. And all throughout this process the community, the asian-american community and other members of our community have been working very hard to come up with a master plan. And programs that are going to serve all of us. So today shiller-lao will be presenting an update and overview of next steps for our facility. With that I will turn it over to him.

Mayor Leffingwell: Thank garza, before you leave, i want to recognize your efforts. As you noted it's been a long, hard slog, about 10 years. And I was on the council when we passed the bonds to help this project go forward. I know that you've been on point every inch of the way. And I don't think we would be here today without your leadership, thank you very much. Go ahead.

I'm from asian-american resource center advisory board. First, I want to thank the mayor, mayor pro tem, councilmembers and city manager and city staff, also austin voters who supported this project in the last 10 years. And I think we will continue to get the support from everybody here. Now, here we are very glad to give the update of what the progress of this project. It's our -- one of our leadership council pointed, this project is asian pride, austin proud, texas star. In asia, so many different cultures and the people somehow worked together to -- a lot of times they don't work together. But in austin, we pull asian community together to work together for this project. We are so proud of it. The mission to establish -- established by the advisory board is to provide a place -- [reading graphic] the vision is to build a resource center that will increase commerce and showcase the best of asian culture to educate, congregate and celebrate the heritage. Historical background of this project. Year 2001, the asian community has a vision to have an asian-american resource center. Year 2003 work with the city and city council to approve the creation of the asian-american resource center advisory board, which I am serving on right now. Year 2005, the network of asian-american organization which umbrella organization for 14 asian groups together. They applied for and received \$100,000 granted department of commerce, economic development administration to develop the master plan. Year 2006, thanks to the austin voters, to pass

the five million dollar bond for this project. And the -- also in the same year the aarc, 501 c 3 non-profit organization is formed. Year 2007 the council approved the purchase of a 15-acres land north austin for \$2 million value for the future home for aarc. Year 2007, we finished the master plan by the broadus & associates with community input. Year 2003 the 501 c 3 non-profit board developed a fundraising strategy and also -- we also have the leadership council established at that time. Year 2007. The next slide will show you the location of this project. Aarc is located at 8501 cameron road, only one mile from i-35 and half mile from the intersection of 183 and the cameron road. Which is very convenient from the -- for the asian community, they can drive within about 10 or 15 minutes to get to this location. Very close to the city's center. We are very pleased with this location. Now the next slide will show you the topographic aerial photo of this project. On the left-hand side you can see the cameron road and high slopes to the east side to the little walnut creek. You can see a lot of existing trees there, we're going to take advantage of those trees for our design. North side of the project privately owned duplexes from the east side of the little walnut creek and the south side of the city's property. 4311 Center. We want to take advantage of that. If we need to have a big event and need a lot more parking spaces, they are going to share the parking spaces with that facility. By the same token, if the city needs to use our parking lot, we can share the parking lot, too. .. in the master plan, we have developed like this is showing, a -- mainly from the cameron road, coming in, you can see the asian main street, retail and art learning. Past that the amphitheater and reception center with event hall. That will be our core. Within the master plan we have found out this project is like a human being. The heart needs to be in the center. The mouth is the place that you can take the money in,

[laughter], the street where we get the revenues it will be close to the cameron road. All of the events will come in at the back. Support from the revenue. Revenue site. And then there's the course part, classroom, offices for the community, to plan the event and the language classes. And language classes so important because also I'm teacher at the austin chinese school. I met attorney. He took his three kids to the chinese school. I said why you took this? They don't look like issues. He said -- asians, but he said I know to do business internationally they need to learn different languages and different culture. I want them to have early exposure to asian culture, they are learning chinese language over there. Now, from the master plan, is -- down in the year 2007, two years, we have made modifications because of city rules and modifications, we have made changes here, we have pulled the core part, multi-purpose building together at the center for the event hall, exhibition space, conference room, classrooms, offices, asian information center coming in one place. That's a long-term plan. Now, to understand, give you some of the 3-d rendering how this project will look like from long-term standpoint. It will show the person driving the car on cameron road, look at the a -- rc, this is what -- the aarc, what they are going to see at the gate. Those can turn right and go into the campus, there is not only for the asians, i want to emphasize that, this project is for all austinites and also for the all texans. People will bring them with bus coming here to try to see how great this project is. Next slide when people pass asian street, go to art learning center, learn something, buy something, talking to the people. Then when they come to a place, they want to sit down, bring the kids, have the big grass area, long area, have a nice trees, the parents and kids all coming here to play. It's not only for business. So business, education, and for the community. Then when we pass that, we have amphitheater, right next to the -- to the assembly hall. Which we can have outdoor performance and audience can sit on the slope and look at the performance and where at the same time in the assembly hall if it rains the performance will be indoors. This is the indoor/outdoor

activity can exchange, that's what we envision. You can see some photos showing in the asian country that's we like to see over there. Within the complex I will be showing the next slide. When people park their car because there is an elite project, we think the parking should be under the shade a little bit, that's our envision of our parking spaces. And next slide within the campus, between the buildings, the courtyard walk. We envision that when people coming here, they need some quiet time and they can sit on the -- arcade and look at the nice water, listen to the water flowing, and the -- talking to their friends, talking business. I know the people coming to talk business, we like to have this happen over here when asian businessman coming to austin, say okay, where can I go to get over understanding of the austin here, they come to here. If people want to go to asian countries to do some business, say where can i find some information about asian countries, this country, china, taiwan, india, pakistan, they come here to find the asian information. This will become the hub for going out and coming in. The next slide shows you this is instructing slide, when we send out the vignettes to the community that people to vote on what you like to see in this project. You can see the slides on the right-hand side on the two slides of the people like the most. Because they all like to have the nice view, water, reflection, [indiscernible] is true for the chinese community, taiwanese community, indian, philippine community, amazing all community like this photo, they like to have this, that's why we must plan like this. I will give some updates. Knowing that the economy is not as good as we would like we have done some fundraising. Right now we would like to scale down the project to measure the bond. We have scaled down the scope from that standpoint. And in the year 2009, the non-profit organization and aarc advisory board recommended to the city to use the design build for construction of this project to maximize the dollar value. Also in 2009, the aarc non-profit organization advisory board have a kickoff event in this chamber to start the activity, also the service providers to help us together the design criteria manual which was sent to the city staff to review the last year in -- end of last year. Next slide shows the refined phase 1 project. You can see when people coming, two big arrows pointed at the main entrance to this project, the entrance on the south coming in, you will see the first aarc gateway landmark, people can walk along the pedestrian landscape path and come to inner drive and then come to the amphitheater and the multiple purpose building. That building will include the event hall, exhibition space, conference rooms, classrooms, offices and information center. We also have to meet the city's requirements for the water quality ponds and parking spaces. Water quality ponds will try to make it not utilitarian. From the photos as you see before we try to use the pond to make it part of our landscape. The next slide shows the scope of the concept of the phase 1 project of the aarc. You will have a 600 people multiple function assembly hall. Which can be divided into two 300 people or four 150 people hall. Also subdivided into classrooms so you can use it for the language classes. With the budget we are not able to provide all of the permanent classrooms right now. So we can provide a full classrooms right now, but we're going to divide the assembly hall into eight to 10 classrooms. So we can accommodate language classes over the weekend. We also also have the community organization offices, for share spaces. Conference room big group as you name the asian has so many organizations, one room not enough space for people to sit down. We need to have a room for the least 30 people, large conference room, smaller conference room for 20 people. Classrooms and library and asian information center. Exhibit space is very important because for issues there are so -- asians so many different arts we want to show. We don't have a place to showcase that, this will be a great place for us to start doing that. Also miscellaneous space, lobby, restrooms, kitchen chens, this kind of stuff. We want to meet leed silver, ada/tas compliance, energy/water conservation, we like to have the renewable energy on site like solar energy. We're talking to some vendors to see if they want to donate

some solar panels to help this project to kind of show off their brand. Dry landscape to save the water. Rainwater harvesting, reuse the rainwater into this project for irrigation. The whole idea about operating and maintaining this project, the operation as we kind of use very easy and economic maintenance. And with the community support and volunteers. Looking ahead today I think the councilmembers approve use of design-build criteria. City staff working very closely with us to put the requests for package together, plan to issue next week. Hopefully in the summer, we will complete the design-build selection for city council to approve. In the fall, 2010, this year, the city will execute the design-build agreement with the selected firm and begin the design development of the process. In the summer, 2011, we would like to see the design-build firm to start construction. In the year 12, in the summer, we would like to see the phase 1 construction completed. However, we will try every effort to make this happen, completion, by april because in may of 2012 it is the asian pacific american heritage month. We would like to see that project finished by that time so we have a grand opening in may. I know the city staff and aarc board has been working very closely in trying to make this happen. We will do every effort to try to do that. At the same time the aarc non-profit organization also applied for additional funding from the eda department of commerce to support the phase 1 enhancement or future phases like additional classrooms and other offices. The next slide shows you the aarc non-profit board members, which includes re ddy, here, phil hoang, austin continue -- [reading graphic]

[reading graphic] next slide shows that -- that given the program process, the master plan process, we have include 40 to 50 organizations to get their input. It took us a long time to combine those together and it's not an easy effort. But we appreciate the master plan, did a great job. Thanks to the community support. And that's going to conclude my presentation. And here's open for question and answers. See if you have any -- mayor, do you have questions?

Mayor Leffingwell:

[Indiscernible]

thanks, mayor, thank you, liao, I'm glad to see this coming along so well. I want to salute you for aiming to achieve leed silver, that is no small undertaking, that's a very excited aspect of the project. Wasn'ted to ask about the -- about the -- I wanted to ask about the treatment of walnut creek. Which I understand that is walnut creek there on the eastern boundary of the site.

Right.

Riley: There have been varies efforts, in fact some of them y ongoing to place trails, I don't know about this part of walnut creek. I want to ask if at some point in the future that trails along waller creek

[sic] would be -- if this might be part of a network along walnut creek, is there any possibility that public access might be possible along walnut creek through this property?

Yes. Actually, we have the plan, if we to go the slide number 4, it shows that the project is right next to the little walnut creek, we plan to have bike and trail running trail and going along the creek all the way to

[indiscernible] park. We try to link those two projects together. It's not isolated projects. So we have plan to do that.

Riley: So there will be connectivity there along the creek --

would he we need to work with the city to make that happen.

Riley: Anything we can do to help that, let us know. I will be glad to help with any efforts on getting the city's cooperation with you on the -- promoting that trail. So I take it since there is a bicycle pedestrian connection there, there will be ample bicycle racks and so on.

Yes.

That's just one more very exciting aspect of this tremendous project. I al absolute everybody who has been involved with this, I know it's taken a lot of work on the part of the whole community to bring it this far. I congratulate you on that.

Thank you.

Mayor Leffingwell: Councilmember spelman?

Spelman: I am in awe of your master plan.

[Laughter] I have been to a very small number of the place that's you have got pictures of here. And I really look forward to having a little bit of all of them here in austin, texas. So I -- I really look forward to your being able to break ground on this thing shortly and have it open in may 2012, I hope to be going to events there for the rest of my life.

Thank you. Councilmember bill spelman has been support thing before he was elected as a councilmember, so we really appreciate that. Thank you so much.

Mayor Leffingwell: I would agree and I want to congratulate you on the probable cause that you have made. With this resource center. Thinking back a little bit the mac took about 30 years from the time they started work on that until phase 1 opened a few years ago. I -- you know, it looks like you are -- you are in relative terms moving at light speed. So congratulations on -- on doing it so fast and doing a great facility as well.

I want -- I really want to thank the mayor support, city staff, councilmember support and also community support. It's really the key.

Mayor Leffingwell: Okay. Anything else? Thank you very much.

Thank you.

[Applause]

Mayor Leffingwell: So -- so, councilmembers, we have -- did you have something to -- to adhere? So we have the briefing on ground water. Which is coming up next, we have about 10 minutes before we take up citizens communications. Going to take much longer than that.

It's about 15 minutes.

Mayor Leffingwell: We can do 157 minutes.

Okay. Go ahead.

Good morning, council, mayor. My name is Jose Guerrero consulting engineer with the watershed protection department and the office of the director. In 2008 the city council approved an amendment that clarified the exception of impervious cover associated with subsurface structures. During discussions of the amendment, concerns were raised -- concerns were raised regarding groundwater impacts. This presentation is a follow-up to those concerns. 2008 A council resolution directed the city manager to provide a report on the adequacy of the city's development codes, technical criteria and other policies regarding underground structures. Council also asked for recommendations on appropriate, feasible and permissible measures to address potential impacts on city's infrastructure, health and safety and the environment. And the report entitled groundwater characteristics and challenges for subsurface structures in Austin's urban core was the byproduct of that resolution dated February of 2009. Then in August of 2009, council did a resolution which directed the city manager to process the necessary code amendments, follow the procedures required to implement the report recommendations. This is the six months briefing that council requested in the resolution and in the resolution council made nine recommendations. We will go through each of these and discuss the ways the recommendations are being addressed. Recommendation 1 had to do with ensuring that the one stop shop was reviewing subsurface structures to address groundwater. Around May of 2008, new procedures were established by the one stop shop. Currently, and today, we viewers assume that subsurface structures will encounter groundwater and that applicants need to either, one, provide subsurface conveyance of the ground water or to provide a methodology that will provide the release of groundwater from the site. In addition training is underway to train one stop shop staff to prevent potential groundwater contamination sources. The review process addresses number one that the groundwater is presents, how much groundwater might be present, the quantity of it. What is the groundwater's water quality. And then disposal of the groundwater. We look at a strategy to either reuse the groundwater first before eliminating it into the storm sewer system or into the waterway. This map shows illegal deposits in the urban core associated with ground water. It's likely the subsurface structures will encounter groundwater if constructed in this area, this tool that staff provided in determining groundwater is going to be a usable tool for us in the future. Recommendations 2 and 3 have to do with developing criteria for certain properties along stream corridors to eliminate groundwater on site and determining the feasibility of allowing such on-site disposal. Evaluating the benefits of reintroducing this groundwater into creeks, the evaluation will include identification of appropriate conditions for infiltration, where riparian areas are available. Set back requirements, especially around creeks and we'll come up with specific details that will be developed and

incorporated into the code and criteria. As they have determined to be viable. Should be noted that infiltration of groundwater is currently allowed by code. We just don't have any standards for its disposal at this time. Recommendation 4 has to do with looking at creating incentives for the reuse of excessive groundwater from sites for beneficial purposes. Groundwater may currently be used, for example for landscape irrigation. The austin water utility has developed programs to encourage such reuse and to minimize its dependence on our drinking water supported employment their rebate provides are and -- drinking water supplies, their rebate is at waterwiseaustin.org. This slide shows you an example of the incentive that's are currently being utilized when opportunities present themselves. Under the commercial incentive program, the austin water utility, gave tarrytown \$5,000 to capture and reuse ground water on site. Recommendation 5 from the resolution deals with the potential to encounter contaminated groundwater during development at sites. And council's directive to create a database and a map of known contamination sites. Watershed protection department has developed a gis map as a tool for the one stop shop employees to use to look at ground water contamination near .. It's a valuable tool for preventing subsurface or surface discharge of contaminated groundwater. In addition watershed protection staff is cooperating, working with developers in contacting the tceq and going through the permitting requirements. This is the map that was created. It has less than 400 sites. City-wide, from the tceq's historical data. And we have added over 800 potential locations of underground storage tanks. In our assessment and ongoing inspection of these underground storage tanks, we have looked at over 400 now, we have only found three that were leaking. To give you a picture what was could happen in the central business district area here near city hall, there was an old dry cleaning business, it was it was tracked during the development of the local condo project. There had been a release of perchlorethylene at that business encountered during this development. The original developer had to clean it up and in subsequent developments in the block 21 area the city was able to find that groundwater contamination traveled and we were able to address it as well. A map like we have created will ensure that the staff can direct applicants to the tceq as necessary and work jointly with them to protect the public. Our recommendation 6 from the council resolution addressed staph to assess current traditional funding sources for new infrastructure for storm water runoff and ground water infrastructure. Recently the watershed protection department completed an assessment of its drainage fees. Council did approve an increase in fiscal year 2009 and 2010 to target investments to address aging infrastructure and to implement new flood erosion and water quality capital improvement projects in the areas where we're experiencing growth, especially in the urban core. accounts are indicative of this. We have a fund for drainage infrastructure in and near the transit oriented developments. Which also are in this urban core, which might encounter ground water. And we have a separate fund for participation with the developers. Where their schedule doesn't meet our schedule for improvements and we might need to cooperate jointly in the implementation of infrastructure. The last three recommendations, recommendations 7, 8 and 9, council asked staff to address drainage infrastructure impact fees. And investigate all other financing options for construction of new infrastructure. For new development. Recommendation 8 specifically requested information about pid's or public improvement districts. Recommendation 9 again wanted to know if there are any other alternatives. I want to begin first with 's, public improvement districts. They require landowner participation. I apologize, I have been informed by staff that you may have information that is incorrect. If you have 100% of the landowners in your packet, i have been advised it's 50% of the landowners, the land value is required to set up a p.i.d. And either 50% of the landowners or 50% of the land acreage is required to set up the district. This -- so again this requires

cooperation of property owners to set up districts for non-contiguous redevelopment in the urban densely populated areas, this could be challenging. If were established the city would be authorized to negotiate redevelopment agreements for the costs of necessary groundwater infrastructure. This could be advantageous in area like the uno district, university neighborhood overlay, where council targeted dense development with increases in impervious cover. I will talk about this area shortly. The city of austin successfully implemented storm water improvements under its regional storm water management program. Developers have the option to pay a fee in lieu of providing on site detention or required improvements and alternatively in addition to that a developer may be allowed to construct storm sewer improvements even in lieu of this rsmp participation fee. While new storm drains are designed primarily for flood conveyance, they can also be used for our groundwater problem. One thing to point out is our rsmp participation fees are not impact phoenix they are an option for -- fees, they are an option for a developer to comply with the requirements, the collected funds are used in the watershed that they are collected in. To enhance our funding in the watersheds. Next, [indiscernible] utilized by our staff, almost always implemented ahead of redevelopment and densification. They are subject to the same city and state purchasing requirements. Community facilities contracts. Staff is evaluating the continued use of cfc's to address the groundwater issue. Other potential funding options, include our general obligation bonds. We could broker participation contracts that allow new developments to cost participate in the upgrades with local governments, that's allowed in chapter 212 of the local government code. We could also charge new developments an impact fee that will cover the developments required extensions and upgrades to storm sewer systems. This is authorized in chapter 395 of the local government code. I must state that the city currently has an impact fee assessed by our austin water utility. It wouldn't be a new concept to implement for drainage. In fact I presented the possibility to the city's impact fee advisory committee in late january and they passed a motion to continue working with staff to study this further and to work with our law department to bring back an ordinance for council if they so desired. But I should state that both the use of 212 and 395 of the local government code requires city ordinance. I promised to talk about a case study in the uno area along pearl street. Upon the adoption of the plan, basically west campus area. Discussions began about the lack of infrastructure to contact date the level of development. Discussions also began in earnest about the financing options the city would have to address this aging non-standard infrastructure. Some the early developments ground water was addressed around their buildings and on site, however, quite frankly, groundwater discharges were not addressed. This resulted in groundwater being discharged into the right-of-way as this picture indicates. It's a public nuisance at best, serious public health and safety problem at their worst. But most [indiscernible] pedestrian friendly environment that we want to create. At odds with. In addition to the groundwater discharges, deterioration to pavements and increased city costs to maintain those -- costs to maintain those. The most specific response is to address only their impacts. However when solutions in right-of-way are proposed the city code requires them to oversize for future development. So an impact fee scenario would allow the city and the developer to enter into a development agreement to split those costs. Of the necessary infrastructure for both the new developments in the neighborhood. The cost for the construction are recovered by future impact fees assessed to new future developments. I wanted to show the next slide. This area has been fixed in joint cooperation with the city and the developer, that's pearl street today. In summary, staff is going to complete studies that were prompted by the council resolution. We will complete the ground water infiltration feasibility study and implement the findings and we will continue to investigate opportunities for groundwater reuse. And in regards to drainage funding strategies, we

recommend the staff continue to work closely with the impact fee advisory committee and the law department to bring back an ordinance to council if it is so desired. With that I will be happy to address questions or comments?

Mayor Leffingwell: Council, any questions? Councilmember spelman?

Spelman: You had a map up a few moments ago where you had dots associated with underground storage tank, some of which were leaking. It's very, very difficult resolution on our screens, so I couldn't read the legend on that. But it appeared that the legend said all of the red dots were leaking underground storage tanks. Did I misread that?

The tanks under the underground storage tank program. We have identified 800. We have looked and inspected over 400. And we have found 3 to be leaking. And we have been addressing those.

Spelman: Just because i see a red dot on this hand the legend says leaking petroleum storage that doesn't mean that's really leaking petroleum storage.

No, not at all. The map is a combination of the tceq data where contamination has happened in the past and has been addressed. But again the example that i said contamination can tend to spread through groundwater. Unbeknownst to us until we dig underground for new construction like underground parking garbages.

Spelman: There may still be contamination in the underground water, but these tanks are not currently leaking, at least 397 of them are not.

Correct.

If I could offer one clarification, pat murphy with watershed protection. Of the 800 tanks identified, we have looked at 400 of those sites. And 3 of those were still present. Not leaking. Specifically. I wanted to make sure that it's clear we did not find three leaking tanks. We found of those ones that had supposedly been cleaned up, three of them were still there and were currently working to get those removed and remediated. I just wanted to provide that clarification.

Spelman: My next question was what are we doing to remediate that. You just answered that.

We have staff that do this and they basically spend all of their time permitting these tanks and making sure that any removals are occurring properly. And also the state has similar requirements that they enforce as well.

Spelman: In addition to the three leaking tanks, what are the current sources of contamination that we are aware of?

We don't have all of that information here this morning. We could certainly provide that to you. This map is essentially something that's new, we are still perfecting it quite honestly. Right now it's an internal tool

for staff to make sure that when we see an underground sites that we know that oh, there is an old site here within a block. So what that allows staff to do is to work with the developer to say, hey, there may be ground water contamination and have them at least investigate that and facilitate getting that permitted properly through tceq and cleaned up if necessary. There's many different pollutant sources here that may have occurred. Some of them might have been as small as a gallon of oil. Others might be an old fuel oil tank like we ran into downtown. So -- so we certainly could provide you a little bit more information on what different types of contaminants these dots represent, but we don't have that here today.

Spelman: I understand. Thanks very much.

Mayor Leffingwell: Councilmember morrison?

Martinez:.

Morrison: I just wanted to briefly comment and thank you for your work, I think it was two years ago when the first resolution came out. I think this really represents sort of an evolution in our sophistication in terms of dealing with this critical environmental -- situation, so I thank you for that. And you may have mentioned it before, I missed it, but have you been working with or keeping the environmental board sort of up to date with the work that's been going on and what you all have been adding to our whole --

absolutely. The ground water report was presented to the environmental board.

Morrison: And the groundwater report was that -- but what about the actions and the kinds of -- the status of how it's all happening?

McCracken: Yeah, we will be schedule --

we will be scheduling that with the environmental board, again this is new information that has been developed.

Morrison: Great I think there certainly was the impetus of them working with staff that we have moved far along this road. So thank you.

All right.

Mayor Leffingwell: Councilmember riley.

Riley: One quick question about the scope of the work. First wasn't to thank you, it's been very interesting work going on on this. Some issues related to groundwater and underground structures come up with the treatment of underground structures with respect to impervious cover calculations, especially in sensitive areas like areas near the waterfront. I remember discussions when we learned that in general for instance in areas covered by the waterfront overlay that underground parking structures would -- would actually be considered as impervious cover, even if you see green grass up there, if there's an underground parking garage there it's still considered impervious cover. The discussions had to do largely with the flow of

groundwater. Is that -- are those considerations within the scope of the -- of this effort or -- is there any working done here that would be helpful with respect to discussions on -- on that issue?

I'm glad you brought that up because we probably needed to clarify a little better. Essentially when we started this, it all was a result of clarification of a -- of a currents code provision that already said that underground structures, especially in the watershed front overlay where it was specific, did not count as impervious cover for purposes of calculating compliance in those areas with the land use overlay. And we brought an ordinance to you that clarified what underground meant. Basically. We didn't have any standards. It could have been six inches or -- of cover over those. And we brought that to you all and you all amended the code to basically clarify that there were some requirements that made sure that we were addressing the -- the fact that we weren't counting that as impervious cover. This issue emerged out of that as a side issue. So -- so as far as staff is concerned, we think that we've addressed that other question. And now we are just following up on this concern that -- that came up during that process. It just so happens that about the same time that we were processing that code amendment, that the -- that the problem was having -- happening on pearl street and so it was a very prominent issue at that time. And so -- so --

thanks for that clarification.

Mayor Leffingwell: Thank you very much.

Thank you.

Mayor Leffingwell: Council, now, we will go to our citizens communications. First speaker is kenneth lewis. Kenneth lewis here? lewis is speaking on the statute of limitations and false arrest. Three minutes.

Thank you. Mayor leffingwell, council, city manager and citizens of austin. Again, my name is kenneth w. Lewis, a native austinite. As previously stated on APRIL THE 4th, 2007, I WAS Arrested and charged with aggravated sexual assault. First degree in travis county. I was released on a \$45,000 bond. And I faced five years to life in prison. This threat hung over my head for more than a year and a half. I suffered anxiety attacks often. david's hospital for the fear that i was threatening a heart attack. The injustice continues against me. In my tempt to get my -- attempt to get my money from the city, I have been stonewalled by the city's legal department saying that the statute of limitations had expired. I was told by an attorney my case in particular had a four-year statute of limitation. Eventually I'm told through a letter from anne morgan's office, I suppose she's the head of the legal department, that they will only talk to me through an attorney. More money I don't have. In my continuing quest for justice, I have communicated with several council persons. I have been given a lot of legalese. There's been the attempt to pass the buck to the county. They say keep austin weird, quote, unquote. Huh. Of course I asked the council where's your conscience? Your integrity? Your sense of honor? I plead with you today, if you have a sense of fairness and justice, then make austin a city known for its fairness and justice. I don't know who amongst you are christians, but I just say pray on justice. Pray for fairness. And most of all, pray that god gives you compassion towards your fellow man. I will continue to fight for what was taken from me. And most importantly, when is information given to accused people that are arrest ed? When did the statute of

limitations begin and end or isn't this information not given in the interest of the citizens of austin? I say this with humility, but I say this because i went through a year and a half of pure, pure horror, , by the ace police monitor's office, et cetera. And I am still going through many of the problems. The last three to four years of my life have been nothing but terror including the burial of my mother four months ago. So I am saying I want there is a sense -- justice. If there is a sense of honor and fairness, I would hope that you would exercise it.

[Buzzer sounding] I will continue as far as my experiences and concerns about the statute of limitations as far as in regards to the city charter. Thank you.

Mayor Leffingwell: Thank you.

Uh-huh.

Mayor Leffingwell: The next speaker is pat valls-trelles. Speaking on -- speaking on animal issues.

Any questions?

Mayor Leffingwell: No, sir. Thank you.

Okay. I will be in contact.

Is this on?

Mayor Leffingwell: Yes.

Okay. Mayor, mayor pro tem, and councilmembers. Thank you so much for the action that you just took today. I congratulate you. I congratulate the staff, the animal advisory commission and essentially austin pets alive and jefferson for an excellent job. Also, thank you for the many, many good statements that you made in the process of the discussion. Mayor pro tem martinez, you made the one that I think gives this plan a chance of working that the first plan didn't have, that's when you said that you are going to have status reports at the public health and human services committee meeting. I hope that really does happen, I think that's what's going to make this succeed. In discussing the plan, there are many, many issues that still need to be worked out, but I hope one that you will consider in one of your early health and human services committee meetings are rescue groups and what's going to happen to rescue. They have been the unsung heros of this discussion and I think there's still a lot that needs to be discussed about the work they have done. Thank you, councilmember riley, for mentioning that there's a lot of groups that have done good work. I think rescue is one of them. Councilmember shade, I have a challenge for you. You consistently speak about the other groups that aren't here. Austin humane society, animal trustees of austin and emancipet. They do excellent work. In fact there's a individual just put together about the excellent work done by animal trustees of austin that I have posted to animal org that i hope everyone watches because it really, really shows what great work ata does. I think during this discussion all of those groups didn't sit at the same table. The animal advisory commission has not been

a mechanism to do that. There's been some groups that have contacted you directly and haven't talked together. If perhaps you could use the -- the public health and human services committee to bring people to the table and have the discussions happen all at once, I think that would be a huge service to our community. Thank you.

Mayor Leffingwell: Thank you. If next speaker is paul avina, topic is economic prosperity.

Thank you, I wish mr. Marc ott were here. The forum, the reality of our existence in which marc ott participated with a real kick in the nose for blacks and chicanos.

[Indiscernible] all employed in austin hailed from new york, michigan, atlanta, california, pennsylvania. In the information the local employment is not a concern of the context of economic prosperity. In it, where there's a 25% unemployment rate among local blacks and chicanos. I have some good words but they swallow up in the praise of this black fellow emceeding the event. These guys went as far as blocking free expression. HE FORGOT IN THE 60s IT Took some [indiscernible] to keep this privilege. The drama came from carstarfhen and chief acevedo. Once again, in education, there are these revised lurking in the dark, keeping chicanos and blacks from arts, math and signs to open up the ranks for caucasians. These revised were able to destroy two generations of strong, bright, beautiful young people. With black teachers at and johnston participating in these brain massacre in exchange for their names placed in prominence. When the select trade was indeed the biggest crime no -- the slave trade was the biggest crime, the brit chase negros, others -- scott, hamilton, dukes, cole and others that perpetrate all stigmas and

[indiscernible] in east austin. When a black person is selected, we expect good conscience to dominate the job. Some people don't know that you have paid allegiance to have access to the government, these forums will never work under such compromises. ott, this is a message from the 1800 kids who lost

[indiscernible] the black children going hungry to govalle, sims and ortega every day. From the black prostitutes that you never helped. Those who got rob understand traffic stops and those who landed in prison and from the mexican immigrants who recognize your police chief as a [speaking in spanish] I call you a coward, mr. Ott, and an overpaid coward. Thank you.

Mayor Leffingwell: Thank you. Next speaker is pat johnson. Topic is anticipated wrecker driver and towing company scams during the 2010 southwest-by-southwest.

Good morning, council. This -- it's been a while since I've been up here. I see we have some new riley and lee, you know, I voted for ya. I noticed that watching the council meetings --

Mayor Leffingwell: Take five minutes then [laughter] just kidding. Just kidding.

You know, I notice a big difference between your style and our former -- our former mayor. You keep discipline on the council, that's very much respected for the citizenry. This is an annual event that happens every year, south-by-southwest. It's also a time of the year when we have towing companies

and wrecker drivers who prey on these visitors coming from out of town that don't know the rules. Over the years that I have spoken to you all about the inabilities of what we haven't been able to do, but what we do have in place today is a lot of ways to regulate and a lot of ways to control these. Now, the problem that we're having today is on site drop fee. There's a lot -- there's certain towing companies, I can name a whole bunch of 'em, but I've been asked not to because they are all under investigation by the police department for criminal activity, is whenever you see a wrecker driver backed up to your car in the parking lot, the first thing people do is hey, that's my car, how much? Let me pay you something. The wrecker driver should say, you don't owe me nothing. But there's wrecker drivers out there that say 50, 100, \$200 based on your nationality, based on your ability to speak english or based on your ability to know the rules. Go ahead and start it. But what -- what has happened and continues to happen is there's no outreach by the city to educate the public about these fees. This is real simple. Putting something up on channel 6 on the powerpoint so people in these motels they got these rental cars, go out and say well I didn't know the fees. I didn't know I didn't have to pay anything. But it happens and it continues to happen. At the last south-by-southwest festival, a long time member of the austin towing association, don kramer, with central towing, was arrested for stealing cars from the whataburger during a free concert. At auditorium shores. Now, we know there was at least 26 victims. And they were using multiple towing companies to ferry cars to their storage facility, but they were

[indiscernible] them down the street. He's got a court date this month. He keeps setting it. Now, what's happening today is we got two towing companies that's using a parking garage right over here at second and lavaca as a temporary storage facility. They go tow cars around downtown, instead of taking them to the storage facility, they stash 'em

[buzzer sounding] in the amli parking garage. We have to have the resources during the festival to address these issues. Council, I'm going to ask you to rescind the on the spot release fee because tdr is going to set the non-consent tow fee in may. We anticipate the fee is going to be below \$100.

ayor Leffingwell: PAT, I was kidding about the five minutes. Your time is up.

Martinez: Hang on, mayor, I will like to ask pat to finish because it's a salient point.

The legislature sat out the rules that the texas department of license and regulations do a fee study, morningside research gathered all of the data. And tdmr is going to set a fee for non-consent towing. Now, we anticipate the fee is going to be below 100. This \$150 that the city ordinance is allowing them to charge, you're going to have to come back and renegotiate that fee. The fee's already been too high. It went from 95 to 150, that's hurt a lot of people. A lot of people are losing their cars.

Martinez: Thanks, pat, I agree. I think the drop fee, you show up on site should be minimal, 20 bucks.

20 Pucks. People don't have \$50. Some people get charged \$100. We have documented cases people filing offense reports. The process is in place for the investigation, we just have to make sure that we have the manpower and can he can't say our budget won't allow us to do this. We have to make sure that we have the assets and people in place to address these issues. Thank you very much.

Mayor Leffingwell: Thank you, pat.

Cole: Thank you, pat. Mayor, can I ask a quick question of staff?

Mayor Leffingwell: Cole?

Cole: Is there anyone here from the police department that can get back with me. Can you come down a second? I just wants to follow up on mayor pro tem mike martinez's comments about our towing regulations. Do you know about our towing regulations during south-by-southwest?

It's -- the regulation the same. johnson is correct boasts crowds and everything and the parking, last year we had quite a -- a lot of instances of fraud like he talked about. That specific incident of course resulted in what's now a felony indictment for auto theft. And we plan to be present and be investigating that this year for south-by-southwest.

Cole: Okay. Well, maybe we need to visit with the public information office and think about -- about issuing some type of -- of statement about that welcome, you know, what our towing general guidelines are and the -- the -- the violations in that officers will be present to guard against fraudulent activities. Because I do think that's a problem. Because I've been told.

[Laughter] thank you, but not only because I've been told, but I do think that we need to --

Mayor Leffingwell: Duly noted. I guess the city manager can look into the possibility of a psa. If anybody ever watches channel 6, they might see it even.

Cole: They might. Thank you.

Mayor Leffingwell: Next macdonald, topic the importance of dreams and hope.

Good morning, good to see you all again. It's been a while for myself, too. You know, it almost seems like a redundant statement, the importance of hopes and dreams. Well, we've had -- with all we've had happen in the last two months. Hailstorm yesterday. Snow in february. And somebody that gave up on his dreams and hopes to the that they would fly his plane into their building. How important are hopes and dreams? Without them I don't think human kind is human at all and they are definitely not kind. I encourage the city council to -- to continue on -- on encouraging people to have hopes and dreams. Which -- which you vote this morning for the no kill. That was a great vote for the -- to animals. I appreciate that. That took a little courage, took a long time coming. But I wonder, is a human life more valuable than those animals? I mean, do we mourn the death of a homeless person at all? 2008 There were 22 homicides, 136 homeless people lost their lives. Six times more likely to lose your life due to homelessness than to homicide. I don't know what the record and ratio was for last year. I'm scared to look. But dreams and hopes are very important, as -- kenneth, the earlier guy that had his legal issues with you, where does somebody run to if they believe they are being put under false imprisonment? It does no good to tell the jailer. Does no good to tell the police chief. Does no good to tell the judge. And

yet all of them say yeah, it's wrong. It shouldn't happen. And when texas attorney general's officers tackle you, although their paperwork says they can take you and there's a dispute, where do you go when you are going into false imprisonment? Where do you go when there is no more dreams and hopes. We should be thankful for people like richard troxell in this town that care about homeless people.

Mayor Leffingwell: Thank you, robert.

Mayor Leffingwell: That's a good segue, next speaker is richard troxell, topic is homelessness in austin.

Thank you, robert. Thank you, council. And I would like to thank council specifically for -- for passing and providing support for the let's get to work initiative this morning, each and every one of the councilmembers is behind that initiative, something that's incredibly important. We have found from surveying homeless folks, from the city survey, from two house the homeless surveys, from survey by city of houston, that people want to work. People experiencing homelessness want to work. So -- so we have created a task force to address that very concern. The idea is to provide a pathway for people to -- to get a little bit of education. Get into a job. And to pursue that job that's then supported by members of our community, principally faith based organizations that would help them along their way with a wage that is enhanced to a living wage. A living wage is that which affords somebody basic food, clothing, shelter. Organizations involved texas child protective services, front steps, salvation army, texas homeless network, safe place, seton family of and house the homeless. Among others. We know that we need three specific things to end homelessness in this situation. National affordable housing, national health care, and liveable incomes. When I say liveable incomes, it means that the homeless community can be broken down into huge two, two very large categories. Those that can work and those that can't work. For those that can work, we have this trial going, this let's get to work initiative, paying people living wages. For those who can't work, we provide a stipend of \$674, once you get through about a two-year process. JANUARY THE 1st, HOUSE THE Homeless conducted still another survey. This time we wanted to see the status of health care. I'm the director of legal aid for the homeless and i help the disabled homeless apply for these disability benefits. Anecdotaly it seemed to me a huge percentage of people experiencing homelessness had very serious health care. ON MARCH THE 25th, I WILL Be back at this podium and i will provide the results of this shocking report. The -- the failed health condition of people who are living and dying on the streets of austin. I want to thank the council, council mayor lee leffingwell, mike martinez, chris riley, laura morrison, councilmember bill spelman who is from the dais at the moment and sheryl cole. Each and every one of you have focused on this very serious problem in our community and slowly but surely we are all moving in a cohesive focused direction. I thank you very much and while I would like to say i voted for you twice, sir, i know my time is up. Thank you [laughter]

Mayor Leffingwell: It might have worked. You can always try. Thank you, richard. Next speaker is patricia smith. Patricia smith. Patricia is not in the chamber. So we will go to thomas heikkala. Tell me if I said that wrong. Topic is city of austin has picked out specifically our neighborhood to issue building code violations that are unfair.

Yes, everybody says my name wrong, it's all right.

Mayor Leffingwell: What is it? Thomas heikkala.

Okay.

My name is thomas heikkala, I live at 502 arbor lane in the fairview neighborhood for the last 18 years. I'm one of 75 folks there currently facing criminal sanctions threatened with \$2,000 a day fines and utility cutoffs to force us into initiating code COMPLIANCE BY MARCH 26th. It is insulting to be treated like a criminal and herded into a process. You may have read the article in yesterday's statesman. About our situation. Fairview residents have been meeting over this issue and most of us feel that some anonymous person has obtained complicity from the city of austin to harass and intimidate our neighborhood unfairly and impose an unfair process to resolve it. One neighbor wrote to me saying it is unfair for the city to suppress the value of home properties in the fairview section neighborhood by not allowing for small additions and at the same time handing out variances and exceptions to tax rules to many developers, businesses and wealthy landowners who want to create more density. Fairview residents are distressed because we see the city using discriminatory behavior, exacerbating the situation, and hiding behind code compliance instead of seeking a fair, compassionate and reasonable solution. At the same time, an ignorance of neighborhood requests, several years have passed with no reply from city on neighborhood requests for a cleanup of williamson creek, speed bumps on ramble lane, and to curb the deadly speeders adjacent to fairview on south first street. We all appreciate that there are building codes. However, most of the code violations in fairview are 10 to 40 years old. Many of these homes have been bought and sold several times with folks inheriting this situation. And there are retired folks and people on fixed incomes involved here. Whether or not fairview residents knew their home was remodeled, had a carport built or live in a floodplain, we are being treated like we have done something wrong and now we have to pay for it. All of us are told there are no alternatives but to go through the expensive permit process as if we can all afford to do renovations. What we would like to see is a fair and compassionate process. For example, to have a variance granted for floodplain situations. A grandfathering of older renovations. More time to deal with the issues [buzzer sounding] and having the burden of fees waived or financial assistance to help us out. Thank you. We're having a meeting tonight at the church on 00 if any of you are interested in attending.

Mayor Leffingwell: Let me just say that I agree with you. I think that it's an appalling situation that we have homes, we have development that's been in place for -- for any number of years, as you said 10 to 40 years. And these people are expected to go back and -- they bought the house that way, it was that way when they bought it. All of a sudden they have a code violation that they have got to respond to and they're told by the city that they have to go, in many cases they have to go get a variance for this.

Right.

Mayor Leffingwell: I raised this question several months ago and unfortunately have not yet gotten a good answer. I would like to ask the city manager to get me an answer to that question. Why can't we do something with regard to grandfathering long-time existing development? So I would -- I want to help you get an answer to that question.

I appreciate that very much. I will pass that on to the meeting tonight.

Mayor Leffingwell: Thank you.

Mayor?

I want to say I'm concerned about this, too.

Excuse me, councilmember riley.

Go ahead. I'm sorry I interrupted you. Go ahead.

Cole: I will nominate chris riley.

Just saying I'm concerned about this, too, I'm glad that you mentioned the statesman article about this. It did a good job summarizing it. There's actually a video on the statesman website that provides a nice summary. I agree with the mayor's comments, it is a real problem that we need to address. I appreciate you coming here to bring it to our attention.

[Indiscernible] it's all over the city. Feel singled out.

Mayor Leffingwell: Don't feel singled out, because it happened to the house, the current owner of the house that I grew up in right across the river from here. It's been on the ground in that state for over 50 years. They had to go to apply for a variance. So -- so -- so we hear ya. We're going to work on this.

Great.

Thank you.

Appreciate it.

Martinez: Mayor.

Mayor Leffingwell: Mayor pro tem.

Martinez: I'm glad the gentleman came down to speak about this issue. I share concerns as well. But I do -- I do want to -- to take this opportunity to remind the council that -- that -- that this specific neighborhood is in this situation because of a case that this council rejected on a floodplain variance. I don't have firsthand knowledge. But my suspicion is once we denied the resident floodplain variance, because in his testimony he said there are tons of homes in my neighborhood built in the floodplain, built decks, patios and things over time. And once we turned down the floodplain variance request, I'm almost certain that he went through the neighborhood and turned in every other home, which in this case was 70 plus homes, for code violations. And that's the situation we're in now. I certainly want to find a fix. But I think it would be irresponsible to try to find a fix for these residents and not also help the resident who came to us at

great expense, requesting a floodplain variance, doing it through the proper channels and then ultimately being denied by council.

Mayor Leffingwell: Agreed. Next speaker is scott harps.

[One moment please for change in captioners] douglas lee riley, the topic is capital metro. Douglas riley. If I can address you, i failed to address and thank -- thank a councilmember when I spoke previously. Councilmember randi shade has been a spearhead of our initiative. A stalwart, a champion. I just want to say how much I appreciate it.

Mayor Leffingwell: I appreciate that. I was going to bring it up with you later. I did notice it at the time.

I am chagrined and corrected. Thank you so much.

Mayor Leffingwell: Okay. Those are all of the speakers that we have signed up in citizens communication. So -- so without objection, the city council will go into closed session pursuant 071 of the government code for consultation with legal counsel to take up one item. Item 51, concerning agreements with capital metro relating to -- to -- to construction of transportation projects. Is there any objection to going into executive session on the item announced? Hearing none, the council will now go into executive session.

zoning ordinance and restrictive covenant items. These are items where the public hearings have been closed and I would like to start offering item 52, c14-2008-0123, property at 7309 south ih northbound. To zone general commercial services, mixed use conditional overlay, csmoco combined with conditions. This is ready for consent approval on second and third readings. Item 53 is c14 h 2009-0047, known as pace perry house. Staff is requesting a postponement of this item to your april 8 agenda and that concludes the items I can offer for consent on this portion of your agenda. so the consent agenda for those items where the public hearing has already been held is to approve on second and third readings items 52 and to postpone item 53 until april 8. That's the contended jeant. Is there motion to approve? Council member morrison moves approval, council member shade seconds. Any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 6-0. Council member cole off the dais. Mr. guernsey.

Thank you, mayor and council, let me move on to 00 zoning, neighborhood plan amendment items. These are the public hearings that are open and there's possible action. The first item I'd like to offer for consent is item 54, c14-2008-0220 for the 10,200 to 10000614 south block of ih-35 southbound. Staff is requesting a postponement of this item to your april 29 agenda. The zoning and platting commission has yet to review this request. 55 is case c14-2009-01556 the property at 2136 east 7th street. We have an applicant request, their first request for a postponement to april 29. Mayor, I believe you may have at least one person signed up for this item. I guess if that party doesn't object to the postponement we could leave it on consent. let me -- it may be a mr. david thomas. thomas has indicated from the audience that

ocean does not object so we can leave it on a postponement. The applicant's first postponement request on item no. 55. Item 56 is case c14 2010-0005 for the property located at 1405 and 1409 morgan lane, and this is to zone the property to neighborhood office, conditional overlay or no-co combining district zoning and general office-conditional overlay or go-co combining district zoning. The planning commission's recommendation was to grant the no-co combining district zoning and the go-co combining district zoning and this is ready for consent and approval on all three readings. Item 57 is c14-2009-0162 for the property located at 11902 north interstate highway 35 service road southbound. Staff is requesting a postponement of this item to your april 8 agenda. 58, this is case c14-2009-0165, for the property located at 5639 airport boulevard. This is a zoning change request to commercial services liquor sales, mixed use building-conditional overlay neighborhood plan csv co-np combining district zoning. The planning commission recommendation to grant the csv 1 v co-np combining district zoning. This is ready for consent approval on all three readings. 59 is case c14-2009-0163 for the property located at 8565 research boulevard. And this is to zone the property commercial liquor sales, neighborhood plan or cs-1-np on combining district zoning. The zoning and planning commission's recommendation was to grant cs-1-co-np combining district zoning for stands for commercial liquor sales conditional overlay, neighborhood plan combining district zoning. This is ready for consent and approval a all three readings. 60, case c14-2009-0166, for the property located at 1315 west 6th street. Mayor, I believe you have one citizen that would like to speak in opposition to this item, so I will not offer item 60 for a consent item. 61 and 62, these are related to the upper boggy creek neighborhood planning area. The upper boggy creek vertical mixed use neighborhood plan and the upper boggy creek neighborhood plan vertical mixed use zoning -- zoning opt in and opt out process for item 61 and 62 and i understand we have speakers for both of these items as well, so those will also be discussion. So that concludes the items I can offer for consent.

Mayor leffingwell: okay. So the consent agenda for those items for which we have yet to hold a public hearing is postponed until -- postpone item 54 until april 29, postpone item 55 until april 29, close the public hearing, approve on all three readings item 56, postpone item 57 until april 8, close the public hearing and approve on all three readings items 58 and 59, and that is the consent agenda. Hear a motion to approve. Council member spelman moves approval.

Second. second by council member morrison. Any discussion? Correct the record, the second was council member cole. And any further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. So I guess that brings us to item no. 60. thank you, mayor and council. Item 60 is case c14-2009-0166 known as the westend bistro. The property is located at 1315 west 6th street, and this would be just east of pressler on the south side of sixth street. The applicant is requesting a rezoning of this property to gr-v-co-np. The proposed project is a restaurant that would utilize this zoning, and they're converting an existing single-family dwelling that's been used as a chiropractor's office in the past into this restaurant use. The owner has worked with the west -- old west austin neighborhood association to enter into a private restrictive covenant that would place additional conditions on this property, and there is an agreement also to list additional limitations on the property, which you have on the dais in yellow. They speak to further limiting the property to a maximum building

height of 25 feet from ground level, the maximum height of building to two stories, that the interior side yard setback is 5 feet, the minimum rear yard setback is 5 feet, the maximum building coverage is 50%, the maximum impervious cover is 80%, the maximum floor to air ratio 7 to 1, and the gross floor of the building may not exceed 3500 square feet. In addition, there is an agreement to prohibit 28 additional uses and to make six other uses conditional uses, which would require site plan approval by the planning commission, and those site plans could be appealed to the city council, and that's contained on the handout that you have. As I mentioned before, the existing use on the property is a chiropractor's office to the north, is sf-3 zoning and residential uses. To the south is cs-mu-co-np, basically a commercial-mixed use, and used for multi-family uses. To the east is a parking lot which is zone cs-mu v co-np and then further to the west of this property is lo-co np, which is an office use. It is recommended both by the staff and the planning commission, the planning commission approved the staff's recommendation, and it was approved on consent by a vote of 8-0. The initial conditions I've read are relatively new so i want to make sure you understand that these are further agreements that i understand are made by the owner and an agreement with the old west austin neighborhood association staff does not object to these additional conditions and would be prepared tonight, if you so choose, to approve this on three readings, with those additional conditions. At this point I'll pause, if you have any questions, and as I mentioned before, there's at least, I think, one individual that would like to speak regarding this case. so the additional conventions, the ones you read to us, are in addition to the co already approved by the staff -- already recommended by the staff and the planning commission? that's correct, and we can easily incorporate these into an ordinance, if you wish to take action on all at least readings today. Questi questi ons of staff? Council member morrison.

Morrison: thank you. I have a few questions, greg. One, in the additional site development regulation there's a maximum height of a building of 25 feet from ground level. Is that not -- what do you mean by ground level? Is that not -- natural grade adjacent to the building.

Morrison: okay. Because there's a lot of interesting topography on those lots, I think, so i think we need to make that clear, ground level, if it means natural grade. And then another question i have is in terms of the uses, the limitations on the uses, can you -- I don't know if you can do this or not but are these basically pulling back gr uses beyond restaurant use that's needed for the intended project? I'm looking through the list of uses and those uses that are listed are probably those that fall into the gr category, so it brings it closer back to an lr or neighborhood commercial type of zoning, and, you know, if not all of these uses look like they are gr used, based on what i can see. The exception might be the service station use, which is permitted in an lr neighborhood commercial district, and the -- that may be the only one I see on there. I know the neighborhood plan also has some limitations -- recommendations for limitations on uses, i believe, on fifth and sixth street. Do you know if those are -- they would have been on the conditional overlay on -- with the existing zoning. So do you know if -- I don't know those off the top of my head. I can look at those and get back to you. I know one interesting thing that was noted in the old west austin neighborhood plan, and it's listed on the issues portion, is that the adopted old west austin plan states the south side of 6 street for those on sixth street [inaudible] should be permitted. This is something I would not advise commission and council to do on any current neighborhood plan because i think each case needs to be looked at individually and we've already experienced further west on sixth street some instances where the neighborhood plan was so specific it spo access-specific i guess uses

within structures as you get closer to mopac, and based on decisions made by prior councils and action taken by staff, we feel comfortable still recommending a little bit more intensive zoning on this property, but we acknowledge the statement that's in the plan which is a guide for making decisions, and we look at those on a case-by-case basis. right, and it appears to me that with the limitations on the site development regulations and the limitation on the uses, it's a very small incremental -- it's like the minimum incremental zoning needed to allow the intended use, maybe -- maybe when the applicant speaks they can speak to that.

And actually they're actually more restrictive than what you would normally find in an lo or lr, neighborhood office or neighborhood commercial district, because you could get, you know, greater height, up to 40 feet, in this case we're only talking about two stories or 25 feet. So it's greatly -- more restrictive as far as some of these site development standards. so if we could just double-check and maybe staff can work with you to make sure that any of the limitations on uses that were in the neighborhood plan got captured -- we'll check on that while the others are testifying.

Morrison: thank you. we have a presentation from the applicant. Five minutes.

Mayor and council, I'm jim bennett and I'm here this afternoon for the zoning change that's before you. If I could report to the council that we did go to the planning commission, had a hearing there. We were still working with the neighborhood association to finalize the agreements that's for the additional conditional overlays prohibiting certain uses occurred after the planning commission, and that's the reason we've also included them. guernsey has included them to the backup ordinance that you have. We met with the old west austin neighborhood association and their representatives have also, in addition to the ordinances proposed to the restrictive covenant that guernsey indicated to you beyond what couldn't be in the conditional overlays. And I think everyone is well satisfied that the uses that we're proposing are certainly within the framework of what they want to see in their neighborhood. Additionally, we are proposing to keep the existing building, which as council probably knows, a lot of those buildings are old residential buildings. The encouragement is to keep those buildings, allow the change of uses to occur in those and that's what our intent is for this property at the moment. We're not intending to tear down the existing building. We're going in and making modification to say it. As council member morrison pointed out, there are some unusual topography problems here. The parking area to the east of us, the vacant lot where our parking will be on, is substantially lower than sixth street. We're looking at our primary access points coming in off of the alleyw exiting -- entering and exiting the site from 9 the alleyway the alleyway instead of sixth street. Once you visit the restaurant one time certainly you would use the alleyway on your second visit if not your first. A lot of thought has gone into this zoning change with the association and other neighboring properties. I believe you do have one dissenting property owner that's on the property next door to us, and we just couldn't get to there on that one piece of property. I think with the restrictions and covenants and conditional overlays that this would certainly fit in with the overall scheme of the neighborhood plan as well as the neighborhood association. I'll be available should you have any questions. thank you. No other speakers signed up for, one speaker signed up against, doug lion. Doug lyon, you have three minutes.

Council, thank you. First of all, there was a chiropractor in this location that was stated earlier. That chiropractor has since gone out of business -- not gone out of business, had to remove their business because of the development around this location, and a lot of that, if we can pop open that powerpoint real quick. This is the location off of sixth street. Basically what happened, when the doament -- five-story building went up behind both of our properties, the chiropractor's clients could not turn off sixth street. The applicant is requesting that this actually be a valet parking area. When the clients start coming into this area, i think they realized after one or two fender benders they would no longer pull in off sixth street into this location, and if you could just see the size of the driveway, we see some serious issues with traffic there, and once again, a business has had to move -- the previous chiropractor had to move its business because its clients would not pull into this driveway that is being requested to be used as a main entrance and a valet parking area. It's called called, a quote/unquote, restaurant. We actually thought this might be kind of fun, a little bistro next door, and then we found out it's a full-service bar that will be open until midnight at night. This is the first time an old house this west of sixth street has been converted into a bar, and we have an executive office right next door with three businesses we run out of it, where some of our staff are there up 00 at night, if we can continue. You can see how narrow this driveway is. She's going to be asking people to -- the property owner, to come down, which we think is going to be close to impossible, and if you keep flipping through, this is how close our properties are. This is exactly right on our front porch balcony looking at this bar. She's building it -- she wants to build a deck around this, so we have some very serious -- because of the bar nature of this restaurant, we have some very serious privacy and security concerns, being the landowner next door. If you continue going through these slides. Once again, this is out an office window looking at where this bistro bar area will be and you can see the close proximity to it. We have limited engagement with awana. Awana never called us, didn't ask us to attend a meeting, what we think about this, what we think about that. We were never -- this has happened so rapidly, just like the development behind us, that we really haven't had much time to really prepare, but we are in absolute opposition. We just feel like now that one of these quaint old early 1900 houses is being turned into a bar next door to us, we believe it needs property security and sound barrier systems in place before that happens, and so all we're asking, we would like to go on record as stating we do not support the zoning change until our concerns are addressed. We request a postponement on the vote so that we can continue to meet with the landowner and future tenant to get these concerns addressed. Is that my timer going off? that's your time. Thank you.

Sir, mayor? council member spelman. You're the landowner next door? Yes, sir. What's the use of the next door property. Of our property? Yes. Office, executive offices. So you're in operation 00, thereabouts.

No, about 9:00 to 10:00. We have an experiential business that runs until at night, with office managers who are running a different -- we do a lot of business across the state running experiences on a marketing level, so we have to have our managers here running those experiences throughout the state. We have staff that stay 00 at night. So the concern is the amount of traffic, the privacy, everyone turning off sixth street, all those headlights are now coming into our building. The patio is now staring into our office, which obviously we're a business office, we have a lot of equipment, a lot of valuable computers, et cetera. We actually have inventory in there for another one of our companies. But security, privacy and sound are really our biggest issue and we just don't believe this neighbor, or the neighborhood did a good

job in saying, hey, property owner right next door, what do you think, what would you do? And like I said, the tenant seems like a very lovely woman. She said bistro cafe, and then when we found out she was going to have a full bar and be open until midnight, that's when we started to have concerns, especially with the patio area and the privacy. We've already had a break-in in this particular location. I know -- I'm not familiar with how the zoning process moves but I know after you-all vote it goes somewhere else. But I think once they take a look at this sixth street pull-in, they're going to have -- they're going to have some questions, and we do too on that.

Spelman: thank you, sir. Appreciate it. no more speakers, so applicant, you have three minutes rebuttal.

Council, as part of a restrictive covenant that we've entered into with the awana association, we've agreed not to obtain or seek to obtain any late hours permits for any alcohol. We've also agreed not to seek or obtain in or have any amplified sound on the outside of the building. Relative to the patio, I'm not sure what patio. We don't have a patio on our property. There is a difference in elevations between our lot and the adjoining property to the west, the speaker's property. This is not a bar. It will be a restaurant. It will serve alcohol, as is customary, secondary and incidental to the sale of food, and we are proposing an outdoor deck. The deck will be built on the east side of the existing structure are, away from the speaker's property, with the intervening building in between. I think I've -- oh, all the requirements for access on and parking and everything will certainly be done at the site plan stage which we've been required to do as part of putt putting in the parking, so accessibility and other things will be addressed. We think that the primary access will be from the alleyway and should not cause a problem on to sixth street. Once again, council, it is a restaurant, no late hours, no amplified sound, all the improvements will be to the east of the building as far as any additions, and those have been noted in the conditional overlay and the covenants with the awana folks, and I think I've tried to address most of the points that I could. is the amplified sound, you say that's in a restrictive covenant with awana?

Yes, sir. and amplified sound, what does that mean? Does that include live sound?

If I can, mayor, I'll read from the restrictive covenant. It's paragraph 3. I don't know if you have it, but it says, "owners agree not to obtain, seek to obtain or allow any other person to obtain or seek any outside music venue for the city of austin on the property's premises. The first one addresses -- the first thing addresses the alc beverage, no late hours, not to obtain or seek to obtain outside amplified permits from the city of austin. That's the second paragraph of the covenant. And then three is the outside music venue, so we've tried to address all of that. There may be a guitar strummer or something that may be playing on the deck, but certainly it won't be amplified sound. It would just be normal acoustic -- i thought you said no outdoor music when you read it. No outdoor amplified sound. Any outside amplification permits, so if there is a guitar player, it would just be from the normal acoustics of the guitar, no amplified sound. and the neighborhood association is in support of your request? Yes, sir. Anythi anythi ng else from council? Okay. Entertain discussion, or a motion on item no. 60. Council member riley. Oh, council member spelman. I want to ask -- you were moving your hand slower than the other. I thought chris was going to beat me to it but I guess not. May I ask you a question?

(Audio interference) that wasn't the question. Was that me? [Laughter] I understand. It seems to me the fellow next door has -- could have a legitimate gripe with respect to sound. Is there anything you can do to soundproof your building, at least on that west side? You're going to have a lot of people at a restaurant and they're going to be making a lot of noise. He's got some people who are trying to get some work done 10 feet away, at the minimum distance -- a small distance away, in the next house over. Is there anything you can do to soundproof that operation so that there will be less noise coming across the property line?

We'll certainly do what we can, council member, but the parking is located on the east side of the building, so that takes that traffic noise away from it. Additionally, the deck is built on the east side, with the house in between, so that takes care of any outside noise from the deck. The only other noise from the inside of the building would have to, you know, penetrate the walls. There is an existing fence on -- I believe it's actually on the adjoining property, not ours, that's in disrepair. We did discuss -- my clients discussed fencing with the property owner next door, and that discussion got into fencing, as I understand it, his entire lot with wrought iron fencing and some other elaborate kind of fencing other than normal cedar fencing. Because of the retaining wall that's on our west side, I don't believe we have any room to put up any fencing on our property because the retaining wall and the driveway is right there -- at the house, the driveway and the retaining wall, which I don't think is on our property.

The fence would have to go on top of the retaining wall which is on the property. Which is on the adjacent property, I believe, yes. Would you be willing to pay for a fence on his side if he decides to put one up?

I think we offered to share a portion of his fencing that he was wanting to do. That portion being, of course, what's adjacent to us, not around his whole property on on pressler and the rest of it. Sherri jones, the operator of the bistro, had discussions with him about fencing and sharing the cost of the fence. so you've had discussions with this fellow about sharing the cost of the fence, about noise more generally and about other issues as they come up.

Yes. I encourage you to have conversations because I'm sure when you have two disparate uses that close to each other, particularly after hours, then there are going to be a lot of issues that are going to have to come up.

True, council member, i think in our design and limitations from where everything is, everything that's possible is moved as far away from that west property as possible. The property owners to the east of us are in support of the change. We have letters from them, edwin williams, and -- as well as from linda asap, supportive of it. So we're trying to keep it as far away from the west property as we can. I applaud you for having done that and for having set up a restrictive covenant which includes for, among other things, not seeking an amplified sound permit. I think that will go a long ways toward making people around you happy. Mayor, I move approval. so council member spelman, is that to close the public hearing and move on all three, second by council member morrison. Any further discussion? Council member morrison?

Morrison: thank you. I know this is a challenging Lyons is in a particularly challenging place that the Pressler project went in right behind him. I think it's very desirable that this older home is going to be maintained because maintaining the character of the neighborhood along Sixth Street is a real challenge, and I think that a lot has been learned over the past few years in the neighborhood with the items that have been listed in the restrictive covenant, including outdoor amplified sound. There's also limited seating that's allowed outside, and there's also a limitation on going for a late night beverage, alcoholic beverage permit. So all of those things are very mitigating in terms of the impact that's going to have, and to see that location being rejuvenated as a restaurant, it's not a bar, there really are very distinct differences, I think is a positive thing. I would hope -- and I think there's a representative from the Awana zoning committee, here, hello, Mr. Halford. I think it's a shame that the connection wasn't made in the beginning, or perhaps it was, okay? But that's obviously a very important piece of it. But with all that I am going to support it. I think it's going to be a positive use with the potential negative impacts seriously mitigated with the agreements that have been made. thank you. Motion and second, all in favor say aye.

Aye.

Mayor Leffingwell: aye. Hold on.

I just want to make sure that the maker of the motion and the second are -- I spoke some additional conditions that I read in the record that were on the dais, and I think there was a reference to change the word -- I thought that was implied, but just -- yeah, all of the additional co's that were read into the record, including the prohibited uses.

Greg, let me also add that I was implicitly accepting council member Morrison's suggestion that instead of ground level we actually amend that to natural grade level. Very good. Thank you. all in favor say aye. Aye. Mayor Leffingwell: aye. Any opposed? Passes on a vote of 7-0. So I believe we're up to items 61 and 62, together.

Good afternoon, Mayor and Council, my name is George Adams. I'm with the planning and development review department. Items 61 and 62 are related. 03, the upper boggy creek vertical mixed use neighborhood plan amendments. Item 62 is case C14-2009-0102, upper boggy creek neighborhood planning area vertical mixed use opt-in/opt-out application. Will you put the map up, please? The boundaries of the upper boggy creek neighborhood planning area are on the west I-35, 26th Street and Comal Street. On the north and east, Airport Boulevard, and on the south Martin Luther King Boulevard, Cedar Avenue, Rodgers Avenue, Walnut Avenue and Manor Road. Within the upper boggy creek planning area, Martin Luther Boulevard is classified as a core transit corridor, an airport -- and Airport Boulevard and Manor Road are classified as future core transit corridors. The vertical mixed use district along these roadways consist of 42 acres on 20 tracts. As part of their vmu application the neighborhood contact planning team recommended the following. Maintain tract 1 in the vmu overhead district but don't apply any of the related standards to that tract. Apply the parking reduction and additional uses in office districts to tract 2. Apply all vmu-related standards, that includes the related standards, the parking reductions and additional uses in office districts to tracts 3 to #, and 100 to 109. Apply only the parking reduction to 10, 12, 14, 16, 18, and 23 through 26, and exclude tracts 11, 13, 15, 17, 19, 21 and 22 from the vmu overlay

district. The final recommendation from the neighborhood planning contact team was an affordability level of 60% of medium family income for affordable rental units and vmu buildings. On february 9 of this year the planning commission concurred with all of the neighborhood recommendations with the exception of tract 2, which they recommended to exclude from the overlay district. The planning -- in addition, the planning commission recommended the two neighborhood plan amendments that are before you, and these would apply a mixed use designation to tracts 1, 16 and 18, and a mixed use office designation to tracts 3 and 109. guernsey mentioned earlier, there are several folks who are signed up to speak on this, and i just wanted to provide a little information on what i think they're going to speak to, which is tract 3. Tract 3 has a public restrictive covenant from 1984 that has a number of limitations, places a number of limitations on their property. One that i wanted to specifically mention reads "no building or land shall be used for any purpose that requires 24-hour a day activity or for any purpose that requires other than normal hours of operation," and those are defined as 7:00 a.m. to 7:00 p.m. Monday through friday in the restrictive covenant. So i wanted to provide that information as a resource in your consideration of tract 3. This case, i believe, is ready for all three readings and i'd be glad to answer any questions you might have. Questi questi ons? Okay. We'll go ahead and go to our public hearing. The city is the applicant, and you've already made your pitch there, so we'll go to those signed up for. Gerard kenny, is not here. And i have no other speakers signed up for who wish to speak. So we'll go to those who are against this recommendation. Our first is raymond joseph. Raymond joseph. Okay, while he's working his way up here. Robin graham moore, are you in the chamber? Okay. Brian graham moore? And tom johnson? Tom johnson.

[Inaudible] earl be earlbe rg can speak first, and since all your folks are here, you will have 12 minutes. Earl berg will speak first. Susan bradbury, is susan here? [Inaudible] mayor leffingwell: yes. Thank you very much. Mayor leffingwell: okay. burg, you have six minutes. Thank you, mayor and council, earl berg is the name, resident over there, and my present -- in my present home since '77. We had a -- we have a petition signed by all 27 residents that surround this property within 200-foot, and 100% opposition to mu. We want it to stay o office, with the covenants in place. I was told by ricardo soliz that used to be over planning and zoning, that if we were to get 20% of the signing in opposition to the mu, that would stay o office. I don't know unless something has changed. We have 100% signed, on 27 houses that surround this, within the 200-foot. I hope that this is good for keeping our o office zoning. Thank you.

Sir, may I -- council member spelman? you have expressed very eloquently your opposition but you haven't explained why. Will the next speaker explain why or could you shed some light on it.

Well, I could speak to that. very, very briefly, sir.

Yes. It's a very narrow, very narrow strip of land that we're talking about from east 40th to schieffer. That's this tract 3. It really doesn't lend itself to mixed use, to my way of thinking, and to our neighbors' way of thinking, because of the use of it, the noise of it, the this, the that. It's o office is suitable for that, even to have a rendering back in -- when gus garcia and two other parties owned that property, i negotiated with gus garcia these covenants, and tom pledge and -- gosh, who else -- the covenants that go with this property. We're all in agreement that it's suitable for office. We just don't think that if you have an office below and you have residents above, that it's going to be suitable, because the property sort of slopes to

the creek behind us, which even in the covenants we put the restrictions so that the windows facing our residents across the creek would be high enough so they weren't looking into us. So it's a privacy thing, it's a noise thing. It's really suitable for office -- I'm sorry to take too much time, but I think it's just suitable for office. Thank you. could I ask a question of staff regarding a comment that was made? And it had to do with the point -- it sounds like he's claiming there's a valid petition. Is there a valid petition?

Mayor, with -- there -- there -- certainly there's enough signatures of the surrounding property owners to normally qualify for a valid petition. With the vertical mixed use applications there's a little different treatment of the valid petition rights, and I can explain those if you'd like. Mayor leffingwell: yes. Okay. The -- the determination that we got early on in the process was that for properties that are within the vmu overlay district, and I'll just remind you very briefly, that was created at the time of the adoption of subchapter e. The properties that are within the vmu overlay district and the application of the vmu standards, that is the -- you know, the incentives for vmu, are not petitionable. This is, in essence, a continuation of the process that was established upon adoption of the ordinance. Now, if a property is being excluded from the overlay district or if there are properties being added that are -- there are properties proposed to receive vmu that aren't within the overlay district, those -- those situations would have petition rights. say that again, properties that are proposed? There are three different conditions that you can have. You can have a property within the overlay district, and the question before you is -- the questions before you are do the vmu standards, some or all of those, apply to those properties? Those situations are not petitionable. The question of whether to exclude a property from the overlay district or provide vmu to a property that was never within the overlay district, do have the petition rights. well, that's kind of baffling in a way because a valid petition is a state law, correct? That's correct, but -- you're passing a city ordinance that overrides the state law? Well, I think the -- and shaw might be able to speak to this more eloquently than i, but i think the interpretation that was taken that because the council created the overlay addition upon adoption of subchapter e and the process of the outline said that we're going to request recommendations from neighborhoods and then the council will make a final decision on that at a later time, that that provided a -- I guess a different set of circumstances for those properties in the overlay district. would you like to make a comment? I think george is correct. Basically to summarize, this is the end of the code amendment process that established these design standards. This is not considered a zoning case for an individual property, where if it was an individual case we would have a petition f that's -- thank you for summing that up. that sheds light. Council member morrison? I have a question for mr. adams. In the -- I guess it's a public restrictive covenant -- that's correct. one of the limitations -- maybe you can help me understand -- is that no building or portion thereof should be used and no building or portion thereof shall be constructed except for one or more of the uses allowed under o-1 office district, and then it goes on to say, except -- actually limited down more than that. So I'm wondering how we can even be -- so wouldn't what we're considering -- what we're considering, wouldn't an mu building be in violation of this? I'm going to have to look guernsey on that specific question. I think the question is, would residential be permitted under the o office district, under this code. Now, before greg speaks to this, I would say that the previous restriction that i mentioned on the 24-hour operation, we interpret that to mean that -- essentially, that residential would not be permitted on this property without amending the restrictive covenant to take that restriction away. Morr I guess vertical mixed use requires residential; is that right? That's correct. I think the question dealt with the old first area district? Is that what you're speaking of? my real question is I'm trying to get to understand under this rezoning, or adding

v to it, would be allowed beyond what they have now under the restrictive covenant. It sounds to me like we're adding zoning that can't even be used because of the restrictive covenant, or that's what I'm wondering. the property owner could come back and request an amendment to restrictive covenant to either modify it or terminate it in the future, and this would not preclude the property owner from making that request and you would revisit this, I guess, in the future, if that -- if the zoning was actually successful and the ordinance/amendment was approved today. so this would be like one step in being able to change what used to be on the properties. Guernsey: that's right. They would have to take two steps in order to be successful in getting the residential. but as it stands now anything that's above and beyond what they can do now in v would violate the restrictive covenant? they would have to amend that restrictive covenant to allow that, i guess the 20 -- I think what george may have mentioned, there was a pro prohibition on 24-hour activity and certainly residence would be a 24-hour activity. In the old height area, under old zoning regulations prior 1985, o first height and area did allow residential uses. There are some limitations on whether or not you got a conditional use permit, depending on the number of uses, but our old zoning used to be what was called cumulative, and so as you went up to a, say, a less restrictive district, like a commercial district or industrial district, we allowed residential uses in all those districts, so so even back at the time when original zoning was put in place for o first height and hearing, the zoning regulations would allow residential uses in office districts. and just one more question. Since this is a public restrictive -- this is a public restrictive covenant, is that correct? To amend a public restrictive covenant we take a process that's very similar to a zoning change. It would require notice. We would have a hearing at the planning commission in this case, and then it would come back before the city council for your review and approval. but it doesn't require the approval of the neighbors? It wouldn't necessarily require approval of the neighbors. It would require your approval as well as the owner making that request. Morrison: thank you. mayor, can I ask a question of staff before they sit back down? council member cole. I just -- so now i understand -- well, I think I understand, but I never understood it when brewster was here, but -- but now you do? Cole: [Laughter] but now lorri explains it. So we have something that looks like a valid petition, but it isn't really, because this is a vmu case. So can we exclude this tract? Guernsey: yes. Cole: okay. And then the public restrictive covenant would still apply. Guernsey: that's correct. and if they have alternative uses that they want for that they would have to bring that back again? Guernsey: that's correct. Cole: okay. How was that, mayor? that's good. So you can exclude any tract, it just doesn't require the super-majority. well, if you are excluding a tract that's currently within the overlay district, that would require a super-majority. but i mean the case we're -- case 1 that we were talking about, when it is within the overlay. yes, that's correct. all right. Raymond joseph? joseph, with all your donated time you have 12 minutes. And while you're making your way up here, I will say that jeremy masour had signed up for, but unfortunately, masour you signed up saying you didn't wish to speak, but I'll give you the opportunity to speak after this gentleman here. mayor, members of city council, ladies and gentlemen. My name is raymond joseph. I live at 1816 east 40th street. I've lived there for just a little over 50 years. Now, I'd like to back up a minute as when we first bought the property. emmett sheefer and my wife specifically asked him, what would be put on the boulevard. He said nothing but beautiful homes. I now time changes, every boulevard is slow moving, but this has been going on for 49 years. I 34 years old, and the first council, some man wanted to put 94 apartments on the property. What kind of dump site would that be now? dryden asking the man, are you willing to build homes? He said no. Are you willing to put duplexes? He said no. dryden was a color man. He had his own way of words. But anyway -- was a colorful man. He had his own way of words. But I would like to know why the

petition is invalid. We were told by someone -- i don't know who said it at the beginning. Somebody came from the planning department, that we needed signatures from 200 feet from the boundary of the airport property, and I started getting signatures that said, you're doing it the wrong way. And said you have to have the signature, a printed name and the address. And susan bradbury got all this information for us, and we went around the neighborhood getting all the -- all of the signatures. We couldn't have gotten more out of 2 -- we could have gotten more out of the 200 feet range. A lot of people wanted to sign it. I said we have to be 200 feet to be legal. They said why? It's not valid. browning who do I take the petition to? He said I don't know but I'll find out. Good. So earl called mark walters. He said bring it up to him. We took it up to him. He said they'll take care of it. brenan called me and said, I have the petition and it's not valid. And I asked him to explain that to me. And I really wasn't satisfied -- it was talking about 2006 there was a zoning change or some kind change, and in 2002 we took this petition and gus garcia was the mayor. They tabled it. They wouldn't even hear it. As a matter of fact they didn't even bring it to a vote. And here we are again in 2010 over the same thing. We'd like to keep it as it is. I know that -- like I said, I know times change, but people want to come in there and just do what they want to do. I don't know how there's ingress and egress off the boulevard, 45 miles an hour speed limit and there's a drainage ditch. You don't have to a picture of that, do you? I've got a picture here. I don't know if you can put it on up here. Do you have a picture of the property? Yeah, you got the -- let me give you -- I got a better one here, if I can find it. I've got so much stuff here. Here you go. On the corner of schieffer and airport the city owns a little right-of-way there, the strip of land there. Now, if you'll -- if you'll 40th street runs to the south and there's three houses there, plus the miller house, and just -- just behind our property line about 100 to 150 feet there's a large -- either -- what do you call it, a drainage ditch, looks like it's 5 by 5, and that has to be taken into consideration too, as to who's going to pay for it when they -- if the property is developed. But I'd like to know why the petition isn't valid. It was valid in 2002, but i know rules change, but what does a person do to protect his property? If we get a petition signed by all the people in the immediate area and they come back and say it's not valid. Now, if you want 100 more signatures I'll get them for you. If you want the whole schieffer area I'll get them. But I'll say this. The schieffer area is a beautiful area, like rosewood. It's kept up, beautiful homes -- my mouth is getting dry now but -- I'll have to quit talking. But I do want you-all to know it is a beautiful area, and we are the schieffer. We're not the cherrywood area, delwood area, the neighborhood association, french place. I know you're shaking your head. I just want you-all to know how I feel about it. It's all -- if I was just all calm and acted like this, but I do thank you for your time. And you-all do this all the time. I didn't want three minutes in the limelight. I just want to try to protect our neighborhood and I'd appreciate your vote. Something else -- I want to read something about votes. Can I read something about a vote? you got 6 minutes left. In 1778 one vote gave america the english language instead of german. In 1945 one vote brought texas into the union. In 1878 one vote gave hays the presidency. In 1941 one vote saved the selective service a week before the pearl harbor attack. One vote, that's all we need, that extra vote is all. And I thank you all. If there's any questions I'll answer them. that you, mr. joseph. Question from council member shade. I appreciate the fact you're working so hard to protect the neighborhood and I also appreciate the fact that this is confusing is because what this is is not a zoning case. When we do have a zoning case then the valid petition would be something that you would bring forward, so i would suggest you, you know, save that till the time that this is a zoning case. Right now this is a neighborhood plan amendment, and so I -- you know, i don't -- this won't be the last time you'll be able to talk about what's going to happen on this property. If it comes up to a zoning case, we can come forward again to understand that? yes, and I think it would be really

helpful if staff would explain that because it is pretty confusing. I didn't understand it when brewster was here either, and I still don't understand it even when he's gone. Maybe staff can clarify that. What we're voting on today is not a zoning case. Is there somebody from staff who would like to come forward and help clarify that, please? I thank you for your time. Appreciate it. thank you for your time. council member morrison. I want to say to the gentleman that I want to ask you a question in a minute. Yes, council member. I guess at its most simplest, what we're dealing with on this particular tract would be a text amendment, so the question at hand is not whether the vmu zoning applies but whether the property would receive the vmu-related standards. So these are in essence the incentives for vmu to apply. Apply. Shade: right. It's going to make the discussion at some point when somebody wants to develop something, it's going to broaden the number of things they might consider, but this is not changing the zoning per se. It's -- whoever develops this piece of property, the incentive will be for them to work with the neighbors. Otherwise you'll still be able to bring forward a valid petition at that time. Is that correct? Well, the -- in essence, if the -- if the property remains within the vmu overlay district, the -- as it currently is, the property owner could -- well, this is -- this is a strange case because it has a restrictive covenant, but if it remains in the vmu overlay district and if they amend the restrictive covenant, then they could do a vmu project on this property. But there is that interim step that would be required in amending the restrictive covenant to allow that to happen. and what would the steps be for amending the restrictive covenant? guernsey mentioned those, but there would be notice provided -- well, the property owner would have to apply for an amendment to the restrictive covenant. Notification would be required. It would go to the planning commission and the city council. Council would have the final decision on that. it's still a lengthy process. [Inaudible] are there any more questions? we have a question from council member morrison. I just wanted to clarify something, make sure we got it clarified with you here with illegal. Council member shade had mentioned valid petition being part of the process later on if a project wanted to be built, and I just want to get staff's opinion -- legal's opinion on that, because it's my understanding that if they got the v, then the only other obstacle to building a vertical mixed use project would be changing the public restrictive covenant, and my question to legal is, does that process recognize valid petitions, changing a public restrictive covenant? I don't think that a -- and I would have to be absolute -- I'm not absolutely sure, but I am almost positively sure that a valid petition does not factor into the amendment process for a public restrictive covenant. Morrison: okay. So just to be clear, it's very baffling, and frankly i think it's unfortunate that the situation is the way it is now, but it appears that no matter where in the process between now, if it's approved, and building something would a valid petition kick in the special voting environments that you were looking for, and -- requirements that you were looking for, and I'm sorry that's case but I wanted to make that clear. It will kick in? Morrison: it will not. Is the restrictive covenant still protected? the restrictive covenant, as I understand it, would have to be considered at planning commission a change and at council, but you-all don't have to agree to it as if it were a private restrictive covenant, so it could also be changed. But I think it's an unfortunate situation. clarified, and thank you. council member shade. so nerd, when and if this were -- in other words, if this were to come forward and the restrictive covenant were to be amended it would go through planning commission and back to council for a vote, and at that point you and all the rest of the neighbors would be able to oppose it, but it wouldn't require the super-majority vote from council -- I have a question. Can we skip -- I'm sorry, ma'am. Can we skip the planning commission and come to you-all? I'm serious. I really am. So I guess not. well, I have another question for staff before we go on. Are there any deed restrictions on this property? Not that I'm aware of, mayor. I know we -- there are some in the residential areas on airport boulevard. We ran across

that a few months ago. Right. I'm looking at the staff member who's been working on this case for a while. Not that we're aware of. and i know that the city does not get involved in deed restriction cases.

Guernsey: that's correct. but at the same time there is a matter -- it's on record that there is a resolution that was passed a few years ago by the austin city council saying they would not zone in opposition to a deed restriction. Is that correct also, right? that is correct. it might be a good thing to know, even though you're not really in the business of enforcing it, it might be a good thing to know whether or not that exists before you make a zoning recommendation, or at least make us aware of it, like i guernsey has in the past. The time has been used, but we'll be -- what is your name? [Inaudible] let me granmore, what did you want to tell us? Come on up. I recognize it is a legal issue -- wait till you get to the mic before you start talking. Remember this -- make this very brief. I'll be very brief. I recognize there's a legal issue about what's a valid petition or not, but the council does have an opportunity to go ahead and reject this change, because with the change does is open the door for another fight. you're absolutely right. All the valid position does is require a different kind of majority. And believe americas the cherrywood -- me the cherrywood neighborhood association doesn't speak for this group of neighbors in the schieffer place. They just don't speak for us. Mayor leffingwell: okay. Thank you, sir. Thank you. so now we'll go back to the one person signed up for, and that is jeremy masour, and i see you've corrected the record now. mayor, council, thank you for allowing me the opportunity to speak. My name is jeremy mazor and I'm chair of the cherrywood neighborhood association committee. I checked the wrong box, i checked to speak in favor of 62, not 61. I apologize for the confusion. To keep my comments brief. I want three points to make this afternoon. First is that the cherrywood neighborhood association supports the staff recommendations relating to future land use map amendments and vmu within our neighborhood. And to clarify where our neighborhood is, it's the area north of manor road. It's bounded on the south by manor road, to the west by i-35, and to the east and the north by airport boulevard. And tract 3, the property in question, is located within the boundaries of the cherrywood neighborhood as it is right now. Again, as I said, the neighborhood association supports the staff recommendation for flum amendments and vmu within the neighborhood. Second, and this was approved at a general association meeting in february and reaffirmed at our steering committee last night, is that we would not postpone a postponement of action on tract 3, which is a 4020 airport boulevard property that's in question, if the property owners believe a postponement would be of value. So again, we would not oppose postponing action on tract 3. With that being said, we want to emphasize that the association's acquiescence for postpone, in no way effects our opinion on flum amendments and vmu in the neighborhood. Thank you. Thank you. And we have one more person who is signed up now for, amelia lopez. Mayor and council members, I've actually signed up to respond to questions, but I guess that was a mistake so I modified it. I'm representing the landowners of tract 3, and you have to excuse me, I've got a little bit of a cough. I think a lot of the questions that have come up, staff has tried to clarify numerous times, even before today, and the thing is, this proposal came from the city of austin to propose this change. Our client was not in a position to go ahead and develop it or design anything or spend money to design a conceptual site plan, negotiate terms, modify restrictive coves or conditions that were approved back in 1984, and on that note the 1984 regulations that were in place at that time were definitely not as strickt as they are today. -- Strict as they are today. Commercial design standards at a minimum. The restrictive covenant does clearly state that we have to go ahead and comply with the codes that were in play in 1954 or whatever is in place at the time we come back to develop it, which are stricter. And of course in this case it would be today's code. That makes this property even more difficult to develop and design as the neighborhood represented, because it is not a

very -- it's not a very deep tract. It's very long and not very deep. There are lots of condition we have to challenge with. Everybody knows here the economic situation on land development in austin. We're not in a position to come in and design something to develop this tomorrow. There's a reason this property, as well as others with this type of restrictive covenant that is -- back then it was called a zoning -- it was called a type site plan zoning case. They had a site plan tied to that. There's a reason those are still vacant. The banks won't touch them. Developers run for those. Unless they're desperate they'll go for some other property with all these types of conditions on it. To the point the city acknowledges in 1988, the city [inaudible] to allow and accept site plans on the zoning cases with conditions, so when you have a restrictive covenant, you have the conditions clearly laid out, and in most cases, at least the ones that some of us work on, we encourage it to be a public restrictive covenant. I know the city doesn't like to do that, but as the only safety net that we can offer up to the neighborhood associations, for them to know that the city council will be voting on this if we come back and modify this. So what we're asking right now is not to take this tract, tract 3, out of this whole mix, that the city of austin is actually the one that applied for. This -- the city of austin went ahead and triggered the financial clock for my client. My client was not in a position -- they're not a big developer, they weren't in a position to start negotiating and redesigning something that was done almost 20 years ago, so now to go ahead and tell him, I'm sorry, we did this to you and the heartache and everything else and the financial, but we're going to pull you out of this and you come back and do this again later and have more fun. I just don't think that's right. When the client does come back to develop this, whether it's next year or in ten years or whenever, they're going to have to design and look at all the current restrictions and the development regulations the city of austin has.

Mayor, can I go ahead and get a couple minutes? > Finish your statement. We're asking that travis county has increased the property value, that the city of austin is collecting taxes on, as well as the other entities, from \$60,000. In 2008 it jumped up to 288,000. So you cannot tell me you have a piece of property here, you're not going to give the same rights to the other property owners that the city planning department and the commission is proposing. So we're asking you, in fairness, as professionals and in the good spirit of trying to encourage development on airport boulevard, and keeping in mind that we have to comply with all of this, and those of you who have worked for with me know we go back and work with the neighborhood closely to work out these conditions, if we come back and modify, if we'll have to modify this. You can't do anything with the vmu unless you modify this. So we're asking you-all to be fair and at least let them get through this process, that the city of austin is the one that initiated and let us move on to the next -- so we can move on whenever that should happen. I'm here to answer any questions. Questions? Okay. Those are all -- council member spelman, did you have a question of a speaker or -- I have a question of amelia. Does your client have a specific purpose in mind for this site? Right now we do not. Spelman: okay. So from your point of view, it could be that a reasonable purpose for this site from your client's point of view would be to construct an office which would fit the restrictive covenant that's already in place? I'm sorry, say that again. could your client profitably build an office building of the sort that would fit within the restrictive covenant? Well, we haven't analyzed it. It's hard to answer that question. If it's in compliance with the vmu and in compliance with the zoning -- right now the point is, if you approve the vmu on this you have vmu lo and that's all that we would be allowed to do within the compliance of the restrictive covenant for any modifications. But as far as building an office on there, possibly, probably. How we would do that, how it would be laid out would be based on all the things about the land. I can't give you a clear answer because we don't know. We would have to analyze it. Spelman: okay. So -- but your interest in pursuing the vmu is what then? It would be for vertical mixed use but it

would be office, and that's what we have right now, is lo office. So we would just have to see what we can do. The thing is if you start getting into a property that was brought before the city and that was taken out of the mix, when you come back and the developers and the bank start looking at these cases and they see the history, they research the history on these tracts and they say, you know, this is really strange, this is on airport, it's a long tract. It's on a corner, and you got pulled out of something the city wanted to approve that the commission recommended and approved and the city pulled it out, and we understand -- and they understand there's neighborhoods around and all that. They're going to get concerned. So you've got to get your money somehow to pay for the consultants to design and analyze this thing. [One moment, please, for] Mayor Leffingwell: Councilmember morrison. Morrison: Thank you, want to clarify or just add to something that Phelps, that is that the city is the one that brought this forward. What the city brought forward, baffling as it has been to many people, is the process of getting neighborhood input. That was something that I was at the table as a citizen when the whole vamu thing got started. The idea was that it could be appropriate appropriate along the corridors that were being identified, but it in no way made sense to lay it across there. It was something that had to be discussed with the residents and neighbors that live nearby. This is where this process started. With this particular situation, I think that we have learned over the years that a long narrow lot is a very, very languaging vmu lot because -- challenging vmu lot, because it's difficult to do it in such a way that it doesn't -- to build a lot on a way that doesn't seriously impose on the neighbors behind it. That's why a discussion got started about neighborhood design standards. That was to figure out some ways to -- to mitigate the impacts because the ones that did get built on narrow lots were -- were basically the neighbors behind them ended up having bigshot rob parking garages, three stories, four stories, in this case it would probably be three staring into their face, made for a very unpleasant transition. These people in good faith negotiated -- good faith negotiated with Mayor Garcia, sometimes when that happens the neighborhood actually becomes a party to agreement and it gets -- when it's a private restrictive covenant it gets tied to the land and it does not change unless the neighbors agree to it changing, which clearly the neighbors are not agreeing to it changing here in this time. So it's -- to me it's unfortunate that we're in a position where we're considering even, you know, taking the halfway step, which is sort of prejudicing us to eventually changing the private -- the public restrictive covenant. Without even having figured out if there's any way for -- for there to be something that's reasonably negotiated. All that said, I think that it's -- it's not the right time to be making -- putting this as -- as mixed use on the flum and putting the v overlay on it. I think that indicates that -- that a -- that the property owner figures out that something specific could be done, especially in terms of specific new agreements that might mitigate the impact on the neighbors behind, to me that would be the right time to start talking about any changes. So with that, I wanted to make a motion to close the public hearing and adopt the planning commission recommendations on both cases with the exception of -- of tract 3 and Mr. Adams, maybe you can help me. Mayor Leffingwell: Let me stay up with you. Are you talking about motions 1 and 2 on the motion sheet. Morrison: Yes, motions 1 and 2 for item 61 and motions 1 through 6 on item 26. Councilmember, if I might. I think if I understand where you're going with this, except for that -- on page 1 the first two rows, 1 and 2 which relate to item 61, you would delete tract 3 from row 2, so that it would read recommend the approval of a future land use designation of mixed use office for tract 109. Morrison: Right. We would extract tract 3 from that. Then on the next page, row 3, that would read recommend the approval of vmu building designation with all of the vmu related standards to tracts 9, 27 and 100 through 109, so we would exclude 3 -- Mayor Leffingwell: 4 through 9. Morrison: 4 Through 9. Yes, sorry about that. Then -- then down below on row 5, we would add

tract 3 to that motion and the effect of all of that would be to -- to pull this property out of the vmu overlay district so that the current -- the -- the lo-np zoning would be the zoning that applies to the property.

Morrison: Thanks, yes, that be my motion. I -- I think that would allow us to make changes later, but dealing with it altogether and the neighbors at the table. Councilmember -- Mayor Leffingwell: The motion by the councilmember is to close the public hearing, how many readings. Three. Mayor Leffingwell: All three readings as previously described. A second for that? Councilmember spelman seconds? Cole: Mayor, I have a question. lopez, I would like your response because we heard from a gentleman from the cherrywood association. And I'm struggling with how actually does it really prejudice you to have this tract excluded and you don't have any current plans. Well, there's a few things. I won't be able to cover them all. But first of outline, councilmember, with all due response in your response, when I said the city initiated something, the city is the applicant, not my client. I didn't mean any disrespect to the city, that's what i was trying to say. The other thing is when it went through the process they did receive notice and input from the neighborhood. The prejudice that I see is that this is something that the client has been waiting for the economy to come back so they could be in a financial position to start analyzing to see if they could develop this property, what they could do based on current code. Clearly, understanding on the restrictive covenant, i think this kind of gets lost in the mix, the restrictive covenant clearly states you have to design, develop under the restrictive code whether it was '84 or today, which obviously would be today then whenever they get around to it may be even stricter, more than likely. Travis county, when they do their appraisals, they go around and look at the properties around there to see what's going on, the zoning, development, everything else. In one year, clearly, they saw a development going through -- they actually i understand that the county had actually in 2007 when they went to 2008 actually valued this from 60,000 to over 600,000. The client had to appeal it, they had to get it to 288,000 for a blank piece of property they can't get anybody to look at. What we're saying is that the client prematurely has had to spend money for consultants to deal with this issue that is surface right now when they clearly don't -- are not in the economic situation to be developing or designing or paying somebody to design something that may not apply in five years because the code could change again. We're asking, with all due respect, and in consideration of all of the real facts on this, we still have come to come back. If we do anything different, we still have to come back and modify the restrictive covenant. We still have to meet current code. We can't build the site plan attached to this restrictive covenant. Not in currents code. We are still going to have to modify it. Regardless, we're going to have to come back and talk to the neighbors to speak to them. Whether there's a valid petition issue or not, that's not the point. They are behind. We still have to talk and find out what we need to do. Some of the items under are not part of code such as the windows have to be not less than 5'10" above the ground level inside, the average height of a person things like that. I'm just saying there's a lot of reasons here. The neighborhood does have a lot of -- Mayor Leffingwell: lopez, I believe that you are rearguing your case instead of -- she was asking me for why I was prejudice I was giving all of the list. Mayor Leffingwell: Well, you got a lot in there. I wanted to make sure that I didn't lose the message in there. We are asking you to at least allow to us get the vmu so we can at least have something to work with in talking with the neighborhood -- see what we can do from there. Mayor, if I might very quickly at the risk of further complicating things, I wanted to point out that the motion as it exists would require the super majority to exclude the property from the overlay district. Just clarify that. Mayor Leffingwell: I have a quick question for you. Is this part of airport a -- a core transit corridor or a future core transit corridor. I believe this is a future core transit corridor. Are you sure? Mayor Leffingwell: All right. adams, which motion on the motion sheet requires a super

majority. Is it number 5? The -- well, yes, that is correct. Mayor Leffingwell: So the motion is on the table to approve on all three readings. Close the public hearing. Understanding that without six votes, the motion number 5 would go to -- to first reading only. Morrison: But on the other hand -- Mayor Leffingwell: The rest of it. Morrison: Motion number 61, motion number 2 would not require super majority and so does that mean that we would then have a tract that's got a v overlay that -- and the flum that doesn't mu on it? Yes, that would be the case. Morrison: Is that -- Mayor Leffingwell: It is true, councilmember, we have written the perfect ordinance here, nobody understands it. Morrison: All right. [Laughter] but is that -- I don't want to say legal, but do we ever do that? [Indiscernible] Mayor Leffingwell: It can happen, correct? [Indiscernible] zoning and the flum disagree. Yes, the answer is we have done that. Mayor Leffingwell: The flum is a dream, the zoning is reality. That's the way it works. Any further discussion? Motion on the table. All in favor of the motion say aye. Aye. Any opposed? No. And -- and all right. So did you vote no, councilmember shade? And mayor pro tem? [Indiscernible] you voted no? Okay. So motions 1, 2 for the - 1 and 2 are approved on all three readings. 1, 2, 3, 4, And 6, are approved on all three readings. Motion number 5 is approved on first reading only. Did I get that right? I believe so. What about number 3, I'm sorry, motion number 3. Mayor Leffingwell: All three readings. For it to go from 4 to 9? So -- tract 3 -- okay. Tract 3 was excluded, right? Mayor Leffingwell: All of the motions have passed at least on first reading. And I would like for -- we have attorneys here to correct us if we're incorrect in saying that only number 5 is first reading only. Mayor, if I might. I think the remaining question is whether this tract would be excluded from the overlay district or not. That's the decision still to be made. In addition, if I may, we have not approved vertical mixed use designation. With all of the mu related standards to tract 3. Mayor Leffingwell: What you are saying is you agreed with my original assessment? Yes, that's correct. So if that is subsequently judged to be incorrect, we'll have to come back and rescind our motion at a later meeting, but for now I think it stands. The vote on that by the way was five to 1 with councilmember shade albuquerque staining and -- abstaining and moratorium opposing -- mayor pro tem opposing. Spelman: Would be in order to adopt item five in all respect that's don't attend to tract 3. To amend to tract 11, 13, 17, 19, 21 and 22. Didn't seem to be much controversy. We could eliminate all controversy with respect to those tracts and might make life a little bit easier for staff. Mayor Leffingwell: I probably we probably could. We would have to reconsider our previous motion. Spelman: I'm not sure, I think that we could just have an additional motion. Mayor Leffingwell: I will listen to the city attorney on that. Spelman: Do you see what I'm trying to accomplish. I do. I would say at -- perhaps at risk of bringing more motions about here, that the cleaner option might be to reconsider and do what you have done. Only because -- if it's cause for reconsideration I think it's probably more trouble than it's worth. That's why I hesitated. Spelman: Okay. With that said, I believe that concludes our zoning for today. Thank goodness. So without objection, council, I will recess this meeting of the austin city council and convene a meeting of the austin housing finance corporation board of directors. And with that, margaret shaw, will take us through the agenda. Thank you, mr. president. My name is margaret shaw, I'm the treasurer of the austin housing finance corporation. I bring before you today three items and propose them all for consent agenda. They are all administrative items. The first one approve the minutes from the board MEETING ON JANUARY 14th, Items 2 and 3 are to update our officers. Item 2 is with four single entity non-profits, which -- which govern the four property that's the corporation owns. The third is to reappoint david smith as our general counsel and shirley gentry as our secretary. With that I'm open for any questions. Mayor Leffingwell: Questions, board? The consent agenda is to approve items 1, 2 and 3. Is there a motion to approve? Board member cole moves to approve. Board member spelman seconds. Is there any further discussion?

All in favor say aye. Aye. Passes on a vote of 6-0 with board member morrison off the dais. Thank you very much. Mayor Leffingwell: With that, that concludes our meeting of the austin housing finance corporation board of directors. Without objection, we are adjourned. And we will now call back to order this meeting of the austin city council. And without objection, we will go into recess until to take up our public hearings. 2010-2011,. > > > > > > > we are out of recess, the council will now take up our public hearings, beginning with item 63. Good afternoon, mayor, mayor pro tem, members of city council, city management, citizens, my name is kevin johns, I'm director of the city's economic growth and redevelopment services office. 63, deals with facebook. The purpose of this meeting is to conduct a public hearing and consider an ordinance creating an economic program and authorizing the negotiation and execution of an economic development agreement with facebook. Represented here by the company are sarah smith, kathleen laughlin and larry yu. We are now prepared for the public hearing. Mayor Leffingwell: Any questions for staff? Okay. We'll start in with the public hearing. Let me just say at the outset that there's no speakers signed up against. We have three speakers signed up for that are wishing to speak. Two signed up for willing to answer questions. And four more signed up for, not wishing to speak. So we will begin with chaquita eugene. Signed up for. Welcome, you have three minutes. Good afternoon. How are each of you? Just a nod of the head would be fine [laughter] I'm here just to say, as i have said previously, whenever we have an opportunity to bring organizations, businesses to the city of austin, we all win. This is a great way to have jobs for the citizens of austin. And for the company of facebook, that is phenomenal, that is huge. And I'm very happy to be here this afternoon to share that with you. So thank you for your time. Thank you. Mayor Leffingwell: Thank you, chaquita. The next speaker is erica estedder. Good afternoon, mayor, councilmembers. On behalf of the austin asian american chamber of commerce, I would like to personally thank you, your staff and efforts of the greater chamber for attracting a company that would be such a desirable addition to any community. We are extremely delighted that facebook wishes to establish a sales and operations facility in our city. Today, I speak in support of the proposed incentives. And as you have stated, mayor leffingwell, we, too, are excited to see facebook update their profile page and call austin home. The purpose of facebook is directed towards bringing people together and comparatively the framework of this proposal is directed towards bringing opportunity to austin. I urge each of you for your support and thank you for your consideration, good day. Mayor Leffingwell: Thank you. Next speaker is tim welcome, you have three minutes. Thank you, councilmembers. Again, I just wanted to say thank you to the council for the steps that you all have taken to consider an investment package that you all are considering today to get a company like facebook here. They are basically coming here because of the workforce that's available in central texas. And continuing to bring companies like this to this area will ensure that we are at the very pinnacle of the metropolitan areas in this country as it relates to economic development and putting our people and our families to work here in central texas. So with that I just want to say thank you for your consideration. Thank you. Those are all of the speakers that I have signed up that wish to speak. Is there anyone else that would like to speak? Please come forward. Andy, you can give your name, add and dental records to the clerk. And after you get through speaking. You have three minutes. Thank you very much, my name is andy martinez, the president of the greater austin hispanic chamber of commerce. I did sign up, it probably hasn't hit your system yet. I also want to as the previous speakers said thank you for your consideration in bringing this great fit for the austin community and the austin business community to the austin area. I think it's a great investment that we can make and bring the company like facebook to austin. I thank you for your consideration. I think it will be a great fit, we are very much in support of it.

Thank you once again. Thank you. Anyone else? Council? Comments? Motion on item no. 63? Mayor pro tem moves to approve -- close the public hearing and approve item no. 63. Seconded by councilmember cole. Any further discussion? I'll just say we're very proud to have facebook come to join us here in austin. And we've said all of the kudos and welcomes last week. I will just say ditto to everything that I have said last week. Welcome, we are looking forward to working with you, proud to have you in austin. Martinez: I want to congratulate you on winning your nickel bet [laughter] Mayor Leffingwell: Okay, mayor pro tem. [Laughter] I know when I'm second fiddle. Any further -- all in favor of the motion say aye. Aye. Any opposed? Passes on a vote of 6-0 with councilmember spelman off the dais. Congratulations. Bravo. [Applause] now I will take up item no. 64. Good afternoon, again. Again, my name is kevin johns, director of city's economic growth and redevelopment services office. 64 addresses yingli green energy americas, the economic development incentive. The purpose of this meeting is to conduct a public hearing and consider an ordinance creating an economic program and authorizing the negotiation and execution of an economic development agreement with yingli. Representing the company here today are bryan gleko and robert patrina the managing director. We are ready for the public hearing. Mayor Leffingwell: Any questions of staff? Councilmember morrison? Morrison: I wonder if before we start the public hearing, I could hear from the yingli representatives. We had started a conversation two weeks ago, I guess it was, whenever we had our special hearing, and I had been interested in getting a little information about their tuition reimbursement program and the training programs that they have and I did have an opportunity to chat with them and I thought it would be great if we could just share that with the folks in the audience. Before we begin. Okay. Good afternoon. Mayor leffingwell, mayor pro tem and esteemed councilmembers, I'm robert patrina managing director of yingli green energy americas, very nice to see many of you again. I want to thank you first and foremost for the opportunity to be here today and for the warm welcome we received in austin. I also want to thank several city [indiscernible] for their time with us, the university of texas, greater austin chamber of commerce, austin interfaith, and board members of the innovative pecan street project. I am joined by my colleagues at yingli green energy americas which is based in china if expressing admiration for the city of austin. We have witnessed the quality of life here firsthand. We feel that your dedication to innovation, diversity, education and sustainability are direct reflections of our internal culture at yingli. We are employing over 6,000 people globally, solar manufacturers. We started off operations as independent subsidiary in the united states less than a year ago very early stages of our u.s. growth. Our mission is to make enduring and [indiscernible] technology for everyone. In doing so we aspire to be socially and environmentally responsible in every decision that we make. I am here today to tell you more about how we do that. We believe in the power of education. That's why we are working with one of the leading hr firms to develop our tuition reimbursement plans available within all jobs and skill levels. With over 300 positions here in austin. We believe in personal development. In tandem with h.r. Consultant we will have advancement plans for all employees. There will be opportunities for growth across all skill levels combined with our generous benefits package we feel this is a great advantage for working with yingli. We believe in expanding the renewable energy option in the united states. This is the first time yingli has opened a plant outside of china in its last 12 years of existence, this signifies our commitment to market, although yingli is a chinese name we have been sourcing our equipment from gt solar out of new hampshire and applied materials which has a prince here as well. Our proposed plant in austin will serve as our north america manufacturing headquarters and a center of excellence both technologically and culturally. made equipment to make our modules, we will be selling based customers and we will be hiring local u.s. Employees. We are proud to

support u.s. Manufactured goods and strongly believe in order to meet this country's renewable energy goals we need to continue driving innovation here in the united states. In closing, I hope it was helpful to share a bit more about yingli than our value system. I like to thank the city council members and the mayor of austin for their gracious support of yingli to date. We are here to answer any further questions you may have thank you. Morrison: Thank you very much. Any more questions? We will go to our public hearing? I'll just say that we have -- we have 11 folks signed up to speak in favor. Two opposed. One neutral. And we have five -- five people willing to answer questions, they are for. 12 People who are for, but do not wish to speak. For those in favor, we begin with dr. eugene. Welcome back. Good afternoon, mayor. And council. I'm here for support of yingli. For and you of the reasons that I mentioned earlier this afternoon. For more jobs in the city of austin. I think this is a great way that we can -- that we can -- we can grow our portfolio of the type of work that we have here in the city of austin. So I am for it and i represent the capital city african-american chamber of commerce. Thank you for your time. Next speaker is taylor. mayor, members of the council, my name is steve taylor, I'm with applied materials. Main of you know we are a major employer in town, we make equipment that makes solar equipment and I have been a big advocate around town for -- for fostering solar manufacturing in central texas. The single point that i would want to make, I think that it's a critical point is that right now in the united states there is no silicon valley of solar. Austin has the opportunity to become the silicon valley of solar and create the kinds of jobs that that would entail. I encourage you to take advantage of this opportunity. Yingli is a great company. This would be tantamount in the solar world to landing samsung, which we also did. Thank you very much. Mayor Leffingwell: Thank you. Erica estedder. Welcome back. Good afternoon again, mayor, councilmembers. I'm erica estedder, executive director of the austin asian american chamber of commerce. Today I'm speaking on bell half of our advisory board member terese dare, who is very passionate about the approval of the proposed economic development incentive for yingli. She intended to speak but is not able to be here today and requested that I read this statement on her behalf. According to the texas solar forum, there's a firm business case for texas solar future. Texas receives more solar radiation than any other state. And is number one in terms of solar potential. According to an analysis by the renewable energy policy project, texas could attract five billion dollars in investments and will create 6,000 new jobs by the year 2015 in the photovoltaic industry alone with the right incentives. Texas is a natural world leader in this important industry but has not kept pace and lacks a clear road map for the future. Austin and this council are the natural leaders to draw that road map for the state and for the rest of the country to follow. With the yingli u.s. Headquarters located in austin, this task will become much simpler. Her words greatly emphasize the importance of accepting these incentives for the city of austin and for the state of texas. I also want to emphasize that this would be a win in terms of building our international reputation and supporting the efforts of asian and asian american business endeavors. On behalf of the austin asian american chamber of commerce I urge you for your support and thank you for your time. Good day. Mayor Leffingwell: Thank you, erica. Next speaker is roger jennings. Thank you, mayor and council, I'm here talking as a representative of texas solar power company. Years and years ago, texas solar power company was delighted to participate in austin energy's pilot program for solar in being one of the first companies to install solar here in austin, texas. And helped develop the rebate program that is still alive today. Ever since the beginning, there's been this little box on the application form and that box says locally made. And it's just been there kind of as a hopeful little box for a very long time and we've always checked no and I'm really looking forward to being the first person in austin to check yes on that box. And I realized today that that was not just a hopeful box, but a vision

realized by austin energy. It's been part of the plan from the beginning. With the incentive programs and building companies like ourselves from three people now to 30, we have now because of austin energy's help and incentives and programs that have been developed, we've broken out of austin, we're -- we're reaching across the nation and hope to grow. And a company like this, being here in austin, will help us from a strategic point of view to bring more work to our company and help in the economic development of texas and austin in particular. So we stand here supporting the economic development incentive. And I hope that I speak for the rest of the solar community as well, and hopefully I will be the first guy to check that box yes. Thank you. Mayor Leffingwell: Thank you, roger, next speaker is tim crowley. Welcome back. Again, tim crowley, chair of opportunity austin for between 2010, I know there's been a lot of discussion about this company because yingli is a different company than what you have been good enough to act on this year as far as an incentive or investment package. I think that's a good thing. As hard as we try to improve all aspects, we need a diverse group of jobs but with the right type of companies. I had some time a few weeks ago to spend with some of the folks from austin interfaith, we talked in that meeting, the comment was made about concern about bad jobs was the term used. I agree there are bad jobs we do not want. There are also entry level jobs with qualified employers that provide upward mobility. I would like to think of myself who walked into someone 30 years ago at an entry level job and was able to move up in a career, i dare say many of us in this room have been able to do that. I think with what yingli brings to the table, it's a very unique opportunity, as the gentleman before me just stated to have a real stake in the ground here with solar and green energy as we've all been talking about for some time and it presents a diverse group of jobs with tuition reimbursement and things of that nature as well, in a targeted industry that i think is going to be a very big part of the future in this community. So I do encourage you to -- to consider the package in front of you and say yes to the proposal. So thank you very much. Mayor Leffingwell: Thanks. Next speaker is robert katrina. Robert katrina. Natalie marquise. Good afternoon, mayor, esteemed councilmembers. My name is natalie marquise, I'm here to represent both the texas solar energy society, which is a non-profit outreach and educational association here in austin and throughout the state, but also a citizen who has deployed 108 solar panels on a hotel that i manage here. What I see with yingli coming to austin is a tremendous opportunity to fit in the one missing piece of a puzzle. We have 35 solar contractors in austin. We have tremendous rebate program combined with the federal tax credits. There's every reason for us to want to bring this company to austin. Two years ago rick perry promised \$600,000 for a clean energy park. Nothing has happened to the date to move that forward. Yingli coming to austin would bring a huge step forward in being able to too employ the people who -- being able to employ the people who are trained at , ontility and many other local universities and such programs. We have tremendous reimbursement for those programs. A lot of funding already. And 1500 students a year are coming out ready to be employed in the solar industry. I urge you to please bring this last piece of the puzzle together with the incentives needed to get them here so that they can employ more austinites in green collar jobs and carry us into the future. We have 70% more solar potential in texas than any other state in the country. Yet in production we rank number 18. Let's put us back at the top of that map where we belong. Thank you so much for your time and consideration. Mayor Leffingwell: Thank you. Next speaker andy martinez. Mayor, council, once again, thank you for allowing me to speak on behalf of the greater austin hispanic chamber of commerce. As the previous speakers have said this is a great opportunity for austin. It allows us to provide continued opportunities for growth, for our students as they matriculate and get out of the high school and college arena and diversifies the jobs that are available in austin. Continues to keep austin robust business community. The

diversification is great. All types of diversification for the city of austin and with yingli here, I think that will add to the diversification and opportunity not only for today's job seekers, but for tomorrow's job seekers as well. It will once again highlight how austin is very progressive and looking forward for new opportunities to contribute to the economy and contribute to the environment while doing so in a sensible sort of a way. I hope that you would accept the consideration and move forward with yingli because we are very much in strong support of it, thank you for your time. Thank you, andy. Next speaker, thomas ortman. Good afternoon, mr. Mayor, members of the council. My name is thomas ortman, president of concurrent design, incorporated here in austin. We are an engineering design services firm, which has successfully made the leap from the semiconductor industry into the solar energy sector, we are working there on projects today. In addition to our own business, I represent a mailing list of two and a half thousand semiconductor professionals, locally in austin, as the chairman of the semiconductor equipment and materials international trade organization and I can attest to the great interest and the potential to convert our semiconductor workforce into a clean energy solar energy workforce here. Additionally, due to my personal interests in solar energy, I'm a cofounder of the solar energy entrepreneur network or seen, we are an organization that promotes entrepreneurial development, job development here in austin in the solar energy sector. We have over 1900 people on our mailing list at the last event at the long center, we had almost 500 people register and over 300 in attendance, I believe, that this attests to the interest here locally to support the solar sector. I'm personally aware of hundreds of -- of unemployed and underemployed engineering technical types that are seeking work and they have a great interest and a great focus in the solar energy, clean energy sector. I meet them routinely at these events that we hold. Given the above, I consider myself highly qualified to comment on the value of the solar sector in the city of austin in particular and to texas in general. Energy is central to texas. Texas is located in the sun belt as has been commented on several times. But if I might expand on that slightly, texas has the solar resources and the land geography resources to generate enough electrical power to power the entire united states of america. This is well established. Texas also has sufficient resources to go well into powering the rest of the world, being that we are energy center this is a resource that should not be overlooked. This geographic location then is important to solar panel manufacturers as this is prime real estate to implement solar projects and reduce shipping costs to the implementation sites, locating manufacturing here then is logical and a cost reduction advantage to any solar manufacturer. This advantage is recognized within the industry and could and should attract additional solar and clean energy businesses. But we need this anchor tenant. That establishes this impremature of austin as a true solar energy center of excellence. Yingli could be that. They are a tier 1 solar manufacturer and their endorsement would be heard around the world without any question within moments. [Buzzer sounding] does that mean that I have to stop. Mayor Leffingwell: That is your time. Thank you very much, i urge you to support this incentive. Thank you. Mayor Leffingwell: Thank you. [One moment please for change in captioners] this a beautifully appropriate day to be talking about solar energy, and we support those incentives. But we do have some questions regarding how the waste products will be disposed, water usage and reuse in regards to the nitrogen tri chlorides emitted, I've read articles that say that the nitrogen trichlorides emitted during productions are as harmful and equal to the co 2 that is reduced, so I'd like to see that question answered if we could, please, and whether or not these are crystalline silicone or cadmium tell yu ride, which the cadmium telluride is supposed to have a lower environmental impact, so that would be my question there. It is important to us to ask that they do about environmental leaders here in austin, and we wish them great success, and we hope they expand their operations, and when

they do, we hope that they don't do so over the aquifer and we would ask for that commitment at this time. And at that I'm going to say good afternoon to you and hope that cyrus covers everything that I didn't and look forward to working with you-all on this. Thanks a lot. well, roy, I can answer one question for you. Yes, sir. we don't consider economic agreements with companies that do locate outside of a desired development. Okay. then and on the cadmium telluride I can't help you with that so you'll have to ask somebody else. Okay. Thank you, mr. mayor. next speaker is kathy redson. Keep things active on this side for a while. Get a crick in your neck. I'm kathy redson, I have a consulting company here in town, higher company living, and I work with several training partners as well as companies that are trying to get into this growing solar industry, and the first thing I just want to mention to you is there's been a whole lot of talk for the last couple years about green jobs, and solar, because it deals with real energy, is a green job. One of the big problems with green jobs training in the united states is that we want to have this economic growth but everybody says, well, if we have these jobs and we offer these jobs, is there anybody trained for these jobs? Well, austin six years ago, in providing the incentives for solar and also partnering with austin community college, set the tone for training that the entire united states has been following. The austin community college solar program is the pinnacle in the solar industry and the people there get constantly barraged from community colleges all over the country now that are trying to catch up to us to offer programs similar to what we've had here as a fine-tuned machine turning out over 500 students that are well-versed in the fundamentals of solar technology, a lot of them just waiting for an opportunity, like a big manufacturer like this coming to town. We've had our hopes up for a while with companies like helio volt and the texas renewable energy parkas was mentioned before and yet nothing seems to move forward on these things and so we keep training and training people that want to be in this industry in a variety of ways. As was mentioned already we have 35 solar companies here primarily doing installations, purchasing and shipping in panels from all over the country and all over the world to install on rooftops here in austin, some 800 homes, and for the installers, different times, different incentives, it's been a really good opportunity, but for people with other backgrounds, such as was mentioned in engineering, marketing and sales, product development, manufacturing, the solar community has not been able to provide jobs on those fronts, bringing a big internationally known manufacturer like yingli to town and creating those jobs would really put austin back at the top on the map with all eyes in solar back on us, and create those kinds of extenuating jobs that need to be created in order to mature the industry here. We're six years ahead of the rest of the country when it co that work force. No wonder yingli is thinking of coming here, because if they were looking at any other city, they don't have that kind of training in place to have that work force ready, waiting to go. In addition to acc, there's advent ontilit, heat spring, imagine solar and all these things have been turning out people wanting to get in solar. So they're here, listening today, and they're well aware of this opportunity. I just also came from a rally over at east side memorial hospital. Those seniors are waiting too, as well as american youthworks -- that sound you heard was your time. Thank you. thank you. Next speaker signed up against is reverend fred crebs. Welcome. You have three minutes. I'm fred crebs, pastor of prince of peace ruth ran church and austin enter faith, and I'd ask our leaders from austin enter faith to stand at this time. If all the leaders will stand and be recognized. City council members, first we want to recognize the improvements to the process on which we have worked with you, such as providing transparency and time for public review, moving hearings to the evening and the current resolution to require companies to disclose the wages of the bottom 10% of earners of a company seeking incentives. We appreciate that much of the conversation and public debate includes the value of living wages, benefits, a career track

and a strategy to hire locally. We are not here because we are against tax subsidies, nor any company in particular. We want companies to come to austin. We supported the hanger incentive package, but we cannot support an incentive package to a company that is receiving over 6 million of our tax dollars in city, state and federal subsidies and yet will not commit to pay its workers more than an average of \$13.50 an hour. We think you should have negotiated a better deal. The current deal means, council, that half of the 250 workers could be earning less than \$13.50 an hour. Now, this means that employees could be paid subsidized wages by taxpayers while also receiving public assistance from taxpayers because a family of four earning 25 or \$27,560 a year qualifies for food stamps. Why can't the company guarantee that a family of four won't have to receive food stamps? That means earning at least 50 an hour as the lowest wage. Austin interfaith understands the tax subsidies are part of the games of the day, especially in tough economic times. However, some companies bring low-paying jobs, which have substantial spill-over cost to a community and should not be subsidized. We believe employees, regardless of the subsidized industry, should receive wages that allow them to support their families with dignity and without the need for public assistance. We question whether you are using our tax dollars to negotiate the best possible deal for austin. thank you. [Applause] next is minerva. I'm minerva skeet, member david's episcopal church on member of interfaith. On the last two issues we got commitment from each and every one of you that you would only give incentives to companies that paid a living wage, benefits, a career path, a strategy to hire locally. Our version says you agree to \$18. Some of you say it was just a living wage. Either way it's about living wages, and we hold you, we believe -- we take you for your word that you will be asking for living wages. However, yingli wages are fast approaching the poverty line, so the question before us today is what is a living wage? We can't call any wage a living wage. We ask for a commitment to have an open and frank conversation through a public hearing about what it takes for a family in austin to live with dignity. Let's bring an economist, living wage experts and figure out publicly what that number is. We are glad that we are talking about living wages, but we don't think they have a common definition. We have been told that we need to base policy and make decisions that are data driven, well, let's get that data. We have been saying \$18 is a living wage because that is a dollar figure that we came up with from our research two years ago, and that is a commitment we asked for. That number may be different today, so we ask that you work with us so that we can have a public hearing on a date that we can agree on that would give us a common definition for a living wage. We want to ensure that families in austin can live in dignity. [Applause] thank you. Next speaker is cyrus reed, who has signed up neutral. Welcome. You have three minutes. Thank you so much. I did send a letter to council members. I hope you got it. We want yingli to come to austin. Don't get me wrong. We think they should come to austin because it's a great solar market. We have a rule before our utility commission to require non-wind renewable purchase in the future. We have rebates throughout texas to make this a good market. We have new legislation to set up loan programs. We're looking at a made-in-texas provision next legislative session. There's more stimulus money here than anywhere else. There are a variety of incentives. This is the right market for green energy. We hope they come there. The reason I signed up neutral was more on the agreement itself. We do share some concerns, and I was going to offer some suggestions without having spoken to my friends at austin interfaith about this, but I did note that this agreement doesn't have any minimum wage in it. It has an average but no minimum. I looked at their application material. They said their lowest wages would be in the order of 28,000 a year. I don't know whether that's a living wage or not. I'm not an expert in that issue, but it seems to me if you do an agreement you could include that in the agreement, that they wouldn't go lower than that minimum wage. I also noted there isn't -- there is a provision that if

they don't meet the requirements, you could -- you could end that incentive, but there isn't any sort of call-back or rebate to the city if you find out in the middle they're not meeting their performance requirements, so that may be another thing you may want to consider to make it a better deal for the city of ace. The other thing -- of austin. The other thing I noted is it doesn't have any performance in terms of the environment. Roy brought up some of those questions, but just making sure they're actually complying with local, state, federal environmental laws on air/water, and also maybe having some commitments in terms of water use and energy use, not that they have to get a certain use of water use or energy use, but they would work with austin water and austin energy to make sure they're continually auditing and becoming more and more efficient. Again, sierra club, we want green jobs to come to austin, we want the solar industry, but we would like you to make sure this is the best deal we can have, and even if they don't get this deal, they should come to austin anyway, because it's a good market for it. So those are my comments. [Applause] those are all the speakers I have signed up wishing to speak. Is there anyone else that would like to speak on this item? Come on up and give us your name. Are you signed up? I did sign up and I don't know why -- what's your name? Last name williams, first name nick. go ahead and speak and we'll let you sign up with the clerk -- I believe it was against that I signed up, but i didn't know which side of it I was on. I went to get the ticket -- or I don't know how that machine works. I've been watching this for a number of years and never actually -- high- t high-t ech stuff. Anyway, go ahead. Okay. At any rate, my name is nick williams and I own and operate a management firm here in town called the williams group corporation, and it's basically a parent -- it's an umbrella management firm that is a parent -- over four different subsidiaries which offers for profit, nonprofit, a governmental and a new and emerging technology, regulatory area as well, but I thought i signed up against, mainly to just kind of play devil's advocate to bring awareness to clarify for myself and also to bring awareness of the photovoltaic section of the yingli or yingli -- however you pronounce it. I just wanted to mention that it's a good stepping-stone, but as sure as the sun will rise tomorrow or that I can look at the frost bank tower and see that this really - - it's -- technically it's obsolete technology because of the fact that -- well, i guess you could put it this way. The -- the potential to take roofing material right now, which is asphalt-based, and a ring shank nail through it, and technically capacitate energy the same way they're doing with the photovoltaic cells exists. It's a matter of what cost it would be to bring that thing to -- mainly it's a grounded state of any type of -- any type of a structure, it's the grounded interface into the ground, into the earth that's not allowing that to happen. But for any -- at any rate, I just -- I think it's just important that it's noted that it's a stepping-stone that has to be taken, but something that isn't something that's so elite that, you know, there's no technology out there that adheres to a skill-shaped solar voltaic cell, because that's basically what it is is basically a cell shaped -- you see them at h.e.b. or home depot. They've got them up this like the flowers or what not. That's all I've got to say. Thank you. thank you. Those are all the speakers i have signed up. Is there anyone else wishing to speak on this item? Council, discussion, or I'll entertain a motion on item no. 64. Mayor pro tem moves to close the public hearing and 64, second by council member riley. Any further discussion? Council member morrison? thank you, mayor. I wanted to make a few comments. I appreciate all the time people to respond, both the yingli folks and speaking with the austin interfaith people. I think that you bring up a very good point that we need to have a deeper discussion about what is a living wage and look at the different situations for different family situations, and maybe be able to have more productive conversations because of that. And I want to tell the yingli folks I appreciate the conversation we had about -- I got a good sense of the -- some of the of the culture of the corporation in terms of really supporting upward mobility, education, training and the commitment that they have made

now here publicly that their tuition reimbursement plan here in austin will apply to all the employees that they have. I think that's very important, and also I got the sense, speaking with you-all, that there's a sense of corporate responsibility and wanting to be sustainable and environmentally responsible, and I hope that maybe we can hook you up through our staff with the sierra club folks to maybe answer some of their questions and have a discussion about the issues that they raised, just like we had a discussion about living wages and I provided some information that we have about -- here in austin. So while I am concerned about the wages, I think that the -- my concern is somewhat mitigated by that sense that there will be opportunities for people -- for your employees to move up and earn higher wages, and I do have the strong sense that everybody here has described about what an anchor yingli could provide for us here in the solar industry. So balancing all of those pieces of a somewhat complicated decision, I will be supporting the motion. council member cole. I wanted to say that for the first time it really dawned on me that when we do these incentive packages, that we have had the greater austin chamber, opportunity austin, the african-american chamber as well as the hispanic chamber, and that struck me this time -- I'm sorry, and the asian chamber. Did I forget anybody else? [Laughter] okay. But that struck me this time because we were dealing with an international company, and I think that's important as we strive to not just become a first-class city but a world-class city. And I appreciate the fact that austin interfaith is always coming forth and pressing its issue of we need more wage, and I always appreciate as I've told you before, that we still have a significant underemployed population that we believe will benefit from the companies that are coming here. So this is, I believe, approving both of these tonight at the same time that are such major high-profile deals, and to do that in such a diverse manner is a good, positive statement for our entire city. thank you. And I may -- I think I made a very strong statement in support of this agreement at the hearing last week, and i remain totally supportive of it, so I won't repeat myself. I'll just say that I know that all the -- you have not made your decision as to whether you would accept an offer by the city of austin contingent, of course, on the state of texas weighing in on this as well. I very much hope that happens. I think you would be a great asset to the city of austin and austin would be a great asset to your company. So we hope you come here, and I'm very much supportive of this agreement. Council member shade shade well, I echo the mayor's comments and hope it does work out. I've spoken with you-all on a couple of occasions. I'm really hopeful that austin becomes your home, and I agree that we'll bring good things to you-all, as i know you-all will bring good things to us. I did want to make a comment on the discussion about living wages and just reiterate a point that I've made before, which is that this is a nuance topic. What we're looking -- you know, the concern that I've had all along with austin interfaith is the \$18 -- the specificity of \$18. Even if you look at a city like san francisco that has an aggressive living wage ordinance, it's in the \$10 range. When we look at the president, president obama right now is talking about the high-road policy, and he's talking about a living wage, and a living wage, we're -- you know, we're not talking about \$18 an hour. In this particular case, also, I think it's really critical to remember that in addition to the 240 entry-level positions, there is a ratcheting up over the period of time, and the idea here is that this would be a home for this company so that there would be future jobs, entry-level is significant because it's entry-level. They've talked to you about the education path, the fact that they have full health benefits. 50 job sounds pretty good to somebody, i think. It sounds pretty good to me, especially with the kind of full and generous benefit package that they have. They're a global company. I mean, they're a worldwide competitor. They have to be competitive on those things, but again, if I look at you know, what is living wage, I do continue to have an objection to the specificity of \$18 an hour. I don't believe that one size will fit all. I have done on this particular deal -- used the universal

living wage calculator that's on richard troxell's site. In his case it's based on spending 30% of rent using the -- you know, the hud numbers, and in that case this exceeds that. I talked to our housing director about average rents to take a different tack at this, and again, if you factor in the health benefits which are on top, which is not necessarily factored in when you talk about \$18 an hour, that this salary and benefits package 50, depending on the multiplier you use on their benefit package. We're talking about good jobs and career opportunities in an industry we are desperately trying to become a leader in, and the fact that this is a targeted industry, again, on this kind of a situation for a family of four, you know, versus one, again, you can look at the living wage calculator and this exceeds that. By everybody's standards it seems, the \$18 request -- except austin interfaith. I applaud the efforts of austin interfaith. I'm proud to be a co-sponsor of what we put on earlier, it was approved earlier on consent. Thanks to all of you for your influence on that and all the other partners that worked so hard on economic development, but again, that helps us get a fuller picture, and I'm just asking that you please give us the courtesy of looking at the fuller picture as well. There are a lot of aspects to this. It's not just the one litmus test item. And finally, I did also want to say that the city's investment in this is very modest. It's roughly -- it's \$350,000 every ten years, so it's -- you know, I can't speak to what the state is doing. Again, I hope that they're aggressive in pursuing it but the issue you have about the rest of the incentive package, by all means I think the city has struck a very effective deal here, a very minimal investment on our part, leveraging federal -- state funds and -- in an industry that is being heavily federally subsidized, because as a nation we want to become less dependent on fossil fuels. That's good for everybody. I hope austin is a leader in this, I think the country needs to be here and I'm thankful we're on the short list. I was in phoenix last week. I can guarantee you quality of life here is better. Thank you. [Applause] mayor leffingwell: okay. Any further comments? All in favor of the motion say aye. Aye. Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. Thank you very much. [Applause] we will now go to item 64 and if I could make a small request, please exit the chamber quietly as -- please make your exit quietly and continue your conversation outside so we can go ahead with the meeting. Thank you. Before we begin discussion of item 65, I'll ask the parties if -- if the parties wish to raise any preliminary issues such as postponement of the item or standing on the item. Any issues regarding postponement or standing on item 65? Hearing none, we'll now receive a report from city staff. Thank you, mayor and council. My name is greg guernsey. I'm the director of the planning and development review department, and what I'd like to do is kind of give you an introduction to this case, talk a little bit about the process, some of the criteria that we use, and just share some information regarding the different meetings that have occurred up until today. This is an outdoor music venue that is under appeal for a business called little woodrow's. It's on the drag at 2610 guadalupe street. The current zoning on the property is a commercial liquor sales district, and it was appealed by the north university planning team. scott morris representing them. The applicant in this case, little woodrow's holding, rick ingle, is representing the owner, or is the owner. We did provide notice, like we would for any other outdoor music venue application. Once the application is received, a notice was sent out. This was sent out in the process. We notified those property owners basically within 600 feet of the establishment. Also noticed the register neighborhood organizations, one of which is the neighborhood that appealed. The venues themselves have some limitations. This is a cocktail lounge use that does have a permit for -- to operate as a cocktail lounge. 30 on sunday through wednesday, through midnight on thursday and to -- excuse me, till on thursday and midnight on friday and saturday. There was an exception that's provided in the ordinance that you approved, and that during south by southwest a venue could have amplified sound up to a maximum of 85 decibels measured at any point along the

property line, up to 2:00 a.m. When we take a look at these venues, the permit is looked at and the criteria looked at, and I'll go through that in just a second, but when the permit is approved, it's at that time which the appeal can be filed, and so initially the application comes in, there's a 14-day period that the notice is sent out, and then the property owner or the applicant neighborhoods could have a discussion, and then if they register as an interested party, once the permit is approved or denied the applicant can appeal and then this process is set in motion. Let me talk a little bit about the criteria that staff looks at, which is in the ordinance. In looking at these permits, and there's multiple staff that look at these per it's not just my staff, we look at the outdoor venue, to the existing land uses, consideration of the data in which the venue was initially permitted relative to the surrounding land N item 65? Hearing none, we'll now receive a report from city staff. Thank you, mayor and council. My name is greg guernsey. I'm the director of the planning and development review department, and what I'd like to do is kind of give you an introduction to this case, talk a little bit about the process, some of the criteria that we use, and just share some information regarding the different meetings that have occurred up until today. This is an outdoor music venue that is under appeal for a business called little woodrow's. It's on the drag at 2610 guadalupe street. The current zoning on the property is a commercial liquor sales district, and it was appealed by the north university planning team. scott morris representing them. The applicant in this case, little woodrow's holding, rick ingle, is representing the owner, or is the owner. We did provide notice, like we would for any other outdoor music venue application. Once the application is received, a notice was sent out. This was sent out in the process. We notified those property owners basically within 600 feet of the establishment. Also noticed the register neighborhood organizations, one of which is the neighborhood that appealed. The venues themselves have some limitations. This is a cocktail lounge use that does have a permit for -- to operate as a cocktail lounge. 30 on sunday through wednesday, through midnight on thursday and to -- excuse me, till on thursday and midnight on friday and saturday. There was an exception that's provided in the ordinance that you approved, and that during south by southwest a venue could have amplified sound up to a maximum of 85 decibels measured at any point along the property line, up to 2:00 a.m. When we take a look at these venues, the permit is looked at and the criteria looked at, and I'll go through that in just a second, but when the permit is approved, it's at that time which the appeal can be filed, and so initially the application comes in, there's a 14-day period that the notice is sent out, and then the property owner or the applicant neighborhoods could have a discussion, and then if they register as an interested party, once the permit is approved or denied the applicant can appeal and then this process is set in motion. Let me talk a little bit about the criteria that staff looks at, which is in the ordinance. In looking at these permits, and there's multiple staff that look at these per it's not just my staff, we look at the outdoor venue, to the existing land uses, consideration of the data in which the venue was initially permitted relative to the surrounding land uses, and this is a new permit application that has been filed at this location, although there's been a cocktail lounge or bar-type use on this premises before. We look at the size and capacity of the outdoor music venue and the capacity for this particular facility is 273 people. We look at sound mitigation to be provided by the operator of the outdoor music venue, and this could be looking at building design, landscaping, buffering. The owner has provided wooden fence along the buffer to buffer the property along the border, and there's a considerable number of trees that are also on this property. And also additional limitations on hours in which sound equipment may be operated beyond the limits of the code, and finally the history of noise complaints. And we've checked with apd as of even up to today, and we still don't have a noise complaint that's been filed against this venue. The application was received back in june of 2009. The permit was actually approved on july 15 of 2009, and the appeal

was filed in July 28 of 2009. Let me go over to the exhibit. I'm going to walk through just a couple things about the site and point out a few things. The property itself is kind of highlighted in yellow. This is Little Woodrow's. Immediately next door is the college house, the Taos Cooperative, the Tri Deltas are behind, and there's a parking lot that's shared by Taos and Tri Deltas and the parking lot is immediately to the south and across the street are dormitories which are constructed across Guadalupe Street. The zoning immediately adjacent to this property pretty much on all sides is commercial zoning. It's general commercial as far as or a CS type -- services or CS type district. This is within the UNO overlay which encouraged mixed use development but we do allow other developments to occur in that area. Further to the west is some multifamily, and to the southwest as well. This next picture is a picture -- picture is a picture looking at the rear of Little Woodrow's. This is the area where if they have live entertainment, it would be located, and this is kind of looking out a little bit towards, I guess, from the site looking a little bit to the south, and then from that same area to the west, and then behind, if you were standing kind of in the parking lot, Little Woodrow's would be here, Taos would be further over. This is the parking lot area that's behind, and this last picture kind of gives you an idea, if you're standing behind the venue, this is Little Woodrow's here, this is the cooperative right here, they share this common wooden fence line that runs along that property. That wooden fence line would be back along this area, which is the northern part of the property. I'll leave that exhibit up for a second. We did have a meeting with all the affected stakeholders on February 18, and we reached an impasse. At that time we -- at that time. We actually had another meeting just this past week at Little Woodrow's where Scott Morris on behalf of North University, Allen Rivers and College House and Rick Engle and my staff along with Don Pitts, the music manager at EGRSO, all went out to the property on Friday afternoon and walked the site. I know that Scott and I think Alan and Don had met before, at least I know that Alan and Don and Rick actually went into the Taos Cooperative next door to try to get an idea of what the impact might be for certain sound levels. And Don is here tonight to speak to any questions you may have for him, but the result of all these meetings -- in fact, right up until this meeting -- or this hearing, they were still negotiating out in the lobby but they did not reach an agreement. But staff would still recommend this permit, with modifications that would speak to making sure that the privacy fence is maintained. The owner has offered to reorient the speakers on the back patio away from the residence next door, and also to maintain screening of the venue, and as you saw from some of the aerial photos that I've shown you and one that's up on the property as well. At this time I'll pause. We also have a representative, Officer Swest is here from APD, if you have questions for APD. I'm here if you have questions about this, and as I mentioned, Don Pitts is also here and he's probably met most with the individual parties over multiple meetings on many different days about this particular permit. Questions of staff? We'll now go to the appellant. Who is the appellant? The appellant is -- Scott Morris representing the North University planning team, and he's right behind me. He is the first speaker. Scott Morris. Is Benjamin Baron in the chamber? Ken Mills? Is Ken Mills in the chamber? I don't see Ken Mills. So Scott, you have five minutes plus the three donated by Benjamin Baron, so you have eight minutes. Thank you, good afternoon Mayor, Mayor Pro Tem and Council members. My name is Scott Morris. I'm with -- am representing North University neighborhood in this case. I appreciate your being here to help us resolve this issue today. We're here to ask you to nullify this outdoor music venue permit and help us create a new permit, more compatible with nearby residential uses. This is an inappropriate location for late-night and loud outdoor music because it is unfair to the surrounding residents and may prevent the realization of our neighborhood planned goals. If I could just begin with giving you a brief orientation of the site. This is a map of residential uses, the cross under -- above the 2610, that is the venue location.

Immediately to the north is the taos co-op. It provides affordable housing to 115 residents. Taos is a five-story building, residential building. It provides basically services and residents -- it functions as a dormitory. Immediately across the street are two dormitories housing 769 undergraduate students, all under class men, within 300 feet of this property, 956 people live, study and sleep. Almost 4500 people live and in areas that fall within a 1,000-foot radius, many of whom are working their way through college. This is a vulnerable population. These are young adults, many living on their own for the first time, people who may not know they need to call 911 in order to secure their right to study or to get a good full night's sleep. We believe that this area delivers a tremendous market potential for little woodrow's if it can adapt to serve this local population, yet due to the age restriction of 21 only a small minority of the people who are impacted by this noise are welcome on the premises. If I could just show you a few slides of the area. This is the property that basically taos co-op is on the right. Little woodrow's is on the left. There's a small separation between the two. This is on guadalupe facing west. This is the stage area, the outdoor music area just to the left and above the venue, we have about three or four floors that rise. These are all bedroom -- these are all bedroom windows. The fence that was mentioned earlier is behind this fence, and as you can see, there's no meaningful mitigation provided by that. This -- this is the vantage point from the -- again, the rear parking lot. Taos is on the left. The dell metros dormitory that has 965 beds is shown on the right. It is immediately across the street on guadalupe. This is another shot from the west, that shows the tri delt house and the taos co-op on the left. In the middle is the stage area. These are the bedroom windows on the -- on the east face of the tri delt house, which is immediately facing the parking lot where the live music is playing. This is approximately, i would say, about 80 feet from the live music area. And we also have concerns about how this permit will affect the planned growth for our area. This is the university neighborhood overlay. This planning area is unsurpassed in the city for residential density and much more density is on the way. This block is in the 75-foot height zone of uno and the future land use map decision this area as residential mixed use. Current landlords won't be able to convey quiet enjoyment to their tenants and investors will look at this area critically. New mixed use projects will go elsewhere. The vision that we have and that we believe we share with you for this area is maximizing residential density. We can't get there by installing outdoor stages underneath bedroom windows. The university employs almost 21,000 faculty and staff, most of whom get into cars at the end of the day. With the quality of housing stock in west campus improving there's no reason why more of these workers can't choose this as their home. That vision is not going to be realized if we have outdoor stages at the base of residential buildings. These young residents are full citizens of this community and need to be afforded all the consideration that we give to single-family populations. We feel that the costs of this outdoor music venue are unfairly borne by the surrounding community. There has been decibel reduction proposed that will work for us under a reissued permit. This is a 70-decibel limit request within the current permit hours. This 70-decibel limit is essential. Decibels are measured on a logarithmic scale, which means that 85 decibels is 6 times louder than 70 decibels. We think this is a good compromise with the applicant and it is in line with the recent agreement between another venue and the north university neighborhood. We appreciate your consideration and ask that you support our appeal and the reissuance of a permit under these restricted terms. Thank you very much. thank you. Mayor? council member spelman. I want to be sure I understand. The only restriction you're advocating here is the 70-decibel restriction. There is nothing else? There is nothing else, no. Spelman: okay. Thank you. next speaker is alan robinson -- excuse me, council member shade. I have a question, scott. On the -- so there's been all these discussions and you're down to if it was 70, that would be acceptable, the 70-decibel? That's all you need

is that change? I think at this point, yeah, we have spider house for the other venue and they applied for a permit about a month or so ago. We engaged them. They came to a neighborhood meeting. They're, I would say, about seven times closer to our core residential neighborhood than little woodrow's is, and we did come to an agreement quite rapidly with them at 70. So yeah, we are -- we would be happy with 70, seven days a week, and that's what we're seeking. Shade: thank you. next speaker, alan robinson. Is kim pena -- pena in the chamber? I think she had to go home. she's gone. Okay. Terry cordova? she's gone. She's gone also. So armbrust ter and daniel -- you do have six minutes, then. Thank you, mayor leffingwell, mayor pro tem martinez, and council members. My name is alan robinson and I'm the general administrator of college houses we provide affordable housing to about 530 students. In fact, I'd like to thank you for recently authorizing \$837,000 to help build our newest co-op that houses 176 members, so thanks for doing that. Oim not here today to complain about the -- I'm not here today to complain about the ordinance. There are a couple positive things I'd like to say about it. What I am here to do is talk to you about the negative impact that little woodrow's has on the 115 students living directly next door. That's my concern. I'm asking you to either support the appeal or to place 70 decibels as the limits, one of those two. Right now while no one has called 911, students aren't going to be calling the police. As I go and meet students at the house, there is a problem, and let me just share some of the comments they made directly to me. Please stop -- please tell them to stop playing the same songs over and over again. It's not too bad as long as they don't play country music. Of course I can hear it. The constant canned music is anything. Can't they at least keep the noise down during the week? The music was so loud i couldn't hear my own stereo. And the last one was, if the noise at little woodrow's gets too loud I just go study somewhere else. So what I'm telling you is even if you don't have 911 calls, there's a problem on the ground with the current use. Our -- even at this point, you know, we're willing to work something out. One of the good things about the ordinance is, number one, it sets limits. 30 sunday through wednesday, 00 on thursday and midnight on friday and saturday. So right now the music is played past those hours, and it is audible to the students. So I would ask you to get a engle and little woodrow's that they won't continue to play music past those hours that's audible at the property line. If you cannot get that commitment, then I think you should just support the appeal and take away the permit. If you can, then we're willing to say, 70 decibels is reasonable. And, in fact, that's another good thing about the ordinance. It says that you can place conditions on the permit in order to take away negative impacts. When I'm telling you, 70 dell bells is reasonable, 8 -- decibels is reasonable, 85 is not. To get a sense of why it's not I did a little research on what 80 decibels meant. Hearing loss experts say that starting at 85 decibels people start having hearing loss, gradual hearing loss. Osha, if your workplace is at 85 decibels, you have to have a hearing conservation program. So this is not an insignificant difference of 70 to 85. Depending on who you ask it's anywhere from 350 to 562% higher when you go from 70 to 85. So sort of in summary I'd ask you to either get the commitment not to play audibly past the regular hours and to not -- and if you don't deny it, or if you get that commitment, please lower it to 70 decibels, and we think we can live with that. So thank you for your consideration, and please create an atmosphere where students can sleep and study in their own rooms and they don't have to leave to get relief. Thank you. tell me again what the hours you're talking about a -- you're talking about restriction on hours. So the current ordinance and the current permit is sunday through wednesday, , thursday , friday and saturday midnight. And we're okay with those hours, at 70 decibels. thank you. Next speaker supporting the appeal is daniel bost. Daniel bost. You have three minutes. I'm daniel bost. I'm here I guess mostly because I live on one of the affected properties. I live in the taos co-op which alan was discussing before, and we have had some

complaints about the music. I guess he read them to you. He kind of took most of what I had to say there. So I think most of our residents would support pretty much what he was talking about, if it was limited slightly more, we'd be happier. We do appreciate that music is part of their business and we don't want them to have to, you know, go broke or anything, but there have been difficulties with certain people having issues studying and sleeping, which are pretty vital, since we are student housing to our welfare. So that was pretty much it. Mayor leffingwell: thanks. Council member shade? I'm just curious, I have a question for you, daniel. I have a question for you. Because I've heard kind of mixed from various students that I've been talking to about this. Do you have other areas of noise complaints besides little woodrow's inside that co-op? I mean, do you have -- are there other infringements on your -- like hallway parties and things like that? We have residents complaining about each other sometimes, yes. Shade: okay. And would you say there's more complaints about other residents or more complaints about little woodrow's if you were going to guess, or equal? Well, the issue with little woodrow's is primarily people who live on one side of the building. If you've seen that picture where it's looking over the roof of little woodrow's and you can kind of see the fence is about -- you know, it covers one story, and i don't live on the first story so I don't know how much sound mitigation it provides, but there's direct line of sight from the other four stories of the building on the south side. So out of our 115 people a good 40 or 50 of them are kind of completely unshielded, so they are -- they're hearing it, you know, as much as you'd hear somebody with a mega phone at that distance away. So kind of the only real way to mitigate it for those people was to restrict the volume at the source. so you're fine with the hours? We're fine with the hours. and the difference between 70 and 85 is significant to you? Yes, I mean, we are students, we're up all the time but some of us are not. So a good portion of our residents do have issues. is it fun to have a bar downstairs? It's nice. Those of us that are over 21 and spend a decent amount of time there, like I said, we appreciate that music is part of their deal and we don't want it taken away from them entirely, but -- shade: okay. Thanks. next speaker is mary ingle. Mary is signed up for the appeal. You have three minutes. Good afternoon. I'm mary ingle. I'm co-chair of campac, the central austin neighborhood planning advisory committee, and in the spirit of compromise we passed a resolution yesterday supporting the members and the board at taos co-op for a 70-decibel level limit on the permit as well as the restricted hours. Personally -- personally, because -- also because I'm married to an academic, I do have some sympathy for students living so close, like my picture indicates. Little woodrow's is there and the red awning is the co-op and it's an affordable housing place. It's very important that students have the time to sleep and also study, so otherwise my husband won't have a job. So anyway, please support the 70-decibel level. thank you. Last speaker in favor is mike McComb. Mayor, mayor pro tem, members of counsel, I'm mike McCONE, I'M HERE TODAY Representing university area partners. When we created, you know, we were trying to create a mixed use residential neighborhood, high density, that would have the services necessary to support a vibrant pedestrian infrastructure. We are -- little woodrow's is the name of a bar that's been there, oh, forever, and the taos dormitory is the subsequent name of a dormitory that's been there for equally long. They have co-existed up until this time without having to come to the council for resolution of a difficulty that has a risen because of the -- arisen because of the issuance of the outdoor music venue permit. The university area partners unanimously adopted a resolution supporting the 70-decibel limit. We think that is reasonable given the mixed use nature and the close proximity of these two operations. We would want the existing permit to be modified to reflect that 70-decibel limit and we would like for the council to make that change through this appeal process. We do recognize that this is a live music capital. We want there to be adequate and ample opportunities to

develop the talent that exists in our community and feel that this is a good location for that, because you don't have to load up your equipment and drive halfway across town to set it up, but there are reasonable limits that should be placed given the large number of residential uses adjacent to this property, and we feel that the college houses has operated in good faith in trying to reach a compromise that we feel is adequate. I'd be happy to answer any questions. Thank you for your time. thank you. Next speaker is brian donovan. Brian does not want to speak. Excuse me. So that's all the speakers that we have. I have no one here who has signed up opposed to the appeal. Is there anyone that would like to speak for or against the appeal? Please come in -- come down, introduce yourself and give your name to the clerk after you get through speaking. I want to thank city council. My name is rick eng he will. I'm the co-owner of little woodrow's. I didn't realize I had to sign up so I apologize for that. I figured I'd have to get up and say a few words anyway. I appreciate this very much. I appreciate city staff and all the effort you've been in over the last several weeks trying to resolve this. I want to give a little history and then kind of give you my perspective on where we are. This location has been a music venue for over 70 years, as far as I know. We've only been there for the last year and a half, but when we leased the location -- actually the owner of this location came and found us, and subsequently we signed a lease and, you know, we pay good rent to be there. This little woodrow's is like all of our little woodrow's. There are five in austin and three in houston. We have the same format. We're 21 and up, and we do that to make sure that we're very careful about not serving minors. We're 7 days a week. We don't have a kitchen so all we do is, you know, serve beer and wine and recently added mixed beverages. When I first found out that there was a music venue permit required, you know, not just for little woodrow's but for -- that was passed and was required for all, I have several other locations in town too, and I immediately signed up and went through the application process and worked with the city to get our music venue permits at all of our locations, and this was -- this was one of them. We immediately had a meeting with the board when we first signed our lease at little woodrow's and talked to the board, and I personally gave my phone number both to alan and to the board members and said, if we ever have a problem at all, if there's ever an issue, whether it's sound or otherwise, please call me personally. I will make sure that my management, my staff abides and is honorable what it is that the residents need next door and I was very sympathetic to that and have been. To this day, I think as greg said, we've never had a complaint. I've never gotten a phone call. We've never been asked to turn down the music. Only up until the last six or eight months did we even have live music at our location, and only did so two days a week. And even when we have live music at our location, we never received a complaint from next door. So the first time that i ever even heard there was a complaint was after the appeal of our permit, which surprised me a little bit. I was more than willing to meet with our neighborhood, and did. I met with scott, met with alan and laura at little woodrow's, and we talked about this, and I explained kind of where we were, and i said, look, I'm absolutely willing and wanting to be a good neighbor, but I have other venues, and I know live music is very difficult to have at 70 decibels. I have restaurants where it is 70 decibels. Is that my time? that is your time. Okay. I'd really like to say one more thing if I could. say one more thing. One more sentence. I was absolutely and still willing to limit to 70 decibels during the week and my only request was to have up to 85 on fridays and saturdays only and in a private agreement I was willing to do that outside of today, and that was not agreed to, and I'm trying to work with the neighborhood. Thank you. thank you. 30, time for live music and proclamations. I don't think we can get through this in just a few minutes, so I would suggest that we recess. We also have a rebuttal time for the appellant to go through, so I would suggest that we recess, take up live music and proclamations and 00 we'll resume deliberation on this appeal. Without objection

we're in recess. [Music playing] [?? singing ??] [music playing] mayor got me scared I was running late but we needed a little more time. This is really fun for me whenever I get to introduce the live music, and I am especially excited because this is -- we're about to get into south by southwest, a great time for our community. So joining us today is tameca jones, is that how you pronounce it? Yea! [Cheering]. Tameca has a great voice. She began as a -- the band became regulars at live music venues around austin and the band was featured in the film starting out in the evening. In her solo career tameca is adding a twist to jazz by mixing musical styles, ella fitzgerald, frank sinatra and others. She's working on an ep of original work to be released this summer and they'll be performing march 18 at eddie v's. Please join me in welcoming tameca jones. [Applause] [music playing] [?? singing ??] [music playing] [?? singing ??] imprimatur [music playing] [?? singing ??] [applause] shade: that's grade. You do have a beautiful voice. Do you want to introduce your other -- peter solsman on the piano. Wayne softman is second on the drums. daniel dearham on the bass. And I'm tameca. Shade: that's gray. I know you mentioned you'll be at eddie vee's on the 18 but if we can't see you there is there anywhere else? Groove line horns on the 30 and we have a showcase with gary wednesday, but -- you're busy. A little bit. do you have a web site? com slash tameca jones, t-a-m-e-c-a jones, all small dollars. you have an album out. Where can you buy it? I'm working on -- that's a priority of mine but not yet. we wish you the very best of luck and we're proud to have you as part of this great music community and it gives me great pleasure to give you this proclamation. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent exceed to every musical genre and our music scene thrives because of music by local favorites and newcomers alike and we are pleased to showcase and support our local artists, therefore i, on behalf of mayor leffingwell, on behalf of the live music capital of the world to declare march 11, 2010 as tameca jones day. [Cheers and applause] thank you. Shade: thank you. Thank you so much. So first off tonight we'll honor some of our folks from the austin water utility. As many of you may know, back in 2007 we -- actually starting in 2006, we embarked on a water conservation program for the city of austin. Very aggressive, but a big part of it was just recovering the water that we lose through leakage in our system, which at that time -- I don't know what -- I'm sure it's better now that we've instituted this program, at that time was to me kind of the staggering number of about 12 million gallons a day that we lose through leakage, and a lot of that was preventable. Some of it is not, or it would be very difficult to get down to zero. We all know that. But we made over the last few years a very aggressive effort at doing that, and we're getting -- even getting down to the point where we're talking about fixing very small leaks, and actually these guys are going to be out demonstrating that at barton creek mall soon. We're going to be talking about -- and if you want to find out how to repair a dripping toilet or something like that or a dripping faucet, you can come out there and they'll help you out. So we're very proud of our austin water utility folks and we're very proud of our conservation program, and so we're going to have a proclamation in their honor tonight. And I will read it. It says, be it known that whereas a dripping faucet can cost the average austinite more than \$10 a month, a worn out toilet flapper that keeps the toilet constantly running can cost 50 to \$100 a month, and whereas for between a few cents and a few dollars, worn washers and gaskets and faucets, worn toilet flappers and worn garden hose washers can be replaced to stop the leaks, and whereas austin water utility representatives will be at barton creek mall on saturday, march 20, to help citizens learn more about saving water and saving money by fixing leaks in their homes. Now therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim march 13 through the 21st, 2010 as fix a leak day in austin, texas. [Applause] and here to accept the proclamation and say a few words as the director of austin's water utility, greg mazaros. Greg? Thank you, mayor. As the mayor

said we're kicking off fix-a-leak week and we encourage everyone to look for leaky faucets or toilets. Maybe you're starting our irrigation system for the season and with the cold winter you may have leaks, and we encourage you and epa, the whole nation is celebrating fix-a-leak week. Besides learning how to fix leaks at barton creek mall next week, you can register and possibly win a high efficiency washer and drier, so it's worthwhile to come. And again just as the mayor said, I want to echo his comments that a lot of the folks behind me are employees of the utility that we also fix our own leaks. We have well over 3,000 miles of underground water mains that we maintain, and these guys behind me and dozens more, be it 105 degrees or 15 degrees, night or day, 365 days we're out there repairing weeks. As a matter of fact, mayor, this morning I checked and we have zero active leaks. That's a first time in a long time. [Applause] and it's all because of the hard work of these crews. The guys were telling me -- they want to say something -- maybe not. Keep our system and fix it tight and conserve water. Thank you. [Applause] McKELLIPS I now have a proclamation to honor the american red cross. Everybody knows what the red cross does. If you're ever in trouble, if there's ever an emergency, a fire, some kind of serious incident, the red cross is there to help. I know personally when I was a kid here in austin, texas, my dad was an austin fireman, and later a travis county sheriff's deputy, so he was constantly in situations where he was in direct contact with the red cross, and he appreciated the work that they did very much. Here in austin everybody remembers, of course, back in 2005 we were one of the hosts refugees from one of the biggest natural disasters that we've seen in this country, in this world, in many years, and I'm talking about katrina. The red cross was instrumental in organizing that relief effort. Here in austin and other places. I was down there for a little while personally but I know my predecessor, mayor will wynn, he was down there a lot. He walked the halls, he walked between the cots, he shook hands. He met every incoming bus. And we appreciate that, and I believe the red cross is honoring him for that very soon now with -- what do you call it, american heroes? He's receiving the lady bird johnson humanitarian award. and well deserved, because I saw him in action there and he very much deserves what you're doing. So I'm going to read this proclamation. Be it known that whereas for more than 94 years the american red cross of central texas has been the place where citizens joined together and are always willing to take care of others in situations from home fires and wind storms to flooding and man-made disasters, and whereas the red cross is dedicated to training our community in the life-saving skills of cpr, first aid, disaster preparedness, and whereas the red cross is a volunteer-led organization that relies on the generosity of the american people, that's donations, everyone. Therefore, I lee leffingwell, mayor of the city of austin, texas, do urge all residents of austin to continue to volunteer their time and give generously to the american red cross and its local offices, and do hereby proclaim march 2010 as american red cross month in austin, texas. So congratulations, mardy, and now I'd like marty McKELLIPS COCOA UP AND SAY A few -- to come up and say a few words. Thank you, mayor. For almost 95 years now the american red cross of central texas has been part of historical events. We have responded to floods that would have had this building underwater. We have responded to 5 tornados. Most recently we responded to a plane crash into a building full of federal employees. Those are the parts of our history that you see on television or that you read about in your newspaper, but I want to take just one minute and tell but the part of austin's history that we are doing behind the scenes. About nine years ago i became a red cross volunteer and met a gentleman named paul williams. As we trained together to become disaster responders, paul confided to me that he was losing his eyesight to diabetes, and soon I watched as paul could no longer drive and paul could no longer work at his profession. He lost a lot of things we all take for granted but he did not lose his mission of the red cross. And during hurricane katrina

that mayor leffingwell talked about he trained to become a military caseworker for the american red cross, to take up the slack because the rest of us were responding to katrina. And so for every day for the last five years paul gets on a city bus, or gets a ride with a friend and comes to the red cross and goes into what was a converted closet that we called paul office, and he helps four to five military families every day who are trying to get communications to people in war zones, who are seeking counseling on financial difficulties caused by two and three deployments, or who just seek some kind of course work that will allow them to deal with the trauma they feel from war. So that's the history that goes untold in the history books that the red cross is involved in. The red cross is not a government agency. We currently serve 2 million people in central texas with one paid staff person for every 100,000 people. We do that by lots of volunteers supported by lots of people giving generously. The red cross belongs to you and all of us. So we invite you to join us and celebrate red cross month, and join us for the long-term and be part of that history, both big and small. Thank you. [Applause] I'd like to bring up council member laura morrison, my colleague, to do the next proclamation. All right. Morrison: all right. I'm joined here by marilyn bostik who is with the austin women's commission and we're here to celebrate international women's day, which is 99 -- has been in place for 99 years, and recognize worldwide, recognized by the united nations and it's all about everybody on this earth working toward equality for women in government and in our society. So we're fortunate to have a women's commission here in austin that works for us and keeps us on our toes. I think austin is a pretty great place for women to live but we're grateful for you to enhance it is the experience. The proclamation says, be it known that whereas women through public and private actions have helped to mold a fruitful and cohesive society and whereas women have had an impact on federal, state and global issues, and whereas throughout history women have been diligent in working toward their goals despite the obstacles confronting them, resulting in an atmosphere of hope and security, and whereas this month is an appropriate time to recognize the efforts of countless women to ensure equity and prosperity for all, since the benefits of women's actions extend beyond the confines of gender. Now, therefore, i, lee refusing, mayor of the city of austin, texas, do hereby proclaim march 2010 as women's history month in austin. Thank you so much, marilyn. Thank you. [Applause] it feels like home. On behalf of the women's commission we'd like to first thank you, mayor lee leffingwell, and council members, and specifically the councilwomen for all that you do and that you allow us to do. I thank you so much, the human resource department, i see some of you-all here. We would not be able to be as far along as we are in our process because we've been growing and getting and gaining order, if it had not been for you guys, the countless hours that you spent with us. I don't know where we'd be. On behalf of women everywhere I thank the city for championing the causes of women, that women that have done so much, have laid down their lives literally to make things happen in austin. Again, I say thank you. I thank you for your time, the resources that you give us, and for allowing us to be resources to this community. Thank you so much. [Applause] picture. Oh. [Laughter] let's see who is next, we have mayor pro tem. Thank you, councilmember morrison, we will continue on with a proclamation to our small business development program. We invite vicky and whoever you would like to invite up with your staff, they're more than welcome to come up. As you all may know, you know, the mayor specifically listed small business development as one of his highest priorities for the coming year. Of course, austin is always touted as one of the best places to open a new business. We have a program coming up ON MARCH 23rd, WASN'T TO Recognize one of my favorite departments in the city, the small business development program with this proclamation. It reads be it know whereas austin was recently ranked number one in the country for small business receiving the nation's top score for small business vitality, whereas

business owners who are starting out or expanding their business have a great opportunity to meet, network with and learn from local organizations that assist business owners at the getting connected business resource fair; and whereas exhibitors at the fair include non-profit organizations, government agencies, area chambers of commerce and community development corporations whose mission is to help business owners succeed and whereas we encourage all small business owners to take advantage of this opportunity offered at no cost to the entrepreneur by the city's small business development program, now therefore I lee leffingwell mayor of the city of austin, texas, do hereby proclaim MARCH 23rd, 2010 AS SMALL Business development program's getting connected day. Congratulations and thank you for all of your work. Vicki, would you like to say a few words? Just so you know, the mayor and entire council will actually be at this event on THE NIGHT OF THE 23rd. My name is vicky valdez, I'm the small business administrator. And getting connected is a unique opportunity, as mayor pro tem mentioned, to meet, network and learn from organizations. This year our exhibitors include a variety of organizations anywhere -- from business centered non-profits to government entities. In addition to the exhibitors, we're also going to offer a class this year called using social media to promote your business. Doesn't that sound like a wonderful class? So I ask everybody to please join us, again on march 23rd, FROM 3:00 TO 7:00 AT Parmer events. For more information, please visit our website www.austinsmallBIZ.org OR Call us at 974-7800. At this time I would like to thank the small business development program staff, whom -- without the staff we would not have this event and they provide so many resources to our entrepreneurs of austin. Staff are sin do cindy garcia, preston stewart, michelle [indiscernible], deanna [indiscernible], andrea rojas, blake smith and last I would like to thank rosy, our assistant director of economic growth and development services for her continued support of the small business development program. Thank you. [Applause] Mayor Leffingwell: I just want to say very quickly, I may be repetitive because I didn't hear what was said before. But I did hear the march 23rd event that was mentioned, I encouraged everyone, if you are interested in small business, whether you want to expand it or start one up, come out and join us because the city of austin is interested in you. Here in austin, small business is big business. 90% Of the companies in austin have fewer than 10 employees. 75% Of the jobs in austin are with companies of fewer than 100 employees. So they are the backbone of our economy. And we thank our department, our small business development group, headed up by rosy helipe over here does an outstanding job. Come on out on march 23rd and we'll prove it to you. [Applause] Martinez: All right. We have a couple more. Oh, you bet. No problem. We have some retiring city employees that we want to present with distinguished service awards. Ralph, where are you? Good. I'm going to read both of these certificates. The distinguished service award, the first one that I'll present is to kyoung chung, this is for her dedication, service and commitment to our employees, the organization and our citizens during the past 29 years as an employee of the city of austin. chung is deserving of public acclaim and recognition, she has provided exceptional customer service and has made major contributions to the success of the learning research center during her tenure. Her professionalism, attention to detail, as well as her charm and tact have earned her the admire rehabilitation and gratitude from her -- admiration and gratitude from her colleagues and customers. This 11th day of march in the year 2010, signed by mayor lee leffingwell. Congratulations. [Applause] I would like to invite mark washington, our h.r. Director to come up and say a few words, if you would like. Thank you, mayor pro tem. We are going to sorely miss kyong, she's been part of our family for 29 years, i will go ahead and say my remarks about ralph as well. Both of them have worked in the same department and kyoung has also been ralph's administrative specialist for 21 years. So it's fitting that both of them are

retiring in the same month. And they both assure that we deliver effective training to all of our employees and you can tell that kyoung has learned the lesson of effective training because the word is she has trained ralph well. That although he's the manager, kyoung is really the boss. We're going to miss her. [Applause] and the next one goes to ralph gohring as well. I'll read it. It's a distinguished service award that reads for his -- untiring service and commitment to our employees, organization and our citizens during the past 20 years as a dedicated employee of the city of austin, ralph gohring is deserving public acclaim and recognition. Ralph has provided exceptional leadership, wisdom, and service as manager of organization development and has made major contributions to the success of the city of austin and its employees during his tenure. His professionalism and quiet persistence have earned him respect and gratitude from his colleagues and customers. This certificate is presented in acknowledgment and appreciation of his public service, this 11th day of march in the year 2010, signed by mayor leffingwell. [Applause] do you want to say a few words? Are you sure? Let's take a picture then. Martinez: And the last certificate of appreciation, one of my favorite people in johnny degollado, the montopolis kid. If you would please come down and join me. degollado, how are you, sir. I'm all right. I'm going to read this and present you with a couple of things. If those of you who don't know we renamed the pavilion at fiesta gardens after mr. Degollado. He is a legend. He is a legend in tejano conjunto music, we are here to recognize him today in fact the city council today approved cultural arts funding as we do every year for his annual cinco de mayo festival that will take place at the johnny degollado pavilion. So with that, johnny, I want to read your certificate of appreciation for your life long contribution to the tejano music scene in austin, texas you are deserving of public acclaim and recognition. At the age of 15 johnny started a band along with his neighborhood vicente who still plays in the group today. Johnny's mentor watt cantu who taught him to tune and repair accordions. During his career, he composed more than 200 songs and he is it is coordinator for the austin conjunto festival held annually for the past 20 years. He was introduced into the tejano music hall of fame in 1986, this certificate is presented in recognition of his continuing contributions to austin's reputation as the live music capital of the world, it's presented the 11th day of march in the year 2010, signed by mayor leffingwell. Congratulations, johnny. On this. And we're not done. We have one more thing. degollado, in honor of naming the pavilion after you, we want to present you with this photograph that shows the sign which is actually on the pavilion and of course bears your image as well. We have -- we have a little extra photo. Oh, good, good. Congratulations, sir. Thank you very much. Martinez: Please say a few words, invite folks out. Yes. ON MAY THE 2nd, IT'S GOING To be our 20th year that we present the tejano music conjunto music, correction, conjunto music, accordion, we have it every year during the cinco de mayo fiesta. This year going to be may 00, until 10:00. If you like, accordion music, come by and -- and you will love it. Thank you very much. mike martinez and all of the city council, all the members. Thank you, johnny. Thank you. [One moment please for change in captioners] ok ok ay. We are out of recess and we are going to resume deliberation on item number 65. And we are up to rebuttal, 3 minutes by the appellant. Thank you,. Morrison: With the north university neighborhood again. I don't really have anything to add beyond my presentation. We just need to find the right balance between residential uses and outdoor music, and i just -- I thank you again for considering all of the testimony this evening. Councilmember shade has a question. Shade: I have a question for you, also and I appreciate that. I am curious, given the amount of -- of discussions that have gone back and forth, one of the ideas that rick engel proposed from what I could see is 70 on all days except for the weekends, 85, and that was not something that was agreeable to you? No, it was not councilmember. Shade: Even though it is 7 times farther from your neighborhood and your homes, then

the spider house that you talked about -- 7 times further away? A actually, no, we do have residents that are, I would say about 120, 150 feet from -- from the property. Traditionally -- they have -- this population has not availed itself of the neighborhood association but still our boundaries go right up to the intersection of 27th and guadalupe. I just want to say i have gotten really mixed responses, even from your own membership on the planning -- on the contact team letterhead, I mean, about this issue, so that's why i am pressing it. Okay. But we think that is really important and that the neighborhood association is not the same as the team that you are representing. Is that correct? Actually, the team that I am the vice president of the neighborhood association. The team that I am representing is a committee of nuna. So has the association taken an official vote on these proposals? Yes, april 3rd of last year, the general membership voted unanimously to support the appeal. The nuna executive committee voted in late july unanimously to support this appeal, and this was on the agenda this week for our executive committee meeting and we were -- we were going to proceed with this. Our -- the appeal asks for the -- for the permit to be rescinded fully. I think that we've -- we've compromised considerably in going to 70, and we think that this is -- this is the right level for this -- this area that has so many -- such a high -- a high concentration of people living and it -- and little woodrow's, the consolation here is within a five minute walk of this, they have the population of west hills road and rolling wood, within one block. They should be able to make a go of this enterprise, without bombarded it and without concerting sound into several of the dwellings around it. I think that's what this is about. It's about taking the rights of several hundred people and -- and basically -- and basically delivering that to the -- to the applicant. Shade: Well, i appreciate that but i think it is precedent setting in how compromises are achieved in this dialogue and i guess I wasn't under the impression that your neighborhood association had reviewed the latests proposal -- I mean, the 70 every night except for the weekend nights, 85, and I -- you know, they didn't -- they didn't vote that down or vote that up, is what -- or they didn't have a chance to vote on that. Is that what you are telling me? Well the executive committee has this week, when I presented the latest negotiation in how the position diverged from what had been agreed on three weeks ago, so we did have -- we did have that vetted in the executive committee this week. Shade: Okay. Is that the same -- i see marianne gold back there is the same you had with can group? Is that a separate group. A second group. Shade: I saw her nodding. Do you want to go up and add your point. I am marianne gold, co-chair of campac. What we wanted to do is include the most effected property owner or neighbor which isn't technically in our area -- but in our neighborhood, north university neighborhood where I live but both scott and I felt and our whole neighborhood association felt that -- that allan robinson of college houses who manages taos coop, should be able to negotiate the terms and that's why those terms were like that and we let them do what they needed to do. Shade: Yes, I've got it. We have an agreement, by the way. Shade: Yes, I heard. I heard that. But this is precedent setting so I wanted to have a chance to find out what was going on and I recognize that unfortunately our city doesn't have the availability to accommodate multiple decibel levels for certain days, one decibel levels and another days another, i think that is unfortunate. We need a place where we can do that. I see nodding from rick -- but the reason i wanted to ask is I want you to know representing neighborhoods that i heard from lots of students a different story, and -- and -- and, also, I mean tridout's and others that are just as close. I was with the student government association people yesterday. It wasn't enough just to hear -- because this just -- I mean, I have been by this property. I take these things seriously and it is precedent setting the way you achieved a compromise, spider house is really important. This is a different location. A different set of neighbors and I feel like, you know, that i want to recognize the engel has negotiated in good faith and I know we have an agreement so I won't

waste people's time. We want to welcome all of those students and all of the people you heard from to join either uat or north university neighborhood association. We need that input, too. Ma ma ry, before you leave, how about telling us about your agreement? Awe. Mr. gurlly. So so mebody tell us. Mayor and council, the agreement is actually not with the neighborhood organization. It is between little woodrow's and college house, the taos coop next door and they have come to a private agreement between the two of them, and, i don't know if you want me to go into details, but basically this would not be enforced by the city and would be enforced by the two parties, but there is an agreement that the city decibel limit would be set at 70-decibels for the hours that are proposed. So -- Mayor Leffingwell: For these hours, sunday through wednesday until 30 and -- is that regular city after hours? The city's decibel limit that would be on the face of the permit that we would enforce would be 70-decibels throughout the week. For the hours that are suggested. They have a private agreement that may say slightly something different, but that's their private agreement. Th th at is between them? That's correct. Co co uncil, any further discussion? The floor is open for a motion. Shade: I make a motion to deny the appeal and support this agreement, then. [Indiscernible] amended. Pr close the public hearing and to -- I guess the correct -- it would be a modification of the -- wouldn't it be a modification? Staff did make modifications in our recommendation, the one that has been suggested to you by two of the speakers tonight, the applicant and the next door neighbor with 70 decibels, so -- Mayor Leffingwell: So we are taking the action to deny the appeal but to modify the permit to limit it to 70-decibels. Is that correct? That's correct and if you want to include the staff recommendation they maintain the fence and reorient the speakers, you could add that to your motion. Mayor Leffingwell: You can add that. Laura has one. Mayor Leffingwell: Is there a second? Yes, a second and i would like an agreement that the agreement that we worked out was something folks were very, very close to up until earlier this week and so I appreciate that and the bottom line is that the motion says that the permit -- that the city -- the permit that the city gives will be at 70db all of the time and the staff's recommendation, just a modification of that so I appreciate people working so hard to make something work and engel, it is really a great model of trying to, you know, find creative ways to accommodate. That's what this ordinance is all about. Co co uncilmember shade. Shade: I have one other point I want to make, which I understand this permit is good until july, which is not very far away and I just pray that you all don't have to come back to this again, just that it goes well, so thank you for working so hard together and I hope that that partnership sustains you there many years to come. Mayor Leffingwell: So once again, just to be clear, the motion is to close the public hearing and to deny the appeal but to modify the permit to include staff conditions and the limitations of 70 decibels and the prayers of councilmember shade. [Laughter] that can be added on later, I guess. Is that correct? Okay. All right. All in favor say aye? Aye, opposed, passes on vote of 6-0. Councilmember cole off the dias. Thank you very much. Now we will go to item 66. So council, this item is to conduct a public hearing to receive citizen input. Do you have any preliminary remarks you would like to make? No action on this. Good afternoon, my name is margaret shaw, the director of neighborhood housing. Just wanted to put in contacts for listeners and the councilmembers. The public hearing tonight kicks off our annual budget cycle. We are required by the department of housing and urban development to have a hearing before the city council to hear from the public on the what the critical needs are for folks at below -- low to moderate income. I just want to remind folks we have many, many opportunities coming up in the summer that they will have both written and verbal efforts to comment on our specific recommendations when the draft is released in june. This is a requirement under federal law and we have won several awards and accolades from hud because we also include local and state resources as well, so councilmembers with

that, we will be happy to start the hearing. Mayor Leffingwell: So we will. First speaker is -- I know that's Francis Ferguson. It is spelled Francis Ferguson -- did you type that in wrong? Thank you, Mayor, Mayor Pro Tem and Councilmembers. We had four comments we wanted to make on behalf of Housing Works. The first is it would be terrific as a part of this -- I know y'all have requested some of this -- to have a really holistic accounting of all of the different funds so that would include Home and CDBG, the GO bonds, housing trust fund, housing assistance fund, smart housing CIP funds, repaid housing fee waivers and an understanding of what the status is of the potential sources including fees in lieu and included units so that as we are looking ahead at what we plan to do we will have a full understanding of the resource that is the city has to put into housing. Secondly, I would like to comment on three primary areas of attention for the plan. One is, of course, the conversation around homelessness. It -- it's time for a major cross-jurisdictional drive to identify the full resource package needed to end homelessness in Austin. Federal resources we are missing out on, resources that can be saved from health and criminal justice budgets by not overusing them by -- overusing them by small number of people, possible revenue sources other cities may have thought of, social services funding and potential inclusion in the next geobond funding so we can create the housing for city's Austin homeless, because homeless situation requires capital funding to operate the building funding to return the property and services funding. The second area of focus, rental housing for individuals and families under 30% of median. We really recommend strongly preservation strategies should become a priority. We have seen partnerships with the city and strong housing provider that is help deliver affordability. It is time to look statistically when does the city look to own and bridge the property and the address to need for family housing under 30% FFI which will also help stabilize school attendance and be good for the school districts. Thirdly workforce homeownership. The market study identified this as another gap for Austin and a strategic gap for Austin. Austin has taken strategic steps to create affordable homeownership by including affordability in VMU and in your put ordinance. And it focuses on sustained affordability which is to be applauded. We have yet to develop a strong set of standard documents which fit for the industry, the builders, and then fit for the nonprofits and then fit for the lenders. We need one standard set of documents that make it easy for the sustained homeownership which does require ongoing administration over time as properties are resold or refinancing, so we would call that out as a third area. Homelessness, rental housing under 30%, particularly focusing on preservation strategies and workforce homeownership. Thank you very much. Those are our recommendations. Thank you. Thank you. Next speaker is Stewart Hersh, following him is Helen Brody, if you want to get ready on this other side. Mayor, members of the council, my name is Stewart Hersh and like most people in Austin, I rent, first I provided you a copy of the latest study from the Home Builders about the challenges for creating first-time homeownership in Austin in 2010. This was published in December, creates the context in which our for-profit, nonfor-profit partners will be facing in trying to deal with that issue. The council is discussing community needs in conjunction with the adoption of the I want to continue to emphasize the need for housing that is safe, mixed income, accessible, reasonably priced, transit oriented and green building. For nearly a decade Austin has had a policy that reflects these needs and it's called smart housing. Since general obligation bonds are likely to focus on rental housing for the poorest among us for the next several years, I ask that you make the balance of geobond funds available in the 2010-2011 fiscal year, this increases likelihood that funds will be available on October 1st, 2010 for applicant who is are ready to go. This action increases the likelihood. The geobond housing developments will be completed before the community considers another bond proposition for affordable housing. Very low income homeowners will need additional repairs to their homes after roof

repairs are performed with the gift bonds you have received for that purpose. I suggest that you capture the \$500,000 in repaid smart housing fee waivers and \$500,000 in community development block grant funds for emergency home repairs, this \$100 million will supplement the current funding level of the emergency home repair program, not supplant it. Home opportunities for attendant base rental assistance should be increased half million dollars. If there is sufficient demand and organizational capacity to respond to this demand. These funds help extremely low income renters and what we heard at the community development commission yesterday is that they are turning away renters right now because there are not sufficient funds in the budget and we can clarify that and correct that problem in the next judgment cycle. Finally our smart housing partners need comprehensive, presubmittal information as well as fast-track review in all cases if they are to become successful. This could increase our partnerships and production which has plummeted by 78% in smart housing over the last two fiscal years. Please continue homeownership and rental programs but shift some of the resources to respond to the needs of Austin as I have described above and thank you so much for your caring for the poorest among us. Thank you, Stewart, after Helen will be J. Filterman on this side. I am here her director of fun steps and just this morning I was able to finish tabulating data involving vulnerability assessments for the most frequent users at Arch, by frequent service users, I am talking about client who is visited the Arch more than 200 times within the past year, there are 160 clients that are using Arch at that level of service. Know note these assessments were completed by staff members. Given nature of mental illness and substance abuse we found that self-reporting is not an accurate tool. Of the frequent service users that we did the vulnerability assessments on, 100% had some form of disability, other physical disability, a mental health disability or substance abuse disorder. 83 Percent of these clients had more than 1 of those disabilities. We think that only 7% of these clients have disabilities so severe that they would need a fixed site facility to live in. The remaining could live in permanent supportive housing that is either fixed site or scattered site throughout the community. If the client to case manager ratio was low. We know studies across the nation permanent supportive housing works, by permanent supportive housing I am referring to housing with ongoing case management supports. The recommendations from recent studies done in Austin mirror similar studies across the nation. These recommendations call for more funding to be in support of permanent housing. I think the salient points to remember, particularly perhaps about the frequent service users at Arch as we move forward is that permanent supportive housing is health care. Permanent supportive housing is substance abuse treatment. Permanent supportive housing is public safety and permanent supportive housing is a solution for problems that has been heretofore intractable. Thank you. Before you start, okay, I want to -- I want to -- I should have, in the beginning, offered the opportunity for some of our physically challenged folks to go first and I will do that after Jay, if you like, if you have connections you need to make. I don't have a list -- nobody give me a list, but I believe it is Mary Steel, [indiscernible] Steel, Nelson and Jennifer McPheal. Anyone else? We will take that group after you Jay. Thank you Mayor and Council, my name is Jay Feldman the passage coordinator at the Salvation Army and here to talk about tenant rental assistance or TBRA, the partnership between Austin Housing Authority, the City of Austin and the Salvation Army Passages program to provide transitional housing to go homeless families has been operational since March 1998. The TBRA housing fund is funded by house and current trust fund at the current level. As of February 2010, the program has housed approximately 670 cases, which includes families and single adults, most of whom have received 12-18 months of tenant base rental assistance, this includes approximately 1950 people of which approximately 1200 are children. Currently we have approximately 74 households being served in TBRA housing and/or in the

process of getting tbra. Other households approximately 6 -- approximately 19 single individuals and 55 households are represented respectively. This includes total of approximately 84 adults and 136 children. Services funded by the passage collaboration includes case management, subsidized childcare, limited financial assistance, substance abuse education, mental health counseling, life skills training, job readiness training and referral to permanent and transitional housing and in addition, the austin housing finance corporation has had, for the past three years, provided financial assistance for housing and utility deposit and first month's rents. Each year approximately 80-85% of families participating in passages program require permanent housing. During that time families on the tbra paying reduced represents. They work on reducing debts and increasing their skills and income to become self-sufficient. We would like to thank the city of austin, hawkka, city trust fund and cdc to continue to off support for homeless families in austin. We would like to encourage continued funding for tbra and if possible increase funding by at least 20% because we have been turning away eligible applicants since last summer. Thank you. Th th ank you. Next speaker is mary steel. Thank you, mary. Thank you. I really love my grand babies and i want to be able to see them any time i want to see them or any time they want to see me. And if I were -- if things are going the way they are going now, I am going to have to try to find another place to live because my rent is going to be up too high. The group don't want \$18 an hour. Please give that to ssdi, we would really need that, because then I wouldn't have to worry about, you know, about leaving my grandchildren and by my grandchildren, I mean all of the children in my apartment complex. I have adopted them all. And I don't want to leave my babies. Because when I am with them, I see them grow. I see them do things that they didn't know they could do. It's not that mom and daddy can't help them but mom and daddy are like me when I was raising my children. You've got to feed them and clothe them and house them. You don't have time to do all of that other stuff. That's why god gives us grandmas because we do have that time. We don't have time for anything else now. I mean, when I see my children, they -- they come to me every day after school, and I will tell me what they learned. And they have to tell me something different every day. They don't -- I mean, if they don't learn anything, all I say is, you mean to tell me the taxpayers are just blowing their money? And the next day they come up with something that they've learned. And I like that because I know they are learning, if it is only to shut me up, they are learning. I had a teacher call me up one day and -- and smile -- i guess -- I am not sure how she got my I think the kids might have given it to her but she called me up to thank her because one of her problem students was getting straight e's on his report card. She said, what did you do? I said, I don't know, I guess I just loved him. And I would love to be able to just love my babies forever, but the way things are going now, the way my rent is going, I am going to have to give them up. And I don't think anybody, especially a grandmother should be forced to give up her grandchildren, so i just ask you all to -- when you are deciding what money goes where, decide to give those poor people that are below the lowest just a little more money or a little -- a little more time to work. Thank you. T thank you. Next is borrell steel. I am borrell steel, married to my wife, I don't think I am going to take the full three minutes, but my affordable housing allows me to live in the community. In the community, I am .. What I please -- what I please. Support affordable, accessible, integrated housing. Thank you. T thank you. Next is nelson feat. Do you wanting to ahead and go, jennifer? Nelson you will be next after jennifer. [Indiscernible] t thank you. Hello, I am nelson v. [Indiscernible] that provide housing unit that is serve people at or below 30% mfi, these probabilities should offer the people living in them a lease and a key and assessability. I resided in a nursing home for 19 months. I feel stripped of my freedoms. I had to eat the food they served without choices and as soon as supper was over they told me it is time to go to bed. I don't go to bed at

15 and then they were waking me up at 4:00 p.m. I said what am i supposed to do for four hours before breakfast? You really don't know anybody there. They don't want you to close the doors. And the doors don't like you anyway. They come in and go through your closets, your drawers and your stuff. They are not -- and they take whatever they want. You do have have any privacy. I feel safer in my own home where I can close and lock the doors whenever I want and need to and keep my things safe. I like living in the community because i can leave my money on my table and if I go to sleep or leave my home, I know that the money will still be there on the table when I get back. I am so happy to have my own affordable accessible apartment and being back in the community, hearing babies cry, going shopping, watching people drive down the capitol. There is an incredible need for assistance to people with disabilities -- who need access in their own homes, inaccessible housing is [indiscernible] if you are a prisoner in your home because you cannot get in or out of a home due to a lack of ramp or other combinations your housing is un standard. Support is needed to increase the number of architectural removal barrier programs which must be consumer driven. Technical assistance needs to be provided to community for them to help develop these programs. They should be dedicated to support movable programs and technical assistance should be provided to the communities to help them to deliver consumer driven programs. Please plan for more affordable, accessible, integrated housing. Thank you. Thank you, jennifer, you are next. I am jennifer mcfarland and I wanted to go on record letting you know adaptive supportive measure targets people 30% of the mfi. We are support testify of the architectural barrier removal program. We think any projects that you construct with public funds should require a lease and a key so the individual can have autonomy and privacy and I want to spend the rest of my time tonight doing something a little bit different. I want to go on record saying that the idea that the only way that people with mental and physical disabilities can floshtish in the community is if they -- flourish in the community is if they are in supportive housing with services attached, that is a misguided notion. My father was physically and mentally disabled. He had a neurological disease and he was schizophrenic and i want to tell you he never had housing with services attached to it. He received housing -- he lived in his own home. He received support services but they were independent of one another. And he flourished. He spent time in shoal creek hospital when we realized he was schizophrenic and we were trying to figure out how to serve him best and there was a time I didn't know we could make it work but we were able to and he was able to keep his dignity and his independence and don't just dismiss it because you think, oh, well maybe he wasn't severe. Well, its schizophrenia was severe and he did have alcohol and drug addiction and it was very difficult to deal with. I was there helping him wipe off the vomit and stuff, so this whole idea that the only way that people can flourish in the community is if we have a thousand caseworkers and a bunch of nondisabled people breathing down our backs, that is just misguided. It is immoral. It is unjust. We are all served by the fact that my father was integrated in the community. I am a better person for it and the city is a better place to live because of it. People like my father deserve just as much of a chance as anybody else to flourish. Mayor Leffingwell: Flourish. I have a couple of questions for jennifer. C councilmember. I want to make sure I am understand ing you. So I will try to throw it down. I hear you saying that certain people with disabilities do not have to be in housing that is solely directed at those disabilities and they need to be integrated into the community? That is absolutely correct. I don't need to be in housings that solely for people with cerebral palsy. I totally understand that and i agree with you but you are not saying you don't support housing for people that do need services in -- I am saying that policies that segregate us based on diagnosis are wrong, because they segregate people and immoral, because they don't give you choice. I think I totally understand that because I am african-american, i think

I am with you on that. I just want to make sure -- segregated policy, sectioning people. I think I totally understand you on that. I just wanted to make sure that there are people who do need services and they don't necessarily have to have services in that building that you are not against that. No, I am not against services, I receive home health services, if it wasn't somebody coming and helping me get dressed and get ready for work, I wouldn't be here. They don't have to be attached to my housing. I don't want my home healthcare provider returning my apartment, any more than I want my apartment manager running my health care services. They both individually have their hands full for what they do, they have their own expertise and they don't need to be breathing down poem's necks. So more of a freedom privacy decision choice? Yes. Cole: I understand, Jennifer, I am with you. Just one more thing, I want to say it is disheartening for all of us is that the trend is to create pseudoinstitutional environments. The only thing that is different is the funding stream. The philosophy recently has begun to be exactly the same. We are [indiscernible] and it is wrong. There are people making tons of money off the fact that others are disabled and rely on supportive services. Mayor Leffingwell: , Jennifer. The next speaker is Jerry Gene Hutchinson. Hi, I am Jerry Houston for the Austin County Reentry Roundtable. The Roundtable has been working with the City of Austin Neighborhood Housing and Community Development Department on the past few years on several probabilities relating to enhancing prompts for people returning to the community for correctional settings, this project included a range of population as a special needs population in the FY2009-2014 consolidated plan that was created last year. We appreciate Margaret, Rebecca and all of -- all of NHCD for their work and their collaboration and their partnership and their patience with us and with the major shifts the policy discussion right now, we want to work with NHCD and many other partners and stakeholders across the county and the city to develop specific strategies that will operationalize this policy. Since last summer, there have been a number of projects launched that resulted in data, real data, around the area of housing needs for the homeless population. This data gives a more comprehensive picture of the housing needs in our community and thus indicate the two significant drivers for homelessness are persistent mental homelessness and criminal background which leads to persistence utilization of public services, examples of that data. Austin Travis County Cooperation Supportive Housing Reentry Initiative, we just finished the final report in January, conservatively identified 1100 homeless persons leaving Travis County Jail are involved in criminal justice program in 2008 in our city. Eighteen -- 814 of those individuals were assessed with mental illness or substance abuse issues and accounted for 2,580 total arrests during the 2008. That means they utilized over 54,000 jail beds -- jail bed days. That was a cost over \$3 million for 814 people. During the same initiative, the Reentry Initiative, the data analysis, the Austin Community Court identified 177 frequent users of their court system. Sixty-five of those -- of this population had been involved with the court for the ten-year life of the court. As you heard in the housing unit service debriefing February 25th City Council meeting we heard that Austin currently had 453 units of permanent supportive housing but only 57 of those target chronically homeless and many of these units are permanent supportive housing have substantial restrictions for several persons with criminal backgrounds [buzzer alarming] -- I am not ready. That was too quick. That is your. Supportive housing has proven to be a highly effective strategy for this 307 population. It reduces arrests of incarceration and reduces. M. Hutchinson, please end. Sorry, I thought I talked about it. Can I ask Hutchinson, would you share a copy of your testimony to my office? Absolutely. We will be doing a written report, also, and, in fact, last week, I believe all of y'all in the mail have probably received some input from Austin Travis County Reach Roundtable with some of the data that we have collected from the community courts as well as Austin Travis County Care and all of that so you should have it in your records somewhere. Mayor

Leffingwell: T t the next speaker is sabina reed, is sabina reed here? Mr. duran. Mr. duran here? You have three minutes. Thank you, council, mayor and staff for your time. Since -- I am with accessible housing austin and I want to clarify things jennifer is saying because we are getting towards a dangerous trend when we talk about the -- the obviously and well documented need of -- for supportive housing for low income people. We are talking about half abuses -- past abuses of people who have been living in housing where their fundamental medical services were linked to their housing, so if you are experiencing abuse and neglect by the person who helps you get out of bed and get dressed and stuff like that, if you have a problem with that -- with that attendant, you can be at risk of losing your housing because those vital services are linked. I don't think anybody is against financial literacy classes or substance abuse assistance. Nobody is talking about that. But in order to get basic care from -- and live in the community, you just get into dangerous territory whenever you start mandating links between the housing provider and in the medical assistance -- or just basic assistance for people. United cerebral palsy has -- or still has a grade thing going with hud section 8 properties that are integrated into existing condos at the allen dale grove and that is a nationwide kind of precedent setting system to -- to basically have the tenant bring their own supportive supported to the housing provider that they are able to select in the community and section 8-11 funds are funds for people with disabilities, similar to hud 202 section funds which are funds for people who are 62 and above. So I -- I would encourage you all to look at what the united cerebral palsy of texas did with the allen dale and the grove. Mayor Leffingwell: Very much. Thank you very much. T thank you. The next is kimberly hernandez. Welcome. You have three minutes. I am kimberly hernandez the housing -- I am kimberly hernandez the housing coordinator at transition housing, we need to expand our transition housing for our clients which i think is a good middle ground between supportive housing and independent living, a way to step up of permanent housing and living independently. Our clients we have is hive aids, we have 53 people in our waiting pool who have been interviewed and are eligible for housing with us. We have 66 interviews scheduled for new applicants to add -- applicants to add to their waiting pool and that is at least 89 people in the city of austin who have indicated they need our services and cannot access them because we are at capacity and anecdotally, there are other aids service places and they decline them because they need to get housing right now and sign a lease even if they can't afford, i would say the number can be tripled, perhaps even quadrupled. We would like to see austin's definition of homelessness of those who are couch hopping, a third are homeless but another third are currently couch hopping and we need the folks to have permanent housing after a history of homelessness. We hope to use funding to have comprehensive and life skillings building program, 60 percent of our pool have mental health issues and approximately 75 percent of our waiting pool have substance abuse histories and hope to provide more programming targeted at harm reduction, empowerment and coping skills to help people with mental health and substance abuse issues and as a social worker who works among the residents, they ask for programs. These aren't just programs we would like to provide out of our own goodwill, it is something we wish we could provide more of. We are often the first point of contact for those formerly incarcerated. With people with hive aids, we help them integrate with substance abuse, mental health, disability assistance, and our association is to help people with hive aids and cope with many different obstacles to their success so they can thrive in permanent housing and future and to independently live. Any funding that you could designate for hive aids transitional housing will be well utilized. That's all. Mayor Leffingwell: All. Thank you. T the next is catherine stark. Good evening, my name is kathy stark, the executive director tenants -- the outtenets council, i appreciate talking tonight. We take over 13,000 calls from tenants and/or landlords in the year in

the surrounding travis county area. We would like to urge you to use the federal funds to go towards housing and housing related services, for 50 -- at least 50 and below. The -- those folks from the city study are the most underserved in housing right now. If the city was demonstrate -- demonstrated in their last housing report. I -- I want to see the housing that we build accessible and integrated in the community. The gio bonds, when i heard the report on them, I was excited to hear we were building affordable housing in other parts of the town other than the eastside of the town, north, south, middle. It is good to integrate fair housing. We should have accessible fair, decent housing throughout the city so people have choices where they live so that they can live closer where they work, where they want their kids to go to school, so I would like you to urge you to use our money towards affordable housing. Another thing, i recently looked at additions in the city of austin and we haven't read -- evictions in the city of austin and we haven't had spike in evictions the last year and a half like we thought we would and I couldn't figure out why because the calls are getting -- there are a lot of desperate people out there. Yes, austin is doing better than the rest of the communities in this nation, but we do have an unemployment problem. We do have lot of folks who have lost their jobs. I think what it is. [[indiscernible] people are waiting to get evicted and moving out and moving on to friends, in with their families, doubling up, living in their cars rather than, you know, they don't want to hurt their credit anymore by being evicted so i think we have a whole sub culture out there that is starting to live this way that have lost their jobs, maybe run out of unemployment or unemployment wouldn't pay the bills or they lost their house. They lost their mortgage. And so we have this whole new sub culture developing out there in the austin area, people who used to own their homes and used to have a decent job and have a decent apartment, who are now resourceless and really don't know how to tie in to the services that are available. They have never accessed those before to that's -- [buzzer alarming] that's all I had to say. We need to consider that. s ar. I am marx artel flores and work with aids services of austin and I am the rent mortgage and utility coordinator for the hopper program in the central texas area. We consist of four agency that is off case management to persons with hiv and we serve about 300 people -- with hiv and serve about 300 per year, search shows persons with disability and hiv, person with public housing are less likely to engage in sexual behavior than those who are not, as that improve, medication adherence, reduction in participate in the sex straight and improvement in mental health status. So we are asking for more affordable and permanent long term housing, many hiv can eligible for section 8 it can take several times to receive public housing and section 8 wait list is three years. Many of our clients receive social security disability and are forced to live on incomes of 670 a month and can't afford apartments that are 500, \$600 a month. We support and need more permanent supportive housing for those that are willing to participate, especially those with mental health and substance abuse for the homeless, many clients with hiv are very isolated. They do not have family support or friends to help them when they are in need. We need more transitional housing, there is insufficient immediate transition housing that needs the medical needs for -- that meats the needs of people with hiv, especially confidentiality around their medications and their diagnosis. It's very difficult to preserve confidentiality in emergency shelters and boarding homes we need more permanent housing for people with criminal histories, i have been up here preaching about this, clients have an uphill battle when they have extensive criminal background histories. Most affordable housing provider also not rent to clients with these histories. They end up with boarding homes frequently. We have about 50 people in boarding homes. We are recommending relaxing eligibility criteria to include clients with criminal background histories especially when a case manager is working with them, with respect to harpo funding part of the consolidated plan. We run out of funding this

year, in the last quarter probably the funding cycle ends in september. You probably are not going to be able to do anything about that but just know increasing affordable housing and access to affordable housing through relaxing eligibility criteria to include more clients with criminal histories will go a very, very long way to stretching our harpo dollars. Thank you. T thank you. The next speaker catherine kransten. Welcome. You have three minutes. I am kathy and with adaptive texas. I am also with personal attendant coalition of texas. And we support funding to go toward more accessible, affordable integrated housing and we are talking about 30% of below median family income. As you have been listened just as this woman just said that, most people that are on ssi are at 600, 674 per month. It is really hard to find housing, especially affordable, accessible and integrated housing for people with disabilities, whether you use electric wheelchair or whether you have mental health issue, it needs to be integrated as well as affordable accessible. Also, we would like to see funding to go toward austin tenants council. That is a really good service. The council that provides the service to our community, not just for people with disabilities, but, also, people of different ethnicities. I -- I have directed many people that -- that have come into our office, directed them to the tenants' council because they would get confused where their office was and they are utilized big time so you guys need to put some money toward them. And one -- another program that is really important to me is the architectural barrier removal program. My family has benefited from this program twice. And it has been over probably a ten-year period, but nonetheless, when my husband and I first came to austin in 1987, we were looking for accessible housing and affordable housing and it was very difficult because we lived on a tight budget, and every house, we were trying to look for a home -- every home that we went to was not accessible. They all had a step. So, finally, we were able to find a home and at that time we didn't -- we were not aware of -- and i don't know if the abrp program was in place. But we did end up building one for ourselves, a ramp going into the home. But then when we -- about two years later, we ended up purchasing a home and we initially put in a make-shift ramp and then several years after buying the home, we heard about the abrp program, and we were able to participate in that program and I want to thank the city for having that program because many of us that do buy homes can benefit. But it also doesn't just benefit people that are buying homes. Some people that are on rental properties that home -- that homes that don't fall under the, you know, the 504 or any of those type of -- of regulations, people that -- with disabilities that use wheelchairs can access the arbp program -- [buzzer alarming] -- so I would encourage you guys to continue to putting money into that program, too. Thank you. T thank you. That is all of the speakers I have signed up. Is there anyone else who would like to speak in this public hearing? Hearing seeing none. I entertain a motion to close the public hearing. Councilmember morrison moved to close the public hearing. Second by councilmember spelman. All those in favor? Say aye. Oppose, passes on a vote of 6-0 with councilmember pro tem martinez off the dias. No further items on our agenda tonight, so without objection, we stand adjourned.

End of Council Session Closed Caption Log