

Closed Caption Log, Council Meeting, 04/29/10

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Good morning. I'm austin mayor, lee leffingwell, and we will begin today with the invocation from pastor sam brannon from the messiah lutheran church. Please rise.

>> Good morning, everyone. Before I invoke the name of the holy, holy one, I want to ask you to imagine your favorite thing about this great city. I remember as a child flying kites with my father, riding the train, swimming at barton springs with my mother. Father, I ask you to bring wisdom to the deliberations of these great leaders and for good governance, I ask you to watch over them as they practice stewardship of this great place, austin, my home town. In god's name. Amen.

>> Amen. Thank you, sam. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, april 29, 2010, at 10:05:00 a.m. We're meeting in the council chambers, city hall, 301 west 2nd street, austin, texas. We'll start with the changes and corrections to today's agenda. 11 has been withdrawn. 15, insert the words "after minority-owned and women-owned business procurement program and insert the words "by meeting " 30, delete the words "the ian crocker open water swim to be held on may 15, 2010. The reason for that deletion is that event has been cancelled. 47, add a co-sponsor, mayor pro tem mike martinez. 50, add as a co-sponsor mayor pro tem mike martinez. Our time certain items for 30 our morning briefings. First we will hear a project prioritization process and strategic mobility plan timeline. And second, we will hear a presentation from the citizens water conservation implementation task force. 00 noon we will have general citizens communications. we'll take up our zoning matters. our public 30 we'll have live music and proclamations. 46 on the consent I'll read into the record appointments to our boards and commissions. To the downtown commission, beth atherton as council member shade's nominee, and also waive the residency requirements in section 2-1-21 of the city code. To our impact b advisory committee, john lewis is nominated by council member shade, and to our mbe, wbe and small business enterprise advisory committee andrew ramirez is mayor leffingwell's appointment. The consent agenda is items 1 through 58 plus items 75 and 76. Items pulled off the consent item 14, by mayor pro tem martinez. Item 43 will be pulled until after we hear the morning briefing on strategic mobility. Items 47 and 50 will be heard after our executive session as we will discuss related items in executive session. Item 49, council member spelman, are you pulling item 49? I should ask you if you're pulling any items. 49, Not 7, 8 and 9. So far the only item I have pulled off the consent agenda for more than one speaker is item 48. Is that correct, city clerk? We do have one speaker signed up on item 26. Whoops, excuse me, item 26 now has three speakers signed up. Correct?

>> Mayor? I'd also like to pull items 75 and 76. I have some questions of city staff.

>> Mayor leffingwell: okay. So add to items pulled from the consent agenda item 49 by council member spelman, items 75 and 76 by council member spelman, and item 26 will be pulled for speakers. mayor, I have one item -- as well as item -- go ahead.

>> Cole: I'm sorry. 24, that I'd like to brief questions of staff. item 24 is pulled by council member cole.

>> Mayor, I will not be pulling item 49. and i believe I read item 49 as being pulled --

>> no, I will not be pulling item 49. you will not.

>> No. so item 49 is back on the consent agenda. So that was kind of complicated. I'm going to read it over again. Consent agenda is now items 1 through 58, plus item 76, with item 14 pulled by councilman martinez, item 43 pulled because of -- to be heard after the briefing, items 47 and 50 to be heard after executive session, item -- excuse me, item 75 and 76 pulled by council member spelman, and item 48 -- item 48 is pulled for speakers. one more issue, mayor. and item 24 by council member cole. Those are all the items pulled up -- say again? one more issue, mayor. Could you please show me -- I'll be voting in favor of the consent agenda but i must recuse myself on item 45. and we'll show our council member spelman recused on item 45. So are there any questions about the consent agenda? We have one speaker signed up on item 44, which is on the consent agenda and we'll hear frm speaker, mark nemer, who is signed up against. Mark nemer? Is mark in the chamber? Mark nemer is not in the chamber, so without objection, council, we'll 44 back to the consent agenda. So I believe we're ready to entertain a motion on the consent agenda. Mayor pro tem moves approval, council member cole seconds. Any discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Consent agenda passes on a vote of 7-0. So without objection, council, we'll get up some of these what are anticipated short items. Get those out of the way. 24, councilwoman cole? yes, I'd like to ask someone from dsmb, may garcia garza.

>> Good morning, council, veronica letter, dsmb. good morning, veronica. I recognize it's the ih-35 take-over, and I was concerned that it did not have any african-american participation. Can you shed any light on that?

>> Absolutely. When we looked at the good faith efforts that were provided by chasco, the prime contractor, the apparent low bidder, we looked at the minimum steps they took to meet good faith efforts, which they did meet the minimum steps required, and then we looked at the additional steps because of the zero percent african-american participation. The additional steps they did take, they contacted vendors outside the slbp, they advertised in local newspapers and they also contacted our

trade associations that we -- that we partner with. We also looked at any bids that may have been provided by african-american contractors and to add the issue of why those bids were not used or included in the compliance plan. Of the bids provided by african-american contractors, there were two that were provided, one by a hauler and one for photography, and chasco chose to use wbe firms for those two areas. There was also a bid provided for demolition, and chasco -- we talked to chasco to clarify why that bid was not used and chasco informed us that the demolition work would be self-performed. It would be provided by the company.

>> Cole: okay. I'm not going to belabor the point at this time because we can take it up in our subcommittee meeting, but i just feel real strongly about the fact that we've got to do better and figure out how to do better, and this item was actually a council-led item as opposed to a staff item, and me and council member martinez brought it forward. So -- and I also know that there is specific concerns in the trade association about certain types of items that go out for bids, like the hauler items. So we'll be discussing that at our next subcommittee meeting. thank you, mayor.

>> Thank you. did you move approval?

>> Move approval. second, motion to approve by council member cole, second by spelman. Any discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Any opposed in passes on a vote of 7-0. And next without objection we'll take up items 75 and 76 together pulled by council member spelman. I'd like to ask a few questions of city staff who regulate taxicabs. Everybody here?

>> Mayor and council, robert spiller, director of transportation. I also have morris poe with our taxi folks.

>> Good morning, robert, thanks a lot.

>> How are you?

>> I wonder if you could walk through for us what kind of performance measures we collect on taxicab franchise holders.

>> As part of the ordinance 13-2 identifies a number of regulations and so we evaluate the taxis based on compliant with regulations -- compliance with regulations, compliance with changes in the ordinances and as well as on-time payment of their fees. That's the big picture. Some of those specific regulations I'm going to ask morris to come up and tell you about those specific regulations in brief. There's about 100 of them that are in chapter 13-2; is that correct? in brief would be very much appreciated. Thanks.

>> Morning, council members, morris poe, transportation department. We looked at a number of things

that apply to the code, whether or not they're providing citywide service 24 hours a day, seven days a week, whether or not they're in compliance with the 25% owner operator rules, any issues with refusal to service, whether or not of course they're complying with the set meter rate, conditions of vehicles, fee payments. You know, there are a number of issues in the code that companies must comply with.

>> One of the things I've been doing over the last week is taking a look at performance measures in use in other cities, and one of the cities that seems to have done a particularly good job is los angeles, which has a department of transportation, which collects information on a regular basis of all their franchise holders. I believe they have 11 franchise holders in the city of los angeles, and they have formed a thing called a taxicab service index, which is their primary measure of how well each of the franchise holders is doing at providing good customer service and being a good corporate citizen throughout the city of los angeles. Most of the points provided in the taxicab service index, which, again, they use to measure service and they actually use over the course of a franchise agreement to determine who gets -- if there are any changes in the allocation of permits among franchise holders, is what they refer to as on-time service response, how rapidly people -- each of the franchise holders are responding to dispatched phone calls for cab service. Do we have -- have we ever collected information on on-time response to calls for cabs and do we have the capacity to collect that kind of information?

>> No, sir, we don't collect it, primarily because we just don't have the staff to do that.

>> Spelman: okay. So if we were to collect that sort of information it would require a lot of staff time? Could you sort of walk through -- have we ever considered collecting that kind of information?

>> Several years ago we would occasion -- occasionally we would try to do some just impromptu tests, go out and make a call from a location and see how long it took them to arrive, but we've not done that in the past several years. I'm sorry, i can't hear you very well, sir.

>> I said several years, we would go out and do some test calls and see how long it would take them to arrive to pick up, you know, a call from that location, but we've not been able to do that in the last several years.

>> Spelman: okay. Is there any other means of collecting information on customer service that does not require so much staff time?

>> Well, we use, you know, complaint process, if we get calls from citizens or anything like that, is the only way the staff has the ability to do that. There are some -- like yellow cab is very advanced service, computerized system, but not all of the cab companies have that. You know, we might be able to review their records to reveal that data, but without that, I'm not aware of anything that would be very simple for us to, you know, put into place. it sounds as though we are in this position right now of identifying how well their complying with our regulations, which are mostly to do with the cleanliness of cabs, whether they're safe -- safe cars, that sort of thing, whether they're paying on time. We have some limited information as to the number of complaints the customers may be providing. I presume we could collect

information on the number of complaints that we may be getting from the taxicab drivers themselves.

>> Yes, council member, and if the desire of council is for us to explore that through this task force that we're talking about adding additional criteria, we're certainly happy to investigate with our resources what they're doing in los angeles. It sounds like you have some good information that we could benefit from. again, my concern about this particular decision before us is that we're locking ourselves into a five-year program where nothing substantial would change. If we were to, over the course of a five-year period, develop some more effective means that was practical, from our point of view, for determining the extent to which the franchise holders were providing good customer service to customers throughout the area, would we have the legal authority to be able to add this to our franchise agreement, in your opinion?

>> Gregory miller, law department. Would you mind rephrasing the question? I apologize. you didn't know it was your question until i was halfway through it. Let me try again. We're talking now about putting -- signing five-year franchise agreements with two of our franchise holders. Presumably -- I'm guessing that part of that -- of those agreements are their willingness to abide by -- abide by all of our regulations and to allow us to collect performance measure information. If we were to change performance measure information so that it were to include, for example, on-time service response or other measures of the quality of customer service, would that be something which we could do in the middle of a franchise agreement or would we have to wait until the agreement was over and do that again? Is that substantial enough that we'd have to wait until the franchise was over?

>> I believe as a general matter we could frame some standards, put them in the code in such a way that wouldn't constitute a substantial change. if we were then to reserve the right to make changes in the number of permits, based on the results we obtained from these performance measures in some way -- I'm asking a hypothetical question, obviously, and you may not be able to give me a straight answer right now, but is it reasonable to believe that we could frame this in such a way that if customer service measures were low, that we could remove permits if they were -- if they were high, we could add permits, we could make adjustments on the basis of performance measures that we have not yet developed.

>> I think once we talk about removing permits then we're talking about substantial changes, but with regards to allocating future permits, that would certainly be something we could include in our calculation.

>> Spelman: okay. Would it be possible to frame the franchise agreements in such a way that adjustments midstream could be made? I'm not saying that that's the way it's framed right now, but in your opinion, could we frame it that way?

>> With regards to permit allocation --

>> permit allocation based on performance measures.

>> I would want to look at a specific language to speak on that. As I said, once we talk about reducing the number of permits or having some kind of flexible number of permits, I think that goes towards the franchise model itself, so -- so it sounds as though that would require some fairly substantial changing.

>> Yes, it would, but there are, you know, some things we could look at doing with regards to measuring franchise allocation as a general matter in the interim period.

>> Spelman: okay. We are talking about second reading only. We have to have a third reading at some future date, I believe on the 13th of may.

>> I believe so, yeah. mayor, I'll be voting no on items 75 and 76, but I will look forward to speaking with our legal staff and our transportation staff further in -- with the idea that perhaps we can improve these - these franchise agreements to the point where I could support them.

>> Thank you. any further questions for staff on items 75 and 76? mayor, I have a brief question. council member cole. I just want to ask this of the lawyers because we kind of got into what we could legally do and what we could not legally do. That's okay. It's generally my understanding that the allocation of permits is based on a lot of factors. Can you give us an example of some of those factors?

>> The first one that comes to mind has to do with measurements, I think we take on an annual basis, with regards to trips coming out of the airport and overall population of the city, and that calculation sets the baseline of permits, and then with regard to distribution of those permits, I'd have to look to speak exactly on this, but we have an allocation based on -- i guess trying to regulate to make sure that the franchise companies will -- the franchise holders will eventually get closer to equalized levels of permits, so it's kind of a phased in, whereas maybe the larger one won't get quite so many permits, they'll be distributed pro rata. so it seems like we currently have a process that's based on the existing market, because we don't want to put anybody out of business letting the market, and then the second part of that analysis is whether they are equitably distributed.

>> Yeah, with regards to market share between the franchise holders. and right now i don't think either one of those issues are before us in this.

>> No, they're not. mayor, I'll move approval. council member cole moves to approve item 76 -- 75 and 76 on second reading only, second by the mayor pro tem. Any further discussion? mayor, I'd offer a friendly amendment. council member spelman? council member cole, would you accept a friendly amendment that we, in addition to approving on second reading, 75 and 76, that we postpone action on third reading until the 27th of may. That would give me an extra two weeks to talk with our transportation staff and franchise holders with the possibility of coming up with a slightly better agreement? I always believe in more time for council members, so that is -- yes.

>> Spelman: thank you. Friendly amendment to hear the third reading on may 27. It's accepted

by the maker. Mayor pro tem, do you accept that also? I just wanted to ask -- it is friendly, but I wanted to ask staff, does it cause a timing issue with the renewal of franchise agreements and their expiration?

>> Thank you again, robert spiller. No, it does not cause a timing issue, but, in fact, the posting says for may 27 right now in the ordinance, and so there actually is not a need for the friendly amendment. Earlier we said the 13th. That was a mistake. So -- you'd consider that super-duper friendly.

>> I would. you never correct council.

>> it is third reading may 27, 2010. 2010. I withdraw the friendly amendment.

>> Okay. So the motion is to approve 75 and 76 on second reading only by council member cole, second by the mayor pro tem, and we will note that the third reading will be heard on may 27. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Any opposed? Passes on a vote of 6-1, council member spelman voting no. And now we'll take up item 48, which is pulled off the consent agenda for speakers who have for the item and the first is gavino fernandez who will be the first to try to talk us out of it. fernandez, you have three minutes.

>> Thank you, council, my name is gavino fernandez, and we live in austin and texas, the weather changes a lot, so a lot of times we come to convey to you our -- our support for this resolution or this action to be taken by the city manager on behalf of the council. We are fully -- well aware of homeowners mainly the ones that we have continued to have a case for council, is senior citizens and the disabled, and we know of many applicants that have applied for weatherization, federal stimulus funds that have come down but have been diverted because of outstanding issues with either hospital bills or of other nature. So hopefully once this occurs that will help us and assist us to expedite those applications and have others revisit the application process. I do want to thank mayor pro tem's office and his staff for working on this particular issue. Council member randi shade also, at the very beginning, and this brings hopefully a big relief. It also will contribute to being able to contract these -- these projects and provide work jobs for the market. So once again, we want to thank you for supporting this particular issue and bringing it to the forefront and allowing the federal dollars and the other housing programs that are run by mar rich office, more flexibility in getting the project done and getting it fixed. We also want to thank mar rich haw and her department for working with us and being patient with us. Again, we're all about providing a quality service to all of our customers and all our homeowners in our area. So thank you and we look forward in continuing to work with you as we clear more timber in regards to accessing funds so that the home repairs and weatherization can be done. Thank you, mayor. thank you, gavino. Next speaker is danny perez. Danny perez. Is ant munoz in the chamber? Danny, you have six minutes.

>> My name is daniel perez. I'm with considio east lake association. Gavino said most of the stuff he needed to say to get that out of the way. But the stipulations -- the situation the people had in east austin shouldn't have been put on them, because the holly power plant, the whole deal when it closed down is the money was supposed to be given to those people in that part of east austin and for them to put that to use to fix their houses and whatever they needed to do with their homes. You have a lot of elderly people that live there in that neighborhood still. My parents have been there since the '60s, gavino's family has been there forever. And so the money -- should have been a stipulation on that. I wanted to address this to mike martinez. You know, when we elected you for city councilman, you were supposed to be there to help us, not against us. You were supposed to do the things that we would ask you to do, not for you to come over here and do other things. can i pause you for a second here? As of personal privilege, i would note that a group from the hocka day school in dallas is here observing the austin city council meeting. I guess they want to learn how you're really supposed to do it here in austin instead of dallas.

[Laughter] and I notice that they're leaving. That's the reason i interrupted you.

>> Okay.

[Laughter] so they are going to -- they're going from city hall to the capital, the state history museum, and that is the proper order. Thank you all for coming.

[Applause]

>> mayor leffingwell: sorry. Go ahead.

>> No problem, mayor. And so I was just talking to mike about the issues. So the monies from the holly power plant, there shouldn't have been any stipulations when the people needed the money there. It was put there for that reason, for the people of that part of the barrio, okay? So, you know, I asked mike, I said, mike, you know, the things that we had asked of you when we elected you were the things that you told us you were going to do. Now, just about more than half of those things that you said you were going to do for us you haven't done, and we're not saying that you're doing a poor job of what you're doing, but you're doing only half of what you told us you were going to do, mike. So, you know, these things need to be brought to the table. You know, it's just like, you know, the monies that are being used for other issues, I mean, at least talk to us before you're going to do something, instead of getting the money and then using it for something else, when people there in that neighborhood n those monies to fix their houses to do whatever they need to do, because some of those people have been there 60, 70 years. That money should have been used for that purpose, and no stipulations should have been put on those people, on hospital bills or whatever. Yes, it took a year for us -- for you to understand what was going on, and now the people are maybe going to get some help, but it should have been years ago when this should have been done, not now, you know. And so -- you know, mike, in the future when you -- when you do things and you -- you know, you get the money there from the holly power plant,

come to talk to us. There are a lot of us in that neighborhood that are struggling. Still a lot of houses that need to be fixed. I know it's an old neighborhood but it's all we have, and, you know, our sons and our daughters our grandkids will be there the next 60, 70 years. So whatever you do, do the right thing, mike. You know, be there for us. You told us, you know -- you're going to be down with us. Be down with us. Don't half step and do something else. It's funny when I come to talk to you, you can't address me and look at me because you don't come to the barrio no more. You left the barrio, you don't come back. We're still here. We're still your -- you're still our people, you know? I know down the road you're going to run for something else. You're going to need us again, like we need you now. Well, down the road.

[In spanish] be there for us, man. Remember I told you last time, be brown and proud. Don't forget where you're from. Be there for us. Stay down. That's all I ask of you, mike. Thank you. thank you. Mayor pro tem. thank you, mayor. I just wanted to thank danny and gavino for coming down today and supporting this item. This is something that was brought to our attention through meetings with them, and we wholeheartedly agree that we have some policies or rules, if you will, with regard to certain programs that make citizens ineligible, and it goes in contra to what we're trying to accomplish. So, for example, if you're late on an austin energy bill and you can't afford to catch up, you're ineligible for applying for weatherization and home repair program. And that goes in contra. In fact, it exacerbates the problem. So we appreciate those concerns that were brought to us and we listen to them and we agreed, and that's why we've put this item up, and I appreciate council member morrison and you, mayor, for co-sponsoring this with us. In terms of specifically talking about the holly neighborhood, I also agree that we have to do everything we can to help the folks in that neighborhood with the program that we established, and so with that in mind, this saturday we will hold a holly good neighbor fair, and we will have all the nonprofits that do home repair and rehab and weatherization. We will have neighborhood housing community development, as margaret shaw has been working with us to put this event on for this saturday. So anyone that's in the boundaries that are eligible for home repair and rehab through the holly good neighbor program, should come down and learn more about the program and get any of your questions answered and concerns that you may have hopefully can be alleviated so that we can move forward with fulfilling our commitment to spending this money in the holly neighborhood to update and repair the homes that need it, to the folks that need it the most. So with that, mayor, I will move approval of this. mayor pro tem moves approval, i will second and just comment that I'm glad to see that the mayor pro tem brought this forward. Penalizing someone, refusing to allow weatherization of their house because their bills were in arrears, were probably because their bills were too high because their house wasn't weatherized, fits very neatly into the category of shooting yourself in the foot. So I'm proud to be a co-sponsor and also to second that motion. Any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Any opposed? Passes on a vote of 7-0. And before we take up item 14, just

very briefly on a point of personal privilege, you probably noted that the flags outside this building, and if you've been around, outside of all buildings in the united states, are half-staff by order of president obama, and I would like to recognize council member cole for a brief statement on the reason for that.

>> Cole: yes, mayor. First of all, I want to thank our veterans department for bringing this to the attention of mayor pro tem mike martinez and mayor leffingwell and myself. We know that president obama has lowered the flags in recognition of dorothy height, but I wanted to be real clear about the fact that she was an icon in the civil rights movement, and she died last tuesday at howard university following a very brief illness. She served as the chair of the national council of negro women and has served many, many honors in her lifetime. So I think it is very, very appropriate that the city of austin has recognized her by lowering the flags. Thank you. thank you, council member. And we will now take up item 14, which is pulled by council member martinez, and we do have a number of folks signed up to speak on that item. Council member, would you like to say a few words or go directly to our speakers? mayor, I think I'll just wait to hear the speakers. all right. We'll start with first speaker is andrew -- excuse me, andrew ramirez, who is signed up against and will speak for three minutes.

>> Welcome, andy.

>> Mayor and council, I'd like to give my time to frank.

>> Mayor leffingwell: okay. Frank cuente -- paul saldano, is paul in the chamber? Frank, you will have nine minutes.

>> Mayor leffingwell, mayor pro tem martinez, honorable members of this council, city manager marc ott, thank you very much for allowing me to be here. I am chairman of the usaca and I'm proud to be represented in our association, the u.s. Hispanic contractors association in austin. It is an honor and privilege also to be partnering with the area black contractors carol hadnot and elaine johnson in the crowd. This is a very important issue, item 14. I was commenting to my very good friend, mike martinez, yesterday that we had been having some conversations with our hispanic contractors in arizona and i was bragging about our city. I was bragging about not only how this city embraces our immigrant community and how this city embraces our very diversity that makes our city the city that it is, but it embraces the participation of all this group in public policy. It is a tradition that this city holds and has held in high esteem for many, many years. Participation is what the city has always been about. Item 14 is not that. It is a \$67 million blank check, if you will, to austin energy, and there will be no public participation from the minority community. I'm seeing this council -- I've seen this council do it right with neighborhood laura morrison. You're such a strong advocate, and rightfully so. I've seen this council five four, the environment groups, and rightfully so. We need a good clean environment, and environmental groups should participate in policy when it comes to the city. Are we no different, the small business community in the city, the minority community in the city? Are we no different? This item, this very item says that we are and we should not participate, and that is wrong, and that's why we urge you today to vote against it. Vote no. Vote no on item 14 and vote yes for participation. Vote yes for public participation, vote no on item 14. That is a horrible way to do business in the city. It has never been

done. Why should we do it now? With \$67 million is wrong, mayor. It is the wrong thing to do. It is the wrong path to take. In much of '09 some of you granted preconstruction service contract for \$145,000 with zero participation, and that time this department, this very department that's coming to you to tell you, trust us with \$67 million with no participation, told you that this contract was going to cost \$17 million. Now they're coming to you and telling you, trust us again, we will follow the rules and policy of the city of austin with \$67 million, trust us. No, mayor, do not trust them. They didn't tell you the truth when it came to the weatherization item. They misled the community and they threw you under the bus, mayor. They told us, the community, that it was because of you that they would not follow the policy -- or the promise they had made us, they had given us. Don't allow them again to do this to us. Thank you very much. thank you. Very comfortable under the bus.

[Laughter] next speaker is carol hadnot. Carol, you'll have three minutes.

>> Good morning, council members, mayor and council members. We have been monitoring the projects with the city of austin specifically for african-american participation because in many instances just like a few minutes ago, the goals are never achieved and there is always some erroneous bonus conduct fact why the achievement was not met. And after reviewing this we just couldn't go any further. This is -- this is an affront to the community, because we are all taxpayers into austin energy, and they have had five years to work on this, five years where they could have worked out these issues regarding minority participation. They didn't even meet the minimum basic goals in the ordinance. 7 for 7 for 3 for native asians and 13.8 for wb es's. 45 6 for 32 for native 98 for wbe's. This should have been handled like the water treatment plant project. We worked on it and we worked on it, and the water utility worked with us as well as mwh to come up with meaningful participation goals for the community, and that was almost a half a billion dollar project. This is 67 million, and what they should have looked at is using project-specific ethnic goals. This is just a slap in our face. We can't continue to go on like this. We pay into the system. We deserve to participate as well as any other company. We all, our communities, put into this tax base and you-all need to stop it. You need to stop it today. You need to make sure that they go back to the drawing boards and do some meaningful negotiation and coming up with meaningful participation goals, and I'm serious. It's time off for this. It upsets me so much every week. I watch you-all every week and I watch you-all just go ahead and approve these items with no participation. So today you-all need to make history and do the right thing. thank you. I have a question for ms. hadnot. council member cole. you have been after this for how many years?

>> Since 1986, and, you know, you keep repeating things, it's a sign of insanity -- I'm at the insanity stage.

>> Cole: you're not insane. I'm trying to make sure that I understand and the rest of the council understands what you're asking us to do right now.

>> What I'm asking you to do is that this project should be pulled and go back and renegotiate with the participation goals. I mean, they didn't even meet the minimum goal. The minimum goals were not met.

You know, if you're just using general goals, if you look in the ordinance, they have different types of goal settings. They have general goals, project-specific ethnic goals. They didn't even meet the minimum general goals.

>> Cole: okay. Let me be clear. So you're asking us to pull it or postpone it because you know we have to do it, so I guess it's really postpone, but are you asking us to rebid the contract?

>> No, I'm not asking you to do that. I think that dpr is a good company and will do the right thing, but they need to be helped on how to do the right thing. I'm not saying that they're not a good company. We've worked with them before when they brought the intel project into austin, and they worked with us very well. So I don't know what happened here. But I'm not asking you to throw it out, but I'm not asking you to approve it the way it is today. so really you just want us to postpone the item and give instructions to continue some negotiations with the minority contractors to meet the goal?

>> Correct, meaningful goals. okay, and brewington --

>> council member cole coal thank you. Good to see you.

>> It is good to see you. Always a pleasure. you heard ms. hadnot's testimony.

>> Yes, ma'am. and I know you-all have been working together for years, when I was just a baby.

[Laughter]

>> yes, you were, ma'am. I want to be clear because I think you both are asking the same thing, but i want you to say that if that's the case.

>> It's the process, if i might say this, right now there is no defined scope. In essence, how I understand is that the utility gave the specific specifications or scope award to smbr. Smbr came out with those goals. What you have before you is zero participation. Zero. Knack is there's been defined goals that hasn't been met and those goals are very minimal. Why? Because as far as I know there are no prints, there is no scope of work. In essence, what the utility is saying, give me \$67 million, trust us, we will do the right thing, we will take it through the process -- the public participation process, by the way, which is your good faith. Good faith is what is used to measure public participation. They haven't done that, but yet they are saying, trust us, give us \$67 million. By the way, they've done that before and they have not -- they've not fulfilled their promises.

>> Cole: okay. princess, let me get staff up here to follow up on both your comments.

>> Thank you. the african-american contractors and the hispanic contractors. goode, acting director of ae, and i thought I saw veronica. I guess those would be the two I need to talk to. council member, we

do have additional speakers.

>> Cole: oh, okay. I didn't realize that. go ahead. Continue with your question.

>> Cole: okay. Do you have a question -- one more speaker. But the mayor says to go ahead.

>> Mayor leffingwell: yes. I want to know the implications of postponing this item for the electric utility.

>> Good morning, mayor and council. The implications of postponing, we do have additional council meetings coming up, but there probably is some additional information we could provide if we postponed it a week. We've tried to provide some background on the project, but postponing it a week or two is not going to have any significant impact.

>> Cole: okay. Let me ask you this. But if I were to move to postpone it, I would like to see some public participation and/or outreach to the minority community. Can that also be done?

>> Yes, if I could perhaps just give you a little background. I don't know if you want to wait until we have another speaker, but to answer your question specifically, we have actually participated some in some outreach programs. There is a monthly held that's held on upcoming large projects and the project manager for this project has actually been to that and it's mbwbe meeting, and we've been to that meeting to explain the project with dpr, and i think answered several questions from the community at that point. But we can continue doing additional outreach, and the project itself, the way that we are proposing to implement it with this approval would require four separate solicitations to go out, and those would be competitive bids, and each one of those solicitations would actually come back with a compliance plan for the mbe/wbe program, so even as we're asking for it today we would see additional outreach to the subcontractors.

>> Cole: okay. So you can see that we can do that. Okay, mayor, I know we need to hear the other speaker. next speaker is elaine johnson. Welcome. You have three minutes.

>> Good morning, mayor and council members. My name is elaine johnson. I'm the president of austin black contractors association, and first of all it's an honor that we're able to collaborate with the hispanic association to hopefully get this achieved. The first thing I want to talk about is that we don't see goals on the professional side and we do not see goals on the construction side. So in talking about this we would like for the contract to come back to council, like we did on water treatment plant 4, and negotiate those. Now, they talked about outreach. We did -- we attended an outreach that we were invited to by the company that has this particular project, but there was no outreach to the community. It was like an invitation for certain members to come out for them to discuss with us if this project was on the table. But we have not, that I'm aware of, had an outreach, because our members have not been there, and I would like for that to happen so that we can have an opportunity to spend some of this \$67 million tax -- this is our tax dollar money that we can have some participation. And I asked for the mwba council advisory members to please look at this, because, you know, when you see a project of this magnitude

come out and there's no participation goals, this is serious. Earlier we talked about tasco. Well, I heard the snbr say there were no wbe's. They elected a wbe. I'm a wbe and those are w my numbers they were talking about. Please make sure you have all the facts because the statement earlier was not true. So I thank you for your time. johnson, hold on. I have a question, and i also have a question of fuentes. council member cole. oh, I'm sorry, mayor. and mayor pro tem also has some questions.

>> Cole: all right. How long do you think it would take to do the type of negotiation/participation that you're contemplating.

>> That's a question --

>> I think the answer should be answered by staff in terms of the length of time that they would take, but more importantly, I think we need to be speaking to the process, because I've never seen any contract come before you that is like this, where they're asking you to award the contract where there's been no public participation. None. Zero. The invitation that johnson alluded to earlier was for very specific individuals. That's not public participation. We've never done that. Now, they're going to come here again and they're going to tell you we're going to do this. Theaf been doing that for five years. You awarded a preconstruction services in march of '09. For them to come and tell you, you have got to give us this contract today or the sky will fall is embarrassing. Embarrassing for them.

>> Cole: okay. fuentes, mayor pro tem martinez has some questions so I'm going to let him -- I'm going to turn the -- mayor pro tem. thank you, mayor. I guess I'll start out by trying to answer the question that council member cole posed, lounge are they going to take, and for me, as long as it takes for them to get it right. We have mbe/wbe advisory committee. We have a council subcommittee and none of this has come before us. And as was mentioned, it's not necessarily because of construction manager at risk, because when I look at the backup from august the 6th, 2009, on water treatment plant 4, we were able to achieve 26% minority participation in that contract, and in this \$67 million contract, we've 4 african-american, 3% hispanic, 1% native asian 9% wbe. Again, it's alarming and concerning that we can't find commodity codes that are able to achieve the goals that this council, and the values that this council has. So I don't believe it's appropriate to award this today. I don't believe that it will create massive cost overruns. I don't believe we're in a rush to do anything. There's no development that's going to happen over here for a long time to come until the economy comes back, it's not going to happen. So we need to get this right. What I want to do is make a motion that this go back to the advisory committee of mbe/wbe, that it come to the council subcommittee of mbe/wbe, and that we work as hard as we can to try to achieve a higher participation rate that's comparable to what we've been able to do in other projects. I just -- I don't find the rationale that the scope of work is so specific in nature that you really can't have goals and you really can't have participation. I mean, if that's true, then somebody needs to come explain it to me. And I want to ask, is the construction firm here that is being recommended by staff? Are they here? Can you guys come up and speak to what you do for outreach to have better participation? And I'm not knocking you. I congratulate you from getting the award and I'm not trying to prevent you from getting it. What I want to know is if this council were to make a policy

decision to award \$67 million for this project, what are your efforts going to be? What is your past track record for achieving participation.

>> Yes, thank you. My name is david smith, dpr construction. I'm the preconstruction lead on the project. We have been in preconstruction for about a year. Right now we are basing our efforts for outreach on the issuance of the passages. We have done some preliminary meetings, as carol and elaine said, with the heads of the associations to make them aware of the projects -- or the project and the packages. And right now -- and so we have a package, the initial package, which is the demolition and longly package that will be coming out in the near future. And so what we have planned is the outreach to go in conjunction with the issuance of the packages. We've held off on any more outreach until we have the dates set, and now we have those set so we will be doing the outreach. We do have goals for the project. We do have participation in our preconstruction efforts that we have, and we have not done any city work so we don't have a track record specific with the city. We do work for other public entities, university of texas, and we have participation in those. We recognized that we were new to the city program, so part of our preconstruction team is a contracting firm that's helping us out with the process and helping us guide through that. So I think we have a good plan in place and we will execute to get the participation. great, thank you. And I just want to say, the motion that I make is not in any way, shape or form reflective of you or your company. It's about the process and it's about policy. I want to work with you so that we can achieve the goals that you also want to achieve, but I don't believe awarding that today is going to get us there. So my motion, mayor, is to postpone this item until it's had the opportunity to go through the mbe/wbe advisory committee and the mbe/wbe council subcommittee, and that we -- in that time we all sit down, the associations, the contractor and staff and try to figure out if we can improve on the participation prior to us making this decision, not after.

>> Cole: second. i understand the motion, second by council member cole, and I believe we're going to need to set a date, and of course that date can be adjusted if these criteria are not met. So could I ask the staff what is a reasonable date to set to come back to council? mayor, I have a point of order as well, a question about that to the attorney. well, let me get my answer -- question answered first.

>> Cole: okay.

>> Coordinating calendars, that would be may 27 would be the date to bring this back. There are meetings coming up of that subcommittee that we can attend.

>> Mayor leffingwell: okay. That's good. All we need is a date and if something goes wrong and you're not ready we can always postpone again. We have to have a date to start off with.

>> Okay. and just a quick word of caution, we're talking about rates of participation. We really can't control the rates of participation, and it's really kind of illegal for us to talk about it. We can set goals and strive for participation, but let's not talk about this participation rate is not high enough. We need to talk about -- are our goals high enough and outreach effort good enough. Council member cole? mayor, I think you answered both of those questions, I don't have to ask them and I will be a part of those

negotiations and negotiation discussions. I want to ask staff additional direction to -- when you come back to council for each ph of this project, for each phase of it, and we'll handle it piecemeal, and that way we can get a better grip on what the goals and outreach have been for each phase. Can we do that? Is that acceptable to the maker and second? Okay.

>> Mayor? mayor pro tem. I want to emphasize while we're putting a date of may 27 on this, if this -- you know, if -- I just want to emphasize that, you know, we have to get it right before we vote this thing through, period, regardless of what date that may be. this is a date for now.

>> Martinez: I understand. Thank you, mayor. any further discussion? All in favor, city manager -- all in favor say aye.

>> Aye. any opposed? Passes on a vote of 7-0. And I'm glad that bus wasn't rolling too fast when they threw me under it.

>> It wasn't a cap metro bus.

[Laughter] there's only two track marks on my back, so -- all right. That brings us to our first briefing of the morning, which is on a prioritization for the strategic mobility plan.

>> Thank you, mayor and council, robert spill e director of transportation for the city of austin. Today we're here before you to talk about the project prioritization process and the timeline for the next couple of years to give you guys a heads-up about the upcoming events. Council resolution, shorthand, 210-2250, directed us to come back with a number of things related to the strategic mobility plan. Specifically we were directed by council to seek council approval of the project selection criteria that informs both the first bond and subsequent bonds as we move forward. And also to present a timeline for urban rail. As I've spoken with many of you, we've taken a little bit of a liberty. We'll be sharing a timeline for the strategic mobility plan, which includes urban rail. Of course that project, urban rail, is part of the longer term strategic mobility plan. To give you a little bit more reference here, the strategic mobility plan envisions a number of reports and documents over the next year or year and a half. Today we're at that first one, the project prioritization process. Some of you have used the term gap study, and so this is the preparation for the first bond packages. A little bit of review for the benefit of the public. All of you know the statistics. They're popularly talked about around town that we are identified as one of the most can congested cities in the country, that we have a number of people headed here the next ten years and so forth, and we truly have mobility issues that have been pointed out in surveys and reports like the chamber of commerce. We launched the strategic mobility plan with your direction last october. We've been busy. We have an opportunity to identify a series of improvements over the next number of bond cycles. We know that no single solution solves all our mobility problems as we've looked thrut the system, we -- throughout the system. We clearly heard from the public that we have a number of mobility problems in town, and the causes of those differ depending on where we are within the community, and that local investments, one of the other key things we've heard from the public, that as we start to contemplate local investments to address those mobility issues, that those investments

should reflect the values of the public and our citizens that may be making those investments. A little background on the public involvement we've done today. I'm rushing through the first few slides to get to the prioritization process. We've been out meeting with the public since last October. We've held 12 public workshops and forums, specifically asking the public about gaps within the network. Today we'll be posting our list of gaps that we've received from the community the slide here in a minute will show you 1600 gaps here this morning. The count is at about 2,000, so we've had a very good response from citizens as well as collection from neighborhood plans and a variety of other sources. We've had public workshops specifically to ask the public on their priorities, their values with regards to how we start to evaluate these various problems. The public involvement process is ongoing, and so of course we haven't drawn a line in the sand and said we're done. We have a number of opportunities for the public to participate in the strategic mobility plan as well as a discussion of urban rail over the coming year, year and a half, as you see here on this slide. We will be having a public forum in June. It's normally set here on June 17. That date may shift by a day or so, so that we don't conflict with other public meetings, but there will be an opportunity as we start to identify a city manager's recommended package for potential bond for the community to weigh in very specifically in a public meeting or hearing format in June. In terms of the gaps, as I said, we've heard from the public, there are gaps all over. They're geographically dispersed. Those red dots represent individual comments about issues. We've heard issues such as fix the highway, address congestion on I-35, improve mobility in and out of central Austin. All of those are issues that really demonstrate that the public understands that we need to approach mobility from a multi-modal perspective, that we need to be thinking about things, things such as roads and bridges, but also bicycle, sidewalk, transit facilities, access to employment centers. We really need to think much larger than perhaps we've thought of in the past as we start to find solutions for individual gaps within our mobility network. As we've moved through these public exercises we've developed a vision for the strategic mobility plan, and that is really to deliver an integrated mobility network for all of Austin. What that means is that we need to focus on providing safe, efficient and diverse choices for people to travel. Clearly that informs and supports our mission, which is to prioritize city transportation plans, invest according to key community values, support the Imagine Austin comprehensive plan as well as other city plans. We know that there's a number of corridor plans that the city has already worked on prioritization plans such as the sidewalk prioritization plan, the bicycle prioritization plan, East Riverside, et cetera. Everything we do is designed here in the strategic mobility plan and through this prioritization process to support those existing issues, so that we're not reinventing the wheel as the case might be. So getting into the prioritization process I'm getting into today, first, what we've designed is a process that we hope will be methodical. We think that that's important, transparent to our citizens. I won't promise that it's not complicated but it is hopefully transparent and accountable, trying to add some rigor to the development of projects and the identification of projects as we move forward over the next 20 or 30 years to identifying a series of potential funding opportunities, and I'm being careful to say funding opportunities because clearly we're thinking beyond just bond opportunities. There are certainly other opportunities that present themselves out there, such as partnering with other agencies, federal, county, state agencies, to fund projects, grant possibilities and so forth. So this prioritization process is really developed to go beyond the immediate issue of developing the recommendation for potential bond package for 2010. The prioritization process is very much based on the community values. I think those are community values we've also heard in the most recent public input, or outreach, but also the public

values that we have heard and are consistent with everything we've heard in the neighborhood planning plan and so forth. The prioritization methodology, as I've been indicating, takes the input from the public in terms of the goals and visioning. Certainly the identification of gaps, and feeds it through a five-step prioritization process. I'd like to briefly walk through that prioritization process so you get a feel for how we plan to develop recommendations as we move forward. In the first step, which we've called initial gap prioritization, it really determines short and long-term prioritizations based on level of need. We know that we have gaps within our network and that there's a notion that some gaps might have a bigger impact on mobility or are currently causing a bigger impact on mobility than other gaps. This first step allows us to start to priority prioritize those gaps so that internally we can start to focus your our effort to develop projects that meet those highest priority gaps.

[One moment, please, for] it allows us to envision and propose a second project which might be just that, a quarter study that we carry board funding in order to come up with a true construction solution or a mobility solution that might result so that's what this step allows us to do. Step three, allows us once we have solutions, to start ranking and prioritizing solutions against one another so across gaps, across solutions. This allows us to consider the priority of addressing a solution on cesar chavez, for instance, to a solution that might affect a gap up in northwest austin or northeast austin, so it alieu allows us to prepare across grabs. We sort projects in the a, b and c groups. I believe staff will come back to you with some confidence and tell you that our priority a-list is likely larger than what we would feel comfortable funding in any given funding cycle. That's just my suspicion right now given that we have 2,000 gaps. It is likely our high priority projects will exceed our act to address them in any given funding cycle. So given that, we know that we need to start prioritizing beyond that. One of the steps which your staff needs to provide effort is prioritization, should be combined with projects on parallel corridors or within that same corridor that rank lower in the prioritization but we should group them together so we get a good product. A good example is we foe that the sen -- we know that the central texas regional authority is thinking about improvement on MoPAC, PERHAPS TO INCLUDE A Managed lane. Assuming that that may go forward there may, in fact, be connect projects or projects on lamar, for instance bicycle are pedestrian improvements on lamar or traffic improvements on lamar that would assist in making that whole corridor a better corridor or make it easier to do loop one improvements. So that's the kind of trade off and coordination that is possible in this step four. Once we have those groupings together, we really need to move into developing packages, and so at this point we're calling it a validation or package validation. We would create a draft package, and that would allow us to ask certain questions to make sure we providing or including the right percentages of different modal characteristics, modal investments, it would allow us to invest things like geographic equity and so forth at this stage. So this is really the stage in the process where we come back and say, does this package make sense? Does it match the needs of our policy makers in terms of taking it before the potentially voters or whatever funding mechanism we might be seeking. We talk about the evaluation criteria. This is one of the specific things we were directed to ask for approval of. We heard about a number of values from the community, and as we've heard about them, we've organized them into eight primary criteria and you can see things like solutions should be cost effective really fit into two evaluation criteria we propose to use in the prioritization methodology, those being efficiency and investment in economic development. Similarly, you can think all the way through from the major values we've heard from the

community and how they fit into our valuation concept. We also can the public, when we were out, reaching out to them during the different forums is to rank the priority or tell us what it was. In terms of how they would rank these different criteria. Now, something that is important that we heard across-the-board, well, gee, all of these criteria are important but we said yes but tell us what is the most important. These results are based on about 12 to 1300 respondents, both from public meetings as well as on-line surveys where we tested the data and are providing it here. So you can see the relative importance from highest to least, but still all are very important. Some of the things that you might ask about, gee, why is safety so low? Part of the thing is there is expectation from the public that anything we build out there will be safe, and so you have to read these with a little bit of knowledge in terms of the fact that we're providing a safe facility every time we build it. Measures of effectiveness. Now, in order to gauge how important or how a project or gap ranks against a particular criteria, we are proposing, staff is proposing, a series of measures of effectiveness. And this is an example, all of you should have received a week ago approximately, the prioritization report which goes into much more detail about specific measures of effectiveness. What we're asking today is to approve the criteria. The measures of effectiveness of below the criteria and allow us measurable items that we can help us determine how well a gap or a project performs on a specific criteria. For instance, sustainable growth, we would measure what's the existing population density within a half mile. This would imply a project that addresses an area of higher density, towards the center of the regional area would tend to score higher on regional growth. Existing employment, similarly project in campo activity center, starting to reflect the move of the region towards an activity center based on the land use model within one half mile of an economically-challenged area. Again, making sure that we're serving those areas that need support and can besting sustained in terms of growth. In your reports you received, of course you will be able to receive the various measures of effectiveness throughout here. We know there are additional measures you would like added to the list and the way we proposed is that is acceptable as we learn and add additional measures of effectiveness that help us better understand how each project or gap responds to the sustainable growth. I think the process we've identified allows for that. So I told you about the bond package, that's step five that validation, from the data we heard things, criteria you wanted us to ask about and as with you thought about how to integrate into this valuation process we thought those responded best to the packages we might bring forward, and, so for instance, is there geographic balance, are there catalytic projects? Again, this allows through the policy discussion to form the strategic sort of concept of how we would move forward with any given funding proposal. Again, you can see the types of questions that are up there. And we can add additional questionnaires through that validation process to make sure we're reflecting your desires as we move forward. With one item I would continue to point out, the first question is the geographic balance, as we start to think about a more systemic approach to transportation, it is very likely that we will be bringing forward projects that have a regional benefit. For instance, if it is an I-35 improvement that we might be participating or advocating for on behalf of our citizens, that certainly has geographic benefit that stretches over the entire region. We would encourage, as we start to think about measuring geographic balance, to think about serving everyone so that is an issue developing or a notion that is developing that we will continue to work with you on. A timetable, you asked us to provide a timetable for the strategic plan. The first slide is a detailed schedule between now and the November 2, potential, election opportunity. As you will see, we've already provided a long list of gaps to the citizens task force, sir past Monday. --

Task force this past monday. We've completed our first two meetings with them already. That long list will be available on the web today. We're loading it up today. By the end of the week or early next week it will be sortable so it will be easy for citizens to pull it off the web to look for their specific project. We have made a presentation to the audit and finance committee already about bonding capacity and we will be moving through the rest of the schedule. We will have prioritized a, b and c projects by the end of may and we will make an initial package recommendation to the fashion, force, cts, by june 14. We will certainly make this available to you, understanding we're taking it to the task force directly for a peek and thought about it. We've identified public forums on june 18, we understand there is another major public meeting on that same date so we'll not up stage that, we'll make a change and post it on the website. There is initial package briefing to council on june 24. Presentation of final package to the ctf based on the input we get from the public forums on the 28th and 12th, their opportunity to weigh in and make a recommendation to you on the package and council briefing on the 2nd and foreseeable rca for council approval on the 5th. I think there is also in here a presentation of comprehensive plan and transportation committee on july 26. We've confirmed with the chair that that's a possible date. We understand there may be an earlier opportunity to also have an initial briefing and we'll entertain that as we move forward. Now, that red line is there for a purpose. That's the end of this immediate process through a first opportunity for a possible election. As you can see that is summarized above the red line and we will go into more detail. We plan to come with a briefing, and we are in fact, I believe, on one of the city council meeting for the end of may to discuss a locally preferred urban rail system plan that includes conceptual engineering report, a system plan so that's the entire urban rail system that we would be proposing at this time, along with an alternatives analysis report some of that would be a briefing and possible adoption of that locally-preferred alternative. Initiate mobility quarter studies, that's in our first phase of the strategic mobility plan, we'll be identifying corridors we need to look at that, 's august 2010. We will begin implementing bond one, assuming there is a positive election some time around january. Based on the postponement of consideration of urban rail to the 2010 time frame we believe we need to initiate a meepa discussion, some time in august or september after school starts back, that is when we would ideally target an opportunity for scoping. We would begin to talk go stop rail and funding in the october time frame. First investment segment in november of this year, and operations concept in november, as well. That would allow us an opportunity in january to recommend campo an opportunity discuss at a regional level governance issues and how we would coordinate with the other rail investments in the community and how those might be operated. That justly belongs at a regional discussion level council deliberation of funding models in january of 2011. Potential adoption by council of a first investment segment, defining what a first project might be. That would include preliminary nepa findings, preferred river crossing as well as approach to operations and maintenance of that first investment by february of next year. That puts us right in the time frame for a discussion of a possible public funding of a bond two process. That would run approximately february through august, 2011. And we would publish the final nepa in april or may, or the draft nepa in april or may. There is a statutory, depending on which route we pick in terms of nepa product that we would be pursuing. There is a statutory comment period but that would be completed august 2011. That assumes some type of public discussion on funding in november of 2011, then an implementation beginning as early as january 2012. We believe this time line and this prioritization process, again, will give some rigor to the process. It lives beyond a single bond program or single discussion, it does allow us to carry

that through a series of potential funding opportunities and we believe that would fulfill our vision and mission as we understand it as part of the strategic mobility plan. With that, I would be happy to answer questions. thank you, rob. Good presentation.

>> Thank you. gives us a good picture of the big picture. I did want to highlight one thing you said in the beginning and I'm not advocating from the beginning but you made a statement which is true, we're one of the most invested cities of our size in the country. Actually, we're about the last 10 or so years, we have been the most congested, the most congested mid-sized city in the country. We're not any more, but the only reason is because we're no longer a mid-sized city. We're now the 14th most congested large city in the United States and we also are proud owners of the fourth most congested road segment in the United States, and that's I-35 through Austin. We're more congested than anything in New York or Chicago or Dallas or Houston. So I just wanted to highlight this strategic mobility plan is important because it is a significant problem. And that's all I'm advocating for. Council member Spelman.

>> Spelman: thank you, mayor. I as usual have a number of questions but I will keep them to a minimum for now. On one of your slides you have a bar chart on the relative importance of community values. Specifics are less important than you've got a lot of characteristics of gaps here. Regional integration, mobility choices, sustainable growth, and it seems to me for the most part these are characteristics of the gap that needs to be closed than they are characteristics of a particular engineering solution that may or may not work to fill that gap. Is that a fairly accurate statement?

>> Well, I think these criteria apply to both the gap as well as the potential solutions, and where we gain the improve the specification is through the measures of effectiveness. You know, there are certain measures of effectiveness that work well with a particular -- in analyzing the gap, you know, how many people are affected within one half mile of that gap, for instance. Verses how many people does that solution serve, that's really a solution oriented measure of effectiveness. And so the proposal is, as we go through the various steps, we may add additional measures of effectiveness to differentiate between first the gaps and the solutions as we go forward. I believe all of these can be used, all criteria can be used -- all the criteria can be used at the gap or solutions level. Safety is a good one to explain this difference, I think. Clearly, there are going to be some gaps that point themselves out as safety issues that we really need to respond to. As we start to develop solutions for any individual gap, we may find that one solution provide a higher level of safety than another, and so that's a little bit different take on that safety criteria.

>> I was just thinking through some things we did back in the LATE 90s AND 2000s, FOCUSED On intersection improvements and identifying an intersection with a problem with gap and propose an engineering solution adding a left turn lane, changing the timing of the light system and things like that but were never sure in advance how that would affect capacity. We didn't know how fast people would loop through the intersection until we tried it out, so it seems to me we're dealing with two what kinds of things that are conceptually separate. One is an analysis of the importance of closing the gap which is based largely on community values and another is an engineering analysis based on the likelihood or extent which we believe a particular engineering solution is going to close it.

>> Right.

>> And it seems these are really two different ways of thinking about the problem. Are we going to have -- i understand what you're saying about performance measures being different performance measures within each of these categories applying to the same situation in two different ways, but it seems to me we will have a lot more information on the value of closing the gap than we will have time to provide that kind of engineering judgment as to how well this particular solution is going to do.

>> Absolutely. And there will be a continuous opportunity for professional engineering judgment to go into the valuation of how well an individual solution performs. One of the things we found, one of the common gaps we collected was we need a stop sign at this intersection because there is a safety issue or something. Any time we hear that complaint, we always know, well, before we assume the solution is a stop sign we need to go evaluate what the real issue is often times the public responds with a solution they know is the obvious to them, what the solution is, but what we many times find is the actual solution needed is isn't different. It is not invalidating what the citizen said about the problem but we have a whole different vocabulary to use to address that gap, if you will.

>>Spelman: exactly.

>> Another good example that we know is the citizens will identify well the congestion getting in and out of central austin as a major problem. What they don't necessarily have to assist them in articulating what the issue is is that the fact that our streets are still the same streets we have been operating on for 50, 60, 100 years, and so as we start to design the solutions to improve mobility in and out of central austin, we may have to come back with solutions that address their basic concern in a different way. And so, again, I think that we have the ability from a professional judgment standpoint to bridge that gap, if you will. I remember when were talking in -- I guess it WAS THE 1980s, ABOUT FIXING What was referred to as the guadalupe problem guadalupe made a sharp turn at martin luther king and the problem wasn't light sinkization but straightening the road out. It was just a much more complicated solution that was originally envisioned. It seems a lot of gaps will require a lot more attention than we'll have time to think through over the next few months and that was part of the corridor study and one of the issues we might deal with first is a further study about what proportion of these gaps do you think you would be recommending further study and how many cases do you think we will be looking at for that?

>> Right. You know, it's hard to say at this point. But clearly, larger the problem the more likely it is for us to suggest to do a thorough job and include the public that we need go to this sort of quarter investment concept and move forward. Now, the strategic mobility plan is currently, as currently scoped, envisioned doing at least one or two pilot corridor studies to work out that process and get it moving forward, and so I think there is certainly an opportunity to start some of those corridor studies. There have been rail plans or programs, in a sense a model of what a corridor study would look at. It would start to go in much more depth as you develop the definition what have that particular project is. And in

that, we would go into this funding cycle and move forward. I really can't tell you, I think the thing that is important that staff has pointed out, clearly even right now we can probably guess that there's going to be more projects of high priority than we can fit in any one given funding cycle, and so even though we may have some of these bigger projects we need to start to deliver, there will certainly be plenty to do in the short-term. So I wish I could tell you that there would be three, four, five or six, or 10, but I don't know how many studies we would recommend to start over the next coming years.

>> That's what you're talking about having a time line for is to work through that sort of thing.

>> Absolutely.

>> Same question, just slightly different form, you're talking about separating 2000 gaps or more, since we're still adding to it, into three categories, a, b and c, high, medium and low. And it seems to me you're going to probably have a lot of a category gaps to be filled, and we will certainly not have enough money or time to be able to fill all those gaps within the next three, five, even 10 years. Is there going to be any means, do you foresee it would be possible to pull some of those a-list out and say these are DOUBLE-As OR TRIPLE-As, OR These came out so often, we can validate the problem of congestion caused by these or safety, these are higher priority projects?

>> Yes, I believe there will be an opportunity even within that a group, b group, and c group to priority. Some project it is will be hard to differentiate between the priorities, for instance, clearly completing our responsibility in terms of accessible sidewalks is very important. It may be difficult to rank or compare that to the importance to deal with i-5 for instance, and so what you may -- i-35, for instance, and so what you get is we may not be able to differentiate between these so we may need to work on these at the same time and there is institutional foos do a certain amount of sidewalk, institutionals into partner and do a certain life of work -- institutional capacity to partner and do a certain amount of work but clearly, we will have an individual ranking of each project in the a-group and b-group >>spelman: thank you. Let me ask you about the institutional capacity for a moment. You will have a long list of things that will add up to some number between 80 and 100 million. That's what we asked you to do. Is it, at some point before the council makes a final judgment on what to ask you to do specifically, will you have an opportunity to come up with even a rough cut estimate for when different projects would be completed?

>> Yes. Certainly, we would need to have some notion as to when a project would be done. I believe, in fact, as was presented in the audit and finance committee, even in terms of if we fund with bonds, you don't sell all those bonds up front, you sell them over a period of time and it imsupplies we have to get a notion when projects are going to construction. One of the things that both public works, howard laz russ as well as transportation what to do, is try to front end load, if you will, some projects that are ready to go to construction so that our traditional approach of putting these packages is often times we're doing both the design as well as the construction in the same bond package. An alternate way other cities are using to sort of smooth out a continuous delivery process is to try front load, so in one bond package you might do a design for a following bond cycle that allows to you spread in a construction out more evenly own a longer period of time. That does imply some projects may be proposed for design

and development and that is where the idea for these corridor development concepts for larger concepts might come in to play, to develop that. And that helps helps when federal grants come available or in the past year the experience with stimulus funds, having plans on the shelf, if you will, allows us to pursue a bigger share because we simply have the projects to throw at grants. So it is good business to have sort of a set of projects always ready to go. so at some point in may, june, maybe july, we'll have at least a rough cut estimate for what kind of -- what nature and dollar amount will be for projects started or completed in fiscal year '12, fiscal year also 13, going forward?

>> Yes, I believe we would have to provide with you sort of an understanding so we could describe the city manager's recommendation and here are the projects and here is sort when have we would do it. I would hate to give you an exact day, month and time when they would start but there is a general notion.

>> I'm sure you could gives you a date but it would be if I can fictitious. When can we expect the rough cut, nonspecific, to the nearest fiscal year information?

>> Again, I think that that's part of the definition of the draft package that might be brought forward so it is that june, july time frame before we have adequate information to bring forward to council.

>> It wouldn't be unrealistic for me to expect that initial draft package for june 24 would have information like that in there t?

>> I would think so, some notion as to when it is. One of the other issues that i think needs to be thought of in terms of crafting the recommendation for our city manager is, you know, how long does a bond package -- how long do you want that to cover? You know, if we're really thinking multiple bond packages, do you want to try to get projects into the first package that go early so that we're using it up so that when we think about a subsequent funding opportunity that those early packages are either all under construction or mostly under construction, and so those are some of the issues I think we're revolving around right now.

>> Thank you, appreciate it.

>> Absolutely.

>> Mayor. council member cole. first, I want to thank you and your staff for engaging in this process and making it so public. And so very, very many public meetings. I've been to some of those and I've been real pleased with the participation and the outreach efforts that you've made.

>> Thank you. but I have some questions about our process for evaluating the projects. I noticed that for the community values, the first one was that the solutions should be cost effective. And I want -- and the other one that I noticed was that partnering with other agencies to assure that we have an integrated system and I think that also falls into the cost category. Can you talk about your efforts to achieve that?

>> Well, in terms of cost effectiveness, the notion is we should be investing public funds wisely. We continue to make the case that that is very appropriate when we're talking about solutions to specific problems that we ought to be picking this best solution that meets that individual problem. I think one of the challenges is going to be, depending where you are within the region, certain alternatives may be precluded by physical realities that are out there. Those precollisions in a sense are making one alternative significantly less cost effective than another because it would impact citizens poorly, it would cost too much money, a variety of doesn't things. In terms of the relative importance of the various things, could you repeat that second question? Would you repeat that second question.

>>Cole: let me just go back. At our audit and finance committee meeting we learned that there were \$54 million committed to 12 projects, but it had not been spent but it had to do with connectors to 130 and that was in partnership with Travis County. So we can see how that would float to the top if Travis County is actually putting in money also but we know since 2000 until now we have not had the congestion or participation on 130 that we anticipated because trucks are actually still staying on I-35 going through our city. So maybe, at this time, we need think about.

>> Commitment or participation and reevaluate and I'm trying to figure out how that would fit into your analysis.

>> I understand what you're saying now. Thank you. Clearly with efficiency and cost effectiveness there is that other side, if you can leverage an investment, that makes your investment for cost effective and more of a value gauge us. -- Advantageous. One of the things identified was leveraging with federal governments and I think I told you the other day we took the liberty to say that is leveraging with any other government, anywhere we can get participation in a project we would desire cost less than the whole from our investment, that that's a worthwhile discussion to have. Clearly, what we've identified here are eight criteria, and the goal is to pick the projects that perform best against all eight, and so even though the public has indicated that one criteria may be more important than others, it will be a balancing act in terms of evaluating across all of these, and so we will carefully work through that as we move forward. I don't know the answer to your question today, but I will certainly know that that will be an issue. I think that is also the opportunity to step back and validate our package and say does that make sense, if in fact, as you said, one of the questions might be yes, there is a good opportunity to leverage a project out on the 130 corridor, but they may not be ready. Our partners might not be ready for several years, how does that affect our tying up money over that same period. Do we want to direct those monies towards another project that comes quicker and when we get into a further out year and come back and talk about partnering. What I think this does is it gives us, once we prioritize those projects, allows us to negotiate with our partners, be THEY TxDOT OR THE COUNTY BUT A Specific time frame when that investment might be made, we can then make a decision about how we fund it or when we fund it through that process. I guess specifically, what I want to make sure and my question is, even though we have done some preliminary commitment to make an investment to 130, which we've done with \$54 million, if today we know that I-35 is where the primary problem is, is there a way to make a change to that?

>> Certainly, I would think through the prioritization process and value base process that the need to open with our friends and sister jurisdictions would be at your per view to direct us to do that. I can't speak specifically about any one commitment we've made, whether there is a contractual commitment or whatever, the other thing this prioritization process does is give us an indication how we need to advocate on behalf of our citizens and our corporate government to make those commitments the best we can.

>> That was just one that jumped out at me. I don't know if there is others that ask you to think about whether there are others, but that was just a lot of money committed to an area that is not having the level of traffic that we envisions in 200, what everybody on this day toias knows that we have a -- on this day this dais knows we can move some money around and not have to go out for as much immediate debt as you may contemplate that we need do it can could just help our situation.

>> I don't know until we get there.

>>Cole: I know. I just want to put that on your mind with the idea. And then I had another question, I know that the 2006 bonds, about 85 million is still left for street reconstruction. And I need to understand how construction plays into the conjection picture.

>> Okay. I can answer that at sort of a high level and then we can certainly get you more information if necessary. You know, when a transportation facility and if howard is in the room, invite him to come up, you know, when a street reaches the point it needs to be reconstructed that is becoming a gap and we need to absolutely maintain our current investments so as we think about how to put the package together and evaluate gaps we need to make sure that we're being efficient with the public monies and making sure that the public's assets are being met than is clearly something that public works and transportation have been partnering on. lazarus, would you like to come forward to add some collar some clarity for that?

>> If you could clarify what response you would like so he can be efficient with time. I'm trying to make sure I'm clear on how the money we have allocated for street reconstruction for our -- from our 2006 bond, that at least 85 million is remaining. Does that help us with traffic? Is there -- are those two different things that have nothing to do with capacity or congestion? I just --

>> the condition of the pavement certainly has an impact on how people choose to get from one point to another. And the efficient management of our pavements is part of managing the overall transportation system. Rob mentioned in the -- would you pull the mike up closer.

>> Are we preserving the current network. So as we look at the amount of funds available and the work do we, prioritization, how much to new capacity projects than is an art and science to that and the professionalism of the staff will make recommendations to council as we put together a funding options.

>> I guess the answer that I hear is that you'll work with rob's department to makes a much of that help with congestion and capacity, but the main goal is not congestion and capacity, it's just maintenance.

>> Yes.

>>Cole: okay. Trying to figure out how much we need.

>> Very efficient. thank you, rob I'm done, mayor. Thank you. further questions? Council member morrison.

>>Morrison: thank you. And thank you, I appreciate the work you've done on this because giving a systematic approach to be major part of figuring out what we want to do is going to achieve the transparency and the accountability that we're looking for. And a couple things I want to point out and make sure we all understand, one of the -- the first issue is, what is in the universe of gaps that we are considering, and as I understand it, it's the gaps that were identified at the public forums over the past few months, as well as the gaps that we have pulled out that were identified in our sidewalk plan, our bicycle plan, and the neighborhood plans.

>> That's correct.

>>Morrison: okay, great. And I think you mentioned that the list of 2000 it as thousands is going to be posted on the web side so folks can take a look at it and understand that.

>> That's correct. It will be posted today. We're loading it up to the website today along with this presentation, and also with the prioritization report. We'll be on the web today. Actually, the report has been up there since monday. And then later this week, tomorrow or early next week, the list that will be of projects that will be on the website will be sortable so that to give people viewing the list of ability to sort by one of a dozen different categories to help them find their specific project. I will tell you the gaps that are on there the unfiltered gaps provided by the public so one thing I want to make sure is that the first sort of sorting that we will do is identify are the gaps really a cip capital improvement project related stuff. One thing we know is a number of the gaps identified are operations level stuff, for instance a light bulben signal is out or my bike lane is dirty, whatever. Those don't have to wait for a bonding in addition or funding decision, those can go right to the operations response mode.

>> What website is that exactly? Is there a -- is it all under the strategic mobility plan?

>> I'll tell you near just a second. Yes, it's under the strategic mobility plan website, and I've got it austinstrategicmobility.com.

>> Okay, great. And one of the things we talked about, I think it will be really helpful to make sure we could include information about how the gap got on the list, was something that was identified in a forum, was something that was from the sidewalk plan, et cetera. So I appreciate that. The one thing

we're approving is just the eight criteria, whereas the paper you provided on the website goes into much more detail and talks about measures of effectiveness and how the priority of a particular project would be calculated.

>> Yes, ma'am, and that is again, goes further to our goal to be transparent. We will tell people how we will do it, we will do it, and tell them what we found by doing it do you it. During that, we will -- I know we talked about a couple of measures of effectiveness, for instance one piece of it is, is one of the gaps in a neighborhood plan, which is great because that really sort of identifies that it was part of the comprehensive plan and part of the bigger picture, but on the other hand, some areas don't have neighborhood plans so we would need make sure they're not penalized in anyway. I know you will work on that, as well as making sure we can carry over priorities from the bicycle plan and the sidewalk plan.

>> Absolutely.

>>Morrison: the same way. So as the measures of effectiveness get updated or refined, do you intend to keep the paper updated that describes the approach?

>> Yes. And what we'll actually do is probably pull out just the criteria and the measures of effectiveness as a separate sort of document so as that gets updated it is easy to continuously keep up on the website. and the next thing i wanted to chat with you about is the relative importance of the criteria, because the numbers that we assign to that go into the calculation that comes up with the outcome, the priority in the first place, and relative importance is actually ascribed in your paper, it comes from the relative importance that folks at the forums put on it and then some technical --

>> right, absolutely. assessment, at the same time. So two things about that i wanted to mention. One is that that says to me we need to make sure we did a darn good job of capturing a representative sample of folks in the community that went to the forums, because they're the runs that are really have a big influence on the relative importance of those. So I think it would be helpful if we could get some of demographic data, whatever you were able to collect, so that we could just have a feel for that. Would that be possible?

>> Absolutely. I think I can provide demographic data, I can't provide it right here now but we can certainly forward that. Simple sample scenarios where we think it's real clear what the priorities are and just do a sanity check on the outcomes which might lead to refinement of the waits.

>> Yes, and in fact, our -- both our consultant and in house engineering team, because of the large number of gaps and the short time frame are already using this process to start getting scores and rank projects so maybe the easiest thing would be to pick projects that look to be obvious outcomes in terms of ranking a, b and c and bring those to the forefront and see if the model is working as we planned. That's a good point, thank you. and I think if possible, in your discussions with the utc and the task force they might be good validators, might be able to do the sanity checks.

>> Absolutely. We'll try bring that forward to utc in this next month as well as the task force in the next early events.

>> Thank you and thank you for your work on this.

>> Thank you.

>>Mayor leffingwell: thank you. Council, we have a related idea item to take up, number 43, to approve the staff recommendation criteria. If we could take that up, i believe quickly, having just heard the briefing and much of the discussion has been focused on this item, actually, in the last few minutes, so we will entertain a motion to approve item number 43.

>> Move approval.

>> Second >>mayor leffingwell: Council member cole moved approval, second by council member spelman. Discussion in all in favor, say aye. \$\$ [Chorus of ayes] \$\$ opposed? Passes on a vote of 7-0. 00 noon citizen communications. For those waiting for the briefing on water conservation task force, we will not get to that until after citizen's communication and after our executive session. And I'm guessing that will not ppen before we have a lengthy executive session today, probably will not happen before 3:00 p.m. First speaker is ronnie reeferseed, speaking on peace and freedom and the constitution. Different topic this week.

>> Thank you, mayor. I'm holding the cloak of shame of this upcoming war, if there is one, and the end of the world. No war with iran, if we can avoid it. And this is, of course, ronnie reeferseed saying kids, don't waste a second of your precious childhood with drugs. Being a full time grown up happens too soon, it is cigarettes, think of a shortened sniffing poison addition for yourself and everyone around you. Alcohol fills our jails from violent offenders and fills our morgues with traffic deaths, fills mental health retardation facilities with fetal alcohol drop victims. Kids, avoid marijuana, you don't need it, you don't benefit it, it only puts you in contact with slimy criminalnals. The criminal regime of our so-called president, born in indonesia, has schemed from the top with israeli defense force veteran, intelligence officer rom emanuel, the first at work every day and rahn is the last face he sees at work each night. Welcome to the new jerusalem. That happens happens to be the title of a powerful ground braking book sum such as final judgment, high priests of war. Agains the new jerusalem about and 30 secrets, judas goats. The goal of the nuclear hill bomb and the fictional my first days in the white house. And nothing altered my view of reality more than this one. Both of these guys for free on-line, that is americanfreepress.net. Call to subscribe 1-888-699-6297. Also, call toll-free 888-322-1414 for weekly updates from dr. paul on-line. Please visit ronpaul2010.com. Therealpublicradio the net. And I need a good, cheap pick up, call 512-264-11614. And I'm not picky, I'm just very poor. I need a great deal on a good vehicle, so give me a call. 264-1729, Free309 at gmail.com. And need chip spats for plumbing at my -- cheap estimates for plumbing at my house. Thank you for giving me this time to speak to the public and we really have to wake up.

>> Thank you. Next speaker is gavino fernandez. Lengthy topic, basically keep palm pool for the summer.

>> Thank you, council. Good afternoon. My name is gavino fernandez. As we all know, tomorrow is the deadline to submit proposals for the holly good neighbor grant systems program and I'm basically here to convey to you our recommendations and proposals. Before I do that, I do want to mention someone that is also helping us in greasing a lot of the code en -- addressing a lot of the code enforcement issues, our state representative eddie rodriguez is working on the issue of the gas meters. For some reason, code enforcement is saying gas meters adjacent to driveways are in violation of code so the state representative was able to work with us and working with texas goose address that issue so it wouldn't and cost to the neighbors. I mean, to the homeowners. Did send e-mail to all of you yesterday on this so I will go ahead and read it for the record. Please accept our proposal for the holly good neighbor grant system program for \$125,000. We propose the following items to be funded. Expansion of operating hours at the following systemming pools, and these are cost figures i received from the parks and recreation department. Palm pool 40,000. Palm pool is not scheduled to open this summer. That is a total of 56,000 from june 7 through august 22. 50 Summer day camp alcohol lar scholarships for children tie tend the rec center summer day catches and the school counselor would be identifying the children that attend metz that would qualify for these and that would be a total of 48,000. 21,000 Of that would one from june 3 to august 13. 21,000 For the metz seniors program to defray costs for seasonal events, valentine's christmas, grandparent's day, a total of 125. We strongly believe the funding of this programs will proa meet the shortcomings of the needs in this neighborhood. And some children left to be cared for by an older brother or sister because they cannot afford childcare. And it will provide youth summer jobs. Plus, tall would take is a transfer of funds from austin energy to the parks and recreation department. Your consideration of our request is greatly appreciated. And this council has the spirit that we were told in 1995 that these were the kind of item it as holly mitigation funds were being made available is to address the shortcomings of general fund items that couldn't be funded through thousand as you those auspices. So thank you for the opportunity and we hope you will consider our request. Thank you >>mayor leffingwell: Thank you. Next speaker is frances martinez. Michael kaid has can telled for a day. He is -- has canceled for a day. He is not here, I assume. So frances martinez top sick boycott the pachanga fest at fiesta gardens for the safety of our neighborhood and chemopalm pool open this summer.

>> Good afternoon. My name is frances martinez, I'm chairman of the neighborhood association and today I'm here to ask you city council to consider opening palm pool. I know that this park, this palm pool has been run down through no fault of the neighborhood. We have come here repeatedly to ask for funds for it, for the park so we can be updated, like other pools that have additional bathhouses, we don't. Here in the couple of years we've had port-o-potties that we had requested to be put close to the, in close where the swimming pool is and now we're here to request some of the monies to keep it open from the holly good neighbor mitigation program. There's consider this to have our pool open because last year we had over 98 days of 100 degrees weather, and children will -- the palm park was not open consistent, with consistent hours, however the other two neighborhood pools were overcrowded. We

are asking to please, in the spirit of the children, to have a place to go and swim. We're doing please grant this request and also to keep them in a safe place. We need to have consistent hours and also to have the police, the police to go ahead and police the -- to be there, to be there so everything can be safe or we can also have the park police. And again, I'm asking to upgrade this swimming pool, which is a landmark for us, for here in our neighborhood. And again, I'm bringing up the issue on the horse carriages that are there at 300 adiac. There has been a a lot of poop on the street and it smells terrible and we have neighbors, our neighborhood have been complaining and I have been calling to the 311 for them.

>> Can someone on staff check into the horse carriage.

>> This item has come up before and we're trying to figure out what the best solution is. And the issue is that the horse carriages are loaded and unloaded and prepared out in the public right of way on the street, causes a lot of issues, shall we say. And I'm not sure -- is >>mayor leffingwell: is that a pun?

>> If there is anish tuesday have this service in the roadway but I would like staff to talk to miss martinez and see if there is something we can come up with to mitigate that >>mayor I think there is someone here to further discuss this item with you. Next is douglas riley. To speak on capital metro and city issues. Welcome and you have three minutes. Not yet.

>> Okay. Let me get this together here. Okay. My name is doug riley and I want to thank stock split the city council and the mayor for giving me the opportunity to speak. I don't want to scare you all but there is a big monster alose in our city and his name metro and he has a big appetite. And I've got some points here that are not in priority or anything like that, okay. On the mainer bridge which the metro board voted to replace the bridge at a cost of 1 million, where is that money going to come from? Us taxpayers again? We want to know where the money went, okay. And then, here we go, why did it take an exmayor of austin and the texas sunset commission help us to try to figure out the problems we have with this huge hungry monster. We want to know where the money went. Okay. Why did the director of the board of metro try to hide his -- okay. Why did the chief executive officer, fred gilliman, okay, board of the directors, try to hide his files and then now we're going to pay him \$7,500 a month for nothing? In one year, that is \$90,000. In continue 10 years it is \$900,000 and in 25 years, \$2,250,000. Who is going to pay for this? The taxpayers again? I hope not. We want to know where the money went that we gave capital metro. Okay. Also too, he was the man behind the closed doors. Was he scared of us, the public? Okay. And then, I can't believe the audacity of the city council to put together a bond package of over \$100 million to help out the monster. If you think that the taxpayers will vote yes in my mind and opinion, no. No more taxes. If there is more taxes, answer us, please, how do we buy food? Okay. And one more thing here. Like I say, these weren't in priority, something about the sunset report that bothers me a lot is the metro spent down to virtually nothing what was a \$200 million reserve account. Rendering the monster not being able to pay a \$50 million obligation to the city. Once again, I want to say no more taxes and where did the money go? Thank you. thank you, mr. riley. I would just advise you that your comments are -- let me talk. Your comments are very much appreciated and you're welcome any time. However, the city council does not operate cat metro. You might consider making

these comments to the capital metro board over which this city counsel has no control.

>> From my standarding there is two members -- my understanding there is two members of the city council on the board >>mayor leffingwell: that's true.

>> This was the only way to get to the public, get on channel you did it.

>> Mayor. riley to the cap metro meetings also on channel six and allow for citizen communication at every meeting.

>> I've got a feeling --

>> I'm just.

>> They're not going to answer the question, where did the money go?

>> I'm inviting to you share your comments at cap metro during general citizen's communication any time. Feel free come. martinez, will you be there?

>> Yes, sir, I'm the chair of cap metro.

>> When is the next meeting, sir?

>> The fourth monday of every month, 3:00 p.m.

>> Got you pointed in the right direction.

>> This is great. Thank you.

>> Next speaker is ray 20. To -- is rae nadler-olenick. To speak on the topic of fluoridation.

>> Good afternoon, mayor leffingwell and council members. Last wednesday I was sitting in the fluoride booth at the earth day festival in triange park educating about water fluoridation. The majority of those I talked with are already on board, not surprising for such an environmentally-aware crowd, but in fact, I've been getting pretty much the same reaction wherever I go from all kinds of people, folks everywhere are really waking up to the issue right now. I told that to a bright young daily texan reporter who stopped by and responded with a very per acceptive question. Why the awakening at this particular time. I had to think about it for a minute and I concluded the chief factor is economic. For more than a half century after world war ii, water fluoridation rose the rising tide of prosperity, and for decades as our standard of living rose, our standard of care rose. Fluoride got the credit for the improvement. Today, amidst the widespread economic downturn it is a different story with many incomes dropping and jobs and medical benefits disappearing, the population sector unable to afford dental care has soared. In year 2000, after

decades of surgeon general's office announce adds, quote, silent epidemic, end quote, mouth problems affect people. The dentist association state i had the same thing and pointed out poor children as especially vulnerable. So long as this goes on, the harder it is to maintain the fiction that water fluoridation provides any health benefit to the low income children in whose name it is implemented. Austin has weathered the current recession better than most places. Void by our thriving high-tech industry, great university and status as capital city. We're a pace-setting city, admired and emulated. We have an opportunity to take the lead in ending the out dated and futile pro of water fluoridation. I urge the council to exercise that opportunity. Thank you.

>>Mayor leffingwell: thank you. Next speaker is carolannerose kennedy. Home the hausless kennedys. Welcome, miss kennedy. A preliminary word of caution. If you throw anything, if you throw any flowers, you will be ejected, you will be charged and banned from city hall for a year.

>> No intentions of doing that today.

>> Okay. Good.

>> I'm not going to waste my flowers on you all any more. Thank you for having me and thank you all for serving. I'm working to preserve the dignity and respect of the dying homeless and one of my areas that I'm focusing on is to help them write their eulogies and something profound and unique for their tombstones. And I do believe that if I had reached jennifer gale 24 hours before that death, I could have bought her a little more time. So I wrote my own just for an example here. In the event that write to die houseless in austin, texas. â™ªâ™ª There's a yellow rose in texas, you all are coming here to see nobody especially loved her, except the kennedys, you cry so when I left you, it over broke our hearts, well the next time that we meet again will be a piece of art. â™ªâ™ª I threw diamonds cross the desert, played passions on the hills, swam in the deepest waters, that's how I got my fills, reread the words I've written, forgive my potty mouth, just listen and you'll here me, ail be screaming from the south. â™ªâ™ª Don't disrespect my body, just throw me overboard in shark infested waters singing praises to the lord, I won't come back to haunt you, if you'll do right by me, because I wasn't born in texas just to die a kennedy. â™ªâ™ª â™ªâ™ª And on my tombstone, I'm thinking about here and there she lies. Thank you.

>>Mayor leffingwell: thank you. Next speaker is gus peÃ±a. Gus peÃ±a. Gus peÃ±a is not in the chambers. That's all of the speakers we have today signed up in citizens communications. So without objection, the city council will go into closed section pursuant to section 071 of the government code for consultation with legal council to take up three items. Items 62 concerning grandfathering rights under chapter 245 of the texas local government code. Item 65 concerning shane roberts verses the city of austin. Item 66 concerning the city of austin verses harry m. Whittington. The council will also go into closed session pursuant to 072 of the government code which allows discussion of real property to take up one item, item 61, concerning real estate development options related to the sale or lease of the austin energy control center site. The council will also go into closed session pursuant to 074 of the government code which allows deliberation regarding personnel matters to take up two items, item 63 to

evaluate the performance of and consider compensation of benefits for the city clerk, and item 64 to evaluate the performance of and consider compensation and benefits for the new municipal court clerk is there any objection to going into executive session on the items announce? Hearing none, the council will now go into executive session.

4/29/10 COFA 3:30-5P

>>MAYOR LEFFINGWELL: WE'RE OUT OF CLOSED SESSION.

WE TOOK UP AND DISCUSSED LEGAL ITEMS RELATED TO 62, 65 AND 66, DELIBERATED PERSONNEL ITEMS ON 63 AND 64 AND REAL PROPERTY ISSUES ON 61.

NO ACTION WAS TAKEN.

COUNCIL NOW WILL TAKE UP ITEM NUMBER 60, WHICH IS A BRIEFING FROM THE CITIZENS WATER CONSERVATION IMPLEMENTATION TASK FORCE.

>> GOOD AFTERNOON, THANK YOU FOR WELCOMING ME HERE TODAY.

I'M SUSAN BUTLER, CHAIR OF THE IS THE SEN'S WATER CONSERVATION IMPLEMENTATION TASK FORCE.

WE WANTED TO GIVE YOU A BRIEF OVERVIEW OF THE WORK WE'VE CONDUCTED OVER THE LAST COUPLE MONTHS.

WE ARE A BROAD-BASED GROUP REPRESENTING NEIGHBORHOOD GROUPS, ENVIRONMENTAL INTERESTS, SMALL BUSINESS AND INDUSTRIAL CUSTOMERS AND CITIZENS AT LARGE AND WE VISITED OVER THE LAST COUPLE MONTHS THE RESOURCE MANAGEMENT COMMISSION AND THE WATER AND WASTE WATER COMMISSION. AND ALONG THE WAY HAD A TREMENDOUS AMOUNT OF HELP AND ASSISTANCE FROM THE STAFF AND IN PARTICULAR, I WANTED TO RECOGNIZE HER, SHE IS BACK AT WORK SAVING WATER AND MANAGING OUR WATER SUPPLY BUT SHE AND HER TEAM FROM THE CONSERVATION DIVISION WERE OUTSTANDING AND REALLY APPRECIATE THEIR WORK. WE WERE CREATED AS A BODY IN 2007 TO ASSIST THE STAFF IMPLEMENTATION OF A PREVIOUS TASK FORCE RECOMMENDATIONS REGARDING WATER CONSERVATION IN AUGUST OF LAST YEAR, WE WERE ASKED TO TAKE FRESH LOOK AT CONSERVATION FOR OUR COMMUNITY AND COME UP WITH NEW MEASURES AND NEW STRATEGIES FOR SAVING WATER IN THE COMMUNITY.

WE HAD A 90-DAY WINDOW AND CAME BACK AND GRACIOUSLY, YOU GRANTED US ANOTHER 90 DAYS SO WE COULD COMPLETE OUR WORK AND TAKE IT AROUND TO THE CITY AND SHARE IT WITH A NUMBER OF DIFFERENT BOARDS, COMMISSIONS AND PUBLIC GROUPS.

SO WITH THAT BACKGROUND, LET'S TURN TO SOME RESULTS AND SOME OF THE THINGS THAT WE ARE RECOMMENDING IN OUR REPORT THAT WAS DELIVERED MARCH 31 TO THE COUNCIL.

WE STARTED FIRST WITH A VISION THAT IS WHO DO WE WANT TO BE AS A COMMUNITY AND WE CAME UP WITH A VISION STATEMENT THAT INCORPORATES A LOT OF FUNDAMENTAL VIEWS ABOUT HOW WE CAN MANAGE OUR WATER SUPPLY AND THAT IS THAT THE CITY OF

AUSTIN IN PARTNERSHIP WITH ITS STAKEHOLDERS WILL BE THE LEADER IN SUSTAINABLE WATER MANAGEMENT BY IMPLEMENTING MODEL WATER CONSERVATION MEASURES AND FOR US THAT MEANT NOT JUST THE TYPICAL UTILITY-DRIVEN WATER EFFICIENCY MEASURES BUT TAKING A LOOK AT WHERE WATER COMES FROM, WHERE IT GOES, HOW CAN WE INCORPORATE STORM WATER AND LOW IMPACT DEVELOPMENT IDEAS INTO MEETING WATER DEMANDS AS WE MOVE FORWARD INTO THE FUTURE.

NOW, EXCUSE ME, ALONG WITH THE VISION, WE ALSO ARE RECOMMENDING SEVEN GUIDING PRINCIPALS THAT WILL HELP GUIDE AND SHAPE THE CONSERVATION PROGRAM OVER TIME.

KNOWING THAT GOALS WILL CHANGE, MEASURES WILL CHANGE, BUT THE GUIDING PRINCIPALS PROVIDE THAT FUNDAMENTAL FRAMEWORK FOR GUIDING DECISIONS ON HOW WE CHOOSE CONSERVATION MEASURES GOING FORWARD.

AND THESE ARE NOT IN PRIORITY ORDER, BUT EDUCATION AND OUTREACH ARE FUNDAMENTAL.

ONCE PEOPLE ARE ON THE CONSERVATION TEAM, THEIR CREATIVE IDEAS CAN REALLY ADVANCE US TREMENDOUSLY.

WE ALSO FEEL THAT CONSERVATION NEEDS TO BE ACCESSIBLE FOR ALL USERS, RESIDENTIAL BUSINESS USERS, INDUSTRIAL CLIENTS AND ANYONE WHO USES WATER SHOULD BE ABLE TO ACCESS CONSERVATION STRATEGIES.

AND THE CITY CAN'T DO IT ALONE.

PARTNERING WITH COMMUNITY GROUPS, THE BUSINESS COMMUNITY, VENDORS, TECHNOLOGISTS, RESEARCH UNIVERSITIES, ALL THOSE PARTNERSHIPS ARE CRITICAL FOR A SUCCESSFUL WATER CONSERVATION PROGRAM OVER TIME.

AND ALONG THOSE LINES, WE THINK IT SHOULD BE A PRIORITY VALUE FOR ALL CITY DEPARTMENTS, NOT JUST RELEGATED TO THE UTILITIES.

ANY DEPARTMENT THAT USES WATER HAS THE OPPORTUNITY TO THINK ABOUT HOW IT USES WATER AS IT CARRIES FORTH ITS BUSINESS.

ALSO, CONSERVATION NEEDS TO BALANCE PERMANENT STRUCTURAL CHANGES ALONG BEHAVIORIAL CHANGES THAT CAN BE MOVED FORWARD THROUGH EDUCATION AND IT NEEDS TO BE AFFECTED THROUGH REALLY GOOD BALANCE OF POLICIES, INCENTIVES AND REGULATION.

IT'S A DYNAMIC PROCESS.

WE HAVE TO BE ABLE TO BE NIMBLE AND CHANGE OVER TOO MANY AS OUR CITY CHANGES, AS OUR WATER USE CHANGES AND CUSTOMER BASE CHANGES AND AS TECHNOLOGY CHANGES SO IT NEEDS TO BE FLEXIBLE AND NIMBLE OVER TIME.

AND COST EFFECTIVENESS IS A KEY CRITERIA AND A KEY GUIDING PRINCIPLE BUT WE ALSO SHOULD LOOK AT OTHER ELEMENTS WHEN CHOOSING WHICH CONSERVATION MEASURES TO IMPLEMENT AND THAT INCLUDES THINGS LIKE ENERGY EFFICIENCY AND WATER QUALITY PROTECTION AND THOSE SORTS OF THINGS.

NOW, AFTER WE DEVELOPED THE VISION AND THE GUIDING PRINCIPLES, WE ALSO WANTED TO TAKE A LOOK AT WHERE WE'VE BEEN OVER TIME, AND OVER THE - ONE WAY TO MEASURE CONSERVATION EFFECTIVENESS AND EFFICIENCY IS BY LOOKING AT GALLONS

USED PER PERSON, PER DAY, OR GCPD.

IN 1974, THE CITY BEGAN ITS CONSERVATION PROGRAM AND OVER THE YEARS HAS SLOWLY EFFECTED AND IMPLEMENTED CONSERVATION PROGRAMS SO LONG-TERM AVERAGE OR THE RECENT AVERAGE IS ABOUT 170ISH GALLONS PER DAY, DEPENDING HOW FAR YOU GO BACK, AND ACTUAL USAGE VARIES ON AN ANNUAL BASIS DEPENDING ON WEATHER PATTERNS AND DROUGHT AND RAINFALL AND ALL THOSE SORTS OF THINGS. IN ADDITION TO LOOKING AT OVERALL WATER USAGE, WE TOOK A LOOK AT ANOTHER WAY TO LOOK AT WATER USE AND THAT IS RETAIL NONINDUSTRIAL USE, THAT IS MOSTLY COMMERCIAL, SMALL COMMERCIAL OFFICES, RESIDENTIAL USE, AND OF COURSE THERE THE PER CAPITA IS MUCH LOWER, DOESN'T INCLUDE INDUSTRIAL USES, DOESN'T INCLUDE WATER LOSS AND OTHER MEASURES.

YOU CAN SEE THAT IS ANOTHER METRIC AND A WAY TO LOOK AT EFFECTIVENESS IN ONE SECTOR OF THE COMMUNITY.

SO AFTER TALKING ABOUT THE VISION, GUIDING PRINCIPLES AND WHETHER OR NOT CONSERVATION WORKS AND WE HAVE DEMONSTRATION THAT IT DOES WORK, WE TOOK A LOOK AT SOME GOALS.

AND AS YOU KNOW, THERE IS AN EXISTING GOAL THAT WAS ADOPTED BY CITY COUNCIL IN 2006 TO REDUCE PEAK WATER USE BY 1% PER YEAR OR 20 MILLION GALLONS A DAY BY 2017.

WE FULLY BELIEVE THAT REDUCING PEAK WATER USE IS IMPORTANT FOR MANY, MANY REASONS.

MUCH OF OUR DISCRETIONARY USE IS OUTDOOR WATER USE FOR SUMMER MONTHS AND IT IS A METHOD OF REDUCING DISTRIBUTION COSTS AND INFRASTRUCTURE AND THOSE SORTS OF THINGS, BUT BASED ON THE VISION WE LOOK AT INTEGRATED AND SUSTAINABLE WATER MANAGEMENT WE FELT IT WAS IMPORTANT TO LOOK AT OVERALL WATER USE ACROSS THE ENTIRE YEAR.

AND ONE WAY TO LOOK AT THAT IS LOOKING AT PER CAPITA USE AND SO WE'RE RECOMMENDING A GOAL OF 140 GALLONS PER PERSON PER DAY ON AVERAGE BY 2020. THIS IS PRETTY CONSISTENT WITH THE EXISTING GOAL THAT WAS SUBMITTED TO THE TCEQ, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, ABOUT THIS TIME LAST YEAR, SUMMER OF LAST YEAR, IN THE CONSERVATION PLAN.

AND IN THAT PLAN, THE STAFF RECOMMENDED 149 TO 150 GALLONS PER PERSON PER DAY BY 2019, SO THIS IS VERY CONSISTENT WITH THAT GOAL.

A LITTLE BIT OF A STRETCHED GOAL.

IN ADDITION TO THAT QUANTIFIED GOAL, WE'RE ALSO RECOMMENDING A LESS QUANTIFIABLE GOAL AND THAT IS THAT ALL AUSTIN WATER CUSTOMERS UNDERSTAND THEIR WATER USE EFFECTIVELY, AND FIND WAYS TO USE IT MORE EFFICIENTLY. THAT IS A LITTLE BIT HARDER TO MEASURE BUT THERE'S CERTAINLY LAUDABLE GOAL SO WE WANTED TO HAVE A BALANCE OF BOTH OF THOSE ELEMENTS.

SO WITH THE VISION AND GUIDING PRINCIPLES AND GOALS IN HAND, WE TOOK A LOOK AT A NUMBER OF DIFFERENT STRATEGIES.

THE POSSIBLE 10-YEAR ACTION PLAN, PUT TOGETHER NUMBERS ABOUT EFFECTIVENESS

AND COST AND MARKET PENETRATION RATES AND ALL OF THOSE SORTS OF THINGS READY AT HAND, SO WE TOOK THOSE 100 STRATEGIES AND WE PRIORITIZED THEM WITHIN THAT CATEGORY I JUST IDENTIFIED.

USING THE METHOD THAT LOOSELY BASED ON THE AMERICAN WATER WORKS ASSOCIATION METHODOLOGY FOR PRIORITIZING CONSERVATION MEASURES AND THROUGH THAT PROCESS WE IDENTIFIED 25 STRATEGIES WE FEEL THAT CAN BE QUANTIFIED THAT IS BALANCES SAVED, COST PER GALLON, AND EIGHT OR SO NONQUANTIFIABLE STRATEGIES WE NONETHELESS FEEL ARE IMPORTANT FOR SUCCESSFUL CONSERVATION PROGRAM. AND I WON'T GO THROUGH ALL OF THE 25 PRIORITIZED STRATEGIES IN DETAIL BUT THOSE ARE LISTED OUT AND I KNOW THAT STAFF HAS BEGUN VIGOROUSLY AND ROBUSTLY BEGINNING THEIR ANALYSIS ON THOSE STRATEGIES AND ARE TAKING STEPS TO CONTINUE THAT ANALYSIS.

SO ONCE WE HAD ALL OF THAT WORK BEHIND US, WE FELT IT WAS IMPORTANT TO CRYSTALIZE OUR KEY FINDINGS ABOUT CONSERVATION AND IDENTIFY THOSE, AND ESSENTIALLY, IT CAN BE BOILED DOWN TO EDUCATION IS ABSOLUTELY CRITICAL. A WELL-INFORMED COMMUNITY WILL MAKE GOOD DECISIONS, WILL WANT TO BE ON A CONSERVATION TEAM BECAUSE IT IS THE RIGHT THING TO DO, PROTECTS THE ENVIRONMENT, MAKE SENSE FINANCIALLY AND WE THINK CONSERVATION LITERACY IS CRITICAL TO THE SUCCESS OF THE PROGRAM LONG-TERM.

AND WE KNOW CONSERVATION WORKS, IT IS A LONG-TERM INVESTMENT BUT HAS A LONG-TERM PAY OFF AND REQUIRED LONG-TERM FUNDING CERTAINTY, THAT IS THE BENEFITS ARE TO BE ACHIEVED OVER 20 TO 30 YEARS, THE FUNDING NEEDS TO BE CERTAIN OVER THAT TIME SO THE PROGRAMS CAN BE PUT INTO PLACE.

AND THE PROGRAMS SHOULD PROVIDE INCENTIVES FOR ALL WATER USERS.

IN ADDITION TO THAT, THE PRICING IS A KEY MEASURE FOR EFFECTING CONSERVATION AND WATER RATES SHOULD REFLECT THE REAL COST OF WATER BUT WE NEED TO BE VERY CAREFUL AND ENSURE THAT WATER IS AFFORDABLE SO WE CAN MEET ALL THE BASIC NEEDS AND REQUIREMENTS THROUGHOUT THE COMMUNITY.

CONSERVATION MEASURES NEED TO MAKE REALLY GOOD BUSINESS SENSE, WHICH IS WHY WE RECOMMEND THERE BE A VERY THOROUGH COST BENEFIT ANALYSIS DONE ON ALL OF THE MEASURES WE'VE RECOMMENDED, BEGINNING WITH THE PRIORITIZED MEASURES AND OTHER THAT CITY STAFF HAS IDENTIFIES.

THOSE THAT ARE KIND OF SIMPLE LOW-HANGING FRUIT COULD BE IMPLEMENTED WITH THE UPCOMING BUDGET CYCLE AND THAT ONCE WE HAVE THE QUANTIFICATION, THE COST, THE BENEFITS, YOU KNOW, THE GALLONS PER PERSON ESTIMATED SAVINGS, THEN A 10-YEAR ACTION PLAN CAN BE PUT TOGETHER THAT PROVIDE AS MIX OF MEASURES, WORKS TO ACHIEVE THE GOALS LAID OUT, FALLS WITHIN THE GUIDELINES OF THE GUIDING PRINCIPLES AND PUTS THAT ACTION PLAN AND THAT BUSINESS PLAN IN THE HANDS OF STAFF TO DO THE WORK WELL, TO DO THE WORK THAT THEY DO REALLY WELL. THERE'S VERY TALENTED, MOTIVATED, PASSIONATE STAFF THAT IS ABLE TO IMPLEMENT THIS ACTION PLAN.

SO WE TOOK THOSE RECOMMENDATIONS OUT TO THE ENVIRONMENTAL BOARD, THE

WATER AND WASTE WATER COMMISSION AND THE RESOURCE MANAGEMENT COMMISSION, EACH OF WHICH ENDORSED THIS PLAN AND THE RECOMMENDATIONS UNANIMOUSLY. WE ALSO HELD A PUBLIC EVENT AT SAINT DAVID'S CHURCH IN EARLY MARCH WHERE WE SOLICITED REALLY GREAT IDEAS FROM THE COMMUNITY WHICH ARE INCLUDED IN THE PLAN, AND PRIOR TO FINALIZING THE PLAN, WE ALSO TOOK IT OUT TO ARROW, THE AUSTIN AREA RESEARCH ORGANIZATION, AS WELL AS ROUND TABLE OF BUSINESS COMMUNITY LEADERS TO ENSURE THAT WE REALLY ARE INCORPORATED AND ADDRESSING ALL OF THE POTENTIAL CONCERNS OF â€œ OF THE POTENTIAL STAKEHOLDERS THROUGHOUT THE COMMUNITY.

THEY ARE SUPPORTIVE OF THE NOTIONS AND IDEAS PRESENTED.

I THINK â€œ I KNOW THIS MORNING WE HAD A NUMBER OF TASK FORCE MEMBERS WITH US, AND WOULD HAVE ACKNOWLEDGED THEM BUT I THINK THEY'RE GONE.

WE HAVE ALMOST AN HONORARY TASK FORCE MEMBER, RUSS SMITH JOINS US AT ALMOST EVERY MEETING.

BUT THIS CONCLUDES THE PRESENTATION AND WE WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

>>MAYOR LEFFINGWELL: QUESTIONS?

COUNCIL MEMBER SHADE.

>>SHADE: I WANT TO SAY THANK YOU FOR ALL THE WORK AND I'M SO SORRY THE SCHEDULE GOT OFF TRACK AS IT DID AND SO IT PREVENTED â€œ I'VE HAD AN OPPORTUNITY TO TALK TO SEVERAL OF THE TASK FORCE MEMBERS BUT IT PREVENTS US FROM PUBLICLY SAYING THANK YOU TO THEM WHILE THEY'RE HERE BUT HOPEFULLY THEY'LL CATCH THIS ON CHANNEL SIX OR YOU'LL LET THEM KNOW HOW MUCH WE APPRECIATE THEIR EFFORTS.

YOU HAVE A LOT OF THINGS IN THE ACTUAL REPORT AND THIS IS JUST A VERY TOP LINE VIEW, WHICH I REALLY APPRECIATE TOO, BECAUSE IN THE INTEREST OF TIME, BUT I'M CURIOUS, IF YOU HAD AN OPINION IN TERMS OF THE BEST WAYS TO DO EDUCATION AND OUTREACH, ONE OF YOUR KEY POINTS, IF YOU HAD SUGGESTIONS ON THAT.

>> WE HAVE A NUMBER OF DIFFERENT SUGGESTIONS AND IDEAS ABOUT THAT, AND I WANT TO, YOU KNOW, CAVEAT THIS DISCUSSION WITH THE NOTION THAT I'M NOT A MARKETING EXPERT, NOR A PROFESSIONAL EDUCATOR, BUT WE DO KNOW THAT VARIOUS MESSAGES RESONATE WITH DIFFERENT CONSUMER GROUPS AND DIFFERENT MARKETS AND DIFFERENT GEOGRAPHIES, AND WE REALLY SUGGEST THAT THERE BE SOME RIGOROUS MEDIA WORK AND SOME FOCUS GROUPS, REALLY UNDERSTAND WHAT IT IS THAT MOTIVATES DIFFERENT PEOPLE AND WHAT WE NEED DO AS A COMMUNITY TO GET THEM ON THE CONSERVATION TEAM.

WE THINK THERE ARE GREAT OPPORTUNITIES FOR A PRACTICAL MONEYâ€¢SAVING IDEAS FOR DIFFERENT CITY DEPARTMENTS WITH THE SAME OR SIMILAR SUSTAINABILITY MESSAGES TO POOL THEIR LIMITED DOLLARS AND, YOU KNOW, SOMETIMES ONE PLUS ONE EQUALS THREE IF YOU DO IT WELL AND YOU CAN GET BETTER MEDIA BUYS IF YOU HAVE A LARGER POOL GOING IN.

WE KNOW STAFF IS REALLY DOING SOME GREAT WORK IN TERMS OF REACHING OUT AND PARTNERING WITH NEIGHBOR COMMUNITIES, WE THINK THAT IS REALLY PERFORM, PARTICULARLY WITH THE SHARED MEDIA MARKET TO HAVE COMMON MESSAGES SO PEOPLE DON'T GET CONFUSED BECAUSE THEY CROSS A CITY LIMIT SIGN.

HE HAD SITUATION FRONT K THROUGH UNIVERSITY LEVEL.

THERE IS WAYS WE CAN LEVERAGE ON THE REALLY SMART PEOPLE AT UT AND SOME OF THE WATER RESOURCES PEOPLE AND SOME OF THE CITY PLANNING FOLKS AND SOME OF THE RESEARCHERS THAT CAN HELP COLLECT THE DATA.

SO THERE IS A LOT WE CAN DO.

>>SHADE: THANKS.

AND THANKS AGAIN.

>> THANK YOU.

>>MAYOR LEFFINGWELL: COUNCIL MEMBER SPELMAN.

>>SPELMAN: THANK YOU, AND I WOULD LIKE TO APOLOGIZE.

I HAVEN'T HAD A CHANCE TO READ YOUR FULL REPORT YET BUT WONDERED IF YOU COULD HELP ME IN MY READING OF THE REPORT, YOU MENTIONED LOW-ANGERING FRUIT, THINGS THAT MIGHT BE INCLUDED IN NEXT YEAR'S BUDGET.

I WONDER IF YOU COULD POINT OUT TWO OR THREE THINGS YOU RECOMMENDED WHICH MIGHT BE PARTICULARLY EFFECTIVE AND NOT PARTICULARLY EXPENSIVE.

>> ONE THING THAT I KNOW STAFF HAS BEGUN TO ANALYZE AND IT HAS SOMEWHERE IN THE RANGE OF A 50 TO \$70,000 PRICE TAG, BALLPARK ESTIMATE, SO DON'T HOLD ME TO IT, AND THAT IS TO DO A COMPREHENSIVE REVIEW OF THE CITY CODE.

THERE APPEARS TO BE SOME ELEMENTS OF THE CODE THAT CONFLICT WITH RESPECT TO WATER CONSERVATION.

JUST TACK A LOOK AT ALL THOSE ELEMENTS, THE PLUMBING CODE AND BUILDING CODE AND LANDSCAPE CODE AND PUD REQUIREMENT, THE PLANNING UNIT DEVELOP.

REQUIREMENT AND SEE IF THERE ARE SYNERGIES THAT WE CAN ACHIEVE OR, YOU KNOW, WAYS TO MEET MULTIPLE GOALS WITH THE SIMPLER GUIDELINES.

SO THAT'S ONE.

THERE'S SOME VERY SIMPLE THINGS IN TERMS OF PARTNERING WITH AUSTIN ENERGY AND CONDUCTING SOME OF THE IN HOME AUDITS AND SOME OF THE ELIGIBILITY FOR THE LOW INCOME PROGRAM.

YOU KNOW, ADDING ADDITIONAL AUDITS, WHEN A STAFF COULD GO DOING A LANDSCAPE AUDIT, THEY COULD LOOK AT POOLS, VERY LOW-ANGERING FRUIT AND GOOD RESULTS FOR EDUCATION AND REDUCING WATER USE.

>> GREAT.

THANK YOU VERY MUCH, APPRECIATE IT.

>>MAYOR LEFFINGWELL: ANYONE ELSE?

COUNCIL MEMBER RILEY.

>>RILEY: I WANTED TO JOIN MY COLLEAGUES IN THANKING YOU AND THE WHOLE TASK FOR THAT HAS GONE INTO THIS, REALLY A VERY IMPRESSIVE EFFORT AND I KNOW IT TOOK A LOT OF HOURS OF WORK AND ON BEHALF OF THE WHOLE COUNCIL AND REALLY THE

WHOLE COMMUNITY WE WANT TO THANK YOU FOR YOUR EFFORTS ON THIS.

JUST FOLLOWING UP ON ONE QUESTION ABOUT THE EDUCATION.

COUNCIL MEMBER SHADE WAS ASKING ABOUT IT.

I LIKE THE WAY YOU FRAMED IT WAS AUSTIN CUSTOMERS WILL UNDERSTAND THEIR WATER USE AND ACTIVELY FIND WAYS TO USE IT MORE EFFICIENTLY.

DID YOU ALL TALK ABOUT THE INFORMATION THAT CONSUMERS RECEIVE ON THEIR MONTHLY BILLS?

AND OPPORTUNITIES THAT MIGHT EXIST TO PROVIDE MORE INFORMATION ON OUR UTILITY BILLS ABOUT INDIVIDUAL HOUSEHOLD'S WATER USE?

>> WE DID.

ONE OF THE THINGS WE TALKED AT SOME LENGTH ABOUT WAS HOW EASY IT MIGHT BE FOR SOMEONE TO GET CONFUSED ABOUT THE OVERALL GOAL OF 140 GALLONS PER PERSON PER DAY IN THEIR INDIVIDUAL USE, SO SOME OF THE IDEAS INCLUDE PUTTING GRAPHS ON THE BILLS THAT DEMONSTRATE USE OVER TIME AND INDIVIDUAL HOUSEHOLD OUTSIDE WITH THAT OF A CERTAIN NEIGHBORHOOD OR SOME GEOGRAPHIC AREA TO SORT OF GET A SENSE HOW THEY ARE DOING COMPARED TO THEIR NEIGHBORS.

AND SOMEHOW UNDERSTAND 140 GALLONS OF WATER A PERSON PER DAY ALL USE, INDUSTRIAL, CITY, FIREFIGHTING.

IT IS NOT ACTUALLY PER PERSON.

AND STAFF IS MOVING FORWARD WITH THOSE IDEAS AND CHANGES.

ANOTHER THING, SINCE WE'RE SUCH A WEB-BASED COMMUNITY, THERE ARE THINGS WE CAN DO ONLINE, WATER USE CALCULATORS, LIKE THE CARBON FOOTPRINT CALCULATORS.

>>RILEY: ONE STRATEGY YOU LOOKED AT WAS RECLAIMED WATER AND THAT CAME UP IN ONE OF OUR REVIEWS YESTERDAY BECAUSE THAT COULD POTENTIALLY BE A SIGNIFICANT PART OF THE UTILITIES, CAPITAL IMPROVEMENT PROGRAM.

CAN YOU JUST TOUCH ON SOME OF THE HIGHLIGHTS OF THE DISCUSSION AND ABOUT RECLAIMED WATER.

I KNOW WE'VE BEEN DOING A LOT OF WORK ON RECLAIMED WATER LATELY IN TERMS OF EXTENDING IT, DOWN TO THE UNIVERSITY OF TEXAS, HAVE YOU ALL TALKED ABOUT THAT OR WHAT MIGHT LIE BEYOND THAT IN TERMS OF BIG PICTURE ADDITIONAL MEASURES WE COULD TAKE WITH RESPECT TO RECLAIMED WATER?

>> WE SPENT A LOT OF TIME TALKING ABOUT RECLAIMED WATER, AND OF COURSE, IN OUR VIEW IT IS A VERY VALUABLE SUPPLEMENTAL WATER RESOURCE.

IT IS NOT JUST CONSERVATION, AND WHILE WE NEED TO BE THOUGHTFUL IN THE RULES OF USE SO THAT WE ARE PROVIDING INCENTIVES AND OPPORTUNITIES FOR EXISTING CUSTOMERS TO SWITCH TO RECLAIMED WATER, WE THINK IT IS APPROPRIATE THERE BE SOME LEVEL OF CONSERVATION AND EFFICIENCY STANDARDS ASSESSED OR ASSIGNED TO THIS USE, AS WELL, BECAUSE IT IS WATER AND IT IS VERY VALUABLE WATER THAT MEET AS VALUABLE PURPOSE.

WE ALSO TALKED ABOUT SOME IDEAS AND THESE NEED TO BE FLESHED OUT, EMBEDDED AND MAKE SURE THEY MAKE SENSE, BUT IN SOME OF THE EXTENSION POLICIES, UTILITY

EXTENSION POLICIES, FOR GOING INTO A NEW, BIG AREA WITH NEW INFRASTRUCTURE, IT MIGHT MAKE SENSE TO ALSO EXTEND THE RECLAIMED WATER LINES OUT THERE. IT ADDS A LOT OF EXPENSE IN THE CAPITAL PERSPECTIVE BUT IT MAY BE LESS EXPENSIVE TO DO IT UP FRONT DURING THE PLANNING PHASE AND DEVELOPMENT PHASE AND GO IN LATER ON AND RIP UP THE STREETS AND PUT THESE LINES IN LATER ON. WE ALSO WOULD LOVE TO SEE THE MASTER PLAN, OR THE ULTIMATE BUILD OUT OF THE RECLAIMED WATER SYSTEM, ACCELERATED. IF FUNDS ARE AVAILABLE AND IT MEETING WITH OTHER PRIORITIES, WE THINK THAT WOULD BE A GOOD THING.

>>RILEY: THANK YOU SO MUCH.

>>MAYOR LEFFINGWELL: COUNCIL MEMBER MORRISON.

>>MORRISON: THANK YOU, SUSAN.

I HAVE ONE QUESTION AND IN TERMS OF YOUR NEXT STEPS, THE RECOMMENDATION TO DO A COST BENEFIT ANALYSIS, DO WE HAVE ANY SENSE FOR HOW BIG OF A JOB THAT IS FOR OUR STAFF?

DID YOU ALL TALK WITH THEM ABOUT TIME LINES?

>> WE DID TALK ABOUT THAT TO A CERTAIN EXTENT, AND OF COURSE I WILL NEVER SPEAK FOR THE UTILITY, BUT MY SENSE IS THEY HAVE SOME SENIOR ANALYST ON HAND THAT CAN DO SOME OF THE WORK IN HOUSE THAT MAY HAVE THE ABILITY TO USE A CONSULTANT TO HELP THEM GET THE "â€"â€" THE MEMORY IS, THIS WAS A FEW MONTHS BACK, THEY FELT THEY COULD CONDUCT A BULK OF THE ANALYSIS AND PUT TOGETHER THE ACTION PLAN BY THE END OF THE YEAR.

>>MORRISON: GREAT, ACTUALLY WORK ON THAT CAN WITH STAFF TO MAKE SURE THE RESOURCES ARE AVAILABLE.

THANK YOU FOR LEADING THE TASK FORCE, WE APPRECIATE IT.

WHAT ARE YOU GOING TO DO WITH YOURSELF AFTER THIS?

>> I DON'T KNOW, I WILL HAVE TO TAKE UP KNITTING OR SOMETHING.

[LAUGHTER]

THANK YOU, IT WAS A PLEASURE.

AN IMPORTANT TOPIC AND MADE A LOT OF NEW FRIENDS AND IT WAS A GREAT EXPERIENCE.

>>MORRISON: THANK YOU.

>>MAYOR LEFFINGWELL: COUNCIL, WE WILL GO TO PICK UP THE REMAINDER OF OUR MORNING CONSENT AGENDA.

AND PICK UP ITEMS 47 AND 50.

I BELIEVE YOU ALL HAVE THE ORDINANCE IN FRONT OF YOU FOR BOTH OF THOSE ITEMS. LET ME JUST SAY THAT 47 IS A RESOLUTION FIXING THE PAY AND BENEFITS FOR OUR COURT CLERK, FOR THE YEAR AFTER THIS CURRENT PERIOD, AND 50 IS THE SAME THING FOR THE CITY CLERK.

AND WE DISCUSSED THIS MATTER IN EXECUTIVE SESSION UNDER THE PERSONNEL MATTERS EXCLUSION, AND SO WE'RE READY TO ACT ON THESE ITEMS SEPARATELY.

WE DID INCLUDE BASICALLY THE SAME PACKAGE AS LAST YEAR BUT IN ANTICIPATION OF A

2.5% PAY RAISE FOR ALL EMPLOYEES IN THE FISCAL YEAR BEGINNING OCTOBER 1.
THIS ORDINANCE CONTAINS A RECOMMENDATION FOR 2.5% PAY RAISE FOR BOTH THE
CLERK, BOTH THE COURT CLERK AND THE CITY CLERK.

SO RECOGNIZING THAT THEY'RE BOTH OUTSTANDING EMPLOYEES AND, OF COURSE, WE
WOULD LIKE TO DO MORE RECOGNIZING ALSO THAT THE COURT CLERK IS STILL PAID
BELOW MARKET, THAT IS BELOW THE AVERAGE PEERS ACROSS THE STATE AND ACROSS
THE NATION, WE WOULD LIKE TO DO MORE BUT RECOGNIZING ALSO THAT ALL OF US ARE
UNDER SEVERE BUDGETARY CONSTRAINTS AND WE FELT LIKE THIS WAS A FAIRLY
GENEROUS PROPOSAL GIVEN THE EXISTING CONDITIONS.

SO COUNCIL, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 47 AND â€œ COUNCIL MEMBER
COLE.

>>COLE: I MOVE APPROVAL.

>>MAYOR LEFFINGWELL: COUNCIL MEMBER COLE MOVES APPROVAL OF ITEM NUMBER 47.
SETTING THE COMPENSATION BENEFITS FOR THE MUNICIPAL COURT CLERK.

SECOND BY COUNCIL MEMBER MORRISON.

IS THERE ANY DISCUSSION?

ALL IN FAVOR, SAY AYE.

[CHORUS OF AYES]

PASSES ON A VOTE OF 7â€œ0.

WE'LL NOW TAKE UP ITEM NUMBER 50.

AND AGAIN, THIS IS A SITUATION WHERE WE RECOGNIZE A TRULY OUTSTANDING
EMPLOYEE OF THE CITY COUNCIL, OUR CITY CLERK WHO HAS DONE A GREAT JOB FOR US
FOR MANY YEARS AND CONTINUES WORK ON INNOVATIVE PRACTICES AND PROGRAMS IN
HER DEPARTMENT REPRESENTING THE CITY AS THE FIRST DOOR THEY COME TO WHEN
THEY WALK INTO CITY HALL AND DOING A GOOD JOB OF THAT.

AND AGAIN, I WOULD LIKE TO DO MORE BUT GIVEN THE BUDGETARY CONSTRAINTS THAT
EXIST, WE ALSO HAVE INCLUDED IN THIS RESOLUTION NO CHANGE IN THE BENEFITS,
INCREASE OF 2.5% OF PAY.

SO IS THERE A MOTION ON ITEM NUMBER 50?

MAYOR PRO TEM MOVES APPROVAL.

COUNCIL MEMBER MORRISON IS SECOND.

ANY FURTHER DISCUSSION?

ALL IN FAVOR, SAY AYE.

[CHORUS OF AYES]

PASSES ON A VOTE OF 7â€œ0.

AND I BELIEVE THAT BRINGS US TO OUR 2:00 ZONING CASES THAT WE HAVE COVERED
EVERYTHING ELSE.

MR. GUERNSEY, WELCOME.

>> THANK YOU, MAYOR AND COUNCIL.

GREG GUERNSEY WITH PLANNING AND REVIEW.

I WOULD LIKE TO GO THROUGH ITEMS WE CAN OFFER FOR CONSENT APPROVAL OR
POSTPONEMENT AT THIS TIME.

ITEM NUMBER 67, CASE NUMBER

C14â€2010â€0003, FITZGERALD UPCHURCH WILKERSON HOUSE.

CASE NUMBER C14â€2008â€0220, DOUBLE CREEK VILLAGE.

ITEM NUMBER 69, CASE NUMBER

C14â€2009â€0078, LIMERICK.

ITEM NUMBER 70, CASE NUMBER

C14â€2009â€0156, LOS COMALES.

ITEM NUMBER 71, CASE NUMBER

C14â€2010â€0014, LEIJA VILLA.

CASE ITEM NUMBER 32 AND 73, WE CAN DO THESE TOGETHER, CASE NUMBER

C14â€72â€015RCA, 1517 EAST

ANDERSON LANE.

CHANGE TO MIXED USE, IT WAS RECOMMENDED TO YOU BY THE PLANNING COMMISSION TO GRANT THE MIXED USE LAND USE DESIGNATION, RELATED ITEM NUMBER 71 IS CASE NUMBER C14â€2010â€0014.

3306 EAST 5TH STREET.

THIS IS TO ZONE THE PROPERTY COMMERCIAL MIXED USE OR GRâ€MUâ€COâ€NP COMBINING ZONING DISTRICT FOR TRACT 2.

IT IS RECOMMENDED BY THE PLANNING COMMISSION TO GRANT THE GRâ€MUâ€COâ€NP COMBINING ZONING DISTRICT FOR TRACT ONE AND SFâ€3â€COâ€NP COMBINING ZONING DISTRICT FOR TRACT TWO WITH CONDITIONS.

THIS IS READY FOR FIRST READING ONLY FOR 71 AND 73.

ITEM NUMBER 72 IS RESTRICTED ITEM COVENANT, CASE NUMBER

C14â€72â€015RCA.

THIS WAS RECOMMENDED FOR DENIAL SO THIS IS A DISCUSSION ITEM.

AND NUMBER 74, CASE NUMBER

C14Hâ€2009â€0065, THIS WAS ALSO RECOMMENDED FOR DENIAL SO THIS IS A DISCUSSION ITEM.

THE ITEM FOR CONSENT IS TWO POSTPONEMENTS, 68 AND 6, AND CONSENT APPROVAL FOR 73 AND 71.

>> THE CONSENT AGENDA FOR THOSE ZONING CASES WHERE WE HAVE YET TO HOLD A PUBLIC HEARING IS TO POSTPONE INDEFINITELY ITEM NUMBER 68, POSTPONE UNTIL MAY 13, ITEM NUMBER 69, TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY ITEMS 71 AND 73 IS THERE A MOTION TO APPROVE?

MOTION BY COUNCIL MEMBER SPELMAN.

SECOND BY COUNCIL MEMBER SHADE.

IS THAT WHAT YOU SAID?

>> 71 IS CONSENT FOR FIRST READING ONLY, ASSOCIATED WITH 73.

>> >>MAYOR LEFFINGWELL: 71 AND 73, YES.

ALL RIGHT.

MOTION AND SECOND.

DISCUSSION?

ALL IN FAVOR, SAY AYE.

[CHORUS OF AYES]

ANY OPPOSED, SAY NO.

PASSES ON A VOTE OF 7â€0.

>> THANK YOU, MAYOR AND COUNCIL.

THAT BRINGS US BACK TO ITEM NUMBER 67, CASE C14Hâ€2010â€0003.

1710 WINDSOR ROAD.

THANK YOU.

>> GOOD AFTERNOON, MAYOR, COUNCIL MEMBERS, THE HISTORIC PRESERVATION PLANNING AND DEVELOPMENT DEPARTMENT REVIEW.

THIS IS THE FITZGERALD UP CHURCH WILKERSON HOUSE, 1710 WINDSOR ROAD.

IT WAS RECOMMENDED AGAINST HISTORIC ZONING BY THE PLANNING AND HOUSING COMMISSION.

THE HOUSE IS A 1926 HOUSE, EXCELLENT EXAMPLE OF ITALIAN RENAISSANCE ARCHITECTURE, WE BELIEVE IT WAS DESIGNED BY HAL THOMAS, BUT WE DON'T HAVE PROOF OF THAT IT LOOKS LIKE A LOT OF HIS DESIGNS IN DALLAS.

THE HOUSE WAS BUILT IN 1926 FOR COLONEL FITZGERALD AND HIS WIFE DONNA.

THE COLONEL FITZGERALD WAS A NATIVE OF SOUTH CAROLINA, WAS A PROMINENT NEWSPAPER MAN BEFORE COMING TO AUSTIN IN 1921 TO BECOME THE POLITICAL AND CHIEF EDITORIAL WRITER FOR THE AMERICAN AND STATESMAN BECAUSE THEY WERE SEPARATE NEWSPAPERS AT THAT TIME.

HE WAS ACTIVE IN POLITICAL CIRCLES AROUND THE STATE AND THE TEXAS STATE SENATE HUNG HIS PORTRAIT ON THE WALLS OF THE SENATE CHAMBERS TO RECOGNIZE HIS CONTRIBUTIONS TO THE NEWSPAPER AND POLITICS.

HE DIED IN 1936 AND HIS WIDOW SOLD THE PROPERTY TO FRED UPCHURCH.

HE WAS A LAWYER AND CITY ATTORNEY AND THEN MOVED TO AUSTIN WITH HIS JOB AS AN ASSISTANT STATE ATTORNEY GENERAL, PURCHASED THIS HOUSE.

HE HANDLED, PERSONALLY HANDLED, ALL OF THE OIL, GAS AND PUBLIC UTILITY LITIGATION FOR THE RAILROAD COMMISSION AND BECAME A FEDERAL ATTORNEY AFTER WORLD WAR II, THEN WENT BACK INTO PRIVATE PRACTICE.

IN THE 1960S, HE MOVED BACK TO BECOME THE CITY ATTORNEY ONCE AGAIN.

HIS WIFE, HOWEVER, HAD A VERY DIFFERENT IMPACT ON TEXAS HISTORY.

SHE IS A VERY PROMINENT AUTHOR OF COUNTY HISTORIES, TWO OF HER MOST FAMOUS ARE NUECES AND SAN SABA COUNTY.

WHEN THE UPCHURCHS MOVED BACK TO CANADA, THEY SOLD THE THOUSAND THE WILKERSONS.

MR. WILKERSON WAS THE ASSISTANT STATE ATTORNEY AND WENT INTO PRIVATE PRACTICE.

HIS WIFE WAS RELATED TO BENSON WITH THE CAR COMPANY.

AFTER HER FATHER'S DEATH, LAWRENCE TOOK THE COMPANY OVER AND BECAME THE PROOFREADER AND BECAME INFLUENTIAL IN DETERMINING THE CONSENT OF SCHOOL TEXT BOOKS IN TEXAS.

AGAIN, IT IS A CLASSIC EXAMPLE OF COLONIAL REVIVAL AND ITALIAN RENAISSANCE. ARCHITECTURE HERE IN AUSTIN AND STAFF RECOMMENDED IT AS DID THE HISTORIC LANDMARK COMMISSION.

THANK YOU.

>>MAYOR LEFFINGWELL: QUESTIONS OF STAFF?

REFLECTING ON YOUR COMMENT ABOUT THE PREVIOUS, ONE OF THE PREVIOUS OWNERS, I WOULD NOTE THAT I WAS ONCE A DELIVERY ASSOCIATE FOR THE AUSTIN AMERICAN MANY YEARS AGO, THE AUSTIN AMERICAN WAS THE MORNING PAPER AND THE AUSTIN STATESMAN WAS THE AFTERNOON PAPER.

SO ONLY AFTER THE MERGER WERE THOSE TWO NAMES MERGED.

JUST A LITTLE HISTORICAL TRIVIA.

ANY OTHER QUESTIONS?

OKAY.

DO WE HAVE ANYONE SIGNED UP TO SPEAK ON THIS ITEM?

>> I THINK THE OWNER'S AGENT " " >>MAYOR LEFFINGWELL: NO, WE DO NOT.

>> WE HAVE ONE PERSON IN SUPPORT, THE OWNER'S AGENT IS HERE.

>>MAYOR LEFFINGWELL: OKAY.

I'M NOT " " YOU ARE NOT SIGNED UP ON MY SHEET.

LET ME REFRESH HERE.

DID YOU JUST DO IT?

INDEED, YOU ARE.

YOU ARE " " I KNOW YOU, YOU'RE PHOEBE ALLEN.

YOU HAVE THREE MINUTES.

WELCOME.

IN FACT, IF YOU ARE SPEAKING AS THE APPLICANT, YOU HAVE FIVE MINUTES.

>> THANK YOU.

JUST TO LET YOU KNOW, DID YOU RECEIVE, I BELIEVE, A LETTER THROUGH E"EMAIL THIS WEEK FROM THE OWNERS WHO ARE IN DALLAS FOR A PRE" SCHEDULED MEDICAL APPOINTMENT AND COULD NOT BE HERE.

I COULD NOT DO THE RESEARCH ON THIS HOUSE, BUT THE OWNERS HAVE ASKED ME TO SPEAK ON THEIR BEHALF.

I HAVE BROUGHT FOR YOU SOME SLIDES OF THE HOUSE ITSELF SO YOU'LL BE BETTER ABLE TO EVALUATE THE ARCHITECTURE FOR YOURSELVES.

THIS HOUSE WAS ON THE 2004 HERITAGE SOCIETY HOMES TOUR.

IT WAS ONE OF FOUR HOUSES FEATURED IN THEIR BROCHURE, IT'S IN THE UPPER RIGHT HAND CORNER, THE FRONT DOOR.

AND I WILL DIRECT TO YOU YOUR LETTER FROM ANDREA MCWILLIAMS, SHE WAS VERY ACTIVE AS THE PRESIDENT OF THE SOCIETY FOR ABOUT THREE YEARS, I BELIEVE.

THE HERITAGE SOCIETY, AND ALSO THE FOUNDER OF INHERIT AUSTIN AND I BELIEVE I'VE HAD TWO OR THREE OTHER HISTORIC HOMES IN TOWN SO THEY'VE BEEN VERY ACTIVE IN HISTORIC PRESERVATION IN AUSTIN FOR A NUMBER OF YEARS.

THE HOME ITSELF, I BELIEVE YOU'VE SEEN A SIMILAR SLIDE TO THIS.

I WANT TO POINT OUT THAT THE WALL IN FRONT OF THE HOME IS ORIGINAL, BUT THE GATE AND THE IRON WORK IS NOT, THAT'S BEEN ADDED AN FEATURE TO THE HOME.

SO THIS WOULD BE A CLOSER VIEW OF THE HOME ITSELF.

YOU MIGHT WANT TO  THE BAY WINDOW ON THE LEFT AND THEN THE MAIN ENTRANCE IS ON THE RIGHT THAT YOU SEE HERE.

I'VE GOT A CLOSEUP OF THAT MAIN ENTRANCE.

I'M NOT SURE IF YOU CAN SEE THIS OR NOT, BUT THERE IS A DENTALTYPE MOLDING UNDER THE EVES THAT GOES ALL THE WAY AROUND THE HOUSE.

A CLOSEUP OF THE BAY.

THIS IS THE MANTLE, THE FIREPLACE THAT IS ORIGINAL ON THE INTERIOR.

THE SLATE ROOF IS ORIGINAL.

THE STAIRS, THE STAIRWELL IS ORIGINAL BUT NOT THE GRILL, THE IRON GRILL WORK, THAT'S BEEN ADDED.

THE FOOTPRINT OF THE HOUSE HAS NOT CHANGED UNDER THE CURRENT OWNERS.

THE FRONT WALLS, AS I SAID, IS ORIGINAL.

THERE IS A REAR GUEST HOUSE.

THIS IS SOME OF THE BACK  THIS IS A SIDE VIEW AND FROM THE BACK THE WILKERSONS DID ADD AND ENCLOSE THIS PORTION OF THE HOUSE IN 1959, AND THEY ALSO UPDATED A GUEST HOUSE THAT IS IN THE BACK OF THE HOUSE.

NEITHER OF THESE CAN BE SEEN FROM THE STREET.

THIS WAS ORIGINALLY A GARAGE AND SERVANTS QUARTERS.

THEY ADDED A SECOND STORY AND ENCLOSED THE GARAGE FOR MRS. WILKERSON'S MOTHER SO THAT SHE COULD LIVE THERE.

THE WINDOWS ARE ALL ORIGINAL AND BASICALLY THE HOUSE DOES RETAIN ITS HISTORIC CHARACTER.

AND I BELIEVE THAT STEVE HAS PRETTY MUCH FILLED YOU IN ON FITZGERALD, THE NEWSPAPER MAN.

I WOULD ADD THAT HE SERVED THE AMERICAN, AUSTIN AMERICAN AND AUSTIN STATESMAN FROM 1921 UNTIL 1936, ABOUT 15 YEARS, AND UNTIL HIS DEATH.

HE ALSO WROTE A BOOK CALLED "GOVERNORS I HAVE KNOWN" ABOUT TEXAS GOVERNORS, AND HE IS LISTED IN THE HAND BOOK OF TEXAS.

FRED UPCHURCH, I BELIEVE STEVE HAS COVERED PRETTY MUCH THE MAIN POINTS HERE.

HE WAS IN BOTH WORLD WAR I AND WORLD WAR II.

AND THE WILKERSONS, AN INTERESTING NOTE, THEY SWAPPED HOUSES, OR MRS. WILKERSON DID, SWAPPED HOUSES WITH THE MCWILLIAMS, SO NOW MRS. WILKERSON IS LIVING IN THE MCWILLIAMS OLD HOUSE AND THE MCWILLIAMS ARE LIVING IN THE WILKERSON HOUSE.

BUT THEY  AND THEY ARE BOTH HISTORIC HOMES.

SO ANY QUESTIONS?

THAT I CAN HELP YOU WITH.

>>MAYOR LEFFINGWELL: THANK YOU.

>> YOU'RE WELCOME.

>>MAYOR LEFFINGWELL: WE ALSO HAVE MARLEEN.

>> I'M THE PRESIDENT OF THE OLD INFIELD HOMEOWNER'S ASSOCIATION.

WE STRONGLY SUPPORT HISTORIC ZONING OF 1710 WINDSOR ROAD, IT SATISFIES ALL OF THE HISTORIC CRITERIA, THERE BY MAKING IT FULLY DESERVING OF HISTORIC DESIGNATION THIS CASE HAS BEEN EVALUATED AGAINST OTHER CRITERIA. THERE IS A MOVEMENT TO DISCREDIT HISTORIC ZONING AND THIS HOUSE HANDS ABOUT UNFAIRLY TARGETED.

PRESERVATIONS OF HOMES IS EXTREMELY IMPORTANT TO ENFIELD.

I WELCOME A FUTURE OPPORTUNITY TO PARTICIPATE IN THE DISCUSSION, BUT FOR TODAY, I HOPE COUNCIL DOES THE PROPER THING AND EVALUATES THIS HOME AGAINST THE HISTORIC LANDMARK DESIGNATION CRITERIA AND NOT AGAINST CRITERIA THAT SATISFIES A DIFFERENT AGENDA.

THANK YOU.

>>MAYOR LEFFINGWELL: THANK YOU.

ANY QUESTIONS?

DISCUSSION?

I WOULD JUST SAY THAT IT'S BEEN A LONG TIME SINCE I'VE SEEN AN EXAMPLE OF HISTORIC ZONING REQUESTS THAT WAS THIS OUTSTANDING.

IT IS CLEARLY AN EXAMPLE OF THE TYPE OF STRUCTURE THAT I WOULD WANT TO DESIGNATE AS HISTORIC.

AND THIS IS READY FOR ALL THREE READINGS.

COUNCIL MEMBER SPELMAN.

>>SPELMAN: I AGREE WITH YOU AND MOVE TO CLOSE THE PUBLIC HEARING AND MOVE APPROVAL ON ALL THREE READINGS.

>>MAYOR LEFFINGWELL: MOTION BY COUNCIL MEMBER SPELMAN TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS IS THERE A SECOND?

SECOND BY COUNCIL MEMBER MORRISON.

ANY DISCUSSION?

COUNCIL MEMBER RILEY.

>>RILEY: I WOULD LIKE TO SAY A WORD ABOUT THIS.

AS WE KNOW, THE ZONING AND PLANNING COMMISSION IS NOT RECOMMEND HISTORIC ZONING FOR THIS.

THERE WAS A DISCUSSION, AS I UNDERSTAND IT, THAT WAS SIMILAR TO THE DISCUSSION WE HAD PREVIOUSLY ABOUT SOME OTHER HISTORIC ZONING CASES RELATED TO CONCERNS ABOUT WHAT MIGHT HAPPEN IF WE STARTED, YOU KNOW IF WE DIDN'T IMPOSE SOME KIND OF CONTROLS OR LIMITS ON HISTORIC ZONING, WHICH IN MANY RESPECTS ARE LEGITIMATE CONCERNS, AND I SHARE SOME OF THOSE CONCERNS.

I DO SUPPORT HISTORIC ZONING IN THIS CASE, OF THIS HOUSE, BECAUSE IT MEETS ALL THE CRITERIA, CLEARLY.

I DO ALSO THINK WE NEED TO HAVE SOME CONTINUED DISCUSSION ABOUT THE BENEFITS ASSOCIATED WITH HISTORIC ZONING AND FOR MYSELF, I WOULD EXPECT TO THE EXTENT

THOSE DISCUSSIONS LEAD TO SOME ADJUSTMENT IN THE BENEFITS THAT THE HOUSES THAT WE'RE â€” THAT WE'RE ZONING NOW AS HISTORIC, WOULD BE SUBJECT TO THOSE ADJUSTMENTS, AND SO BASED ON THE EXPECTATION WE WILL BE HAVING THOSE DISCUSSIONS FAIRLY SOON, I'M PREPARED TO SUPPORT THE HISTORIC ZONING IN THIS CASE.

>>MAYOR LEFFINGWELL: THANK YOU.

I WOULD STRONGLY ASSOCIATE MYSELF WITH COUNCIL MEMBER RILEY'S REMARK. I THINK WE HAVE TO TAKE SOME ACTION TO CONTROL THE NUMBER OF HISTORIC STRUCTURES DUE TO THE BUDGETARY IMPACT, PLAIN AND SIMPLE, BUT AT THE SAME TIME WE DON'T WANT TO PENALIZE A WELL QUALIFIED STRUCTURE JUST BECAUSE WE MAY BE THINKING ABOUT TRYING TO SOLVE A PROBLEM.

>> MAYOR.

>>MAYOR LEFFINGWELL: COUNCIL MEMBER MORRISON.

>>MORRISON: I WOULD LIKE TO ADD AND TO THOSE COMMENTS IF WE HAVE THOSE DISCUSSIONS, I KNOW WE WILL BE HAVING THOSE DISCUSSIONS, IF FOLKS LIKE ARLENE COULD BE PART OF IT BECAUSE WE HAVE INTERESTED MEMBERS IN THE COMMUNITY AND WE WENT THROUGH TASK FORCE DISCUSSION YEARS AGO AND IT WAS GOOD TO HAVE BROAD REPRESENTATION AT THE TABLE AND I WOULD LIKE TO REMIND ALL OF US THAT IN TERMS OF IF WE ARE GOING TO BE PUTTING LIMITS ON, IT HIGHLIGHTS OR EVEN JUST TALKING ABOUT THAT FOR ME, IT HIGHLIGHTS THE NEED YET AGAIN IN OUR CITY TO, THE NEED FOR A HISTORIC RESOURCES SURVEY THAT'S UPâ€”TOâ€”DATE.

BECAUSE WE WANT TO MAKE SURE THAT WE ARE DOING THINGS EQUITIBLY AND WE ALSO, IF WE WANT TO BE PRO ACTIVE ABOUT GOING AFTER, YOU KNOW WHAT WE THINK ARE THE MOST IMPORTANT HISTORIC RESOURCES, WE NEED TO KNOW WHAT THOSE ARE.

SO I WILL CONTINUE TO BE LOOKING FOR SOME THE FUNDING FOR OUR STAFF TO DO THAT IN PARTNERSHIP.

I KNOW WE'VE GOTTEN A CLG GRANT FOR \$15,000 FOR THE FIRST TIME TO GET THINGS STARTED A LITTLE BIT IN PARTNERSHIP WITH UT BUT I THINK THAT'S AN ABSOLUTELY â€” IT'S ALWAYS BEEN A NEED BUT EVEN MORE SO NOW, CRITICAL ELEMENT.

>>MAYOR LEFFINGWELL: FURTHER COMMENTS?

ALL IN FAVOR OF THE MOTION, SAY AYE.

[CHORUS OF AYES]

ANY OPPOSED, SAY NO.

PASSES ON A VOTE OF 7â€”0.

AND I BELIEVE, MR. GUERNSEY, THAT BRINGS US TO CASE NUMBER 70.

>> CORRECT, MAYOR AND COUNCIL.

ITEM NUMBER 70 IS CASE

C14â€”2009â€”0156.

LOS COMALES.

2136 EAST 7TH STREET.

ADJACENT TO MARTINEZ JUNIOR TO THE SOUTH.

THIS IS A ZONING CHANGE FROM

CS MU CO NP TO CS 1 MU CO NP TO ALLOW ALCOHOLIC BEVERAGES.

THE PROPERTY IS VERY SMALL, ONLY .27 ACRES IN SIZE.

ADJACENT PROPERTIES TO THE NORTH IS SF 3 MP AND HAS A SINGLE FAMILY RESIDENCE.

TO THE EAST AND SOUTH AND NORTH, EXCUSE ME, EAST, SOUTH AND WEST ARE ALL PROPERTIES ZONED CS CO MU MP.

THERE ARE FOOD SALES, TO THE SOUTH IS A FINANCIAL SERVICES AND RETAIL, AND TO THE WEST IS A PAWNSHOP USE.

IT IS LOCATED IN THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN AREA THAT WAS ADOPTED BY COUNCIL IN 2001.

THE PLAN ACTUALLY ADDRESSED THIS PORTION OF EAST 7TH WITH CONCERN THERE WAS AN ABUNDANCE OF CS 1 ZONING IN THIS PARTICULAR NEIGHBORHOOD PLANNING AREA, AND DOWN ZONE THE PROPERTY TO CS FROM CS 1 PREVIOUSLY.

THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN, AS MENTIONED, DOES NOT RECOMMEND ZONING IN THIS AREA.

THE CONTACT TEAM FOR THE OCEAN AREA IS ALSO OPPOSED TO THIS APPLICATION.

THE PLANNING COMMISSION'S RECOMMENDATION WAS TO SUPPORT THE STAFF RECOMMENDATION TO DENY THE ZONING CHANGE REQUEST.

IT WAS ON A SPLIT VOTE OF 5 3.

STAFF DID NOT RECOMMEND THIS ZONING CHANGE.

I BELIEVE THERE IS ONE INDIVIDUAL HERE FROM THE NEIGHBORHOOD THAT'S OPPOSED AND MR. ROBERT CHAN IS HERE ON BEHALF OF THE OWNER TO SPEAK IN FAVOR OF THIS REQUEST.

IF YOU HAVE ANY QUESTIONS, I WILL BE HAPPY TO ANSWER THEM AT THIS TIME.

>> QUESTIONS OF STAFF?

WE'LL HEAR FROM THE APPLICANT.

ROGER CHAN.

YOU HAVE FIVE MINUTES.

>> THANK YOU, REPRESENTING THE OWNER.

HERE TODAY REALIZING THAT WE'RE THE EQUIVALENT OF DAVID FIGHTING GOLIATH ON THIS CASE, BUT I APPEAL TO YOU TO LOOK AT IT IN A SLIGHTLY DIFFERENT LIGHT THAN PERHAPS YOU MIGHT HAVE.

THE IMPORTANT FACT HERE IS THAT THIS BUSINESS HAS BEEN CLOSE TO 30 YEARS, 28 IN OPERATION, LONG BEFORE THE COMMUNITY THAT IS THERE NOW WAS THERE.

IN LOOKING AT THIS CASE, PRIOR TO ME EVEN TAKING IT OVER, I INSISTS THAT I NEEDED TO WALK THE NEIGHBORHOOD WITH THEM, GET A FEEL FROM THE NEIGHBORS TO SEE HOW THEY FELT.

MUCH TO MY SURPRISE, CONTRARY TO WHAT ONE MIGHT EXPECT, WE HAVE A LIMITATION OF 500 FEET OF THE AFFECTED AREA.

WHAT ONE SHOULD EXPECT IS THOSE CLOSEST TO THE PROPERTY WOULD HAVE THE GREATEST OBJECTION AND AS YOU GO FURTHER FROM IT, THE LEAST.

WHAT WE FOUND IN THIS SITUATION WAS QUITE THE OPPOSITE.

THOSE WHO WERE CLOSEST TO THE PROPERTY, WELL, WITH RARE EXCEPTION WERE ABSOLUTELY NO SUPPORT OF THE CHANGE BECAUSE WE'RE NOT ASKING FOR A CHANGE, IT IS NOT LIKE HE'S LOOKING TO BUILD A NEW BUSINESS, STARTING A NEW RESTAURANT, HE MERELY WANTS TO KEEP WHAT HE HAD BEFORE AND THE DOWN ZONE WHAT HAD HAPPENED TO HIM CLEARLY WAS NOT MADE CLEAR TO HIM AT THAT TIME SO HE DID NOT PROTEST IT.

WE DISCOVERED THAT WHEN WE WALKED THE NEIGHBORHOOD, DID OUR SURVEYS, ABSOLUTELY NONE OF THE OTHER NEIGHBOR HAS ANY NOTION WHAT HAVE THAT CHANGE MEANT.

SO THERE WAS A DISCONNECT THAT WE'RE HOPING THAT YOU AS A COUNCIL CAN CORRECT.

SO IT'S NOT WE'RE ASKING FOR ZONE CHANGE, SOMETHING THAT'S NEW, WE'RE ASKING FOR WHAT POSSIBLY AND PROBABLY SHOULD HAVE HAPPENED ALL ALONG, HE SHOULD HAVE BEEN GRANDFATHERED.

WE AS A CITY HAVE DONE THAT MANY TIMES, AS THE RESTAURANT HAS LASTED THIS LONG, LOOK WHAT WE'VE DONE FOR OTHER RESTAURANTS.

THE ONE THAT BURNT DOWN THAT HAD NO INSURANCE.

WE'VE TAKEN CARE OF THOSE.

BECAUSE OUR ECONOMY, UNLIKE OTHER CITIES, REST MORE HEAVILY ON BUSINESSES AND IF WE DON'T TAKE CARE OF OUR BUSINESSES WE ALL SUFFER.

SO REALIZING THAT I LOVE THE STATEMENT OF THE LAST WOMAN ON THAT ZONING CASE THAT THERE ARE THOSE THAT HAVE A DIFFERENT AGENDA THAT MAY BE GATING OUR VIEW, I ASK YOU TO LOOK AT IT ON THE MERITS OF THE CASE.

IF THERE IS ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM.

>>MAYOR LEFFINGWELL: COUNCIL MEMBER SPELMAN.

>>SPELMAN: MR. CHAN, I'VE BEEN LOOKING OVER THE RESOLUTIONS IN OPPOSITION TO THE ZONING CHANGE AND IT APPEARS THE NEIGHBORHOOD, OCEAN, EVERYBODY WHO HAS COME OUT IN OPPOSITION IS IN FAVOR OF KEEPING LOS COMALES THERE, BUT SHOULD WE EVER CHANGE THE ZONING AND THEY LEAVE, IT COULD BE A STRAIGHT UP BAR THAT COULD SERVE FOOD.

CAN YOU THINK OF A WAY WE COULD FRAME THIS THAT LOS COMALES COULD CONTINUE IN OPERATION BUT NOT CHANGE THE SURROUNDING NEIGHBORHOOD.

>> I'M SO HAPPY YOU ASKED THAT QUESTION BECAUSE, YES, MY CLIENT HAS AGREED TO SIGN ANYTHING YOU COULD PUT TOGETHER THAT WOULD LIMIT IT.

I REALIZE ZONING IS ATTACHED TO THE PROPERTY AND NOT THE BUSINESS, BUT IN THIS SITUATION HE IS WILLING TO SIGN, IF HE SELLS, MOVES, THEN YOU HAVE SOMEONE COMING INTO THE AREA WITH A ZONING YOU SHOULD ADHERE TO SO YOU SWITCH IT TO A CS.

I WAS WORKING WITH COUNCIL MEMBERS BEFORE AND WE WERE UNDER THE IMPRESSION THAT THAT'S WHERE WE WERE HEADING.

SO WHEN THAT DIDN'T HAPPEN, YEAH, WE ARE STILL IN THAT POSITION.

HE IS WILLING TO DO ANYTHING.

IN FACT, WHEN I MET WITH THE NEIGHBORHOOD COMMITTEE, THEY HAD OTHER ISSUES WITH HIM THAT WERE NOT IN OPPOSITION TO HIS BUSINESS, PER SE, BUT HIM AS A PERSON AND I SAID, GOSH, BEING A FORMER PUBLIC MANAGER, WE HAVE TO BE AN HONEST BROKER IN THIS.

JUST BECAUSE I DON'T LIKE YOU AS A PERSON BUT YOUR BUSINESS SERVES MY COMMUNITY THAT IS NO REASON FOR ME TO SHUT YOU DOWN OR LIMIT YOUR BUSINESS. SO HE'S ADHERED TO EVERYTHING I'VE ASKED TO HIM EVERY TIME THE COMMUNITY BROUGHT IT UP TO MY ATTENTION THEY DIDN'T LIKE THIS OR THAT, I SHARED IT WITH HIM AND HE CHANGED.

HE IS WILLING TO DO WHATEVER HE CAN TO KEEP HIS BUSINESS THE WAY IT WAS.

>> CAN YOU COME UP WITH A COUPLE OF EXAMPLES, MR. CHAN, OF CASES LIKE THAT WHERE THE NEIGHBORS OBJECTED TO SOMETHING AND YOU WERE ABLE TO CAUSE A CHANGE IN THE BUSINESS PRACTICES?

>> FOR HIM PARTICULARLY?

HE WAS LOOKING TO EXPAND BUSINESS, PERIOD.

WHEN WE HIT THE DOWN CYCLE, NOT UNLIKE LOT OF OTHER RESTAURANT PEOPLE, THEY STARTED EXPLORING OTHER OPPORTUNITIES IN AND AROUND THE AUSTIN AREA TO DO OTHER BUSINESSES.

HE WANTED TO STAY IN THE NEIGHBORHOOD.

HE WANTED TO OPEN A COUPLE OTHER BUSINESSES IN THAT NEIGHBORHOOD.

THE NEIGHBORHOOD GROUP TOLD ME THEY WERE NOT IN FAVOR OF THAT.

I SAID FINE, IF I GET HIM TO DROP THAT, WILL YOU LEAVE HIM ALONE AT LOS COMALES? AND GIVEN THE THOUGHT IF HE COULD DO THAT "SO I DID, BUT STILL THEY WERE UNCHANGED.

UNFORTUNATELY.

>> MAYOR.

>>MAYOR LEFFINGWELL: MAYOR PRO TEM.

>> I WAS WORKING WITH MR. CHAN, WE WENT THROUGH THIS WITH BUCKETS, REMEMBER HOW CONTROVERSIAL THAT WAS.

YOU KNOW, THE PROPERTY OWNER IS WILLING TO MAKE ANY COMMITMENTS ON ANY STIPULATIONS WE WOULD WANT TO IMPOSE UPON THEM.

THEY DO NOT WANT TO CHANGE THEIR BUSINESS PRACTICE, MODEL, PLAN OR ANYTHING LIKE THAT.

WHAT WE FOUND OUT, THOUGH, IS THAT IT'S DIFFICULT, IF NOT ALMOST IMPOSSIBLE TO DRAFT SOMETHING THAT CAN BE ENFORCEABLE AT A POINT OF SALE AT LATER DATE, AND THAT'S WHERE WE'RE STRUGGLING.

HOW DO WE COME UP WITH THAT MECHANISM TO DO THAT.

BUT IF THIS COUNCIL IS WILLING TO ENGAGE IN THIS AND WANTS TO EXPLORE THIS, I WOULD SUBMIT THAT WE CAN POSTPONE THIS ITEM, ASK OUR LAW DEPARTMENT TO SIT DOWN AND SEE IF THERE IS SOMETHING THAT CAN BE DRAFTED THAT MEETS EVERYONE'S NEEDS AND CONCERNS.

BUT, AGAIN, OBVIOUSLY "SO I DID, BUT STILL THEY WERE UNCHANGED.

>> >>MAYOR LEFFINGWELL: WE DO HAVE ONE MORE SPEAKER.

COUNCIL MEMBER SHADE.

>>SHADE: SO HOW FAR OFF FROM THE BUSINESS ARE YOU IN TERMS OF THE SALE AND DO YOU HAVE A SENSE FOR THAT?

>> ACCORDING TO THE AUSTIN BUSINESS JOURNAL AND OUR OWN AMERICAN STATESMAN, THE RANGE IS ANYWHERE FROM 23 TO 37 PERCENT.

AND THAT'S SIGNIFICANT.

THE PROBLEM THAT WE HAVE HERE â€œâ€

>>SHADE: WAIT, 37% OF YOUR REVENUE IS COMING FROM SOMEWHERE BETWEEN 26 AND 37 â€œâ€

>> NOT OF THIS SPECIFIC BUSINESS.

>>SHADE: THE DIFFERENCE BETWEEN A CS ZONING AND CSâ€™1 IS WHETHER OR NOT THE MAJORITY OF YOUR BUSINESS IS FROM LIQUOR SALES OR FOOD SALES AND I'M TRYING TO GET A SENSE FOR HOW FAR OFF OF THAT MIX ARE YOU?

>> THERE IN LIES THE TRICKIEST QUESTION, BECAUSE IT'S HISTORIC THAT PEOPLE TEND TO BUY ALCOHOL WHEN THEY'RE HAPPY, THEY TEND TO BUY IT WHEN THEY'RE SAD, THEY'LL BUY IT WHETHER THEY'RE BROKE.

HOWEVER, FOOD SALES GO DOWN WHEN WE'RE NOT HAPPY, FOOD SALES GO DOWN WHEN WE HAVE NO MONEY.

SO THE POINT IS â€œâ€

>> THAT AS SADLY NOT BEEN TRUE FOR ME AS YOU CAN TELL BECAUSE I'M VERY HAPPY AND BEEN SAD â€œâ€

[LAUGHTER]

>> THE PROBLEM MANY OF OUR RESTAURANTS HAVE THAT WE WOULD BE FACED WITH DEALING WITH IS IF WE EXPLORE THAT DEEPER, YOU WILL FIND THAT EVEN THE SALES HAVE NOT GONE UP, THE MERE FACT THAT THEIR FOOD SALES HAVE GONE DOWN PUTS THEM OUT OF COMPLIANCE SO I WOULD THINK AT THE VERY LEAST AS COUNCIL MEMBER MARTINEZ SUGGESTS, PERHAPS WE NEED TO REVISIT THIS WHOLE ISSUE BECAUSE THERE'S A DRAMATIC DIFFERENCE BETWEEN BETWEEN MULTIUSE RESTAURANT GROUPS, CAFES.

THOSE WHO OPPOSE HIM BECAUSE HE IS HIM, NOW HAVE SOMETHING TO STAND ON ALL TOGETHER.

I'M ONLY WILLING TO SHARE THAT INFORMATION IF WE GATHER THE SAME RESTAURANT.

>> EVERY RESTAURANT IN THE CDB?

>> ABSOLUTELY.

>> WELL, I MEAN, MANY OF THEM HAVE â€œâ€

>> YOU HAVE TO APPRECIATE THE SITUATION.

>> I MEAN, THEY'RE ALL ALLOWED TO SELL MORE LIQUOR THAN FOOD.

IF YOU HAVE ZONING IN CS, YOU'RE NOT.

KEEP UP WITH THE CDB, YOU WILL FIND OTHERS LIKE HIM IS MY POINT.

I'M JUST REALLY UNCOMFORTABLE SINGLING HIM OUT TO PEOPLE WHO HAVE ALREADY SINGLED HIM OUT.

>> AND EVEN JUST A GENERAL SENSE, ANYWAY, I GOT IT.
>>MAYOR LEFFINGWELL: COUNCIL, WE DO HAVE A SPEAKER SIGNED UP AGAINST AND MR. CHAN WILL BE ALLOWED REBUTTAL.
YOU WANT TO ASK YOUR QUESTION NOW?
COUNCIL MEMBER MORRISON.
>>MORRISON: IT WOULD BE HELPFUL TO ME RIGHT NOW TO UNDERSTAND HOW THIS ZONING CASE CAME ABOUT.
DID THE CITY FIGURE OUT THAT THE PERCENTAGE WAS NOT COMPLIANT WITH RESTAURANTS, ALCOHOL SALES, OR WAS THIS JUST AN OWNER INITIATED "â€"â€"
>> I BELIEVE THIS WAS AN OWNER INITIATED CASE.
I'M NOT AWARE OF A COMPLAINT FILED ON THIS PROPERTY.
>>MORRISON: THANK YOU.
>>MAYOR LEFFINGWELL: OKAY, WE'LL HEAR FROM THE NEXT SPEAKER.
DAVID THOMAS.
SIGNED UP AGAINST.
AND YOU WILL HAVE THREE MINUTES.
WELCOME, DAVID.

[One moment please for change in captioners]

>> is that they will conduct business at this location in a manner contrary to law or in a manner conducive to a violation of the law.

We have heard about this issue with this cameron benitez, apparently, I can't speak to motivation, but it was apparent to us in blackshire that he was intent on having a bar in that neighborhood where there are already other bars, where there has been a lot of problems.

So we voted to oppose -- to oppose his original application.

chan came back to us, and he had

In the cdb?

>> Absolutely.

>> Well, I mean, many of them have --

>> you have to appreciate the ation.

>> I mean, their all allowed to sell more liquor than food.

If you have zoning in cs, you're not.

Keep up with the cdb, you will find others like him is my point.

I'm just really uncomfortable singling him out to people who have already singled him out.

>> And even just a general sense, anyway, I got it.

council, we do have a speaker signed up chan will be allowed rebuttal.

You want to ask your question now?

Council member morrison.

it would be helpful to me right now to understand how this zoning case came about.

Did the city figure out that the percentage was not compliant with restaurants, alcohol sales, or was this just an owner initiated --

>> thrill I believe this was an owner initiated case.

I'm not aware of a complaint filed on this property.

>>Morrison: thank you.

okay, we'll hear from the next speaker.

David thomas.

Signed up against.

And you will have three minutes.

Welcome, david.

[One moment please for change in captioners]

[00:02:40]

>> is that they will conduct business at this location in a manner contrary to law or in a manner conducive to a violation of the law.

We have heard about this issue with this cameron benitez, apparently, I can't speak to motivation, but it was apparent to us in blackshire that he was intent on having a bar in that neighborhood where there are already other bars, where there has been a lot of problems.

So we voted to oppose -- to oppose his original application.

chan came back to us, and he had said in a -- in a planning commission hearing, had mentioned that in the july meeting last year only seven or eight people were there and only two people were opposed to the bar -- to the change in zoning.

In fact, there were 14 people at that meeting, and it was unanimous in opposition to that zoning.

chan wanted to come

[00:04:02]

back after last month when the -- this hearing was delayed, and we gave him an opportunity to talk to us and see if there was anything different going on, and he mentioned that while maybe we could get this rezoned back to -- or up to cs-1, and when the -- when the business was sold or something occurred with the business, we could maybe get it back to a cs standing.

We don't want cs-1 in there at all.

There really is a lack of benitez because of his past action during the time when he was first -- when he first applied for this, ocean affirmed this.

thank you, david.

>> That's it.

thank you.

chan, you have three minutes for rebuttal.

>> Thank you.

I just think it's important that we keep focused on the case in front of us, not others.

In terms of los comales, that's the only case that I'm representing him on, and if it's a trust issue with him personally, I still have a problem with that having been a public manager, that if he's running his business, has run that business legally and in compliance, I don't have a problem with that.

What he does in arkansas, what he does in other neighborhoods, that's another battle.

How we can weigh him on this, I have difficulty with that.

Once again, if you-all can come up with any legal thing to restrict him, he's willing to do that, so he's willing to answer that trust

[00:06:00]

issue.

so what you've got there, just confirm if I'm right or wrong, is you've got a restaurant that's been there for a long time and they also sell liquor.

>> Yeah.

by the drink.

>> Right.

and at some point in time the liquor sales out distance the food sales, which trigger your need for a cs-1 zoning instead of a --

>> that was the first time he realized that he was in possible compliance problems.

so how did you realize that you had exceeded that magic number of 50%.

>> Prior to me getting the public management for the past 20 years I owned bars and restaurants, so what happened here, I understood immediately.

do you still serve food there?

>> Pardon?

is food still served there?

>> At los comales?

>> Mayor leffingwell: yes.

>> Or oh, absolutely.

It's a restaurant.

it is a restaurant.

>> Absolutely.

He he intense to keep it as uch.

He just wants to protect himself from outside forces so he's in compliance, without a worry.

usually restaurants have -- that's the logic behind it.

They have more than 50% in food sales, and therefore the liquor sales are kind of auxiliary.

>> Liquor tends to be the cash cow of the business in any market.

well, I understand that, but in most cases people try to boost up their food sales.

>> Yes.

-- some way.

>> Yeah, he's certainly trying, but even in our own papers, you know, it's recording how much lower our sales are.

council member shade.

, you know, mayor, you're kind of on the same point I was.

I don't have a sense of how far off they are from that.

>> Right now even if it's 49 he's out of compliance.

if he's 49 or he is 49?

>> No, I would say even if he was, the range doesn't

[00:08:00]

matter.

>> Shade: right.

Okay.

But what prompted him -- the other thing is I thought you said that earlier he had cs-1 zoning and he voluntarily changed his zoning?

>> No.

No, no, no, no, no.

The neighborhood, when they put forth the neighborhood plan, down zoned it, and at that time apparently neither he nor the rest of the hispanic community that surrounds him within that 500 feet, none of them understood how it would impact his business.

>> And when did that happen?

>> That happened when I was here, 2001.

But this economy tanked in the two years much worse than anybody had experienced --

>> and that's why liquor sales exceeded his food sales, because of the economy,.

>> Yeah.

>> Because more people are drinking and less people are eating.

>> Yeah, I actually represent five hispanic restaurants in east austin and they're all in similar situations.

They've all been inspected a lot.

They've all been -- and the neighborhood association, doesn't -- just to be clear, they don't change the zoning.

Some council --

>> when the neighborhood plan was put forth it requested a downzone and it was approved through the -- a mass zoning effort, I guess.

>> Right.

more comments, questions, council?

Mayor pro tem.

mayor, I'm going to take a stab at just trying to help this to a meaningful resolution.

I don't support cs-1 zoning, but I'm going to make a motion on first reading so that we can try to figure out if there's something that can be done to meet everyone's concerns, with the big, big caveat that if it can't, I will reverse my vote on second and third reading to be against cs-1.

But if we can come up with some form of a covenant

[00:10:01]

that, you know, meets the thomas discussed and concerns that we all have with cs-1 adjacent to neighbors, single-family, then maybe we can find a conclusion, but if we can't, we can't.

So I'll move that we approve on first reading with the direction that we try to come up with a binding document that explicitly addresses the concerns of --

>> may I have a question?

mayor pro tem, close the public hearing and approve on first reading only with additional direction to go back and seek an alternative solution by means such as a restrictive covenant.

That is the motion.

Is there a second?

>> Second.

second by council member shade.

Council member shade has a question.

I don't believe it was on the record.

I was seconding it but I would like some clarity on the likelihood of that, because I'm in exact agreement with mayor pro tem.

If it -- I'm supporting this to continue the on if it's possible to do something, if they're out of compliance, to help them be in compliance, but not in favor of the cs-1 zoning ultimately.

>> And I know in the past that we've had problems with issues like this, and I have to admit that I need to go back and look at what we've done in the past and we will do that.

that will give you time and I support the [inaudible] council member cole, did you -- council member shade asked the question.

I had a legal question.

then council member morris.

>> Morrison: thank you.

I'm uncomfortable voting for this even on first reading, and I wonder if instead we could get the same effect by just postponing this case.

Would -- I'd like to ask legal if there would be any difference.

>>> Well, the answer is you could get the same effect, but you'd have to make that motion.

>> I'll withdraw my motion, mayor.

I'll withdraw my motion.

[00:12:00]

so I'd like to make a motion that we postpone it, and I guess we have to pick a date.

>> Second.

and -- try to come back on may 13.

>> Morrison: pardon me?

May 13?

well, let's try to restore order on the dais, please.

So your motion is to postpone.

>> Morrison: till may 13.

till may 13.

And mayor pro tem's motion is withdrawn, second by council member spelman.

Is there any further discussion of that motion?

All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye.

Any opposed?

Passes on a vote of 7-0.

Postponed till may 13.

>> Thank you.

>> Mayor leffingwell: mr.

Gu gu ernsey, takes us to item 72.

item 72 is case c14-72015 rca.

This is for a property located at 1517 east anderson lane.

This is a restrictive covenant amendment, and the planning commission's recommendation was to deny the restrictive covenant amendment.

The property is currently zoned gr, and it is a proposal to amend the existing restrictive covenant and the only amendment that is really before you regarding this item would be that there's a request to delete item 1 e from the existing restrictive covenant, which prohibits drive-in cafes, but does not prohibit restaurants and eating places, whereby all customers are served inside a building.

So this would allow, basically, a drive-through or drive-in type of use.

It is recommended by staff, and the applicant has succeeded in obtaining the necessary signatures associated with restrictive covenant.

If you recall, the last time we were here I think you basically asked them to go back and obtain the signatures, and that has been accomplished, and that

[00:14:00]

is in the possession of our law department.

The covenant -- or the tract size is approximately 3.58 acres in size.

It does back up to an existing single-family neighborhood zoned sf-3.

The properties to the north across east anderson lane are zoned gr.

To the east is gr, an existing apartment complex, and to the west is a service station zoned cs.

At this time I'll pause.

If you have any questions, David Cancialosi is here regarding the neighbors, and has information regarding a private restrictive covenant that has been entered into by the private neighborhood association.

There are I believe individuals here to speak in opposition that are property owners in the single-family subdivision to the south.

Questions for staff?

We'll go ahead and hear from the applicant for the amendment.

I assume that's David Cancialosi?

>> Yes, sir.

and you will have five minutes.

>> Just a quick question before I begin.

How do we ensure that the neighborhood association that's speaking in support of have enough time?

Do I need to cut down my five minutes or will they have separate time?

you have five minutes.

Subsequent speakers in favor will have three minutes.

>> Okay.

and those opposed will have three minutes, and then you will have three minutes for rebuttal.

>> Okay.

Good afternoon, mayor and council.

David Cancialosi, agent for the property owner.

As described by staff, this is a three and a half acre approximate property contract.

It was changed from residential to commercial in '72 along with a restrictive covenant that went into place at that time.

That prohibited a number of uses, one of which is a drive-through use component.

The others were auto sales, auto storage, veterinarian kennels, drive-in theaters,

[00:16:01]

dying plants was one specifically listed.

It's currently vacant, currently zoned gr.

At that time it was approximately a single 32-acre tract.

Over the years it's been subdivided into about six or seven different tracts.

We have met with all the adjoining commercial property owners between cameron road and 292 east who have supported the amendment to the public restrictive covenant.

They're quite enthused that there's potential we might develop something on this tract, especially if we're approved today for a drive-through component.

We have worked with the neighborhood association, who has been extremely patient and hardworking throughout this process in september of '09 to make sure that they stick with this.

We heard their concerns and in order to address their concerns we have already filed with travis county a private restrictive covenant that speaks to a number of issues above and beyond what the regular land development code would require.

A couple examples are plant evergreen type vegetation in the 50-foot redevelopment zone at the rear of the property, which may create a barrier to stop visibility as a fast food drive through restaurant.

Outdoor amplification system must be directed away from the property.

Outdoor grease receptacles must be placed away from residential areas.

Trash collection by private companies will be collected after sunrise when people.

Outdoor lighting shall be limited to specific height as required by city of austin, cds, commerce design 5, and a 6-foot masonry wall which is part of the original 1972 covenant.

The neighborhood wanted to make sure that wasn't backfilled so it remained 6-foot in height.

So we put in a 7th item that makes sure this is measured of r 6-foot in high from post-grade construction,

[00:18:00]

it's a 6-foot wall that goes along the entire back of the property to protect any environmental issues associated with the creek behind us.

So that's on file with the county as of now.

We think it makes good planning sense in terms of the surrounding uses, although the tract does back up to the creek, which is on the other side of the creek, the hills neighborhood, it only takes access from the 183 or anderson lane access road.

There are obvious retail, drive-through type components and uses that around there we think a drive-through use if installed on the side would complement the residential uses that are on the south side, traveling east on 183 south.

I think having said that, throughout this process we have, I think, garnered a good consensus from the city, who supports our request, from the neighborhood association, who supports the request, and also from the commercial property owners between cameron road and 290.

I should comment that on your map that you're seeing now on the display, where it says c store, that convenience store was not part of the original area, originally changed in zoning from the residential to commercial, pt of the restrictive covenant.

So we are not associated th tt c store that's currently in place right now.

I know there's some members from the coronado hills neighborhood association that would like to speak in our behalf in support of this request so I'll remain here for any questions and let them take it from here.

>> Mayor, I'd like to ask a very quick question.

council member spelman.

my backup is complete so my apologies for asking a simple screening question.

What is the nature of the change in the restrictive covenant that you're asking for right now?

>> What's the nature of it?

what do you want us to change in the

[00:20:00]

restrictive covenant?

>> We want to change the original 72 public restrictive covenant only to allow a drive-through use on this property only.

>> Spelman: okay.

So you're no longer asking to remove the prohibition on auto repair garages and no longer asking to remove the prohibition of new or used car auto sales.

>> Correct.

>> Spelman: gotcha.

Thank you.

hear from the next speaker.

That is connie turek.

Connie turek?

Please feel free to correct my pronunciation.

>> So bonnie, you will have three minutes.

>> Good afternoon, mayor leffingwell and council members.

I'm bonnie turek, and I've lived in coronado hills for 39 years.

We support the landowner's request to remove one restriction out of the ten included in the 1972 restrictive covenant.

It would allow a drive-through cafe to be built at 1517 east anderson lane.

For 38 years these restrictions have served to protect against the development of undesirable businesses on this land that abuts buttermilk creek and homes along the creek directly across from this property.

This covenant is old, but its restrictions for the most part are as relevant today as they were in 1972, and keeping the remaining nine intact will continue to benefit our neighborhood.

For all these years this natural wooded land has been the preferred backyard view for residents across

the creek.

However, as desirable as that is, we are not naive enough to believe that this land will remain undeveloped indefinitely nor that we can successfully continue to oppose all attempts to build on it.

We are aware that under current zoning and not included in the 1972

[00:22:00]

restrictive covenant, much larger, less desirable projects and for which we would have no input can be built there.

It could be retail center, larger restaurant, a hotel, another filling station, or other multilevel businesses.

These larger structures would have a greater negative impact on all aspects of the land, the creek environment and abutting home sites.

So how can we ensure that we get concessions from a land developer that will meet some of our concerns?

Concessions that go beyond the mandatory city codes and ordinances that are already in place.

We can begin by supporting this smaller drive-through development with the private restrictive covenant.

The specific conditions in the prc provide several desirable modifications to the outside area of the drive-through.

The condition that the vegetation planting must include 50% more vegetation/trees than the city mandates, is an additional benefit to the greenbelt and future protection to creekside residents who would be most affected.

While we can't address and solve all of our concerns, what the future commercial development of all vacant properties at this location, the prc for this particular property is a small step in the right direction.

We may not get this chance again for input with future -- future developers.

The private restrictive covenant not only addresses some of our environmental concerns, but it will help in our ever vigilant efforts to preserve the integrity of our small neighborhood and to maintain our property values.

Today you have the power to help us support these efforts by voting to approve the landowner's request

before you.

Thanks for listening.

thank you.

Council member morris.

>> Morrison: ms. turik?

I have a question for you.

>> Oh.

>> Morrison: thank you.

So the private restrictive covenant, all those additional conditions, do they apply no matter what is

[00:24:00]

built there?

>> Yes, they go with the property.

they go with the property now.

>> Uh-huh.

then I have one other question.

We're still hearing from a few folks who are opposed to it and we will be hearing from them in a minute, mostly on barcelona cove.

Did you have a chance, did the neighborhood association have a chance to sit down with those folks and --

>> yes, on more than one occasion.

>> Morrison: okay.

So they were involved in the discussion --

>> yes.

about what would the conditions be?

>> Yes.

>> Morrison: okay.

Thank you.

next speaker is kenneth tuley.

Welcome, kenneth.

You have three minutes, signed up for.

>> Mayor leffingwell, council members, good afternoon.

My name is kenneth tuley.

I'm a long-time resident of the coronado hills and I'm representing the coronado hills creekside neighborhood association.

Our association supports the requested amendment to the 1972 permanent covenant that allows only the development of the drive-through restaurant.

To understand our situation, let me explain.

Between the subject property and the neighborhood is buttermilk creek.

It's a natural spring-fed stream that feeds into walnut creek, so we're talking about an environmentally sensitive area in a neighborhood that needs to maintain its integrity and quality of life.

cancialosi to ensure any development on that property will meet that goal.

We agreed to support his proposal only after he offered to drop the auto sales lots and repair garages from that request and to put in place this private restrictive covenant that addresses our concerns.

The change allowing only the drive-through restaurant with the conditions in the private restrictive covenant was favored by 71% of the

[00:26:02]

association members attending a december meeting.

A variety of concerns was expressed, including some with negative impact.

Some residents whose homes abut the property in question, oppose the entire covenant amendment, and we fully understand and appreciate their position, but significant to us is maintaining the required 6-foot masonry wall that -- as a barrier between that property and the creek.

Protection of the environmental aspects, enhancing the natural charm of the 50-foot greenbelt and pollution controls along the creek.

The private restrictive covenant addressing these issues has been signed and filed, and we believe the agreement enhances the covenant of 1972, especially by increasing the evergreen vegetation and planting trees that will create a visual barrier and serve as a noise deterrent.

Most important is the measuring of the 6-foot masonry wall above improved grade level that would not be backfilled and essentially become a wall that is 6 feet on the creekside and at grade on the property side as stated in the staff report.

Some pictures as an example of what can happen already exist on adjacent property that does not fall under the 1972 covenant.

These pictures show development for a service station on that site.

A retaining wall was built and backfilled.

Atop of the wall is a two-rail type fence that is nothing more than a handrail for someone who wishes to traverse the back side of the building.

There's no protection of the creek whatsoever.

There's no barrier to prevent debris or access to the creek.

Such construction is not appropriate or acceptable

[00:28:01]

where a commercial property borders residential area across the creek.

your time has expired.

>> Thank you, sir.

Thank you very much.

next speaker is john deuce, signed up against.

john, you have three minutes.

Either podium would do.

>> Thank you for listening to us this afternoon.

My name is john duke, and my partner and I own the property at 7611 barcelona cove, which is directly adjacent to the property in question.

I would also like to speak on behalf of my neighbors, errol hardin, 7613, david and rick I williams at 7607, genius and sheryl woods at 7601, and the mike damon family, who lives at 7600 as well as ours at 7611 and we are all opposed to any changes in the restrictive covenant.

We strongly support the 1972 deed restrictions as they're written.

They believe they were wise and very futuristic when they were written at that time.

We believe they're in the best interest of our neighborhood and the city of austin for the following reasons.

Buttermilk creek is the most beautiful natural feature in northeast austin and it's the only feature of beauty that's left in our neighborhood.

We believe that changing any deed restrictions by allowing an automobile-intensive businesses to locate there will lead to the degradation of this natural spring-fed creek, and again, I'd reiterate, this is not a drainage ditch.

This is a deep chasm spring fed creek with a beautiful greenbelt on it.

As they were building the --

[00:30:00]

well, what I'll call the once and future toll road there, they went to great expense to spare this from destruction, and it's still there as a beautiful intact greenbelt.

We believe that the property owner won the support of the neighborhood association by attending a meeting and presenting a false choice, and the false choice was, if you don't go along with my request for a deed restriction, who knows, there might be a nightclub built there or a hotel with a number in the name or something like this, and i believe this presented a false choice to the neighborhood association, the sale of alcohol or a nightclub is not allowed under the present zoning and a motel could be built

there without any changes to the deed restriction, but this false choice that was presented to the neighborhood association created a division in the neighborhood.

I would like to point out that all of the people on barcelona cove whose property is actually adjacent to this are against it, despite what the neighborhood association or any agreement they may have entered into.

None of the neighbors that i mentioned here have read or seen this agreement, and we don't know what's in it and we have no idea.

Okay.

Lastly, I would like to point out that the zoning and planning commission considered this case at length and unanimously recommended to deny the request for a change.

We strongly support the zoning and planning commission's recommendation to deny the change and we thank the members for hearing our case.

thank you.

Last speaker is bossum zenidean, signed up against, and you will have three minutes, and then, council, we're going to have to make a decision, because the time for live music and proclamations has arrived -- has arrived, so we'll have to make a decision about whether we can continue this case in just a few minutes

[00:32:01]

or else take it up -- recess it and take it up after live music and proclamations.

So you have three minutes.

bossum zen iodine, I live on barcelona cove.

My property adjoins anderson lane.

I'm against to change the deed which prohibits drive-in.

Why am I against?

Because the property 17, has crime.

What is the crime?

Cut several big live oak trees, more than a hundred years old.

They cut on the weekend.

I am very upset that tree is cut without the permission from the city.

I called and report to michael embissy, the arborist.

jim called me back, i david marrow live on 7609 barcelona, met with jim and we showed where located the tree, and there remains evidence in the ground.

What happened was that day in -- when they cut the live oak tree, I think we should not give that to a person who break the law [inaudible] or reward him and change the deed.

That deed was written wisely and clear.

The law said no one is above the law.

The owner of the property, 1617 break the law and trap us in the meeting.

He said, if you do not agree with the changed deed I will build nightclub in our backyard.

We need justice, protection.

We need protection to the creek and environment and replace the trees.

God bless you all and thank you for listening and thank you for time and keep us

[00:34:04]

safe to live.

Thank you again.

thank you.

Well, david, you have three minutes for rebuttal if you need it.

>> All right.

Thank you.

Well, I think those are all valid points.

I'll kind of work backwards from the most recent to the former ones.

What you have before you is a work order from austin energy that was directed towards a subcontractor to sully cut down the trees -- actually cut down the trees.

We didn't have this at the time of planning commission meeting several months ago, and we feel that was probably the reason we may have been denied by planning commission at that time, plus it was approximately 2:00 or 2:30 in the morning.

At the time of that denial we weren't aware of any reasoning, there wasn't any discussion.

It was simply a straight up and down vote and it was done pretty quick.

So that we feel that that concern about cutting trees, I would say that that claim is false.

There's no facts behind it, but also this ae -- austin energy work order clearly shows that there was work done by some city-directed crew, city crew or a subcontractor, and we feel that's maybe what they're recalling or seeing or -- we're not sure because we weren't involved at that time.

Any environmental issues i think we mitigated through the site plan review process.

I can say that as a former city employee who was a site planner through wpdr.

I think there is sufficient rules in place that will protect the creek and every type of environmental concern surrounding that tract.

The neighborhood association has had the restrictive covenant filed with travis county, I think, sufficient time and it's been a working document for several months where the agrieved neighbors clearly had access to it.

They could have approached any one of the neighborhood association members and read that document clearly, and in terms of the false choice, I think that's clearly just a case of them

[00:36:02]

misunderstanding or misinterpreting our presentation to them, which is, this is what gr zoning allows.

Yes, we could do these types of things.

We're only seeking to install a drive-through component on a restaurant, which we're already allowed to do.

We can have a sit-down.

We just can't have a restaurant, but we were just giving them an overview of what gr zoning allows.

I think that's been misconstrued a little bit.

So I think in sum what i would say is that we have tried to address every concern from -- heard from the neighbors, both good and bad, and I think, as i stated earlier, we've got consensus from the city staff, from the property owners and from the neighborhood association supporting our request.

Thank you.

thank you.

Are those all the speakers that we have, council.

Floor is open for a motion.

council member riley?

cancialosi, I want to ask a question.

The speakers voiced concerns about trees, and we also got several letters from people expressing concerns, in particular about live oaks.

One letter refers to mature oaks.

I don't see anything in the proposed restrictive covenant that would address the preservation of trees.

Did that come up in your discussions about the restrictive covenant?

>> No, it didn't.

so there's nothing -- there's nothing that is in the restrictive covenant that would address the neighborhood's concern about -- about the oaks, the live oaks on the --

>> well, not in the restrictive covenant itself.

I wasn't even aware that that was particularly high-charged of a concern until the planning commission hearing.

Of course, there's a city environmental and arborist rules that would protect all sorts of trees and protected species out there, and we feel that those are enough to mitigate any concern.

>> Riley: okay.

Thanks.

council member spelman.

[00:38:00]

mayor, I realize 30 so I'll just -- I won't explain much.

I'll just make a motion.

I'll move in favor of the staff recommendation.

council member spelman moves to close the public hearing and to approve the restrictive covenant amendment, which is the staff recommendation.

Is there a second?

Second by the mayor pro tem.

Discussion?

Council member morrison.

just very quickly to say that I'm going to support this motion because I think that it really -- the private restrictive covenant really takes the protections for the neighborhood well beyond what they are with the existing restrictive covenant.

all in favor say aye.

>> Aye.

>> Mayor leffingwell: aye.

Any opposed say no.

>> No.

motion passes on a vote of 6-1 with council member riley voting no.

So the staff recommendation is [inaudible]

>> thank you very much.

Thank you.

that brings us to item no. 74.

If we can -- if we can take care of this quickly.

Can you give us a thumbnail version?

mayor, council members, steve sadowsky of the historic preservation office.

This is the -- judge david and birdie pickle house located at 1515 murray brian, can we bring this up, please?

This is -- was recommended by staff and the historic landmark commission but recommended against by the zoning and platting commission.

The house is a 1928 house.

It's a classic example of tutor revival, which was a very common architectural style in the 1920s, which celebrated revival styles.

This is a particularly fine example of tutor revival style architecture, and maintains its historic appears.

[00:40:00]

It was the home for 50 years of judge david pickle and his wife birdie.

Judge pickle -- excuse me, was born in austin, he was the travis county district court clerk, an assistant state attorney general and then the travis county district court judge.

After that he practiced law in the littlefield building until he retired -- semi-retired and then practiced law out of his house.

His daughter, mary mildred, grew up in this house, married temple mayhaw in 1925.

She was a prominent historian and anthropologist, taught at ut for 25 years and austin high school.

She's also the author of several several anthropological studies of american I said r indians.

This house meets the criteria for landmark interest and historical associations and staff recommends it for a landmark designation.

is it ready for all three readings?

>> Yes, sir.

Questions of staff?

Council member cole.

Mayor, I think we all are familiar with the family and would support the staff recommendation.

I move approval on all three readings and close the public hearing.

Council member cole moves to close the public hearing and approve the staff recommendation on all three readings, second by the mayor pro tem.

Any further discussion?

Council member riley?

I just wanted to echo the comments made previously about the fact that we do have some further work to do about the benefits associated with historic zoning, and I would expect any adjustments to apply to this case as well.

But this house is clearly, even more clearly in my opinion, meets the requirement.

Judge Pick sell a fascinating historical figure who before living in this house lived in the old Austin neighborhood on the northeast corner of 11th and Rio Grande.

It's a great case.

I'm glad to support the motion.

I think it's slightly not high on the scale as the previous

[00:42:00]

one.

Council member shade?

I want to echo those same comments but I'm not going to get into the debate about when is more meritorious, but one of the things I think is important in talking to the owners of these homes they also recognize the need to really reflect and review and make some changes.

I know I've talked a little bit with staff and I know several other aides and council members have too, but I think it's really important to understand that it's an unsustainable long-term model to go at the rate we

have been going, so we're definitely looking to make some changes sooner than later and these owners agree with that as well.

again, motion made and seconded to close the public hearing, approve on all three readings staff recommendation.

All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye.

Any opposed, say no.

Passes on a vote of 7-0.

And to all of you out there, I apologize for starting our live music and proclamations late, but that is the last item on our agenda, and if i held all of my colleagues over for another hour and a half they'd probably lymph me, so I took -- lynch me, so I took the extra ten minutes to get finished.

No further items on our agenda, without objection we are adjourned.

>> Mayor leffingwell: okay.

It's finally time for live music and proclamations.

And tonight's artist is erin ively.

We met a few months ago in the kvue studios.

I won't say what I was doing there.

It's obvious what she was.

Erin has become austin's urban folk sweetheart.

She brings sensual, sophistication to folk rock, combining the perfect blend of alluring vocals and smooth temp owes.

In a few short years she's played more than 250 shows nationwide and was named one of austin's top four unsigned artists in 2007.

She's due to release a new

[00:46:00]

album this summer, summer of 2010, with jazz trio, the finest kind.

Her music is featured on austin music volume 9, an annual compilation cd produced by the austin convention center and visitors bureau.

Join me in welcoming erin erin ivey.

[Applause]

>> thank you.

This is a song called chocolate.

[Singing in french] [â™ªâ™ª singing â™ªâ™ª] [singing in french] [applause]

>> not only a first class musician, but ladies and gentlemen, she speaks french.

How about that?

[Laughter] great.

So tell us a little bit

[00:50:00]

about what you're doing, where people can go to see you live, where we can purchase your music, your web site, and all that.

>> Yeah, you can purchase my music on iTunes or erin.com, or you can see me play Saturday night, which is May first, the official Nora Jones after party, and the band is called the finest kind.

It's going to be great fun.

Bring your dancing shoes.

It's an organ trio, actually, they're an R and B dub trio and my little folksy songs they go together well.

Web erinivey.com.

There's way more information on there than you would ever want to know.

thank you again.

Fantastic.

>> Thanks for having me.

[Applause] so it's fitting that we should have a proclamation, and we do.

And it says, be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we are pleased to showcase and support our localhere, i, lee leffingwell, mayor of the live music capital of the world, austin, texas, do hereby proclaim april 29, 2010 as erin ivey day in austin, texas.

[Cheering and applause]

[00:52:09]

where are the bicycle recipients?

So I'm joined by my colleague, council member chris riley, who is a real bicycler, who actually has let it be known that he doesn't own a car, so he has to get around some way, so he's chosen bicycle.

So I want to let him come up and say a couple words.

In honor of the city of austin, as many of you know, is a silver ring bicycle friendly city.

We have done a lot of work in the last few years.

As a matter of fact we've done a lot of work in the last six months.

If you drive around town you'll see a lot of paint on the pavement that has to do with trying to make our streets more safe for bicyclists.

And we're very proud of that here in austin.

So I'll read the proclamation and then, chris, if you'd like to say a couple of words you'll be welcome.

Be it known that whereas the city of austin is a silver rank bicycle friendly community based on its facilities and community outreach, and whereas bicycling is an affordable, healthy and environmentally sound mode of transportation and recreation for thousands of austinites that reduces

[00:54:00]

traffic congestion and conserves energy, and whereas the city of austin encourages more austinites to choose cycling as a mode of transportation and physical activity, and whereas the month of may has been designated to promote bicycle awareness and greater public understanding of bicycle safety in an effort to reduce crashes, injuries and bicycle thefts.

Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 2010 as bicycle austin month, may 19, 2010 as bike to school day, and may 21, 2010 as bike to workday in austin, texas.

So congratulations, all of you.

[Applause] chris?

>> Thanks.

Mayor, I am very excited to add my voice to the mayor's in recognizing this important event.

May is always an exciting time being bike month but this year is especially exciting because right now the whole world is at a time when everybody is recognizing the importance of promoting a bicycle and pedestrian activity.

Just last month ray lahood, the united states secretary of transportation issued a policy statement saying that bicycle and pedestrian facilities really need to be treated on par with provisions for automobiles, and here locally all of our counterparts, campo and camp metro and -- cap metro and others, they're working hard to make the city bicycle friendly.

We're already a silver city and we are on track to get a lot better, with the help of our excellent bicycle/pedestrian staff, as well as the bicycle community here, which is stronger now than ever before, and so through the combined efforts of all these folks it's -- we're at a truly historic moment to really ramp up our bike

[00:56:01]

friendliness and make austin the most bikable city in the country.

So I'm so excited to join the mayor and the rest of our colleagues today in recognizing may as bike month, encouraging everybody to get out and try just -- even if it's only for one day, just give it a try.

If you need any help let any of us know and we'll be happy to ride to work with you one day just to try it out, and I think you'll find that it's really not so bad.

So thanks for the opportunity, mayor.

[Applause]

>> my name is nadia, and I'm representing the public works department.

Traditionally bike month has been put on by one organization, austin cycling association, and this year we got the opportunity to get feedback and work -- and cooperation from interdepartmental groups, campo, cap metro, our local bicycling nonprofit as well as the bicycling industry.

So it's a really exciting year.

Check out our web site, it's specifically for bike month, org forward slash ride your bike.

There are so many exciting events.

Please check out our calendar.

I do want to highlight a couple of them for you today.

Tomorrow during the live from the plaza, there will be -- it's at noon here at city hall, we'll have all of these people will be representing their groups and they'll be talking about -- martinez, austin cycling association, and he'll be talking about, you know, traffic skills 101.

You can take a bicycle safety class.

You can do the local ride on may 8.

Also, emma craiby, that's your statewide advocacy in education organization, and they'll be talking about what they do.

I also have tom wawld here from the league of bicycling voters.

Hees on the advisory council and they are your local

[00:58:01]

advocacy organization.

I have monica jones here.

She's from the austin public library and the best thing about the public libraries is that they're in your neighborhoods which means you can bike to them.

And so saturday, may 1, we'll have -- at the terasas branch library, there will be a workshop there held by the yellow bike project in conjunction with the library, they'll teach you how to make your own -- made from recyclable materials.

U c carry your books home.

They're doing a tour of the libraries on the 15th as well as participating in bike to workday, which is on the 21st, and I have shelly barton here from apped, which is doing an illuminate austin campaign all through the month of may, so they'll help cyclists who don't have lights, give them lights so they can stay safe, they're educating automatickites about how to protect their -- austinites to protect their bikes from theft.

Take a picture of your bike, good way to get it found in case something happens.

Iffy lean here -- iffy lean here from the bicycle sport shop.

A couple people that aren't here, the representatives from safe routes to school.

They have ten schools where they have bike clubs that started up and they're going to be riding on bike to school day.

We also have -- who am i forgetting?

Campo has a commute solutions group that they help pay for banners this year, and also cap metro is putting out a brand-new how to ride your bike to the bus stop and get on the train with your bike pamphlet, so they'll be here tomorrow as well.

So come out tomorrow and check out our web site.

org forward slash ride your bike.

And we hope to see you out there.

Thank you.

[Applause] ilean eileen eileen planning it's now my pleasure to honor a group of auditors.

Everybody knows about auditors, right?

They're people who didn't have the personality to be cpas.

[Laughter] sorry, I couldn't -- i c resist that.

One of them -- one of the auditors up here with me is -- works with the city auditor's office on the second

floor, which is all of you -- as all of you folks who work for the city know, the auditor is one of the few people in the city that works directly under the city council instead of the city manager.

So we have a close working relationship with our auditors, and believe me, they dazzle us with their innovation and enthusiasm on a regular basis, so we're bowled over by them.

The proclamation, be it known we are pleased to recognize the austin chapter of the institute of internal auditors, as it celebrates its 31st anniversary, chartered in 1979 by 13 auditors, the organization now has more than 768 members, including 44 city employees, and whereas the annual celebration of internal audit week focuses attention on the invaluable assistance that internal auditors provide organizations in evaluating risks and opportunities and ensuring efficiency and effectiveness, and whereas, we're especially pleased to recognize the commitment of our local auditors in upholding the standards of their professional organization and to congratulate those who serve in leadership positions with the international association or with the austin chapter.

Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 19 through the 13th, 2010, as internal audit week in austin, texas.

Now, that's exciting.

Okay.

[Applause]

>> good afternoon, mayor leffingwell, city council leadership and distinguished guests.

On behalf of the board of governors and the chapter members the local chapter of the institute of internal auditors is grateful and appreciative of this proclamation, and this proclamation indicates a collaborative effort for automatic auditors to share and demonstrate their expertise in assessing and ensuring a high level of efficiency, integrity and overall organizational excellence.

It also encourages a continued partnership to promote transparency, accountability and efficient best practices for responsible governance for the city of austin taxpayers.

And with this we thank you so much.

[Applause] governance and now we're going to honor with a proclamation and recognition of my favorite people, city of austin employees.

Let's give them a hand.

[Applause] I'm going to read the proclamation once and then we're going to call each one of a large

group of folks up here to receive a -- a document to commemorate this occasion.

But we're only going to read the proclamation once.

So this is for all of you.

This is for all of you.

Be it known that whereas hardworking city of austin employees provide a number of valuable services to the residents of our city in essential areas such as health, recreation, utilities, transportation, libraries, planning, zoning, public safety and courts, and whereas they're a credit to their peers who work in the public sector to promote the diverse services demanded by the american people at the local, state and federal levels, and whereas this week is an appropriate time to express our appreciation to city employees who often go unrecognized for their service and their contributions to our quality of life in this great city.

Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 3 through the 9th, 2010 as public service recognition week in austin, texas.

Congratulations.

[Applause]

>> well, good evening, everyone.

I just wanted to take a moment to extend my appreciation to all of our employees, and certainly those of you that are poised over there on the side ready to come and receive your formal recognition.

I think everyone knows that I have articulated a singular mission as your city manager, and for the entire organization, and that is to have austin known and recognized as the best-managed city in the entire country, and so i think it's fitting today that we pause to not only recognize public service as an important thing that affects the everyday lives of people, but to you, the individuals that are on the ground every day affecting the quality of lives and the people that live here in our great city.

It's clear to me by your nomination and recognition by your departments that you really get it when we say best-managed.

So I extend my heartfelt thanks and congratulations to you today.

[Applause]

>> from the austin fire department, elizabeth gray.

[Applause] from the austin police department, lee davula.

[Applause] from austin energy, jackie lawrence.

Aviation department, jason belinski.

[Applause] austin water utility, charles mattox.

[Applause] budget off alyssa alvarez.

[Applause] city clerk's office, edward robinson.

[Applause] contract and land management department, russell kyle.

The city manager's office, leslie heathcox.

[Applause] code compliance, wes bugner.

[Applause] community court, john lawyer.

[Applause] the city's comptroller's office, shirley dawson.

[Applause] from the austin convention center, maria marquin.

[Applause] communications and public information office, samantha park.

[Applause] communications and technology management department, barbara kennedy.

[Applause] small minority and business resources department, glenda hill.

[Applause] emergency medical services department, john donne.

[Applause] [laughter] fleet services department, john christopherson.

[Applause] health and human services department, wamea perez.

[Applause] homeland security and security manage, etha longmoore.

[Applause] labor relations office, pam highsmith.

[Applause] law department, tyrone graves.

Flush.

[Applause] [applause] municipal court, chris capers.

[Applause] neighborhood housing and community development department, janice kinsean.

[Cheers and applause] office of the city auditor, cory stokes.

[Applause] parks and recreation department, bonnie cook cassons.

[Applause] and last but not least, steve grassville from the transportation department.

[Applause] [applause]

>> mayor leffingwell: okay.

Folks, I'll introduce council member laura morrison for a couple of additional proclamations.

thank you, mayor.

We are next going to do the GTOPs PROCLAMATION, IF I Could get anybody here that's associated with GTOPs TO COME ON AND JOIN Me.

I think you-all are; is that right?

Come on up.

GTOPs?

And also we have some commissioners here.

That's terrific.

If you'll join me, please.

All the way up here.

Yeah, come join me.

And everybody will be in the picture.

Okay.

Good.

There we go.

Thank you very much.

So we are here to thank some folks that have done some really important work for the city.

We have a program that's run through our community technology and telecommunication commission, called gran gramford technology operations or future, OTHERWISE KNOWN AS GTOPs.

And just this past week we announced the winners of the GTOPs AWARDS AND I WANT TO List off real quickly the award winners because it's a group of terrific nonprofit organizations in town that are going to be getting these awards, and it's going to help them bring technology to the folks that they serve.

So the award winners were -- grant award winners were american youthworks, austin academy, austin children's museums, austin groups for the elderly, girl start, goodwill, anitas and the multi-cultural.

But none of this would work without all the folks that review the applications for THE GTOPs AWARDS, AND SO That's what we're here for tonight to recognize them, and before we pass those out I wanted to introduce the chair -- are you called the chair?

>> Yes, I am.

okay, the chair OF THE GTOPs COMMITTEE Through the commission to talk a little bit about the GTOPs WORK.

Williams.

Thank you.

>> Thank you, council member morrison.

First and foremost i definitely want to say thank you to the city of austin, the city manager's office, additional council members, executives, and also big thank you to not only the reviewers but also to my other fellow commissioners that are standing behind me.

I have chai rosenthal and wind al ramsey.

Thanks to everyone in the city who allows an opportunity to the nonprofits who are out there that has initiatives that has values, that have programs that really want to get funded so that they can serve the citizens and communities here.

This year we have brought about 30 applicants within THE GTOPs PROGRAM, AND That was

narrowed down to run about 20 -- low 20s, where they were invited back to a live presentation and then from there there are recommendations that are made to the commission, then passed over to city council for approval.

And everything that we've seen here today, it's been recognized, it's been approved and I just want to say once again, thank you so much to the city council and also to the two reviewers i have standing behind me as well that are going to be recognized.

So thank you so much.

[Applause] so we have a certificate for each of the reviewers.

There are seven.

Is that right?

But -- and so we're fortunate to have some of them here so tell me if i call your name.

Christine birkland.

[Applause]

>> congratulations.

Ellen lotus lee.

Thank you very much for your work.

[Applause] and george luke?

No?

Okay.

Bostonia moore.

Yes, great.

[Applause] and then the last one -- the last two go to claire richardson and laura katherine robinson, and i realize I didn't actually read what these said yet so let me go ahead and do that.

It says certificate of pressures for reviewing and ranking application for the city of austin's grant for technology opportunities program.

Each of these folks is deserving of recognition.

The city appreciates your assistance in selecting worthy projects to receive grant funds so that local organizations can include all of our citizens in our emerging digital society.

This certificate is issued in recognition thereof, this 29th day of april in the year 2010, and it's signed by mayor lee leffingwell on behalf of the whole council.

So again, thank you all very much for your work.

[Applause] so now if you go over here, ...

>> Morrison: okay.

So if anyone is -- I know we have certain folks here to help us with -- that helped us with the google fiber for communities application effort, and if you-all would come down here and join me.

Doug, I know you're on that list.

Come on.

>> Basically whoever is left.

>> Morrison: yes.

[Laughter] so probably a lot of you all are familiar with the google fiber for communities proposal that was sort of being worked on in march, when google announced they wanted to select a city to come forward and install ultra-high-speed internet in that city, and they were looking for applications, not only from the given cities, formerly the municipality, but also from the communities, to do that.

And we all thought that that was a great idea, that austin would be a perfect place for that, and a lot of us sort of jumped in and started working on the application.

We didn't ask our mayor to swim with sharks or anything like that.

We decided instead that we ought to just work on really describing what austin had to offer and do an outreach to the community and see if the community was interested.

It was an amazing collaborative effort.

It was really a lot of work for many people, and we wanted to recognize those folks here today, but before we get on to recognizing all the folks that helped, i want to especially recognize two people that really led the charge, and that is ron rondella hawkins with our -- [applause] -- with our tara office, who

was really the city's project manager and her name is on that application, and when we win that -- the whole thing, she's going to be the point of contact.

So we wanted to give this special little -- get this special little google thing for you.

>> Thank you.

[Applause] and just as important as having a city with a good application was google wanted to know about whether the community was interested, and we were really fortunate to have that effort, the outreach effort, led by chip rosenthal, who is the chair of our community -- technology in telecommunications commission.

So thank you, chip, for doing that.

You did a terrific job.

>> Thank you.

[Applause] and, in fact, what he's holding up, what we have here is a miniature flier that was also a poster we had done and passed out at "south by southwest"

interactive and everything.

So before we get on and recognize -- oops, back up.

I forgot to read there -- we also have certificates of appreciation, or actually distinguished service awards for each of you, so let me read these.

It says, rondella, for leadership in the "big gig austin" campaign for the city of austin, rondella hawkins is deserving of acclaim.

As project manager for the city of austin's google fiber's application committee, she helped facilitate an extraordinary collaboration between the city and the communities resulting in an outstanding application.

This certificate is issued in recognition thereof this 29th day of april in the year 2010.

So thank you very much.

>> Thank you.

[Applause] and we also wanted to recognize chip he's distinguished service with an award, which i forgot to read before.

It's a little bit different so I'm going to read it.

It says, for leadership in the "big gig austin"

campaign to fo the city of austin, chip rosenthal is deserving of commendation and acclaim.

Chair of the austin telecommunicationses committee, he helped do on extraordinary collaboration between the city and community resulting in an outstanding collaboration.

The certificate is issued in recognition thereof this 29th day of april, 2010.

Thank you.

[Applause] and before we get on with the other certificates of appreciation, we want to show you something of the application that we submitted.

It's all posted on the web org/big gig, is it?

And I think we're going to be able to put it up there.

The web site, and then we're going to show the this is the community web site that chip and ut, gary chapman here worked on.

And this is a video that was put together by several folks that we wanted to show you that really captured some of the spirit of our application.

[Music playing]

>> in order to effectively capture the creative impulse, essence, we continually strive to make breakthroughs that allow us to work at the speed of thought.

Your technology will help us finally achieve that.

This is the right place to test your new technology.

Come to austin, texas and let us show you just how great google can be.

>> Behind me is dalia, the largest pixel count display in the word that allows researchers to see their data in ways they can't see it anywhere else.

>> Seton is engaged in converting all of our paper medical records into electronic medical records.

We are the pilot site for our national health care system.

So we have put in place it initiatives to be able to capture all of our medical information electronically.

The faster that we can send this information, the safer the care is going to be for the patients we take care of today.

>> Austin is the quintessential high tech arts town.

Austin bills itself as the live music capital of the world.

It's been a great art city throughout its history but it's also one of the foundational high tech towns of our nation and of the world.

>> I'm here at the austin convention center where "south by southwest" is happening right now.

There's thousands of people from all over the world that are here in austin, and they all come to austin for one big reason.

>> This town kicks ass and it would kick a little more ass if you came here and did your thing.

>> A lot of people pushing the envelope, people using it in very creative ways.

>> This is a city where everything starts out.

You want -- like all the young minds, the best people that experience, you know, the best product out there.

>> Well, one of the questions google has asked is what will happen if we could take that next step so a hundred times faster, and we feel it's a perfect fit for the city of austin, because we have so many creative tech-minded folks in the city.

>> Ut austin is a world-class research institution.

It brings together thousands of researchers from around the world, here to austin, texas, spanning all domains of science and engineering, all trying to make discoveries to change the world.

>> Technology is always challenged art, and art has challenged technology.

Being away from hollywood is what allows us to think outside the box.

Austin is a perfect place to demonstrate how this new high bandwidth availability can enable creativity.

>> Austin, texas is a hub of innovation and google will feel at home here.

>> Austin has massive infrastructure projects in recent years.

The city owns its own electric utility so google will work directly with the city and city departments instead of a third party.

>> Other cities may have ideas, but austin brings ideas to life.

As we say in austin, google starts here.

[Applause]

>> I love that video, and the music -- the music sort of has that chariots of fire feel to it, so I think it's really terrific.

But that video is a perfect example of the collaboration that went into this effort, because you saw all the folks that were on it, including charles barnett from the health community and we had robert rodriguez and richard garriott and ut and all.

But more than that it was put together by a collaboration.

We had -- much of the footage was filmed by our folks at channel 6.

Some of the footage was also filmed by channel austin folks, and then we were very fortunate to have rendy miller media, and cynthia and gina do pro bono work and put it into that very professional video that was featured on the front of our -- you can see right there on the front of our city application, with the cowboy guy right there, the kickass guy.

I like that.

[Laughter] so it was an amazing collaboration.

Another part of -- if you go to the web site and you see it, there's one link below "

there's about 20 letters there from leaders across the city, from the health industry, from education, from government, from nonprofits, from creative industries, and so it really was -- let me just say there's a lot of enthusiasm and people were willing to put a lot of work into it and we intend to send a thank you letter to each one of those people, and i encourage you to get on-line and look at it because it really is an amazing list of folks from our community.

But with that, I want to recognize all the folks that are here, not only did we have tremendous help from staff and the city, but also from, you'll see a less -- the chamber, ut, and so we wanted to be able to give a certificate of appreciation for everybody that participated, and it's quite a long list, so I'm going to go

ahead and get a pile of them over here, and -- let me go ahead and read one of them off to start.

They're in this order.

Oh, perfect.

So let me just read that this is a certificate of appreciation presented with gratitude for your contributions to the city of austin's google fiber for communities applications.

The "big gig austin" project illustrates the strong spirit of collaboration that exists between the city of austin and the community.

This certificate is issued in recognition thereof this 29th day of april in the year 2010.

So I'm going to go ahead and -- if you guys want to take each of these, they're by departments, or by group here, so I should be able to just read the names, and they'll be the same order as theirs.

Certainly you have to do this one because -- okay.

So first I want to -- we want to recognize the folks from the tara office.

Terry dike, and sheena hardin.

Okay.

I'm going to just keep reading.

And then to thank our commissioners, lemuell williams, wendell ramsey, hedron tuval, bianca at at all tal man, melvin white and randall calb.

And this one is -- do we have a council list?

Okay.

And I'm going to do this one.

This one is a special one for barb rush in my office who is a crazy maniac and did an amazing job of bringing so many pieces together.

I mean that in a good way, barb.

Thank you.

[Applause] okay.

And then we had amazing help from channel 6 including keith reeves.

Many of these people are here, abel villa real, james williams and abraham gonzal.

[Applause] as I mentioned, randy miller media, I'm not sure if any of them were able to get here, cynthia miller, dean RENDY AND jenna McQuilten.

Did any of those folks get here?

Okay.

They were -- they were funny, I called up dina, it was could you help?

When do you need it?

Oh, by thursday,.

[Laughter] and they made it happen.

Our public information office was incredible.

We spent a lot of time working with them and their help in terms of crafting the application and getting word out, including doug mathews, renea tellis.

I I know some folks are here.

Christopher florence.

Is christopher here?

Nice to meet you.

We spent a lot of time on the phone and I never met him in person.

Kyle carll, rita noac, amy parker, aviva pinchas.

Terrific help.

Thank you guys.

[Applause] and then we have egrso, economic growth and redevelopment, again, terrific help from kevin

johns, don pitts, rodney gonzales and jim butler.

Our communications and technology management department, were right there with us with this city's web site and all.

Steven -- it's led by stephen elkins, ross clark, alex rodriguez, matt he is escovel, good, lots of people are here, robert parsons and belinda perez.

[Applause] I told you this was a big effort.

From the library we have heath resoback, joe falk, brenda branch, I'm not sure if any of these folks are here, and brassas price and sue soy.

So they were a terrific help.

From planning and development review, ryan robinson helped put together numbers and maps and densities of various parts of the city.

Ut lbj school jerry chapman, who did an amazing job, brought his whole class along.

[Applause] his class was the one that actually put together the community web site that we -- that really got a terrific response, and then also from the lbj school, gilbert garza, and then austin free-net, working through tara, dale thompson than and john neil.

Am I going ahead of you?

And the chamber of commerce was right there at the table with us and provided support with their video and other information, and I know we have dave quarter here.

Thank you, dave.

[Applause] and perhaps -- and also adriana cruz and beverly cer were also helpful, and then a whole bunch of folks from channel austin who really stepped in and got cameras out there at "south by southwest," and we also have a youtube page with lots and lots of video that are lots of fun.

Thank you all for your help.

Linda litowski is here.

Lee webster, mark trevino, rolando lopez, felit, a -- how do you say her last name?

Figiana, and stephan ray.

[Applause] so I really appreciate everybody's help.

I think our -- our application, take a look at it, it was really amazing and you just have to go to org/big gig, and it's a terrific display of what a great city we live in.

So it wouldn't have happened without all of your help so thank you very much.

Flawb I.

[Applause] very much.

[Applause]

>> good idea, I guess.

>> Well, first, thank you very much for the recognition to the whole google team, but council member, we really -- your efforts, your leadership, your whole office and all of the time and effort and tireless hours, we really appreciate your leadership.

We wanted to present you with our poster and it's an appreciation for all your work.

wow, thank you so much.

>> You did in 2010.

Thank you.

[Applause] I appreciate it.

It was -- I think all of us experienced it was a lot of work but it was really fun because we just rolled up our sleeves and jumped in.

Would anybody else like to say a few words?

All right.

Then that's a wrap.

We'll take a picture.

Yeah.

End of Council Session Closed Caption Log