

Closed Caption Log, Council Meeting, 01/13/11

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Mayor Leffingwell: Good morning, I'm austin mayor lee leffingwell, we'll begin today with the invocation from pastor edward garcia, emmanuel united methodist church. Please rise.

Good morning. I have to let you know first of all that -- that I'm new to austin. And to get an outsider's perspective, I've lived with the united states marine corps, served everywhere from california to , and my ministry in the united methodist church I've lived all the way to the valley. You have a wonderful city. You have one of the best cities that I have ever lived in and I am honored to be here.

Mayor Leffingwell: Thank you.

Our church is right across the expressway on 35 and I see this area every day as I drop off my daughter and come on through is not the first or the last time that I will be praying for all of you. God bless you. Let us bow our head together. Let's go to god in prayer. God of all creation, creator, sustainer, we thank you, we give you all the honor and glory for what is about to take place here. I pray your blessing on our mayor, our mayor pro tem, and the city council members, on the city manager, on all of the leaders. This is a blessed place. And we ask that the blessing begin not at this meeting, but in each member's home, as in their home they find peace and blessing. So that when they come to work, and they begin the work of governing, of managing, of guiding this city, that your peace would abound. That your strength would be their strength. That your vision would be their vision. That in everything that takes place, unity, peace, love, health, justice, be found in austin, texas. Thank you. That you will guide us, thank you that at the moment we lift our eyes to the hills, we know that our health comes from you. Be glorified now. Conduct this business. Guide us. Open doors that lead to blessing. Close doors that can be obstacles. For we ask it in the name of the father, the son and the holy spirit, amen.

Mayor Leffingwell: Amen. Thank you, pastor. Please be seated. A quorum is present, so I'll call this meeting of the austin city council to order. ON THURSDAY, JANUARY 13th, 2011, At 1005 by the clock on the wall, we are meeting in the council chambers, 301 west second street, austin, texas. I'll begin with the changes and corrections to today's agenda. Item 16, strike the words approve recommendation and insert the word recommended. 23, add the phrase recommended by the austin airport advisory commission. 38, add as a co-sponsor, councilmember chris riley. 40, strike the words permanent supportive and add the words low income. So that it reads support for low income housing projects. Item 52, add the sentence planning commission recommendation should read grant public neighborhood plan, for instance, pnp, close parentheses, combining district zoning. Item 63, add the sentence planning commission recommendations should read grant commercial services, conditional overlay, parentheses, cs-co, close parentheses, combining district zoning. 67, add the sentence planning commission recommendation forwarded to the council without a recommendation. Our time certain items 30, we will have a briefing on construction equipment emission reductions. 00 noon, we will hear our general citizens communications. , we will take up our zoning cases. , we will recess the meeting of the austin city council and call to order a meeting of the austin housing finance corporation board of directors. , we will have our public hearings with possible action. 30, we will have live music and proclamations and the musician for today is miranda dawn. The consent agenda for this morning, is items 1 through 44, and I normally read the appointments and waivers for boards and commissions. But today there are none. There are no appointments or waivers. 7 are pulled off the consent agenda. We will take up these items and after discussing them in executive session, item no. 38 is pulled by myself,

yours truly, mayor leffingwell, only to have a brief, very brief briefing on what the item is and also to recognize some of the that have had a part in it. 40 is pulled by councilmember morrison. Let me recheck the counts. Looks like christmas vacation is lasting a little longer for a lot of folks. We have no items pulled off the consent agenda because of folks signed up to speak on these items. Are there any additional items to be pulled off consent. Councilmember morrison? 40 no longer needs to be pulled off consent.

Mayor Leffingwell: Item 40 is not to be pulled off. So the corrections have been made. 40 remains on the consent agenda. With that I will entertain a motion to approve the consent agenda. Councilmember man moves approval. Councilmember cole seconds the motion, is there any discussion? All in favor say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. Now, council, we will take up item no. 38. Item 38 is response spored by myself, mayor pro tem martinez, councilmember riley, it is an item that will start the process for changing our land development code criteria in certain parts of town. Sponsored by. I would say before we hear from staff on this very briefly, that this is a process that was started a long time ago. I'll tell you how long ago. I was still on the city's environmental board when this process was started. There has been a lot of public discussion about it. A lot of people have worked very hard on it. I do want to recognize some of the folks. Matt holland from watershed is going to be doing the thumbnail briefing. But I want to recognize some of his colleagues. Aaron wood. Aaron stand up if you want to. Who has worked very hard on this project for many years, not as many as some of us have, but -- but mike lyday, he is retired from the city now, he's now making cabinets in dripping springs, I believe, mike. [Laughter] and mike was -- was the man who actually started this process. This is his idea. So thank you very much, mike. You know, sometimes instant gratification takes too long. 10 Years really is too long. Thank you very much. Matt holland, of course, is going to talk to us in just a minute. I also want to recognize two folks who have been in watershed for a very long time. And who are retiring this month. And who will be greatly missed. Pat murphy, who I believe is not here. The city's environmental officer has played a key part in getting us to this point. And also you can't say enough about our -- about our environmental resource management department -- or division director, nancy mcclintock, nancy, please stand. [Applause] nancy, we're going to miss you. We're going to miss you. Matt, do you want to give us a quick brief on what this item is?

Thank you, mayor and members of council, my name is matt [indiscernible] with watershed protection. I did want to give you a bit of a brief background on this item before you consider the resolution. The story that the mayor has mentioned begins quite a number of years ago. In fact it extends back 30 years ago to when we first started protecting our watersheds. We were really on the leading edge of watershed protection in the united states. In 1980 we passed the barton creek watershed ordinance introducing the impervious cover limits and stream buffer zones, in 1980 the same year we introduced the williamson creek ordinance which started the water quality ponds or control protections that we still have today. In 1986, 5 years ago now, we united these three strategies, the ponds, buffer zones and the impervious cover limits city-wide. And one of the things that we didn't do when we did that was -- that included these eastern prairie watersheds to the northeast and mainly east and south and so we did protect those areas. But we -- really the focus was on the west. We kind of left a bit of a hole there and I think that's what this research and this understanding has been because really during that period, 30 year period, that's almost the entirety of the national experience of watershed protection and so we obviously know a lot more now than we did in 1980 or 1986. So we are really here today in some ways to close that gap. And at the forefront of this, the headquarter streams that feed at the larger creeks, that folks see and love and that -- that also supply our lakes and aquifer, and the -- the problem is that we're -- if we don't protect these smaller creeks, we are sustaining large amounts of damage to these creeks that have to be shored up by our department and by -- by private landowners and unfortunately we're not gaining ground there. We're losing ground literally. And basically we can't afford to continue with this, at this pace. We've got 1100 of these problems and counting, we can only solve about 10 a year. Each time a big permian type of storm comes through, we create a bunch more, we are back to

where we started. We need to shore up the hole in the code. And notably this area, these eastern watersheds are kind of the epicenter of where the growth is going to be happening in the next 30 years, the period of time that the comprehensive plan is going to be looking at. We know that's going to be a place that is -- that austin wants to grow, is growing and that we want to make sure that the infrastructure is in place in our codes and protections to make sure that happens in a sustainable way. So that's where most of our undeveloped land is. We did a study about 75% of austin's undeveloped land is in these eastern watersheds and so logically that's kind of where things are headed. They are already headed that way, whisper valley, formula 130 now providing more access to the area. But as you know, the city has long -- the city leaders SINCE THE LATE 90s HAVE Called this area the desired development zone, it's an important area for city's -- austin's growth. In order to take some pressure off the west and on the drinking water protection zone and so we want to make sure that whatever we do to protect the creeks is also conducive to continued development opportunity. And so we've already identified a number of strategies that we look forward to talking with stakeholders and the entire community about in the months to come. That will basically -- we'll basically fine tune those same three strategies that we started with, the structural water quality controls, the stream buffers and the impervious cover limits. And try to achieve a win-win solution, working hand in hand with the development environmental communities and others in the -- in the community. So we really appreciate the council's interest in this area and the environmental board's interest and I would be happy to answer any questions or let you guys take it from here.

Mayor Leffingwell: Thank you, matt. I don't have a question. I just want to emphasize a point that you did make and that one of the reasons that it took so long to do this is we wanted to craft a proposal that provided enhanced environmental protection for creeks and waterways that are not currently protected but at the same time did not take away development potential. So that -- that I think has been successfully done in this proposal. It is still a proposal that will work its way through the boards and commissions. And vetted thoroughly with stakeholder groups before we come back to council. So again I want to thank you very much and congratulate you for some fine work.

Thank you very much.

Mayor Leffingwell: I will entertain a motion to approve item 38. Councilmember riley moves to approve. I will second. Discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no? Passes on a vote of 7-0. I'm checking my list and checking it twice, but i think that is all of our consent agenda for this morning. ... without objection, council, we will go into closed session pursuant to 071 of the government code for consultation with legal counsel to take up three items. Item 46, concerning legal issues related to the proposed legislation creating a meet and confer process for the city's non-civil service employees and -- and i believe we're going to -- yeah. We're also going to take up related items 2 and 7. Item 2 concerning legal issues related to austin energy and the capital budget related to holly street power plant decommissioning project and item 7 concerning legal issues relating to the holly street power plant decommissioning project. Is there any objection to going into executive session on the items announced? Hearing none, the council will now go into executive session.

Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed legal issues related to items 2, 7 and 46. No action was taken. So now we will take up items 2 and 7 together. I will recognize the mayor pro tem.

Thank you, mayor. I know we have a lot of folks here wanting to speak to the council on this item. And this is an extremely important item, not just to this council, but to the community and to the proposers who have asked to be considered to do this work. As you know, this is -- the dismantling and full decommissioning of the holly power plant, which has its own storied history here in austin. What we

have in front of us, though, in proposals is virtually identical in scoring, off by .6 points. But we're off six million dollars in price. And so it's a very difficult decision. It's one that I think this council is wanting to make the correct decision. So I'm going to make a decision, mayor, that we postpone this for two weeks because I think we still have a lot of questions to be answered and a lot of research to do in order to make a final decision in either accepting staff's recommendation or doing something other than that. I'll make that motion to postpone this item for two weeks.

Mayor Leffingwell: Motion to postpone items 2 and 7 until January 27th. That was a second by you, councilmember shade? And I will say I'm going to support the motion to postpone because because this will give us the opportunity to look very closely at the scoring matrix. Since the scores were so close, so ensure that we come out with a valid result. And see if any adjustments might need to be made to that matrix. Any further comments? All in favor of the motion, say aye? Opposed say no. It passes on a vote of six to zero with councilmember spelman off the dais. And now, council, it is 12 noon by the watch on my wrist, so we'll go to citizens communication general. First speaker is rae nadler-olenick, to speak on water fluoridation.

Good afternoon, mayor leffingwell and councilmembers. As everyone who reads the statesman, hears npr or watches tv news knows by now, last week the centers for disease control abruptly lord its recommendation for optimal so-called water fluoridation from a range of .7 to 1.5 parts per million 7 parts per million. Overnight the lower limit became the upper limit, slashed by almost half. Cdc's stated reason was to cut down on dental fluorosis or sustained teeth, which today afflicts over 40% of youngsters age 12 to 15. They've known about it for years. Why pick this particular moment to change? Who knows? What's partner is they're two monumental concessions. After a half century of denial and stonewalling, the agency has finally admitted that fluorosis, previously dismissed as a minor, strictly cosmetic issue, is a huge problem which needs to be addressed. They also recognized for the first time the cumulative overload of fluoride people are getting from other sources like food and toothpaste. What they failed to acknowledge is that fluoride harms the entire body, not just teeth. Their new optimal standard is as arbitrary as the old one, with no way to know or control individual dosage. The appropriate standard for added fluoride is zero. Cdc's surprising announcement comes on the heels of equally explosive news out of china, namely the release of a report linking fluoride with lowered intelligence. It is actually the 24th such report. What makes this one key is it directly connects reduced iq's to blood serum fluoride levels that result from drinking water fluoridated at concentrations far below the four parts per million the epa calls safe. Fluoride acts like lead in the body, crossing the blood-brain barrier in utero and in small children. No one denies that that is bad for small children. This chart from a standard chemical reference book shows the relative toxicities of lead, fluoride and arsenic. You can see fluoride is more toxic than lead, yet the allows vastly more of that in your water. Go figure. There's a change in the wind regarding fluoridation policy. Austin can and should be in the vanguard of abandoning that counterproductive practice. I urge you to open your minds to that possibility. And now, council, it is 12 noon by the watch on my wrist, so we'll go to citizens communication general. First speaker is rae nadler-olenick, to speak on water fluoridation.

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Mayor Leffingwell: Thank you. [Applause]

Mayor Leffingwell: Questions? Thank you. The next speaker is heather fazio. Topic is airport security.

Good afternoon, council. As referenced I've provided y'all three documents, the first of which is a copy of the resolution passed by your airport advisory commission on the 14th of december. be it resolved that the austin airport advisory commission recommends the city council oppose the installation of ata's or body scanners at abia and further oppose the practice of invasive body searching encourages the city council to inform the and state and federal delegations of such opposition. The second document is jim smith's memo sent to each of y'all on the 20th of december. It's a weak attempt by the director of aviation to undermine the unanimous passage of this resolution. It's the same uncited propaganda that the local director mike scott used in his unsuccessful attempt to convince the airport advisory commission of how great body scanners would be. It texans for accountable government has prepared the third document be, a rebuttal, including citations, to this nonsense. Some travellers are most worried about the negative health effects of the body scanners, for hoars it's and texas constitutions were designed to protect citizens from unreasonable searches. But for me the bottom line is sexual assault. Any time any person is coerced into being molested, that is sexual assault. And it's unacceptable. This summer I intend on visiting the west coast to visit my grandmother and I'm concerned that I'm going to have to either drive or take a bus there because I'm unwilling to submit to either a digital strip search or a full body molestation. is arresting travellers for resisting? They should be assisting them in filing their complaints against the screeners rather than dragging them through the airports. The only question posed by your staffers on our meeting on the 18th was that of jurisdiction. While austin owns abia, we operate, maintain and manage it. The city of austin has a duty to protect the travellers who choose to fly into or out of austin. 's invasive and offensive security procedures are just that. You are policies are just that, administrative policies. There is no schaition mandating -- legislation mandating these digital strip searches and there is no law, nor could there ever be, granting a federal agency the authority to sexual assault anyone. We ask you to consider the pass a resolution that expresses the opposition of the installation of these machines and these practices at abia. And further, prohibit the city of austin -- prohibit their use at any other city of austin owned or managed properties. And encourage the da and the sheriff's department to prosecute any viewlingses of law perpetrated by airport screeners upon travellers at abia. Also we ask that you lobby congressional delegations to pass meaningful legislation that rolls back the ineffective and ineffective screening procedures. And also post notices advising travellers of their rights. There comes a time when we have to stand up and defend ourselves and the time is now f this body doesn't do anything, I guarantee it will be a campaign issue in may when three of y'all are up for election. Thank you. [Applause]

Mayor Leffingwell: Thank you. Next speaker is gordon maxim-kelly. Topic is support of disc golf at roy guerrero location.

Hi, good afternoon. I'm gordon maxim-kelly, president of waterloo disc golf club and here to speak in support of the proposed disc golf course at the recently acquired land adjacent to the roy guerrero river park. I know you heard from some speakers last time opposed to it as well as there's been a fair amount of publicity lately. I wanted to talk about some of the reasons why this is an excellent place for a disc golf course. One is the size of the area. Disc golf courses just cannot be put in small neighborhood

parks. They take more room than that. Now, we don't require nearly the amount of room as a regular golf course, though it does take some acreage to put in a disc golf course. And most of the city parks that are really large enough now are out at the city edges, making them much less accessible, especially to those without cars, those who depend on walking, biking or public transportation. This area is one of the few large central area parks. And more importantly, it is east of I-35. This is an area that has historically been underserved in many ways, including parks, amenities and activities. One of the things that I found sad and frustrating about this discussion is the perception that this is a west Austin problem being pushed east. Instead what this really is, it's an opportunity to bring an amenity, an activity, east of the interstate that has long been mainly west Austin ability. Hopefully this is the first of several courses in northeast, east and southeast Austin. Recently publicized statement that disc golf is a white college student support is at the very least inaccurate. In the '70's that was probably very true. Today there are a number of players who are not white college students. Our club has over 350 members and there are thousands more who play this sport everywhere from once in awhile to multiple times per week. Many of our club members and many of the people who play disc golf are Hispanic. We have members whose surnames include Hernandez, Gonzalez, Moreno, Salazar, Romero, Torres, Guerrero, Escobedo and many others. We also have members who live east of 35, in zip codes like 78744, 02-rbgs 23 and 47. And the largest demographic of this sport according to the professional disc golf association is in the age range of 25 to 40. One of the great things about disc golf is that it's a lifelong sport. It can be played by kids as young as seven or eight and by adults as old 7080. It's a great outdoor activity that provides lots of exercise, but you do not have to be an athlete to play it, enjoy it and get benefit from it. It's also very affordable and it's a very family friendly sport. All of these things -- all of these are things that we want to encourage in all of our citizenry and they need to be available to everyone. More courses are needed throughout the city. [Buzzer sounds] time limit?

Mayor Leffingwell: That is your time. Thank you.

Thank you very much for your time.

Mayor Leffingwell: Next speaker is Jeannie Ramirez. Topic is police arrest on d.w.i.

Hello, councilmember, Mayor Leffingwell, thank you for letting me speak today. I just wanted to state publicly as a citizen of Austin that I've been very disappointed this past 2010 of the arrest of police's and also damaging property like SWAT cars. It's just disheartening to hear this on the news about all these issues coming up with officers and not just police officers. I think there was a sheriff also and a legislator, Texas legislator that was involved in this activity. And I just want to thank Chief Acevedo for publicly coming out quickly and saying that this behavior is unacceptable and he wants to hold police officers accountable when we hear of these things. And the thing is what I don't like is when I see the police unions coming out and wanting to reinstate these officers and we spend money as taxpayers going to court, you know, fighting these charges when we've done the right thing to begin with. Another thing I want to state publicly is I'm very disappointed in the city manager's decision to go outside the state to look for an animal welfare coordinator position here in Austin. I've been doing animal rescue for about 10 years, have worked closely with animal trustees, emancipet, you name it, actions for animals, Austin Pets Alive, have met passionate, intelligent, organized people here in Austin that know the issues with rescuing animals and trying to get the information out to the public to keep a no-kill shelter going here in Austin. And here we're courting someone from New York state. Unbelievable. And also for the Austin public who does not know, we are -- our government is rounding up 12,000 wild horses and burros all over, Colorado, Nevada, Idaho, Montana, New Mexico, at taxpayers' money. No transparency. They roundup these horses, they say because of cattlemen's cries that the wild horses are damaging forage and on and on. To me there's too much coziness going with these government entities. We found that out with the minerals land management when the oil spill disaster happened. It's ridiculous what we found out, all these people in bed with, you know, the oil industry big wigs. And I just want more transparency and you guys in the city council here whether with this whole situation, you know, courting this New York candidate also. And I want the government transparency. How do they roundup the why don't though she the public how they round them? Why don't they show how they're kept? Sprosedly by bureau of land management census there's 130,000 wild burros and horses being kept in

government pens for 2010. [Buzzer sounds] it's unbelievable. Thank you so much.

Mayor Leffingwell: Thank you. [00:14:02] [Applause] next speaker is wesley strackbein. policy and austin airport. You have three minutes.

Honorable mayor and city councilmembers. My name is wesley and I'm a seventh generation texan. My ancestors braced the hardships of the early days in texas because they knew on this ground, in this state that men could live free. While their new life in texas had its challenges, the constitutions governing my family's adopted state guaranteed liberties not recognize understand their homeland of germany, a really blessing they cherished. This legacy is precious to me and as a steward I cannot sit idly by as people move to rob our children of what's be queethed us by our forefathers. Austin needs to fight back. has mandated the use of naked body scanners and intrusive pat downs in the airports where no probable cause has been shown. A clear vition of the fourth amendment. This abuse is outrageous and it must be opposed. Your own airport advisory commission is rightly urged you to forbid the can scanners and pat downs at austin's airport. Travellers at abia must be protected. The question of jurisdiction has been raised and it's an important one. Wherever you are in this debate, city council, one issue beyond question is this. The federal government cannot use one to blunder another constitutional protected right. In the name of protection washington cannot suspend citizens right to free speech, due process or right to bear arms or to be secure in their persons tovmment do so would break our charter covenants and the foundation of this republic. What then is our recourse? Officials have a duty to interpose with liberty. It dates back to the magna cart ta when demanded the rights of englishmen or be deposed. austin spent more than a year in a jail after demanding that santa ana's regime honor the rights of texans. Similarly this council honored the legacy when in 2003 you opposed provisions of the patriot act. Such resolve is called for once again. Now is the time for count to interpose against the demands of washington to check the tyranny at the constitution's gate. This means that the pat downs and scanners must be banned at abia. No american want a repeat of 9-11. Those hell bent on doing us arm should be stopped in their track using any means of the law. In the pursuit of safety freedom is non-negotiable. To trade liberty for temporary safety is a fool's bargain that forefits rights for tire rainy. Don't play the fool, city council. Know this, jesus christ, the great governor of the nations, looks not well on those who pervert, justice, so don't sell us out for peace and personal gain. Defend our rights and protect the innocent. Keep austin free. [Applause]

Mayor Leffingwell: Thank you. Next speaker is roger duck. Topic is proposed mobile loaves and fishes rv campground on mckalla.

Good afternoon, mayor, mayor pro tem and council person earns. My name is roger duck. I'm a owner at braker storage located at 2607 west braker lane. I have been a citizen of austin for 20 years. I stand here in support of allen graham's community first concept on an appropriate low density green site. I'm working very hard personally to locate an appropriate low density site for community first and i hope to report to you soon the successful location of that site. However, today I stand before you in opposition to the city considering an rv and campground use in an area planned for high density, hi-rise urban development. Goodin tensions can sometimes result in -- good intentions with result i think that's what happened here. Your intentions are good, the city staff's intentions are good, but a critical decision was made that did not reflect good government. When the city exempted the mckalla track from the regulating plan hatched in march of 2009 that the rest of us in the north burnet gateway planning area live under, abide by, support and are protected by. City staff, neighbors, neighborhoods and business stakeholders have worked for five years in the north burnet gateway area to create a master plan and a subsequent regulating plan zoning overlay that will create a multi-story compact environment. This proposed rv campground use would not even be considered if the city had not exempted itself from its own rules. Rules that all the rest of us abide by and support. I ask you to as quickly as possible instruct the city staff to initiate zoning on all city properties in our north burnet gateway planning area and to place city property under the same standards that guidelines, protections that all the rest of us support and live under. Then and only then should any proposed use, whether it's public or private, be submitted and reviewed with transparency. And with appropriate comments and feedback from

neighborhoods, businesses and community stakeholders. I appreciate you listening to me.

Mayor Leffingwell: Thank you. Jeff blackwelder. The topic is results of austin service days. Welcome.

Good afternoon, mayor, council. My name is jeff blackwelder and I'm speaking on behalf of the service austin committee of the rotary club of austin. I've asked to address the council to report on what i hope is becoming an austin tradition in the making. I want to tell you about the achievements of the many volunteers who labored on behalf of the city during service austin days 2010, which occurred on the weekend before thanksgiving. In harsh economic times and even when times are good, we believe that there are many reasons to be thankful for what the city does on behalf of its citizens. Our motto is giving thanks by giving back and I'm here to report that there's a huge reservoir of appreciation among the people of austin for the city's efforts on our behalf. Four years ago the rotary club of austin began its service austin project as a community service event which has grown from dozens of volunteers working on a few projects to an estimated 800 volunteers who worked on dozens of projects on the weekend before thanksgiving. We began by contacting nonprofit organizations in the city itself and inviting them to design projects of benefits to austin, which would take place during service austin days. Facilitate those projects the committee undertook to describe the projects and sign up volunteers on our interactive website, publicize the event in all the local media and even provide the volunteers with breakfast and t-shirts delivered out to the project sites. We also forged partnerships with like minded organizations all around town, including the various city departments, the austin parks foundation, the ymca and many others. Over 750 volunteers signed up on our website and we believe approximately 800 volunteers, men, women and children, actually came out and worked an average of three to four hours apiece. 38 Service projects were manned, including activities such as restoring the trails in our parks, planting landscaping at some of our middle schools and building wheelchair ramps for folks who need special access to their homes. Donations of t-shirts were made by the rotary club of austin and breakfast donations came from ken massey's chik-fil-a's restaurants and from chico's mexican restaurant owned by cesar vasquez. These men helped us tremendously and deserve our thanks. In conclusion we believe in what we're doing and hope to pursue what we hope to become an annual city event where the people of austin view the weekend before thanksgiving as their opportunity for community service, for giving thanks by giving back. We hope and trust that our volunteer efforts have been of value and we ask this council's support in continuing to strengthen the relationship between the service austin committee and the city's representatives. We'd like to work as closely as possible with the city so that our efforts most directly address the needs of the city and its citizens. Thank you.

Mayor Leffingwell: Thank you. And thank you for your service. Zach tolbert. Topic is support of disc golf.

Good afternoon. Thank you for listening. My name is zac tolbert. I'm a registered landscape architect and founder of a company called 51 disc golf, which is a sustainable disc golf promoter. I'm here to speak in general on support of disc golf, something the city actually lured me in as one of the main reasons to move here five years ago. When you look at a sport like disc golf, it's so young, you've got to understand that a lot of the design aspects have not been mastered and we don't understand them. For instance, when pease was installed in '89, there were less than 150 courses in the world. Today there's four 4,000. The amount of courses have doubled three times over the last 15, 16 years. And disc golf in pease park was not -- did not destroy the land. That was actually just due to overuse and any use that you have that overpopulates the land, it will destroy it. So although I understand the reasoning for the pease park removal, we need to look at that course coming back in as soon as possible. And we need more courses close in to town. There was a recent study that just came out that hasn't formally been published, but it states that average round of 18 holes of disc golf walks 6,000 steps. That's 60% of your daily recommended healthy levels of physical activity. It's not going to make the community healthier by itself, but it gets people outside. It gets a connection to nature and it's a very low impact sport when designed correctly, which correctly has yet to be defined in such a young industry. There's no recognition like in ball golf where they have registered designers and there are certain criteria that have to be followed. I believe we need this golf guerrero park; however, it's been a very mixed process so far. And I think we need -- to step back and look at it to get everyone's buy-in, complete community buy-in both from the disc golf community as well as the locals and we need to just

look at it from a new fresh perspective that could bring in healthy low cost activities that can join three generations of family members at one time. And in 2009 the world championships in kansas city had a seven-year-old girl and 84-year-old woman compete. The world championships. I dare you to find another active rec sport that gets you outside that you can spend with your grandparents and your parents all while playing the same sport. I think it needs to be something that needs to be a lot higher on austin's agenda. When pease park was installed, all the courses that we have were 20 years ago. And since then the sport has just exploded and we need to make sure that we stay on the cutting edge because a big draw to austin is the fact that I live here now is mainly because of that. I appreciate your time and let me know if you have any questions.

Mayor Leffingwell: Thank you. Good timing. [Buzzer sounds] wait esquivel. Topic is vision and intent of the north burnet/gateway zoning district.

Good afternoon, mayor, mayor pro tem and councilmembers. Austin's voters have elected each of you in part because of the belief that you will represent and act on our collective needs, wants and desires. Many austin citizens have a basic desire when it comes to city planning that city councilmembers respect vision and intent of the city's ordinances. Once that city ordinance is in north burnet gateway 2035 master plan document adopted by councilmembers in 2011. Another is the -- in 2007. Another is the regulating plan for the north gateway burnet district adopted in 2009. Collectively these two ordinances represent a long-term vision and intent for the north burnet gateway area in north austin. The ordinances are the result of hundreds of thousands of taxpayer dollars and countless hours from city staff and stakeholders. Austin's citizens deserve that councilmembers and city staff adhere to the vision and intent of the ordinances. North burnet gateway stakeholders have the perception that the city is not adhering to the standards, vision and intent that is holding everyone else to with respect to the ordinances. This perception is due to the fact that the city has stated the city owned property at mckalla place is perfectly suitable for, quote, unquote, campground use. That is technically correct for the current zoning of limited industrial, but in the opinion of many stakeholders, that is not in keeping with the vision and intent of the ordinances previously mentioned. Third slide, please. I read from the 2009 ordinance. This document is intended to implement the master plans land use and urban design recommendations by establishing a clear user friendly and legally enforceable ordinance that will result in improved development quality in the north burnet gateway area. In conjunction with the adoption of this document, properties formerly within the nbg district will be given north burnet gate we district zoning. Currently the city has prohibited campground use within that district, yet it exempted itself, its mckalla city-owned property either as an oversight or perhaps to allow its continued use as one of the city's service centers. Citizens would like to know why the city exempted itself. For constituent to state in 2010 that a campground use is allow sheriff's department clearly misleading the public into believing that council had that intent in the past when we do not believe it had. The council is not only expected to adhere to the nbg master plan and regulating plan, but to also be leaders in their implementation. The importance of adhering to the ordinances is not be overemphasized. Accordingly, a campground use should be determined to not be acceptable for the city-owned property at 10,414 mckalla place. If councilmembers believe the vision and intent of the ordinances have changed, then councilmembers should discuss this with the appropriate stakeholders. [Buzzer sounds] and I'm closing here. And if necessary seek input on a new ordinance. Until such time I expect councilmembers to follow the clear vision --

Mayor Leffingwell: Thank you, your time has expired.

Thank you.

Mayor Leffingwell: Next speaker is bradley pierce. Topic is austin airport and the t.s.a.

Honorable mayor, city council, thank you for your kind attention. My name is bradley pierce and I'm a citizen of williamson county and I'm an attorney. I call the austin airport my home port. And I'm also a husband and father to my wife who is pregnant with our first child who is with me today. I care about my

family, i care about their protection, I care about their future. Because of that I'm here today to respectfully request that the austin city council refuse to permit the or anyone else to operate x-ray scanners or perform enmansed pat downs in the austin airport. I care about protecting my family. Many parents tell their children never to let anyone, strange or otherwise, touch them in certain places fanned they do, come and tell mommy and daddy immediately. Now where we go to the airport, where the rules apparently do not apply, mommy and daddy have to surrender our child to a perfect stranger to perform on them acts that we've told them were so wrong and the only response that mommy and daddy have is to stand by and say it's okay, honey, it's the government. This is a nightmare for little children. They don't understand the high prok accuracy of all this, and frankly neither do i. Should I tolerate someone breaking into any home and stripping my wife naked and molesting my child? For bid an all mighty god, yet put the person in a blue uniform and that's exactly what we must now submit to. And not in darkness or in secret, but in broad daylight and in front of an audience the size of an airport. You know, flying used to be fun, but not anymore. Now it's a nightmare. If the austin city council allows these scanners and these pat downs to take place in the austin airport, my family will not be flying there. No, I will not allow my family to be -- not allow to play show and feel with my family. The appearance of security is not worth that. I care about my family's future. Is this the future we want? Our family has been in texas over 150 years and we aim to stay here. Our ancestors sought to prevent government from using fear to take away freedom. And they fought and died for those freedoms and I aim to defend them. What will the austin city council do? The texas and u.s. Constitutions forbid the government from performing unreasonable searches. If the virtual strip search of my wife and the creation of child pornography of my child is not unreasonable, if the sexual assault of men and women and indecency with children is not unreasonable, then what is? The texas and u.s. Constitutions are there to protect us. Will the austin city council to strip and grope the citizens of austin and central texas? Or will they stand upon the constitutions and defend the citizens that you have sworn to protect against an out of control federal agency? Does the austin city council care about the protection and safety and future of its citizens? I want to believe that you do. If so, I ask that you stand upon the constitution -- [buzzer sounds] -- draw a line in the sand and keep austin free. Thank you.

Mayor Leffingwell: Thank you. [Applause] so council, those are all the items that we have on our morning agenda except for the briefing on construction emissions, which will be very short, I'm assured. So without objection, council, we will go into 45 when we'll have our construction equipment briefing and at 00 we'll take up the zoning cases. We're in recess.

Mayor Leffingwell: We are out of recess and we'll begin with our scheduled briefing 30 more, construction equipment emission reduction.

I'd like to thank the council for the opportunity to come and talk about construction emissions reduction this afternoon. I'm joined today by two members of city staff, terry juarez, who is my assistant director for engineering and project deliver, and jerry coch, our fleet manager. I would like to go through the briefing kind of quickly and reserve time to respond to questions. So why are we here? We're responding to a council resolution passed last february directing the city manager to look at steps to reduce emissions from construction-related equipment. Particularly on city capital improvement projects but not limited to that. The first response to council was on april 27th where we sent forward a work plan to form a cross-departmental team with the agencies shown there. We also announced to seek input from stakeholders and those include the austin black contractors association, the austin asian-american chamber of commerce, the hispanic contractors, association of general contractors, acea, and those type of groups. We did undertake a review of initiatives that are being pursued by other entities and ultimate to respond to the council director we identified eight actionable items. And those are shown here. We grouped them really into three different categories. Those that deal with our fleet operations, three that deal with practices and specification and then we looked at those that adjust policy changes that we need to come back and pro toes to propose to council. The first were the fleet operations and the task was to make sure the vehicles are operating at maximum efficiency. Each one of these items will be organized into tasks, findings and challenges to facilitate discussions. We do in fact have a very good preventive maintenance program in place which optimizes the performance of construction equipment. Again, we did find emission levels can be improved and the use of alternative fuels. Some of

the changes or challenges are potentially some increase in cost. An example would be diesel particulate filters. And then maintenance of multiple types of equipment as we convert may also pose some challenge to operators and mechanics throughout the fleet so these are things that we'll have to address. Second item was looking at the fleet and do a general emissions analysis to review our heavy equipment and construction fleet to see what the improvement potential was. Fleet services has applied for and has a pending grant for about \$5 million to replace vehicles. Public works looked for opportunities for engine replacement and we found them generally disruptive of operations. The turnover would take a lot of vehicles off the street and the pay-back period for the conversion really wasn't economically feasible. However, fleet is under going a limited testing of some electric vehicles. The provider was here last summer with some examples and there are not only service or construction support vehicles they are looking at but also small dump trucks and those type of utility vehicles. And public works is following the lead of other city city agencies in that we're convert to go hybrids. That's mostly pickups which we can go to ford escape hybrids. Some of the challenges that some of the range of power the engines don't support requirements we have for construction and availability of refueling is also an issue. Third item was to look at different types of alternative fuels, and we wanted to look at the applicable and feasibility of expanding use of those fuels by city of austin heavy equipment. As good news here that the city already has the ability to use bio diesel. About 84% of all use is b-20 which does reduce emissions and produce a lot less in terms of carbon dioxide, carbon monoxide and particulates. Some of the challenges are the availability of alternative fuels and that may discourage use. No so much from construction but also from a solid waste standpoint in terms of routing equipment to make sure that they have alternate fuels available to them. Item 4, alternative vase built and refueling for the city of austin use. This is really on our maintenance operations and things we do in house. We do have a host of fueling stations for alternative fuel; however, there is a gap in this up in north austin. We need to look at a new multi-fuel station. So cost to do that is about \$2 million and we need to really finalize the location of a new north austin service center so we can build this into our capital program. We also looked at the availability of fuels on the retail side and one of the findings is there really aren't any biodiesel fuel stations for private contract, to use for their construction equipment. So that if we are to encourage the use of alternative fuels on our capital improvement projects, we're going to have to either look at allowing contracts to use city refueling facilities or allow them to store fuels on site. I'll touch on that again in a minute. One of the challenges is to if we're going to have additional contractor use and address that through our contract language. And then on a site by site basis we do need to see if it is in fact feasible to store biodiesel on the site. As we go into practices and specifications, the first thing we want to talk about is the anti-idling ordinance enforcement. We want to look at the ability of the city to establish and enforce those requirements. Tceq regulations do provide for enforce motor vehicle idling and limits heavy duty on road. So there are a lot of inspections the state statute that address construction in terms of addressing stationary equipment and other types. But anything that goes on the road can be looked at. The rule, it doesn't apply to stationary diesel. Local governments in texas have signed a memorandums agreement with the commission can be delegated enforcement utility and austin has a memorandum agreement with the state. However, as the law is written, the rule can only be enforced through the ozone season. Again, our anti-idling ordinance which is in chapter 6-1 of the code establishes enforcement authority for the state rule. Some of the challenges again are to allow year-round enforcement. We need to clarify which city agencies are responsible for enforcement and provide education and training to city personnel as well as the development community. Awareness and education programs. We need to look at the status of those. And we have partnered with sd to promote anti-idling measures. Not a construction related issue but something that's been very positive. It's part of our climate protection plan. And we have posted an anti-idling emissions calculator on the public works website. Some of our challenges are to make the tool kit calculated more widely available. Do you have to search for it on the web side to find it. We need to go out into the community more and present this as an item and topic during our construction forums we attend so that we can promote awareness on the availability of alternative fuels. This is a page from the public works website and has the address there where we have posted the anti-idling ordinance calculator which calculates what the avoidance of particular pollutants is. One area where we have made a lot of progress is incorporating emissions reduction into our cip project specifications. We have developed those requirements and integrated them. We have a couple test projects underway including the animal services center. Several of our road reconstruction projects. It will be in the construction requirements for the african-american cultural

center, and we are looking at some watershed protection projects. One of the things we found to animal services center indicate about a 20% increase in fuel cost and that's something that we will have to absorb to address emissions reductions. Some of the projects may have to look at the requirement for on site storage and use of city facilities if we want to further use alternative fuels. One thing that always come up is the impact on small businesses in terms of the equipment that they use and make some allowance for that. Policy changes that we may need to come back with. In looking at the land use code to identify opportunities. Pdr has really looked at the code and determined it has limited ability to enforce use of alternative fuels and equipment on private sector projects. However, we may be able to encourage private contractors to voluntarily reduce their emission by incenting the use of biodiesel and providing resources like our anti-idling tool kit. Lead certified projects may be availability take advantage as credits for reduction of emissions, however, the challenges that the limited enforcement ability does make private sector compliance and participation voluntary, and private sector developer and cert, may resist implementation due to higher costs. The next steps, we need to continue the conversions of the city's heavy equipment fleet and we want to continue looking for funding sources for the equipment conversions, grant opportunities, and we need to program alternative fueling stations into future capital improvement projects, prosecutorially as we look at new service areas. We want to expand implementation of emissions reduction into our c.i.p. Projects. We have some in the specifications. One of the things that we did on some of our sidewalk projects was look as emissions reductions so that the further a contract history the travel to a job site, the less credit that they got under that evaluation criteria. We can continue looking at emissions reductions under the green purchasing program particularly as they address small gasoline powered type pieces of equipment. We want to evaluate impact on small businesses and provide some sort of assistance or consideration in our contracts. I talked about constructing additional fueling stations. And we need a better way of reporting a lessons learned, capture our cost experiences and also report on emissions reductions that we've achieved on the program as an on going metrics. I mentioned before expanding awareness and education program resources, and we want to improve availability and content of what we offer online. We want to have a more aggressive outreach program when we deal with trade association and private sector groups and we want to look for opportunities to partner with private sector on funding and implementation opportunities. In terms of some recommendations, something we need to get into deeper, a few things that popped up right away was year-round enforcement of the anti-idling ordinance as something we should pursue and review -- and that is an effort that we need to launch. So that's a quick update on where we are and along with staff members who have joined me we'll be happy to answer any questions.

Mayor Leffingwell: Any questions? Councilmember riley.

Riley: Yeah, howard, i want to thank you for your presentation and for all the Specifications. We have developed those requirements and integrated them. We have a couple test projects underway including the animal services center. Several of our road reconstruction projects. It will be in the construction requirements for the african-american cultural center, and we are looking at some watershed protection projects. One of the things we found to animal services center indicate about a 20% increase in fuel cost and that's something that we will have to absorb to address emissions reductions. Some of the projects may have to look at the requirement for on site storage and use of city facilities if we want to further use alternative fuels. One thing that always come up is the impact on small businesses in terms of the equipment that they use and make some allowance for that. Policy changes that we may need to come back with. In looking at the land use code to identify opportunities. Pdr has really looked at the code and determined it has limited ability to enforce use of alternative fuels and equipment on private sector projects. However, we may be able to encourage private contractors to voluntarily reduce their emission by incenting the use of biodiesel and providing resources like our anti-idling tool kit. Lead certified projects may be availability take advantage as credits for reduction of emissions, however, the challenges that the limited enforcement ability does make private sector compliance and participation voluntary, and private sector developer and cert, may resist implementation due to higher costs. The next steps, we need to continue the conversions of the city's heavy equipment fleet and we want to continue looking for funding sources for the equipment conversions, grant opportunities, and we need to program alternative fueling stations into future capital improvement projects, prosecutorially as we look at

new service areas. We want to expand implementation of emissions reduction into our c.i.p. Projects. We have some in the specifications. One of the things that we did on some of our sidewalk projects was look as emissions reductions so that the further a contract history the travel to a job site, the less credit that they got under that evaluation criteria. We can continue looking at emissions reductions under the green purchasing program particularly as they address small gasoline powered type pieces of equipment. We want to evaluate impact on small businesses and provide some sort of assistance or consideration in our contracts. I talked about constructing additional fueling stations. And we need a better way of reporting a lessons learned, capture our cost experiences and also report on emissions reductions that we've achieved on the program as an on going metrics. I mentioned before expanding awareness and education program resources, and we want to improve availability and content of what we offer online. We want to have a more aggressive outreach program when we deal with trade association and private sector groups and we want to look for opportunities to partner with private sector on funding and implementation opportunities. In terms of some recommendations, something we need to get into deeper, a few things that popped up right away was year-round enforcement of the anti-idling ordinance as something we should pursue and review -- and that is an effort that we need to launch. So that's a quick update on where we are and along with staff members who have joined me we'll be happy to answer any questions.

Mayor Leffingwell: Any questions? Councilmember Riley.

Riley: Yeah, Howard, I want to thank you for your presentation and for all the work that was put into this. I'm really pleased with the progress we're making on this. I have just a couple questions, first with respect to compressed natural gas which you reference on slide 7. You mention one of the challenges we face is that the range and power of the engines don't support requirements for construction equipment. Does that mean that CNG is out of the question altogether for construction equipment?

I don't think it's out of the question. To the best of my knowledge, there aren't any CNG engines offered as a standard item when you purchase construction equipment. You have to buy the equipment either special order or convert it. There are concerns about how do you refuel that because it's not like diesel fuel where you can put it in the tank.

Riley: Right. As you may know, Capital Metro has been considering going back to the use of CNG in at least some of its vehicles. Capital Metro had some experience with CNG in the past, it didn't work out so well, but like our transit agencies, we're recognizing that technology has improved just in the last few years. Fort Worth is now using CNG for all of its buses. Dallas has just shifted to just in the last few days has made a decision to shift to CNG for all of its bus fleet and Capital Metro is looking at heading in that direction for at least part of the fleet. That's going to entail installing fueling stations so I think it might be worth having discussions with Capital Metro so that partnering so that city vehicles as well as Capital Metro vehicles will have access to those fueling stations.

I think for dump trucks and those kind of equipment certainly should pursue that.

Riley: With respect to enforcement, I just did want to mention enforcement of the anti-idling ordinance has been an issue. There was a meeting yesterday of the Clean Air Coalition, which is cooperative -- multi jurisdictional effort and I participate in those meetings through -- through CapCog, I represent the city on the CapCog. And at its meeting yesterday, there were some questions raised particularly from Campo staff and county staff about the city's enforcement of that ordinance. And so we hope to be setting up some meetings just to continue discussion. Having some discussions with both Campo and the county about how we can work together on enforcement of those restriction. Of the current anti-idling ordinance. And I appreciate your looking at and your willingness to look at adjust the rules to make enforcement more effective.

Thank you.

Riley: And then I also appreciate all the effort on the procurement. To me that's a very encouraging report on the next steps to set expectations on city projects with respect to the use of -- of appropriate equipment that is environmentally sensitive. And so I'll look forward to continuing recommendations, further recommendations on that in the future. Thanks very much.

You're welcome.

Mayor Leffingwell: Anything else? Thank you very much, Howard. Appreciate the briefing.

Thank you.

Mayor Leffingwell: Guernsey, I think it's time for zoning cases.

Thank you, Mayor and Council. Happy New Year. My name is Greg Guernsey, Director of Planning and Development and I would like zoning where the public hearings have been closed. The first item for consent approval is item number 47, C14-2010-014. This is for second and third reading for the property at 1418 Frontier Value Road. This is to change zoning to mobile home residence, neighborhood plan or MH-NP. There was a petition filed but it's only at 7.5%.

Mayor Leffingwell: Questions for staff? No speakers signed up. I'll entertain a motion to approve item 47 on second and third readings. Councilmember Spelman Moose passage. Seconded by the Mayor pro tem. Councilmember Morrison.

Morrison: I'll be voting no.

Mayor Leffingwell: Just one item and we're getting ready to vote. You can do that yourself. Further discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no.

No.

Mayor Leffingwell: Passes on a vote of 6-1, Councilmember Morrison voting no.

Thank you, Mayor and Council. Let me proceed to our 00 zoning and neighborhood plan amendments where the public hearings are open and there's possible action. First item I would like to offer for consent is item 48, C14-2010-0167 for the property at 12408 North Mopac Expressway Southbound. To zone the property to commercial liquor sales or CS-1 district zoning. The zoning and platting commission's recommendation was to grant CS-1 CO and this is ready for consent approval on all three readings. Item 49 is case C14-2010-0168, a related case to the previous one at 2900 O'Neill Lane. This is to zone the property to commercial liquor sales or CS-1. The zoning and platting commission recommendation was grant commercial liquor sales, combine district zoning and this is ready for consent on all three readings. Item 50, case C14-2010-0176 for the property located at 12636 Research Boulevard. This is to zone the property to commercial liquor sales or CS-1. Zoning and platting commission's recommendation on consent was to grant CS-1 district zoning. Item 51 NPA-2010-0007.01. This is for a neighborhood plan amendment in the North Austin Civic Association neighborhood planning area for the property located at 1105 Kramer Lane. This is to change the future land use designation from office to mixed use office land use. It does have neighborhood contact team support and planning commission recommendation was to recommend this request. The related zoning case --

Mayor Leffingwell: On 50 was the recommendation consent on all three? Neither one of us heard it.

Yeah, consent for all three. Sorry, mayor. Item 52, c14-2010-0178, 1105 kramer lane. A question to change to general office mixed use neighborhood plan. The planning commission's recommendation was to grant gg-mu-np. And this is ready for consent approval on all three readings. Item number 53, c14-2010-0101 for the property at 1808 van circle. This is a staff postponement on this item to your february 17th agenda. Item number 54 is case c14-2010-0163 for property located at 6320 city park road. Staff is requestin postponement until FEBRUARY 17th. Item number 55 will be a discussion item. Item number 56 and 57 also discussion. Item 58, consent, this is to zen the property limited industrial service or li district zoning. The neighborhood platting commission recommendation was to grant the limited industrial service conditional overlay and it's ready for consent approval on all three readings. Items 59, 60 and 61 are related items relating to a neighborhood plan adoption and associated plan rezoning cases. These will be discussion items. Item 62, c14-2010-0184, located at 1701, 1703, 1705 and 1707 east martin luther king boulevard. This is to change the property to community commercial mixed use, vertical mixed use building, conditional overlay neighborhood plan. To change the condition of zoning. Planning commission recommendation was to grant the gr-mu-v-co-np and change the condition of zoning and it's ready for consent approval on all three readings. Item 63, c14-2010-0195 for property located at 2631 south capital of texas highway to change the zoning to commercial services, conditional overlay. Zoning and platting commission recommendation was to grant cs-co and this is ready for first reading only. On item number 63. Item 64 and 65 are-i could offer for consent but i believe we might have a councilmember that would like a presentation on 64, 65 and --

Shade: Yes, I would, just like every week.

Item 66 for the property located at 2300 windsor road we have request for indefinite postponement of item 66. And item number 67 will be discussion because that was forwarded to you by the planning commission without a recommendation. And that concludes the portion of the agenda I can offer fr consent at this time.

Mayor Leffingwell: On items 50, 51 and 52, I have speakers signed up. Actually the speakers on 50 and 51 are for the item. So if you would like to speak on the item we can pull it off consent. But we'll pull 50, 51, 52 and 53 off consent for speakers.

50, 51, 52 And 53?

Mayor Leffingwell: Yes. I have one speaker, megan meisenbach. You are against anyway. On 534. 534. Yeah, 53 is postponed. Not 53. Let me double-check this. So david dunn signed up against on that item. So you are david dunn? So item 50 will remain on the consent agenda. 51, Aricelo branchi is signed up. Do you wish to speak? So 51 will remain on consent. Item number 52, one speaker signed up to speak against, robert baker. Robert baker is here. So that will be pulled off the consent agenda. Gurney, 51 is a related item.

That's correct. 51 Is amending the neighborhood plan, the future land use map for that same address.

Mayor Leffingwell: For the flum and 52 is the --

that's correct.

Mayor Leffingwell: But we only have speakers on 51.

Spelman: Mayor, perhaps we could pull items 51 and 52 since they are related.

Mayor Leffingwell: I think that would be the best thing to do. So here's the way I have it. It's kind of

complicated. The consent agenda is to close the public hearing and approval on all three readings items 48, 49, 50. To postpone until february 17th items 53 and 54. To close the public hearing and approve on all three readings item 58. To close the public hearing and approve on all three readings item 62. To close the public hearing and approve on first reading only item 63. 64 And 65 are discussion items. To postpone item number 6 indefinitely. And that's all I have on the consent agenda.

That last item is a discussion item.

Mayor Leffingwell: Entertain a motion to approve consent agenda. Councilmember spelman and seconded. All in favor? Opposed? Passes on a vote of 7-0.

Thank you, mayor and council. That brings us to item 51, and you want me to present 51 and 52 together?

Mayor Leffingwell: Yes.

Item 51 is a neighborhood plan amendment. 01 for the property located at 1105 kramer lane. This is also a zoning case, case c14-2010-0178, abba wig salon. The request for zoning change -- or neighborhood plan amendment is to go from an office designation on the future land use map to a mixed use designation. The zone change is to g mu-np. The tract is proposed for redevelopment of an existing hair salon, which is a personal service use, also a residence. And it was recommended to you by the planning commission on a 6-0 vote for the property. The properties to the north are currently zoned w/lo, with ndr, and there's an existing office, warehouse, there's a school. South of this property is sf 2 np and single-family residences, to the east offi use and personal servc salon and to the west is sf 2 np and it's a single-family residence. The property is fairly small, about .4 of an acre in size. And I think I'll pause at this time. There were some conditions that the planning commission had imposed that were agreeable to the owner that there would be a limitation on the signs on the property. That it could be no larger than four by four on the property and that was limited through a public restrictive covenant. And there's also a trip limitation that was picked up by the commission and staff recommended to 2,000 trips per day. use would be a personal service use and all uses which allow for a professional office but would not allow for a medical office. site development standards. And just to clarify, during changes and corrections this morning, I think this was referred to as approval np zoning. I think that was a different item. The commission's recommendation was grant the go-mu-np.

Mayor Leffingwell: Questions for staff? We'll hear from the applicant. And that wo araceli franco.

My name is araceli franco and to move my business into this property and it's going to be a wig salon. And it's very private services for people going through chemo and cancer. And that's that.

Mayor Leffingwell: Thank you. Any questions? Thank you very much. So on item number 52, we're considering both together, so robert baker is signed up against, and you have three minutes.

Good afternoon, mayor, council. Thank you for the opportunity to speak. My name is bob baker. I'm a member of the north austin civic association and also a member of the contact team. I'm speaking against the proposed zone change which under the present zoning single use office is permitted to the property and now a wig store. We had no objection to that. However, under the requested zoning of general office mixed use, any combination of office, retail, commercial, residential offices are permitted. Could allow many, many different companies or stores or whatever to move into that location without any control on it from north austin civic association. Naca, our organization, has organized to maintain and improve quality of life in our neighborhood, and we work very hard for this to maintain it because this neighborhood was QUITE RUN DOWN IN THE '80s And is slowly coming ban and is doing pretty well now. So we want to maintain and keep it that way. And by doing so, we limit the number of changes that can be made to the zoning. So we in naca hereby request that this application for rezoning be

denied. Any questions?

Mayor Leffingwell: Questions? Councilmember morrison.

Morrison: baker, the condition that is being recommended that we put on on this zoning is that the only uses that are allowed are the ones that are currently allowed plus one additional use, if I understand it correctly, personal services. So I just wanted to make sure, has naca discussed that condition? That means that they can do they can do now plus they can do personal services which includes -- which includes hair services. guernsey, could you confirm that?

Yes. The ordinance that you have on the dais limits it to the same site development standards as exists today. It also allows the one additional use under the commercial uses, which is the personal service, the g.o. Use, to allow the hair salon. And then eliminates those uses that are not allowed in n.o. But are allowed in g.o. So it removes the trade schools, the restaurants, hospital, medical offices, all those different uses and makes -- still has some conditional uses if they want to use it for a college or university or private or second school. That would be a conditional use. It does allow also in this combination of uses a mixed use, but it's a very small tract so they could use it for a residence as well.

Morrison: And can you talk about -- suggest the other personal services types of uses.

It could be a dry cleaner, a nail, finishing your nails come to mind off the top of my head.

Morrison: baker, i just wanted to check and see if naca had had an opportunity to discuss that very limited condition.

We have not been notified of that.

Morrison: Okay. And that was just a condition that the planning commission just recently put on; is that correct?

Well, the information -- yes, the planning commission did recommend this. The naca planning contact team asked for the conditions regarding the sign. Some of the other limitations I spoke to. As I understand it, the north austin civic association neighborhood planning contact team completed under the planning program -- this is an email that I received, that staff received. I believe the conditional overlays outlined below are satisfactory. I'm forwarding this to the naca team. We need to express an opinion about the sign. The planning commission and council. And that was from the -- i guess from the applicant to staff. But it was also -- okay. It's from the president of naca.

Morrison: Did we get a confirmation or you just didn't really --

maureen meredith. At the planning commission, brian almond, the president of naca, did speak, did express support for the conditional overlay because it was discussed at the meeting that I had with the members. And expressed support for the public restrictive covenant for the sign. So at planning commission, it was very clear at least according to the president that he was in favor of it, and we assumed had discussed it with the planning contact team.

Morrison: Okay. Thank you. So it sounds like we have quite a bit of limitation on the -- with the conditions to be able to address if it's going to change significantly, you all will have to be part of a zoning change again.

We did ask for the limit on the size of the signs because down the street there's one that's humongous and shines up like a dollar in a mud hole, if you will. To my knowledge that's the only overlay that we

asked for or agreed to. We have not agreed to this change that they are asking for right now.

Morrison: Okay. And it sounds to me like what we're hearing is that the planning commission, the contact team expressed support. The president expressed support for the condition. So we might have a little disconnect here. I appreciate you coming down and raising the issue. Thank you.

Mayor Leffingwell: Any more questions? We'll allow rebuttal by the applicant. Do you have anything to say in response? Applicant? No. Okay. Thank you. So council, we should consider these two items separately. The land use map and the zoning case. So I'll entertain a motion on item 51. Mayor pro tem moves to close the public hearing and approve item 51 on all three readings. Seconded by councilmember morrison. Discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. Entertain a motion on the zoning part, item 52. Mayor pro tem moves to close the public hearing and approve on all three readings item 52. Seconded by councilmember morrison. Discussion?

Morrison: I want to make the comment this is the kind of thing we've done in the past where it really makes sense to allow a particular use, personal services are and it sounds like a great business, but it allows us to put the limitations on so it's only a small increase in --

Mayor Leffingwell: Further comments? All in favor say aye. Opposed say no. Passes on a vote of 7-0. I believe that brings to us 55.

Yes, mayor and council. Item 55, c 814-twoit, 0145. This is for the property 801 barton springs road. This is a zoning change request on the property from general commercial services, commercial liquor sales, vertical mixed use building, neighborhood plan or cs-1-v-np combined district zoning to planned unit np. The property is 34,674 square feet. It is a property that afronts on barton springs road and abuts to the rear of the property. To the north is palmer events center, zoned p, np, district zoning. To the south is an undeveloped multi-family tract. To the east is an austin energy building, town lake building and to the west is an existing office building zoned cs-1-v-np. Part of the reason why they are coming forward and making this request is to allow for an additional height on the building. They've amended their request I believe to be about 96 feet in height, but I'll let the applicant go through and explain their request in more detail. The environmental board did review this request on the 9th and they voted to approve the request. The waterfront planning advisory board recommendations looked at this item on their february 8, 2010, agenda and voted to send it without a recommendation to the planning commission on a 3-3 tie. The planning commission's recommendation was to deny the district zoning on a vote of 8-0, and they adopted the staff's recommendation to deny this request. Staff did not recommend this item because we feel it's not in accordance with the adopted neighborhood plan which limits building height in this particular area. The determination -- the plan is really up to city council on this case on determining the applicable lines that are in the text of the plan. It is in conformance with a future land use map which designates this tract as mixed use. A neighborhood plan amendment was not required in this case because the neighborhood plan is a document as a vision or guide to what should happen in the neighborhood planning area. The adjacent buildings on either side, I'll just point out the building to the east, what used to be called the simpkin building, now the austin energy building. The garage to the rear did slightly exceed compatibility standards when it was constructed and received a waiver for that structure. The build to go the west was built before we had compatibility standard, before we had a waterfront overlay standard. That stru is about nine stories in height and it goes back to when we had cumulative zoning and heights were based and setbacks were based on heights and setback standards and our use regulation were actually separate at that time. I think the applicant has a pretty detailed presentation that they would like to go through. If you have questions for staff about this project, I'll go over them. I'll let you know that this was actually filed under our ordinance in june, 2008, you actually ordinance and it has some elements to it which include the general intent is pretty much the

same to implement the goals and preserving the natural environment, encouraging high-quality development, innovative design and ensuring adequate public facilities and services. The council intended the district to produce development that achieves these goals to a greater degree than what is therefore superior development that could be achieved under conventional zoning or subdivision standards. And with that I'll pause if you have any questions.

Mayor Leffingwell: Questions for staff? Councilmember morrison.

Morrison: Could you talk a little bit more about your staff recommendation? I heard you say that the staff is not recommending it because it doesn't comply with neighborhood plans?

Yes. Let me explain a couple things with regards to this. The neighborhood plan is more than just a future land use map. A future land use map certainly is important as far as giving what the intended land uses are, but the text of the plan is also important. So when staff reviewed the future land use map, we also reviewed the text of the plan. And on page 28 of the plan there's actually an item that speaks to maintaining barton springs road as a gateway boulevard that serves as a transition between downtown and the neighborhood. And there's a specific action item that speaks to buildings on the south side, on barton springs road, should not exceed 60 feet in height. The maximum height allowed by zoning of barton springs road is currently 60 feet. And so when that was written, it was done at a time when we had the old filling station restaurant was on this property. I guess at that time the neighborhood and during the planning process and commission and council had the opportunity to comment on that and it was eventually adopted with that language in here. The interpretation of the meaning of that and context of the plan goes back to the commission, goes back ultimately to city council to make that decision. Staff did not require and does not require today a neighborhood plan amendment, but we felt it was not in keeping with the plan.

Morrison: Thank you for that. In the backup in the staff report there's a mention that under the basis for recommendation there's also discussion about use of a p.u.d. district. It says that staff's report says it's not in keeping with the purpose of the statement for p.u.d.s. ordinance, the more recent ordinance you approved in june of 2008, there is an item that is s that the zoning should be consistent with neighborhood plan. So that's item -- that's one of the items of many that are listed within the p.u.d. Ordinance. Is that what you are referring to?

No, what I was referring to, what I got from the staff report is that -- it starts district is a designation for larger complex single. On a small single use. would have to be on a tract of 10 acres or greater unless there is some special circumstances that exist with relationship to the size of that p.u.d. It doesn't preclude the city council from granting p.u.d. Zoning in a smaller tract of land. It just probably needs a higher standard than what you would normally find on another tract of land. It is 10 acres or larger. is used as a tool that would have a combination of several buildings or several use on a site. In this case you'll have a single building on the property, not multiple buildings. It's much more typical, i to be achieved on a small site than a larger site because you can't as easily meet -- I'm not saying you can't meet, but can't as easily meet all the standard you find in a current ordinance today providing different amenities or things that would contribute to a higher standard of development. [No audio].

You are correct, council, when you get into the urban setting, it's much more difficult to find a tract of land within our urban core that's ten contiguous acres in size. As so it was four community as you move closer to the center of our city, the parcels that are available for development or redevelopment are much more difficult to find that are ten acres or larger in size.

Spelman: Mayor, perhaps yo could --

Mayor Leffingwell: Working now. Any further questions from staff before we go to the applicant or speakers? Okay. Thank you. drenner, are you representing the applicant? It shows michelle haussmann on our sheet. So you will have -- some people have donated time to you. Michelle haussmann in the

chamber? Okay. Steven martins not here. Is he there? Okay. Amanda swar? Trooper drenner? So -- so you still have a 15-minute limit. You have up to 15 minutes.

Thank you. Mayor and councilmembers, I am steve drenner on behalf of the applicant, texas american resources. And pleased to be here today to talk to you about what i think is an unusual opportunity to build a quality project at this very visible location. Which sits on barton springs road directly across the street from the long center and the palmer events center. We really think this is a unique situation in so many ways. Among those are the fact that this is a site, again, on this roadway, but it does not share a border with any single-family lot. It's also a site that sits between two very large structures in the austin energy building and the 811 building, and obviously across the street from a very large structure with the long center. So we're really talking about what is the right answer, what's the right fit for that gap between those two buildings. And we really think that as you analyze the character of barton springs road and that area and what it is today and what it will be for the city, and the project that is very specifically defined by this is the right answer and the right fit for that site. Today you could build lots of different things with cs-1 zoning. It's about as permissive a zoning category from a commercial standpoint as is possible. You could do things that run the gamut from typical retail to restaurants to fast food to bars to storage units. Again, very broad zoning and those things would also be allowed given the right type of configuration by commercial design guidelines and the waterfront overlay ordinance. You can tell we have a uniquely shaped site. It's less than half the width of the two adjoining sites and it's a deep site. And it's board odd the southern border by a multi-family site. So the proposal as we've kind of gone through this process is a building that would be 96 feet in height as compared to the 60-foot building and the 120-foot building on our borders. Uses are critical, I think, to this answer so let me kind of build the project for you. We would have a restaurant on the ground floor of this building. Structured parking above, grade structured parking. We have a drainage easement that runs underneath the sight so we could not do subground parking, and then office space on top. One of the important things about this is that this would be the -- an opportunity to help a local business,. Texas american resources is a local business, it's an energy company based here, and this would be their headquarters. So this would be as you would look at it from in front of the palmer events center. That's rendered a little bit better. But a very -- what I hope the picture will indicate and if you read all the detailed notes, I think you would see what the required by is very much a quality project, a mixed use project and a project that would look like this picture. This is the project in plan form with the restaurant, again, being the feature on the ground floor. If you look toward the left side as I face this picture or the eastern edge, the austin energy border, you would see that there is a pathway, so this is looking at the building from the west to the east. And then this would be a perspective that would show you that corridor that would be a permanent pedestrian access easement allowing people to go back and forth between neighborhood areas and to the park. And then this would be the back of that building, again a required pedestrian oriented use, a cafe on that back edge. So an unusual, very quality design befitting the fact that this company plans for this building to be their headquarters, but also a design and plan that is reflective, I think, of the type of thing that you would want to see on barton springs road and you would want to see in this location specifically across the street from the long center. This is a very important loop so we have an opportunity not just to build a building that is consistent with that quality that I mentioned earlier, but also something that would actually help those cultural entities as they continue to evolve on that loop. And that is one of the things that we can assist with because it would be an office project is parking. Something that these these at these entities need to assist them when they have events. We've had issues in the past in this area where when there are several events, particularly events that are scheduled at the same time, there just isn't enough public parking in that area and it forces people to park in neighborhoods and places where they otherwise should not be. We also would have a restaurant use on the ground floor that would provide another opportunity for people who are using those facilities to go before and after the events. One of the other, I think, unusual things about this location is where it sits with regard to the multimodal opportunities that we have and we're going to have in the future. You see the location of the many bus stops in the area. This would be the bus rapid transit line that I understand will be under construction before the end of this year. So you see that we have a stop very close to us. And then with regard to the proposed rail route, we have a spur that would run directly in front of this site. So even if you ignore cars, we have sort of the ultimate situation to have a little bit of density right where we have all these multimodal opportunities. One of the things that I think

you will find is dealt with very aggressively in the is also bicycle opportunities. We have secured bike parking in the parking garage. We have double the number of spaces that we would otherwise be required to have. We have showers in the buildings for the employees so that they can commute by bike to work. We also deal very aggressively with pedestrians, with great street treatment in front of the building where it's not required as well as that pedestrian on the side. From the multimodal part we have the opportunity to put this building where it should be so it's not just a building that relies on car traffic. We also have an opportunity to generate some revenue from this site and the urban core. Over a 40-year period, I think very conservatively we're looking at a project that would generate \$24 million in total taxes above and beyond what it's generating today. And I think that's important as we look at what should happen in some of these core areas. But finally, we also have an opportunity to approve a project that is not only completely consistent with the waterfront overlay, no variances requested with regard to that, but it goes beyond that and it adopts many of the principles that were in the town lake corridor study that pre-dated the waterfront overlay ordinance. And I think one of the other speakers will detail those, but the types of things that we're offering here couldn't be required of every site, but this site is uniquely situated to be able to enhance those principles. So with that opportunity, one would a is the cost. Why would there be an opposition to the project. And one of the questions would be is it too close to residential. And I think you'll see that that is not the case. We have the unique situation where the southern -- our southern border is a multi-family tract. We also have, given that multi-family tract, we've got 182 feet between the closest single-family property line and any portion of our building that would go above current height compatibility requirements. Under any set of definitions, I think that if you are going to have any sort of density in the urban core, you are going to rarely see this degree of separation between single-family and commercial. We also, I think, can demonstrate that we don't obstruct views. Given the topography this this area, a gentle slope from north to south, we took pictures at different locations. This will be a picture from the end of south third street so that you see both the tree coverage and, again, the distance across that multi-family site. This is at the back of south third, so really the place where if you were looking back toward the site, it gives you a very clear case of what you would see or what you would not see. And if you would look hard at the top of -- sort of the middle of the page, you will see a circle, and that's the balloon that was floated at 96 feet. So I don't think we obstruct views at this height. We have a far better answer with regard to other compatibility issues than you would get under current code. We will have a solid masonry back wall to not allow any sound or smell or noise to escape toward the south. And especially if you compare the current zoning and the types of things that could happen on that site from the noise and the smell and a light standpoint, this is a far better use, far more compatible with the single-family that is on the other side of that multi-family tract. We don't pull traffic into a residential area. All of the access is off barton springs road. We're obviously not only compatible with the property, the commercial properties on either side of us and across the street, but I think with the restaurant and the cafe, we enhance those buildings and certainly the cultural entities. And I think as you have seen demonstrated by the unusual degree of public response on this case, this is the type of thing that I think austinites from a variety of different interests are -- are excited about something in this location. In short, I really think the public gets it. I think from a broad perspective this is exactly the type of development that they believe belongs on barton springs road. So with regard to opposition, there are the natural request why, and I think -- question why, and I think what you will hear is the opposition has everything to do with process and precedent and very little to do with the project itself. And I think it's very defensible from a process standpoint and a precedence standpoint, I think it was clear as the mayor pointed out in the discussions with regard ordinance that it wasn't just to be a suburban style tool, that it could be used in the urban core, that it was supposed to be a flexible tool that would allow that type of use and supposed to be a situation that would apply to special circumstances, and I think clearly this is one of those. I think from a process standpoint that makes sense, but I also think it's very easy to distinguish this situation from so many other situations. I don't think that you would find this particular situation again, and if you did, then maybe that -- that set of facts warrants use of a p.u.d. As well. But again, very highly visible site, a very important site on a major artery and an opportunity to significantly upgrade the quality of the project and the type of project that would be built on that site. As you can see on this slide, s of ten acres. s smaller than s under ten acres supported by the bouldin creek neighborhood association. Guernsey mentioned the neighborhood plan. If you look in the neighborhood plan, the height on major corridors and in existing higher density modes. The objective underneath is maintain barton springs as a gate I would like to go boulevard that serves

as transition between downtown austin and the neighborhood. [Buzzer sounding] and we really think we do that. But in this particular unique situation, it's better done with this type of a project at 96 feet than the type of project that could be built --

Mayor Leffingwell: Thank you.

Thank you and I'd be happy to answer questions.

Mayor Leffingwell: Questions? We'll go to those speakers signed up in favor. First is john denicy, john compton in the chamber? No? Rob wendt is here. Gabe brull is here. John, you have nine minutes.

Thank you, mayor. Actually I only need three minutes so -- and I think that time may have been meant for mr. honeycutt.

Mayor Leffingwell: I'm just calling it like I see it, john.

Yes, sir, I understand. Good afternoon, mayor, mayor pro tem and council members. drenner alluded to, i would like to speak to the waterfront overlay land the corridor statewide and how it's shaped and contributed to approximate proposal you have before you today. Much has been suggested about this project, lady bird lake and the overlay. First led me read directly to notes before you. This is note 24. Quote, the project shall meet or exceed all regulations or requirements of the waterfront overlay ordinance as applicable to this tract. And no variances to these regulations or requirements are sought by the zoning change. End quote. The implication or inference by some that this project somehow threatens lady bird lake or the waterfront overlay has no basis. We've really taken the opportunity to incorporate a number of goals from the town lake study to take advantage of this opportunity to redevelop this significant, high visibility site with a quality design. Not only are we compliant, but we look to the corridor study in adding additional pedestrian oriented uses across from parkland, in granting public access to and a scenic vista of bouldin cree bold increek and providing connectivity from the neighborhood to the south and urban to the north. Nurturing the neighboring cultural facilities is also a goal rooted in the town lake corridor study which, of course, is the basis for today's waterfront overlay. We were pleased to see an ahiger standard member quote this as a new bench mark for quality in the overlay. To many of you the corridor study and the overlay are very important and appropriately so. It's reflective of the goals of the community. Rest assured this project fully respects and embraces the waterfront overlay and the goals of the corridor study. Thank you.

Mayor Leffingwell: Next speaker is sudra israel and you have three minutes.

Thank you, mayor, mayor pro tem and council. My name is selia israel. I'm here today on behalf of the alliance for public transportation. I'm the chair. We're a coalition of groups who are supportive of mass transit options for our region, and when we were presented with this project and what it has to offer, we eagerly and enthusiastically supported it. It's in sync with our long-term vision for transit which is some day having urban rail. It's in line with our short-term or medium-term vision which is in 2013 having bus rapid transit which is going to be a nice amenity for us. Basically if we want more -- if we want to have a more quality of life, a greater quality of life in austin, we believe that part of that answer is having a quality mass transit system. When you have more density, you have a more robust mass transit system. We support this without hesitation and would ask for your support as well. Thank you.

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Mayor Leffingwell: Thank you. Next speaker is blanca garcia with three minutes.

Thank you. Good afternoon, mayor, councilmembers. My name is blanca garcia. I'm a real estate broker and I'm the owner of casablanca realty located on south first and I've owned a home in the bouldin creek subdivision for over 20 years and my office I've always owned over 20 years on south first. I have served as past chair of the greater austin hispanic chamber of commerce but I am here today speaking as an individual and as an owner, not a representative of the chamber. I welcome the opportunity to have a quality project such as a buildingbeing planned by texas american resources at 801 barton springs road. Having their employees there along with retail and restaurant space will only add to the vibrancy of the area and that includes the neighborhood. The proposed building, in my opinion; more compatible than the existing buildings on either side. Additionally, I want to add that having an improved parcel do not generate -- or generate minimal tax dollars as opposed to what this development could provide to the city and to our schools. I regret that some other compromises got reached because our city is changing and growing every day and we need these tines of creative and innovative projects. I would like to see the best possible projects being built in our innercity and I along with numerous property and business owners, I know in the neighborhood, look forward to welcoming them to the neighborhood. Thank you.

Mayor Leffingwell: Thank you. Next speaker in favor is david honeycutt. And james cormear. I know, you are here. That's all I'm just check to go see if you are here. Donald verbecke. You are here. So

david, you have up to nine minutes.

I don't think I need that long, mr. mayor. I'm david honeycutt. of texas american resources. You know, I started this process four and a half years ago and obviously I would have to say I'm a little naive about how contentious this proposed building has become. But also, you know, if nothing else, it's taught me the importance of being involved in the community and I'm in and out officially a community activist. I think steve wanted me to tell -- tell you all a little about myself. You know, I've seen myself portrayed in cartoons so maybe you can describe myself better in person. I started the company 21 years ago with myself and a secretary, and today we've got 50 employees, 30 of which approximately are here in austin. How I decided to set about trying to find a place to build a building centered around a few things. One, I wanted the rent we pay to the landlord to become rent that would support our own building because we have very specific needs in terms of our space and they are expensive to build out and I felt like that investment should go into something that we owned as a company. The other things I wanted was to be near downtown. I wanted to be along a principal transportation corridor for my employees to be able to commute easily. And I wanted to be in and around and near the parks and the trail system in downtown austin. I think if you look at what i do in my spare time beside running this company, the two pursuits my wife and I support would be the arts here in town and in land conservation. So with that in mind, this was the perfect property for us to try to develop. It was situated in innercity environment. I'm against urban sprawl, so i did not want to build a building that was built on the fringe or periphery of the city. And it was right across the street from the long center, the palmer events center and very close to other arts organizations nearby. I understood that there was -- if I was going to build a building on this site that there was going to be a higher standard imposed on us, and frankly that's what I wanted from the start. I did not want to build a building that cut any corners architecturally. I didn't want to put a project on the ground that wasn't something I wouldn't be proud of. And I would say center from the very start with the help of juan and his team, we've tried to adhere to that and i think in spite of the reductions and compromises which we've made along the way, we've still been able to be confident what we're proposing to build is a first class project. I also feel some of the things we're doing in build ing this building are comment benefits that are worthwhile. I do think there's a lack of nighttime habitation in this area. You've long center and palmer center and there's not a place for anybody to go and have dinner before or after a show. I think this area needs that and I want to provide that. I also know that there's inadequate parking across the street. The parking structure will accommodate roughly 1200 automobiles and when the long center is full, I think you can have as many as 2,000 people needing parking. So where do those people park? They will walk a couple blocks, and if they are young, that's great, but if they are not, that's a long walk. At least we could help mitigate some of that by providing approximately 140 parking spaces both either in nighttime or weekends to help accommodate the local arts organizations activities when they are at capacity. I also think that, you know, we're creating an environment there where, you know, we're saying let's let us be the catalyst to the greater streets. This has worked well like on second street and when you look at the two buildings we're adjacent to, those were suburban type. There's no habitation or life with those buildings other than there's tenants inside. There's no broad sidewalks, there's no restaurants, there's not anything that connects the population aren't around there with those builtings. We think what we are doing does that. We feel like that we're by getting this proposed zoning change, that we are adhere to go a higher standard. We've got broad based support throughout the community. And what we're planning to do here, I believe, is needed. And I think it's a responsible addition to the community. Thank you.

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

Mayor and city council, my name is john beall. I'm here speaking as a private citizen today. The applicant, in my opinion, has made reasonable adjustments and he offers many amenities to the city of austin. That he has mentioned. I think the existing use of this tract, I believe it's almost 100% impervious cover. I don't know how long the four trailers that are there will stay. It's an ever changing appears cycle of trailers through there. I think the new project will be an improvement to that. The project occurs in the desired development zone, and in my opinion it does not harm the neighborhood. I've seen many projects and i think this one is an appropriate use of this particular tract. Thank you.

Mayor Leffingwell: Thank you, John Paul Bury. Welcome. You have three minutes.

Thank you, Mayor, Councilmembers. Paul Bury. I want to thank you all first for all your support on economic development in Austin. Without you all's support and leadership a lot of the success we've had over the last year will not be possible and we've had some home runs and it's due to y'all's effort and thank you very much. I think a lot of thought about economic development is that it's all about going out and getting new businesses and bringing them to town. But the reality is that 80% of our job growth is going to come from existing businesses. So you are business retention and expansion programs are vitally important and I think this really fits into those lines. David and his company has been here for 21 years. Been a huge advocate of this community, participated at a very high level philanthropic efforts and what he is asking for and the concessions he's made and the quality of the project go a long way the sending a message to the community we're here to support our existing businesses. I urge each one of you to vote positively for this request. Thank you.

Mayor Leffingwell: Thank you. Molly Anderson. Donald Verbeke donated time to you. I know you are passing also. Kevin Patterson. Kevin, you have three minutes.

Thank you, Mayor, Mayor Pro Tem, Councilmembers. On behalf of Austin Lyric Opera's board of directors and staff, we would like to register our support for this project. We feel this is a creative use of the space. We feel the mixed use is vital for this corridor to promotion of the cultural corridor in Austin. We feel the parking and other amenities it brings compliment the high density approach that is the council and Mayor's desire for building a great city and we would like to register our support for this project. Thank you.

Mayor Leffingwell: Thank you. George, you have three minutes. Won't start until you get here.

Good afternoon, Mayor, Mayor Pro Tem, City Councilmembers. My name is George Cover. I'm a life-long resident of the Austin area and have seen many proposed projects. As you may know, I've probably not been in these council chambers for -- I don't know, it's been a while. I've not been a good citizen. This project is so good and has so many amenities to offer to the community that I feel strongly that we should approve this project. I will say and I don't know mean to be flippant about this, I'm serious, my only disappointment is it was downsized. I am a sixth generation Austinite and I'm preaching to the choir. I think we've got to get over this hangup of height and density. If we're going to build a great city, let's build a great city. This project will be part of that great city. Please vote yes. I appreciate the opportunity to offer this input.

Mayor Leffingwell: Thank you, George. Also signed up in favor but not wishing to speak, Jody Maddingly, Lillian Fields, Ada Corral, Charles Sprank, Matthew Sturick, Matthew Helres Ton, Spencer Cook. Carol Frank. Susan Harris. Cindy Kohler.

Lorraine Atherton. Got you. Joyce Boycinia. Jeff, you have up to 12 minutes.

First I want to thank the Mayor for stepping out in front of AISD and challenging them about closing our urban schools. I appreciate that. Not Zilker. I live in Zilker and I'm speaking today for myself. You know, I would like all of you to have political courage to make up your minds today based on the testimony that you hear, but I have a sneaking suspicion that most of you already have figured out where you're going on this case. But I'm going to ask you for some political courage in a different way. I'd like you to be honest about your vote and not behind -- not get behind and hide behind some of the political spin that you've heard already today from Mr. Drenner and Mr. Denisey. Drenner said that this project is consistent with the waterfront overlay. Denisey said that the opposition that says that this is in violation has no basis. And he said that it fully embraces the waterfront overlay. That reminds me of something -- reminds me of something very dear in our hearts in Texas is our former President George Bush who had the Blue Skies Initiative where he put pollution standards for power plants or the Leave No Child Behind Initiative where he cut funding to education. Say one thing, do something else. Let's be clear, we're

healing dealing with an overlay. A zoning tool that takes existing zoning and then modifies it for the good of the community. Back in '86 when this ordinance was created they looked at all zoning around the lake and they said what works and what doesn't work. And where it doesn't work. They made changes. They made height limitations in some places and absolute height places in others and they gave bonus limitation where's they thought the existing zoning was too low by allowing them to go higher. But do you know what an overlay doesn't do, it doesn't stop everything. It doesn't talk to tree protection. Are you assuming it doesn't care about the trees around the lakefront. The waterfront overlay doesn't talk about the parking ratios that are in the code. Do you assume that the waterfront overlay doesn't care about adequate parking for the buildings around the lakefront. The waterfront overlay doesn't talk about traffic impact analysis, but do you know the waterfront overlay doesn't care about the traffic impacts in the waterfront area? Of course it does. But as an overlay if it's silent on an issue, it defers to the existing zoning that wasn't changed. It is a couplet. And by undoing the couplet drenner is suggested and only look at one piece of it, you can say it conforms to the waterfront overlay. It does not. The waterfront overlay works in condemn with the existing base zoning and only in those cases where they needed to change it to meet the community's values about protecting the lakefront does a waterfront overlay suggest something different. So when it doesn't suggest something different, the intention was to leave it the way it is. In this case that's a cs zoning at 60 feet. You know, when we look at this problem, this case, it's problematic of a lot of things, but I'm here to ask you for honesty and courage. If you vote for this thing, I would like for you to at least get you to admit that you're voting on this project, even though it doesn't reflect the community's values. Expressed in the save town lake poll last year. drenner talk about their poll and all the public support for it. I tell you, I looked at it. If that's all I knew about the case I'd vote for it too. But I know a little bit more than what was put into that e-mail blast and in that survey instrument they used. A lot more is important to our community than those things that were highlight understand that e-mail blast. -- Highlight understand that e-mail blast. Admit that you're going to vote against the recommendations of the waterfront taskforce that spent almost a year looking at the situation and recommending to y'all the readoption of the 1986 ordinance. The community worked for years, thousand of hours. Ignore that. Ignore the fact that it meets capability standards, one of the major zoning issues we have in the city to protect our neighborhoods. Admit that it doesn't meet the true meaning of a pud. Yeah, we've had some examples of small pud's, but if you look at those individual cases, they are nothing like this case. Admit you don't listen to your staff, staff representation to deny this project. Admit that you don't listen to the recommendations of the planning commission that voted unanimously against this project. And admit that in voting for this, you're voting against the intent of the community established in the 1986 waterfront overlay regardless of how drenner wants to spin the project. It violates what the community set about doing. We've worked on it for 30 years and we're not going to give up. And the idea that this is not going to be precedent setting for other projects along barton springs road, well, we've heard that before. You know there will be projects at sandy's, at the burger king, down the road, that are going to come back and say you gave it to them. I want it. In fact, they even say it's not going to be precedent and then they talk about the precedent of 811. They can't have it both ways. So just state, as george bush did, that you're now the decider for our community. Forget about all of the things that the community has said in the past about what it wanted and what it wants to protect. Y'all are now the deciders. You can ignore all of this now, but what happens when we take that position and don't listen to the community. I was standing at the back window looking across the river and I was seeing the tree line on the hills on the south shore and I was thinking if we do this, we will lose this, we will not have it anymore. And when we don't, that thing we call texas, that ambiance that we think about austin and the hill country and the river corridor, is going to be gone. We're not saying that we support sprawl. We believe this project can be done well at 60 feet. It's an office. It's not going to bring any more residential to downtown. We think there are lots of areas right outside of the cawrt front overlay that we have opportunity as a community to build bigger buildings and have more density. But our waterfront should be acred. -- Sacred. We can get there, what people say they want, mass transit, more density, we can get there. We don't have to give up the waterfront overlay. If we do it today we will be down here parcel by parcel all around the lakefront. You can bet on it. And by the way, we'll be here. Thank you.

Mayor Leffingwell: Next speaker is lorraine atherton, but she's already donated her time. Doug bain.

This is my first time being here. I appreciate your patience. I want to add my voice to those opposing this, again the planning commission and the staff and many members of the bouldin creek neighborhood association of which I'm a member. I'm also the president of the rice chapter of the austin -- of the austin chapter of the rice alliance, which supports entrepreneurship. And I'm not representing that organization, but I am here letting you know that because I am actively involved and interested in the economic growth of austin. My problem with this particular project as it is present sheriff's department that I believe it's a danger to that growth in the economic future because austin is a unique city and it's the uniqueness of austin who continues to drive us and make us economically viable when other cities are having challenges. Austin is unique, I believe, because we have balance growth where the unique characteristics that are here. And the unique characteristics that are here have been protected by this active involvement, collaboration of the neighborhood associations with the city to put plans in place so that we can continue the character of the city and continue to -- still continue to grow. This project, which may be a very nice project at 60 feet, going up those -- the extra height restrictions, does set a precedent, I believe, and it sets a precedent along with what has been very generous offers to the city, which unfortunately I think makes a bad recommendation to the city and the direction we're going. I think it would be bad for our reputation and people moving to austin, as they are and as the latings brookings study suggests that the most desirable demographics are coming to austin in economic down times not because of the economic community, but because of austin, it's the balance of those things that make it possible. If we set a precedent that says for certain extra gives by builders we're going to violate all that planning that's gone on for decades here, I think we risk upsetting that vibe of austin that is our true distinction and that will be bad for the long-term economic growth of austin and so I oppose it. Thank you.

Student hampton. He also has three minutes.

Thank you, councilmembers, thank you very much. My name is stewart hampton, chair of the bouldin creek neighborhood planning team. Despite the obvious syllabic accent, I have been here for 17 years. I just want to talk about the planning team and the pud. I want to start by thanking drenner for pointing out the pro development language. Along barton creek. That was the intent. It is not anti-development, it is pro development. In 2002 it called for increased development opportunities along the arterials by designating them with mixed use. In 2007 the planning team approved every single lot along the arterials for vertical mixed use zoning to allow for more intent developments to take place on the corridors. But the plan is clear about one thing, that is, not to allow any more inappropriate, out of scale central business district buildings in the neighborhood. They belong downtown and north of the river. Simply put, the question put before you today is are you going to allow for a central business district building to be placed in a residential neighborhood when the plan says no? Finally I want to talk about process. I've been impressed with the transparent process that the city has afforded to planning over the years, whether it's a neighborhood planning teams, the commissions, the boards and the council itself. I think we've benefitted by this. I was glad to hear about the neighborhood plan amendments being passed today. But fact is the neighborhood planning team has been totally cut out of the planning process regarding this site. , We haven't been fully engaged in the negotiation by the city or developer about this scwor change to the plan. The neighborhood plan and the neighborhood planning team which helped create and shepherd the have never been invited to the table. That's something wrong in that process. The use of a pud is simply an end run around a plan because the developer knew that his project on the face of it would not pass muster on the plan. By doing this it's a back room deal. It doesn't allow for full public debate. It's the opposite of the transparency the city has tried to build over the years in the planning process, and it undermines trust in the citizens and residents of this city. R.

They are right. I urge you to reject this proposed development and maintain the integrity of the city's transparent planning process.

Mayor Leffingwell: Thank you. Bradford patterson. Donating time is gary hyatt. Is gary hyatt here? Okay. David whit. You have up to nine minutes.

Thank you. My name is Brad Patterson, I'm the zoning chair for the Bouldin Creek Neighborhood Association and vice-chair of the Neighborhood Planning Contact Team. I would like to note that although the applicant recently produced an e-mail and marketing campaign to your offices, your backup material provided by the city staff fails to provide the evidence of all the opposition raised before getting to this point with council. Including the petitions for planning commission, of which we have them here. They were submitted to the city. There's about 279 signatures on here from the neighborhood. Many are not here because they can't get off for an afternoon hearing. I know that's the way it is because we've got to get business done. And others are tied up with AISD trying to make sure that our neighborhood in South Austin and Central City don't have neighborhood schools that we value so much. I stand before you tired out and I suppose I'm not supposed to worry. If you raise the height limit to 96 feet, how can we not expect that all the other property owners in Barton Springs will not want, if not deserve the same entitlements, given that the applicant and probably many of you have looked at the adjacent buildings to use them as part of the justification for the 60 percent bonus, how can anyone with a straight face believe that the other owners along Barton Springs and other owners of similar CS parcels will not want the same entitlements and want the same for their justification. At 180 feet or three times the existing zoning you have a building without the price tag. When the markets were typically not able to provide financing for residential condominiums, applicant scaled back the request to 120 or just twice the existing entitlements. Since the planning commission voted eight to , the applicants are now willing to get by with just a 60% increase in height over CS properties citywide. So as long as they can get the extra two or three floors so they can have their downtown view over the parking garage, they'll just -- they'll be fine with that. Just 60 percent. With a site of more than 34,000 square feet and allow a building coverage of 95% under the existing zoning, they have 32,000 square feet approximately per floor to deal with. I know it's not quite that simple. It's completely feasible to construct a 60,000 square foot space plus parking within the existing zoning, especially given the council's potential willingness to throw out compatibility standards. Go ahead. Fill up the entire site to 60 feet max, but don't start the dominoes falling down Barton Springs Road. The applicant would also like to use the PUD mechanism to pick and choose whatever uses they can have on-site, taking the best restrictions from CS 1 and I zoning while disregarding anything they don't like. If only all of us had that opportunity to pick our own restrictions and rules that we live by. Is the use of PUD zoning for this property legal? Yes, it would appear that way. But it doesn't make it a good idea. In the ordinance council's reserved the power to grant , regardless of whether or not it meets even a single one of the criteria. Sure the applicant will vote to do a bunch of stuff that the vote will already require and it would exceed various standards as long as they don't stand in the way of what they want. They won't tell us how much they exceed them by maybe just that one point. Passage today definitely will send a message to the citizens. The message to Neighborhood Planning Teams is their efforts don't matter and the plans they produce are viewed as optional by the council. So to all the neighborhoods still struggling to complete their plans, and there are many across the city, I say to them, forget about it. Go home, spend time with your family, do something worthwhile with pay back. Maybe it can make love, not neighborhood plans. Because this city does not value your work, it will not uphold your plans. That's even if they let you finish the plan in the first place. To all the single residents in the shadows of commercial property, the message is the capability standards that you thought applied to protect your investment and quality of life, those are optional too. The 45-foot trigger for capability standards, it's not adjacent property, it's 540 feet, that doesn't really mean 540 feet in your case. Council will throw them away, but don't worry. We'll ensure that you will enforce them on the next case. So volunteers on the planning commission, the message is the council may think that you're wise and knowledgeable enough to give up hundreds of hours per year hearing zoning cases, but eight of you weren't smart enough to get this one right. Don't worry, we'll value your work and opinion next time. Thanks for helping out. We'll take it from here. To the city staff and citizens pouring over multi-million-dollar comprehensive planning effort, don't worry about this being another plan that sits on the shelf, we'll probably just send it to the recycling bin before we even get it. It's no wonder what the neighborhood planning folks are up in arms over the comprehensive plan and don't seem to be comforted when told that there's no need to worry about the role of neighborhood planning after the comprehensive plan. It's the same thing here. Thanks for helping out. We'll take it from here. Pardon me for worrying about the implications down the road. Many of you or some of you may be out of office by the time this building is constructed, but the neighborhood will still be here. We will still have CS zoning around the city and still have neighborhoods that have to try to work out that marriage

between the two. In summation, this policy you're embarking on is simply a bad idea. Thank you.

Mayor Leffingwell: Thank you. Alex meltman. Donating time is jill ray. Is jill ray here? I sigh you, pam. -- I see you, pam. You've already been called.

[Inaudible - no mic].

Mayor Leffingwell: Okay. I'm sorry. Theresa schneider. Okay. So alex, you have nine minutes. Up to nine minutes.

Mayor, councilmembers, again, my name is alex veltman. I live a view houses just south of this property. I've been working on this with my family and neighbors for over four years now, since they were back at the board of adjustments. Let me quickly go through this. I know I don't have much time to go through all of the objections that have come up over the years. I may read some of this and I apologize. The development first of all is inappropriate for a pud. It's not what the pud ordinance envisioned originally and it's not like any other pud's. I probably pushed that back. I want to give you these two examples. There's a lot of other ones. Let me just point these out because they kind of run the gamut. The south shore district pud which came up last year, year and a half ago, it was 20 acres, multiple buildings, doesn't directly abut single-family residential. It was deemed superior because of many, many reasons. Some of them were green spaces. They had open space and pedestrian trail linkages. There was a wet pond for water quality and aesthetics, kept a 50-foot buffer along south lakeshore boulevard. There were public facility. They had a bunch of things involving the landscaping. 75% Impervious cover. And it arguably complied with the neighborhood plan. Coincidentally it was represented by turner goldman. This quote is from jay ready planning commissioner when they did this house for pud. So this should be the standard for all other pud projects. It stuck out in my head. I think the south shore pud came right before ours in the planning commission back when we were dealing with this then. And you know, I get a little nervous about pud's in general for various reasons. I tended to agree with him. It was a pretty good project. I wasn't out there fighting, that's for sure. I thought they did a very good job presenting their case. There was a lot of things that they provided in exchange for the flexibility to put their pud in. The second one that I want to deal with is the smallest one I could find. I saw up there they had a list for echo park. I never saw that one before. I'm sorry I didn't analyze it. This particular one was brought up by the planning commission at one point as being one of the smallest, 1.31 acres. There was a consensus built with neighbors, there were multiple buildings, four of them, and there was a 55-foot height limitation. So yes, there are less than 10-acre puds and I want to point out there are some other pud's I don't have time to get to, but they all comply for the most part with the p.u.d. ordinance. There's a lot of reasons why they had all these factors put into the p.u.d. Ordinance. Y'all probably know this a lot better than I do. But what I would say is that this particular pud does not resemble any of those in any way. So because of that, if you vote yes on this particular pud, what you're essentially saying now is that anything will go. Anything can trump our neighborhood plan, anything can trump the cs-1 zoning. Every lot down the line on barton springs road is going to take this as a precedent as this has been gone into detail already before I got here. I won't go into too much. honeycutt has been using this for the four and a half years he's been actively trying to get it, he says there's a building right next to me that's 120 feet. Why can't I have 120 feet? Or now why can't I have 96 feet? Every other property down barton springs is going to do it. And that's what we're worried about. It's not just my particular block. We are concerned, of course, but if everyone down the line in our neighborhood is worried about having a huge wall between us and the city. Now, the other part of the pud ordinance I want to speak to is it requires 10 acres or more unless the property is characterized by special circumstances, using unique topographical constraints. This site is not unique in its developmental ha chalings, all other tracts on barton springs have to contend with underground parking because they're in the floodplain. It does flood back there. That is the culvert right behind the property. That's the austin energy building down the way there. Every other site to the east of that has to deal with the fact that they are in the floodplain. The small lot size is shared by many owners up and down the road. East bouldin creek is something shared by all the other buildings to the east. And this is true, ironically because the culvert and the rerouting of that creek was put in specifically so that this lot could be developable. So the irony is not lost on me that now they're complaining about this culvert and the

creek and the flooding when that's the only thing that allows this lot to be developed in the first place. And speaking of uniqueness, one reason the developer unilaterally withdrew from negotiations just yesterday was because they know that they can't get a hardship at the board of adjustments. So when they say that this property is unique, they're really talking out of the other side of their mouth because we all know that unique in terms of the pud ordinance means hardship. And they don't have it. Not only did they come to it, buy it knowingly, but the only thing unique about this site and the actual development that they're putting into it is that it's nothing like all the other pud's that have gone before it.

I do want to point out that I think that you may have been misinformed about the benefits promised on this property. I don't have time to go through each and every one of them. I sent an e-mail out to most of you detailing that. But the particular one I want to address is that the easement along the east side. They're saying that it allows neighbors quick access to the park and what I would like to point out here is first of all their property doesn't even touch that creek that they're talking about neighbors traversing. If you'll look at the plat. I don't have it with me, but they're a corner lot, their lot literally does not even touch the creek the back side touches private property. That entire creek is private property. So what they're doing in essence is inviting a public nuisance because they're asking for people to go along that creek trespass and they would have to trespass multiple times to get up on that easement that they're talking about. I live on that street. My neighbors tell me that -- and I agree because I've gone down there a few times to check it out. The only time I've ever seen anyone down there are the transients that have come along there. So if they really want to encourage that kind of traffic through there, that's up to them, but I don't see that as a community benefit.

> You have probably asked yourself at least by now why do they want 60 feet or why they want higher than 60 feet now when they could fit double their staff in a 60-foot project with all the square footage allowed, including the restaurant and the parking. And the reason is they want a view. It's as simple as that. And the reason I know this besides some here say is I was sitting there at the planning commission when I heard their architect say in response to that specific question, at 60 feet they'll have to look into a parking lot across the street. Who wants to look at a parking lot? That was their architect. Of course, you know, they want to be able to rent out more space. They want to maybe get more money if they ever flip it if that's what they can do. But I don't believe that profits should be categorized under superior use. Let me go through this real quick. This is that trail back there they're saying people will use to get to their easement. Even when it's not flooded or has standing water, it's a big quagmire. It's kind of dark in there. I tried to walk through it a few weeks ago and it's a big mud pit. I've gone in the summertime and it's covered with brush. Almost impossible to get through. I think that's just a big fable that they're presenting to you. And I would submit to you that a lot of their amenities, which I've submitted in an e-mail, are equally a fable. Before I go I want to point out that I've been dealing with this for long time and frankly I'm worn out.

Mayor Leffingwell: That is your time if you want to finish your sentence. Go ahead.

What I would ask for here is a reasonable compromise because I understand political reality and I would ask that you consider mitigating the circumstances and the damage by putting this at 80 feet instead of 92 feet. And I would qualify that I'm speaking as a neighbor, an individual, not on behalf of bcna because I know they don't necessarily agree with that. 80 Feet feat is what I would like. Thank you.

Mayor Leffingwell: Dennis cudd. Welcome. Have you three minutes. -- You have three minutes.

Hello, council, mayor, mayor pro tem. I'm here today representing the board of save town lake. I'm also a member of the srcc. First and foremost I guess is that there's nothing that this building will accomplish at 96 feet that it cannot also accomplish at 60 feet. The showers, the parking, the restaurant, all these things can happen in a 60-foot building. That has no bearing on the case. Jacks said earlier, we believe that this is in violation of the waterfront overlay. It's in clear violation of the neighborhood plan. It's in vital of the zoning, cs 1 vmp and it's in violation of the language that you yourselves wrote for the pud designation. Planned unit development, urban development, the items that were suggested by drenner

earlier, the six or seven -- seuss excuse me, eight I am I'm only familiar with seven of them. Of those eight, seven of them had no zoned height changes added to those pud's. And all the seven that i knew had no -- had neighborhood support. The srcc is against this development. Bouldin creek is against this development. Zilker park is against this neighborhood -- this development. I don't see any particular benefit that this adds to the greater urban fabric. We all want a better city. We all want a more density. But it has to be responsibly done. And I've yet to see any benefit, despite what the applicant put forth today, any benefit that's being brought forth that is not reserved for the owners of the property. Thank you.

Mayor Leffingwell: Thank you. Sheryl ray? Welcome. You have three minutes.

Hello. I've never done this before. This is cool. Thank you for allowing everyone to come in and talk. I'm an artist and I don't live in this neighborhood that this is going to be blocking their view. I live a little bit east of there in travis heights. I think very visually, so i printed a picture from google earth of this actual neighborhood. And can I hand it to you and maybe you can pass one down? Okay.

Mayor Leffingwell: You might want to pull that mic down a little bit.

Okay. When I first heard about this project, I thought, well, there's big buildings on either side of this lot. What would it matter if you just put another one in and it would block some light to this neighborhood or whatever, but I decided i would drive over there and see what it was they could see from their neighborhood. And their neighborhood is hilly and in some places you can't see over the buildings that are there, but actually there is one street that goes right down to the back of this, and at the top of that you can see the very pretty lights of downtown. I went at night, and it was just beautiful. So as a homeowner in south austin, just a little east of there, you know, we bought in these neighborhoods that have very high taxes indeed to live there, because you can see downtown. And I know that a 60-foot building is going to block a lot of people's view, but a 96-foot building is going to block even more people's view. And it's just not fair. I mean, we live in south austin because it's beautiful and we want to see downtown. And this is -- he's right, whoever said they're going to -- now sandy's will be a 10-story building and then whataburger down there on the corner, that will be a 10-story building and it's not going to stop. And it's just sad. That's my comments on it.

Mayor Leffingwell: Thank you. Susan barton? And you also have three minutes.

Good afternoon. I think what was contemplated when the waterfront overlay ordinance was passed back in the '80's by about 80% I think of the voting austin population, what was contemplated was not a line of tall buildings along the southside of barton springs road. I think there's very little question about that. And as a native austinite, i would hate to see a sandy's hamburger and ice cream stand become a starbucks at the bottom floor of a tall building along the southside of barton springs road. So I'm really here not so much as a board member of save town lake or a local practicing civil engineer, but as a resident who feels like we can afford to take a stand and protect the very things that caused austin to be a place we want to live and that other people want to visit. So I very 'much oppose this applicant's pud and hope that you all will appreciate that. Thank you.

Mayor Leffingwell: Thank you. Roy whaley. Welcome. You have three minutes.

Howdy, y'all. My name is roy whaley, vice-chair of the austin sierra club. And I want to start out by acknowledging some of my environmental friends that are on the other side of this issue today. And we'll continue to work on other things. We have the same goals. We just disagree on how to get there sometimes. Also I would like to start by remarks out for 2011 regarding this project by saying quack, quack, quack. We all know the expression, if it walks like a duck, it talks like a duck, looks like a duck, it's probably a duck. Conversely if it doesn't do any of those things, it's probably not a duck. This probably isn't a pud. Okay. This is less than an acre. We've got some great examples here of how that's been done. The most significant one to me was the 208 barton springs pud, the fairfield, which was

slightly less than 10 acres. Not saying I approve of that project one way or the other. I can see how you make an adjustment for something like that. But when it's been over nine acres, I don't agree with that. To address a few of the things here, we hear about how this area needs restaurants. I'm sure that the folks down at Denny's, now known as the South Austin Grill, will be surprised to find out that they don't serve this area of the community. There are restaurants in this area. Great. They want to have a restaurant, wonderful. Like one of the previous speakers said, you can do that without the height addition. The main reason the Sierra Club is looking at just the way we are -- and I have to applaud the presentation of being able to talk about precedent without actually using the word precedent. I was very impressed by that. This does set a precedent. They are referencing the buildings along this area and the height that is there. To me the main thing about the precedent that will be set, as a previous speaker said, they will point at this and say, but you gave it to them. Well, in the waterfront overlay, and we are very in favor, like our friends that have spoken earlier, of trying to densify the inner city, of keeping development off of the aquifer. We don't always agree. We didn't have a full consensus vote on this at the Austin Sierra Club. Not everyone votes four-three on issues like y'all frequently do on WTP 4. Booyah, I got that in there. Told you I'd do it. [Buzzer sounds] anyway, it doesn't fit. We're going to find this at a level where it is very close to the waterfront, and it will be a point where they point at it and say, but you already gave it to so thank you. You've got to do the right thing, need two of you.

Mayor Leffingwell: Thank you. Those are all the folks we have signed up wishing to speak. Nancy McClain and David White are signed up also against, not wishing to speak. So now that brings us back to rebuttal from applicant, three minutes.

Thank you, Mayor. Let me mention a couple of things with regard to Mr. Jacks' argument. The site, as y'all would all know, the waterfront overlay is broken into 16 different subdistricts. Each of those subdistricts has a maximum height. The only places where you don't have a maximum height are in these locations. And that makes sense. They're downtown, they're near the dam. And in our case we're 1500 feet from the water's edge. So the reason they were included in the waterfront overlay had a lot to do with the other things that are in the waterfront overlay ordinance, not height. Jacks' argument is somewhat circular and it also makes sense if you believe that in this place that zoning is static. That since the beginning of the waterfront overlay that you cannot have a change in the base zoning category. That's not true here, that's not true anywhere in the waterfront overlay. It's not true in the city at all. So that argument makes no sense. I do think what you're really hearing again is process over this project. I would say again I think it's obvious from looking at the situation, you've got a planning commission situation here. You're not next to the 120-foot building, you're in between these two big buildings, and that doesn't occur elsewhere on Barton Springs Road. And again, directly across the street from the cultural entities. In using a PUD it's not something that necessarily is an easier thing to do. I would invite you to look at the breath of those PUD notes. Those are very restrictive notes and it requires a much higher quality project than can be built there today. That's the reality of using the PUD in this situation. The opportunity here again is to do something on a quality basis, something that fits that location, that peculiar location, something that is a great improvement over what could otherwise be built, something that's consistent with community values, something that assists a growing local business and something that doesn't have a detrimental impact on anyone. So I would encourage you to -- to think through is this the right answer? Is this the right fit? And I believe that your conclusion will be this is the best answer for all concerned and that this is what Austin needs at this location. Thank you.

Mayor Leffingwell: Thank you. Council, this is ready for first reading only. The ordinance is not ready. So we're open for discussion or a motion on item number 55. Councilmember Riley.

Riley: Mayor, I'll move approval on first reading.

Mayor Leffingwell: Councilmember Riley moves to approve -- close the public hearing and approve on first reading. Seconded by the Mayor pro tem. Discussion? Councilmember Spelman.

Spelman: I fear we're going to have to have discussion on this item one way or the other, so we may as well start here. guernsey or somebody else from the planning staff a couple of questions if I could. Without endorsing this particular idea, suppose i to build a 60-foot building and for whatever reason I wanted to build a 96-foot building. How could I go about -- drenner's client on this particular lot. What avenues are available for me to get authority to build a 96-foot building? How can I do it?

You could ask for a zoning change, which could be to a planned unit development, which is what is requested today. You could also ask for a planned development agreement, a pda. Usually it's mirrored or attached to another zoning category like ch, pda or li. Pda, that's another way. You could also ask -- go before the board of adjustment and ask for a variance from the standard, and that's something that's based on hardship that's unique to the property, not the individual, and it's usually not based on economic hardship, but something that's unique to the character of that property. Vegetation or configuration of the lot, that kind of thing. You could also go before the planning commission and ask the planning commission to consider a change to the ordinance or come before the city council as to change to the ordinance to allow city standards to be changed to A planning commission situation here. You're not next to the 120-foot building, you're in between these two big buildings, and that doesn't occur elsewhere on barton springs road. And again, directly across the street from the cultural entities. In using a pud it's not something that necessarily is an easier thing to do. I would invite to you look at the breath of those pud notes. Those are very restrictive notes and it requires a much higher quality project than can be built there today. That's the reality of using the pud in this situation. The opportunity here again is to do something on a quality basis, something that fits that location, that peculiar location, something that is a great improvement over what could otherwise be built, something that's consistent with community values, something that assists a growing local business and something that doesn't have a detrimental impact on anyone. So I would encourage you to -- to think through is this the right answer? Is this the right fit? And I believe that your conclusion will be this is the best answer for all concerned and that this is what austin needs at this location. Thank you.

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Spelman: So if I have cs zoning and I want to build a 96-foot building, I'm limited to 60 feet, but if I had a different zoning category, I could go up higher than that.

Yes.

Spelman: If I put in for a planned development agreement I could go higher. I could go to board of adjustment and get a waiver or I could put in a pud as he did in this case. Or I could put in a pud. And the city does have the legal authority to say yes on this pud, although it is not a standard pud in that at least in one respect it is less than 10 acres in size and it is not consistent with the neighborhood plan, which requires 60 feet as a maximum on barton springs road. Am I understanding you correctly?

That is not in conformance with the plan as it is adopted, but the form implementation is made by council as to whether it is or isn't.

Spelman: This is an aside, it's been bothering me. Had -- this is a hypothetical question, so if you want to duck the hypothetical, please feel free. Would the staff have felt differently about its support or lack of support for this project had the applicant also put in a movement to change the neighborhood plan to allow for a 96-foot building on this site?

That's a good question.

Spelman: I told you it was a hypothetical in advance.

And I'm not going to shy away from it. I think we would have to take a look at that in light of all the other conditions. And that was actually vetted with the agent for the owner prior to coming in they elected not to do that. So we would certainly look at it. I could not broach our recommendation just off the cuff on that because as a serious issue of amending a neighborhood plan and we would look at many things in making that determination.

Spelman: That was actually -- as I think I heard you say I guess it was a couple of -- almost a couple of hours ago. The reason you stated for not supporting this, I think the thing you mentioned was this is in violation of the neighborhood plan because it's going over that 60-foot.

That's correct. The plan is -- in writing is very clear on that point.

Spelman: Okay. Let me back up. If I wanted to get a 96-foot building for whatever reason, seeking a zoning change would get me -- if pa passed would give me the authority to build a 96-foot building, but it wouldn't get anything back from the citizens, just give me authority to get my 96-foot building. If I were to get a waiver from the board of adjustments, I would be able to get the authority to build a 96-foot building, presuming the waiver were -- the variance were accepted by the board of adjustment. But I wouldn't be required to give anything back or to do anything in exchange. Is that generally true or does the board of adjustment frequently do that?

When you're dealing with the board it doesn't stop them from dealing conditions or accepting an offer that may be made with regard to a variance, but it's an issue of maybe of hardship and whether or not the original variance should be granted to begin with, which is a much higher standard to meet.

Spelman: I was surprised to hear you talk about a pda in this context. Could tell me a little bit more about how that process would work. I want 96 feet and you're suggesting to me I use a pda.

Pda's have been used and council in the past has probably not endorsed them as much because most of the time the planned development agreements are historically been used for larger employers. You might find them with 3 m or motorola or freescale, those types of developments. And you're looking at

performance standards that speak to limiting the amount of dust or particulate matter, noise level vibration. Sometimes it would be allowed to change certain types of building standards in heights that have been used as a modification.

It sounds kind of pudlike though. You want 96 feet or some other variation from code and there's going to be a deal that we're going to be making here.

It could. Like I said, it's been historically used for different types of development. The old domain project when it was ibm, they had a pda on that property. Three m has a pda, their property on 2222. It's usually been reserved for larger employers. You've had requests to do pda just north of the university and that hasn't been met with welcoming arms, you m recall, for a one acre tract that was immediately north near the law school at dean keeton and red river.

Actually, it's just far enough from the l.b.j. School that if I have a really good arm day I can throw a rock and hit it. I know exactly what you're referring to.

And we had a very long zoning case that went along red river that involved a pda discussion as well. Red river near 35, time insurance company I think was the name of the case. And there was a lot of discussion about a pda on that property as well.

Spelman: But we don't do those very often except at the freescale level?

We haven't done them historically throughout the city. Most of the time because they have -- they're more designed to deal with a larger employer.

Spelman: Appreciate it. It seems to me that one of the things that ties all these cases together is that we have a developer or -- in this case we may as well call texas american resources developer [inaudible]. We have a developer that is asking for a variation from current code, but in exchange for the variation of the current code, which presumably will be of benefit to them, they are offering some benefit to the public in exchange, and that combination of benefit to them and in this case an increase in height, combined with what they're giving up is still on net going to be beneficial to the developer. The question for us is whether it's going to be of benefit for us. Given that we have pud's, that we have zoning changes, given that we have granted variances in a lot of different spaces and circumstances, it seems to me this is a variation of a common theme and something as available for a developer and they're willing to give something up in exchange, then it makes sense for us to consider that exchange and see whether or not that's going to be available for the public or not. If it's not available to the public, we can always say no, but there's really no harm in somebody making us the offer. And if there is presidential value associated with this particular case, the fact that we have especially bittered a 96-foot building on barton springs road, maybe somebody else will want to consider a 96-foot building on barton springs road, I don't see any harm in their considering that so long as they realize that we have the ability to say yes or no, depending upon whether or not we think that particular deal, ta particular building that, particular location is a good thing for the citizens of austin or not. And if we think this is a good idea for the citizens of austin, that doesn't necessarily set a precedent for what will happen when somebody else offers the next deal. Mayor, I think somebody needs to walk through the benefits of this deal and I'll volunteer to do this, but if somebody would like to volunteer to work with drenner on this subject in public, they should feel free.

Mayor Leffingwell: Maybe you should ask that in the form of a question?

Spelman: I was actually offering to let somebody else take the helm of this, but somebody needs to do it and I'll start.

Mayor Leffingwell: Mr. drenner or his designee. And while you're coming up, I'll just make a comment

that I understand the tack you're taking here. In zoning the rules are very strict about contract zoning as far as exchanges and asking for concessions. In the pud format you have a lot more flexibility and that's one advantage of the pud zoning. drenner, it's up to you.

Spelman: Mayor, I'm asking for no concessions drenner or his client. I'm only trying to get a sense for what kind of -- [inaudible] I can move pretty fast, but I want to make sure they're all on the table. You're suggesting that -- you're talking about an office with some retail uses on the first floor. A cafe in the back, a restaurant in the front. And pud notes that are going to eliminate automotive uses, rentals, repairs, washing. Storage uses and outdoor entertainment.

Yes, sir. Among others.

Spelman: In your pud notes that's a list of things which will not be built on this site in part in exchange for the variation in the height requirement that you're looking for.

Yes, sir.

Spelman: Let me nail that down. Is there any other requirement of the land development code other than the height requirement of 60 feet that you're asking for a variation from here?

The only thing has been the related compatibility height as well.

Spelman: Basically the compatibility issue as well as the standard height requirement.

Yes, sir.

Spelman: And with respect to the actual height of the building.

That's correct. And only for the compatibility only for a portion of the site where the taller part of the building is, not the lower portion of the parking garage.

Spelman: For a portion of the site you want to go to 96 feet, but you're offering some benefits in exchange.

Yes, sir.

Spelman: One of the benefits is we're nailing down that there will be some uses which are allowed by cs zoning, which will not be in this site.

Many of them.

Spelman: Tell me more about the floodplain volume that you're going to be taking account of. You're exceeding the minimum floodplain variance criteria. What does that mean?

There's a requirement with regard to how much volume we must hold on site and we're increasing that volume requirement by 25 percent.

Spelman: And that water that you have to be able to hold on site is that consistent with a 100 year flood, 25 year flood.

100 Year.

100.

100 Year flood.

You have to hold water for a 100 year flood and you will be able to hold water for longer than that?

More water, yes, sir. More water than the code would require for 100 year floodplain.

Given that the 100 year flood seems to happen every five or seven years around here, that seems to be a good idea.

In central texas, yes, sir.

Spelman: You are going to participate in the green building program, which you would have to do anyway if in now, but since you put it in four years ago, you didn't have to. You're offering to do that anyway. That's a good thing. You're using rain gardens, pervious pavers and rainwater harvesting. Can you tell me more about what that really means?

With regard to -- from a water quality standpoint, a couple of sort of innovative techniques that are being used to reduce the pollutant load so rain gardens where we have plantings near the building, impervious pavers, particular along that pedestrian easement on the side and rainwater harvesting off of the roof of the building.

Spelman: Where does the rainwater from your site wrks is that going to rain into? Is that going to drain directly into bouldin creek or into barton springs road?

It will -- gabe? It goes bouldin and then it goes -- it depose bouldin and then bouldin directly after being treated to required lady bird lake.

Spelman: One of the advantages is the water that goes into bouldin is cleaner than otherwise would be going into bouldin creek.

That's correct.

Spelman: You have an integrated pest management plan. I presume -- we're not talking about a golf course here, so it's probably not a huge deal. It's a good thing I presume to do. Not using invasive plants. Your planning four trees on the southern facade between the neighborhood and that multi-family lot on the southside and your garage.

That's correct.

Presumably to screen the garage?

Rievment and that's -- as the pud note reads, to be done in consult station with those -- consultation with the single-family neighbors that are one lot over beyond the multi-family lot, but to make sure if there is any area this is not adequately screened by existing vegetation or where the new buildings would be for the multi-family site that we can fill that gap with those trees.

Spelman: You're also talking about controlling that facade so that there are only -- it's going to be of

higher quality construction materials than usual?

Yes, sir. There are several notes that talk about the type of materials so as opposed to what's on the back of the adjoining buildings, much higher quality materials, but we've also agreed to make the back wall a solid wall rather than having gaps or bands from the parking garage. The parking garage next door would have solid open bays. What you get with that is noise and sometimes light pollution that comes from that. Ours will be a solid wall so the gaps that are necessary for ventilation will be on the eastern and western edges rather than the southern edge so we should do a far better job of controlling that light pollution as well as noise.

Spelman: Okay. So you won't even -- you won't be forced to realize that there's a parking garage on the other side of the wall. And the wall will look better than the walls that people are used to seeing parking garage walls look.

Yes, sir.

Spelman: With trees in front. Let's see. The public access easement for -- between Barton Springs Road and the creek itself is something which has become controversial. I won't you could talk for a moment why there's too much a benefit to the citizens.

Sure. Amanda, would you pull up that green space? The East Bouldin Creek makes a turn right behind our site. It's headed in a northerly direction right behind our site. Takes a hard turn to the east. And a lot of people today in dry conditions, and that's the majority of the time in that creek, use that creek as a pathway to get to and from the parkland. They cross our site today. The thought was that we would -- instead of just allowing that to happen that we would formalize the opportunity so that along our eastern edge we built some steps up out of the creek. That we have this pedestrian easement way. That we have active uses that look toward that and we create an accessway to sort of allow people to keep doing what they're doing today, but also in the future if the city does with this creek like they have in so many places buys parkland, creates trails, that we have allowed then this critical connection to get from the creek to Barton Springs Road and to the parkland to the north. So it may not be as important today to some others who are not using that, but if the city does choose to expand the parkland acquisition on East Bouldin Creek as they have on West Bouldin Creek, then we've provided that access way in perpetuity.

Spelman: Gotcha. Let me also mention that if one's concern is that this is providing access to East Bouldin Creek to homeless people to go camping and inhabit the place, the best way to control the ill effects of people inhabiting a place is to have a lot of other users who are not homeless people and by making it possible for more of us to use that creek, we're making it less likely, not more likely that that creek will be used by homeless people. You were talking about a 20% open space. That would be a requirement of the current P.U.D. Ordinance. You're in the bound by it because you put your P.U.D. In before that, but you will have 20% open space. You're contributing \$225,000 to the Austin Parks Foundation. I didn't -- I neglected to look at the PUD note on this one. Is that solely for the purpose of retrofitting the public fountains or is that just a donation to the Parks Foundation for them to use however they like?

The suggestion had been from them that that's the way that they would like to use it. We're fine making it whatever they think that they would like to do in the Butler Park area. Whether that's playscapes or sun shades, the fountain is the item that they said was their most pressing problem to solve.

Given the number of people who use that fountain and enjoy it, I can see why that would be their highest priority. You're going to be providing public art, even though you're in a public place in the government sense. You're providing rent-free space for a nonprofit organization. Do you have a sense for who that would be?

No, sir. But we constantly hear that there is a need and we think we have the perfect location along that pedestrian accessway to provide it.

Spelman: Okay. That would be a thousand feet rent-free for a nonprofit.

Correct.

Spelman: I can think of a bunch of people that would be applying to your client on that. You're providing a space below market for a local business. That's for the retail or restaurant. Is that in the front or the back?

It could be either.

Spelman: It's not the public notes --

it has to be.

\$25,000 To the public or parks police. It's just a cash transfer.

Yes, sir.

Spelman: Okay. Overflow parking, you're not providing the overflow parking free for people using the Palmer Center or the Long Center, but you are going to be able to make your parking lot available.

Yes, sir. And it's required to be at a market rate. So we're going to -- we'll have an attendant and so forth so we're basically trying to at least recoup our costs in terms of having attendance on the weekend and nights on those types of events.

Spelman: The public benefit would be presumably for parking spaces for uses and get more people who would otherwise be parking in the Bouldin neighborhood off the neighborhood streets.

That's correct.

Spelman: You're encouraging bicycling commuting with showers and I've been told this is a private benefit. It seems to me this is a public benefit in the sense that we would be getting more cars off the street and more bicycles on the street. That's fewer cars ahead of us on Barton Springs Road and I-35 and better air quality.

I think all of that, plus we're required to have that secured by parking available during the weekend and cultural events just as we're doing with the vehicular spaces. So I think definitely a public benefit.

Spelman: Okay. You have a bunch of issues on building design. Some of which I don't fully understand. And rather than get into all these details and continuing to bore to tears everyone who is not here for this particular item, let me just add -- knowing my comrade in arms next door, let me ask you just the screening question. You say you will be exceeding the minimum points for building design by providing 10 points instead of one point. Help us who are not builders understand what that means. Is it 10 point buildings as opposed to a one point building.

The commercial design standards, this is a -- the requirement in the new ordinance is that you exceed the minimum points. We do it at a pretty high level. , At a significant amount. The design standards are set up in a way that some things are absolute requirements and some things you have a menu of choices and have you to accumulate enough of those to hit a certain minimum point level. Not unlike

programs that you have things you must do and then a menu of choices beyond that.

More like our pud programs. You have to do some things and other things you pick from the list of choices.

Yes.

You will be picking more from that list of choices than you might otherwise have to.

That's right.

Spelman: And you'll be providing better than usual accessibility for people with disabilities. Somehow defined. I must point out here that you're going to ensure that no slope within the p.u.d. Exceeds one units rise and 12 units run when it's a flat slope. It's easy to do that. And that 75% of the grand floor frontage will contain a pedestrian oriented use. That's the restaurant, rather than simply the office space that your next door neighbors currently have.

That's correct.

Spelman: It seems to me there are some private this list, but there are some in this list and it's not unreasonable for us to expect it's not a bad deal for the city of austin. I think it's a good deal for the city of austin to exchange this list of benefits for 36 more feet n this particular building at this particular location. I do not feel I need to say anything about what a different building of 96 feet or a different building of 61 feet or a different building of any particular height would be in any other location or at any time. That's not before us right now. If somebody wants to put in a pud and ask us to consider that, I think it's our job to consider it. That's not before us now. I don't think there's a precedent particularly set by this case. I think the key question before us, the question that's always before us in cases like this, is this particular deal good for the citizens of austin or not. And it seems to me that the list of benefits that drenner and his client are proposing is a reasonable exchange for 36 more feet at this particular site, at this particular time.

Mayor Leffingwell: Motion on the table to approve the pud on first reading only. Councilmember riley.

Riley: I would like to say a few words about why i made the motion to approve this. It was not done lightly. I did look carefully at this case and went through all the benefits that councilmember spelman just walked through. It's a matter of great interest obviously. The community has a tremendous amount at stake in this whole area. The south shore has presented chalings for many years that -- challenges for many years that we've all recognized. It is a tremendous community asset. We have the premier cultural facilities over there. We have one of the premier urban parks. There's a lot going on and yet we've struggled for years to achieve a higher quality of design there. That has been a concern from teement from even before the waterfront overlay was adopted. As you look back at the 1985 town lake corridor study, you will see a concern expressed about the quality of design in the area, how it's not particularly a high level quality. It wasn't at that time. And that study urged that we do what we can to ensure that we get a higher quality in the future. In fact, the policy, if you look on page 22, you will 05 focused land use guidance on the quality of urban design rather than floor to area ratios and height controls. Yes, height controls and floor to area ratios are important, but the real overriding concern is getting al high level of design and we have struggled with that. A lot of that struggle has to do with the inherent nature of zoning. Zoning is a clumsy tool. It outlines the general box within which you can carry out a particular use. And that doesn't really do much to ensure a high quality of design. The communities across the country recognize that. Ever since the first zoning ordinance was pass understand new york city in 1916, people recognize that had really it achieved some things in terms of separation of uses, but it didn't do much to ensure that you get a high quality product. So it was not long after that, actually it was 33 years after that, in 1949, in prince georges county, maryland that the first ordinance came along and it was embraced by communities around the country because what it offered

was a way to ensure a higher quality of design. And when the opportunity arose, where you actually had a developer who is willing to agree to things, that things that we couldn't dictate as a matter of controlling the site, and putting in land use controls in advance, but if a developer was willing to negotiate and agree to do more specific things, to ensure a higher level of quality, then what p.u.d. Allows you to do is to lock those things in place to make sure that you will get that higher quality of design. That's why pud's became embraced across the country. This is not a crazy austin thing. This was a tool that was developed in order to promote a higher quality of design. And it is a painful process. We all know it's been a painful discussion. It's taken a lot of time and energy. It imposes time on staff as well as the community and the developer. It's not something you want to do on every case. Generally it's something we do on larger sites.

so that's why this is something that we really need to consider. It's an opportunity to reach the long-standing community goals that we have had for this area, which all relate to a higher quality of design. So when I look at the particular things that are proposed within this -- the 61 pud notes, I see -- it's a pretty impressive list. And I'm not going to walk through it. Doug, again, I appreciate my colleagues doing that already. I'll tell you, the things that are especially significant to me are those that are going -- are going to lead to a more active pedestrian environment. That means having an active pedestrian -- havin a wide sidewalk, having a canopy, a shaded canopy over the sidewalk, which is actually required in the pud notes. The cafe in the back and the easement from the front to the back. I was a little surprised to hear some of the neighborhood reaction and questions raised about why people would want to have access to that creek. There is an apartment complex there that would have perfectly illegal access, but beyond that the west bouldin creek -- over the years has been considered a jewel of that neighborhood. I have participated with the neighborhood in clean-ups of that creek, going all the way over to south 1st street. That is a jewel of the neighborhood, just as the nearby west bouldin creek is a jewel of blunn creek, over to the east is a jewel -- as you go further east we've got country club creek. Every major creek we've got along there we are struggling to do what we can to promote pedestrian access, even where we haven't had it in the past, and the people -- the folks over in country club creek know this well. That has been a struggle to work with property owners and do what we can to secure easements along country club creek and other creeks in the city. My hope would be that we would continue similar efforts like that with respect to this creek so that we would promote -- have additional access back there because it really is a neat place. And in the meantime there will be pedestrian activity at least from the street to the cafe and back and then you'll have just a better environment for everyone visiting this very special area, and as a result of high-quality development like that it will be an even more special area than it is today. Yes, it's true that some level of quality would be possible with a 60-foot building, but there's nothing about our zoning requirements that guarantees that you would ever actually get that. If you reject this -- there are a lot of things that you could do that would not be something that we would all be proud of. You could easily do -- put in storage units here or a garage or all kinds of things that would really not inspire a lot of community pride, would not make it a pleasant place to walk around. I think that as you look at the spirit of the waterfront overlay and the language in the corridor study that gave raise that to waterfront overlay, what you see is an aspiration to achieve something better, a very special place, and we're not going to get there -- we're unlikely to get there what just traditional zoning controls because they just don't do it. They are clumsy tools and through a process of reengagement that the pud ordinance allows, we can secure protections to ensure that we will actually have a higher quality development. I really appreciate the efforts of the architect in this case to get to that. I'm very impressed with the 61 notes that I see there. My hope is that we would actually have a little more engagement, and I would ask -- we do have design professionals who are -- who are very interested in this sort of thing, and I would ask -- if I could, I made my own motion, friendly to -- I would ask that this case go before the design commission at its next meeting, which is -- I think it's on the fourth monday. It's before our next meeting, so we could get the design commission's input so there would still be opportunity to make additional adjustments to those pud notes before the next meeting. And to ensure that this really is a very high-quality urban design and we will have the additional efforts of the design committee toward that end. So with that I will just finish and again move that we approve this with the -- with the additional note that -- request that the case go before the design commission at its next meeting.

Council member morrison. thank you, mayor. You know, I've been listening to my colleagues here and also to all the testimony, and certainly we got hundreds of emails about this. I want to particularly reference some of the positives that the folks spoke about today in terms of that we heard from not the applicant but the other folks, in terms of the parking being particularly important, supporting an existing business, and it's great that for a business that's been around austin for a long time to be moving into central austin in a permanent way. Certainly to add more vibrancy to the cultural area and a cultural loop that was mentioned, and also in terms of future vision for having transit in this area and for having the city of austin and the central city as well as the outlying areas eventually long-term being able to be served by transit. The concern that I have, though, is I believe that all of those -- looking at it in those -- in that way it's a false choice. I believe we can have all of those things, even if we don't have this pud, so we need to look very carefully about -- at what the opposition is, what is the concern that's being raised, because, you know, especially having been through so much planning, when I think specifically about transit and how we were planning to support transit in this town. You know, we spent a couple of years or more, and a lot of people spent hundreds if not thousands of hours looking at core transit corridors and how we can actually support transit by putting in density without having to violate compatibility and go higher, because there are ways to do that. We don't have to just build anything anywhere to be able to accommodate transit. So I think that there's a special flag here in that there is a recommendation to deny from staff and there's a recommendation to deny from the planning commission. The staff recommendation i guernsey spoke about neighborhood planning in particular, but the staff comments are very specific, that this is not an appropriate place for a pud. In fact, it's my understanding, not that -- not that it's not an appropriate place for a pud. It's not an appropriate use of the pud district. It's my understanding that this would be the first time that we've ever used a pud for a single building, so it's really, to me, a change in scene pretty significantly. I know that with regard to the neighborhood plan, yes, I think that there has to be a lot of frustration on the part of folks who have spent the thousands of hours on the neighborhood plan, and it may or may not be a formality, a technicality. We can argue about whether or not this should be, quote, a neighborhood plan amendment, but the fact of the matter is it's not what the long-term vision for barton springs is, and i know there are some fabulous experiences, the bouldin creek neighborhood association had in terms of working on neighborhood plan amendments and working on making adjustments when they were approached with proposals, and I think that that's the appropriate way to go so that we can make sure that not only that we can be focused on good design and serving the public but also making sure that it's something that fits in with the long-term vision for the area. So I guess I'll just end with that. It's not something that i can support, and I do think that -- I'm very concerned. What I'm hearing today is, heck, if we have this good design, if it looks like we're going to be adding some square footage, let's go ahead and put 96 feet or whatever all along barton springs road. That's not the way to do planning. I don't blame people for getting frustrated when we approach things like this. [Applause] further comment? Motion on the table to approve the item on first reading only with additional direction to brief the design commission prior to the next meeting. All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-1 with councilwoman morrison voting no. Before we go to our next zoning case, I had a request 00 public hearing item, specifically item 68, a request -- if there's no objection from council, there has been a request to postpone by the applicant for 30 days, so if there's no objection we'll take that out of order and entertain a motion to postpone item 68 until february 10.

[Inaudible] move by the mayor pro tem to postpone till february 10. Is there a second? Second by council member spelman. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Discussion? Passes on a vote of 7-0. Now we'll go back to 56. we also have a 69, camille perry, who's appealing an outdoor music permit. Irie bean at 2010 south lamar has met with

rafael robinso business owner of that establishment, they agreed to a two-week postponement to the 27th. They'd like to discuss a little further before the appeal is presented. So if you would indulge that, then -- entert entert ain a motion to postpone 69 until january 27 mayor pro tem.

It's connected with item 70 so will we postpone that?

Item 70 has been postponed.

Mayor pro tem proposes to postpone item 69 until january 29th. Is there a second? Second by morrison. All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0, and we will note that item 70 has been withdrawn as of now. So now I guess we're ready to go back. thank you, mayor and council. That brings us back to 56 and 57 on your agenda. I'd like to present both of these. These are related items dealing with the roy guerrero colorado river park. 56 is case 01, for property located within the east riverside/oltorf combined neighborhood planning area located at 700 grove boulevard. This is an amendment to change the future land use map from mixed use office to recreation open space. The related zoning case is the next item, item no. 57. This is case c14-2010-0131, again for 700 grove boulevard, to change the zoning on the property from general office mixed use conditional overlay neighborhood plan or go-mu-co mp combined district zoning to public neighborhood plan or p and p combined district zoning. The planning commission, just to update your backup material, voted 8-0 to approve the change to the future land use map to recreation office use. They also -- w they made that recommendation, requested that the council only take first reading action this evening and that this item be placed on the urban forestry board. Since this is a city of austin application, city of austin parks department is the operator of this property, they've agreed to do that, and this is being placed on the january 19, 2011 urban forestry board meeting. They also recommended a zoning change request to the p-np zoning district. The property is approximately 28 acres in size, and as I mentioned before, the city of august is the owner and the a in this case on behalf of the parks department. It's recommended to you by the commission and the staff. A little bit of background. This property was purchased -- just one second, mr. guernsey. Without objection we're having a discussion and the public hearing on 56 and 57 together. Okay. Go ahead. thank you mayor and council. This purchase would bond money from the 2006 bond package 20 million for the pch of park lond that was used throughout the -- purchase of parkland used throughout the city. It's not uncommon for city of austin land to be zoned p public. We've done this, I think, by actions taken place by council dating back to the LATE 1980s. In this particular case the future land use map being shown as recreational open space is appropriate for park use. The plan or the zoning contemplates a particular use of the property, and you may hear some comments this afternoon about some activities it may incur, but the zoning and the neighborhood plan amendment does not designate a particular use of the city property. I think -- I'll just talk a little bit about what's wrong this. To the north of the property is p public and sports complex and some undeveloped land, some ball fields, to be more specific. To the south is acc community college go tract. To the east is some undeveloped land zoned public, and some single-family uses in a single-family neighborhood zoned s 3 np. To the west is lo-mu and go-mu and undeveloped properties. So with that I'll paw. If you have any questions. I'll introduce the representative, I think ricardo soliz is here from the parks department if you would like to ask questions about the park operation on this property. Questi questi ons for staff? We do have a number of folks signed up to speak on this item. We'll go directly to our public hearing. And the first speaker signed up in favor is gordon maxim kelly. Welcome. You have three minutes.

Thank you, mayor, mayor pro tem and council. And I'll try not to repeat anything I said earlier today. Guadalupe golf club would like to support this zoning change. Parkland is very important to the city. It's very important to us. As I started to say earlier, more golf courses are needed through the city. A proposed golf course here would have been a complement to the existing courses and with the

removing of peas park park it's more important that this and other courses be developed quickly. This golf was not the soul cause or the main cause of the restoration work needed peas park nor for the destruction of trees. The trees that have been highlighted as part of this land, absolutely beautiful out there, they will not be removed or destroyed through the installation of this golf course. We do not bank disks off trees. This is not billiards. We need and want trees both as features for the course and for their aesthetic qualities, and again, this is a beautiful piece of land. We feel that a park designation for it is perfect. Regarding the disk golf course, the entire course is designed to be sustainable, not destructible. We've done a good job in doing a couple other courses already, circle c is another example. At this new course we have the advantage of starting from scratch and building it right. The disk golf community will be involved in making this course, such as mary moore seewright, the partnership that was done between the city, and the austin parks foundation. I urge you to support the rezoning of this land towards parkland and the further development of recreational activities and amenities for east austin. Thank you very much. thank you. Also signed up in favor not wishing to speak is lorri rentrea. Now we go to those -- there's no one signed newspaper opposition. There's a number of people signed up neutral. First is pam thompson. Welcome, pam. You have three minutes.

Thank you, mayor. I really would like for you to follow the planning commission's suggestion, if you would, and hear this on first reading. I'd like to point out that eroc is the neighborhood plan amendment that was asked to make the -- to weigh in on this particular area, and there was no mention of support for the disk golf because the members of the eroc contact team felt that the issue needed to be studied further. We're asking that you delay this -- all three readings and give it time to be reviewed by the boards and commissions. We're hoping the design commission has put it on their agenda as well as urban forestry, and I'd like for you to realize -- I know that some of you have visited this site. It is unique, and it has significant environmental features such as heritage trees, two at 58 inches in excess, a spring that flows year-round even in drought, wetlands, two creeks that meet, many and diverse animals and plants that are distinctive at this site. And before we do anything to damage it, at this point we would have -- we would be able to make a wildlife corridor that goes all the way across the colorado river to where the preserve is across the river at that place. So I really think that we need to think about the use of this, and as you can see the disk offers are counting on using this as a disk golf site. I'd like to remind you that almost \$4 million was spent on this 28 acres and now it is going to be considered to be used for a single purpose, which is disk golf. That is an enormous sum of money considering right down the way the montopolis youth complex didn't have -- it's not finished and there are many things there that we could do with money. If you have 150,000 or \$250,000, which is what park has told us it will cost for the disk golf, we really wish that you would finish the things that you promised to do in the montopolis youth sport complex. And so one other thing that I'd like to point out is that this is adjacent to the montopolis neighborhood, and for some reason the montopolis youth sports complex is in eroc's planning area, which makes no sense to anyone, and we wish that this would be considered as well. Our neighborhood was not allowed to comment, only as individuals, and we did vote, and I hope -- I was told that you would get a whole lot of backup material that wasn't included in the packet and we were not aware of this until tuesday night at the planning commission. Thank you. thank you. Pam, a couple of comments. First of all, it's only ready for first reading, so that's all -- and the second is, and correct me if I'm wrong, but the zoning and the use as a disk golf course are two separate things. The fact that it's zoned p public does not necessarily mean there will be a golf course. That's just one possible use. So that's really a separate argument.

Well, we -- I'm sorry to bother you at this time, but we have been told by staff, pard staff, repeatedly that as soon as the zoning changed, that they are going to start building the disk golf course without further review and that they intended to have it finished by early spring. So that's why we're here with our concerns, and i really appreciate you hearing us. And I hope that you'll require further review. i understand. I was just getting technical on you there.

Well, thank you. I'm sure glad to hear you say that, because that's what we've been worried about. all right. Thank you. Council member morrison. I'd like to ask mr. guernsey a question. Is it correct that a disk golf course will require a use permit if this is zoned p?

I don't know the exact site of the golf course but I know it's over an acre. And so if it's over an acre it would require a conditional use permit site plan. That site plan is reviewed by the planning commission, and it's appealable to the city council, so whether it's -- p public planning can be used for many things but if it's over an acre it triggers a conditional use permit. so, in fact, if we zone it p, then there is another public step that people will be able to weigh in and the planning commission makes the decision but the decision is appealable to council. So it's -- -- so it's not quite correct to say once you do p zoning you can just go build a golf course. That's not correct? yeah, so the application for the special use permit would be the first direct step towards disk golf. So the next speaker is stefan ray. Also signed up neutral.

When I was on december 15 and spoke at citizens communication, council member morrison asked the pard staff some questions, similar to what we're talking about now, will council have an opportunity to come back and address this and approve any subsequent plans that come forward. Also, at the comprehensive planning and transportation committee meeting on monday afternoon, council members riley, morrison and cole were also talking to pard staff about this and more so generally about the relationship between neighborhood planning and park planning. I believe one of the questions from council member morrison to ricardo soliz was has there been any council action relevant or related to what's going on in guerrero park, and he said not within the last ten years, meaning that the 2000 park action plan that was approved by the parks board, never went to council and the 2003 schematic master plan never went to council. So that's why this question what council can or cannot do has risen. But if you go back farther, if you go back to the town lake comprehensive plan, and if you look at ordinance 890126 p, you will see a lot of references to a colorado park in that town lake plan, and you will see that there were specific areas designated as community park, neighborhood park, et cetera, and you will also see that the 28 acres that's new land that will now be dedicated parkland, is outside of the geographic scope and many of the -- like any of the designated land that has a set purpose, and it says that uncategorized dedicated parkland can only be used for bicycle trails, walking trails, park maintenance, pervious park cover and something else. So based on the town lake plan you can't put a disk golf course in there, and the only way to change that is for there to be an amendment of the town lake park -- the comprehensive town lake plan. So -- which requires going before the parks board, the waterfront board and various other commissions. So in addition to having this matter before these various commissions that's been suggested, we also need to go back to the -- some of the original ordinances that were set up to establish colorado river parks, which guerrero park. So you have your ammunition now as far as council being able to review this, because before they can start anything else, right now the way I read that -- you should get the lawyers to look at it too, but the way I read that you can't do anything but bicycle trails, walking trails, general park maintenance on that 28 acres because it's new and it's outside of the scope of what was in the town lake park plan. thank you.

Okay. next speaker is suzanna almanza, also signed up neutral.

Good afternoon, mayor and city council members. I'm suzanna almanza, the plan contact team member. First, I'd like to thank you, mayor, for supporting keeping our urban schools open and for also taking the stand to keep eافت austin schools and all schools open. And I'd like to get the support of all the council members on keeping the schools open. Now, to move to the case, i know that this is a zoning case, but it's really a lot more than that, because this -- this zoning has been in place for three years, and the only reason that it's come forward is because the peas park disk golf course is closed now and they needed to find another place, and that other place, of course they chose the 28 acres adjacent to the roy guerrero park, not only the 28 acres, but also wanting to take seven additional acres that belonged to the roy guerrero park, and we think that this is an injustice. As pam talked earlier, the montopolis neighborhood, the center is at 1200 montopolis drive, but the montopolis little league complex is actually in guerrero park, so our montopolis complex that was passed by the bond to support the montopolis little league actually is built in the roy guerrero park, yet when they drew the lines somehow we're not supposed to have a line going all the way down to the roy guerrero park. Somehow they have us going up on the hill, which we intend to fix that and bring boundary changes to you later. So that's why we're here, is because we don't want this golf coming to the roy guerrero park. It's not that we're against this golf. You know, we are not against it. Let me make that clear, but we don't want it at the roy guerrero park and we don't want it at the 28 acres, and we're willing to work with the disk golf

association to find another location, because when you visit this particular area, you'll see why, and I urge all of you to come, and we're more than willing to give you all a tour. It's because you see the wetlands, you see the springs, you'll see the foxes, the birds, the deer, the wildlife, the beautiful trees that are out there, the plants, and when you see that you'll know why -- why would we want to harm this, destroy, and this place all the wildlife that calls this place their home so that people can play disk golf. I've gone to all the disk golf courses and there's not a long line of people waiting. I don't know why they keep saying there's not enough places, because there is, and there's never -- I've gone to so many where there's soccer, baseball, football, basketball. There's a lot of people, and there's a lot of people on the court, but I have yet to see a disk golf that's got masses of people waiting to get in. So that really kind of -- i don't understand it, and we keep going at different times to see who's playing because it's not -- you know, it's a college-age sport. But I ask you to may the 28 acres -- the roy guerrero the 28 acres of preserve. Thank you. thank you. Daniel yannes, also signed up neutral with three minutes.

Thank you, mayor and council. I also want to thank you, mayor, for standing up for our schools, very, very important. I appreciate it very much. A little bit of history about roy guerrero park. It is unique, as I said before in citizens communication a month or two Almanza, the plan contact team member. First, I'd like to thank you, mayor, for supporting keeping our urban schools open and for also taking the stand to keep eaft austin schools and all schools open. And I'd like to get the support of all the council members on keeping the schools open. Now, to move to the case, i know that this is a zoning case, but it's really a lot more than that, because this -- this zoning has been in place for three years, and the only reason that it's come forward is because the peas park disk golf course is closed now and they needed to find another place, and that other place, of course they chose the 28 acres adjacent to the roy guerrero park, not only the 28 acres, but also wanting to take seven additional acres that belonged to the roy guerrero park, and we think that this is an injustice. As pam talked earlier, the montopolis neighborhood, the center is at 1200 montopolis drive, but the montopolis little league complex is actually in guerrero park, so our montopolis complex that was passed by the bond to support the montopolis little league actually is built in the roy guerrero park, yet when they drew the lines somehow we're not supposed to have a line going all the way down to the roy guerrero park. Somehow they have us going up on the hill, which we intend to fix that and bring boundary changes to you later. So that's why we're here, is because we don't want this golf coming to the roy guerrero park. It's not that we're against this golf. You know, we are not against it. Let me make that clear, but we don't want it at the roy guerrero park and we don't want it at the 28 acres, and we're willing to work with the disk golf association to find another location, because when you visit this particular area, you'll see why, and I urge all of you to come, and we're more than willing to give you all a tour. It's because you see the wetlands, you see the springs, you'll see the foxes, the birds, the deer, the wildlife, the beautiful trees that are out there, the plants, and when you see that you'll know why -- why would we want to harm this, destroy, and this place all the wildlife that calls this place their home so that people can play disk golf. I've gone to all the disk golf courses and there's not a long line of people waiting. I don't know why they keep saying there's not enough places, because there is, and there's never -- I've gone to so many where there's soccer, baseball, football, basketball. There's a lot of people, and there's a lot of people on the court, but I have yet to see a disk golf that's got masses of people waiting to get in. So that really kind of -- i don't understand it, and we keep going at different times to see who's playing because it's not -- you know, it's a college-age sport. But I ask you to may the 28 acres -- the roy guerrero the 28 acres of preserve. Thank you. thank you. Daniel yannes, also signed up neutral with three minutes.

Thank you, mayor and council. I also want to thank you, mayor, for standing up for our schools, very, very important. I appreciate it very much. A little bit of history about roy guerrero park. It is unique, as I said before in citizens communication a month or two ago, that it is unique to the park system. It is designed to have equal standing of the wildlife as well as people. We look for minimal development in the park. I live across the river from roy guerrero park. I also chaired the govalle johnson terrace planning team. Our plan was adopted in 2000. Before montopolis and before eroc, and at that time we considered colorado river park part of our neighborhood plan. Between the year 2003 and now somehow it got rank he would around to now -- rankled around to now it belongs to eroc. Very odd. The loss time at citizens communication one of you asked the assistant park director if the change of the -- if the disk golf course had anything to do with the zoning change, and she said no. So you see that that

was actually not true, and that all this is related, like the people before me have said. So I also am -- well, since now you're doing this and you're making this change, I appreciate the parks department for adding this to the rest of Colorado River Park, and I too am in agreement that it should be a preserve. And so as we go forward that's what it should be, and like Suzanna said, we are already talking to the disk golfers to hopefully find a better location for them, and I think that all of us together can find a win-win situation, but only if city staff and the city bureaucracy are up front and quit doing things behind the scenes. Thank you very much. Thank you.

Oh, and council member Morrison, I really appreciate you standing with the people, with the central city in your last vote. Thank you. Next speaker is Roy Whaling, also neutral with three minutes.

Howdy again, you-all. Roy Whaling, Austin Sierra Club, signed in as neutral but in favor of the zoning change. We do want to see the change to the park. Neutral inasmuch as the youth, specifically the disk golf. Sierra Club -- Austin Sierra Club is a members-driven organization. We've got members on both sides of this. So what I am here to talk about is an ongoing issue for the Sierra Club and should be for all of Austin, and that's care for our trees, preservation of our trees. You've got -- I've been hanging out -- Danielle lives on the other side of the river from this. I live on the other side of town from this, in north central Austin, but I've been biking over there and hanging out for years. It's a beautiful piece of land. And it -- we were on a tour recently. Someone was saying, I'm not even sure that there's any wildlife to preserve over here, and all of a sudden a fox jumped out of a tree and took off for the wetlands down by the creek, and, well, there was one vote in favor of it being a preserve, I'm sure. It's a wonderful place. It really is a beautiful place, and it's full of heritage oaks over there, heritage oaks and other heritage-size trees. Want to make sure that those are taken into consideration. The reason Pease has had to be shut down is because of compaction. I know they're talking about a whole different design, but I don't know who is going to be responsible if there is a violation to the heritage tree code here in Austin. Is the city guarantee to fine itself? Is it going to fine the parks department or will we be able to deal with the contractor and say, we will be able to have you -- we're going to hold a bond amount back in case there is any damage so it's not a matter of them coming back and saying, whoops, we're sorry. What can we do now? But to give them added incentive to make sure that these trees are taken into consideration and preserved, if indeed that is the way that it goes. We're not advocating anything one way or the other, just that extreme caution be taken. One thing I can point out in regards to that is at the existing facility where they are now cutting things open for facilities and parking over there, they have cut around certain trees, giving islands in the parking area. They've cut right through roots. They've preserved -- what I was told by an arborist was a cottonwood tree, which is a big, tall beautiful tree, with one live branch on it. They cut around a stand of China berry trees just in case the folks downriver don't have enough China berries growing in Bastrop, all of those will wash down there and start growing along that. That's just a big giant weed. So let's sit down and make sure that this is done properly. Thank you very much for your time. Happy 2011, you-all. Thank you, Roy. [Applause] Okay. So we have Zack Tolbert also signed up neutral, not wishing to speak. Those are all the speakers that we have signed up on items 56 and 57, and now we will act on them separately. I'll entertain a motion on item no. 56. Council member Morrison. I'd like to move the planning commission recommendation. Okay, which includes the urban question. Right, although I guess I'm not sure which -- which of 56 or 57 have the urban forestry. Do they both?

Yeah, we'll take them both. We already have an appointment there for next week.

Morrison: Okay. So council member Morrison moves to close the public hearing, approve on first reading only item no. 56. Is there a second? Mayor pro tem. Discussion? Council member Morrison? I did want to comment. I know that this has been a difficult issue, and I'm really pleased to hear -- I know that other folks may have been trying to work on this also, but I'm really pleased to hear that some of the neighbors are working with the disk golfers to explore alternatives. I know that that was a question to park staff about what alternatives had been explored, and I think that pays -- we should pay some due to that. I also want to mention that -- to refer back to Stefan's comment about the conversation we had at our comprehensive plan and transportation subcommittee meeting. One of the things that became clear there was that the council is involved in the long-range plan and some big plans, just sort of generally

stepping away from this issue, and then we don't really see anything that -- you know, more detail planning is done. After planning people decide what's going to happen where in the parks land, and we don't see anything until we have to approve a contract for actually construction. And it seems that's an awfully big gap and as the folks up -- the elected officials who are accountable to the citizens, it seems that we should look for, perhaps, a little more involvement at some point. Obviously we don't want to be talking about what -- where each swing set is going to be and all that. I did have an opportunity to talk with one staff member that had some ideas of how we might be able to put into place another policy that could help us deal with this better. So I'm looking forward to doing some work with staff and my colleagues on that. But I do think p zoning is right for this piece of property. I'm glad that it's going to go to urban forestry board, and there's more to come with regard to this goal. further discussion? All in favor of the motion say aye.

Aye.

Mayor leffingwell: aye. Opposed say no? Passes on a vote of 7-0. And I'll entertain a motion 57, which is the zoning case. Council member morrison moves to close the public hearing and approve on first reading only. Second by the mayor pro tem. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Okay. So now we get into the neighborhood plan? yes, mayor and council. Our next item -- let me just -- before you begin, if you're here waiting for -- we have a number of zoning cases to go. If you're here waiting on the ahfc item, we'll definitely not get to that before 6:30 tonight. Be fortunate to get to it that soon. Mr. guernsey, go ahead. thank you, mayor and council. 60 -- 59, 60 and 61 are related items. They deal with the heritage hills and windsor hills combined neighborhood plans, and I'm proud to introduce katherine fox and greg dutton from my office that will present to you the plans and the related plan rezoning items this evening. I always have zoning staff here in support of these. And I hope this will be a very short neighborhood plan and plan rezoning, probably one of the more shorter ones in your memory. As far as our motion sheet is concerned. So we want to start that off on a good note. long memory. I'll turn this over to katherine fox and then greg dutton follows.

And I assure you this will be short. Good afternoon -- or it's good evening now. Good evening, mayor and city council. We are ready for all three readings of the heritage hills/windsor hills neighborhood plan and associated rezoning cases this evening, and all three cases will be combined together as one. I'm here tonight with my planning teammates, greg dutton and joi harden. We are here to present the heritage hills/windsor hills combined neighborhood plan and associated rezonings on tonight's agenda, specifically, that is np-2010-0028, the heritage hills/windsor hills combined neighborhood plan, cv-2010-0161, heritage hills combining district, and finally cf-2010-0161, windsor hills neighborhood combining district. More specifically we will provide a brief overview of the planning area, including its boundaries and current demographic and social trends, briefly go over the neighborhood planning process, summarize key themes in the neighborhood plan, including its goals and geographic highlights. My teammate, greg dutton, will then come up where he will discuss various zoning and infill option cases recommended by neighborhood stakeholders. He will then go over the motion sheet after the public hearing. Excuse me, do you have the -- the -- hit it button, right? The heritage hills/windsor hills combined neighborhood area located in the northeast area of the city of austin's urban core. The planning area is comprised of heritage hills to the south and windsor hills to the north. It's bounded by braker lane to the north, u.s. Highway 183 anderson to the south, cameron/dessau road to the east and i-35 to the west and bisected by east rundberg lane. The combined planning area 6 square miles and has ab 12,000 people. This is what the planning area looks like today. Neighborhood stakeholders have identified top assets in their community as the mature trees, good neighbors, cultural and ethnic diversity, affordability, great access to major roads and commercial retail uses and neighborhood character. I'm not going to go over now going over current trends, between 1990 and 2005 it had an increase of 42% while the city of austin as a whole had a population increase of 50%. In the past 15

years the planning area has become a more ethnically and cultural diverse area, and now it is a minority majority neighborhood, where no ethnic group has a majority of the area's population, as you can see on the bottom graph -- or chart. This planning area is also considered an immigrant gateway in austin because it has a large share of foreign-born residents, especially those from latin america. With an increase in population, especially of foreign-born residents, household size grew by 12.5%, from 1990 to 2000. The percentage of owner occupied to represent all occupied housing ratio in the planning area has stayed consistent in the city of austin as a whole. This is a brief thumbnail of the income diversity. The city of austin is possibly 54,000 for median family income, where heritage hills is about \$12,000 below that for median family income. Much of the planning area has been concerned about crime in recent years, and this issue has been identified as the number one issue in the planning area, closely followed by code enforcement. The dots on this map, which is taken from 2008, represents the incidence of violent and property crimes throughout the planning area. The larger the dot, the more crimes, the higher frequency. In 2001 there were 866 crimes classified as violent or property crimes in the planning area as a whole. In 2010 there were 1299 of these same type of crimes. This represents a 50% increase. During the same time the city of austin had a 14% increase in violent and property crimes. I'm just going to briefly go over planning highlights. In december of 2006 the heritage hills/windsor hills planning area was selected to -- as a future planning area. We had our first kickoff meeting with the neighborhood in may of 2008. August 2008 to december -- excuse me, june 2009 we had our topical meetings, which was quickly followed about a year later by our mid process open house in july of 2009. We had our 16 land use and zoning workshops through september 2009 to august 2010, a finally we culminated with the final open house on september 15, 2010. In all we had 33 public meetings to develop this plan over -- with an average of 28 neighborhood stakeholders, which represented homeowners, renters, property owners and business owners. To ensure that we had a nice audience to go over the subject areas and voice their opinion, continued stakeholder involvement in the heritage hills windsor combining area, staff utilized mail notices, media notices, visiting senior living facilities and multifamily apartment buildings, posting notices and notices at the gus garcia rec center, sending notices to school children. In all we mailed out 45,000 mailed notices and september sent out 15,000 emails. We couldn't have done this plan without a lot of other departments and agencies helping us out, and these are the variety we had, including austin parks and rec, the city of austin's austin's police department, watershed protection, just to name a few. The plan recommendations were written by taking or reviewing meeting notes, extracting information from various planning exercises, obtaining comments during the meetings, the mid process and the final open house, and finally having relevant departments and outside agencies reviewing these plan recommendations. The plan recommendations were approved by group consensus decision-making. What this means is that the meeting attending -- excuse me, the meeting attendees were heard and the group as a whole could support and live with the recommendation. Very rarely did we have to have a vote to break a disagreement. Very rarely. These are the plan chapters, community life, parks, trees and the environment, transportation and infrastructure and land use. For the remainder of this presentation, which is almost over, by the way, i will provide more insight into each of these topic areas, including the goals and major themes, which have formed the plan's recommendations. Our first chapter is community life. The goal is to promote a community of civically engaged residents and businesses who strive to achieve a safe, healthy, well maintained and livable neighborhood. Some of the themes are improve and ensure public safety, encourage the property maintenance of properties, improve community life by boosting civic pride and community involvement, and implementing a variety of neighborhood initiatives to promote a healthier more sustain lifestyle. For parks and trees the goal is to preserve and enhance the natural beauty, utility and environmental health of the neighborhood's parks, trees, open spaces, trails, creeks, while ensuring they are soft, clean and well maintained. The themes are enhance and improve the existing parks, recreational facilities and programming, support the expansion of public parkland and green space, provide opportunities and gathering places for cultural activities for all places, re -- ages, removing invasive species and promoting stands of tree canopy and improving the environmental and water quality condition in the community by promoting and participating in more green initiatives. And the transportation chapter, the goal is to develop a multi-modal transportation network that residents can use to move through the planning area safely and efficiently. Connectivity has been identified as a critically important issue in this planning area, especially since it is surrounded on all four sides by major roads, highways and freeways. They're basically surrounded. They can't get out, except by car. The

themes are improve the neighborhood's bicycle and pedestrian network to encourage greater nonautomotive transportation, promote walking, and these are shots from the neighborhood. Improve vehicular safety and efficiency while traveling throughout the community, encouraging greater public transit service and increased ridership, provide or enhance street lighting for greater visibility. I'm now going to go into the final chapter, which is land use. This is a mouthful. Transform the planning area into a highly livable walkable and attractive community, which prefers its stable single-family neighborhoods, protects its diverse housing types while also providing a mixture of aesthetically appealing neighborhood-serving civic, commercial, and mixed and industrial land uses that are an asset to all. This is the flum of the heritage hills/windsor hills combined neighborhood plan. This was developed by a series of exercise called the areas of change exercise, where they identified areas where they want to see changed and not changed, and this morphed into the future land use map. Put simply, the future land use map provides a vision for land development. The themes were preserving existing single-family neighborhoods, maintaining different levels of housing affordability, redeveloping commercial areas to provide more neighborhood-serving uses, supporting the construction of et theseically appealing development, support more neighborhood-serving uses. Under the theme areas, encouraging -- encourage neighborhoods serving mixed use projects. The neighborhood had absolutely no mixed use and they added 170 acres to the flum, where there was absolutely no mixed use. They were quite interested in that. For middle fiskville they wanted to see more attractive, pedestrian and neighborhood-serving area and support opportunities for redevelopment. Along i-35 frontage road they see it as a provider of offices and commercial goods and services, but they wanted to see more neighborhood-serving businesses, and lastly, support the creation of a vibrant neighborhood urban center where the norwood shopping center and the wal-mart shopping good currently exist, which is pediatrician oriented and serves neighborhood needs. I'm now going over the contested plan recommendations. There are two of them. Group -- these recommendations are contested because either group consensus could not be reached or staff received comments after the neighborhood meetings were cond opposing the recommendation. In 1995 public works initiated project to build a new bike/pedestrian crooj little wall news -- across little walnut creek. This was to facilitate the children -- where you see yellow symbols, those are all multifamily housing, to walk to school where you see the red star. To cross that that they would have to cross little walnut creek. So this project basically public works came to us at the beginning of the planning process and asked to get a recommendation from neighborhood stakeholders about their recommendation regarding this proposal. Council took action on this item on the bike master plan in june 2009. Throughout discussions, which there were seven meetings that this issue was discussed with neighborhood stakeholders, seven meetings, consensus could not be reached. The recommendation you see up here is the planning commission recommendation. It's not the original recommendation that the neighborhood saw. The original recommendation more closely mirrors the action taken in june 2009 by council. Planning commission here went a bit beyond what council action said in june 2009. You should have that in your packet of information, the original council action. A lack of consensus could not be reached because of their concerns regarding crime on the north side of little walnut creek. I just wanted to add that this is just not for children, but this would also complete route 57 for the bike route. Lastly, our other contested recommendation is 164, item 1, construct new sidewalks at the following locations. This would be along the entire length of east applegate drive from i-35 to dessau road. It is the only cut-through going all the way east-west between braker and rundberg lane. During the transportation meetings stakeholders wanted a sidewalk on one side of the street because people tend to speed down the road and people like to walk up and down that road. After the meeting when this recommendation was decided upon, we had a number of calls and emails, and there was concerns that putting a sidewalk in would promote criminals to walk into the neighborhood and homeless people and the destruction of existing landscaping. You can see the landscaping, a shot of what's built on the right-of-way right there. And that concludes my hopefully not too long presentation before I hand it off to greg dutton. Are there any questions? Questi questi ons? Council member riley.

And I just want to say one more thing. Greg dutton will go over the various motions, including what planning commission's motion was, what neighborhood recommendation was and council action was.

Mayor leffingwell: okay. And we won't get to that part of it until after our break for --

right, I just wanted to clarify. that's a good point because there are probably going to be questions on that. Council member riley. yeah, I want to thank you for all the work that's gone into this and also thank all the neighborhood folks who have been working on this for so long. I know it's been a long process and I appreciate all your efforts. I wanted to ask about one particular issue which you pointed up when you showed the slide showing the crime patterns in the area. One thing that was striking was that in that northern part of the -- of the heritage hills neighborhood, that was where the really big circle was. There really have been some crime issues there. And I guess I want to just ask, was there any discussion about the underlying causes of the problem there? Is there anything that we could do? One thing that struck me is -- as -- over the holidays I we want and wandered around through this whole area, and when you get through that part of the area, north of little walnut creek, one thing that's striking is that there's really not much connectivity at all. And I don't mean from within the neighborhood to places outside the neighborhood. I mean just internally. In that whole part of the heritage hills neighborhood north of little walnut creek you basically got one east-west street, which is park, park plaza drive, and then one north-south street, which is north plaza. There is -- you can go down fiskville cemetery road to get to the cemetery but there's no connectivity. Google maps shows a couple other east-west roads, but you don't actually find them. They're not actually through roads that are on the ground. And so one thing that occurred to me was whether there might be -- whether -- seems like you might have a healthier urban environment if you had more connectivity as opposed to just having, you know, a collection of these apartment complexes with really no more connectivity through the area. It -- throughout the area. It doesn't really feel like a walkable neighborhood because you've got two big roads. It's not -- it's not a very pleasant area for walking around, was --

you're talking about heritage hills specifically? that's right, because that's where the big circle is on that crime map. The slide that you showed up showing the crime rates in that area are higher than in surrounding areas. So I just wanted to ask, was there much discussion about what might be driving that and whether there might be any types of changes that could be made within that neighborhood that would tend to create a healthier urban environment that might discourage that kind of -- that level of criminal activity?

You're talking about what -- what sort of issues? The neighborhood came up for neighborhood connectivity and crime? well, if I were in the neighborhood that's one thing I would be asking about, whether there was any ways to -- I mean, I have a particular interest in connectivity, and that was just one possible angle on the crime issue, was can you do more to row motor connectivity. I don't know. Were there other ideas that came up about ways you could address crime level?

Actually, there are a number of neighborhood connectivity recommendations that were approved by the neighborhood, and actually the goal is to develop a multi-modal transportation network that residents can use to move through the planning area safely, efficiently and effectively. They had recommendations 150 to 173. 150 is the bike/pedestrian recommendation, and 273 and 184 to 186. It's all about promoting people to walk, bike and move through. There's a number of sidewalk recommendations, lighting recommendations. Putting more multi-modal bike/walking paths, encouraging -- in various areas including heritage hills. can you lab rate elaboration on that? North of little walnut creek -- between park plaza and rundberg.

Do you want me to read the actual recommendation ?s. are there recommendations for improving connectivity in that area?

Yes, they are. apart from just connectivity, were there any other ideas about how you might get to the crime problem, anything -- I guess lighting is an issue that directed to crime and connectivity.

I actually have someone here to talk about crime in the heritage hills planning area.

Riley: oh, good.

Especially around the bridge -- hold on one second. I said I wasn't going to be one of those flipper people and here I am flipping. I have commander baker here from the austin police department.

Riley: good.

I can say -- I can go over some of the connectivity recommendations for the record, if you want me to go over some of those. can you just hit the highlights? before we do -- before we do that, why don't we pause. It's past time for live music and proclamations. And we can pick this discussion up so you won't be under any pressure to do this in a hurry. Approximately 6:30.

Thank you. [🎵 Music playing 🎵] time for our live music in the live music capital of the world, after that little preview, we'll get started, but first I want to introduce this group. Miranda dawn. Miranda, everybody knows who you are, right? [Applause] and this -- as I'm reading it here, looks like a new band with a new name, the lucky break-horns. I won't ask you to tell me how that came about, it's an 8 piece soul of funk blues band and combination musicians from several other existing bands, a bellview outfit, t bird and the breaks and the marshal ford swing band, who we've all heard of, I'm sure. In this mix miranda dawn is featured on vocals, marshall hood on guitar, he's not here, connor foresight on piano, that's a very small piano there. James gwen on drums, chris wade on bass, steven beasley on baritone, matthew price on trombone, and houston ralls. Their first dp is due out in february. Please help me welcome miranda dawn and the lucky break-horns. [Applause]

thank you, guys. [🎵 Music playing 🎵] [🎵 singing 🎵] [applause] good job. Good job. So, can you tell us about your web site, if you have one, where you're going to be performing next and where folks could buy your music.

Like you said, we're a pretty new band so we don't even have a web site yet, but I can find us on facebook, look up miranda dawn and the lucky break horns. We have our new album coming coming out the end of next month end of february. We play at momo's, if you want to come visit us. great, look forward to that. Before you leave we have a special honor, a proclamation from the city of austin. 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, local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim january 13, 2011 as miranda dawn day in austin, texas and we should also add the lucky breakhorns in here. Yeah, so you guys --

it will be ow lucky day. [Applause] all right. But since she's the girl she gets the proclamation.

Thank you guys. so I'll issue an official city proclamation awarded to a group that has been around a long time, but this new service I believe has only been around four or five years, and it's one of those things that's good for everybody, it doesn't cost anybody anything, and I've been to their opening ceremonies several times in which they announced this effort for community tax centers. What it amounts to is a bunch of folks volunteer under the sponsorship of walter's group, community foundations, to come out and help folks figure out their income taxes. And walter will tell you how much. I've seen the numbers before, but there's a lot of money that people who really -- people who need that money, it's just kind of a windfall. It doesn't cost the city of austin anything. It's a legitimate refund on their income tax, one that they're entitled to. They just didn't know how to get it before now. So it's really a great service. It benefits a lot of people in our city, and we're very proud of the folks who do it and do it every year and do a good job of it. And walter will tell us a little bit, I'm sure, about who all is involved this year. But we do have a proclamation, of course, because that's what we do here. And it says, be it known that whereas community tax centers kick off their seventh year this week for providing free tax preparation for families making less than \$50,000 a year, I assume that is, information about locations, hours and directions is available by calling 211, and whereas community tax centers have prepared more than 10,000 -- 40,000 -- 40,000 returns and brought more than \$100 million in refunds back to our

area, providing a significant boost to our local economy, and whereas foundation communities also provides moderate to low income families with financial literacy programs that help lower debt, improve income and plan for the future, and whereas community tax centers are made possible through support from the city of austin and numerous private donors as well as through the efforts of 500 trained volunteer tax preparers. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim january 14 through april 18, 2011 as community tax center days in austin, texas. Congratulations. Let's give them a hand. [Applause] it's all yours. And I think walter is never at a loss for words so he's going to have a couple of words for us here.

The main thing I'd like to stress is if you're -- it's tax season, we open tomorrow. You do not have to pay to get your taxes done. This is a free service around town. All you have to do is call 211. They have the hours, the locations, what paperwork to bring. We've got over -- this year about 700 volunteers that are certified and trained. This year we think we'll do about 18,000 tax returns, over \$30 million in refunds, and so it's a great service. You don't have to pay hundreds of dollars to get your taxes done. We couldn't do it without help from the city of austin, numerous private supporters like citi and chase and wells fargo, the charles schwab foundation, meadows foundation, the michael and susan dell foundation. It's a real true community partnership of churches and schools, the city, volunteers, private funders, to make this service available. So help us spread the word. Tell friends, neighbors, folks at church and your neighborhood association, this service is available and it's free. So thank you. [Applause] I'd like to introduce council member randi shade to issue an additional proclamation. well, this is i think maybe my very favorite proclamation I've ever gotten to do. This is for my neighbors. I'd like to call everybody that's involved here with peace through pie. Manning, shirley, anybody who wants to. It's good to see you guys. Good to see you. We've even got people in chef's hats. I love it. Yes. So I'm going to read the proclamation and then luanne is going to come up and speak, but if there are a few others that would like to do that, that is absolutely fine. But I have toss-up front that all these folks are -- to say up front all these folks are considered considered pie-o-neers, but that will make more sense when I read the proclamation. These are all great people and neighbors I'm going to be judging on saturday so i can't wait. Let me read the proclamation and then we'll hear from luanne and go from there. Be it known that whereas peace through pie is a grassroots peace vision to share a culinary tradition for the martin luther king jr mts holiday as a holiday as a way for peace and reconciliation, it promotes the pie special as an king's dream where everyone shares a piece of the pie, and whereas the pie, an age old comfort food in many tradition around the world symbolizes diverse equality with circular form and allows there to be always a piece for everyone, and whereas we can join with neighborhood to join a world and respect the dignity of every human being by being pie-o-neers for peace. Therefore, I on behalf of lee leffingwell, mayor of the city of austin, texas, do hereby proclaim january 17 through 19, 2011 as peace through pie days. Again, I'm so pleased to get to do this, and I really think peace through pie should be what we adopt for all year, not just this special weekend, but I am really glad to do this. Thank you. [Applause] luanne, want to come on up? [Applause] come on up and say a few words?

This is very exciting. Thank you very much, randy, and thank you to the austin city council and to this wonderful city in this time of great social and economic distress, peace through pie invites anyone anywhere to honor the legacy of 's beloved community, where all voices are respected and everyone shares a pie at the table of brotherhood. The humble pie is stepping up to the plate. It is a vehicle f nurturing our common ground and cultivating peace with our neighbors. In the center of the table is a vase of sunflowers, nominated by peace through pie as a flower that radiates sun with radiant golden pedals and rich brown center and abundance of seeds. Peace through pie advocates peace. We proat it through socials not only during the king holiday but during the year. Six pie socials will take place through austin. If you can't join us there you can still become a pioneer for peace by sharing pie at home or at work. The cornerstone of peace through pie was set in 2009 at sweet home missionary baptist church, the historic church in clarksville. Many hands and hearts worked together to bring us here, too numerous to acknowledge this evening, but a special thanks to sweet homes pastor steve manning, choir director shirley collins, ann graham, community organizer extraordinary air, margt keys who midwifed the movement the birth of the movement, tony tipton, bernadette, kay hart for helping us open a file at the austin history center, and emma little, who has sent out peace through pie blessings for many years. Thank you to our community partners for our social this evening. I hope you-all join us

for a piece of the pie, and that would be whole foods hoovers cooking, roy's round top cafe, cutie pie, pie fixes everything and friends. My great pleasure now to turn the mic over to pastor steve manning. [Applause]

thank you, luanne. 00 sweet home will host its third dream pie, now peace through pie, social. We're happy to host that social, and we also thank luanne for her dream and planting that seed. The song comes to mind, let there be peace on earth, and let it begin with me. The last two years we've seen a very diverse group of people come and share with us at sweet home. Sweet home is a historic landmark and is an historic part of austin. So thinking of the line that king delivered in his speech, we have members there in our -- in their 80s, thinking of that line, right there in clarksville, symbolically, the sons of former slaves and the sons of former slave owners would be able to sit down together at the table of brotherhood, and that table will include pie. [Laughter] [applause] we ask you to join us today in the boards and commissions room to share pie with us this evening. Thank you. [Applause] before we break for pie I just have to say that in the back we have a very short break, so all the council members rush to the back and I'll tell them to come eat some pie. I was talking to them, telling them what a great burst of energy the pastor has for sweet home church. And although it's a historic church, been there a long time, it's so great to have your energy. Made a huge difference in my neighborhood and I want to say publicly thank you for that. [Applause] all right. Do you-all want to do a big picture? Do you want to do a picture? We'll do that. Luanne, you should be hold be -- luanne hold the proclamation in the front and the rest of us will gather around you. Manning, choir director shirley collins, ann graham, community organizer extraordinary air, margt keys who midwived the movement the birth of the movement, tony tipton, bernadette, kay hart for helping us open a file at the austin history center, and emma little, who has sent out peace through pie blessings for many years. Thank you to our community partners for our social this evening. I hope you-all join us for a piece of the pie, and that would be whole foods hoovers cooking, roy's round top cafe, cutie pie, pie fixes everything and friends. My great pleasure now to turn the mic over to pastor steve manning. [Applause]

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Mayor Leffingwell: Council, we are out of recess and we will resume consideration of the windsor hills combined neighborhood plan items. I believe we're at the point where we're in a discussion with questions and you were going to bring up someone to talk about safety issues?

Yes. The question was what is happening between little walnut creek, between rundberg and little walnut creek on the northside. What has the neighborhood plan done to address crime and connectivity issues on that side. And I have an answer to that.

Mayor Leffingwell: Okay.

First of all, there is a chapter called community life, which is crime, code enforcement and community health issues. And there are 16 recommendations on how to reduce crime in the planning area. More specifically -- I'm actually going to read directly from it because I can't memorize a page of stuff. There's recommendation 69, which is on page 65 of the neighborhood plan. It's to address working with the Austin police department, take immediate action to address criminal activity, especially in the following areas of concern, and they did highlight East Rundberg Lane, North Park Plaza and the apartment complexes, including those on Park Plaza to address drug dealing, car and home burglary and prostitution. And recommendation 69 said that the neighborhood would organize a neighborhood watch group, patrol areas of concern and report criminal activity to the police, purchase neighborhood watch signs, advocate for stay away orders and promote stay away orders and the neighborhood also wants to join NACAN, which is the North Austin Coalition of Neighborhoods. So there is a lot of general -- there's 16 recommendations. A lot of them are general, but they did speak specifically about that area. As far as neighborhood connectivity, they did suggest on recommendation 151 and 154, which are found on page 89 and 90 of the plan, installing multi-use paths along East Rundberg Lane, along Little Walnut Creek, along the I-35 frontage road, Cameron/Dessau Road. All of these would be connecting. I think I said Little Walnut Creek. And plus there's the recommendation 150 which is in the plan the North Acres bike/ped bridge to encourage greater neighborhood connectivity. And if you have any further questions regarding crime and the strategies that are being done with the Austin police department, I do have Commander Baker here. He can answer any questions if you have any in-depth issues or concerns regarding crime. Have I answered all your questions?

Mayor Leffingwell: Councilmember Morrison.

Morrison: Thank you. And if I could ask Commander Baker, specifically you might recall when we did the bicycle plan -- I guess it was June of '09, is that right? And the issue about the bridge came up and folks were concerned that putting in the bridge would lead to a movement of crime from one side of the bridge to the other. Are you familiar with what I'm talking about?

I was not at that meeting, ma'am. I'm Commander Steven Baker with the Region 2 Patrol Command.

Morrison: So during that discussion the issue of crime was highlighted in the area just on the north side, I guess it was. And I thought that there were going to be some initiatives or some thought given and work with the neighborhood to try and really target that area. And I wonder if you know anything about whether we've done that. I know that there's going to certainly be some more work from plan.

Yes, there will be. Again, I just took over that command as of a week ago Sunday, about 10 days ago.

Morrison: Congratulations.

And the district representative who handles that area, from what she was able to tell me, there had actually been no actual contact with the apartment complexes in the area. That's going to change as of next week that I do know of. We're going to have a meeting set up with all the apartment managers within the area north of the creek to create these neighborhood watch meetings that we need to have.

Morrison: Okay. That's good to hear. So that was more like a year and a half ago and I -- it might be interesting if you could check in and see if anything really came of the work from June of '09?

In June of '09 -- I did read a report today that was dated under that I think it was August that three months after that meeting occurred they did conduct 13 different direct patrols that the officers actually went out there. And the results of those directed patrols, there was zero criminal activity observed.

Morrison: Okay. That's interesting. Because there's still a really big circle on the crime map.

There is a very big circle on the crime map regarding that area, but i would like to say that one of the reasons that large circle is there is 20102006 and 2007 we had the opening of wal-mart, which increased our theft calls, which are the reported title 1 crimes, and that -- the number of theft calls alone just from wal-mart totaled 400 calls for service within that area, and that's part of that same area.

Morrison: I see. Well, I guess there's going to be a lot of visibility on this because now it's going to -- potentially, if we adopt the planning commission recommendation, there's going to be something that says we want to make sure that before we put the bridge in, the crime on one side is reduced to the same level as on the other side. So I think that to do that we're going to need some significant numbers. Will you all be able to provide a report like that?

Oh, yes. There have been several changes within the department within the past year and a half with our rapid response meetings. Right now I meet with my response team once a week, every tuesday, and we talk about hot spots. And once we've identified these hot spots we send out officers, they do shift briefings on a daily basis, so when the hot spots are identified, the officers know immediately what is occurring in the area, which is going to get a much rapid response much more quickly than you've seen in the past.

Morrison: Thank you.

Mayor Leffingwell: I'll be very brief, chris. I have to make this comment. It seems to me that predicating the installation of a bridge on crime rates on one side of the street or another is -- I don't want to try to characterize it. I would just say these are separate items. Obviously our police department is going to aggressively try to reduce crime rates wherever they are.

Regardless.

Mayor Leffingwell: On our side or the southside. And it seems to me what we're talking about in this instance is we're going to put a moat around this neighborhood to protect against the huns. And until we -- the huns are subdued on the other side we're going to keep this moat in place. To me that's not what we do in thisty sti. We make piece on both sides of this. So I'm really uncomfortable with predicating the installation of this bridge on somebody's estimation of what the crime rates may be on one side or the other. If we've got a crime problem, let's fight the crime and cite it aggressively and get rid of it, but let's not control it by building a moat around neighborhoods. Chris?

I agree with those comments, mayor, but if we could, I would like to focus in particular on the crime issues in the north part of the heritage hills neighborhood, independent of any issue related to the bridge. And I was interested to hear your comment that the size of that circle may be attributed to the opening of a wal-mart there.

That attributed to the large 34% increase the following year that it opened.

Riley: Okay. I know there have also been some crime issues in -- to the northeast. To the northeast there is an intersection of rundberg and 35. And there has been a lot of concern about crime patterns in that area on both sides of the freeway. And can you remind me where are we now on -- I know there's been some discussion about the installation of cameras somewhere in that area. Do you know where we are on --

I do not know that, sir, but I can get back to you as far as the actual planning portion of that. I do know that the city -- the department is getting grant money right now for the purchase of those cameras. That's correct.

Riley: Okay. Are there any other -- if we look down in the rest of the -- that part of the neighborhood, do

you see any driving cause of a higher crime rate there, apart from the opening of the wal-mart? Is there anything going on that would explain that that would be a higher crime rate there in that part of the neighborhood?

Part of it is the density of the population there. It's a very large apartment -- it's all apartments and townhouses in that whole area. There are no single-family dwellings. Section 8 housing attributes to the higher crime rate.

Riley: And of course it's not just the -- I mean, density in itself doesn't cause crime, it rings the density and in this case you have a collection of gated apartment complexes essentially independent little pods, and then very little connectivity otherwise internally within the neighborhood.

Yes, sir.

Riley: As I was saying before it's basically one big north-south street and then park plaza on the south and rundberg lane on the north. And so you don't see -- there's not really that many places for people to walk if they did want to walk. And even if -- if you're in one of those apartment complexes and you want to get over to, say, the gustavo garcia-spillar rec center on -- the gus garcia rec center, you have to go to the north plaza all the way to rundberg and over to the rec center when just based on the map it seems like there might be other ways -- more direct route. If you got over to fiskville cemetery road. That's one example. There would be ways that have a more pedestrian oriented neighborhood if you had a different grid structure. When you just look at the different parts of the neighborhood, you see a very different urban layout of the two areas.

[Inaudible].

Riley: And my sense is a higher crime rate may be associated with, in particular a grid pattern that you see there, which is essentially not a grid at all. It's just -- it's a collection of gated complexes that are essentially dead ends. I mean, sul did he sacks -- cul-de-sacs and that's not a healthy urban environment. I was curious about whether there might be any solution to that. But short of that, I guess from the police department standpoint, anything that could be done -- I know there's been some discussion about lighting. Do you think that might be helpful in some areas, improved lighting?

Of course. The majority of crimes that are in that area are at nighttime.

Riley: At nighttime? Yeah. So patrols, lighting --

increased patrols, code 2 patrols where they have the officers when they're in the area they have their overheadlights on.

Riley: And neighborhood crime watch effort thes.

And they've been directed to have these meetings with the apartment complexes to have crime watches within the apartment complexes themselves.

Riley: Great. Anything else that has worked elsewhere in the city that might be helpful in that neighborhood.

Just what I've said before and just continued percent spheerns by the -- perseverance by the department.

Riley: And the department is looking at this neighborhood and others andrew mcintosh taking

appropriate steps?

Of course. This past year we saw almost a six percent reduction in crime total for the city of austin. And any time we see any area that has an increase, this particular area had three percent for this past year, it's a concern for us. And we want to see all crime levels go down throughout the whole city, not just particular areas.

Riley: I know the department has -- does commander's forums periodically. Have there been commander's forums that would provide opportunities for neighborhood folks to come and meet with district representatives?

We meet quarterly. The next commander's forum we have the end of january and then the first week in february for this area.

Riley: So to the extent there are people in the area that really want to continue working on the crime issues, then the commander's forums would be a good opportunity for them to come out and visit with both their neighbors and the police department to talk about the --

correct.

Riley: Communicate about the problems there and figure out appropriate actions to take.

Yes. All they need to do is check on the city's website. The police department website has all the commander's forums listed throughout the city.

Riley: Thank you so much.

Mayor Leffingwell: Councilmember morrison and then spelman.

Morrison: Thank you. I just want to follow up and remind all of us that this was the whole issue with the bridge was a big issue when we were doing the -- when we were doing the plan. I feel like we made something of a -- in the end what went into the bicycle plan was that I think -- maybe you can confirm for me what we got into the bicycle plan at the end about the bridge. I think basically we said that we would work in the area, on the crime in the area and get some updates.

Yes. The bike plan was adopted in june of 2009, the public works department. I'm looking for the exact language, but essentially the motion asked staff to brief the council prior to moving into a construction phase of the project and to brief the council on the effectiveness of crime initiatives in the area. So it didn't, per se -- thank you. It didn't say comparable levels or give any metrics, it just said let's have a conversation. The spirit was let's have a conversation about what's going on in the neighborhood before we make any decisions for construction. And I can read exactly what tition. Prior to seeking council authority to construct the north acres hike and bike trail bridge project as specified in the 2009 bicycle plan update and in the campo fy '08/11 transportation improvement program, staff will update the city council on crime reduction initiatives in the vicinity of the proposed bridge.

Morrison: Yeah. I certainly share my colleague's concern about putting in moats and not dealing with all parts of the city. This obviously no matter what we do with the neighborhood plan, this is going to stand in terms of the bicycle plan that it will have to be -- will be updated and we'll be able to have that conversation.

Yes.

Morrison: I guess my only concern is because that area was highlighted and it clearly was a priority and has a lot of intensity about it, I guess I'm disappointed that we didn't at that point really try and go and take some more concerted action in all. So I guess one of the things that I would ask would be are we going to have the resources to be able to do all these actions, suggested actions regarding safety in the area once the neighborhood plan is adopted?

I'm going to let commander baker speak to that. Thank you for your comments.

When it comes to resources, the austin police department, we are limited in our resources. We have a system what we call cops on dots. When we see crime we move throughout the city, our goal is to attack those crimes as they occur. And as well as keep the regular maintenance throughout the city. So if we see any kind of crime movement throughout that area, whether it's in the rundberg area or in the windsor park south of the creek area, we'll address it on an as needed basis head strong.

Morrison: What about the other issues of the resources to get a neighborhood watch program started and the other actions that were listed, and for instance, if there is some particular lighting situations that could be improved?

As far as the police department's part of it, we're going to make sure the meetings are conducted and that is going to be up to the neighborhood themselves to start these programs. But we'll be the ones to start the ball rolling for them. And the lighting will be up to the city as far as the transportation department.

Morrison: Okay. I guess my feeling is that we have this sort of conflict here and it's important that we make sure that we put the resources into it so that we can resolve that -- resolve the issue.

Mayor Leffingwell: Councilmember spelman.

Spelman: I worry too much about micromanaging, especially in pe issues, but I do have to ask you one question. It sounds -- it's probably a series. I'll keep it really short, though. The crime north of the bridge takes place mostly in apartment complexes. Am I right?

Yes. That's all that's there.

Spelman: Have we engaged the owners or managers of the apartments in any serious way about helping them to solve their problem of crime in the apartment complexes?

Like I explained earlier --

Spelman:, I'M SORRY, I Was on my way in transition.

The dr who works that area, the district representative for that area, told mejia that she has not had any contact with the apartments in the last year. There were no incidents brought to her attention within that area. Like I explained, we will be making sure that beginning next week those contacts will be made.

Spelman: Okay. It's as much their problem as it is anybody else's. It has a very large financial impact on them if they have high crime rates, they'll get fewer tenants and it will be a longer lease time than it otherwise would have. Thank you, sir.

Mayor Leffingwell: Councilmember cole.

Cole: Yes. I wanted to make sure that you were aware that we did approve cameras for this area.

Maybe not this particular site, but we recognized that the area in and around rundberg and 35 had some significant challenges.

Yes. I am aware of the program, the anticipated installation of those programs. I just don't know the current status as far as the time frame for them.

Cole: Okay. Let me ask one quick question. It might have been clear from councilmember morrison's questions, but I'm just not sure. And that is that once we have adopted the bike plan, does that necessarily supersede the neighborhood plan?

Well, it's my understanding -- I don't know which one would supersede. Maybe greg could help with that one. It's my understanding that the motions that are before you don't -- the motion that's in the plan right now speaks to what the neighborhood would want to see in order to support the bridge, so it's worded a little bit different than what is in the plan. So there are two -- there are two separate things. One is saying come to council to brief council before you begin paperwork to execute a construction contract and let's see where we are and you all of course can tell us, no, not yet. Let's not go there yet or yes, let's build a bridge or whatever that decision may be. The neighborhood plan recommendation is saying -- the neighborhood is saying come have a conversation with us about crime and what's going on so then we can -- the only way we're going to support you is whether the crimes are comparable if you adopt the planning commission recommendation on both sides. The staff is maintaining a recommendation that is more in line with the bike plan recommendation that is not putting metrics on it that may or may not ever be achievable.

Cole: Okay. guernsey has to say and which one of y'all have to arm wrestle.

I'm not sure if I'm going to contradict her in that respect. I think we try to make sure that when the bike plan was adopted that the neighborhood plan language would be compatible with that bike plan. And whenever you have a more specific area plan, we're going to look for that more general plan as a citywide plan and try to minimize any kind of conflict that would arise between those two documents. The neighborhood plan is actually getting down to talking about specific parcels or specific projects within certain areas and the bike plan is actually talking about a more linear system that actually goes beyond the bounds of this particular neighborhood plan we call key linkages. So right now as it's presented before you and by your direction on the bike lane you brought up the issue of crime and you wanted to make sure that there was -- that issue was addressed before you went forward with I guess the construction of that bridge. And that's also noted in the neighborhood plan as an issue that the neighborhood has had in this area for many years and now as it moves forward we've recognized that in the neighborhood plan and that there's a desire to have that issue addressed and recommended to you as it comes forward that it be mitigated before we go on with the construction of the bridge. The commission is kind of a variation of that, of that recommendation, but it kind of went beyond what both public works and planning department kind of had as our recommendation based on your action.

Cole: So it sounds like that they are not inconsistent in that we can move forward with the bridge pursuant to the bike plan and not be inconsistent with the neighborhood plan?

And by your direction i think before we bring you that contract I think there's an obligation to discuss the crime in that area and give that information to you before you act on that bridge.

Cole: Thank you.

Mayor Leffingwell: Let me just say I don't think there's any conflict between the two sets of rules.

No.

Mayor Leffingwell: But like they say, you have to obey all the laws. So if the bike plan says you've got to have a briefing, you've got to have a briefing. If the neighborhood plan says you have to clearly demonstrate to both the council and the neighborhood that crime has been significantly reduced on the northside, you have to do that too. And it seems to me it totally takes away any discretion the council might have. And I'm not going to go back through my -- I always get analogies and metaphors mixed up. Whatever I was talking about about the moat. It seems to me it's perfectly appropriate to leave all that language out of the neighborhood plan and just go with what the bike plan says, which will require a briefing to council before construction begins and give council the discretion to make that decision at that point. Those are my thoughts. Councilmember Riley.

Riley: I essentially agree with what you're saying, we have made the decision on the bike plan to proceed with the bridge and then just getting a briefing in advance. As I understand the planning commission recommendation with respect to the bridge, what I see in recommendation 150, page 89 of the plan, what it says is the neighborhood will consider supporting the bridge in its current location if and only if city staff demonstrates that the crime levels are reduced. To my mind that is a helpful statement about the neighborhoods -- the significant -- owe the significance the neighborhood attaches to the crime reduction efforts, but it is not a constraint on the city's ability to proceed with the implementation of the bike plan.

That is correct. It's expressing their desire to support or not support.

Riley: Right.

And I know we have support of other entities. I think and I think is also supportive of the bridge. And --

Riley: But that does not affect the fact that the bike plan calls for the bridge and --

and it doesn't change the neighborhood's position.

Riley: Right.

Mayor Leffingwell: Any other comments? We do have a couple of speakers. Carol Wallin. She has signed up for the neighborhood plan recommendations. Is Carol here? Nope? Okay. Are you Carol?

We have requested before council met to have all of our staff presentation before --

Mayor Leffingwell: I thought you were --

before the public hearing and I was wondering if that would be acceptable.

Mayor Leffingwell: I thought you were done with that, but go ahead. Complete your staff presentation.

Greg is going to do the rezoning information. Thank you.

Good evening, council, mayor and mayor pro tem. My name is Greg Dutton with the planning and development review department and what I'm going to do very briefly is just go over the rezoning recommendations that are associated with the neighborhood plan as long as everyone has had their questions answered by Kathleen. Okay. So these rezoning recommendations pertain to case C-14-2010-0160, and C-14-2010-0161, in addition to rezoning recommendations I'm just going to briefly touch on infill options, design tools and affordable -- Affordable housing. There are 33 tracts where rezoning is being proposed for this neighborhood plan. Some of the tracts occur in the Heritage Hills neighborhood planning area, which is the neighborhood planning area to the north for a total of 99 acres, 26 tracts

occur in the windsor hills neighborhood planning area, which is the area to the south excuse me, east to the north. Heritage hills is to the south. And the windsor hills area there's a total of 119 acres have rezoning is being proposed. Basically the rezoning proposals can be broken up into four different territories, interim zoning to permanent zoning, nonconforming uses in the area, the addition of some new mixed use zoning of the planning area and the application of a handful of new conditional overlays. I'm just going to touch on those briefly. So here's a map of the northern portion of the planning areas, windsor hills neighborhood planning area. Braker lane is to the north and i-35 is to the west. So this was in the county until the end of 2008 and all that area that you see there in green currently has interim zoning. And so a large portion of the rezoning recommendations simply address the interim zoning by giving it permanent zoning and we did that simply by looking at what's currently on the ground and addressing the appropriate zoning category. There are a handful of nonconforming properties in the area and as you know, if a property is not being used in a way that's permitted in the base zoning district that makes it nonconforming. So for instance, we had some examples like this property outlined in red has gr zoning, which is commercial zoning, and there's a multi-family use there, which makes it nonconforming. And so in a case like that we are either suggesting that it be changed from gr to mf, some kind of multi-family zoning, to make it conforming, or that mixed use be added to the base commercial zoning in the form of mu or muv. That would also make it conforming. So we had a handful of examples like that. There were also some rezoning recommendations to deal with new mixed use zoning in the area. Currently the planning area has no mixed use zoning and the plan is recommending the addition of about 117 acres of new mixed use zoning in the form of mu or muv. And the maps you see in front of you are windsor hills neighborhood planning area on the left, heritage hills neighborhood planning area on the right and all those tracts that are outlined in red are where mixed use zoning is being proposed. [One moment, please, for change in captioners]

this allows construction on homes on lots as small at 2500 and 3500 feet respectively, there are guidelines that go along with that. That's being recommended as a subdistrict. And here's a map of that subdistrict, so this is in Anning area to the north for a total of 99 acres, 6 tracts occur in the windsor hills neighborhood planning area, which is the area to the south excuse me, east to the north. Heritage hills is to the south. And the windsor hills area there's a total of 119 acres have rezoning is being proposed. Basically the rezoning proposals can be broken up into four different territories, interim zoning to permanent zoning, nonconforming uses in the area, the addition of some new mixed use zoning of the planning area and the application of a handful of new conditional overlays. I'm just going to touch on those briefly. So here's a map of the northern portion of the planning areas, windsor hills neighborhood planning area. Braker lane is to the north and i-35 is to the west. So this was in the county until the end of 2008 and all that area that you see there in green currently has interim zoning. And so a large portion of the rezoning recommendations simply address the interim zoning by giving it permanent zoning and we did that simply by looking at what's currently on the ground and addressing the appropriate zoning category. There are a handful of nonconforming properties in the area and as you know, if a property is not being used in a way that's permitted in the base zoning district that makes it nonconforming. So for instance, we had some examples like this property outlined in red has gr zoning, which is commercial zoning, and there's a multi-family use there, which makes it nonconforming. And so in a case like that we are either suggesting that it be changed from gr to mf, some kind of multi-family zoning, to make it conforming, or that mixed use be added to the base commercial zoning in the form of mu or muv. That would also make it conforming. So we had a handful of examples like that. There were also some rezoning recommendations to deal with new mixed use zoning in the area. Currently the planning area has no mixed use zoning and the plan is recommending the addition of about 117 acres of new mixed use zoning in the form of mu or muv. And the maps you see in front of you are windsor hills neighborhood planning area on the left, heritage hills neighborhood planning area on the right and all those tracts that are outlined in red are where mixed use zoning is being proposed. [One moment, please, for change in captioners]

this allows construction on homes on lots as small at 2500 and 3500 feet respectively, there are guidelines that go along with that. That's being recommended as a subdistrict. And here's a map of that subdistrict, so this is in the windsor hills planning area. [Inaudible] forms the southern bound of the subdistrict and in total it's about 110 acres in size. In addition there's residential infill so this allows a

variety of housing types to go into a single development. Has an open space requirement. This is being recommended for adoption on certain tracts. And neighborhood urban center is similar but allows a variety of housing types and commercial types to go into a single development as an open space requirement. That's also being recommended for adoption on certain tracts. And these two maps show you where those tracts are. On the left you see windsor hills neighborhood planning area, tracts a and b, are where residential infill is recommended. On the right is the heritage hills neighborhood planning area, tracts c, d and e is wherein fill tracts are recommended. Tract f is where neighborhood urban center is being recommended. Design tools, there are a few design tools available to the neighborhood. Parking placement design tool restricts the amount of front yard impervious cover that's allowed. Garage placement design tool stipulates that the garage has to be either flush or beside or adjacent to the home. The design tool allows the front porch to be built a little bit closer to the front property line, and in each case these are being recommended for adoption area-wide. And then lastly I just wanted to touch on affordable housing. What you see in front of you is an image of the affordability impact statement from neighborhood housing and community development, and what this does is basically make an assessment of the impact of the neighborhood plan on affordable housing in the planning area, and overall the plan -- excuse me, the assessment is positive, and it's really for reasons that have been discussed already. The addition of 117 acres of new mixed use zoning, the selection in some form or fashion of several infill options and the preservation of diverse housing stock that already exists there. And that concludes my very brief rezoning overview. If you have any questions I'd be happy to take them. any questions for staff? If not, now we can go to our speakers, or do you have another presentation? Okay.

No, go to the public hearing and then we'll do the motion sheet. carol walla. Is carol here? No. Lowell rice? Lowell is here. , Signed up for, and you have three minutes. mayor, city council. First off I want to thank you for the opportunity to come down and speak on the neighborhood plan. And I want to thank the city planners for their three years, almost, of concerted effort to help us actually create and craft a plan that I think is very comprehensive in the way that addresses our vision for the way that our neighborhood is going to look in the next 20 to 30 years. If you look through that I think you'll see that there's been a lot of effort on the part of city staff as well as the neighborhood themselves to define a plan that will not only make what we have right now many its diversity and its value and being a very nice neighborhood close to the downtown location as well as university of texas, but also provide growth in the right direction to make sure that it continues to be a vibrant spot and a little gem in the east austin, northeast austin community. We've worked in really good faith with the city over the last few years on the one concern that we've had since the plan began, and that was the location of the bridge at north park, and I thought we had done a good job last year, two years ago, with then sitting city council in crafting language within the plan itself for the bike plan, and then bringing that over into our neighborhood plan, to make sure that while we will support the bridge, if crimes goes down we want to make sure we're a part of that process and that discussion, whether that's through engagement with the apd resources to make sure that we are part of helping keep crime down or bring crime down in the area, but also working with the various city departments to make sure that we have the most resources at our disposal to address crime, because honestly, crime is a community issue. It's not a city issue. Every neighborhood has to address it on their own, right? Bottom line. This is why we have our own neighborhood out doing an impromptu neighborhood watch walking through the neighborhoods on a nightly basis, trying to engage our neighbors uses the creek banks to help them watch their own areas. We need the permitted community participation of those community members as well in order to help address that crime. So while I'm not sure that those people across little walnut creek would be happy about being referred to as huns, there already is a existing moat there and I'm not sure that lowering the draw bridge and inviting them over to a tea party, is a grand idea. The one thing I want to make sure is clear is that our neighborhood has no problem with the bridge in and of itself, but the bridge going in where little is a symptom of the greater problem of crime in the rundberg area that has not decreased at any given point in the history of this city over the last 30 years but has continually increased year over year, including the two spikes in 2006 and 2008. The wal-mart actually was not built during that time frame but remodeled into a super wal-mart, where there are now groceries and other things being sold versus the standard wal-mart fare of 8 years ago. We've seen improvements in the infrastructure over there, that's great, we want to see more of those, but we don't want this to be just another mechanism

for the bridge and have crime incur into our area and to hope we don't have city council dismiss out of hand the work that we've done to engage and just want to be a part of that process by being -- thank you.

-- Before that happens. Thank you. so those are all the speakers that we have. So we can proceed with the motion sheet. And the first motion is a motion to approve on all three readings the heritage hills/windsor hills combined neighborhood plan as recommended by the planning commission except for recommendations 150 and 164.1. And so I'd entertain a motion to approve that and close the public hearing on items 59 and 60 and 61. So moved? Moved by council member spelman to close the public hearing, on items 59, 60 and 61 and approve motion 1.

If I could make a quick comment, I wanted to reiterate that staff is ready to go on all three readings tonight. and that is on all three readings? Is there a second to that motion? Council member riley seconds. Further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So the second motion would be to approve on all three readings wording for 150, which relates to the hike and bike trail bridge project, and we have before us the planning commission recommendation and the staff recommendation, or another recommendation. Council member riley?

lous to be clear, the staff recommendation is in alignment with the pc recommendation, is that right? well, the pc recommendation has one additional part. It looks to me like requires that the crime rates on both sides of the moat be reduced -- be essentially equal. well, could staff help me understand why the staff recommendation is different from the pc recommendation?

Staff's recommendation is the recommendation that was originally crafted throughout the neighborhood planning process over several meetings and workshops. The planning commission recommendation is similar, but it kind of takes -- amps up the language a little bit, and staff, in creating the original recommendation, felt like it was a good compromise between previous council action and what the neighborhood wanted and feels like it's the best sort of compromise middle ground between those two things.

Riley: mayor? council member -- well, council member riley. I didn't want to interrupt looking at the language of both recommendations they're looking to neighborhood support, and seems to me the staff is closer to the neighborhood because the staff has been working closely to the neighborhood as they have on the entire plan. So mayor, I move approval of the staff recommendation. council member spelman moves to 2, staff recommendation, on all three readings. Is there a second to that motion? I will second, with the understanding that neighborhood approval or consideration of the approval of the bridge does not necessarily stop construction of the bridge. That will still remain a council decision, as per the bicycle plan. Further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. 3 relates to 164 to construct new sidewalks at the locations listed on the motion sheet, and the planning commission recommendation and staff recommendation are the same except -- and the neighborhood recommendation on part of it is the same, but it also -- what does a and b mean? Explain --

this is a recommendation where there was no consensus from the neighborhood. We had some indication from some people that they were in favor of this, indications from other people that they were against it, and so that's why there are two neighborhood options, because some people were for it,

some were against it. so two neighborhood options, one would be the same as staff and pc and the other one is to remove the recommendation entirely.

Right. so council? Entertain a motion on no. 3. Council member spelman moves to approve the planning commission recommendation 3 on all three readings.

Second. and the second was by council member cole. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So that brings us to the zoning part of it beginning 4, which is to approve on all three readings the rezonings for the heritage hills neighborhood plan combining district as recommended by the planning commission. And I believe there's an error up here. It only takes five votes to approve on three readings and not six. Typographical error.

Yeah. so entertain discussion or a motion on item no. 4. Council member spelman moves to approve the zoning cases, 4 on all three readings. Is there a second by council member morrison? Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes by a vote of 7-0. And that brings us to motion 5, to approve on all three readings the rezonings for the windsor hill neighborhood plan combining district as recommended by the planning commission. move approval of the planning commission recommendation on all three readings. council member spelman moves approval --

cole. [Laughter] council member cole. [Laughter] come.

Cole: I beat. my apologies council member cole. Council member cole moves to 5 on all three readings. And who is the second, by the way? Council member spelman? I will second, if the maker of the motion will accept a friendly amendment. may I hear the amendment? the friendly amendment is that you spell my name correctly on the first page of the document.

Cole: I'll accept that.

We will do that.

Spelman: thank you, sir. I bet IT'S GOT TWO Ls INSTEAD OF One. So motion by council member cole, second by council member spelman, all three readings. Further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

That concludes the motion sheet. Thank you. thank you.

Thank you. i believe that brings us to item no. 64. mayor, members of the council. I'm steve sadowsky, planning and development review department. The first case we're bringing up is the blacksmith shop. This has been incorporated into the austinian condominium building. This is an item that was recommended by staff. The landmark commission under historical significant and community value. Here's a photograph of the building that was taken around 1999. This building had been vacant since

the 1970s. The most distinguishing feature on the building was the painted sign on the alley side of the building. Sun tent used to be corner of 2nd and congress. When it burned this building and the building directly to the east of it were severely damaged by the fire. The roof collapsed. The back walls were severely damaged. We had a wind storm and the building collapsed. They salvaged the brick and saved it and reconstructed the building into what you see today. This is all the original bricks in the building. The storefront has been re-created and the wooden storefront that originally existed. The sign has been refurbished and re-created on the side of the building, and it is testament to preservation work that can blend the old and the new in downtown austin. This building was built in 1905. It was a blacksmith shop until around 1923, and then had many other uses including a feed store for a lot of its life and a radiator shop. It is one of the very few buildings that harkens back to this section of downtown, which was located two blocks out of the railroad tracks and was filled with meat markets, blacksmith shops, all kinds of very small businesses. It's a very utilitarian structure. It has been faithfully re-created. The storefront is based -- everything was based on historic photographs, and the entire process was governed by the granting of certificates of appropriateness by the historic landmark commission. So staff recommends designation of this building as a historic landmark. It is a 15 by 40 section of the austinian condominiums and the owners have testified at previous hearings that they are not seeking a property tax exemption for this. They're just very proud to have been able to be a part of this reconstruction of a very important part of our history. This is the front of the reconstructed building, and as you can see, they have installed a new concrete pad in the front entrance that commemorates the brown-dumas blacksmith shop, its state of construction, horseshoes and horseshoe nails. So as far as preservation in austin and community value to save a very plain jane building but one that has a real history as to the development of downtown austin, this building really serves the purpose. It's in a very public location. A lot of people will get a lot of enjoyment and educational value from its preservation and landmark designation. Thank you. Questions of staff? Council member shade. I know that there are some who don't know why I bring these -- come for discussion, but this clearly, I would guess, is going to pass, and it could have stayed on the consent agenda, probably, but i wanted it to be discussed because I think it's such a great example of old and new and just terrific work, and I think it's important for the public to watch this to see the kind of creativity and excellent work that can occur in the preservation world, and I really wanted to highlight it. So I really appreciate your work, staff's work on this. I'm going to be very excited and enthusiastic about voting in support, and i think it is noteworthy that there are -- I think you mentioned this, but there's no tax abatement associated with this, and I think that's also noteworthy. So again, that might be -- may be historic as well, but. [Laughter] -- it could be. but anyway, i really want to just say thank you and I think it's a really interesting story and I look forward to going by and seeing it up close. Thank you.

Thank you. I'm just elated to know that we're not considering a tax exemption for the austinian, myself, so -- [laughter] very relieved. Mayor pro tem. .

Along those lines, terry is here, and I want to recognize him as the developer of the austin tonia, for saving the brick and restoring the site of the store, and doing the work you-all did. We really do appreciate it, terry.

Mayor leffingwell: okay. Any more questions? We do have -- as a matter of fact, terry mitchell is signed up to speak in a public hearing if we're ready to go to that part of it.

Mayor and city council, thank you for having us and thank you for considering this request to zone this portion of the building as historic. I just wanted -- my purpose here was to give you a little background and thank the staff at all levels for working with us. I appreciate council member shade's comments. Preserving our history is something that we oftentimes forget, and it's important to us. This was very much of a team effort. The developer of the project did not hesitate when this issue came up, and before we ever submitted an application to the city we had meetings with the historical landmark commission and actually laid out six different plans. You start with the site plan before you go up. So, you know, where parking is going to go, where the entrances are, all those things there, and we had six different options. The best option for vehicular traffic was right through the middle of this facade, and the historical landmark -- because it was not on congress, it was not too close to the intersection, it was off

the alley, it was -- for vehicles it was the best. The historical landmark commission and the 2nd street folks said, hey, we would hate to have another opening like this, and so we went back to work to see what could be done, and a great staff. You know, we came up with putting it on the alley, which required us to set our building 4 feet back. Lots of big decisions to make that process happen, and it was not about anything other than preserving our heritage. I still remember as a child my grandfather telling me stories about growing up with guns on their hips because they were living in indian land. You know, there are those things you can't duplicate. And so at one time -- what really caught us was in 1905 this was the tallest building on 2nd street. Guess what, it still is. So thank you for working with us. I want to thank emily a little, who worked tirelessly. We started this project in september '05 in terms of working on it and it's been a long process and in a few weeks you'll be able to enjoy a very austin yogurt shop. We are not seeking a tax abate. It's not about that. we'll be happy to comply with that request. Thank you. Emily little is signed up also for -- but only speak if there are questions. So those are all the folks that we have signed up. Entertain a motion. Council member shade moves to close the public hearing and approve the historic designation for the brown-dumas blacksmith shop on all three readings. Is it ready for all three?

It is, sir.

Mayor leffingwell: okay. Motion by council member shade, I'll second. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

Great. Thank you very much. Council member, our second case is the driskill hotel tower. This is located on 7th street and the history of this building is closely associated with the driskill hotel that's at 6th and brass os. That part of the hotel was built in 1876. By 1928 the stephen f. Austin hotel tobacco completed at 7th and congress and the driskill was in direct competition, needed a new annex. They hired architects of el paso to design this building, which was completed in 1930. The building has undergone a couple of restorations, a couple of renovations but maintains its original appearance, its original materials. It is an integral part of the skyline of downtown austin. The applicants have requested this historic zoning designation, which was supported by staff, landmark commission and the planning commission. The building is an excellent example of the work of yost and troas, el paso. These were some of the premiere architects in texas at the time designing hotels, all kinds of commercial buildings. Throughout the state we have very few works by them in austin. This is probably their best example in austin. It's tied in directly with the history of the driskill hotel to the longest existing hotel in the city of austin, and staff recommends it for landmark designation on its architectural significance and its historical significance. thank you. Questions for staff? No one is signed up to speak on this item. So council member shade? I'm going to move approval and as the case -- in the last one, I think this is another example of just really terrific work and this, to me, on all kinds of -- for all kinds of reasons with our criteria, this meets up with it and i especially liked the 1961 article that you included in the back-up, so thank you for that as well. I'll move approval on all three readings. council member shade moves to close the public hearing, approve on all three readings historic designation. I will second with one question. Are we -- is it just the tower part or --

this is just the tower part, yes. just the tower part. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

Great. Thank you, council members. that brings us to item 67 --

67, it's the bradford-nohra house at 4213 avenue g. This is the second time the council has seen this case. Bradford-nohra house is located at the corner of avenue g in hyde park. It was built in 1908. The first owner of the house was a man named william stewart, who was a real estate man who is listed in the 1909-1910 city directory, but by 1913 the house had been purchased by the bradford family. Clyde bradford was the owner of bradford paint company, which was a long-time paint, wallpaper, varnish and oil business, first located on congress avenue and then at 9th and colorado. His son dewey bradford, who had been born in round rock, lived in this house with his parents, and then by 1923 he and his wife were the owners and occupants of the house. The bradfords lived here until around 1944. They sold the house then to the nohra family. charles nohra was a restaurateur in town. He had several cafes. His wife helen is still the owner and occupant of this house. She's well into her 90s now and has lived here since the '40s. The house has been recommended by the landmark commission and the planning commission, two times, and staff has not been able to recommend this house for designation two times. This is what the house looked like when the bradfords lived here. These are historic photographs that I'm very appreciative of the hyde park neighborhood association for providing these in helping gain a better understanding of the history of the house. But as you can see originally the house was a white frame -- a frame house. It still had its columns on the front. On the south side it had an open porch downtown, a sleeping porch upstairs. The roof remains the same. Here is some additional photographs of the house taken probably from the 1930s. And then the 1935 sanborn map also shows this two-story porch that wrapped around the house, that dotted line on the sanborn map shows a porch. It also shows a one-story addition on the back, which has been eaten up by a later addition. The 1962 sanborn map shows the exact same configuration but it's obvious that this map simply was not updated to show the changing conditions of the house. There are no building permits to determine when the house stucco, when the sleeping porch and the south porch on the right of this photograph here, and the addition which you see behind that were added to the house, but staff believes that these were done in the 1940s when THE -- AFTER THE NOHRAS Purchased the house. The stucco apparently has been put over metal lathe. We don't know what remains underneath the stucco of the house. The historic windows were all replaced with jalosi windows. The very large two-story addition was placed on the back of the house at that time. The roof structure remains intact. If you see that little gable peak right above the front door on the roof, that and two other dormers on each side of the roof are what remain of the original house. The rest of it has been covered over. This has been a real makeover of a house. The reason staff has never been able to recommend this for historic zoning is because it has been significantly altered over time. The basic test for integrity which is required by our city code is that the house maintain its historic appearance. It's clear that this house does not. The stucco being applied over the original house, the windows have been changed out. It is true that the window openings remain the same on the -- on the outside as it exists, but the windows have been changed out, and the test for integrity is whether the person in history that is associated with this house would recognize it as his house today. Staff does not believe that that is possible with the amount of modification and alteration that has occurred to this house. To play devil's advocate for a moment, if the applicant -- if the property owners had come to me with the house as is and said, we'd like historic designation for this house, I would have looked at it and I would have the same recommendation I've had all along. I don't think that I can make a difference whether somebody is seeking historic zoning or demolition as to what a professional recommendation should be. This house has been modified to too great of an extent to say that whether the applicants had come for historic zoning, it needs a restoration plan. If there's no plan for restoration, then the house is going to remain like this if it is designated as a historic landmark, which staff believes is not in the same philosophy of what our preservation program is about. I want to add to this that I am always in -- I have never favored foreclosing an opportunity for preservation, but in this case I do not believe that that is a possibility. The owners are seeking a demolition permit for the house. They have filed a valid petition against the -- against the zoning change, and in staff's professional opinion this house does not retain enough of its historic character, nor its historic appearance, to warrant designation as a landmark. Thank you. Questi questi ons? Council member riley. in your judgment, if the owner were to choose to undertake historic preservation, do you believe it would be possible for it to return to a condition where it would justify historic landmark status?

I don't think anybody can answer that, council member. I'll just make an analogy to the burn reed house which is going to be coming before council in a couple months. It's the old humanities texas building on

15th street that used to be encased in a concrete stuccoed cube. Selective demolition was authorized by the landmark commission, and they went in to find how much historic material was still underneath that cube. There was quite a bit of it left. We were very, very lucky in that case, and they had detailed historic photographs to guide the reconstruction of any of the missing architectural features on that house. No selective demolition has ever taken place on this house, so there is no way that anybody can tell presently how much of the historic fabric remains underneath the current stucco or what condition it's in.

Why would anyone have removed the material underneath before applying the stucco? I mean, it seems like the stucco would just be applied to the structure. Wouldn't it -- if it's -- why wouldn't it still be underneath the stucco?

Well, it depends on the configuration of the wood frame. A lot of times they would remove projecting pieces so they could apply a flat lathe over it, so there could be the entire house underneath there. There could be portions of it that are missing. It's just impossible to tell without taking some of that stucco off and seeing, first of all, how much is left, and second of all, what condition it's in, whether the condition would even allow its restoration or whether it would have to be completely replaced.

Riley: thanks. other questions? Do you have a public hearing on this item, ready to go to the public hearing? The city is the applicant. So we'll start off with those in favor of the application. And I believe we have an order.

Yeah, thanks. -- thanks for reminding me. You're all speaking for three minutes.

Mayor, council members, my name is karen mcgraw, I'm an architect and I live in hyde park and I've restored a number of buildings myself over the years. I just want to start off and say in all the 37 years, i think, at the hyde park neighborhood association, that the most number one important item and activity of the neighborhood association has been saving the historic buildings of hyde park. This has been number one. The most important activity we have had. Back in the early '70s there were a number of homes that had suffered a lot of neglect. The bulldozers were just kind of roaming around out there, and the neighborhood leaders and the neighborhood association, through the landmark ordinance, were able to save a number of these homes that were quite endangered, and through the landmark ordinance. These were not beautiful million dollar restorations. These were houses that were going to be torn down in the morning, and that is what sort of started the -- even the possibility of saving hyde park. This case is one of those cases. We haven't seen one in a while that's quite like this, but that is the kind of case it is. It's the case of an endangered building. I know when you look at million-dollar homes that have been restored and they're asking you for a tax break, I know that gives you heartburn. I understand that. But this is not that kind of case. This building is on the tax rolls at \$103,000. So this is not about giving somebody a tax break. This is about saving an endangered building. I do want to be clear about what the criteria are that this property meets. It meets a 1 and 2. It also meets -- under 3 it meets b 1. It embodies the characteristics of a recognized architectural style, 2, the properties substantially associated with persons of historical significance, and I'll add 4, it has tremendous community value. I want to finish by reading you at the planning commission the other night the motion made by the landmark commissioners was not available, so I want to read that to you. I've looked at the video and tried to write down every word, and I'm going to read that to you right now. This was a motion to recommend historic zoning on october 25. The motion was by terry myers, seconded by joe arriaga. Terry myers said the following. I'm very familiar with this house. I see it almost every day. It is at a major crossroads in the hyde park neighborhood and in many ways it is a landmark and you don't need to know history to see that it is a landmark. Bigger than the elephant that fell through someone's roof. It is a major architectural feature of the neighborhood -- karen, you do have three minutes donated to you.

Okay, thank you. on my sheet here. Victoria goodman. Is victoria goodman here? She's not here. So just go ahead and conclude. Wrawp.

I just have -- wrap up.

I just have another sentence or so. I also think dewey bradford would recognize the house when he came down the street, because of roof dormer, columns, fenestration patterns, he probably wouldn't say fenestration, and he would see that the porches have been filled in on one side. It is very much associated with bradford and has architectural merit in the hyde park neighborhood. The criteria were clarified myers to be historic association with dewey bradford and architectural merit. The vote was 5-1 with six members present and again i also think it has tremendous community value. thank you.

Thank you. next speaker is mary carolyn george. Go ahead.

I'm sorry, I misspoke earlier. The planning commission heard this case on tuesday night and they forwarded to you without a recommendation, a 4-4 vote. yeah, we're aware of that. Thank you. We heard about it, yeah. Welcome. You have three minutes.

Thank you. Good evening. I'm mary carolyn george, an architectural historian. My husband eugene and I live just a few houses down from the bradford-nohra house. Has a restoration -- as a restoration architect, and in that first paragraph that coming around, he cites some of his profession credentials. He was asked to provide an evaluate about whether the bradford-nohra house satisfied certain criteria for designation as an austin historic landmark, namely, whether it retained sufficient integrity of materials and design to convey its historic appearance. To quote, and this later was dated the 18th of october, 2008. As for the design requirements, this structure is the only remaining residence in hyde park that is an example of neoclassical architecture. Photographs from the 1937, which was up just a moment ago, as compared to its altered state, clearly reveal that the overall design remains intact and retains most of its historic form. This includes full height columns and front porch, a hip roof, symmetrical windows adjacent to the centered door, original window casings, now with jalosies, that's still there. While the lower side porch and upper sleeping porch of the south side have been enclosed, destroying the symmetry, the structural form of the south porches remain and the original columns survive. Sec, in studying the -- second, in studying the exterior of the structure, the visual evidence indicates that the wood siding of the original structure was sheathed in what I believe to be lime-based plaster. It is significant that the plaster was applied to bond with applied metal lathe, and thus separated from the wood siding. This permits an air space between the plaster and the wood siding. Moisture can evaporate in this air space with minimum damage to adjacent material, and there are many examples of this. Shadows of the lathing joints are clearly evident. It is a cardinal rule in historic preservation that modifications to historic structures must be reversible. It is fortunate that this is the case with the bradford-nohra house. It is all there, ready to be revealed. Thank you. thank you. Next is peter maxin, and donating time to peter is david connor. Is david here? So you have six minutes.

Thank you, mayor, councilman, my name is peter flag max im. I'm an architectural historian and serve on four different history and preservation related boards. When I first moved to the city of austin landmark a block away in 1984, i thought the bradford-nohra house was big and austin funky but I did not understand it. 27 Years later I've walked past it probably a thousand times and now have a real fondness and respect for it. As an architectural historian, I have a different take on it than some others might. Some historic buildings are significant because they are pristine, they represent their earliest period, think month monticello or mount vernon. Others have had different buildings campaigns over the years but still may have an interest and significance. The builders of the u.s. Capitol would not recognize it. It has been added on virtually every side but it is important. The bradford-nohra house would be wonderful restored. I was involved with a very similar curl crockett house a few blocks away. That property had been divided into six apartments, had ungainly alterations and considerable deterioration, but it has in recent years been beautifully restored as a single-family residence. But I'm not convinced that restoration to the bradford era is automatically the best thing even to do to this house. When I worked with the texas historical commission at the BEGINNING OF THE 1980s, People did not look at bungalows as being worth recognition or preservation. By the end of that decade they did. Part of our job was staying ahead of the public on considering what buildings are worth recognition

and preservation. There has been considerable interest in mid-century modern buildings. The good news for all of you is that only a tiny fraction of mid-century modern buildings would be considered significant, but some are. As a point of reference, on this particular building the alterations done in the late 1940s ARE THE SAME Vicinity annual as I am, so with that you've got 60 years in place. To me, the building has two periods of significance, arguably. You could restore it to the bradford era. You could restore it to the nohra era, and I think both would be valid approaches. In this case most mid-century houses in hyde park are one-story, conservative, austin stone ranch houses. This building is very different. To me it has a great deal more character. In this case think miamibeach. It has a much more tropical feel to it. Has the jalousied windows, the stuccoed exterior, the angled wing coming out the back and a number of features that to me constitute historic fabric in their own way. The neighborhood passion for the brad nohra house, we really think it has a great presence, a large building on a large corner lot, far more character than whatever the replacement townhouses would be. I would also add that at this point there are virtually no townhouses or apartments on avenue g, and I really hate to see something coming in that would change that aspect of things. We honor the nohra family. We share their pride in their heritage, and we consider this particular house a joint heritage. It is there. They have been stewards of it. It has a strong feeling -- evokes a strong feeling for the people of hyde park, and we wish to ensure its recognition and preservation. It will only grow in importance as time goes by. You can in good conscience vote if its recognition and preservation and we urge you to do so. Thank you very much. thank you. Next is emily little. , And donating time is carol burt. Is carol here? Carol is here, so you have six minutes.

Good evening, mayor and council members. I concur with the comments of eugene george and peter maxin on the architectural integrity of the structure and especially the prominence of this site and it's position in the neighborhood as a gateway to hyde park. I really encourage you to trust the experts on the testimony that you've heard about the architectural merit of this structure. My firm was also architect for the restoration of the burn reed house which was mentioned as an example of a historic building of value that was covered up, and i want to make the distinction that at burn-reed it was a house of entirely different qualities. The materials that we were forced to reproduce were incredibly expensive and unique, and it is our understanding that bradford-nohra is a wood siding structure, which is not expensive nor difficult to replicate, if indeed the stucco comes off and it's not in good condition. So those are not parallel situations. I just wanted to be sure that was clear. It is the challenge of preservationists today to figure out how to make these historic structures viable in today's economy and not to just relegate the restoration of historic structures to just the select affluent few. And as an architect, we -- my firm was asked by council member shade, in an attempt to find a compromise in this very, very shades of gray situation, to come up and to look at surrt zoning as it applied -- current zoning as it applied to the site and come up with some viable options as it related to this large piece of property and restore the house. And we came up with two solutions and I don't know if they're in your packet or not. The house, according to the residential design standards, you could add up to 2600 square feet to that piece of property, and we came up with two solutions that I think would be very, very compatible and sympathetic with the historic structure were it to be restored. These new buildings would fit to the east or back of the historic house. This is enough to either have a single-family home and a garage apartment or a two-you want dwelling, 2600 square feet, thus creating a viable solution to creating rental income for that property and restore and at least maintain the building, the historic building. I want to also just remind you and ask that you not confuse the restoration of this building and the designation of it as a landmark with the debate about tax abatement. This is not a tax abatement issue. As an owner of a historic landmark and a board member of the heritage society, we know that the tax abatement program is going to change, and the heritage society has a committee that has been meeting and working diligently to come up with very clear recommendations to this body about ways to revise that program. And we can't blur the lines between understanding what is on historically significant building, designating that as a landmark and the issue of tax abatement. We have to just revise the abatement program to be fair and equitable to all and not let that determine what we decide is a historic landmark. So I strongly encourage the designation of the bradford-nohra house as a historic landmark and feel like there are viable ways to salvage the integrity of that building, develop the property and allow it to live on as a really vital member of hyde park community. Thank you. thank you. Emon burton I have a question of the last speaker, if I may. council member spelman. I appreciate your candid remarks about the

economic viability of the historic designation, especially for a property of this kind, and I like the idea prospect, if building another house you generate rental income you can use that to finance your restoration project. Roughly, do you have an opinion on what the cost of that restoration project would be?

Oh, gosh. I would just be so wildly guessing. Probably 4 to 500,000. in the neighborhood of half a mill --

350 you could probably squeak by. It depends a lot on what's underneath, if the roof is intact, the framing of the roof is intact, the original windows and the openings were there, is really important because then you know what you're headed toward. You're not going to peel it off and say, oh, we need 80 windows. We know how many windows we need and things like that. Oh, I hate to just throw these numbers at you, but I don't -- I don't -- I can't imagine it would be over 5, 4 feels pretty comfy, but -- the assumption you're making is that the -- it's probably your assessment as well, once you open up the stucco you're still going to have more or less intact underneath it.

If that stucco was put on metal lath put on the face of the siding, I would assume that.

Spelman: okay. Thanks.

Thank you. is ann graham here? Ann gram? -- Ann graham? burton, you have three minutes, unless someone else wants to donate their time to you.

I think that will be fine. I just want to make two points tonight. One is that the neighborhood knew that in order for this to have a viable chance for historic landmark status, that we felt that we needed to work with the owner and come up with some creative plan so that it would not be a financial hardship and would be adverse to the owner, and with the good help of council member shade, mediation sessions were held. I can tell you that lee walker and I met with the attorney for the owner, and they worked with us. We were not able to resolve that issue at the time, but what we did see is that it was possible to save the house, do additional structures, and by selling off the house for someone to restore it, that the money from that could help to construct the additional building that could be put on the building, and it wouldn't just be on the alley. Because of the fact that's a garage and existing carriage house there on 43rd street, it can have an opening and an entrance on 43rd street. So we've -- we thought that was important. We still think it's important. We have told the owner that we will -- that the neighborhood is committed to doing anything that we can in terms of helping get variances. We will go to help them get variances to be able to build additional structures, even including going up, which might even include greater than 2600 square little mentioned, but the neighborhood is totally committed to that. The last thing I want to say is that in addition to the restoration architect, george and emily little, we thought it was very important because of the sadowsky had asked, what someone like larry speck would say who's done the airport, the convention center, the two structures adjoining to this building, and has been so active in restoration. This is what he wrote to me. He said, I went by and saw the house that you're trying to save. I sincerely hope you're successful. In neighborhoods like hyde park corner houses are particularly important. A significant building in mid-block might disappear without making a strong impact on the sense and neighborhood. Corner houses are important for the character, especially on a major street like 43rd. The loss of a landmark like this would be a significant change of the whole ethos of the place. In classical buildings like this one is at the core of austin's architectural heritage. It is a shame to see that dwindling. Preserving buildings that have been altered through the years is important. There are very few buildings that survive through the decades without changes. We cannot afford to sacrifice all of our cultural heritage because of the poor judgment. Many of the buildings on east street were once covered in inappropriate veneer. One more sentence. Thank god they were saved in spite of the veneer. Thank you. thank you. Wanda pin. And you have three minutes.

Thank you, I'm going to jump around a little bit. Owner opposition is a serious issue. However in this particular instance the needs as stated cannot live without austin losing one of hyde park's located structure. They want to build four condos, two for family, two for condominium. Do all of these units

have to be built at the same time? Do they all have to face avenue g? Cannot the sale of the portion of the lot where the house stands pay for this construction? After years of work the city council of austin, texas has officially recognized the historic value of hyde park by designating much of the area as a local historic district. We should be celebrating, except that the very first action by that same city council after this recognition might be to allow a hyde park structure supported by hyde park and the local -- and the historic landmark commission to be demolished. I sent you an email yesterday. I hope you had time to read it. It has more information. A couple of just random thoughts. Aren't we glad that congress avenue doesn't look like it did in the '70s, in the 400, the 500, the 600 and the 700 blocks, all those structures where oscar, the big o have been plastered over and now have been returned to the way the buildings originally looked, although plaster and stucco taken off the front of those buildings. I was sitting here earlier and I started counting structures that we had lost in hyde park since I've lived here. It took me about three minutes to get to over 50. I don't want to lose another one. We can't afford to keep losing it, even one at a time. And the last thing is two years ago a group of us purchased a house that I now currently own, and we restored it. [One moment, please, for] the staff was not able to come up with much research, but we had a neighbor who , a law professor, who tracked down through the web, i suppose, a person who had been born in this house and who had lived there for her first few years. She lived in virginia and A shame to see that dwindling. Preserving buildings that have been altered through the years is important. There are very few buildings that survive through the decades without changes. We cannot afford to sacrifice all of our cultural heritage because of the poor judgment. Many of the buildings on east street were once covered in inappropriate veneer. One more sentence. Thank god they were saved in spite of the veneer. Thank you. thank you. Wanda pin. And you have three minutes.

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Mayor Leffingwell: Thank you, dorothy. Last speaker I have signed up is lori widely. Did I say that right, widely. You may remember it from a month ago.

Mayor Leffingwell: I cheated a little bit.

Well, I think this house needs to be preserved because dispute the importance of dewey bradford, this is the only house in austin in which dewey bradford actually lived. His other homes have been torn down, including the famous shop tower demolished at night in 1974. This house is very clearly associated with someone who contributed dramatically to the history of austin. I don't have to go through all of due by bradford's credentials, but I will read some paragraphs from a letter from lucy baines johnson and I think you have copies of this in your packets. She supports the zoning of this house and she says the bradford was a friend of my parents, president and mrs. lyndon b. Johnson and to all our family. He also advised my parents about the works of many artists, especially portifillo martinez. He encouraged other collectors to loan paintings to those public offices. Mother and daddy lived them bradford's guidance became collectors also. My mother expressed her appreciation for the paintings in a letter to mr. bradford. Quote, they have been a great joy. Not only to us, but to hundreds of visitors to his office. It was our own deep roots in the land of blue skies and white cleach that prompted us to want others to see how talented hands have captured the history of the landscape on canvass. During his ha lifetime his contributions were immense and he enriched the lives of many texans. I respectfully urge your support of the historic zoning to preserve bradford's home and his legacy. Thank you.

Mayor Leffingwell: Thank you. So those are all of the speakers that I have signed up to speak for the zoning request. So now we'll go to those who are signed up against beginning with wallace vidal. Donating time is russell burns and signey sintoro. So you have nine minutes. What is your name?

[Inaudible - no mic].

Mayor Leffingwell: Lawrence guild is also donating time, so you will have 12 minutes.

[Inaudible - no mic].

Mayor Leffingwell: That's fine. Okay. Jimmy nas sourdough nateing time is james medina. Is james medina here? So you have three minutes. James medina? Charlie nohra. You have six minutes.

Mayor, councilmembers, my name is jim any nas sour, an attorney in austin. I'm also the nephew of nohra and representing her and her family in this matter. I wanted to call your attention a little bit to the recent planning commission hearing and vote where it was a four-four vote as st sadowsky had said. Specifically commissioner sullivan in voting to support the staff's recommendation was discussing the new district that's been approved by the council, historic district there in hyde park, and that was specifically there to try and address situations like that. And this case, we're coming on three years now for this case. This has been put off and put off and postponed. And in part postponed to make sure that nothing would be done with this house until this district was created to ensure that if something was rebuilt, it would be built in compliance with the requirements of that newly created district. We didn't try and go into the radar and get a site plan approved. Our plan all along has been to build something that would be compatible with the neighborhood. And that continues to be our intention here. I just wanted to address a few of the comments that were made by some of the prior speakers. Specifically emily little was discussing the solutions that were created to be compatible and sympathetic, and they were. They were compatible and sympathetic to the neighborhood, but not really for ms. nohra. nohra's house on the alley isn't exactly what the family wants to do. She's been living at 4213 avenue g for almost 70 years. She wants to walk out and see avenue g, not the alley. And when you talk about it making economic sense, it doesn't make economic sense to be able to sell a unit that fronts on avenue g for the same price as selling something on the alley. So it just didn't make really economic sense to do that. The cost that she refers to, \$500,000, so she could do that, that would be wonderful, but in your package I think you've got a copy of the property inspection report, which the categories r stand for things that need repaired. Foundation, roof, plumbing, electrical, water. Every category, every category on this list, and there's 38 categories, needs repaired, with the exception of one, and that one

specifically says the doorbell and chimes work. So that's what's working in the house. There is also in your package a copy of the cost to repair the house and the cost to repair the house -- this is not to restore it to the condition necessary for historic zoning, but the cost to repair and bring it to code is \$1,023,000. And that's money that ms. nohra does not have. She is 97 years old. She's lived in this house for 70 years. She does not have the income or the funds to restore this house, let alone bring it to code. The national register shows this house to be non-contributing, meaning it has no contributing value because the numerous alterations and additions over the years as well as the property's condition. This house was originally an eight room house with one bath. Eight rooms with one bath. It's now 18 rooms with nine baths. As sadowsky said, this house has been altered so much that it's beyond recognition by anyone as being the original house that it was, and as a result it fails to meet the tests required by the land development code. Historic zoning initiate bid the municipality, which erodes our city's tax base, should be used with caution. In zoning against a property owners' wishes should be initiated with extreme caution. I think its use here really dill lieutenants the charge that this council has. If you're going to create a situation where houses like this are zoned historic and the condition that their in, then they're just no need to where this will go. I wanted to read you just a portion of this lab report, which is the environmental report that you've got in your package. Basically it says that the-- this residence cannot be remediated for mold without repair of the plumbing and mechanical systems, which are beyond the scope of this report. So you cannot do the renovation until you do the mold abatement. In addition to that, the facility does not meet code in numerous areas and beyond the scope of this report. It is the opinion of maxwell, the restoration of the facility, is not economically feasible. The presence of elevated mold and indoor air samples is a signpost of poor indoor air quality and a reason for concern. Occupancy of the area is not recommended for persons of very young, old or otherwise immune compromised persons. Notwithstanding the tremendous hardships, your vote would impose north ra family, I would ask that you please follow your staff's recommendations. This house does not meet the criteria necessary to meet historic zoning. [Buzzer sounds] the loss of taxes to the taxpayers, the national register shows this property to be nonconforming, and there is no money, no preservation plan and nohra does not want her house zoned historic. Thank you.

Mayor Leffingwell: Thank you. Wallace vidal, are you next? So you have up to 12 minutes. With the donated time.

I'm here to identify what I think are two viable solutions for this problem. I've been here twice before to speak to you about the hyde park local historic district. On those occasions, and again today, I haven't always agreed with your conclusions, but I've been very impressed with the attention you pay to the wide range of matters that we bring before you. I really appreciate that. And I'm absolutely in awe of your stamina. Are y'all still awake? How are you doing that? I know very little about the specifics or technicalities of the bradford nohra property. I know it very well as a passerby. I live two blocks away and i have walked by or driven by almost everyday for the last 35 years living in hyde park. I have no experience with the house in any condition other than its present condition. Our focus in this conversation should be in my opinion how to engender, how to encourage a renaissance on this corner. It's a prominent place in hyde park. It ought to have something wonderful. I don't know exactly what that looks like. Effectively at this point in time the house that is there now is on life support. And the discussion of the hpna has focused on heroic measures to be performed at great cost on what is essentially a deadentate. -- Dead entity. I first became aware of this property as a controversy when I read an article in the hyde park newsletter several years ago. It described the adamant stance of the neighborhood association and their attempt to force a restoration project on owners who could not afford the costs of the renovation. Reading that article I felt ashamed for my neighborhood. I felt ashamed of the people who speak for my neighborhood. I am not a member of the hyde park neighborhood association and the hyde park neighborhood association is not hyde park. More recently in the process of gathering signatures for the petition to oppose the hyde park local historic district, I learned more about the patterns of behavior by the neighborhood leadership. I heard accounts from dozens of my neighbors in this process, many of whom said that they had been bullied and abused by the behavior of a relatively small group of unelected leaders. Most of these acts of bullying occurred around issues such as the issue you're considering today, how to preserve, how to restore, how to enliven, how to develop in short. I spoke to one woman who went through a renovation project a couple

of years ago and I was there just to get her signature on a petition. And she was in tears within a few minutes as she described how she was treated. On Tuesday this week, I watched part of the planning commission hearing on this matter. Once again I was very impressed by the kind of presentation that I saw tonight. It's very impressive. I mean, they can really bring out the speakers. There were what, eight, nine of them? All very articulate. But I was once again disturbed by what I saw in the planning commission members, those who were -- those who had closed minds. Those who had already decided that this is an old house, you have to save it. We don't care what it costs. I think to have empathy for the owners of a property like this you have to care what it costs, and I think the estimate of \$350,000 to restore this building is extremely optimistic. I'm not here to advocate for the demolition of this house. I will make two suggestions. Two viable options for ways to avoid that. I'm also not here to enumerate all the reasons why historic landmark status for this structure is inappropriate. I'm here to ask how we as a community can get the conversation back on an even keel. What are the things on which we can agree? What paths can we choose to elevate the conversation about this house? Forcing the owners to undertake a costly renovation using historic landmark status as a tool to force them to do that, something they're not able to do, moves the conversation in the wrong direction in my opinion. We're talking about two separate things. We're talking about a place. Venturei said that houses, buildings have a way of being in a particular place, but one of the beauties of a frame structure is that it can easily be moved. If what is most important to the neighborhood association is the structure, why can't another lot be purchased? Why can't that structure be purchased by the neighborhood association, moved to that new site and restored? That was one of my suggestions. I have another, and that's what I've passed out to you. I want to digress a minute and talk to you a little bit about belief versus reason. I was snagged earlier by one of the speakers this afternoon who used the word covet. I think it's fair to say that there are people in our world who covet this property, who see in it what it is, a piece of dirt that has enormous value with a structure on it that will be very costly to renovate. Thou shalt not covet thy neighbor's house. I don't know the family very well. I'm not a close friend of the Nohra's, but I know they've received an offer from one of the speakers that you heard tonight, an offer hundreds of thousands of dollars less than the total value of the property. Oh, yeah, it's valuable and they see the value of it. In the late 19th century there was a heated debate between advocates of reason and advocates of belief. Most people see this as a discussion between William Clifford, who is a mathematician, and William James, who wrote the will to believe. Clifford said it is wrong always, everywhere and for anyone, to believe anything upon insufficient evidence. James responded by defending what he called the will to believe, the right that people have to hold a belief without evidence. James made a distinction between holding a belief on the one hand and imposing that belief on someone else, on the other hand. The city's preservation department has recommended against historic landmark zoning for the structure. The judgment was made by a professional team whose training, experience and assignment are focused on decision-making based on especially peer-reviewed evidence. -- Empirical evidence. The advocate you've heard tonight, the advocates for historic zoning for this property, base their recommendation on conjecture. On feeling, on belief. The members of the historic landmark commission and those on the planning commission who endorsed the imposition of landmark status base their support on personal beliefs also. We don't know the condition of the wood siding on this house and we won't know until the stucco comes off. The decision before you today should be based on facts, on evidence, not on belief. In the terms of William James, the advocates for historic landmark status for this house have a hypothesis. The hypothesis is that the house represents an opportunity for investment. In order for the hypothesis to be anything other than trivial, it is necessary for the advocates for restoration to take responsibility for the costs of restoration. For those who believe in the practicality of restoring this house to a state of grandeur, there is a way to demonstrate and substantiate that belief. Put your house where your mouth is. What I've written here -- and bear with me. I'm not an attorney. This is a boiler plate of a compromise and settlement agreement. And it is not made on behalf of the family. I do not represent them. This is intended to get us thinking about, okay, we feel passionately that this house should be restored. Here's a way to do that. Here's a way for the neighborhood association and those who advocate restoration, here's a way to make it happen. Whereas, donors -- I'll get back to donors in a minute. And the Hyde Park neighborhood association believe that complete restoration of the Bradford Nohra home is feasible, cost effective and worth while and wish to contribute to the restoration of the house. Whereas, the recipients, that's the Nohra family, are not able to --

Mayor Leffingwell: You have 30 seconds. If you want to skip to the chase.

The suggestion is that those who fervently believe that restoration is viable, take out a lien on your own homes, transfer \$150,000 each to the nohra family, and the nohra family will restore this home beautifully once they have 5 million in the bank. Thank you for your attention. [Buzzer sounds]

Mayor Leffingwell: Thank you. Sylvia dudnee. Welcome. You have three minutes. And you are judy crown? So you have six minutes.

Thank you. My name is sylvia. I am the daughter of and trustee to my mother, helen nohra. It's very difficult to sit here and listen to other people plan what should be done with your property with no regard to what it would cost this family. We could demolish this house and rebuild it for less than half of what it would cost just to bring it to city code. At the planning commission on tuesday I had a prepared speech addressing all the reasons why this house does not meet the criteria for historical designation,. It's not neo classical. There's no symmetry. There are five columns, not six. There's not a pediment, there is just this small rectangular tank at the top of the roof. And my mother and bradford for that matter too, are not historical figures. That they were both very good business people and that alone is not enough to designate this house historical by association. I completely ignored my notes when a member of that commission without knowing all the facts referred to this house and my mother as well as being willfully neglected. I resent the slanderous remarks and the personal attacks that we have intentionally allowed this house to deteriorate. I take great umbrage that anyone, particularly those who represent this city, would even suggest that. To the contrary, while my mother's care and financial matters of this family are personal and have no place in this discussion, I will tell you that she is very well cared for, surrounded by people who love her deeply, and in spite of the condition of the exterior and interior of the house, the house is clean and orderly, the yard is not overgrown with weeds, is well maintained, and the front porch is not used as a storage area and there are no vehicles parked in the yard. And yes, even in hyde park, there are houses just as i described. This is a house that was not part of the hyde park development originally. It sat outside the city limits. Hyde park developed to the north and west of this property. bradford added the columns and the front porch, none of which were a part of the original structure. I did my research too and also found out why this house is not neo classical. And probably learned more than I really cared to know about architecture. City staff has repeatedly said the house does not meet the criteria. sadowsky has never waived from that. There is no one in this room more wallfide to make that sadowsky, bar none. There is no preservation plan for this house and no resources to create a preservation plan. Yet the landmark commission has pushed this forward without a preservation plan or is certificate of appropriateness. Both of which are required by individuals wanting their homes designated historical. Why should it be any different for the city? And the city knows firsthand the expense in restoring homes. The norwood house sits boarded up with no funds in the budget to restore it. I love hyde park. It's the neighborhood I grew up in. I still live there next door to my mother. I am a member of the hyde park contact team, much to the dismay of some of the people in this room. I'm not a member of the hyde park neighborhood association. But I remember a different hyde park, one that cared more about the people living in the houses than the houses themselves. If you zone this property historical, you would greatly diminish the significance of historical designation and you would jeopardize future historic zoning of the true treasures of this city. There's a reason why the school district no longer participates in tax abatement and why the city is now rethinking the tax abatement it offers. It's a system that's abused and it's a system that's broken. And over the years it has taken millions of dollars off the tax rolls. And the rest of us pay for it. One of my mother's favorite actors was john wayne, who said, true courage is being , but saddling up anyway. I'm asking you to do the right thing for this family. A process that would normally take 45, maybe 60 days, has taken this family three years to get here. At my mother's age that's a lifetime. And after almost 70 years living in this neighborhood, no one in this room knows better what this family needs than this family. And after many years and what we have had to endure these past three years, i would say we've earned that right to make the decision, not this neighborhood association. I often pray -- I want to close with one. It says, god grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference. You have the courage and i believe you have the wisdom.

Thank you.

Mayor Leffingwell: Thank you. [Applause] those are all the folks we have signed up to speak against. Also signed up against, not wishing to speak, is corey walton, richard farris, tracy whit, rose lee chiles and jean chiles. So those are all of the speakers that we have on this item. And the floor is open for discussion or a motion. On item number 67. Councilmember shade.

Shade: I'm going to open by saying that this has been by far the most challenging zoning case that I've ever been involved with. It's been one that I've really learned a lot and it's one that I have struggled a lot with in the process of that. I've also gotten to know some incredible people and I've really enjoyed that opportunity to learn a lot about what goes into a situation like this. And it's also really shown a lot about the subjectivity of some of the criteria. And I think that again all the comments that have been made have been very powerful, very passionate and as has been mentioned it's been over a three-year period. And we even had a really interesting speaker that i wasn't expecting, wallace sidle, whose comments were very different than what i was expecting. I want to call that out too. So as emotionally challenging as this a case is because of all the various aspects to it, I did have a couple of questions. And I'm not sure who the right person to answer one of them is, but we had a very different letter from the heritage society both times. I mean, the first time we saw the case versus the second time. Is there anybody here from the heritage society who can speak to that? I think one of the most important things to focus on is the criteria itself and not to think about the financial hardships and not to think about the neighborhood preservation, but to really look at the criteria itself. And I thought that that was interesting that they had a different opinion between the two letters. I don't know if other colleagues have questions. No? Because I don't want to --

Mayor Leffingwell: I have one question. And you know, I heard the statement from one side saying that the designation of the hyde park historic district would not affect this in any way, and then on the other side I heard that it would be required to be restored in a manner compatible with the district. So which is the case, mr. sadowsky?

The demolition permit would not be affected by the establishment of the local historic district because the application for demolition predates the establishment of the district. If that demolition permit were to be released, any new construction would have to conform to the hyde park historic district design standards, and that would be a certificate of appropriateness issued by the landmark commission.

Mayor Leffingwell: Okay. You're saying if we disregarded the old demolition permit and issued a new one, then it would have to be restored --

Shade: New construction.

Mayor Leffingwell: The new construction would have to be compatible with the district standards.

The demolition permit application predates the establishment of the district. So a decision about demolition is not affected by the establishment of the district. If the demolition permit is released through a denial of historic zoning, any new building on that site has to follow the rules because they are now in effect.

Mayor Leffingwell: So denial of historic zoning would automatically release the permit to demolish the building?

It would, yes, sir.

Mayor Leffingwell: And there wouldn't be any restrictions of the reconstruction?

Well, there would be because they would be filing a building permit, site plan, whatever is necessary, but now that the hyde park local historic district has been established, those rules are in place.

Mayor Leffingwell: So it's correct to say that it would be rebuilt, a structure would be rebuilt compatible with the district standards.

Any new structure.

Mayor Leffingwell: New any structure.

Yes, sir.

Mayor Leffingwell: Okay.

Shade: If nobody else has questions I'll take a stab at making a motion. And it's -- and I will say that because I spent so much time in the mediation sessions and looking at a whole lot of different options, and I have great respect for the work of emily little, there's a line in the letter, and -- the most recent letter from the heritage society actually talks about emily little. But it does not support based on the criteria this -- for historic zoning, but it does specifically talk about the encouragement of the property owners to reconsider their plans with the property. And I would say that I would love to see some piece of the house preserved. I would love to see that lot be all that it can be. I believe that nobody has a bigger financial interest in the quality of what might go on that corner than sylvia who spoke at the end here because she literally lives right next door. And I think that it's clear that with the local historic district in place and with the nccd in place that there are a lot of restrictions and any new construction that could occur is going to take a whole lot of neighborhood conservation. And there's been so much pain and so much agony and ill will and mean things said, but I'm going to make a motion to support the staff recommendation, deny historic zoning based solely on the criteria as it's laid out here, but with the hope that when the construction or concept for construction occurs that the neighbors and the family have an opportunity to have a clean slate and do the very best type of construction they possibly can. That is a fabulous corner and while I don't believe that the existing structure meets the criteria for historic zoning, I am going to hope and pray that the neighbors get along with each other, that we stop pitting neighbor against neighbor and that we come up with a terrific, wonderful, possibly something that even combines the old and the new like some of the extraordinary cases that we saw earlier that have occurred in downtown. So that's my -- my prayer is the second part. The actual motion is to deny historic zoning and support the staff recommendation.

Mayor Leffingwell: Motion by councilmember shade to deny the request for historic zoning. Is there a second? Mayor pro tem seconds. Is there any discussion on that motion? Councilmember morrison.

Morrison: I think I can echo a lot of councilmember shade's comments, but I come to a different conclusion. I know it's a difficult case. It went through an extraordinary situation with the city and the neighborhood having to go to the courts to determine something and then because we had made a mistake it at the city and have to start things over again, so obviously it's been extremely challenging and difficult for everyone. And so as it rolled around again with all the emotion and all the challenges that had come with it, I also came to the conclusion that councilmember shade did, and that is that we really need to focus in on the criteria here. And I am -- I believe that with the attention that it's gotten from a significant number of professionals, some of whom we heard from directly tonight, some of whom indirectly, that does sway me that the architectural integrity is there because I'm not the expert. I have to listen to experts on this. And when there's conflict, balance based on what I find to be the overwhelming criteria of the integrity and it being recognizable and really satisfying the intent of our code. And then of course with regard to specifically bradford, I believe that he definitely satisfies the criteria of being an historic person that is worthy of -- of satisfying the criteria. So with that I won't be supporting the motion and I do hope that whatever happens in the future, it can be something that can

be very much a bonus and a benefit for the neighborhood.

Mayor Leffingwell: Further discussion? Councilmember riley.

Riley: Well, I'm going to echo the comments of both my colleagues, but like councilmember morrison, i come to a different conclusion than my colleague councilmember shade. This hasn't been a very challenging case for me, like several of us up here at least. This house -- I've seen this house for years and you just can't miss it. If you've spent any time in hyde park or moving through the central city, it is very significant, prominent house. And I have no doubt or i feel reasonably confident that if measures were undertaken to restore the house that a lot of us who are in doubt would have a fairly easy time agreeing that it is worthy of landmark status. I just -- in my own neighborhood I've just seen what's happened with the burn-reid house with the help of emily little and it is incredible when you pile off that old exterior, the more modern exterior, what you can find underneath. And I feel quite confident that we couldn't go through or the owner could go through a similar experience with this house and find something that -- a building that would not raise any questions about the historic significance. But we don't have that. We have a building that does not -- is not in a pristine state. It has been significantly modified and that makes a much closer call. Like councilmember morrison, though, I am swayed by the input that I get when I hear people like eugene george and peter flagmax and emily little and larry spec saying -- talking about the significance of this house. That is something that i have to consider. I'm particularly impressed with eugene george's comment that this is the only remaining neo classical residence in hyde park. And as I mentioned, its location is especially significant, so I believe that on those basis alone that it meets up to the two required criteria under the land development code. I'm sensitive to the concerns that were raised about the -- both the financial implications and to the owners and the city as a result of historic zoning. I am hopeful that we will make progress on that and we are currently re-examining the benefits that we accord along with historic zoning and I would expect that if this house were designated historic, then there might be some adjustments to -- the benefits that we would extend. But in any event, as we figured today, I have to respect the judgment that i have heard from the very imminent architects who have weighed in on this and on that basis I'm going to be opposing the motion. Thanks.

Mayor Leffingwell: Further comments? Councilmember cole.

Cole: Well, this is a case that I recognize has pitted neighbor against neighbor for a very long time. And I don't have any additional rationale other than that that councilmember morrison and councilmember riley has expressed, but i do appreciate the fact that we have heard from many of you and most importantly that we've heard from the experts. And I will not be supporting the motion.

Mayor Leffingwell: Councilmember spelman.

Spelman: Most of my colleagues have asked me over the last week will I be recusing myself? And I keep wanting to tell them oh, I have no choice, i have to recuse myself from this extremely difficult case because it's my neighborhood. Unfortunately I live six blocks away and have no legitimate excuse to get the heck out of this so I'm going to have to vote on it. This makes me -- this is a very painful case on all sides and there's no good answer to this and I think we all see each other's points of view. I will be voting against the motion and in favor of historic designation for this house because I think it fits the basic criteria we have for historic designation of a house. It's a good house or can be made to be a good house although with a lot more resources than we typically require to make something into a really good house, which gives me tremendous pause. And somebody significant enough for historic des i designation lived in that house. That said, if it's going to cost even half a million dollars to bring this house up to standard, and I think it might cost more than that, maybe it won't, but half a million dollars seems to be the number we're floating around as a minimum, that's about \$3,000 a month. If you put out a mortgage for 30 years, it's about three thousand dollars a month. And the rather general rouse tax abatement that the city gives is about \$3,000 a year for this house. So our tax abatement would by no means do more than scratch the surface of the costs of bringing this house back up to its historic

standard or even to the city's housing code. So I'm not quite sure what instrument is available to us to bring the house to a point where we can all be proud of it as an historic house. On the other hand, I do think it does fit the letter of the law for historic zoning and so I'm going to be voting against the motion and if there were a substitute motion in favor of historic zoning, I would have to vote for it.

Mayor Leffingwell: Well, I'll just echo the comments of my colleagues and say it's a very difficult case for me. Ever since I've been on council I've been a strong supporter of historic preservation. In this case we had the sadowsky who does not recommend it because of the many, many modifications. We also have the only written evidence that we have calls for a-million-dollar expense to bring it up to code. Not to restore it to a really pristine state, but just to bring it up to code. Couple that with the fact that it is now in an historic district and if the house is demolished, it would have to be restored with something that fits into the neighborhood. And that was after all one of the main reasons for establishing historic districts in my opinion. So with that in mind, a very difficult decision, but i will support the motion. So motion on the table to deny. Councilmember shade.

Shade: So this is ready for first reading only, is that --

it is ready for all three.

Shade: Okay.

But it is owner opposed, the rezoning.

With a valid petition.

Shade: Gary had something to add?

I wanted to add that it would take six votes to pass on three readings tonight in favor of historic zoning.

Mayor Leffingwell: The motion is to deny. So we'll have to see what -- it only requires four votes to pass that motion. If this motion fails, then another motion would be in order.

Right.

Mayor Leffingwell: So we'll go ahead and vote on the motion that's on the table. All in favor of the motion to deny say aye. Opposed say no. So the motion fails with councilmember riley, councilmember morrison, councilmember spelman and councilmember cole voting no. So now we have no motion on the table. Councilmember spelman.

Spelman: With substantial practical reservations, but with hopefulness and perhaps william james' induced belief in my heart, I move approval on first reading only.

Mayor Leffingwell: So councilmember spelman moves to close the public hearing and approve on first reading only. Seconded by councilmember cole. Is that correct? Further discussion? Mayor pro tem. Mar mar so if we approve it on first reading tonight we only need the four votes to move forward. Would it come back in two weeks on second and third meeting.

We'll bring it back on january 27th for second and third reading. I want to make sure that this zoning case doesn't start to get to where it seeks historic status as well. [Laughter]

Shade: But when it does come back, explain the vote?

That would be up to the council. There is the possibility --

Mayor Leffingwell: Even if the motion were for all three readings tonight, if it didn't get six votes it would only pass on first read. So if it comes back in two weeks and it gets four votes, it will pass on second reading and have to come back again on third reading. So in other words, to pass on multiple readings, whether that be all three or two and three, it's going to require five votes. So that's the situation that we're in. The motion on the table to approve the request for historic zoning with the public hearing closed and on first reading only. Councilmember cole.

Cole: Yes, mayor. I think that there has been considerable discussion on this item and turmoil in the community, so I'm going to make a substitute motion that we do this on all three readings.

Councilmember cole moves to close the public hearing and approve on all three readings. Is there a second to that motion? Mayor pro tem seconds that motion. Substitute motion on the table, which we will vote on first if there's no more discussion. All in favor of the motion say aye. All opposed say no. That passes on first reading only with mayor pro tem, councilmember shade and myself voting no. So we'll see you in two weeks.

Thank you.

Mayor Leffingwell: Guernsey I believe that completes our zoning cases for tonight. You can wave your hand or thumb's up.

Yes, mayor and council, that concludes your zoning. I think you're on to your 3:00 housing items now. [00:57:05]

Mayor Leffingwell: We do have discretion on these matters, but you are correct. We will head in that direction. So without objection, council, we will recess this meeting of the austin city council and call to order the meeting of the austin housing finance corporation finance corporation board of directors and call on miss spencer to take us through that agenda.

Good evening, board of directors. Betsy spencer, acting treasurer of the austin housing finance corporation. Today I have three items for you on the agenda. The first two I offer on consent. Item number 1 is approval of the minutes of the meeting held on december 9th, 2010. Item number 2 is a resolution appointing myself, elizabeth spencer to the position of treasurer of the austin housing finance corporation. And item number 3 is conducting a public hearing regarding the issuance of up to six million dollars of austin housing finance corporation multi-family housing revenue bonds to finance the acquisition and rehabilitation of the marshal apartments. This public hearing meets the tax equity financial responsibility act or tefra hearing requirements and allows the austin housing finance corporation to receive public input regarding the 100 unit apartment complex located at 1401 east 12th street and 1157 saline in a street to be owned and operated by marshall affordable partners limited. I'm available to answer questions now or after the public hearing.

Mayor Leffingwell: So spencer, the consent agenda for this meeting is to approve items number 1 and 2.

That's correct.

Mayor Leffingwell: I'll entertain a motion for that. Motion to approve the consent agenda. Councilmember morrison moves to approve the consent -- excuse me. Board member morrison moves to approve the consent agenda. Board member riley seconds. Is there any discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. Next item which has already been briefed by miss spencer is not an action item. It is only to conduct a public hearing to receive public input on this

matter of issuance of up to six million dollars in bond money and so our only action will be after we conducted public hearing will be to close the public hearing.

That's correct.

Mayor Leffingwell: With that said, we can now go to that public hearing. And christopher bowen. Okay. Make life complicated for me. Here is scott way. Donating time. James medina. Margot (indiscernible). She's not here. Pardon? Not here. Randall ward? Randall not here. You will have up to nine minutes.

[Inaudible - no mic].

Let me see here. Rojas.

Nine minutes is fine.

Mayor Leffingwell: You've already donated your time to joy al mon, so we'll remove you from that list and put you --

I think it's okay. Nine minutes is good.

Mayor Leffingwell: Nine minutes is good? So you're not donating time. You have up to nine minutes. Go ahead.

Thank you. Good evening, mayor, mayor pro tem, councilmembers, my name is scott way. I'm here today because something has gone wrong with our system to let a project like this get this far. There are good affordable housing projects. There are good psa projects. This is neither. I don't know what I can say to persuade you otherwise and I'm not under an illusion that I can, but I'll tell you the fact because the facts don't lie. Fact number 1, \$9.7 million. That's the total cost of this project to create no new affordable housing units. 5 million in go bond funds lost forever. [One moment, please, for change in captioners] Bowen. Okay. Make life complicated for me. Here is scott way. Donating time. James medina. Margot (indiscernible). She's not here. Pardon? Not here. Randall ward? Randall not here. You will have up to nine minutes.

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affordable housing units. 5 million in go bond funds lost forever. [One moment, please, for change in captioners] east 1st 1st and 12th street is a comprehensive technical document to finding the official public policy guidelines for the city of austin. Tsh is not part of the control. Major changes to identified projects would require a formal amendment. What's a major change? Changes in project land use, changes -- significant changes in new investment value of individual projects is divined here. There's been no amendment, council. You're about to embark on a project that all the studies and facts say is a bad project. You haven't even begun the process of determining best practices for psh. You haven't even begun the process for creating criteria to best judge individual projects. You haven't even put in place the means by which we can ensure that psh is equitably distributed throughout the city. Staff hasn't completed their use determination for this project nor have they responded to renewal -- urban renewal plan amendments submitted to them months ago. I don't know what political compromise you guys reached to support this project, but that politics creates bad policies. This policy is a result of that. I, like almost everyone i speak with in east austin, believe in psh. It's a good strategy. I, like almost everyone i speak with in east austin, want to open our hearts and our homes to the city's homeless population. East austin has long been a place to accept displaced and the downtrodden. But let's do it the right way. We can and should build affordable housing but we need to focus first on the fundamentals. Let's complete weed and cede seed and makes our neighborhood safe. Let's improve schools so the children in austin have the opportunities they deserve and let's finish the urban renewal so our residents have the services they deserve. Then let's talk about projects, housing homeless, from the rest of austin. Once again I want you to think about the children and the families that you'll be placing at marshall. These children should not be forced to have their parents, who are likely suffering from drug or alcohol addiction right next to 12th and chican, that's not right. Nor is it right to force the current marshall residents od to get a decent place -- in order to get a decent place to live. You've funded other rehabs without psh and you can do this one too. Thank you. thank you. [Applause] christopher bojan. Is al sanders, jr. here? Al sander? He has to be in the chamber to donate time. So -- here he comes, so you have six minutes.

Okay. Six minutes is fine. Council, my name is christopher bojan. I'm here to speak in opposition to psh. To echo exactly the comments that were stated there are some good psh strategies and there are some bad psh strategies. What I have here is a video that I want you guys to take a look at. We're going to put it on the overhead, that shows exactly who we're dealing with here. We're dealing with summit housing. Summit housing is a large corporation, and I want you to see and think about their reputation as you watch this video. Council member martinez or martinez, you have a -- I remember the last time you were here you said there was a psa strategy that went in your neighborhood and it was successful, it was a wonderful project. This is a different deal altogether. All deals are different. Take a look at the video and see who we're dealing with here specifically. Please hit the video.

Who's families are fighting illnesses they believe are because of molds.

Sean continues that investigation exploring the health risks mold exposure can have on these families.

At stoney brook apartments this woman fights to catch her breath. She says it's another asthma attack triggered by mold in her apartment.

Ready, set, go!

Her children suffer too, forced to use these breathing treatments several times a day.

My one little girl, I one night had to sleep by her because she was choking on her saliva, just like she was -- she couldn't breathe so bad, one night she was so sick.

But palm beach county health department says cracking down on mold is a challenge.

Some of the lower income housing, it's really an economic issue. They might not be -- the overall

complex, depending on who the owner is, may not be as well maintained as it should be.

So why doesn't the health department step in and take action? O'Connor says it's a complicated issue.

Mold is something that affects everybody differently. It's not a regulated toxin or group or quote, that kind of thing. Because mold is everywhere, especially here in Florida.

But when the 5 investigators reviewed these laboratories, revealing high levels of mold exposure in the children that live here, this doctor became alarmed.

The children must be inhaling fungal spores at a fairly high rate in order to continually producing IgE, this allergy antibody, against those organisms.

Hartman studies patient with severe asthma and knows how bad it can be especially for kids.

You can treat them with medications, but over time, those medications, especially the steroids, have a lot of side effects. Their bones become thinner, and they'll become resistant to the effects of those medications and then what do they do? When they become steroid resistant asthmatics, as adults. It's tragic. And some of those children will die.

After we started looking into these -- this story, apartment managers moved Maquana into another apartment. Other managers won't talk to us about the mold complaints, but this week each tenant -- week each tenant received their rent stating that their quarterly inspections will begin. Live in Palm Beach Florida, Sean Baluski, News Channel 5.

Mayor Leffingwell: Okay. Are you finished with your testimony? Thank you. Tracy Witt. Donating time is Christine Guerana. Is Christine here? Not here. Rosa Lee Childs is here. Jose Gomez is here. Christina Valdez. Okay. So you have up to nine minutes.

Mayor, Mayor Pro Tem and Council. Thank you for taking our comments tonight. I'm Tracy Witt, president of the association. On Saturday night I told you why we oppose a plan at the apartments at Marshall to permanent housing units. After Summit acquired as builds these Section 8. You listen politely and 5 million in money, the second time in one year for a company that has no experience with supportive housing is putting up no money of its own, is creating zero new affordable units for this city and whose propeppra post-renovations at \$4 million less than the total project cost. 8 Million and 7 million out, zero new units. Today as you take public comments on your action to issue up to \$6 million in bonds for this project, there are many more neighbors and neighbors associations who have joined us in opposition to both PSH at Marshall and all public fund for same. You have received -- you have received letters of opposition from 145 individuals, the Central Lease Austin Planning Team, OSHA, Sweet Hill and Robinson and 12th Street business owners. You have a request from Austin's neighborhood council executive committee that you spend and postpone any further, on funding for this project until the city completes its dialogue about best practices for PSH. None of this is posted as backup on the agenda today. Since this is a tougher hearing, I trust that you'll ensure the people have their committees post. PSH for Marshall is counterproductive except for Summit. It will thwart the intent of urban renewal and displace individuals and families already on the waiting list for a unit at Marshall. All so that you can place people in areas of -- vulnerable people in areas of lower opportunity and higher risk. Our city's PSH strategy aims to help people who have struggled with severe mental illness or are at risk of homelessness after exiting a correctional facility. Placing them from two blocks from crime and prostitution at 12th and Chacon, is -- PSH be cited far from drugs and crime. 12th and Chacon doesn't have to compete with the -- the wire. To qualify as an unacceptable liability to housing PSH clients and Marshall. Last year alone there were 516 illegal narcotics violations at or around the corner of 12th and Chacon. A young man was tragically beat than any died from injuries while a crowd looked on, open-air crack dealing out of a van went on for months across from the Marshall complex at 1401 East 12th Street and moved to a house near where the van was once parked. This is not an environment that optimizes chance for successful

recovery and reentry. Our city's psh strategy aims to equally distribute psh units city-wide including areas of highest opportunity. You know that is not happening. You are funding large projects in northeast, central east and southeast austin. In other words, east austin, where most subsidized housing is already clustered thanks to the segregationist policies of the '60s and '70s. The rest is in sows automatic. Preparing the creation of discussion -- pairing them with each section of aging property will shunt most large blocks of psh east of 35. That is segregation and this wonderful and progressive city must do better. You must figure out how to site before siting any more in east austin, including the marshall project. Lastly, what about the city strategy for revitalization of east 12th street. The urban renewal plan calls for pedestrian friendly mixed use development. Nowhere in the controls or the text of the plan will you find a request from the community for transitional housing, residential treatment, guidance counseling or group homes along this street. You are set to spend millions to establish a use at odds with the development controls for the entire corridor. The whole point of urban renewal is to undo you the tragic policies of the '60s and '70s and their ill effects. Thwarting the renewal law at an astronomical price and public resources, to place vulnerable people closer to drugs and further concentrate poverty cannot possibly be your intent, but it will be the result of funding the project. Psh funding of the marshall project doesn't count as revitalization. Psh does nothing to engage the private sector in redeveloping the area. Improvements to the living conditions and appearance of marshall apartments would constitute revitalization and those can be achieved without requirements that the owner set aside units for psh. We all support that option so why not just drop the psh? Please rethink your support for this project. Please show central east aught austin that you are committed to getting both the city's psh strategy and the city's strategy for 12th street revitalization done right. Please listen to the 145 stakeholders who signed letters, the central east austin neighborhood business associations and anc executive committee and please do everything you can to remove the psh component or pass on this project. Thank you. [Applause] thank you. Leon rodriguez. And donating time, rod sidenberg. Is rod in the chamber? I don't see rob. Is carrie slater in the chamber? So -- don't see her either. Where? Oh, okay. Gotcha. Kind of dark back there in row. So you have six minutes.

This is a video. There are several people donating time. well, I just have one person donating time right now. Carrie slater. Rob signenberg? Michael young is donating time to the next speaker, but if you'd like to switch we can arrange that. Joy pot --

that's me --

we're going to combine those two.

Okay. You can only --

time for the video.

You're limited to 15 minutes.

Okay. so right now you have carrie slater, michael young, so that gives you nine minutes.

Anybody else?

Mayor leffingwell: names? Names? Roxanna collingwood. You're on here, but we're going to switch you to donating your time to leon. So now you're up to 12 minutes. Is that what you need? One more? Aaron -- okay, gotcha. You got 15 minutes.

You can pull the plug -- pull the plug on me whenever the time ends. My name is leon rodriguez, I'm a filmmaker, and I don't live in east austin. I was called on to produce the film and just document what I saw. And so I met with as many people as I could put together in 48 hours, because that's all the time that we had to do this. As a matter of fact, i didn't sleep last night. I was up all night long editing because

I thought I was supposed to be here at 2:00. And here it is, what time is you know, a little bit later. But anyway -- what that means is we won't hear the case any sooner than 2:00. 00, we won't hear it before that.

Oh, I see. Okay. Then I clearly misunderstood. So what I did was went and talked to people who owned land and who invested in east austin to bring them to you because I think it would be hard to get you guys to go out to east austin. It's a -- what I saw was a lot of sincerity. People were very, very sincere. They're very concerned, and I'm going to let the tape speak for itself. It's -- it's very raw. It's very genuine. It was just kind of slapped together, and it's just folks speaking from their heart, okay? And everybody here that you're going to talk to here has invested money in east austin, has -- play it. This is 12th and chacon. The famous 12th and chacon corner. What's interesting here is on an interview you'll see a drug deal going down over somebody's shoulder as they're speaking to the camera. And what I saw was people coming together. Here is one neighborhood association, I believe this is the chestnut hill, or chestnut association. All these different associations, people from all these different neighborhoods putting their neighborhoods together and trying to understand what's going on because everybody feels like it's happening behind their backs and nobody even knew any of this was going on. So the next group you'll see, there's a designated leader from each one of these neighborhood groups that comes together into a larger body that covers hundreds of people. This is the one. Everyone one of those people who's the leader of a neighborhood, and I think you'll get their -- their opposition to the motion in a formal way. But anyway, this is 12th and chacon. And this is what I saw -- witnessed myself, and I have no mistake in inventing anything here. I saw drug deals go down. I saw prostitution. It's just right there in wide -- in the wide open. I couldn't believe it. And even when I was taking an interview of somebody standing on his own land, over the shoulder you'll see somebody -- there's a drug deal going down over this guy's shoulder. Watch this.

My name is [inaudible].

[Inaudible] years and years that came from the community. It's a representation of what the community wants. They want services over here. They wanted the same kind of services they used to have historically [inaudible]. It's a document that shows how investors come in [inaudible] alongside the city and bring those forces [inaudible]. Nowhere in the urban renewal plan is an investment like the city envisions with permanent supportive housing of marshall [inaudible] apartments. For the city as a whole, but I support it mainly providing permanent supportive housing [inaudible] and have services and have better schools and have better access to jobs. Here at 12th and chacon placing folks who are chronically homeless, who are 69 [inaudible] drug and alcohol [inaudible] is inappropriate. Why should we force [inaudible] to live right next to a [inaudible]. It's inappropriate, and every study [inaudible] shows [inaudible] and it's bringing investors into east austin [inaudible] to encourage folks to come here and live to help better the schools. And [inaudible] better everything [inaudible] marshall affordable partners [inaudible]

I own property from oleander to [inaudible] on the west side -- excuse me, on the north side, [inaudible] 12th street. And I invested quite a bit of money [inaudible] private [inaudible] in the city with that promise. Five years later nothing has happened, and we -- and all the meetings that we've had, which have been about 20 to 25 meetings, that were set up so we could all come to a conclusion between property owners and [inaudible] about what was permissible, seemed to always change on a monthly basis. Now they've decided that they're going to allow people who are perhaps homeless or who have come out from prison or have been -- or are being -- or have had some kind of drug problem, being rehabilitated, to be able to be moved into the marshall apartments, because of some kind of federal funding because of the city's wishes to be able to find places for homeless people. I think that the city should do that. They should have a program, but it doesn't make any sense for them to do -- to put homeless people or people who are drug addicted or having drug addicted, in an area where they're two streets down from an open-air drug market, that everyone knows is there. That is what I'm against. I'm against that. I'm against the initial -- against them being there when it was supposed to be a business corridor. Now, I've been wanting to develop there for many years. I've invested over a million dollars on that project, and it wasn't feasible. 2008 Came around and it wasn't feasible. So I stopped. But the city

of austin, because I signed this agreement to develop that piece of property within a certain period of time, made me pay just recently the city \$25,000 because i didn't finish the project. After what I've gone through I would not encourage business men to really trust the city of austin. They tend to lead you down a promised road when in reality nothing materializes. Nothing has happened on 12th street.

And I think a lot of people -- you know, it's pretty safe to say that a lot of people have been very upset that the city started this whole urban renewal plan, project, and they've done some development on 11th street, and then that has not continued on 12th street. This was -- this was designed and developed to be a commercial corridor, and, you know, to provide services that people need that live here. My [inaudible] for 30 years, who I love, and she would have to get on a bus and go all the way over to cesar chavez and go to the fiesta there or to go to a grocery store, and there are just no basic services here, a laundry mat, a grocery stores, grocery stores, you know, just the basic things that would help the neighborhood. I don't live right here in this neighborhood. This is my business. I live over in west austin, and it would be perfect, you know, my neighborhood would be perfect for [inaudible] housing, because it's a very stable neighborhood that has a lot of services for people, grocery stores and things and places where people can possibly get jobs and employment, and the kind of transportation they need, and it would be -- it would be fine. It would be fine with me. And I don't just say that lightly. I think if you are going to do permanent supportive housing you've got to find a place where there is a degree of stability within a neighborhood.

[Inaudible] I've been a 12th street property owner for over [inaudible] years. During that time I have experienced so many aspects of the city messing with 12th street. What else can I say, it's not a good word, than messing with 12th street. 40 Years ago I [inaudible]. 30 Years ago I quit renting. Why? The highest crime rate in the city of austin was in the 900 block of east 12th street. So I quit renting. I [inaudible] and no rent for over 40 years. What else can we do on 12th street? What else can we do on this street? I want to build a building. Why build a building if you're going to put permanent supportive housing a few blocks away. And there's no infrastructure. So else can we do to harm this street? Ride in the halls -- right in the shadows of the state capital. This used to be a vibrant corridor and it needs to be helped. It needs to be refocused by the city of austin. So the only thing we can say at this point is where do we go from here? It's not psh, is it?

The block has been deeply renovated.

My name is chris, and i brought my family to east austin in june 2010. We came here because we saw the vision that the city had for east 11th street and east 12th street. It was a wonderful vision where restaurants were booming on east 11th and there was mixed use and transitional housing, and we were excited to -- we were excited for the future of this particular area. At the same time recognizing the past and recognizing the diversity here in this particular area. The most important part, I've been asked to speak regarding the permanent supportive housing strategy that has been put in place for marshall apartments, and the research reveals that the psh strategy is totally inconsistent with the city's urban renewal plan. The urban renewal plan, as it's written, does not -- never contemplated transitional housing as the psh strategy is. It never contemplated social services which will be performed at marshall apartments. The only permitted uses under the plan are guarded homes, townhomes and condos. I think it's hard to trust the city right now. I think the city is speaking out of both sides of their mouth, if you ask me. On one hand, you have the urban renewal plan, which was already in place. It attracted new growth and development into east 11th and east 12th, but at the same time the city -- the first time that the city has been asked to spend money on east 12th street, it was for a project that is totally inconsistent with the ten tenant of the urban renewal plan.

My name is [inaudible] sherman. I'm [inaudible] neighborhood.

I'm [inaudible]

a lot of things I don't like about the marshall apartment project. First of all -- do you want to pause the

video? Your 15 minutes is up. If the next speaker would like to continue, we can do it that way. Joy pot aleman. Am rohas is here. Josh hezer. So joy, you have to fine minutes.

Carlos aleman.

Mayor leffingwell: who?

Number one.

Mayor leffingwell: gotcha. So you have 12 minutes.

[Inaudible] johnson. you have 15 minutes.

Thank you. do you want to resume this?

Yes. [Playing video]

I feel like it's putting a bunch of diabetics next to a candy store, in terms of putting a bunch of drug addicts by 12th and chacon. I don't believe there's a high probability of success for the people being rehabilitated there. It's not cost-effective. The amount of money being put towards this project seems to be way more than makes sense in terms of what we're getting out of it.

My name is joy, and i have my office in the keeling neighborhood and my home in the sweet hill neighborhood. So I'm kind of a double fit. I made a phone call to the police department about prostitution in the area and in the backyard of the area that I rent for my office. I still hear weekly gunshots in the neighborhood from the marshall apartments, and i feel that it is not a good location for the most vulnerable. I think that summit and the city have sold this concept very rapidly to members who are currently living -- membership in the marshall apartments and have been very disingenious in telling them. If you say anything, you'll get a new playground, a new ceiling fan, maybe new windows in your apartment, and they're not telling them who they're moving in to do this project are the most vulnerable of our society in a concentrated [inaudible] down 12th street. I also think that the open flesh market at 12th and chacon is an ongoing known entity that moving permanent supportive housing on 12th street in that manner will light the fire between 12th and chacon and 12th and comal and create a walking corridor into downtown. We do need to solve the problem of the homeless in austin, texas, but concentrating them in a historically segregated neighborhood that is not stable is the wrong choice.

My name is wayne williams. I'm a resident over at 1209 bob harrington, right around the corner here. Been there for over 30 years, me and my family, in austin, texas. The marshall apartments is the oldest apartment -- has been here longer than i have. Through the years it's been changed, with different residents, activities. This was worse, then it lessened up a little bit, but now I think it's escalating back again. Things is happening, random police calls and different activities going on throughout the [inaudible] police. The gang activities is still there. It's not as strong as was it was, but the remnants of it is still there. The drug activities is still there. So it's a combination of things. The marshall apartments i don't think would be a good place to raise children, growing up to have some kind of [inaudible] learning -- getting too much other things from other people that [inaudible] drugs and prostitution and things like that. So I would think twice about raising my child there.

Hi, my name is james medina, and I have been a resident in east austin for about 11 years. I live at east 13th street, which is right across the street from the marshall apartments, and I wanted to share I guess experience of what happened recently and talk about why I don't think psh is a great place for -- or marshall arms is a great place for permanent supportive housing. So in october of last year, to my left where that white truck is currently parked, we did have an issue with the distribution of illegal drugs. There was a homeless person that was living inside that white van that was parked there that had

actually been selling drugs for months. It finally got to a point where I had to put a privacy fence between the white house and the van and my backyard where my children play. So apd actually had a sting operation in october where they arrested several consumers, a dealer, and they were also able to, i guess, get enough evidence of drugs within the van that they went ahead and impounded the van. You'll see that it was parked near the alley, and then if you go to the other side is where [inaudible] the other side behind you, that alley is basically a thoroughfare for [inaudible] so the area along this tree line to the right is also a very popular place for users to basically park themselves and [inaudible] run off by the [inaudible]. So after that initial -- that initial drug sting, the day after that, probably six to eight hours after that event, I attended a meeting in downtown at city hall where I first got my first explanation of what permanent supportive housing is, and the individual -- or the representative for psh for travis county was presenting to the downtown alliance. I did -- after hearing about the project I did approach her after the meeting and asked her -- and basically told her about the situation where we have the drug dealer that was selling drugs multiple months, obviously homeless, obviously unemployed, obviously -- I was also told by apd that the user had actually gone through the system downtown, the jail system, and I would guess also support system, and i asked her straight out if this was the type of individual that she would -- that psh was targeting, and her response to me, surprisingly enough, was yes. I know that some of the players that support permanent supportive housing have, you know, aspirations to do good things, but i really question whether or not this is the right place for permanent supportive housing. Again, even with the white van gone they've had multiple sting operations still in this area, you know, within 20 feet of where we're standing, and i don't see it going away, until apd or the city takes care of the situation on 13th and -- I'm sorry, on 12th and chacon, this environment really isn't the best for people looking to -- to get over drug addiction and other vices.

Thank you.

My name is sherri todd, and I live in austin, in east austin and around east austin for the last three generations of my family's life. I've also worked in east austin for the past two years now, and my personal opinion on the fact that they're going to bring the homeless population into east austin, specifically in the marshall apartments subdivision, is not good. The marshall -- the marshall apartments has been in the very bottom of the pit and now they're just now coming out of being a drug infested, prostitution infested community, and now the city council wants to bring in the homeless population, not only just around other families but around families that have children. You can't do that. You need to rehabilitate these people before trying to reintroduce them into the community, and just to bring them in without even taking into account these children that live in this neighborhood is not right. I also feel that they didn't sco to us as a community and say do you want this to occur. They just said, this is what's going to happen, take it or leave it. When they told us over and over and over again how they're going to support us into becoming a stronger community and build up east austin instead of just letting it falter, you have two blocks away from marshall apartments, a very known drug infested area of austin, which is 12th and chacon, and you're going to bring the homeless population, which those drugs, I'm sure in some of the cases, [inaudible] the issues that caused them to become homeless. So now you're going to place them back into an area where two blocks down they're going to get exactly what they want. Are they homeless? Yes. Do they need help? Yes. Is it at the cost of the people in east austin? I don't think that it should be, and I think that it's very unfair that the city council has just made this decision for us and didn't include us.

My name is roxanna todd, and I live and work on the east side in texas, and i was very shocked and surprised to hear that yet again that east austin is moving in [inaudible] housing. It's just -- I don't think they're doing a good enough job of [inaudible] around housing, affordable housing, because they're cramming it all into the east side. I believe it's 95% on the east side, and it's not helping the already diminishing community. I mean, we're trying with [inaudible] I work for [inaudible], and, you know, we're trying to boost and build up the community to make it better and make money and we need to help each other to -- and, you know, I don't mind that we have affordable housing. That's great. I mean, it helps the homeless people live in a home, but I don't think we're doing it the right way. [Inaudible] it's not cost efficient. 5 million cost for this. There's a more efficient way to do that. And also 12th and chacon is an open drug market. Like -- I mean, if you're going to put -- if you're going to put homeless people in that

area, which is already a very drug concentrated area, they're probably going to walk by every day and get two hits free and then they're back on the streets doing drugs. So we need to put them in an area where they can't [inaudible], they can find a good job and a market [inaudible]. So that's my stand on it, and I don't think the city of austin should be allowed to shove this down our throats, because it's not right. And I oppose it 100%. There's better ways to do it.

My name is dan [inaudible] and I live at 1209 east 12th street. I've lived at the [inaudible] over the last 15 years, and I've done a lot of work. I bought a house [inaudible] but my house is not designated a historic structure but it was built in 1898 [inaudible]. My concern about the changes that the marshall apartments [inaudible] it's not -- it's a complex issue. There's several variables that I'm concerned about, and first of all it's safety for my family. My son walks, you know, to school and my daughter will eventually walk [inaudible]. There's also [inaudible] the way the city has gone about funding this project. I think it's a [inaudible] project for our neighborhood. It's too close to drug [inaudible] open-air drug market [inaudible] media [inaudible]. I just think it's not a good plan for [inaudible]. And the other concerns are this is the first development [inaudible] -- well, it's not the first development, but it's a string of developments that the city has been involved in on our corridor, on the 12th street corridor, and it's a trust issue with the ski. It's a trust issue. The city has failed at promoting unique kind of development on east 12th street [inaudible] community development corporation for the ara. I used to be -- I'm on the ara board. All these things have complicated development on 12th street [inaudible] development on 12th street. I think if you look at all the other east-west ...

Mayor leffingwell: pause.

I have two things. One is to thank you for the time tonight and your attention, and the other is to ask if you have any questions. thank you.

Thank you. so the next speaker -- [applause] -- is james morris. James morris. I see james here. Donating time to james is jean childs. Jean, do you want to speak? All right. Aaron arispe. You can check him off. He donated his time to leon rodriguez. Wendy hart. Wendy hart. You have three minutes.

Hello. How the heck can I follow that? I don't ask for much from my local government, but I do expect them to use common sense when making decisions about how to spend our tax dollars. It's a massive waste of funds to spend millions of dollars on permanent supportive housing at marshall and not help the homeless in our area, and all without creating any new affordable housing. Tempting recovering addicts by placing them next to 12th and chacon is heartless, counterproductive and not to mention no use of common sense. In retrospect, everyone will know that this misspent money could have been used to house just -- used to house just so many more in need, and members of the council will be seen as lazy for not entertaining alternative, headstrong for not listening to the majority that this decision affects, short cited for not lincoln -- sighted for not looking at the big picture and irresponsible for misappropriating these funds. Just because you can implement psh at marshall quickly before the majority of the people know all the details doesn't mean that you should. I implore you, take more time, reconsider your stance and spend that money responsibly. Thank you. [Applause] [inaud] [inaud strickland, you have three minutes.

Good evening. I had a hard time getting out of that chair and walking over here. I can't imagine you-all doing that on a regular basis. Thank you for staying here through the night and listening to everything. My name is stanton strickland, I represent robinson hill neighborhood association. I'm the president. And I just wanted to reiterate that the comments that I made on the 9th when we were gathered here about marshall stand, and it's a lot of what you've heard tonight, I've -- I've experienced some -- some speaking out against me just because I've been speaking out, the -- the minds of the people in our community, and I know how hard this must be for you-all to make any kind of decision that looks like it goes against the homeless population in austin, even though it might be in line with -- with what the majority here that we've spoken to think is more common sense. This is not an area that provides the kinds of opportunities that are critical to the homeless that we're trying to help. And the money that's

being put toward this project really is an amount that could make a much bigger dent and difference in housing the homeless and creating affordable housing that's drastically needed in our community. So that's the big issues that everyone has across the board. Since our last meeting opposition has grown. It's been better documented. It's been further articulated. Ocean, our central planning team for east austin, has issued a letter dated just the 11th, which comes out stating a lot of what you heard here, but it is very significant because it's representative of all of these central east austin neighbors and neighborhoods that are weighing in here today, and it's to express that this isn't just a few people saying, council, listen to us. This doesn't make common sense. This is the vast majority of everybody that's weighed in in central east austin, and I think it's not that they're anti-homeless or not that they have empathy and are sympathetic to the cause, but it's because this particular project and expenditure of funds just does not make common sense. And that's what we're trying to reach out and hammer home with you-all. Also, we've had the eastern sector of anc weigh in and issue a resolution against this, and to ask you to stand back and look at the ps strategy as a whole and see how we can keep it from resulting in a situation where psh gets concentrated on the east side or in certain areas of town. So that's what we're asking you to do, and this project has come up quickly, before things could be studied to a much greater degree or vetted throughout the city to see what the best way of implementing our strategy is. So we ask that you please consider this. thank you. Next is lee sherman. And donating time is abraham rothbomb. Not here? Okay. Ashley minker? Ashley minger not here? So lee sherman has three minutes.

Thanks very much. Thanks for hearing me. My name is lee sherman. I'm here to speak against the psh component of the marshall project, and one point I really wanted to hammer home that I don't think anybody has yet is I'm in the keeling neighborhood association, and though my neighborhood association has voted 17-13 for this particular project, I have been going door-to-door, my immediate neighbors. I live on new york avenue. Sorry I didn't say that before, and my immediate neighbors, first of all they didn't even know that our neighborhood association had even taken a vote, and second of all they were all vehemently opposed to this project. Since then after talking just to my immediate neighbors on new york avenue, which is right around the block from 12th and chacon, I went on around our neighborhood and I've talked to -- just personally I've talked to 53 people and of those people 37 were against, 10 were for and 6 just weren't sure. And so despite reports that our neighborhood is strongly supportive of this project, I want to tell you that those numbers to me speak for themselves, and I have been trying to be very fair in how I present the project. I'm not trying to change people's minds. That's just kind of what I'm seeing, and for whatever reason that vote that was held, I don't think it was representative of our neighborhood. And then, you know, in addition to -- oh, I have a total of 55 people who are against, and just in our neighborhood alone.

Mayor Leffingwell: Richard far ras. Richard ferris. Richard has three minutes.

Good afternoon or good evening. I don't know which it is. My name is richard ferris, I'm a property owner. On east 12th street for over 50 years. I built an apartment building over 40 years ago and after 10 years because the drugs and crime problems, I quit renting and housed staff and family without rent for over 30 years. The keeling neighborhood association, and though my neighborhood association has voted 17-13 for this particular project, I have been going door-to-door, my immediate neighbors. I live on new york avenue. Sorry I didn't say that before, and my immediate neighbors, first of all they didn't even know that our neighborhood association had even taken a vote, and second of all they were all vehemently opposed to this project. Since then after talking just to my immediate neighbors on new york avenue, which is right around the block from 12th and chacon, I went on around our neighborhood and I've talked to -- just personally I've talked to 53 people and of those people 37 were against, 10 were for and 6 just weren't sure. And so despite reports that our neighborhood is strongly supportive of this project, I want to tell you that those numbers to me speak for themselves, and I have been trying to be very fair in how I present the project. I'm not trying to change people's minds. That's just kind of what I'm seeing, and for whatever reason that vote that was held, I don't think it was representative of our neighborhood. And then, you know, in addition to -- oh, I have a total of 55 people who are against, and just in our neighborhood alone.

Mayor Leffingwell: Richard far ras. Richard ferris. Richard has three minutes.

Good afternoon or good evening. I don't know which it is. My name is richard ferris, I'm a property owner. On east 12th street for over 50 years. I built an apartment building over 40 years ago and after 10 years because the drugs and crime problems, I quit renting and housed staff and family without rent for over 30 years. And now after all this, all these years, 12th street is being hit by what the city says is a good thing. Wow. In all these years there's no infrastructure to make this a vibrant corridor. And now psh, permanent supportive housing. What else can you do to 12th street? Urban renewal, neighborhood housing, ara. It's very obvious that east 12th street is the dumping ground for federal funds. All of these obstacles without any infrastructure makes for a continued disaster in the shadows of the state capitol. Sadly we have a city council that could care less about the east 12th street corridor. The 900 block of east 12th street 30 years ago was the highest crime area in the city. And it still needs a lot of work. What else can you do to this very important corridor? To make sure that it doesn't exist? Now psh, permanent supportive housing, two blocks from one of the highest drug and crime areas in the city. Congratulations, austin city council and its employees. Wow. This is really great. And still there's no comprehensive plan in place for revitalization of east 12th street. And there's not even a plan to come up with a plan. So would y'all please do something about that? This can't be -- it can't be a plan. Or can it? So please consider it. Think about it because we're not very pleased with it. Thank you. [Applause]

Mayor Leffingwell: Next is robert rod. Robert rod. Not in the chamber. Josh hazard I have checked off as having donated time to someone else. Sylvia iguano. Sylvia? Not here. Dan neondorf? He has three minutes.

Thank you, mayor. Thank you, mayor pro tem and councilmembers. I know it's been a long night for y'all, but it's been a long, long process for us as well. I live at 1209 east 12th. That's just two blocks from the marshall apartments. My family and I have lived there for the last 15 years. And when I moved there I was excited because the city was involved and wanted to plan and I think 12th street -- the east 12th street corridor has been probably planned to death. I think there's been more planning on east 12th street than any street or west-east thoroughfare than any other west-east thoroughfare in the city. It's been said that we're opposed to this because it's a knot in your backyard. We already have a facility that is just catty-corner to the marshall apartments that houses up to 30 men with drug and alcohol abuse problems and need. We already have in our community seven houses -- seven to eight houses that the city owns and has boarded up for last 10 years that act as homes for the homeless, which is just unexcusable by the city's part. The other thing is why marshall apartments? Who is benefitting from psh at marshall apartments? Who is going to benefit from this? Are the people living at marshall benefitting from this? Is our community benefitting from this? I think it's a poorly planned for your first prsh trial. This is a fragile neighborhood as you can see from talking to all the citizens. It's not increasing any low income housing. It's just a poor use of city funds. I would propose what you do is you ask the citizens of austin and this is what you propose to the people who live in marshall. I would ask that you ask the citizens of austin, tell you what, I'll remodel your kitchen for you, but by the way, I'm going to build a little room on the side as well. And by the way, I wanted to do this for you for free, remodeling that kitchen for you, but I'm going to put this other room on your house and I'm going to house somebody that has drug addiction problems, people that have profound mental illness problems. I'm going to do this for free for you. And this is what the people at marshall that live there now, my neighbors, this is the proposal that you've given to them. We're going to renovate your house. We'll make it really nice. We have the decision. We can say, well, I'm going to get somebody else to remodel my house. The people that live in marshall don't have that decision. Why are you -- [00:09:21] [buzzer sounds] why are you pairing psh housing with section 8 people, the lowest socioeconomic people in our community. Thank you. [Applause]

Mayor Leffingwell: So council, we need a motion to extend the meeting past 10:00 p.m. to continue. Councilmember spelman makes a motion. Seconded by councilmember morrison. All in favor say aye. Opposed say no. It passes on a vote of seven to zero. So those are all of the speakers that we have signed up and wishing to speak. We also have andrea bowen against, win fred hart against, john golston and susan breaux against with you not wanting to speak. We have laurie rent rei can't signed up

for, not wish to go speak. Those are all the speakers we have. I'll entertain a motion to close the public hearing. Councilmember cole moves to close the public hearing. Seconded by councilmember spelman. All in favor say aye. Opposed say no. It passes on a vote of seven to zero. All right. So council, those are all of the items that we have on our agenda for this meeting of the austin housing finance corporation, so without objection we'll adjourn that meeting and call back to order the meeting of the austin city council. I believe that brings us to item number 71.

Mayor and council, item number 71 is to conduct a public hearing and consider appeal by gene sanchez regarding decision to approve an outdoor music venue permit for lustre pearl located at 97 rainy street. And this is an appeal of an outdoor music venue permit that originally approved by staff last year. The permit itself is limited to this structure. It's located on rainy street. The property is currently used as a bar. It's zoned cbd. The application was received last summer. Notices were mailed, the application was approved last august and the appeal was submitted. Staff did approve the permit with some limitations on hours, that they would be to sunday through to on thursday, and to midnight on friday and saturday. The owner has agreed with the conclusion of the permit being granted to the installation of a band shell to include a floor, side and ceiling to face the north and northwest direction and speakers that would be mounted low and at a slight downward angle. They've also met with david murray, our sound engineer with egrso about what could be done on this property. But as I said before, there is an appeal that's been filed by a property owner, single-family property owner just about two doors down from this property. And the property owner's appeal had brought up the issue of the proximity of the stage to his home. Also regarded several traffic problems on rainy street of a public eliminate issue due to concern of emergency vehicles on rainy street able to reach individuals on rainy street because of the amount of parking that's occurring on street and the amount of traffic in the area. I will tell you this is in the rainy street area and as I mentioned before, it's zoned cbd. Many of these properties are under 6,000 square feet.

Mayor Leffingwell: guernsey, I should have stopped you before, but i didn't know it was going to be this long. What I need to ask before we continue this discussion, are there any requests for postponement or issues of standing that anyone would like to raise? Hearing and seeing none, guernsey, please continue.

As I said, this is in the rainy street area. It's a waterfront overlay district zoned cbd. Most of these structures that are along rainy street are under 6,000 square feet. They've been in existence before 1997. And the way our ordinance is set up, in the central business district a bar is a permitted use. So unlike other places within the city where you might have a conditional use permit requirement, one is not required on rainy street. Also since the structures are under 6,000 square feet, there's no parking requirement for these establishments. It's fairly simple for someone to move into one of these old houses, remodel the structure to be brought up to minimum building code standards and by right of zoning they can establish a bar and because there's no parking requirement, there's no on-site parking that's required and they can utilize parking on the streets or other parking lots that might be nearby to accommodate their patrons. Going before the downtown commission, transportation staff went also to the commission because concerns were raised about issues of traffic speed along rainy street and we do have a representative here from transportation department, but after their review it was determined that there's not a pedestrian hazard because the traffic is actually moving slow because there's so much congestion in the area. There was one incident that was relayed. I know at the meeting that i went to, the downtown commission, where an individual wasn't paying attention to the driving, was looking at the gps unit turned their car over. That was an incident that was mentioned. When rainy street was being considered it was done at a time when our economy was much better and it was looked at as possibly an incentive of upzoning this area to cbd. The properties were being consolidated by one or two property owners in the area and it was hoped that you would have some redevelopment along rainy, which actually has occurred with some the condominium projects that you see now that have been built. But this issue that's before you again is about an appeal of an outdoor music venue permit. An outdoor music venue permit, the criteria for approval or denial of an application -- and this is the first application filed by this property owner. It's based on the proximity of the outdoor music venue to existing land uses, including the consideration the date on which the venue was originally permitted relative to surrounding

land uses, given the size and capacity of the outdoor music venue, sound mitigation that might be provided by the operator to -- for the outdoor music venue, but including but not limited to building design, landscaping buffering, additional limitations on hours on which the sound permit may be operated beyond the limits required by the code and the history of complaints. And we did make an inquiry with the Austin police department and between the dates of August 13th and January 12th, there was no information found as far as a complaint on this particular property. When you consider this particular appeal, we would like you to keep in mind that the conditions, if you place any on this permit, should be reasonably related to the direct impacts for this neighborhood. It should not be used to mitigate an overall impact, but a sound impact on the property. Again, nothing stops this business from operating a bar on the property without any parking seven days a week. The conditions should be applied fairly and consistently to similarly situated properties. So this is the first of your appeal. There probably will be the likelihood of another one occurring along this stretch because there are other venues that are along Rainey Street where this could possibly occur. They're allowed to operate up to a decibel level of 85-decibels under the ordinance that we have in place today. With that I'll pause if you have any questions.

Mayor Leffingwell: Councilmember Morrison.

Morrison: Are there any other outdoor music venue permits on Rainey Street?

I believe there are. I don't have a listing of those at this time, but I might be able to get --

[inaudible - no mic].

No, but an application came in today.

Morrison: So this is the only one that we have --

that we have active right now.

Morrison: Okay. Thanks.

Mayor Leffingwell: So again, council, this will be a consideration of the appeal of an approved outdoor music venue. So our options would be to deny the appeal, which would have the effect of continuing the outdoor permit or to approve the appeal, which would revoke the permit or modify the permit.
Councilmember Morrison.

Riley: Greg, just so we'll know, can you tell us the location of the application that came in today?

83 Rainey so that would be further to the south down the street.

Riley: That place doesn't -- is it currently operating? Is it a currently operating bar?

That was an approved site plan exception for change of use to create a cocktail lounge but the building permit is in process right now, in review. That would be on the opposite side of the street from this property.

Mayor Leffingwell: Mayor pro tem. Greg, I wanted to ask some questions about the appeal. One, is the appellate here this evening?

Yes. I heard he wasn't going to make it, but I'm glad he's here. And two, maybe this is a legal question, Brent. If this is an appeal of an outdoor music venue permit, can the appeal encompass things that are being talked about such as traffic flow, pedestrian ways, lighting, other issues that really aren't related to

sound?

Mayor Leffingwell: Is that question for mr. guernsey? Okay.

[Inaudible - no mic].

The council has broad discretion to impose conditions on permits for outdoor music venues and certainly to the extent that council concludes that something other than traffic noise impact needs to be addressed, you can do that. I think the further afield you get from direct sound impacts, the more potential there is to impose different conditions on different properties. And it could get complicated to monitor and enforce. But certainly as a matter of just pure legal authority, the council has the power to do that. As greg mentioned, the conditions need to be reasonably related to the direct impact of the venue and not used to deal with overall neighborhood issues.

Thanks.

So greg, if we up hold the appeal tonight, what is the effect on the venue owner in terms of being able to request an appeal at a later date?

Well, they could certainly I guess come back I think after the end of one year from the original permit date and make another request, but it won't change the operation of the use.

I'm just asking the effect of up holding the appeal. The second question I have on that is can we up hold the appeal, but put a lesser time constraint on the ability to seek an outdoor music venue permit? So we up hold the appeal, but only up hold the appeal in a manner that allows the venue operator to come back in 180 days if they so choose to.

Basically turn around in a quicker amount of time.

Mayor Leffingwell: My guess would be since that does not modify the permit, that we could not do that right now. They would be a separate posting to be able to do that.

Council can certainly overturn the permit and the venue operator would have an opportunity to reapply really the next day. So I don't think there's a clear mechanism to accomplish exactly what you described, but I think council could certainly signal its desires that the landowner not reapply for a period and that would certainly be legitimate. mayor, there's a method to my madness in asking all these questions because I absolutely agree with greg and I agree with brent in that we have a whole set of comprehensive issues on rainy street that aren't necessarily related to the operation of an outdoor music venue. It's just the nature of what's going on on rainy street. And so I believe those issues need to be addressed as quickly as possible. And we have been working on it actually and staff has been talking with my office and other councilmembers' office. Councilmember riley and shade and myself plan on bringing an item from council at the next meeting speaking specifically to those issues up to and including revisiting the convention overlay to allow surface parking on vacant lots where currently in cbd you cannot do that because of the convention overlay. Thus alleviating some of the traffic parking on the street and encouraging parking on the service vacant lots. We'll also contemplate creating a parking improvement district, so if you choose to park there that revenue that's generated can go right back into rainy street for some of the infrastructure improvements that everyone believes is necessary and i agree with such as connectivity with sidewalks. We're also contemplating with the transportation department to eliminate on street parking in certain portions there are no sidewalks and there is no way for pedestrians to walk up and down the street, which is creating some of the safety hazards that are mentioned. Again, this is going to be a full comprehensive look at everything that we can do in the short-term and then a plan for how we achieve those in the long-term. So I want to make sure that there's a lot of folks signed up here and I know you have a lot of concerns about rainy street. But I want to

assure you that we are looking at this issue and that there is going to be some progress in the short-term as well as the long-term. Austin energy has also agreed to add additional lighting up and down the street. Another concern during the evening hours. We're looking at the ability to create two-way traffic at rainey and is it davis where it's only one way? At rainey and davis where it's only one way to the west, opening that back up to east-west flow so that there will be an additional ingress and egress point for people who live down that southern part of rainey and people are coming to the venue. Again, all of those things are in queue. We have an item from council that will be coming at the next council meeting. We will address as many of these concerns as we can as well as lay out a plan for some long-term strategies. All that being said, i really think it's appropriate for us to address these issues as quickly as we can, but to assure not only the neighbors, but the venue operators as well that we're doing this before we start issuing outdoor music venue permits. There has to be a give and take. And in this process i absolutely would like to see not only residents of rainey street and of the condominiums be a part of the process, but venue operators as well. This is going to be a full partnership. It's going to take a full partnership. What I hear from the residents is not that they don't want bars and music venues on rainey street. In fact, what I hear most is we like it, we enjoy it. That's why we moved here, that's why we moved to legacy and milago and the shores. But we also want everyone to act neighborly and work together. I think we can come up with some short-term solutions and fixes as well as long-term because the leases that I hear being signed are not short-term. They're five and 10 year leases, so this is going to be something that's going on for awhile. I think we've created a funky environment. It's certainly an unintended consequence of rezoning to cbd. Our contemplation or the council's contemplation at the time was hi-rise mixed use, commercial, residential, office type development. We know that's not going to happen. And that's fine. It's cool. What's happening on rainey street is really cool. It's fun. I love going down there, but there are some issues that need to be addressed. We have at least three other bars potentially coming up on rainey street as well. And very likely some of them already applied for outdoor music venue permits. Again, these issues aren't going away, so I think we need to start addressing them before we start granting outdoor music venues. I'm going to listen to the concerns tonight. I want you folks to know what we've been working on so you have a better understanding of where we might be headed in the next few weeks. Thank you, mayor.

Mayor Leffingwell: We have approximately an hour and a half of public testimony. And because of the special procedures that have to do with an appeal, if you're not signed up now and on this printout, you won't be able to sign up from this point on. So I will not be working from the computer list, but from this printout list because we have to take speakers in a certain order. So first the appellant is mr. sanchez. Sanchez, you will have 10 minutes. After you're through we'll go to others speaking in favor of the appeal.

You guys covered a lot of what I wanted to talk about, but I'm glad that you're willing to hear my concerns. I lived there at 93 rainey street with my family for 45 years and I protested this issuance of outdoor music permit for the lustre pearl because my family, which consists of two elderly parents and myself, lived within 20 to 25 yards from the lustre pearl. Live music, decibel level is a concern to me because in my opinion it's going to affect our quality of life. After leaving miss hilg's letter indicating the permit had been granted, it allowed the live music and the way the decision read, it read that it basically could have live music seven days a week, which I think is too excessive, given the fact that we're so close in proximity and listening to that seven days a week. I did meet with the lustre pearl in september regarding this concern and which they offered to only have live music three to four nights out of the week and we also discussed the stage that they would need to construct as one of the requirements for their permit. And I was reluctant in agreeing with them on the -- on those aspects as far as three to four nights of the week and also there were some sound suppression measures that they talked about, like (indiscernible) and maybe some tweaking with the system. However, the issue of traffic came to mind and i couldn't really go full on board with that because rainey is bad enough, especially on the weekends. And I believe that even worse traffic jams will occur to everyone wanting to come to rainey to see a popular band. I would hate for an incident to occur where someone on rainey needs emergency assistance and can't get the services because they can't get the traffic jam. That's the health risk that is of great concern for me. Councilmember martinez talked about, you know, maybe changing some of the streets to two-way. What I'm talking about is when the mack has some events, we get traffic jams.

Everyone is trying to find some parking and it's stand still. And also at times when the city has closed the sixth street exits off for things mardi gras and for halloween and texas relay and [inaudible]. Everyone trying to filter through rainy to get to downtown. Of course there was massive traffic jams and that's what I'm afraid of is that you get popular bands. The way rainy street is right now -- [inaudible]. I want to come back to the music application because there are no things that have occurred since the meeting in september. And one is that the lustre pearl did book a band in november and I believe that they indicated that the sound stage was constructed for that band. However I think it was still too loud and I'm not so sure that any sound suppressing -- additional sound suppression would actually help with trying to cut down some of that noise coming through our walls. What's even worse if we have to endure three to four nights out of the week for the cold months, and I'm not sure -- there's some stuff that's left nebulous. The cold months and -- I'm guessing that it's maybe five months because they were talking about maybe booking from november and it's still cold in march. So three or four nights out of the week for five, maybe six months at the sound level that we would have to endure is still I think a bit too much for my family to have to deal with. And another issue is that currently they fix speakers on the outdoor of their venues. Bar 96, we're already having to endure music application seven days a week, and at times they had played until 2:30 in the morning. 30 in the morning and sometimes at a certain point they'll cut it down to a lower decibel level, but even that it's still audible through our walls. And seven days out of the week, and we work, we've got to try to get some sleep, and it's kind of tough trying to get some sleep -- [inaudible]. And I realize that a lot of the problem is that these are old houses and we can't -- they're not hi-rises. So that sound comes right through our houses. I know it's cbd, but there are still some families that live there on rainy street. And there's some families that live in the surrounding areas as well. So I would just ask that, you know, you take more consideration for the families that actually live in the area and reconsider the -- [inaudible].

Mayor Leffingwell: Thank you. So the following had volunteered to donate time sanchez, but that's not the way our procedure works on these appeals. So I'll give you the opportunity to speak if you want to. Maria burnheart. Martha domarosi. And nohira renoras and bertha goodman. I'll new york you off the list -- I'll mark you off the list if you don't wish to speak separately. Next speaker is albert sander, junior. Donating time is elizabeth serrat, francey kayhill. Is elizabeth here? She's not here. Francey kayhill? Not here. Bonnie kayhill? So you have three minutes.

Thank you. I'm al sander. I'm chair of the rainy neighborhood association, which has members from some 160 condos and private homes. Appreciate this opportunity. We realize dha we're a residential neighborhood in transition. Many of the current problems would not be occurring if the economy had not prevented hi-rise commercial development. What I've passed out to you is a list of a petition with some 50 names who are concerned about what's going on in the neighborhood and also it's a correction to your computer sheet because there was a lot of confusion in voting and you showed some people as being against who actually were for, but they're on this list now. Our concerns all stem from the creation of new bars and restaurants. These establishments increase the amount of traffic, bring in many patrons with no place to walk but the streets, do not provide any parking and increase the noise pollution, even without the addition of outdoor music as they're requesting today. I feel that the addition of outdoor music will only increase these problems. I would think that the owners of the bars would like the music to generate more business and that business will certainly add to the problems we're currently having on rainy. I've met with many of the city officials over the last year to discuss problems that can report that a number of these problems have been resolved and I'm thankful for that. So lack of parking, no sidewalks, general safety of the patrons is more complicated since these all require budgets and I've been told the lack of funding will prevent these being corrected. And I may stand corrected tonight since councilmember martinez has listed a lot of things that you're plan to go do to try to alleviate some of the concerns that i wasn't aware of. I would request that you not approve the addition of music to the venues as I see it only complicating the issues of safety and causing more noise pollution. Outdoor music is incompatible with our residential neighborhood. And without major changes to the infrastructure, no new permits should be issued for new bars until the problems are solved. The downtown austin plan discusses the desires, desired goals of the rainy district, including the specific urban design priorities. And I'm assuming that the downtown austin plan was passed with a lot of concern and meeting when it was done. The first is to encourage new residential uses that compliment

the existing, quiet neighborhood character. Limit the number of cocktail uses allowed. And some specific goals included were allowing for an orderly transition of the district from a single-family enclave to a high density mixed use neighborhood. Establish an infrastructure master plan to promote an adequate roadway, path way and utility network. Create a strong linkage to central business district, lady bird lake and central austin. Is that my limit.

Mayor Leffingwell: Your time is up.

Can I have one more sentence? Adding outdoor music at this time would not sit with this plan. And in fact what has already happened to the rainy district is not in the approved plan. Thank you for your time. Appreciate it.

Mayor Leffingwell: Thank you. Marissa condanton. Donating time is johanne flynn. All right. Eva burnheart. Eva is not here. Johanne flynn? You signed up twice, didn't you? You can only sign up once. So you have six minutes.

Thank you. Good evening, council. My name is mr ris is a. -- Marissa. I'm a resident and board member of the milago condominiums on rainy street. I'm a strong supporter of live music, great restaurants and bars, however before even considering an outdoor music permit or any bar permit for that matter, the city needs to address the infrastructure problems. I'm aware that this has been mentioned, which I'm glad. Although rainy street has been zoned as central business district, it does not have the normal central business district infrastructure required to operate as such. Let's look at the current situation. As mentioned, there are insufficient sidewalks. Now, we're not just talking at nighttime. Even during the day there are people walking on the street, be it workers, locals, the residents, even mothers and strollers. As a driver I need not only to be aware of oncoming traffic, but watch out for people walking on the road. I too have been a pedestrian during the day on rainy street where I've constantly had to watch my back while walking regardless of which side of the road that I'm walking on. And this obviously is a safety issue. Then we look at the evenings. The number of pedestrian traffic is multiplied, not just by residents and locals that live nearby, but also by people that live outside the local area. All these people have come to frequent the bars and/or the restaurants. Currently I understand there are four operating bars, two bars planning to open. There may be more. That's all I know of. There are four restaurants. And the current number of pedestrian traffic in the evenings is even a greater cyst issue than the daytime. Also as mentioned there is no adequate parking, street parking is saturated. None of the bars or restaurants provide on-site parking and I understand the cbd zoning does not require parking, however there are insufficient number of parking lots to handle the number of patrons. I understand the parking lot is only temporary and not always utilized. Street lights. There is insufficient lighting to provide a safe environment for pedestrians after sunset. Pedestrians forced to use the street as a work way and to use the oncoming vehicle headlights to illuminate the path of travel. Approving an outdoor music permit will draw larger crowds and that's obviously why you would want to have a band to ring in more business and that's r, it does magnify the issues discussed and it can -- it will set a precedent for all other businesses on rainy street. Some people might say, well, we're here to discuss a music permit and why don't we vote on that? And I'm pleased to hear that the council does have a leeway there to actually look at all aspects, not just the fact that the music permit, because we can't look at it a line. By looking it a align i think that's negligent in terms of planning. We must consider all these things together because they are interlinked. And I'm just -- I'm just checking if there's anything else I needed to discuss. Basically I would like to summarize that rainy street has many issues that need to be rectified. An outdoor music permit will only introduce more people, more problems to neighborhood, hence compounding issues. Until these issues are addressed in the best interest of the local pedestrian and drivers, it is best to hold off on approving the music. I think that's all. Thank you very much.

Mayor Leffingwell: Thank you. And to try to help speed things along a little bit, considering the lateness of the hour, I'm going to call off two names and we can use both podiums. So the next speaker will be mickey johnson. Is mickey here? Mickey is not here. Rich elmer? All right. After rich will be eleanor stevens. Is eleanor here? You will be over here following that. If you want to come up and be close. Go

ahead.

Thank you very much for your time. I used to own a music venue in Houston where I had bands six nights a week and we were all indoors. It was a very good operation. I enjoyed it. I love music. And as everyone was here saying with their signs, keep Austin live and keep the music live. I want music. Live music is good. It doesn't have to be outdoors. It can be indoors. On a six out square foot lot, if you have three bars lined up and they all have outdoor music, it's going to sound horrible everywhere. And eially if you'r 500 feet away and listening to all the different -- you've got rap here and you've got blue grass over here, it would be ridiculous. Obviously the owner of the bars that are requesting these things made business decisions to have music inside and the bar before they leased the properties. So adding outdoor music to increase the crowd just a little bit or the noise level or the advertising does nothing but increase their bottom line while they ruin the quality of life for the neighbors. And that's the neighbors and there's about a thousand people in that immediate area. In the apartments and the townhouses and the condos. So increasing someone's bottom line when they've already made a business decision to do it is not a very good reason and the only reason you can stop these things is it's code compliance -- if code compliance can check the decibel levels and check the time limits. And when they do that, just like it says in the Windsor area, on the October 26th complaint they're investigating it. October 26th, and today is January. Give me a break. Code compliance is not set up to solve these problems in any timely fashion. They have to have evidence to be able to go to court, and that just doesn't work very well. I jokingly said to someone, I said if we had a sprinkler system set up where if they overlap the time or the decibel level, the sprinklers ought to go on. That would shut it down real quick. But obviously no one would do that because everyone says oh, we'll watch it, we'll do it. Musicians aren't really attuned to stopping on the dime and to keep the decibel level below 85. How many musicians know exactly where 85-decibel levels are? And they're not playing music watching their decibel levels. They're not doing that. Quality of life is more important than someone's bottom line when they've already made a good investment and they've already made a good business decision. Thank you very much.

Mayor Leffingwell: Thank you. Is Marcos Schneider here? He's not here. Michael Abraham? You will be next over here.

[Inaudible - no mic].

Mayor Leffingwell: Say that again? And your name?

[Inaudible - no mic].

Mayor Leffingwell: Phyllis? Okay. Eleanor, you have three minutes.

Thank you. My name sell nor Stevens and my background is for 30 some years I owned two radio stations that played rock-n-roll. So I sponsored many, many, many of these small bands in this very same type of neighborhood. And we went through all the same pains that I'm hearing tonight and now I find myself, I'm a resident of the Rainey Street area and I'm in favor of the bands. I love the bands. I love the bars, but I know that I also value my private time in my home and we're losing it. The way we resolved it in my other market was we had to limit the bands to be indoors of those very small venues. And they broke every rule they could. First they said yes and then they found that the balconies and the porches they put the bands on, we had to limit that. Then they started knocking out windows and doors and then we had to limit that. And then we said no speakers on the outside. When we completely enclosed the music inside, the neighbors stopped complaining, the bands were happy, the bars were making money, and so I am saying that we can compromise here and come up with a solution where both the neighborhood can be happy and the bands can be happy. And I want to make one more point. We're talking about traffic. And because I use Rainey Street everyday. There's another problem coming up and that's the supply trucks for these bars. The other day I was stuck behind an 18-wheeler beer truck for 15 minutes while he unloaded beer at the Clive because there was no way for me to get out. And these supply trucks are starting to line Rainey Street during the days. So we've got multiple

problems coming up, not just the music, but the music is the root of it. Those are the two issues I wanted to talk about.

Mayor Leffingwell: Thank you. So after Michael, the next speaker will be Riley Kubodo. You'll be over here. And Michael, Phyllis Fletcher has donated time, so you have six minutes.

I probably won't use it. I want to thank Councilmember Martinez about the Rainey Street issue and what you have to offer and I want to thank you for your time this evening. I know it's late. As opposed to those who visit the Rainey Street for a few hours each week, most of those who live and reside in the area are opposed to this outdoor music permit. This doesn't mean we're opposed to music or bars or Lustre Pearl or opposed to this owner. Lustre Pearl can have music right now indoors. It can have music 24 hours a day, seven days a week, 365 days a year indoors. The Rainey and Red River Street areas are designated by the city's plan for high density residential development and outdoor music will undermine that plan and will undermine the city's vision for our neighborhood. We know that change is inevitable, but not this change. Please, not this change, not outdoor music here. As it pertains generally to the ordinance, creating this permit, the Council provided the opportunity for city staff to apply a very high standard. A very high standard to mitigate the impact of this, including the number of days, operating hours and noise mitigation in the outdoors. And I think very few of those standards were applied. And you already have - we heard earlier today that another bar in the area has asked for a music permit. So by approving this today, you would be setting a precedent for that next application. And we don't want a very low and permissive standard applied to our neighborhood. We want a very high standard to protect the quality of life for our residents. If you're not going to apply a high standard now, if you're not going to apply a high standard in a residential neighborhood, where in the world will you ever apply it? That high standard was provided for in the ordinance and therefore it should be applied in a residential neighborhood. If not here, where? If not now, when? This Council is empowered and trusted to uphold the high standards of our community. And I strongly encourage you to uphold that standard for our neighborhood. Thank you.

Mayor Leffingwell: Thank you. Councilmember Spelman.

Spelman: Mayor, I would like to ask the speaker a question, if I could. Sir? There's nothing about applying this to a higher standard at bars, I wonder what in your mind constitute that high standard? What are you looking for?

From what I heard before it was seven days a week for outdoor music. I think that's untenable for most of the residents. The hours of operation, which included end times of 10, 11 and 12, that may be great for people that roll out of bed at the break of noon, but I don't know about those of us who get up in the morning and have to go to work.

Spelman: So high standard would be cutting back from seven days a week to a smaller number of days and to rolling back from 10, 11, 12 to when?

9:00. 9:00 Would work. Maybe 10 on Saturday night. That's fine.

Spelman: I get a sense of what you're talking about. Thank you. Sir.

Mayor Leffingwell: Is Michael Harker here. You will be next.

My name is Riel Laine. I've lived on Rainey Street for six years. I consider myself a supporter of live music, but I feel there are plenty of established neighborhoods where people can enjoy that who aren't next to houses where people live. I think this is more an issue less about live music and more about quality of life. This has a direct impact on the people that live in that neighborhood and their quality of life. Their ability to get a good night's sleep, have a quiet night at home that we all enjoy, I'm not opposed to the development within the neighborhood. You know, I take advantage of the eateries and the

establishments, but I do consider this to be a disruption if there was live music, especially into late hours. These are also old homes. They have no soundproofing. You know, I live next to a bar and one slated to open on the other side of me. So I'm sandwiched. So essentially if there's live music, it's like having a band play in my backyard. So that's pretty much all I wanted to say. This is something that has a negative effect on the residents and that they need to realize that they moved into an established neighborhood and I think that that needs to be -- the residents need to be taken into account and respected. And that's it. Thank you for your time.

Mayor Leffingwell: Thank you. Michael Harker, three minutes.

I don't have much to say that my neighbors haven't already said. Basically I just feel that having the live music permit in our neighborhood will make our houses unliveable in. And that's really all I have to say. Please help us have a nice place to live.

Mayor Leffingwell: Thank you. Appreciate it. And it's really not necessary to repeat the person before you if you just want to say, just as Michael did, I agree with all that's been said. That's fine. That will work good. So now those are all the speakers that we have signed up in favor of the appeal. We'll go to those opposed. And we'll have 10 minutes for the respondent, if I can find out who he is. Who he or she is. Who is the respondent? Bridget? Come on up and you will have 10 minutes.

I'm Bridget, the owner of Lustre Pearl and Clive Bar. I'm responsible for making Rainey Street the pretty gem that she is today, which when I found her 18 months ago, I feel like she was down and out and needed a little love. Right here I have a particular -- [inaudible - no mic]. I would just like to state that I tried very hard and I want to say that I've tried to be a very good neighbor and when the CBD -- I got Lustre Pearl being CBD zoned and when I got the noise OMV permit and it was approved, Sanchez didn't want to approve it and so we went into mediation. He agreed and we made some changes to make him happy since he was within the 600 foot range of -- he was in the distance. And we agreed. He reneged that evening. And we went into mediation last week over the same issue. And there's nothing that we don't want to do about -- we want to be compliant. We want to be a good neighbor. And we would like to work with all of these people. But I do feel that we did get that OMV permit fair and square. And we're willing to make concessions. We want to make everybody happy. And let's just work together on this and let's not pit each other against it and let's just move on and keep Rainey doing and being successful like she is.

Spelman: Dunlap, two quick questions. You were in mediation when you first got the permit. What did you agree on?

Some concessions on time and noise constraints. For example, facing the stage a different way. We offered to put sound occluding baffle up. We offered to do a bunch of things that would push the sound away from Mr. Sanchez's home. And yeah, we just offered a couple of different things to do.

Spelman: Okay. We have a list of those things written in our backup. There's no date on those. So that was what happened when you first got the permit.

Correct.

Spelman: What happened after the mediation last week?

We couldn't come to a conclusion Friday morning and so we were to meet again Wednesday. Sanchez decided he didn't want to mediate things anymore. After Friday we made concessions as well to come to a happy conclusion for everybody. And so we tried. We really put forth an effort to make amends and make this thing positive. You know, I didn't come in this neighborhood to wreak havoc. I just seized an

opportunity and like I said, we wanted to work together. We tried very hard.

Spelman: You're willing to keep talking --

absolutely, absolutely. We'll put it all on the table. We're absolutely willing to work towards something.

Spelman: Thank you.

Thank you very much.

he actually signed up to do both, but you can't do that. So --

all right.

They realized that mistake. The other people aren't here. So -- but this shouldn't take more than that.

Okay.

Mayor leffingwell, mayor pro tem martinez and councilmembers, my name is gary eti, I'm the owner of austin city permits, a permit services company. I'm here on the matter before you speaking in opposition to an appeal of a review approved and issued outdoor music venue. I'm grateful at times like this that we have a land development code and an ordinance in the code with rules and guidelines that we can all follow. According to those rules, city staff recommends denial of this appeal. Over the past few years the city of austin, led by the city council, the city manager's office, to work with the austin music community during challenging economic times, to successfully establish a music department, don pits as manager, david murray as the sound technician and clara, butler, greg guernsey, many people and Ut -- we want to be compliant. We want to be a good neighbor. And we would like to work with all of these people. But I do feel that we did get that omv permit fair and square. And we're willing to make concessions. We want to make everybody happy. And let's just work together on this and let's not pit each other against it and let's just move on and keep rainy doing and being successful like she is.

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Mayor Leffingwell: That sound that you hear was your time. sanchez canceled that meeting.

Mayor Leffingwell: Thank you.

Thank you, I'm available for any questions you may have.

Mayor Leffingwell: All right. So now we have scranton tooey.

My name is scranton tooey. I was the manager of lustre pearl. [Indiscernible] bar and bar 96. I would

like to start off by saying that the whole omv permit idea started last year during south-by-southwest. The bands, the people and the vibe surrounding this beautiful house bar was amazing. That's why the idea came from. Where the idea came from. Last year we had three days and nights worth of live music at south-by-southwest, had music on two other occasions during that year with not one complaint called into the authorities. Lustre pearl has a spotless record. We have been working from day one with the city, don pitts, clara hilling and david murray on this omv permit. Since getting the permit, we have put our live music on hold because it will cost us a good bit of money to make sure that we do everything that we have said that we would do. We wouldn't want to spend a lot of money and then have our omv permit denied. That would be foolish. We believe that we're fighting for something that is important to us and we would like to use our permit at least three days a week. We never have said that we would do a seven day a week permit or a -- or music seven days a week. We never said that we would do music during the day, either. They talk about traffic and the fire marshals give us a load occupancy of a certain number for our bars. And with that number, we are only allowed that amount of people in our bars at any given moment. We have reached those numbers on a regular basis on wednesday through saturday nights. That number will not change given the fact that we have live music. We are still bound to that number of people in our bar at all times, whether we have live music or not. I would like to say at the very end that we are just business people trying to run a prosperous business in a cbd zoned area of town and we play by the books with everything that we do. We would like to be able to utilize our business every way we can to make it successful. We have tried, there's been people saying that we have sat down. We've given, you know, we've tried to work this out and we've tried to do everything that gene sanchez has wanted and we are here tonight and we're still willing to work things out and make it to where we can have a prosperous business. So thank you very much for -- for having me this evening.

Mayor Leffingwell: Thank you. David endler. David, you have three minutes.

Thank you. Good evening, I live on rainy street. But lest you think that I'm supporting the current -- supporting the former permit against the appeal, because I just support live music. I actually own another property on rainy street, so not only do I live on rainy street, I'm an invest store on rainy street. So my interests are twofold. I am against the appeal partly on principle and partly because I fear it will set a precedent for neighborhood associations to rule what goes in a negative way. I understand a lot of my friends' concerns. But say I were to open a hamburger joint on rainy street, with my grandmother's secret recipe as maybe you all know as one of the best in the country, it's going to draw huge crowds. There might be people that have a drink afterwards at a bar, does that mean we stunt progress. Does that mean we stop all of the events forthcoming at the mexican american cultural center because it does clog traffic on the street, does that mean we stop all other bars that are going to move in and restaurants and trailers? I think the core of the issue is that every one of us is afraid, we don't know what our street is going to turn into. It's been an interesting evolution the last three years. I have lynn on rainy street the last four years. The whole process rubs me the wrong way. Lived on rainy street. sanchez, i feel like he was bullied into this appeal by the unfortunate nature of the legal code because it doesn't seem that associations can appeal on their own. So what I would ask you to consider is to separate these two issues. I am very encouraged by what mr. martinez said. Unfortunately I think like these things do, they are going to take a lot of time. I just don't want to see progress on our street pass us by. Thank you.

Mayor Leffingwell: Thank you. [Applause]

Mayor Leffingwell: Okay. Those are all of the speakers that we have signed up against. We have a number of speakers signed up both for and against who are not wishing to speak. The list is lengthy. So I will just ask the clerk to enter those into the record. Now we go to the rebuttal by the appellee, mr. Sanchez. Do you have anything to say?

All I'm saying is this, that -- that no I wasn't bullied into the appeal. And as the -- as the -- at the mediation meeting, actually I had been unaware that the hearing had already been set at the time that i spoke to mr. murray. And set up a time to have the mediation meeting. Well, after I found out that

everything was set and i knew that there were others that needed to voice their concerns, I called mr. Murray and I told him that i wanted to cancel the meeting because of what I had just found out. I was told, I sent you an e-mail, that you would frown upon me for doing that. So I'm like fine, I'll go to the mediation meeting with the intent to let them know that I still wished to have the hearing. So a lot of the - what they want to term as me being difficult was this, is that if I would have given in to make a decision, I would be making a decision for a lot more people than just my family and some of these people right here wouldn't have had the chance to speak. That's what it is. That's what that's about, too. So that's all that I have to say.

Mayor Leffingwell: Thank you. [Applause]

Spelman: Mayor, I have a question of mr. sanchez.

Mayor Leffingwell: Councilmember spelman?

Spelman: sanchez, i understand your concern, i think that you are absolutely right to do what you did by not pretending to speak for people you wouldn't have had a long conversation with, you would have falsely represented yourself and your position. Now we are a -- in a different position. You have met them, you know what their concerns are. You and perhaps some other group of people who were renting the same position supporting your appeal could get together perhaps and negotiate with -- with the bar owners. Would you be willing to do that, sir?

We can all get together and work something out, that's all that I want. Because I didn't want to be the one man to make a decision for hundreds of people.

Spelman: That was exactly the right thing to sanchez, i appreciate you doing that. Thank you.

Mayor Leffingwell: Council, so again, the options other owe does get very confusing here. But the option is to -- if the option is to uphold the appeal, that is denying the music permit. Or to not uphold the appeal, to deny the appeal, would be to approve the outdoor music venue. Or the third option is to modify the permit.

Mayor pro tem?

Mayor pro tem has a fourth.

Martinez: There's a fourth option. Before I get to that, though, just so I can be clear, I want to read into the record what I have in front of me in terms of what's already being worked on and then what we'll contemplate moving forward. The reason for that from council is not that we're doing something new as one of the speakers mentioned they have talked to staff, staff has been very responsive. The reason for the item from council is to formalize the resolution to get us a set date of when staff can come back, so we can create time lines and create and manage expectations, if you will, on the improvements that will be made. So specifically, what staff is already working on, the transportation department, all ways stop sign at red river and davis, driskill modifying the parking between red river and interstate 35 for short sections so we don't create this log jam where nobody can move out of the way so that traffic can continue to flow. So there will be sections where you cannot park in that area so that you can pull out of the main flow of traffic to allow traffic to move by the other way. Rainey street south of red river or south of river street, some parking will be removed to facilitate access to the malago and legacy, the entire neighborhood slated for repainting, cross walks, curbs, et cetera, but that won't happen until warmer weather comes around. Working with the local residents, police department, tour bus parking on east avenue is being discouraged we are trying to find an alternate location for the tour bus parking. Then the things that the traffic engineering division is still considering and hopefully going to come back to us once we ask them to do this is commercial zone for delivery services. So specific commercial zones

where deliveries can be made to the venues so that everybody knows where the deliveries are going to be if they happen to be taking place when you are coming up do you understand the street. Additional street lighting, as I mentioned earlier. Then we're still talking about how we improve pedestrian and bicycle means of ingress and egress up and down rainy street because there is no connectivity with sidewalks. There's, as you all know, there's some and then there's not. Depending on where you are in the street. The other things we're talking about is -- is working with -- we're going to ask all of you guys to get together, the condo owners, the residential renters and/or owners on rainy street and the existing venue operators and future venue operators as well as the mac staff to sit down and try to -- everybody get on the same page on the things that we can do to improve the issue that's we talked about. Issues talk about. The off street surface parking is absolutely temporary. I am not encouraging surface parking. That's not what we want in terms of long-term planning for any part of downtown or any part of austin. For that matter. This is a temporary measure to look at the convention overlay so that we can get some of the on street parking to move off street into these vacant lots where we currently can't do anything with them. The economy is just not there to allow them to be developed. Once that happens, then that surface parking will go away. But once the redevelopment happens, then garage parking occurs, so again it's kind of the balance, if you will. We are also looking at -- at potential conditional use permit for -- for cocktail lounge use in cbd. Not because we don't want cocktail lounge use, but because we want to have this conversation with council and with surrounding neighbors and community members before it opens as opposed to afterwards. And we don't -- ask bridget mentioned we don't need to be pitting each other once against each other. We are all part of the same community I think we can all work together and solve some of these issues. What I'm going to do is I'm going to make a motion to overturn the decision by staff to grant the outdoor music venue permit. What I'm going to ask is that we engage in this process and encourage the venue operators to come back and apply at a later date. Once we've all seen some improvements. And we have issued outdoor music venue permits where they are in very close proximity to single family residential and we've been able to come to an agreement. The allen house was the most recent example. I believe we can promise, we can work together and -- we can compromise, work together, to an agreement moving forward. My motion is going to be to overturn the outdoor music venue, but I will say i encourage you to do back once we are able to to come up with a comprehensive plan once we deal with the issues on rainy street.

Mayor Leffingwell: Motion by the mayor pro tem to deny the appeal.

Cole: I will second.

Mayor Leffingwell: Councilmember cole seconds.

Cole: And the rainy street area is an area and a neighborhood in transition. And the council has recognized that for quite a while and that's why we have the cbd zoning, it is also an area that is contemplated to be very important to waller creek. And because of that, it is a lot bigger issue than just contemplated by this one appeal. So I support mayor pro tem's comprehensive approach in trying to come to some creative solutions for that right now and still at the same time contemplate a long-term vision. And so I hope that I'm able to work with him on that.

Martinez: Absolutely. And mayor, I'm sorry, i don't mean to interrupt.

Mayor Leffingwell: I just wanted to set the record straight, you stated it correctly. It's [indiscernible] appeal to deny the permit. See how confusing it gets there. Confused myself on it.

Cole: You know I never get confused. I did have one other thing to add, mayor. That is that the cbd zoning that was made before I was even on council and mayor pro tem was done to encourage high residential towers and we have seen some of that there. And we look forward to continuing to encourage that and deal with the transition.

Mayor Leffingwell: Mayor pro tem?

Martinez: I -- I was just going to welcome councilmember cole's offer. Obviously we can't do anything moving forward without her leadership because this is a significant component to waller creek and the vision she's laid out, not only in terms of future planning and development, but in terms of future tax base to help us pay for the project. I think there has been some tremendous opportunities that were seized on rainy street and I encourage that. I think it's great that we are now getting tax revenue when we wouldn't have otherwise. But the goal, the long-term goal is for complete redevelopment and increasing that tax base even more. So I -- I absolutely welcome you, all of us being a part of this moving forward.

Mayor Leffingwell: Further comments?

Spelman: I have a question.

Mayor Leffingwell: Councilmember spelman?

Spelman: Mayor pro tem martinez, do you have a suggestion for how long you think it's going to take for all of this stuff to get into place?

Martinez: I don't know. What we're going to do over the next two weeks is work with staff. Look at how many things we can do in the short term. When I say short term, literally contemplating 60 days, 75 days, you know, because the outdoor season is going to hit and these bars are going to get only more foot traffic and more customers once the climate, you know, improves. So the short term fixes i contemplate happening within 30, 60, 90 days. Then the longer term just as we're -- as we generate the revenue and dedicate the revenue to make the improvements.

Spelman: Okay. So the -- so the effect of your motion is to grant the appeal, deny the permit, but -- but although you have an expectation within 60 or 90 days, we will have gotten some of the stuff off of this list, there will still be some things on this list which are going to take longer. At what point would lustre pearl be in a position to ask for another permit?

Martinez: Legally they can apply tomorrow is my understanding. The legal reality is they can apply tomorrow. The -- the practical reality is that they probably end up in the same shoe ifs they apply tomorrow -- if she apply tomorrow.

Spelman: I understood there was a one year delay between when an appeal is granted and when they had an opportunity to apply again.

Councilmember, I went back there and looked through the ordinance and conversing with my staff and there's not a provision that delays it for a year. I was actually thinking of another section in here that has to come back within a year, I did last march with a memo, that's the section that I was thinking there was a one-year provision. It was not on an appeal, just on one-year on review of the ordinance.

Spelman: I see. They could apply tomorrow. We probably wouldn't grant it until we got a little bit further along. What was -- what's your thinking with respect to this? Do we get all the way through the list, part way through the list, what time would it make sense to direct staff to grant a permit?

I think that's part of what I want to talk to everyone in our one on ones next week before we put the item for council on, so we can have a better understanding of is it going to take 30 days, 60 days and exactly what we can fit in that window.

Spelman: I understand that's your points. Something we definitely have to talk about. It's a good thing

it's 40 degrees outside then I would be in a difficult position here. Is there a role here for the neighbors and the bar owner to talk to each other?

Martinez: Absolutely. Part of the contemplation is to create this stakeholder input process. Not just neighbors and venue operators, but -- but even folks in the music industry, even city staff at the mac, they have asked to be a part of this because they are impacted by the parking on the weekends and when we have events their parking lot is inundated. I would certainly like everyone who is a part of the process to be, but i don't know what that's going to look like in the form of a resolution.

My preference would be to deny the appeal or postpone action on the appeal until we've actually had some chance to work some of this stuff out. Would you consider that a friendly amendment to postpone action on the feel 30 to 60 days.

We talked about that, i won't consider that friendly, because the conclusion we came to, I say we, us on this end talking about it, it would set up a perceived automatic approval. If we just postponed it. And we don't want that. I can't guarantee that even 60, 90 days from now this body is going to say yes to an omv.

Spelman: Of course not.

Martinez: All that i can say is you're welcome to come back. A postponement in my mind would indicate some tangential level of approval that we are likely to grant it. I don't know that's the case. This allows them to come back and apply at any time. But at the same time I think it incentivizes them to help us make the improvements so that he can come back before the spring season hits and possibly operate [indiscernible] the way they would like.

Spelman: Thank you.

Cole: I've another question. I think this is a question for mr. guernsey. I will wait until you get to the -- my understanding is that the -- the lustre pearl bar has southwest -- south-by-southwest has used the lustre pearl in the past. Is that correct?

I think that's what they indicated, it was a successful event that occurred.

Cole: What I'm trying to figure out is if we can issue a temporary use permit for them for south-by-southwest.

We could not probably issue a what's called a sound amplification permit. Under the current ordinance as it's written, you can issue a one day permit. However, I think they are -- oh, the property is not residential within 100 feet. So yes, we could. We could issue a single permit for one day within a 30 day period. But it would not be for the three days, which they had indicated had operated at the last event. Unless the ordinance is amended. Which --

Mayor Leffingwell: To be clear, though, it can be a south-by-southwest venue, just can't be outside.

It could be indoors or -- or it could be a one day permit outdoors with the sound amplification permit.

Last year they had --

Mayor Leffingwell: You can't speak unless somebody asks you.

Cole: Held on one second. I wanted you to be there in case -- okay, greg. You are saying-- well, i guess

the first prison that -- the first problem that I want to make sure is that we are even posted for this potential action. Well, I just want to -- well, I guess no, never mind. It would be direction to staff. I want to -- greg, I want to know if we can contemplate issuing you said a one day permit, but even a three-day permit and what that would take to come before for south-by-southwest --

if you recall last year we had a temporary ordinance that we called the 96 hour permit. And that occurred before south-by-southwest. It expired I think in june and it doesn't require going before planning commission. Something that the council could actually conceivably approve at your next meeting with the proper posting for that meeting an application process or permitting process. That could create a similar process that you had last year for a limited time. And -- so -- so that's a way that I think if you are looking for a way to create a process, that would not be permanent, but would allow for venues to occur for more than one day in a 30 day period, yes, there's a way to do that. It's just it doesn't exist right now.

Cole: Well, you can help us, right?

Yes. I mean conceivably you could bring back the ordinance --

Cole: Let's work on that with my staff.

Martinez: Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: I wanted to let councilmember cole we are working on that, we are contemplating that. We have been working with stakeholders and south-by-southwest folks and folks who operate different shows during south-by-southwest. We are talking about a potential 96 hour permit or some -- some -- I don't know what that number is going to be, but it's going to be more than one day so it can encompass activities like south-by-southwest, trying to get it done before south-by-southwest this year, but quite frankly there's a lot of concerns about obviously a multi-day music permit. We want to make sure that we address all of the concerns that are out there. But we are talking about it within -- I'll be glad to get our staff to get you a bead on what we've talked about so far.

Cole: Well, I certainly support you on that.

Mayor Leffingwell: Motion on the table to uphold the appeal, with a second. Further discussion? All in favor of the motion say aye.

Aye.

Aye.

Opposed say no. That a anonymous vote? Councilmember spelman, did you vote? Okay. So passes on a vote of 7-0. The appeal is upheld. And the permit is revoked. So, council that brings us to what I believe is the last item on our agenda tonight and that is to conduct a public hearing to receive citizen comments on the city's intent to apply department of housing for up to \$8 million in section 108 funds and \$2 million in brownfields economic development bedi funds. So do we need to -- a very brief -- did you have something you want to brief us on?

Kevin johns, director of economic growth. The item 72 is to conduct one of two required public hearings to receive citizen commitments -- comments on the city's intent to apply competition that would generate 209 jobs and help busines in the saltillo plaza area. We have technical people here and could offer

feedback on the extensive citizen involvement.

Mayor Leffingwell: Questions for staff?

[Indiscernible]

Mayor Leffingwell: Mr. Edi? You need to maintain order in the chambers. Questions for -- for staff? We will go to our public hearing then. And I don't see anyone left in the chamber. But I will call out Laurie Rentría is neutral, wishing to speak. Laurie in the room? Sabine no Rentría is also neutral issuing to speak. There are no other folks signed up to speak in this public hearing. Our only action tonight would be -- would be to close the public hearing. Do I hear a motion to close the public hearing on item no. 72? Councilmember Morrison so moves. Is there a second? Councilmember Cole. Any discussion? All in favor say aye.

Aye.

Opposed say no. Public hearing is closed on a vote of 7-0. The clerk, city clerk there are no more items on our agenda. Without objection, we stand by the clock on the wall.