

Closed Caption Log, Council Meeting, 01/27/11

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Good morning. I'm austin mayor lee leffingwell. And we will begin today with the invocation from bishop horne, restoration temple.

Please rise.

chavez first of all for the invitation and just for the acknowledgment that we all need a greater power than ours to govern and make decisions, for that reason, please bow our heads.

Father god we come today, we thank you for allowing us the opportunity to speak today.

We ask that you give wisdom, knowledge, understanding to all of the councilmembers as decisions are made to govern this city.

Where he drive out evil force and every evil power that would bring anything that would shame our city of austin.

And we pray that your glory and your power would rest upon this meeting today and that everything be done in decency and in order.

In jesus' name, amen.

Mayor Leffingwell: Please be seated.

And -- one more piece of business before we start the meeting.

I would like to take a moment of personal privilege to introduce a special visitor who has just walked into town. Literally. Come on up.

[Indiscernible]

Mayor Leffingwell: Today we have with us troy yokum, who is an iraq war veteran who is walking across the country, literally back and forth, to promote veterans issues. And I think most of you know that I'm a veteran myself, so I'm all in favor of troy doing this walk for us. It's very important that we take care of those who have served their country. He began in louisville, kentucky, walked to san diego, now he's working his way back to the east, coming -- obviously he's here in austin now, will be from here, work his way up and back eventually to louisville where he started. 7,000 Miles is the estimated distance that we will have walked. Which is quite a feat. He looks pretty good for having -- having already walked over -- almost 4,000 miles that you have walked so far? 47 -- 4700 Miles so far. And still counting. His wife is here. Come on up if you would like, please. And two dogs. [Laughter] now, I have to say, I have to qualify that by saying that the dogs have not walked the entire distance. They have a little cart that they take the dogs in and give them a rest. As you can see they've got very short legs. This is emmy and harley, and we're just very proud to have you with us here today. And welcome you to austin. Troy,

I believe, has a -- has a louisville slugger bat, he thought that was more appropriate than having a card to sign and I totally agree. So I will sign the bat and then troy will take about 30 second or so speak to us and then we will have a short one minute video commemorating his walk. Putting my signature right on the sweet spot. [Applause]

in no way does 30 second give me enough time to sum up every single person that I have met walking across america. For the last nine months and one week. I have met thousands and thousands of veterans who have many, many issues. And a lot of those issues come right here to the state of texas. If you have read anything hood recently, they have now experienced a suicide problem. Where it's 8 times more than last year. But across the nation, we are having a much bigger, bigger problem. Where 18 veterans a day are committing suicide. Obviously, there are strides being made to take care of these problems. But we haven't really cracked the solution yet. Obviously, there is many, many times that I have sat in city council meetings from the smallest cities to the largest towns and to me it's the veterans who have sacrificed so much for us who need our help in this time. It's a problem not just here in austin, it's a problem every single place. The towns that I walked into in just this last week kept talking about very minimal support in austin for veterans. And I like to think that austin still has a place in the heart of many of our veterans and that there is help for each and every single one of them here. Thank you so much. [Applause] [applause] smile thank all four of you so much for what you are doing in service to our country and what you've done in the past. We wish you god's speed for the rest of your journey. So -- a quorum is present, so I'll call this meeting of the austin city council to order on thursday, january 27th, 2011 AT 10:12 A.M. We're meeting in the council chambers, austin city hall, 301 west willie nelson boulevard, austin, texas. We begin with our changes and corrections to today's agenda. 2, add recommended by the electric utility commission. On item 4, add recommended by the electric utility commission. On item 24, add recommended by the resource management commission, reviewed by the electric utility commission. 36, add as a co-sponsor, councilmember randi shade. Our time certain items for today are 10:30 a.m. Briefings, we have a brief on the 140 gpcd water conservation plan. A briefing on sustainable urban agriculture. And also a briefing by austin energy with a worryly -- with a quarterly report. 00 noon we will have our general citizens communications. 00, we will take up our zoning matters. , we'll have public hearings with 30, we will have live music and proclamations -- proclamations, the musician for tonight is haley harris. The consent agenda for today is items 1 through 39, with the exceptions which I will read in just a moment. But first I want to read 33, which remains on the consent agenda, these are our appointments to our boards and commissions. First, to the austin community technology and telecommunication commission, elizabeth quintanilla is nominated by councilmember riley. Our intergovernmental bodies to the austin travis county integral care board of trustees known as mhmr, formerly, robert chapa, junior, is appointed or nominated by yours truly, mayor leffingwell. And to the central health board of managers, formerly known as the travis county health care district, katrina daniel is the council's nominee. Those are our nominees to the boards and commissions. There are no waivers requested this week. Pulled off the consent 19, is pulled by -- excuse me, mayor pro tem martinez. 20, pulled for discussion by councilmember spelman. Item 26, pulled for comments by councilmember cole. Item 30, pulled for discussion by councilmember riley. And item 36, is pulled by councilmember morrison. Are there -- I have no items that are pulled because of -- pulled off the consent agenda because of a number of speakers. We do have some folks -- well, correction. We now have item 26, item 26 is already pulled. Thank you. So we have no additional items pulled for -- pulled for -- for speakers. So with that, council, i will entertain a motion to approve the -- councilmember spelman?

Spelman: Mayor, could you speak to the series of items [indiscernible] 3 and 8.

Mayor Leffingwell: Items 3 and 8?

Spelman: Yes.

They are on the consent agenda.

Spelman: I understood they were withdrawn.

Mayor Leffingwell: Perhaps we could have staff address that, because I have no --

Spelman: They are not on the list.

Rudy Garza, assistant city manager, items 3 and 8 are the items on the holly decommissioning contract award, which I notified you last week via memo that we were withdrawing that item for consideration and are rebidding the project.

Mayor Leffingwell: Items number 3 and 8 are withdrawn from the agenda.

That's correct.

Mayor Leffingwell: That does not show on my change and correction sheet.

Spelman: With that I will move approval of the consent agenda.

Mayor Leffingwell: Councilmember Spelman moves approval. Mayor pro tem seconds. Any discussion? Let me check and make sure if we have some items. We have one person signed up to speak on 19. That's already been pulled. 20 Has been pulled. 26 Has been pulled. All in favor of the motion say aye. Speaking only if there are questions. All in favor say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. We will now turn to the items pulled off the consent agenda. Beginning with item no. 19. Mayor pro tem Martinez?

Thank you, mayor, the city manager and I were just having a conversation about item 19. Welcome, Kevin, I wanted to just have a little conversation and a couple of questions. Some issues that are being brought forward, I certainly want to support this item, will support this item. I think obviously establishing new business and new employment opportunities in central east Austin is critically important. The one thing, though, that is being brought to light that I am concerned about, and that I hope we can address as well as what we're doing here today is that we have some businesses on East Seventh Street that are severely impacted by the construction project that's going on and that's been going on for some time and going to continue, as much so -- this is just anecdotal evidence, but they have relayed to me a drop of 40 to 60% in gross sales receipts at restaurants and stores along East Seventh Street. Some of which who actually have a CDBG loan from the city of Austin to build their business. And I -- I understand at least in part their plight and their request to say why can't you help us as well keep our doors open as opposed to just helping new doors open because if I shut my restaurant down, all my employees are just going to go work at this new hotel restaurant that you are building, so you really didn't create any new jobs. So I want to know what we can do to create this billion or what we're thinking about doing to create that balance.

Thank you, mayor pro tem. The -- the issue of the major reconstruction at 7th Street is affecting the businesses negatively. In discussions with the -- with the neighborhood housing department, there is one business that does have a loan, but -- but they are double checking, but I believe it is just one business. I would like to ask the -- the transportation department, who is directly impacted and is -- has put together some efforts to try and draw business back to that area, to -- to address your question.

Great, thank you.

Mayor, council, howard lazarus. The promise on east seventh street has been under construction since last march when we had the ground breaking. That project was split into two contracts to try and expedite construction. The contract terms and conditions also contained incentives for the contractors to finish early. Right now both contracts are either on schedule or ahead of schedule, the schedule completion date is in august. One of the contractors is a little bit ahead of schedule. The other is no worse than on schedule. Throughout the construction project, our project manager has been meeting with the property owners and the businesses along east seventh street to address their concerns. Every property owner, every business, has had access and very visible signage throughout the project. There is no doubt that traffic has been adversely impacted at times, as we have replaced all of the underground utilities and progressed on the project. But from a construction standpoint, I think that we have done everything that we can be to responsive to the property owners' needs and to expedite the project so that the negative impacts on the accessibility has been mitigated.

Martinez: Howard, in those incentives, you said one is possibly going to finish ahead of schedule, one is on schedule. Are the incentives to the extent to where they are actually trying to achieve those incentives? I don't know if -- sounds like there may not be enough incentives if they are just going to be on schedule.

No, they are significant in terms of payment to the contractors. It's enough to get their attention. As I said, one of the contractors has made significant efforts, that's I think on the west side of the project, the accelerated construction.

So -- maybe moving forward we can have this conversation, but one of the things that comes to mind is in the future, issues like this, that have a severe impact on the businesses, maybe we -- pain we continue to offer incentives. But if those incentives aren't -- if they don't meet the demands to reach those incentives, that -- that somehow that allotment or portion of that contract be dedicated to -- to maintaining those businesses. So if the project does take the entire time and they don't finish early, the business -- the impact on the businesses is somehow alleviated due to, you know, the traffic problems and signage and all of that.

I can understand the two parts. The first is on that future arterial projects, as we also do, we will continue to look at impacts and construction staging. In this case because of the pricing that we got and because of the desire to get the project done as quickly as possible, we allowed the contractors to work on a longer stretch of road. In the future when we look at arterials we can dictate the means of construction more but we can also expect to pay more in return for construction by being more restrictive. With regard to the second point that you brought up, to the best of my knowledge we have not made payments for interruption of businesses or made those provisions in contracts. I think that's more of a legal and policy decision better addressed outside of the [indiscernible]

Martinez: I know that you weren't here, but there are some folks that were here, we had some projects in the past, specifically barton springs road, west of lamar, it was very difficult time but we did some strong outreach to let folks know businesses are open, please come, it might be a little bit of a headache, they are still open. We did the same thing on 11th and sixth street when we shut down that entire intersection for a project, we actually did psa's lept folks know how to get around the problem, how to navigate. What have we done on seventh street.

We've had outreach, notifications, public service announcements just as you've mentioned. Those have been effective to varying degrees, we will continue to do that. We will make sure that as we go through each major arterial project that we'll have a very good and very strong outreach and communication plan.

Martinez: Thanks, howard.

Mayor?

Kevin?

I would like to say that in terms of our small business strategy and our redevelopment strategy, that our goal with saltillo plaza, which is our first of what I hope will be a city-wide effort to revitalize business corridors and business areas in the urban fabric throughout the city, that in -- in that the location that we've -- our first step, we're proposing to create 209 jobs and \$55 million of private investment. We would like to replicate this, I think that -- i think on 7th street you have pointed to a location that will be on the low side of the bell shaped curve because of the economic issues. And the lack of access. But once the road is finished, it -- they will have a much better curb side appeal, have more access, and we would intend to come back and offer assistance through our small business development and go to the federal sources again and see if we can't get them back up to the top. Because then they'll have a better infrastructure, more traffic, better curb side appeal. So I think that we will have an opportunity to follow up, just like we're doing in saltillo.

Martinez: Can we just make sure that we communicate this to those business owners. I think they are feeling somewhat like I don't know like they're being ignored or left out somehow because they see us putting our efforts towards these bedi grants, but yet they have been reaching out to us, say we're having severe issues here. I just want to make sure that we have good communication strategy in plan. Letting them know not only are we going to assist them during this difficult time, once it's all up and done we're coming back around again to lift you back up to where you once were and hopefully get better.

We certainly will. One of the ironic occurrences as a result of going after the bedi, this urban redevelopment competition, is that city-wide now businesses and urban corridors throughout the -- throughout austin now know of the availability of this. And so we've been approached by businesses in montopolis and other areas. We haven't gotten the first one. But now that they're aware that we're going to do this, they are encouraging us to go forward. I do take it very seriously, I will communicate to them.

Thank you.

Thank you, mayor.

Mayor Leffingwell: Councilmember spelman?

Spelman: Howard, i would like to ask you a question, if I could. I would like to ask somebody in public works a question, if I could.

I saw you walking all the way up to the top of the room, I can stop you. Come back. There's a couple of ways of dealing with a problem like this. One of them is to increase the speed with which you get the whole work done. If -- you are talking about that seems to be our philosophy of trying to solve a problem like this is get 7th street done as quickly as possible. It will be fast. That seems to be the way that you do the work if you want to get the whole project done as quickly as possible is tear up the entire street from one end to the next, keep it up until its done, but the entire period in which you have got things torn up is going to be shorter in part because the whole street is open, lay down all of the underground utilities more efficiently because of that and so on. Another way of solving the problem it seems to me is to do it in pieces, tear up say a two block section, get that right, pave it back over, go to the next two block section. Although it may take longer to do, may cost more, nobody is going to be hurt for longer than a relatively short period of time because the section in front of their store is only going to be torn up for a little while. You have got bottlenecks on seventh street but not the phenomenon that you have now, all of the people that used to take seventh street avoid it like the plague like because it's so difficult to navigate. First, is that two directions, are those two directions of appropriate appropriate

characterization of ways we can solve this problem.

I think they are all context and location specific and sensitive. We don't do every project the same way.

Spelman: Sure. Would it make sense in a project like this, if we find ourselves in a similar position, to consider doing this in chunks of maybe a block or two or three rather than all at once? Am I right in believing it would take a little bit longer to do and cost a little bit more?

Correct. Any time that you put restrictions on the means and methods by which the contractor does, it's work. You can expect cost and schedule impacts. But again everything has to be done within the context of where the project is and every project is different.

Spelman: Okay. In this context would it have been possible to have done at least some significant part of this project in pieces rather than tearing up basically all of seventh street?

It would have been possible.

Spelman: How much more would it have cost us, do you have a sense of that?

I don't. I can tell you that the cost savings versus the estimate that we got on this project were significant to the tune of probably 50% versus the estimate. But I can't project out what it would have cost [indiscernible]

would it be possible, again, the seventh street project is obviously idiosyncratic, we're never going to find a situation exactly like this again. Barton springs west was essentially the same idea, an entire stretch torn up, had we done it in pieces it would have had a different effect on local businesses local traffic patterns. Is this something we can consider the next time we run into a situation conceptually like this?

Yes, we can. Again, every project is different. Depending on the nature of the water line, utility lines, subsurface work that you have to do, every project is different. Sometimes it's difficult to do half a water main and leave customers without water service for an extended period of time. So in this particular case, based on the scope of work that had to be done, the best decision when we put the project out for bid was -- was to split it into parts and do as much as of the subsurface work as we could at one time to get through it as quickly and minimize and mitigate the interruptions and inconvenience.

Spelman: Is there a way of -- so that basically picked option a and not option b, which I think probably makes good sense. But there are places where option b would seems to me there are places where we ought to at least consider option b doing this in pieces even if it costs more and from beginning to end of project takes a little bit longer just because we're minimizing the effects on the short term of businesses where the tearing up is actually taking place.

We have done that. Mayor pro tem mentioned the project on lamar which we did a couple of years ago. That was done differently. The work on brazos street is being done on more of a block by block basis. As I said, it's -- we do everything that we can to mitigate the impact. Bework with the businesses along the work. Certainly we can do more outreach as mayor pro tem mentioned as well and we'll continue to try to get better in that and continually improve. But we work with the community not against it.

Spelman: I understand. So long as we have a process in place to help us decide the extent to which we're going to tear up the whole street for a short period of time or parts of the street in doing a -- that we have a procedure for thinking that through.

There was consider outreach on 7th street before the contract went out as well. I don't want to leave

you with the impression that we didn't do that. We talked with many of the businesses, property owners, as we put the construction methodology together.

Spelman: Thinking about this from the point of view of a business owner, probably sounds better to minimize the total length of time the street is torn up. Once you are actually halfway through the project and realize that you have several more months to go and your profit margins have gone down a lot, you might want to think it's a different kind of problem. So long as we have a procedure to think about that. And that's always an option available to you I'm a happy guy. Thanks. spencer did you have a comment? You will be next, councilmember.

Okay.

Yes, sir.

Betsy spencer, neighborhood housing community development. I wanted you to know we have do have one commercial loan on 7th street, we are currently in conversation with that business owner to modify the loan to reduce their monthly payments because of the burden. We are working with that owner so we can assist with that.

Mayor Leffingwell: Excellent. Councilmember cole?

Cole: I want to ask a few questions of kevin. We certainly are support i have been of the department and all of the professional staff's efforts to try to tain assistance from thefederal government, especially because it is consistent w policies. Of smart growth and urba redevelopment. But I also understand that this is a very competitive grant, but we make these kind of efforts often. So what I really want to ask you is do you know any of the schools that are -- that are feeder schools for this area? Or does anybody on staff know that?

Excuse me. Councilmember. The feeder schools? The school systems? I have visited one of the -- one of the schools and -- but I -- in terms of its competitiveness, are you asking in terms of how this grant would be competitive nationally?

Cole: Well, specifically, let me just tell you the issue that I'm getting at is that we're going to apply for a -- an \$8 million loan. And a 2 million-dollar grant and then think that you also described a potential \$55 million in investment. Can you give us a little bit more background of what you contemplate that investment to be?

Sure.

When we were made available of this national urban development competition, which is with the housing and urban development, it's the urban development part of it, it's set up for brown field or polluted problems and industrial and commercial areas in locations in inner cities or in this project competition inner cities where there's both pollution and disinvestment. And you -- the criteria for being successful is you have to leverage a certain amount of private investment and the grant, the bedi grant, is tied together with the -- with the 108 loan program to minimize the potential for failure. So that the successful applicants, the businesses, would get a grant as well as a one percent or a two percent loan. And so -- so what we did was -- we tried to find a location that had a master plan. That would be competitive. And to be competitive, you have to -- you have to have some kind of a hook, some kind of a reason why they would fund you as opposed to detroit or cleveland or other locations. The plans for saltillo are really beautiful neighborhood plans. Where they are calling for this to be kind of the hispanic downtown of austin. It's around a -- a brand new opened transit village. And the plans are such that it would make it a very competitive proposal. We polled, sent out letters to all 50 businesses on both sides of the railroad tracks. And of those 50 businesses, four responded that they would like to participate.

And so I have previously distributed what those four businesses are. But every business has to -- has to indicate in their business plan how many jobs they would create, how they would conform to the plans developed by the community and there were four. The first one was called corozon, which is the largest of the projects. It is currently, as you enter the area off i-35, it is the -- it is the 1895 building that is kind of a hispanic mission style building that is currently housing about 50 individual entrepreneurs that work in the film and music industry.

Cole: Let me stop you there, kevin, because i think the kind of simple point that I'm trying to make --

I'm sorry.

Cole: It's not you. Is that we -- we seek grants like this and it whos like apparently the federal government also offers grants like this and that is a very positive step to urban redevelopment. But it not the complete stepment and a part of that step that I think we as a city need to work on is what does it mean to the schools? Are we getting families back in austin? Because I've been disturbed recently by the numbers of families that we have lost and how inconsistent that is with several of our policies regarding transportation and smart growth and density and it doesn't seem consistent to me for us to just continue on that without a serious look at it. And so that's why I'm bringing it up in this context. But I understand why we are doing this, I wholeheartedly support it. I don't know if we have a motion, mayor, but I will move approval.

Mayor Leffingwell: We do have a speaker. If you will just hold that thought for a second.

And councilmember cole, you asked me what time it was. I was telling you how to build a clock and i apologize. In looking at the schools there, first that community has 30 -- almost 31% poverty. Based upon the crime reports, the crime reports are that over half of the people -- over 500 persons per thousand report crimes. In the school, in the major elementary school, 90% of the kids have title I foods which means subsidized lunches. Our goal is to create a catalyst where there would at least be 209 families that have somebody who is working. And they can then begin to -- to take care of the family, help the schools. If we could repeat this all over the city, I think we can have a major impact, but 209 people in that community is our goal to get jobs for. We're required to have at least half of that 51% jobs created in that community. So I -- I think it goes to your objective of trying to -- to get enough people working in those communities that they can support their families going to this -- that are in the school system.

Cole: Thank you, kevin.

Mayor Leffingwell: Councilmember riley?

Riley: Mayor, I will wait on my questions until after we hear from the speaker.

Mayor Leffingwell: Okay. Same? Okay. All right, councilmember morrison?

Morrison: Thank you. Two thing. One for kevin and thank you for bringing that up, councilmember cole. I wanted to remind folks that we in working with the school districts had adopted an approach of doing an educational impact assessment when the -- when specifically we are doing developments that come through planning and development review. I know that that's being finalized finally through the planning commission. But what this raises the issue that really we need to have that kind of look and hopefully maybe can use the same kind of tool when you are doing work like this and neighborhood housing. So I'll look forward to chatting with you in the near future about making getting all of those things connected because absolutely one of the key things that that -- that we share with the school district is wanting to make sure that we understand the impact our decisions have on the schools and vice versa, the impact that the school's decisions have on policies that we have in the city. So I will look forward to talking with

you about that. I also had a question for howard, mr. lazarus. This is one of the things that I think you and I had an opportunity to talk about a few months ago. That is some of my colleagues here brought up the issue that we've had other big projects that went on in the past where we've been able to really work well and how those kind of things are -- are being integrated here. As you said, every project is different, it has to be taken into account, different things have to be taken into account. One of the projects I had mentioned to you was when sixth and lamar was redone a few years ago, the amazing thing about that project was at the end of it, all of the small businesses got together with the city and did a huge celebration about how it was just the most model project in the world and even though it was really congested intersection the folks had fared well. One of the keys to that was not only was the reaching out in the original contracting phase and not only was the city addressing in a reactive way the concerns of the businesses, they met every week with the businesses so that the -- so that the detailed plans of how the access was being done could be addressed together, collectively, to have it be done right. I know we chatted a little bit that. Wanted to ask if that's been put into effect at all or how things are going in terms of -- of the frequency of interaction with the businesses?

The project manager does meet with the businesses on a weekly basis.

Morrison: Great. Thank you, I appreciate that. I think one of the things is that being accident to maintain the news -- being able to maintain the institutional history of what worked and what didn't work. Thank you, mayor.

Mayor Leffingwell: Thank you, councilmember. Just to follow up very briefly, the process to integrate the zoning and land use planning decisions with the school infrastructure was begun over two years ago. And so I think if we had a little bit more -- I realize this is a city. This is a bureaucracy and things take time. But that should have been expedited long ago and i would urge the -- everyone to make everything -- to take all steps necessary to make sure we expedite the process from here on because -- because when we began it, we had kind of a minor problem. Now we have a big problem. So with that, I will -- i will go to our speakers. Our speaker. Gloria morales. Gloria morales. Gloria is not in the chamber. So councilmember riley?

Riley: [Indiscernible]

the okay, just got another speaker. John bush. You have try three minute.

I'm the executive director of texans for accountable government. I just had a couple quick points. This development in getting these grants, it's all part of a push for sustainable development. Councilmember cole brought up smart growth. Of course I have mentioned in the past about agenda 21, I won't get into the details of that. I do want to put out a lot of the stuff that we are pushing, our vision statement, three e' from agenda 21, environment, equity, economy. I want to point out many of these programs that you guys are taking money from the federal government to carry out or programs that we are throwing city money at, they claim to be for sustainable development and smart growth, when in reality they define the three e's. They are defying. The first e is environment, plainly clear, evidenced by the fact that I drive past that red line every single day, I'm sure that you do councilmember martinez, we live in the same neighborhood. It's empty every time. Five to seven passengers during high traffic time. Maybe I'm missing it when it's full. Every single time that I've seen it less than 10% occupied. I think the reason is because you didn't let the market dictate where this rail should be. You dictated it by your desired growth zones, goes back to smart growth, central planning, regional planning for envision central texas, another front for agenda 21. When it comes to additionally I believe if you have to throw all of this money to incentivize growth, it's unnatural growth and eventually it's going to falter. So of course it takes carbon emissions to produce all of this development and if it goes by the wayside, then it just going to be a waste and tear up the economy. When it comes to the economy, we need to pay more attention to the market and what the people are calling for and demanding for. If you have to take 800,000 or however much you are taking from the federal government in order to incentivize growth -- when it comes to socioequity this is the biggest problem. The gentleman said they are trying to create a

hispanic downtown. I'm sure you are well aware this smart growth is driving out residents that cannot afford the property taxes, it's happening all over the city. You guys need to take note of it, because it's your policies that are causing it. Here we go again. Another smart growth sustainable development initiative that is actually contrary to the three e's, environment, economy and equity that our city supposedly prides ours in. So take a step back and please let the market dictate where this growth should happen. Not some, you know, not it all city planner. Know it all city planner. Thank you.

Mayor Leffingwell: [Indiscernible] written signed up against, not wishing to speak. Councilmember riley?

Riley: Thank you, a question for kevin. I do support this item, I'm hopeful and optimistic that the businesses that are going to be supported by these grant applications would succeed and thrive around the saltillo t.o.d. But with any new business there's always a rick of failure, with the -- risk of failure. With the city's role in this, the city would bear some degree of risk. I want to ask if you can briefly summarize what we've done in terms of due diligence to ensure that the degree of risk is acceptable. Secondly, give a general outline of the protections and remedies in place in the case of defaults on the loans.

Thank you very much, councilman. The -- the protections start at the federal level. This is a unique grant loan combination. The bedi grant, which is the brown field grant, is designed to go with the 108 low interest loan program to make a combination that businesses can use that minimizes the risk. Simply by getting a grant of 10%, a low interest loan of 40%, the businesses are in a really great position to be successful. So at the federal level, it is designed to way and we have -- we have reviewed and discussed this strategy with the -- with the federal government. And -- and their failure rate is minuscule. Secondly, at the local level, all of the businesses have to put up 50% of their own money. They have to put in 40% equity and 10% cash, so they have some skin in the game. We have reviewed on a preliminary basis in order to submit to the federal agencies their business plans. Their credit worthiness and most importantly, every business has had to collateral equal to the amount -- equal to what you would see with a small community bank. Because the interest loans will be -- we are estimating now at 2%, that 2% we would put into a reserve as a back stop in the unlikely event that a business is -- had a problem. I don't appears patriot, these are -- I don't anticipate that, these are four strong businesses that put up collateral and this is what we would hope for. Thank you.

Mayor Leffingwell: Councilmember shade.

Shade: I have a question of what the grant can be used for, we have gotten a lot of questions about cleaning up the capital metro site for housing. Is that something that could be used for this type of a grant?

The grant is focused on job creation and urban development. It goes to private companies. It is structured for those purposes and not for the capital metro property. We did have a lot of questions from the community and from businesses who thought that we were developing the 11 acres at capital metro. That is not the case. So the grant and the loan package are not designed for -- for the capital metro type of property. But for private businesses where you create jobs.

But -- but are there other opportunities that we can be going after that might support that idea?

Absolutely.

And we are aggressively pursuing those, I assume.

Yes, we've had those inquiries. We would be delighted to -- to pursue those.

Shade: They would go hand in hand if we start getting the businesses revitalized clearly, so thank you

very much.

Thank you.

Councilmember moves to approve item 19. Is there a second? Councilmember shade. Discussion? All in favor say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. We will go to item 20, pulled by councilmember spelman.

As all of us know, item 20 is -- arose through a complicated series of events. But briefly chief kerr if you could -- I have a couple of questions for you, but first I want to run past what seems to have gone on here, battalion chief position was open, you chose not the highest person on the promotion list but went down to the next person to the promotion list. The person who is the highest person to the current promotion list went to an arbitrator, the arbitrator found for the applicant, now we are creating a battalion position for that person to avoid having to demoment somebody that you promoted am I right?

That's correct, sir.

Spelman: What in your mind is the kind of person who is the best kind of battalion chief, what are you looking for in a battalion chief?

We look for someone that exhibits good leadership and high integrity, trustworthy, can help lead the organization and help us move forward in our vision.

Spelman: What's your vision in that respect?

Our vision is to be recognized as the best fire department in the country.

Spelman: Okay. Up until recently, we have chosen battalion chiefs and other high ranks in the fire departments through a written test. In your opinion, could a written test identify people who have the leadership and trustworthiness that you are looking for.

I don't think that necessarily does. That's why most recently we have gone to an assessment process that help us identify our current battalion chiefs.

Okay. Could you real briefly identify what that assessment center process looks like.

It does have a written component to it, but it also has an incident scenario that helps or looks at are they capable are working under stress and managing an incident as it escalates from an operational or tactical perspective and then in another part of it is an employee relationship type scenario where they need to manage conflict or determine what is -- what is the issue with that employee and then find some resolution and some solutions for that.

What the assessment center does is put them in a scenario where they have a serious fire or a serious incident to manage to see how well they do under stress to help them put them in another scenario where they have to deal with conflict between people who are -- who to report to, that puts them on an on the job like scenario.

That's correct. We find in research and studies have shown that when you put people in those type of situations, you actually are evaluating them and you are choosing people based upon their ability to -- to

perform in that particular job.

Spelman: Okay. Do you think that the assessment process that you have developed is going to help you identify people with leadership and trustworthiness?

We do believe that. In fact we have selected two that are doing a phenomenal job. That's not to say that our previous process and our current battalion chiefs are not doing a good job and are not well suited for those positions.

Spelman: I bet the vast court reporter of people who did a good job on that exam turned out to be excellent battalion chiefs, but there's a little bit of a coin flip involved, reducing uncertainty and ensures that all of the battalion chief and high ranking fire officials are really good at what they do.

It does. It gives us a greater chance at identifying those that are going to be most successful.

Last question, chief. Who benefits when you get the kind of battalion chiefs and executive team leaders that you are looking for?

The city and the community, the people that we serve.

Spelman: How about the firefighters themselves, do they benefit, too?

They absolutely do.

Spelman: How?

Well, they benefit because we have good leadership at the top and it's those people that are looking out for them and as a battalion chief you either head up a bureau or you head up in most cases you are heading up an operations battalion and it's really important, one of my other visions is that everybody goes home and when people are doing a good job and they have good leadership in all aspects of the organization, it helps us send people home.

Spelman: This move from the written test to the assessment center is going to be good for the public, it's going to be good for the taxpayers, it's going to be bad for fires and good for firefighters.

That's correct.

Spelman: Okay. I'm very unhappy with having no choice but to pass this item as a practical necessity. However, I will move approval.

Cole: Second.

Mayor Leffingwell: Motion by councilmember spelman to approve, seconded by councilmember cole. I do have one question. And I think you will be prepared because I have already asked you. The question is is this extra battalion chief position superfluous or is it something that's needed for other reasons in any event, anyhow?

Sir, it is a needed position. The organization has been growing tremendously and there's always more and more work to be done and to be accomplished and this particular individual will be assigned to head up the program and the management of the project that will eventually supply uniforms to almost 1100 firefighters and there's probably a dozen pieces of equipment that are currently supplied through materials management which is -- which is slowly being phased out as a city program. We are preparing,

this individual will oversee that.

So it's fair to conclude that creating this extra position is not just to overcome this -- this obstacle that's come up? For this -- for this situation that has arisen, it's something that needs to be done anyway?

It's something that would need to be done anyway. We'll probably be coming back to you in the future asking for additional positions. As these projects and programs start to evolve and need more oversight.

Mayor Leffingwell: Thank you. Further discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no? Passions on a vote of 6-0 with councilmember cole off the dais. We will go to item 26. Item 26, pulled by councilmember cole not on the dais, so council we will -- we will -- we do have a couple of speakers. We will go to our speakers and then councilmember cole can comment when she gets back. Debbie russell. Three minutes.

Thank you, mayor. Thank you, councilmember cole for pulling this as well. I'm interested to see what your take is. As you prepare to move forward and prepare budget team a grant database, I do want to alert you to a couple of things that I hope will be addressed in other avenues. Maybe the public safety commission or coming back to council. But we have a problem with these databases, I do speak on behalf of afl-cio of texas. In terms of state code right now is way too broad in terms of how you get in. Of course there's absolutely nothing that allows for a process to get out or appeal that you've been put on to a database. We're talking about kids here, talking about our children and there is a whole litany of items in which you can make this database that are -- that are in and of themselves very ludicrous when you look at them, what colors they wear, what part of town they live in. These types of things that can put you into this database. You should not be punished for what part of town you live in. You should not be punished for choosing to wear blue or red instead of beige. If we are going to have all of our children wear beige, let's go ahead and make that law right now. This item is yes we need technology, but we need to temper this technology. We need to make sure that it's done in a constitutional framework and right now these types of databases are not being done that way. I urge you to take extra steps and look at this more carefully as we move forward. Thank you.

Thank you. Speaker john bush. You have three minutes.

John bush, executive director of texans for accountability government. This is my pet issue, the center. I just want to give you a quick notice to you guys, recall you did take an oath to uphold the constitution, that may not mean much to most of you because you vote to violate it almost every council meeting. It's starting to mean a lot to the voters as you might be able to tell. I would appreciate if you took more time and consideration on items such as these, I know you are bogged down, but a lot of the community find this stuff to be very important. To touch on a few things of the gang database, state law allows them to put records and information for children. There's no exemption. It says any age, any child. I'm curious if you guys were aware of that. They say in order to get into the database you have to meet two of five criteria, two of which are if you get caught someone that's a known gang area or arrested in trouble associating with known gang criminals, the other one is if you have any gang insignia, colors, shoe laces, whatnot. I went to the texas homeland security conference last year, they were encouraging their officers to go troll, that's the now term, to trol through people's facebook accidents. So say they arrest a young kid, a 14-year-old, 13-year-old, who has gotten in with the wrong crowd now that's one of the criteria, they want to put more people in the database, because more gang members that you have in your gate take base, the more -- susceptible you are. They will find anything, if you are wearing a red shirt or something. I believe I viewed this movie called the secret about the law, of attraction, if you put things out there, it will become true. If we put these young youth in these gang databases we are going to give them a fine reputation to live up to. They are eventually going to fill that spot in the database. Even in england they are starting to do that because their family has gang history, this is not the solution

to the problem. More and more intelligence led policing. We think that we can solve the problems like this fusion center or databases are going to be a panacea, but I think it will take away and we let these kids -- to -- we need to let them know why it's wrong, it's going to increase the occurrence of profiling, we're going to put young youth in the wrong place at the wrong time involved in the wrong crowd in a database again they are going to fulfill their reputation of being in that database, another thing, i know there's a lot of controversy going on about the open meetings act. This is coming from the urban area security initiatives, there's an urban area working group which the mayor chairs. I'm curious why it's exempt from the open meetings act. I find that unacceptable. You can ask any of the the fusion directors, they say we don't even focus on terrorism, the terrorism is so small we dedicate our resources to crime all sorts of other things, I would like to see the urban area working group opened up to public scrutiny, who knows what's going on there. Thanks.

Mayor Leffingwell: Councilmember cole?

Cole:.

Thank you, mayor. First, I want to say that i understand many of the russell -- john, I can't remember your last name, let me call you mr. john. Have raised in terms of civil liberties issues with youth and in particular when you talk about gangs, most the times you are talking about minority gangs, so i would like to get some answers to a couple of questions about this software and how it's going to work and -- and privacy issues that -- that -- john bush, came to me, yeah. Mayor pro tem, city manager, my name is patty. Specifically designed to address gang databases in the state of texas. We are asking for this computer software that will allow travis county aisd and the austin police department to use one computer system for -- for gang database tracking. Right now we have three separate systems, even though we are on task force together, we have three separate systems that means we have three different ways of gathering information and three different ways of analyzing the information. This particular software will allow the people within our region to have the same information, the same data entered each and every time. This grant not only allows for the software but also for the maintenance of the software and for training of every individual that will be using the software. Something that we don't have right now.

So chief, assistant chief, I certainly appreciate the collaboration among the governmental entities and -- and i believe really believe that we need to do more of that in lots of areas, essentially social services, but also -- also public safety. Let me ask you, how is the initial determination made that someone is a gang member? What triggers that? Are they -- is there an offense, a violation or --

thank you for the question. I actually brought commander chris nobel with me today, the commander over that particular section. I'm going to ask him to answer that question for you because they just had a meeting on it.

Cole: Thank you, commander.

Good morning, to specifically answer your question, yes, there are several triggers that -- that when we do encounter an individual that -- that -- within those -- within those -- if they fall within the criteria as outlined by state law or the code of criminal procedure, they can be included in the gang database.

Cole: Can you give me a few examples of what state law requires?

As was given by the previous speaker. If you are in a known gang area or if you are wearing gang affiliated clothing, colors or you self admit as a gang member or -- for certain examples, they were very good examples that he did give.

Cole: Okay. So I understand this is just the software and I'm asking questions different than that.

Certainly.

I'm asking about the trigger points set out in state law. I guess I need to direct a question more to legal in terms of -- of what authority, if any, we have to review those -- those requirements.

I can briefly touch on that for you.

Okay.

The information collected within the -- within the database, we cannot release it, it is protected information bylaw. Some -- you all have been on the public safety, former public safety commission task force now the commission, when we have been asked for -- for particulars out of that database in the past, we can't give that information to you. We can, you know, talk in very broad terms with regard to trends and -- and intelligence and analysis. But as far as -- as far as individual members, who is in the database, that is privileged information and cannot be divulged.

Well, the next -- the next area that I was going to get to is what is the privacy policy. I don't sit on the public safety commission, but I do understand they have been looking at it, there's been some conversation about the details of that.

Uh-huh.

And -- and -- but maybe that is going to come out and eventually answer my question. When you read off the -- getting in the database that seemed very discretionary, just up to the officer.

That is why it takes several or more than one of the criteria. That being set as -- to use the facebook analogy that was brought up. We can't use that because that was not information collected directly from the individual during the contact stop with the officer, such as being a self admission to the officer that I am a gang member or personally seeing what the individual was wearing at a particular time. So as far as to be included in that database, it is very specific. And -- and it is -- we just don't put people in it -- randomly, of course. It is -- it is overall it's not an easy thing to accomplish. That's why the -- what's why -- in broad terms, that is why our gang membership numbers are not that high in that database.

Cole: Do you know what they are off the top of your head.

It changes daily. I could not give you the accurate number. I could get that to you within 15 to 20 minutes.

You would say [indiscernible] for the other urban districts.

In my opinion, it is low, yes, compared to our cities of our size.

Cole: Okay. Well, let's leave it like this. I always know there's a balance between public safety and civil liberties. And we're always trying to get it right. And this is just a piece of that puzzle that gives you a little bit more ammunition on the public safety side. To -- to potentially garner information so we always - I always get a little nervous, are we going too far in garnering that information. So I'm glad to hear that the public safety commission is working on a privacy policy. I believe that we as a council will be entitled to review that policy and potentially adopt more stringent requirements if -- if we so elect to do that. Is there anybody -- do you want to comment on that.

First of all, this database is to replace an existing database that we've had for 10 years.

Just software.

Yes.

And -- and the -- again this is already protected. By state law. And that -- that -- so as far as the -- the whole point being this is nothing new. Tom difference with that -- the only difference with this software as opposed to what we have now, we are able to collaborate with other law enforcement agencies within the region. Whereas before we have not been able to. Everybody has their own freestanding software and -- and -- and takes out -- it makes it consistent amongst us all as to how we are collecting that information.

I certainly support the collaboration, I hope that it leads to efficiency in cost. But of course -- of course we want to make sure that -- that we are -- that we are complying with the civil liberties and constitutional rights.

Absolutely.

Cole: Thank you, mayor.

Mayor Leffingwell: Yeah. I would just add that -- that -- that this regional intelligence center when we have the three county area, williamson, travis, hays county, is -- when it went into being, had one of the strongest privacy policies in the country of any regional intelligence center. And as we go forward, we continue to monitor that policy. The -- the public safety commission has oversight of that group and they will make -- they will make recommendations for changes in that policy as we go forward. But I want to reiterate, we went in from the get go with one of the strongest privacy policies in the country. And I just want to say that I am very proud that we opened this center last month. It was done with federal funding. We continue as of now we're still a tier 2 city, which means that we're eligible for federal funds to -- to improve and enhance the center but we are -- we are technically due to rotate off october 1st off of funding status of the tier 2 city. To make sure we are working very hard, make sure that we continue the funding for the center because it is a vital tool for law enforcement in our region. Okay? Councilmember morrison? [One moment please for change in captioners]

discussion about what kind of data w requirements was that it had to be tied to potential clients. So could you talk a little bit, I guess I'm not quite getting why if you wear a certain color and fit one of the other triggers, that it fits that requirement of data that can be maintained in the a rig. I know there's a term for that criminal tie.

There's direct nexus between gang membership and crime, specifically narcotics related crime and weapons violations. And with that, the collaboration with the other law enforcement agencies, specifically for tracking weapons shipments and things of that nature from the border through austin and other parts north, it all ties together. That is the connect sh unbetween gang involvement.

Really two steps there, talking about are we doing an appropriate job of identifying that someone is high probability in a gang with the two triggers requirement, and then the second thing is the logical tie, if you are in a gang, then you are--

just because are you a gang member does not mean, it's not against the law to be a gang member per se. But it goes back to the strong connection between gang membership and crime.

And that fits the technical limitations we have in terms of the data that can be maintained in the aric.

As far as being able to collect or how to document somebody into the system, they do have to trigger two of the category or criteria. They do have to trigger the criteria in order to even be documented into the system. However, I don't know if I'm answering your question.

Maybe I can ask Keith MacDonald just real briefly. When we had the ARIC discussion, that was one of the current, what data was going to be maintained in the ARIC. I just want to give the confirmation that this data satisfies the specific criteria that were included in the documents about the ARIC. Before you begin, I want to be sure we don't get too far afield and start discussing an entirely different subject which is the privacy policy that we have already dealt with. Again, as you mentioned, this strictly deals with the software matter. So go ahead.

That is correct. As was explained, there's really nothing new here. This data, they can legally collect it and they are collecting in three different data bases. This just gives them the ability to combine it. APD can still talk with for example with Hays County, but they have to manually do it and this gives them the ability. This is consistent with what we agreed to in the privacy policy. We understand anything that would change along those lines, that is why the board and everything is set up, we would have to bring that back to you.

Okay.

This is consistent with what we have done.

Maybe I'm not understanding what we are looking at here. As I read the backup, we're going to be using a joint database now. The other difference is this database will be part of the ARIC. So before this data was not part of the ARIC.

Yes, ARIC is going to allow it to be combined.

Right.

But the data was always collected by the individual agencies.

Okay, thank you. Council member.

Let me follow up. We have a certain number of criteria. If you meet a certain number we will put you in the APD section of the database.

Right.

Some of the people we have put in the database will in fact be gang members, some will in fact be engaged in illegal activity or have been engaged in illegal activity. Some of them won't. Do we have a sense for how accurate our designations are. Once we get to the database, 50, 75, 90 percent chance they are actually a gang member or engaged in illegal activity?

As far as saying ner a gang member, once they meet two of the criteria, state law acknowledges they are a gang member as such they remain in the database for the specified amount of time, I believe it's two years. If there's no other activity, they are automatically purged from the system.

People do get purged from the system. If we don't hear from them, they are not arrested for a crime, after two years they go away.

That is correct.

If we find they made a mistake, I wouldn't try and give you a specific hypothetical, but I can imagine there's situations where we just mischaracterize somebody.

Sure.

If we find out we made a mistake, is there a procedure for getting somebody out of the database?

Just a deletion. It would be a conversation between the supervisor of the gang unit and the person who has discovered that information, which would usually be our crime analyst, our gang crime analyst assigned to the unit who is responsible for the input of that and for maintaining the records, to make sure people are deleted on schedule. It is a very simple process.

The fact we have a process suggests that we have actually done that. Have we actually done that, delete somebody from the database?

As far as under the circumstances you mentioned, not that I'm aware of. But under just purging the system on an annual basis, then yes.

Okay. So we do purge the system and take a certain number of people out because nothing has happened.

Yes.

Okay. We have, I think one of the reasons why this is raising people's concerns is that we have a certain, people in the city of austin have a certain faith in the police department and we understand this is continuing practices which are long-standing practices of the a apd. But here we are combining our database with databases from other jurisdictions why we don't have any control and don't have the same faith that those other jurisdictions are abiding by the same rules that we are. What assurance can you give me that round rock, the asid, travis county, are going to be working under the same rules?

That is because they are working in conjunction with us on this project, this grant. Travis county, aisd police and austin police department, in order to use the system, they will have to be trained and they will have to adhere to the requirements of the training.

Okay.

It's just like us giving them access to our current system. In order for them to use it, they have to be trained and adhere to the rules and regulations like anyone else.

In order to get into the database, we are going to have uniform requirements for all three of those jurisdictions.

Yes, sir.

Getting out of the database, same uniform requirements in all three jurisdictions. We are going to purge everybody everybody's records every two years if there's been no activity. Is it two years or three? Mr. bush thinks it is three. I'm acknowledging, sir, what you said. It's exactly pertinent. I think it's against the rules of the council for you to speak up. Thanks.

The answer to the question that you asked us is that we have a records retention of two years with the

austin police department. I believe he is talking about some of the state records.

Okay. So state has its own requirement requirements for its own systems systems. Our internal requirements are two years for our own stuff, and that will be binding, and also on the aisd police and the travis county sheriff. Last question. You talked about security and not releasing information inside the system, for which I thank you. Do we have, characterize for me the strength of our security measures with respect to people hacking the database, people who don't have authorization getting access to it.

The answer to that question I'll have to bring up one of our i.t. people. Obviously, our system is as good what is they tell us it is. I have been with the department for about 25, 26 years, and i haven't, have not personally witnessed an incident yet. I'll ask paul to come up and speak with you.

Very fast question, paul.

Good morning, powell hopping gartener. I'm the deputy information officer. We have isolated the data and maintain behind separate areas and are following all the appropriate guidelines. We believe that it is protected correctly.

Okay, the federal guidelines, our own local guidelines, this is a very, a city which is more sensitive to computer security than the vast majority because we have so many good technicians out there who can both protect and also hack stuff if they so please. Have these data ever been hacked hacked?

No, they have not.

Any police department data been hacked that you are aware of?

No, not that I'm aware of.

So we have a real good track record with being able to maintain security so far.

We do.

Thank you.

We also in addition follow the guidelines for criminal justice information systems which require the segregation of that data. That information is segregated in the rest of the city that work operations. We are following the appropriate guidelines.

Thank you, paul. One last question for chief robinson. Will the predicate characteristics that are required to get into this database be part of the policy that our privacy working group is going to be looking over?

I believe so.

And when does that privacy working group get start .

Which one?

When are we actually going to have some people to help you vet your privacy policy?

On this we have our privacy in place. They have to adhere to the current standing one.

We have a policy now. It's my understanding that the city and the other member of ari aric were going to be appointing somebody to look over that policy and ensure that it's in apple pie order.

Yeah, I believe that was in response to the question about a aric.

Thank you, chief. is there a motion on item 26? Council member spelman moves approval of item 26. Second by council member cole. Discussion? Passes on vote of 7-0. Item 30 pulled by council memorily.

Thanks, mayor. Item 30 would authorize negotiation and execution of an advance funding agreement with the texas department of transportation for intersection improvements around the area of the northbound access round on i 35 AROUND 5 1st STREET ON BOTH Sides of the street. That is an area with a very interesting history of traffic management. As we have tried various approaches to dealing with the traffic pressures in that area including pressures related to north bound traffic on I 35 and the access road as well as cameron road as it approach that had intersection. What you see there today is a fairly tangled configuration that reflected that history. Currently northbound drivers on the I 35 access road who want to GET TO 5 1st STREET ARE ROUTED Around the jug handle that takes them along up through the miller development. Meanwhile if you are on cameron road and you're headed towards i 35, once you used to be able to get direct access to I 35 southbound, there's now an abandoned bridge on the north SIDE OF 5 1st STREET. It's still there, you can see the remnants especially on the west side as it used to loop around, but it is abandoned. What you see as a result, there are some serious traffic issues and we have gotten complaints. And still interesting, fairly high degree of high pedestrian activity there. In fact if you look on google maps and use the satellite view, you can actually see the little foot path worn into the grass unto the abandoned bridge between cameron road unto the abandoned bridge. Just the other day visiting the site with staff, in the few minutes we were out there we saw bicycle and pedestrian traffic using the abandoned bridge in both direct shunce. A lot of interesting issues there. This project would seek to un tangle that mess through a shifting from a jug handle to a goose neck, as one writer has put it. And that would solve some problems, but I have some concern that we may not have thought through all of the issues in the area, especially those related to impacts on bicycles and pedestrians. There are a lot of folks very interested in that. Since there are impacts on both the miller and the wind sore park neighborhood and others surrounding the area. There would be considerable interest in engaging as we try to come up with the final design for that project. So my concern about this project this item on the agenda, was that it is an advance funding agreement that contemplates that we will be committing to funding on construction even before we have sorted through all of those issues impacting bicycles and pedestrians as well as traffic in that very difficult area. So my hope was that we would be able to, in the course of negotiating this advance funding agreement with texas dot, that we would be able to secure terms that would provide a pause between design and construction of the project so that it would, so that after going through a design process, engaging the stakeholders, the miller transportation committee, the neighborhood association and other stakeholders, the project would come back to council for review and approval before construction begins. If I could hear from staff, do you feel that that would be workable in the course as we seek to negotiate that advanced funding agreement with texas dot dot.

Thank you, council member. This is robert spiller, part of the transportation, we're the sponsoring organization for this this. Absolutely, there's actually a formal opportunity to come back to council before funds are actually authorized, although this is a signing and agreement or authorization to negotiate an execute an agreement with texas dot, contemplating the funding of the project. There is actually a formal step to come back to council for authorization prior to construction. We have termed that a formal concurrence point. There will be opportunities after the concept is completed. There will be multiple concurrence points, at which time I believe we will be successful in meeting the demands. At that point that would be an opportunity to pull funding. All of these projects are subject to funding being available. So there's obviously an opportunity to do that. I will take it as direction from you to make sure we

negotiate that into our final agreement.

Great, great. Okay. With that, mayor, I'm going to move approval of this item with the direction to staff that we just discussed, that would contemplate a process of negotiation with interested stakeholders on the design of the improvements at this intersection, followed by a formal concurrence from this council before construction proceeds. council member moves approval with additional direction. Seconded by council member spelman. Discussion? All in favor say aye. Opposed no. Passed 7.0.

Thank you, this was a member brought forward to do a cost analysis of the city's boards and commission systems to look at how much it's costing us in terms of staff time, facilities times, indirect and direct costs costs. While I certainly appreciate that is a good thing to go forward and make sure that we have that information in front of us, I did want to mention just the concern that I think it's very important that we keep in mind that we not just take a look in isolation, but really make sure that as we're going forward, we look for ways to understand and perhaps even quantify also the benefit to the community that is being brought by all our boards and commission commissions. I think that certainly everybody understands that they bring transparency and really help to enhance public participation in our city. I so like to keep in mind that i guess we have about 400 or 450 citizens volunteering their team team. Sometimes when you are trying to calculate volunteer time, the amount of dollars that the work brings forward for you, it's sort of a minimum wage that is used, minimum wage to assess the value. But I think it's really important that we keep in mind that we have experts in their fields that are serving on a monthly basis, and often more often. There's way we could pay them to be consultants without busting our budget. And not only that, but I do think it's important that we keep in mind the really critical work that they do that may not ever be able to be done in any other fashion. The one example I wanted to highlight is the great work that the animal advisory commission has done over the past year, where they were working very regularly, meeting very regularly, but did cost staff time, and what they came up with was a very detailed policy that allowed us as a council to adopt something that looks very likely to be able to bring us to become a no-kill city in the near future. Something that we set as a goal years and years ago, and finally we're going to be able to achieve that goal because of the work of the animal advisory committee. We did recently adopt some new guidelines and new ordinance for boards and commissions that is going to be minimizing the amount of of staff time going into that. I appreciate that. So I do want to make sure we keep that in mind. I'm going to look forward to making working with staff and my colleagues here to see if there's a way that we can't also in the meantime, while this work is going on, get some kind of quantifiable information with regard to the amount of money that it does bring us in terms of the volunteer hours. With that, I will certainly turn the mike over to one of my colleagues. council amen spelman.

I understand what council member morrison is talking about and agree completely as former commission member. Several of us were former members. The work, now that I think about it, as a current volunteer, the work I currently do, which costs the city absolutely nothing and costs me a bunch of money, but i won't get into complaining right now. But it's the same situation a lot of committee members are in. It costs time to provide the city. On the other hand, just another issue, we like public safety and like potable water and clean reliable electricity. That doesn't prevent us from also wanting to seek the means of getting those other things that we want as efficiently as possible at the lowest cost to the taxpayers. We are training to maintain these terrific benefits of having an involved citizenry and transparent government t at a reasonable cost to all of us. I move approval, mayor. council member spelman moves to approval item 36 .

Council member cole: second. second by council member cole . i second what the members have said and in these times where we are seeing dramatic cuts at the state level, and we have to be necessarily concerned about what impact that is going to have on us as a local level, not only is it wise that we are looking at the cost of of boards and commissions, not only because that may be a staggering number, but also because we do not know what additional items we may need to send to them I think this analysis is worth on several fronts. council member shade.

I was going to say, echoing the same comments, I think what is important to remember is that the boards and commissions serve at the pleasure of the council. I know their job is to advise the council. I think that there's no question that as the council has priorities, the example that council member morrison mentioned, the no-kill policy was something where we needed extra time and advice and the support of the commission was extremely important to the efforts that have been going on. So might have made sense from a cost perspective to have added more time and more meetings, but again, at what cost to the other boards and commissions maybe where, I mean there's no sunset provisions, never a time that we have in the past reviewed whether or not, well, there has been a time we reviewed whether or not we need to keep some of these boards and commissions in play, but even the roles have changed as our city's role has changed in some of these areas. So I'm really looking forward to us as a council having more information and more data so that we can look at this. Then we have a better way to articulate why we need certain boards and commissions to help us and why we need certain boards and commissions to spend more time and perhaps others to spend less time. Time is a very valuable resource and expensive from a staff and volunteer perspective. So I was happy to sign on and I look forward to supporting this and working with my colleagues on this. I will just say, having been a former board member myself, and having dealt with the budget proposals for that particular board, I feel now and even felt then that the fiscal impact of the board was not exactly accurate or as thorough as it should have been. For example, on the environmental board, the total cost of staff support was attributing the board liaison salary to the budget for supporting that board. We all know in many cases it's much more. There are a lot of other staff involved. There are committees and subcommittees off these boards and commissions. My only, if we are going to do this, my only request is that we do it in a real world way and come up with a realistic number that gives us a way to accurately assess the cost and also at the same time a way to control the costs. Council member shade. When you were making your comments, I was reminded of something. I heard a situation recently, one of the nominees on one of the boards and commissions talking about one of the staff measures to reduce paper and costs associated with the production of those packets in advance. You know, it's put her in a situation where she, you know, a busy mom who serves as a volunteer. The expectation for her to print out all this material in advance that is not a cost I would like for that volunteer to have to incur. That is also not, and think what she was, it was suggested she should bring her laptop to the meeting so that he would be able to look at everything on line. Again, that is not a realistic option for this particular board member. I think that is really another thing where we have staff who perhaps trying to save money and resources in some ways that is not advantageous to the people serving in the way that the mayor explained. Again, I think it's all the way around a way for the board members to, for us to again do a better job. I agree with the mayor that it needs to be real world numbers and cost allocations are always somewhat subjective so I'll be looking with that same type of critical eye as well. I thank him for his comments.

Mayor pro tem.

I realize this will probably raise some eyebrows from folks thinking we're trying to limit our boards and commissions. I don't view it that way. I view it as creating efficiencies. We have had the renaissance market for how many years? They haven't been able to meet for lack of a quorum? That to me is inefficient, causing staff time unnecessarily to schedule meetings, they show up without a quorum, no public discussion, no work gets done, no recommendations go council. Those are the things that I think are behind this item being on the agenda. Therefore, I think it's appropriate. I realize this is going to be a difficult conversation just as it was with renaissance market. But if three of our colleagues are willing to lay on this grenade, I'm willing to stand behind and take some shrapnel if I have to. I'll be supporting the item. It may be appropriate to apply the same process to council committees. City manager.

Thank you just a question for clarification for the sponsors of this item. Looking at the language here. It says conduct a cost analysis. Should I construe, and maybe perhaps some comments by council member morrison, when you say that, you are talking about a cost and benefit analysis? Or just cost analysis?

The current resolution only calls for a cost analysis. Benefit analysis would be a much much greater and more difficult undertaking. I think all of us here have a pretty clear sense there are tremendous benefits associated with the system. We don't need to put a pencil to that to know that. anything further? Council member cole, the last word . mayor, there is not an item that i specifically discussed with the cosponsors. We will be discussing it here. I would like the city manager to know that I am particularly focused on staff time because i know that we have limits there. Of course I know we don't put any demands on staff. But the boards--

mayor leffingwell: no . that was a joke, marc. that is why he was laughing . but that is the area that I think is really important that we become focused. And we have things often coming up, big things like the budget or the comprehensive plan or climate protection that we put on the table. A lot of times we don't consider the staff time that is being put into other committee work. And we also don't think about that in terms of budgeting and filling vac kiss. So --vacancies. We're trying to get a sense of the analysis that you do as we try to plan policy decisions and to integrate our efforts better. all in favor of the motion say aye. Opposed say no. Passes on a vote of 7-0. Council, without objection, we have three briefings scheduled. One is is recorded to be very short. Without objection, I'd like to take that one first since we only have 15 minutes before noon citizens communication. And the other two on water and energy, we will not get those briefings until after citizens communications and after or after. So go to lunch. Ms. hensley.

Thank you, director of parks and recreation, I'm here to give you a brief presentation on austin sustainable urban agriculture. On november 19, 2009, council approved a resolution that requested the sustainable food policy board explore streamlin streamlining the process to provide and promote the process establishment of community gardens and responsible urban farms. A cross departmental effort was undertaking to determine the requirements for implementation and what I'm going to do is share with you our recommendations that will come forward to you in another form in february for approval. Do I want to mention that 12 city departments were involved with this and working with the sustainable food policy board and came together and collaboratively worked to help this move forward. The recommendations and currently are to repeal the current qualified community 4 provision. It's part of the land develop development code that was specific to parks and recreation recreation. It replaces a repealed chapter, no longer there, with a new sustainable urban agricultural chap that establishes permanent use and regulations for public property. It defines city supported community gardens and establishes a permit requirement requirement. It will amend and modify the city code title 25 and 30 and chapter 1411 of the zoning permits and license agreements. It will add community gardens to agricultural uses as permitted use in all zoning districts as opposed to only a few. It establishes the process for water taps fee waivers and community license agreement process and how to go through that. It will also if approved authorize igs didel fees and fee waivers for fiscal year 2010-201 2010-2011 for feed ordinance. That would be a garden permit application fee of \$50, a license agreement application fee, which is only applicable on city owned property, for \$100. It waives the cite plan exemption fee for city supported gardens on private land or on public land without a generally permit process. There's fee there for the generally permit process. It waives the plumbing permit inspection fee. What that is primarily is that it checks for the hose connections, back flow prevention, and perhaps a connection area. It waives the five-eighth inch connection, cost and connection fees. That would be where there is no water on the property or you could use a secondary tap. Then it waives the utility cut inspection fees associated with the water meter installation. That is where the city would have to, if necessary, go in and cut for the service. Categoer of community gardens would be city supported community garden which would be located on eligible city land with or without a water tap located on noncity land which would be private land and granted temporary water tap permit and fee waiver. Both would have to follow applicable processes and guidelines. On noncity supported land for community garden, it would be located on private land and does not require and is not request requesting a temporary water tap permit or fee waiver. To kind of briefly go through the process for this, for the city supported community garden on noncity land, would be a non nonprofit files the application for the garden permit on noncity land, which means they just needs to make sure they were non nonprofit and they would come and work through the single point of contact to file their requests for the permit. The city would then review, approve and issue the garden permit. The nonprofit would proceed to obtain the

water service, with i --which would mean they would prepare and submit to the engineer drawers, temporary permit and fee waiver, apply for the plumbing permit and the non nonprofit would obtain an excavation and right-of-way in feeded. That would be a right-of-way permit if needed meter is installed and street excavation prepared if needed. Process for city supported community gardens on eligible city land. The real estate department currently houses this list of eligible city land identified from the various . Twelve different departments helped us. It was appropriate for city supported gardens. Some of the land was just not conducive nor would et be supported for community garden. The nonprofit files the application for the garden permit then the nonprofit files the application for the community garden license agreement. This is on city land that is eligible there are major terms that we would ask that they would be going through if it was on city property. Than would be one of those would be that at any time the city within 30 calendar days notice could terminate the agreement if there were problems. We ask for standard insurance requirements. This is something we do with all of our partners using city property. The field survey would be needed needed. It's waived, sorry, we're only asking for a sketch. All those other things like field surveys and other things that have been costing a lot of money for individuals or groups to have to do a community garden are now waived and we're only asking for boundary sketch. The land department or city attorney may add special requirements. What that might mean is if it's under a department that had some special land use issues or that was close or within a proximity of some water quality I can't did--areas, they may have to ask for further setback or more specific information. Also it requires that there be an annual report and it would be signed off by the managing department of the city owned land, whether that be watershed protection, parks and recreation any other city department. Urban farms. City owned land may be used as urban farm under appropriate contracting methods determined by the city manager. Number one, urban farms added as permitted use of p, public zoning district as concession, and we're recommending as example that city owned land we would bid that out as a concession process and then proposals would be looked at on a competitive basis. Urban farms are acres 1-5 parcels and we currently have identified 12 sites that meet that criteria with an additional six sites that are bigger than five acres. So we actually are working right now to see where we can at least have two identified sites perhaps in the queue for urban farms. These are the tasks that have been accomplished by staff to date. I just have to say, I know I'm on a limited time. But in a time where I know people are criticizing efforts with government and everything else, this has been a city staffed of 12 different departments pulled together to reduce the amount of paperwork, to reduce the cost to citizens and community groups, and to make it more efficient for our community to be able to do this. So when you look at all the things that have been done through the possible code modifications, drafting legal languages for the code revisions looking at public properties for urban agricultural uses, creating screening requirements, preparing proposed fees and fee waivers, keeping everybody notified, involving our friends at sustainable food policy board this has been a true labor of love and great effort here in this city. These are the boards and commissions that have heard this effort and the presentation and have all unanimously voted to approve and support this to council. Why of -- every one of these have supported and been excited about it. The sqe how to implement this. From this point forward until the fiscal year we start to prepare for in october, the parks and recreation department has identified one vacant position and half time vacant position that we will move forward if approved by council to hire a conservation program coordinator. This position will directly coordinate with the chief sustainability off tor also assess other issues that have been identified by the sustain sustainable food policy board and plan of action will come back for those additional items no later than october of 2011. So this will be then funded and has been requested to be funded in the next budget process as a new position, but we'll be able to take care of it until that time. And that concludes the presentation. And I'm here to answer questions. thank you sara. As you know, the city has e embarkd on this year long process called let's move. It's part of a national movement movement. Of course, let's move implies exercise, and we're already heavily engaged in that. But also has a nutritional element. So I would suspect there are ways to collaborate, for example with aisd, get them involved with this program. Sounds like something that might be something students would be anxious to get involved in, get outdoors, get a little work in, a little plowing, a little digging, and also enjoy the benefits of their labor at the end of the day. So I want my staff to be talking with you and your folks to see how we can collaborate and make that part of our initiative.

Absolutely. I think we can do that. We have some ideas already of how we can begin that process. thank you you. Mayor pro tem.

Thank you for all this work to get to this interest po. I think it's something the community has been waiting on a long time. I believe with the player there are opportunities not only here but to expand this and I hope that we would consider as we get this program going and obviously get settled down, talk to the county as well about their tons of public right-of-way, talk to state representative rodriguez is considering amending the transportation code to allow community gardens in state highways right-of-ways where accessible and where there's water available. Again, I think this is just the tip of iceberg on things that we can do. Speaking of right-of-way, the question I had, what if any conversations took place about potentially using rights of way that are accessible by citizens nor community guard , specifically under things like big power lines that go through neighborhoods and we have to have setbacks and nothing can be built under them but there is this large strip of land.

I'll be honest with you, i don't know if staff have directly had that, but I can tell you if we haven't, we certainly will. They did a pretty thorough job with all the departments looking at all the possible land. Margaret russell, who I have to say with the respect of the others has really been the leader behind this, do you want to answer that, margaret? I don't want to misinform.

Greetings. The land underneath the power lines, we were in discussion regarding that. We just have to leave a border so that vehicles, maintenance vehicles can access that. But we are making use of those lands.

Great. Thanks marringrest --margaret. To follow up, did we have a conversation about potentially floodplain buyout where the infrastructure is already there, water is already there, we have scraped these houses because we had to buy them along onion agreement and other areas, could we potentially use those?

When we were screening for properties, we did not screen out anything within floodplains, but we did remove land that was all within a hundred feet of creeks. But that was for community gardens. We understood the treatment of that land to be less invasive than perhaps urban farm. So there would be less disturbance of the surface and less equipment that might get washed downstream. We would require the shed to be up out of the floodplain area.

Thank you. Thanks mayor. council memberriley.

I want to thank staff and everyone else who has been involved. It's exciting to be here today. This rents the culmination of literally years of work on the part of a lot of folks, including folks in the community community. Groups like the coalition of austin community gardens, the whole array of commissions that you have outlined here, including especially sustainable food policy board, and also staff, all the departments that have worked so hard for so long. Really a tremendous achievement to get to where we are and I'm excited about it. I do want to ask one question about the staffing. I think it's a great achievement 5 full time employees focused on these issues. I want to ask the title, conservation program coordinator coordinator. My understanding is the position will entail responsibilities related to both community gardens and urban agricultural in generally. Not everybody would necessarily think of those things at first when they see the term conservation program coordinator coordinator. Can you help me understand why we have that title?

I can actually. In this situation what we were trying to do is look at a position we had exiting in our plethora of titles and trying to not create more titles, working with hr, that are hard to match when you starts looking at ways across the city to do market salary survey and studies. We used the existing title, however we know that when we come back and advertise and look at there, we may have to put in parentheses what it really means as far as the job title. And latia came on board a little bit in the middle of this a help helping us to look. I'm in the saying we are stuck, but we wanted to move quickly and get

this thing moving and going. This was our best effort to find a good comparable title at this time within the range of what we had to work with. But as latia and I talked about, things are fluid and we know things are going to be moving and shifting as we look at how well we can serve the community with this position.

So you expect these positions would be focused principally on urban agriculture.

And community gardens.

Rightnumber within focus is community gardens, being the single point of contact making sure nobody has problems trying to get through to be able to work this, get through and get a communities garden. They are going to walk them through this whole thing. There will be a website set up and it will be linked to other departments. There's a lot of great things that the staff are working on. You know, fine tuning. The urban farms, they will also be working on. But as you know there's a list of ten other items from the sustainable food policy boards and others that community groups have mentioned that need work. We have committed we will work on those in conjunction with luc lucia and the chief sustain sustainability officer to identify sort of a plan of action that will come back in 20 2011 of october and lay that out and possibly look at the need for other resources that we may have to request.

Thanks so much.

Thank you. thank you very much. That brings us to our 12 noon citizens communications. First speaker, ronnie reeferseed reeferseed. His topic is peace, freedom, flouride. You have three minutes.

Thank you, sir. Yes, I'm ronnie reeferseed, asking remember me? My first amendment right to speak is defined 75 percent of the time by these criminals. I'm a long time peace and freedom activist here in austin, the dead baby capital in texas, that is right, the entire state, only our home hijacks taxpayer dollars from everybody to pay for abortions. For that however we cannot blame these particular people. By the way, half the citizen speakers here today are about flouride. This council consistently decides ho hijack over a million of our taxpayer dollars each year to force sludge down our throdes. Contains not only sodium flouride but poisons from lump number plants and others. Remember I asked everyone to raise their hand if they drank tap water? Not a single one raised hands. The information is out there. Search engine flouride. Sodium flouride is the most violent toxin. I wonder why they keep pushing it. It's evil, people. Speaking of evil, I hope we noticed when our indonesian subject, so-called president barack obamaa viewed slogans to pacify the uninformed and said no matter what you people say or do, by the way including our newly elected congress, complete with tea party active itself, you can't stop this awful so-called healthcare debacle. Yes, we can and we will. He is ignoring the reason his party lost was the scam. Rejust our legislative bran of has blossomed with two doctors paul, doctor ron and his son, senator from kentucky. The truth about toxic sludge in our watt, the poison in the air from the chem trails in the sky, the truth about the deadly sterile izing gmo crops has hit the fan. Every day more people are facing the facts. One great source is the alex jones radio show right here in a growing list, my favorite on line with lots of new articles, we will documented new articles every day at info wars.com. Another great source is american free press.knit. And/or call 888-699 news to subscribe to this great weekly newspaper. ron paul celebrates his chairing of the committee which oversees the the. It is high time congress insist on getting complete information on what the fed has been doing for how long and for whom. Yes, we are winning. next speaker, walter ol nick--olenick nick--olenick. Segue, the topic is water flouride.

Good afternoon, council. I have a three minute audio for you today. Roll that. . . . (Off microphone)

it's a good one. (Off microphone) all right right. We're not going to be able to get the video, audio. Okay. olenick, you have about a minute and a half left. Did you want to say something in that time?

No. all right right. We will go to the next speaker then and see if you can work that out. Cynthia valdez to

talk about single member districts and east austin developments. Welcome to you. You have three minutes.

My name is, well, good afternoon. We want austin to be a truly great community. So it is incumbent to work together to achieve this as of yet unrealized dream. To those of who what strive to protect austin's character, please understand that for many of us living in neighborhoods filled with people of color, people of poverty, we have yet to elect any city council person that truly rents us in our area. Pseudogentleman who long ago agreed to allot only one city seat for latino and one for african american, did so out of fear the white man's time was up. And that something drastic needed to be done to manage those people of color whose votes could one day outnumber theirs. These men of little faith had no vision, no understanding of the huge condition. What they did have was the economic and political power to control and determine what the character and face of of austin would look like for years to come. My name is cynthia valdez and I'm here before you representing mazres and dids 7. As members of the coalition of advocacy organizations and people that believe in the creation of a fair and representative city, we ask you to please include us in the development of another opportunity, another opportunity to provide this city's elected officials the ability to do the right thing. To allow the implementation of a single member district style of electing its highest ranking officials so that each and every citizen will have an equal and equitable voice in the determination of their respective lives, and the ability to hold that office holder responsible for its individual votes on the city council and accountable to the voters of those that elected them. Long ago our ancestors fought for self determination and taxation with representation as tools necessary for the develop development of an environment that would allow all the ability to achieve their highest quality of life. That cannot happen unless we have single member districts. We whole heartedly support this and ask each of you to commit to this end. We congratulate each of you who now believe that it is an opportunity we have now within our reach, an opportunity to realize that dream. As a former light district director and plaintiff for single member district with naac naacp during the '80s, we encourage you to act desice ofly and quickly. We hope you will each work diligently to eliminate the current aty equated system of electing the city's highest ranking officials.

Mayor leffingwell: thank you.

Is that it?

Mayor leffingwell: yes. You have a few seconds left.

I just wanted to, again, i understand that based on what the newspaper has been reporting there now appears to be a change in the winds, and that you all are coming together of a like mind, that we have, who live in this community, have for some long waited to see happen, and that was the realization of the single member district. We urge you to do that as quickly as possible. Thank you. next speaker linda greene. The case against flouride book.

This is how I have to get my refills of reverse osmosis water water. Weighs quite a bit when you lug 30 pounds of water around with you. You can get it at whole foods. An amazing press release issued department of health and human services stated children are afflicted with dental fluorosis, the first clinical sign of poisoning. I'm going to try to show a little bit of the clip from the abc nightly news called government says too much flouride in water, if possible. For more than two years flouride free austin has presented city council with a huge amount of scientific evidence of damage not only to teeth but also kidney, thyroid, brain, risk of brittle bone, broken broken, arthritis by just ingesting a few parts per million. Since its release of the case against flouride back in october paul connet, you have had five copies of the book since its release this past october, the case against flouride, we have hoped that you have had a chance to study this. Also we're hoping that you will watch the many you tube interviews by doctor paul as he was here and spoke to city council there november. Is it not, I have this question to all of you, is it not your immediate urgent and ethical duty to warn the public of this medication which you inject into our waters and our bodies without our consent. This is a legal question as well well. For many

reasons, I believe the city of city of austin an obligations to advise and warn citizens of the flouride dangers on every water bill. These are my two requests and demands of city council. Because point 7 parts per million, which we have currently is not necessarily a safe dose of medication. Any questions? thank you linda.

Thank you. trav travis snavelly.

I am here to state my opposition to full body scanners at the austin air part. Tsa said scanners would mostly likely arrive as early as march of this year. We have to take action quickly to keep them out of our city. As you know on december 14, the air part anned advisory commission than nously passed a resolution opposing full body scanners in austin. In the resolution, the commission, quote, recommends that the city council oppose the installation of ait body scanners, abia, and further oppose the practice of invasive body searching and encourage the council to enform the tsa and state and federal delegations of opposition. Reasons given within the resolution reflect testimonies have you been hearing from residents over the past few weeks. The medical and health issues have not been conclusively determined. Privacy rights of citizens would be violated. The scanners may be ineffective or marginally ineffective. The scanners and pat downs violate our fourth amendement rights against unreasonable searches. We are free from unreasonable searches, not guilty until proven innocent. Fourth amendement inforces this right and it is no the su spend spendend when purchasing an airline ticket. I want to bring up the effects of the scanners and enhanced pat downs are continue to go have on business and tourism in this city and country. In a reuters article, november 1 11, 2010, jeff freeman, executive environment president travel association, spoke of public reaction to the scanners and pat downs. He said, we have received hundreds of e-mails and phone calls from travelers vowing to stop flying. You can't talk on the one hand about creating jobs in this country and getting this economy back on track and on the other hand discourage millions of americans from flying which is the gateway to commerce. According to 2008 study by the travel association, travelers in the united states avoided 41 million trips because of perceived problems with the air travel system. The survey report stated these a avoided trips cost detrimental effects on the country's tourism industry and tourism businesses. Scanners had already been installed in many cities. I'm sure if the survey were taken now avoided trips and dollars lost, much higher. The economy in the united states has declined and continues to decline and austin is not immune immune. In orders to bol store and aid our economy the city thought have a welcoming attitude. These travelers and tour ist united states should feel welcome. Airports procedures are not welcoming. I came across an article on the com that sums the idea well. I quote from the article. The rest of the world-- that is your time.

Thank you very much. thank you you. Next speaker is philip greene. Speak ing on the topic of flouride also.

Thank you, council members. The topical affects of flouride I am not here to disputes. Since the 1950s there have been no evidence supporting benefit of flouride being taken internally. Contrarily, there have been studies showing detrimental effect even in small doses. Recent reports stating that 41 percent of children between ages of 12 and 15 have dental fluorosis firmed these studies. You have been presented for years study after study showing the detrimental effects of flouridation by scientists such as senior tox col gift william marcus whose studies showed flouride produced bone and liver cancer in rates. phil is morins of the dental institute whose research found central nervous system disorders and behavior and nerve impulse disorders. gorge walb walbit has warned of the dangers and was one of the first to warn of smoking and dangers of penicillin. Have been given studies from the national cancer institute who found flourides increase cancer by 50 percent. Nies released results to show link between flouride water and one of dozens of studies showing similar rids. The city council has been presented with scores of testimony providing the dangers and you have done nothing. I can only assume that your in inaction is a results of your failure to research the information presented for you. Because if any one of you had truly taken the time to look at evidence against flouride it would not be in our drinking water today. In fact the fda has never approved flouride. If you go to the epa's website, it is listed as a contaminant. How much is in the water that we drink here? If you drink eight glasses per day you are receiving almost three milligrams of flouride. Three mill grahams is the same dosage used in the '60s

and '70s to treat hypo thyroidism. This is a medical amount and should not be added to water. This one can you please at point 7 parts per million contains as much flouride as found in the pea size amount of tooth paste the cdc and american dental association warn as hazardous and if the swallowed to seek medical attention. They have warned mothers not give tap water to children under 12 months. By your inaction you have opened yourself and the city to a host of litigation for deer lick shun of duty and disregard to the health of constituents. Today you have a choice to continue your stands of denial or vote to end water flourid flouridation and become another stepping zone to awakening americans to the dangers of flouride. Thank you.

Mayor leffingwell: .

I'd like to-- anna maciel. Your time has expired.

For the record, thank you. give it to the clerk. Anna maciel. We'll go to the next speaker. Kenneth lewis. All right. False arrest and compensation.

Good afternoon. Citizens against false arrest, compensation and statute of limitation. Mayor, council, city marring, my name is ken yeth lewis, I am continuing my fight and appeal for justice and compensation for the false arrest and who arivic experience I suffered and en enendured in march of 07 to the present. I am broadening to the churches and citizenry of austin. If you or relatives or friends know others who have experienced this injustice of loss of freedom, financial loss of 5-6 5-6,000, looking at prospect to life in prison, I strongly encourage you to call, write or lobby in person the official offices. If we don't demand justice, to rid the police departments of rowing and racist officers, who will. We must insist on the highest standards and except tags of professional objectivity, integrity and ethics. In addition to the air fore forementioned, I'm asking the mayor and council to ask that the chief and the police department commence keeping false arrest statistics with emphasis on ethnicity, gender, age and location of arrest. Since data and statistics is kept on just about everything else, I strongly feel sphis -- --statistics would be significant to be you in the database. My attempt to obtain this information, I spoke with apd records and research and was informed statistics are not kept kept. In my efforts to be compensated for false arrest, I remind the council, city manager and mayor officers, the attorney who represented month me, stated to me in the case my case had a four year statute of limitation, which if true in march the statute would expire in march. Again, as I appeal to the sense of decency and justice of the citizenry of austin to call, write or lobby your council, representative in my behalf, also to the collect you shun of apd false arrest data, sh should become your civic responsibility for justice in austin texas. This campaign for justice will continue through 2011. Happy new year, and thank you for hearing me. I will speak on my next experience with the police office. That will be the next time the police came. I had a who arivic experience with the police monitor's office office. That was a who ar who arivic experience also. Thank you.

Debbie russell. Three minutes.

Thank you mayor and council. I have taken off my organizational pin. Don't worry. I had many things to say today. I'm just going to touch on a few few. Zouse hark back to the database we discussed. I think what we are seeing now is that the privacy policy, which ours was the first in the country, by the way, mayor, really can't be called the best when it doesn't have anything to compare to, but I think it needs a lot more work because I think you're under the assumption that the criminal predicate thing we talked so much about, that was the phrase you were looking for, it is actually doesn't have a lot of loop holes and this does. So we need to continue to work on that. I urge you to continue on that. In terms of body scanners, you do have a mandate I believe from the citizens right now to write a resolution nonbinding, symbolic, you have that authority. We don't want them here. We have a chance to stop them from coming here. Please do so. And on the issue of what explod exploded this week, I really just want to say really? . I really didn't think there was any problem with this. I think the key issue here is, for me, is that we got rid of our city attorney based on that information. That information around a lot of the saunders incident and follow-up garnered its own top ten list in the chronicle, if you notice, just for the 2010

incidents. Plus it appeared in several other top-ten lists. By the way, those lists aren't full of successes. They in fact point the --to a lot of problems and patterns. Please review those. We got rid of him because he was giving bad advice. At that point I thought the mayor should review some of these questionable practices with some other attorney to check what we thought was bad advice coming from that person. So in that realm, by the way, the law says that you weren't covered by the advice given to you by an attorney good or bad. So we will see how that goes. One other thing I want to point to, as we embark on this, continue to embark on the comprehensive planning process that has been botched and is not respectful to the community in input that is saying we need to include social equity, we need to look at this chart very carefully. The city's own chart appeared in the chronicle last summer in reference to the hiring of the sustainability officer who what is done a remarkable feat of bringing us the star system, i invite you to look into that system. As pilot project we're being told by staff it's too late to integrate it into the comprehensive plan. It's too late to not have it. We cannot continue to have smart growth drive our african americans out of the city. richards frankly.

Thank you very much. richard franklin. mayor and council. Five and a half years ago this city began yet another series of discussions about the myriad of problems that face and still face the african american in austin. We followed that up with an additional discussion about almost the exact same issues that face the latino population and are still facing the same problems. Recently the city I found out dedicated two years of some type of funding to undo well over 100 years of neglect. There has been no money to speak of for the last three years to increase the quality of life for african americans and latinos. The most recent census tells us that african americans rather than sustaining neighborhoods are leaving in droves. Moving to the outlying areas or going away all together. The policies that continue to divest these devastated communities has the effect of a double punch to the gut. First these people can't afford to live in this city. Second, the city continues to make decisions that are detrimental to those who live east of 35 with no regards to the long-term consequences. Those of us who live in the etj, where no one hears our screams, have had to fight and continue to fight sludge plants, cream tore yum, trash dumps and the list goes on and on. Now we have to continue with up to 1100 new roof tops on 969 which is a two-line highway and a race track no one has asked what the long-term effects will be on this community, not to mention the \$4 million the city will have to contribute year throi have a race track while we have budget shortfalls. I say all that to say this. This body and austin are living in historic times. The first african american female council member, first african american city manager, first latino police chief, first african american school superintendent. With all that, what will be your legacy? Will you be remembered as place holders, maintainers of the status quo? Or will you be remembered as change agents? Those that made the hard decisions that voted to improve the quality of life for the least of us, for the homeless, for the helpless, for the hope hopeless, for those of us who fight the righteous fight for the voiceless, don't count the homeless, help them. Don't study the african american problem, invest in them. I am pleading with you as you deliberate and make your decisions and vote on them, please make the have-nots your first priority and not an after thought. Help us by lifting from the bottom and always remember the children. I thank you for your time.

(Applause) those are all the speakers for today. So without objection, the council will go, okay, all right go ahead. Try next time. Without objection, the city council will go into closed session pursuant to section 551. 551.071 Of the government. You got it? All right. Third try. Go ahead.

Health advocate. I have been in practice for the past six years under business model. We are unable to travel through throughout the entire state of georgia. This allows me to have a flexible schedule where I can focus on community outreach which typically relate to environmental health. I am a member of many professional societies, including the ama, the national medical association, the nap, medical association of georgia and atlanta and american academy for advancement of sciences. And I have no conflicts of interest, no sponsor ships and no endorse ments at this time. So growing up, I was like you guys. You know, and the public at large . I always viewed flouride as new trent lining calcium and iron. Good for the teeth and never a question of harm to human health health. Throughout my medical training, consisting of medical school and pediatric residency which includ included a health elective, i was never taught about flouride, only encouraged to use it. Only more recently that I grew my personal awareness and realize how prevalent it is in the environment, the cumulative and toxic fact and

fractured regulations. I now see it as the number wub leading public health threat in the goz--georgia and the nation. I maim some recommendations in the releases you have. Most all the newborns I have seen are fed on this water. Water quality reports made valuable to the public, most parents don't know how to access ran not aware that it's in the tap water. Even though nursery water label clearly states it contains flouride, few parents are aware or know it's a medicine. They purchase because it's especially made for babies, which brings to light the advertising techniques. Even though the ada no longer recommends flourided water since 2006, the policy change has yet to reach the medical and dental community as well as the public at large. As also mentioned, I diagnose five times a day cases that are generally mild, but all degrees of negative growth are seen. Many will have the same capacity and I can remember as a child we used to look at the white spots on each other's nails and count them but never knew what it was caused by. Dental fluorosis is indicative of exposure prior to age 6 and is typically the first sign, fortunately not permanent by preventable. In the most severe form patients don't complain. I'm usually the most concerned parties. I'm alarmed that many children do swallow tooth paste. Most parents aren't aware. thank you very much. Now, without objection, the city council will go into closed session pursuant to section 551. 071 Of the government code for consultation with legal counsel to take up one item. Item 43, concerning city council appointments made under article 6 of the city charter. Council will also go into closed session pursuant to section 551. 074 Of the government code which allows discussion of personnel matters to take up one item, item 44, concerning compensation and benefits for the city auditor. Is there any objection to going into executive session on the items announced? Hearing none, council will now go into executive session. . . . [Rumbling] Announcer: What if a disaster strikes without warning? What if life as you know it has completely turned on its head? What if everything familiar becomes anything but? Before a disaster turns your family's world upside down, it's up to you to be ready. Get a kit. make a plan. be informed today. Test test test test test test manitowoc test test test test test test test test floird!

May Leffingwell: We are ouof closed ssion. In closedsession wetook up and discussed legal issues relat t item 43 and personnel matters related to item 44. And related to executive session, without objection, council, item 45 is withdrawn from the agenda. Now we ill go to our briefing, and first we'll take up our mning briefings, we'll take up the austin energy quarterly report. Caught yo by surprise there, larry?

Not me.

May Leffingwell: Okay.

We just have to get th presentation loaded up here. Well, good afternoon. I'm larry weise, general manager austin energy, and here today to produce a report on a quarterly. Last year the council approved action that austin energy would come before the council each quarter. This is the first f those repors, this january. I'll talk about the followup reports coming up here a minute. Tops im going to eviue tois the ate review and redesign update. And the second part of my upte today will cover renewable energy acquisitions. And this is a followup from the last council meeting,'ll be discussing the forecasting of an affordable resource plan and howwe will go about making sure ur generation plant ge approved in an an then some more direct to me, the f austin energy, some near-term strategies, me items that we're working on. In the rate review, the goal I to assure austin ener can successfully continue to provide clean, affordable, reliable energy and customer service. We want toprovide ver compete rates, our costs are distributed faly and to redesign rates to meet business objectives. So of thse business objectives are efficie energy use our net metered distribution system which includes solar behind the meter, other innovations that customfrs may choose, and electric vehicles and ther innovations also very important to maintain the utility's financial health and involving the public. In the rate review time line, this year we have a public involvement process, and in 2010 the me line up here has renue requirement, the cost of service model, rate design,! Rate filing packageand euc, elctrif utility commission, and council proceedings. The time line that we're shooting f right now is that sometime around the begiing of 2012 we would have new rates, a new rat design to implement wi our retail customers. This public involvement prcess involves a pulic involvement committee. This is simila to what went -- that the city went through with the water rtes. The wnter and spring 2011, this pblic

involvement committee I engaged. This summer and fall of 11 the goal is outreach to interested vic grps. We October an update for the public involvement committee and at we found when we went outside the groups. And then electric utility commission review and commendation in December of 2011 that is when we expect to come to the council to discuss rate action on our rate design. The public involvement committee is a diverse 14-member committee, represents all customer groups and includes residential rate advocates. That rate advocate is actually selected by Austin Energy as an expert within the rate residential sector and if there's any questions on that, I'll have Mark set up and talk about the process on that, but roles and responsibilities include education of cost, electric service and rate structures. So in effect we're creating some customers who are really experts at how we actually rate design, and they represent the interests of their customers groups and communicate with their customer groups and provide input on the rate structures we have in this process. They are made up of a residential group, commercial, key accounts, and other. And that's the spectrum of customer groups that we have at Austin Energy serve. The public meetings are held with independent facilitator. The public is not engaged in making comments, but they are able to come and sit and listen to what happens. There's the facilitator through our consultant. We Beck they have selected a process manager that helps with this. Education on the cost of providing electric service and rate structures, there's a lot of documents, a lot of handouts that are given to these folks. And they had their first meeting January 13th and I hope they are all willing to come back because it's going to be quite a lot of work and education. The meetings provided scheduled time for member dialogue and input, and we have a website for this rate process. It's rates.austinenenergy.com. And it's up and running. The schedule for the public involvement committee and rate redesign, they meet from Monday at Lake CEER, JANUARY 17th, February -- can see the schedule up there and it's different topics that they are going to cover. And that's all I had on the rate review process, a now I want to jump into another part, second part of what I want to talk about today and that is what are we doing about renewable energy project acquisitions well, first of all, we don't have an energy plan approved. I'm going to talk about that next. I guess in the slide deck, thought about one doing one before the other she but this isn't important tip. But we have an energy resource plan, approval pending affordability major. There are two projects already approved by council that are coming forward, a biomass project on line by mid 2012 and the Webberville solar project on line end of 2011. Other new acquisition, the first of February, Austin Energy is releasing request for proposals. These are for short-term and what I call medium-term renewable acquisitions to make sure our existing green choice portfolio is filled and make sure we have our ongoing renewable targets taken care. And then we are spending a lot of time in the strategy of acquiring wind resources. We are gauge under and two wind projects and the energy plan, one is 20 megawatts in 2011, and that's -- and another one is 150 megawatts in 2013. We will be coming to the council on anything larger than 10 megawatts which is the policy on any of these acquisitions. Our renewable additions of -- to get to 35% total energy from renewable looks like that. We have the projects I just spoke of, but biomass is a wind resource and that's where our primary I look to strategic pick that we are going to develop a lot of renewable resources from in the past this is the chart that shows the different resources that we have had and the cost in average cents per kilowatt hour and the total at the time. So in 2009 we had a very 9 cents per kilowatt hour for renewable energy. That's -- that's very good, frankly. In the future, it changes. We have in the bottom right-hand corner, we ended up 2 cents, and that reflects the wind acquisitions that we see coming forward, the solar that I talked about earlier, and the biomass facility, and you can see what those two costs are. Solar project around 16 cents a kilowatt hour. At the end of the life of those purchase power agreements we will have to look at replacing those down the road. That's what we're doing with renewable acquisitions in the near term. Next, followup to the last meeting, forecasting an affordable resource plan. 2007 The climate protection plan was approved April 22, 2010 the city council approved it. Our generating plan dependent on developing a method to do to measure the plan's affordability. I came to you in December, was sent back to the drawing board come back with something a little different and that's when I intended to in the following slides. The plan's goals include three 35% of the Austin will come from qualified renewable source. It's affordable and redistrictable as possible. We've heard that from our customer group very strongly, all sectors of our customers. And to reach generation plan goals by 2020. That is a goal. Here is the generation plan, the template. It shows existing coal and nuclear gas facilities owned by Austin Energy. Those include Decker, Sandhill, and in addition by 2015 of 200 megawatts which includes our Sandhill facility. Biomass includes the 100 megawatts in Nacogdoches. I don't know if I pronounced that right cause I'm not around here.

Mayor Leffingwell: You did, it's nachodohes. I did say it ight? In 2015, that is a mystery to me on biomass. We have wption to get some more but e'll watch that one ve cosely. I want to emphasize that the future members as they get towards 2020, in my mind they are a little loser than in the beginning part of this our acquisition sttegy. Clearly you can see that wind, 1,000 megawatts of windby 20 is an important strategic move. I believe that the wind market is very good right now or us and I would like to move fairly aggressively in that acquisition strategy during the course of 2011 and 2012. And the solar target, 2001, very ambitious. That als incdes solar behind the meter in customers' homes. If we provide the incentives for solar to be behind the meter, it hel ith coumers' bills. Then you can see the growth of the portfolio by 2020 getting to 35%. This slide is one from yu ast presentation. It shows thehistoryof austin energy rates. E gold line is the actual rates, and with the fuel charge changing drastically year to year that's the swing that you see in thbt. And this is average syst tes in this chart. The last one I showed you was residential oly, sothis one is average stem. S. And so you can see that as compar to a reference line that we're using of 2%, that 6 over that period of time ince 1994, which was the last time the rates were redeigned, the rate structure as edesigned, but the fuel took took care of any additional charge. 7% since1994 so nw we're goingo go through the rate case. We have tdesign a nw base rate. We have to put in place mething to measure our future progress. And this is what we'r proposing. We're long at the two similar lines that we had, of course, the cpu electric we can only assume it's flat in the future and we all kw it's not we know that just forecasting 2%, that is a flat line, and then we've done our very best to recast what we think the future is going to hold after we do this initial rate bump or increase. And I caution that this is a conservative estimate. I don't want to read hard into there that if you did, you would say well, that looks prey close to maybe 14% rate increase. This an overall rvenue increase which I tried to emphasize at the last meeting. That's really how we look at it is we need that much additional revenu utity-wide in order to make our rates come out. How the different rate lasses are afect depends on our rate work that happens this year. So that is ot across the board, that is not generic, what that shows and demonstrates as we come out o this rateedesign, we will have this one-time adjument and tn the future will be monitod very closely. Every time we bring major resource isshw the impact and the impact on the futu everything we do. So it's a tool. We know he w can't really und by -- we could, guess, but we would lik to have the flexibility to be oming back here every quarter to have the opportunity to talk every time we hae a major acquition of a resource, we come back and discuss the vry targets that we're talking about today. That's te goal. Oops. Our reven requirements forecast driven by sumptions. They all are. And th economic outlook nd inflation, a renewed emphasis on cost reduction strategies. Frnkly have not been at austin energy long enough to start getting into line by ne capital projcts and other items that are there. That all helps it. And the early forecast years are more firm dta. Now, when we come back to the next council briefing, it will be in april. We will come back wth our five-year financial forecast and that will start refting some of that data. And the later forecast years are more deedent on assumptions that likely will change. These forecasts are used to cacula our system average. We'll indicate a need for future rate increases, an the rate review resets revenue requirements in 2012. That's an mportant feture of this work that wre doing this year. So our reommendation is that at the nexcouncil meing that we ask for approval of our generation plan, which is rellyfundamentally of o generation resurces, plus is matrix, if you will, or this chart forecasting method of tracking our costs in the fure. And that we operate within a range between this hisoric 7% for cpi electric, following a rate review that sets evenue requirements for 2012. Now, in my mind as a goal fr me, I mean my goal isto beat that I would like to get belowthe 2% line. We had a discussion last time about, well, if we really wanted that goal, maybe we have to change the year which w implement. We're going to need flexibility going forward. This is a big job to get to 35%. I believe it's doable and i think theflexibility for the professionals that run austin energy for you, I think we ed to have a little t o room. But that comes every time we bring you a renewable project, and we look at these -- the acquisition costs a what that does to it. The -- we plan to update this tool annually,and I talked about resource acquisitions that we bring and we'll repo in our five-year forecast each spring which comes up in april. So our future council communication time line, in r 2011 we'll a five-year financial foreca. In july I will come back and have a smorgasbord of things going on,try to keep it impacan useful. And then in august we will be briefin out the udget. And then october come back here again and d a tilt operational stratic update that's the pla and I think it works great for to us come and condense it. Lastly, near-term strategies for e. I've been here -- I haven't counted the days, but im getting close to four months on the job. And the question is what are my topprioities. And I think that these -- there are some others,but these are principally the

larger ones. This rate review, the energy resource plan with affordability issues. I want to get this launched so we can get to the 35%. I want to continue internal organizational and financial review. That's a lot of -- I've been spending a lot of personal time on those two. And then in-depth review of our capital improvement plan which drives our budget and how much money we need and that drives our rates. And then I believe with our customers in the various groups and the dialogue I've had we need to continue to improve our communications and our transparency. The issues that we have out there and here are the costs and what is our strategy going forward. So I blast through that pretty fast and I'm available for any questions.

Mayor Leffingwell: Just a process question. You've advanced the notion of affordability goal being on an equal footing with the time line and the renewable energy portfolio component. Process-wise, do we need to formally incorporate it in the generation plan for 2020, the affordability plan? Generation plan forward, it would be that chart that had all the different targets, and I don't think that's set in stone either. That's probably going to need to change.

Mayor Leffingwell: I want a way to ensure that it is a goal as much as the other ones. None of them are set in stone. None of the goals are set in stone. They are all goals.

Yes, sir.

Mayor Leffingwell: But I want to make sure that in some way that is memorialized so that every time we talk generation plan, we're talking about all three of those legs of the stool.

We can certainly incorporate that into it. We can figure out the language to do that to make sure that was the intent.

Mayor Leffingwell: Okay. Can talk about how to do that or process-wise if we do come back and do some kind of amendment or whatever, we can talk about later, but something to think about. The other thing in the affordability component, there was some discussion at the last meeting about not only having a goal cap of 2%, but also in some way addressing outside factors. So let's say that everybody in the electric generation business one year experienced a 30% increase due to world war III or something like that so that that would be captured as well. We wouldn't say that we couldn't do anything because the prices we -- were increased that much. So we had talked about maintaining our position, you know, 40% or so of the average or maximum Texas utility rates. SO IS THERE SOME REASON THAT WAS NOT INCLUDED? I would just like to hear your rationale on that. I'm not making any suggestions right now.

No, I probably glanced over that, but at the last presentation we said we would benchmark and that's what you are specifically talking about, yes, we will do that. Mayor Leffingwell: THAT'S THE benchmark as compared to the overreliance energy situation.

We want to keep ourselves -- I think what we're really trying to say we want to keep ourselves in the marketplace relative to where we are today in the future. The way we look at that, we benchmark ourselves and come up with a tool to try to keep ourselves where we were in the past.

Mayor Leffingwell: And one final question is the extra 50 megawatts of biomass, are you anticipating that comes from an increase to the existing contract that we have or a new contract? Or do you know?

I don't know.

Mayor Leffingwell: Is it too early to know?

I don't know. I -- I -- well, I'll just tell you that I don't think getting any more from the existing facility is really high on my list.

Mayor Lefngwell: Well I know -- yeah. No comment there but I think that's a good point on our part. Thank you. [Laughter]

Mayor Leffngwell: But as we all know that this is flexible, this chart that you had laid out. So by saying we're going to have 50 more watts of biomass, that's the plan in 2016. That might well be something else. That might be wind or that might be --

right.

Mayor Lefingwell: -- hydroelectric whatever.

Right.

Mayor Leffingwell: I just want to make sure because I think we're discovering as we go forward there that the biomass is a little more problematic than we first suspected. Okay. Councilmember Cole and then councilmember Riley.

Cole: Thank you. I really appreciate your work in trying to give us a glimpse of what both renewable means in conjunction with affordability because I share the mayor's concern with moving forward and doing both. Let me ask about the Webberville solar. You said by the end of 2011. Can you give us an idea of what that's going for anything you need from council in that connection?

What I know is that it has -- they have gotten their permits recently. These types of installations can be put together pretty fast and as far as know, they are on target to meet the timeline.

Col THAT'S VERY GOOD News. Okay. The second thing I was going to ask is I notice on the forecasting tools to measure affordability, that we have presumed we're going to have a rate case, and I understand that that is just a reasonable assumption that we just pretty much have to do it just to get us there in terms of our renewable goals. But when we talk about goal 2 up until 2020, I'm wondering how that compares to prior rate cases because I haven't -- ever since I've been on council we have not had a rate case. When was the last rate case? >>He last one was in 1994. In 1994, then subsequently thereafter to handle increasing costs mostly associated with fuel and generation, there was a fuel adjustment charge, a fuel charge put in place. And that's been used since then to deal with those costs separately, and then -- so that's the last time. 1994. That the rates have been redesigned, that is, different numbers of charges, those types of elements.

Cole: And I understand there's been a lot of changes since 1994. And so we just don't -- you are not necessarily predicting in smaller increments what to forecast. Mayor Leffingwell said what if the extraordinary happened and you said we'll have to make a change and I guess I'm asking what is the ordinary. What we normally project a rate case every five to ten years as opposed to what you just said?

Well, that's a good question. There's really no right way to do it. The policy makers can -- I mean we can go along for a few years and then do a rate bump. There's some utilities that prefer to do small increases over time more frequently so there isn't any rate shock. So there's -- and those are really policy guidelines. It's really what I have always professionally looked to from the policy makers is to how you want to represent and charge that certainly what we're not suggesting there following this 2% is with a 2% rate increase every year we're not suggesting any kind of future changes at that interval. At we're saying is we want an initial rate change in 2012 to 2013 period and after that point in time we want to monitor ourselves and see how we do going forward and use that as returns. -- Does that make reference

Cole: Yes, and make changes in our renewables or rates.

We want to be flexible. We want to come back frequently, let you know what we're doing and have the

flexibility to make change to the generatn plan ifthat's what it is or make other adjustments to make surewe keep our rates affordable. That's the gl.

Cole: Thank you.

Mayor Leffingwell: Councilmember riley. [One moment, please, for change in captioners]

you mentioned the rfp in slide 1p.

Yes.

T rfp for new acquisitions. Can you tells a little more about that rfp, when we could expe that to be issued and what would entail?

It's on slide 10.

Yes is the answer. [LAUGHTERm We, our intert is in short-term three to seven medium term, one to three for sho-tm, medium three to seven years,nd this is for solar and wind only, is what we're looking for. We have -- it's very general. We just literally want to shake the tree and find out what's out tre so as we