

# Closed Caption Log, Council Meeting, 02/17/11

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Mayor Leffingwell: Morning. I'm Austin mayor Lee Leffingwell. We'll begin today with the invocation from Peg Syverson, resident teacher and director appamada zen buddhist center and correct me if I mispronounced anything there. Please rise.

dear city councilmembers and mayor of Austin, the word APPAMADA, the name of our ZEN center, was the last words spoken by the Buda. When his followers asked him after you are gone who should we follow? Should we follow this teacher or that teacher? He responded, be a light unto yourselves, bear forward with APPAMADA, with mindful, energetic care. So it is as you take up your work together serving the world in this way, may you be well. May you work with a glad heart even in a hard time. May you be mindful of the lives you touch, the environment we cherish and the precious resources we are stewards for. May you be free from the three poisons of greed, anger and ignorance. May your energetic care and diligent efforts sustain and enliven the vibrant, diverse, creative City of Austin. And the whole region in which it shines. May your bodies be at ease and energized. May your hearts be open. May your minds be boundless. Whether in harmony or in dispute, may you be in all of your deliberations filled with wisdom, compassion and clarity. Thank you for your willingness to serve the greater good and to honor the trust placed in us by generations who came before us and those who follow in our footsteps in generations still to come. And thank you for this invitation to offer blessings for your work together.

Mayor Leffingwell: Thank you. Please be seated. A quorum of the council is present, so I'll call this meeting of the Austin city council to order on Thursday, February 17th, 2011? And we're meeting in the council chambers, Austin city hall, 301 Willie Nelson boulevard, Austin, Texas. First I want to announce that we are having technical difficulties. That's why we've got a late start today. As you can see there's a screen set up on the west side of the chambers. We will not be able to use this podium for speakers because it's set up to accommodate an alternate means of projecting video from computers to the screen. So with that explanation, we will go forward with the resources that we have left. And I'll begin with the changes and corrections. First to item number 5, typographical error. In the word Raymond, as in Raymond JARRANT, strike the first O so that it reads Raymond instead of RAOMOND. In item number 12, planning and action boards and commission action should read staff presentations provided to the following boards and commissions, downtown commission, design commission, parks board, environmental board, Waller Creek citizen advisory committee and planning commission. On item number 38, delete the words after the number \$1,809,113, delete the following words, with two 12 month extension options in amounts not to exceed \$1,256,328 and \$1,570,410 per extension option. And add instead the phrase with two 12 month extension options in an amount not to exceed \$1,256,328 for the first extension option. And \$1,570,410 for the second extension option. And on item 70, delete the number 70. It is not an item on our council agenda, it is an item on a board agenda, which we will call to order separately. So just delete the number 70. Our time certain items, 10:30 morning briefings and annual update on the City of Austin and Lower Colorado River Authority water partnership. And second, an Austin transportation briefing on the proposed extended parking hours. At 12 noon we will have our general citizens communication. At 2:00 p.m. we'll take up our zoning matters. At 4:00 p.m. public hearings with possible action. At 4:00 p.m. the tax increment financing reinvestment zone number 17 board of directors meeting will be convened. At 5:30 live music and proclamations. The musician for today is might Evan MESEK. I will read item number 46, which will remain on the consent agenda. These are appointments to our boards and commissions nominations to our boards and commissions

and waivers. Nominated to the urban forestry board, Shannon Haley is Councilmember Morrison's nominee. The consent agenda for today is items 1 through 53 with the following exceptions. Items 12, 17, 25 and 26 are pulled off the consent agenda for discussion after the four p.m. public hearing is held, item 65, on a related subject. Item number 15 is pulled by Councilmember Riley. Item 30 is pulled by Councilmember Cole. And items 2, 48 and 49 are pulled off consent agenda to allow citizens to make comment on these items. I'm going to double check my late sign ups and see if there are any additional items to be pulled for citizens signed up. And I see none.

Spelman: Mayor, I have a short presentation also on item 49, but I'll wait for the speakers first.

Mayor Leffingwell: Yeah, it's already off consent. Thank you. Let me check that. You said 65?

[INAUDIBLE NO MIC].

Mayor Leffingwell: I thought I said item 69 is not part of the consent agenda, but it is a public hearing, and the following items are pulled off the consent agenda, 12, 17, 25 and 26 to be heard after number 69 public hearing. I thought that's what I said.

[INAUDIBLE NO MIC].

Mayor Leffingwell: All right. Well, it's always a good thing to get it straight. That's my philosophy. So with that, council, I'll entertain a motion to approve the consent agenda. Mayor pro tem moves approval. Seconded by Councilmember Cole. Any discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. With that, council, we will go in order to our items that are pulled off due to speakers. The first item is item number 2. We have three silt 17s signed up to speak. The we have three citizens signed up to speak. The first is Eugene Preston. On item 2, council, I would call your attention to some clarification changes in the late backup. That will be your yellow sheet that looks like this, clarifying that the affordability goal is a two percent or less cap per year. And there are no other substitute changes, but if you want to read that entire paragraph, it's two percent per year, which was the original intent but the previous language made it sound like it was two percent average could be two percent average over the life of the generation plant. So it's just a clarification. We'll hear from Eugene. Right over here.

morning, mayor, councilmembers. I'm Eugene Preston. I'm a registered professional engineer and retired Austin energy employee. In the 1970's and '80's I developed the technical models for Austin energy that supported Austin's participation in Fayette and STP projects. The current power purchase agreement for 100 megawatts of East Texas wood burning plant is estimated to cost about \$2.3 billion over the life of the contract, not verified that that's probably correct. If Austin had instead signed a purchase power agreement with NRG, the nuclear proposal is at eight cents per kilo Watt hour for the same 100 megawatts and energy over 25 years, then Austin would have saved about \$700 million. You see, the wood burning plant price is scheduled to increase from eight cents per kilo Watt hour initially up to about 16 cents. But I'm assuming that the energy costs for the nuclear plant is probably a level eight cents per kilo Watt hour cost. Anyway, the wood burning plant will be emitting CO 2 just like a coal plant. The life cycle time to grow trees so that the life cycle on CO 2 emissions completes itself so that it's not a CO 2 source is too long. The climate change requires that we do something about CO 2 now and not later. Also the East Texas wood industry recently testified at the PUC against wood burning plants, saying that it would disrupt their industry. They're already using wood chips right now. I think that the high 16 cent per kilo Watt hour price that Austin energy will be paying at the end of the time period invites cheating, bringing in wood from distant location busy truck and even a more rapid forest depletion in East Texas and this is not what Austinites want to be known for. Austin entered into a 2.3 is my time up? Entered into a 2.3 million dollar plant. I don't think they had adequate bidding. There was not enough public opportunity to review the contract provisions. My recommendation would be to try to renegotiate for a smaller take of the wood burning plant and even look at the components of the contract where the capital costs and the fuel costs are separated as separate items. If you look at a 500

million dollar plant, which is what it is, that should be about a six cents per kilo Watt hour level cost over the time period. So that difference between eight cents per kilo Watt hour and 16 cents represents either profit or fuel costs to them. And it seems like it's too there's too much difference between six cents per kilo Watt hour and the eight to 16 cents per kilo Watt hour. Thank you very much.

thank you. And let me comment that I appreciate your arguments. They're very thoughtful and on point, but this item number 2 is not about that plant. That contract, to the best of my knowledge, has already been signed.

there's a 50 megawatt addition that is new, to my understanding.

Mayor Leffingwell: Not necessarily that plant. And that is down the road and it is something that would have to come back for council and I for one am very strongly persuaded by your arguments with regard to that addition. But that being said, if an opportunity arises to renegotiate that, I'm certainly open to that discussion. Thank you.

thank you.

Mayor Leffingwell: Next speaker is Robert Duncan. Robert Duncan has time donated by Jacqueline Kelly. She is here in the chambers, so you have six minutes.

yes. I'm Dr. Robert Duncan. I'm a research scientist with a Ph.D in physics. And I'm here today because I'm deeply concerned about global warming. With melting polar ice caps, looming sea level rise and worldwide mass extinctions, it's crucial that we reduce our carbon dioxide emissions as quickly as possible. That's why I urge you to consider the tremendous benefits that would come from selling the Fayette coal plant and making Austin coal free with affordable nuclear energy. NRG energy is offering clean nuclear power at a fixed price for the next three or four decades, a price of that is half of the other. Nuclear is also much less than the coal burning plant. As Dr. Preston was saying, it is financially sound. Regarding the volatile natural gas prices, they will most certainly rise in the future, making it more economical than gas in coming decades. At the proposed price of eight cents per kilo Watt hour, nuclear is moderately more expensive than wind at present, largely because wind is subsidized. However because wind is variable and erratic, Austin energy now uses fossil fuel plants to back up wind power, ramping up and down the rates of fossil fuel burning in order to smooth out the wind and make it acceptable to the grid. If Austin follows its proposed plan to seek 35% renewables by 2020 by purchasing wind turbines, it will lock in the fossil fuels as backup making it impossible to achieve further CO<sub>2</sub> reductions without building a storage facility. This is the hidden added expensive wind power. When you take this into account, nuclear energy is more economical for the city as we work toward a truly low carbon future beyond 2020. I want to emphasize how important it is that we wean ourselves from coal power. Besides the coal and sulphur dioxide, hydrochloric and sulfuric acid aerosols, hydrogen fluoride, ammonia and heavy metals, a 2009 study by the clean air taskforce concluded that coal air pollution causes 13,200 deaths every year in the U.S. This is besides toxic groundwater pollution from coal ash. And on top of all this, there's massive climate threatening carbon emissions so it's no exaggeration to say that coal is a killer. Yet you ask people at Austin energy about getting rid of the Fayette coal plant and they will tell you that Austin just can't do that. They need to keep Fayette running to back up the wind so we can achieve a higher renewable fraction. Using coal power to back up the wind in order to enhance our renewable fraction is like using poison to kill underperforming school children in order to enhance AISD's mean test scores, both doing irreparable harm in order to achieve a political, not a real goal. Making our city coal free is the environmental sound goal. Carbon reduction should be option subjective since that represents a true environmental benefit, not renewable fraction, which is an artificial criteria. Now, we can stop using coal and slash our carbon emissions by about 60 percent with clean nuclear power. Only thing stopping this is fear of nuclear waste, fear of nuclear accidents, fear of big powerful industry in general. All of these fears are unfounded, but they run deep in Austin where many well meaning activists have learned about the energy from other activists and anti nuclear websites with nobody really going back to the science for an unbiased look. The

misinformation about energy in this community is so pervasive that I can't address it in the brief time at the podium. But let me say this, we've all talked about three mile island. Many people don't realize that nobody was killed there. Nuclear energy now provides 20% of America's electricity, but a single person has never been killed in an American power plant accident, not in 54 years of service. This is a record of safety unequal understand heavy industry. Regarding nuclear waste, the amount of waste produced is supplying all the electricity used by Americans for a full year. It's 400,000 times less massive than the climate threatening and toxic waste produce understand generating the same amount of electricity by coal. This tiny waste stream hazard never hurt anyone and there's no reason to think it ever will. Can can be buried in deep waste containing plutonium and other metals is already being permanently and securely buried in southeastern New Mexico. It is these used fuel rods which some people claim make unsafe for burial. A burial may ultimately prove unnecessary since 95% of nuclear waste is valuable reactor fuel. So there's only this much for an American in a whole year, seven Nichols' worth of waste and one third of one nickel is real waste. The rest can be burned for energy, a lot of energy in fast neutron reactors using processes that have already been demonstrated in working test reactors in labs. Such burning leaves behind long lived radioactive waste. Nuclear waste is small in volume, easily manage and far from being a burden to future generations is likely to be a major clean energy resource. Now, anti nuclear activists have testified in here many times telling you many scary things. Nuclear power is actually a high carbon source. It uses more water than coal or gas. We will soon run out of uranium. Our children are threatened by leaky reactors. The list sendless, but all of these claims and many more are untrue. They evaporate under unbiased scrutiny of the facts. I have a specific alternative to the generation plan that I'd like to propose and I'm working out details. I'll give you a complete report soon. I suggest holding wind power at 2010 levels or slightly lower, requiring no wood power and if possible extricating Austin from this wood contract that Dr. Preston was just talking about. As for solar, I recommend getting 30 megawatts [ Buzzer Sounds ] But no more before 2020.

Mayor Leffingwell: That was your time. Thank you. Mayor council, those are all the speakers signed up on item number 2. We'll entertain a motion or discussion on that item. Councilmember Spelman moves approval. Seconded by Councilmember Morrison. Discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. We'll go to item number 48 where we have four folks signed up to speak. We'll go to the speakers unless the councilmembers have a comment. Gus Pena? Gus Pena, is he in the chambers? Apparently not in the chambers. Laura MINNI test la rode. And I may have mispronounced that name. Is Laura in the chambers? Okay. Welcome. You have three minutes.

I am a parent of two children at Barton hills elementary at AISD. I am an educational researcher and a consultant and I have a master's in education from the Harvard graduate school of education. And as I said I'm a parent. After living in other cities I moved back to Austin because I believe that education here would open the way to a bright future for my children. Yes that is what's happening. In Austin district is faced with possibility of closing the doors of highly successful schools. I'm here to talk to you about some of the ways that this will impact our city and strongly support the proposed plan for the city to work with district to support community schools. Every parent in every city in every state and I venture to say this city and this state wants a good education for their child. Simply put, I just want to emphasize that our city cannot be successful if it doesn't provide quality education to all children. The way to ensure this for a future with a prepared workforce is to provide an education. I'm proud to live in Austin and I think it's a townful of creative and energetic people and I believe that we can find solutions that don't involve closing doors of schools. I just want to talk about some reasons why this is titely important for you as Austin leaders. Small community schools are based in neighbors and that makes Austin unique. Barton hills fits Austin's value of planning for environmental stewardship. The Congress of new urbanism works to promote walkable and bikable cities and Austin is one of the cities that does it right. We just want it to stay that way. Closing schools and cutting funding to schools sends a terrible message for corporations planning to come to Austin to start a business. A recession is the worst moment to send a message to a corporation who might bring jobs to our city. And finally, to repeat myself, I just believe that we need to offer quality education for all students in Austin. In keeping with Austin's reputation as a creative and intelligent city, I urge you to use this challenging situation as an opportunity to innovate. Working together with Dr. Carstarphen and Austin ISD, we can find a way to keep our truly exemplary and beloved schools open. I believe and emphatically assert that the future economic capacity of our city

depends on this. Thank you for your time and attention and consideration.

Mayor Leffingwell: Thank you, ma'am. Next speaker is Paul Saldana. Donating time is Celia Israel. Is she in the chambers? There she is. Okay. Paul, you have six minutes.

good morning, mayor and councilmembers. I wanted to officially go on record in support of the resolution. I wanted to thank Councilmember Shade for her leadership in bringing this item forward to the council. I think in these tough discussion that we're having about potential school closures, it's fantastic to see such tremendous government collaboration between the city and the district. I have a couple of handouts that are going out to you. I'm coming, like all of us care about the quality of our education. I have a son who has graduated and is the first year in college and a guy in Crockett high school and my wife is This particular committee was convened back in 2006 and we worked for about two years. And it was right in the height of the state's intervening and threatening to shut down the school formally known as Johnson high school. It was repurposed. So the challenge at the time was obviously it has to do a lot with the discussions that we're having now regarding facility imbalances, facility use imbalances in the district with growing enrollment in some areas, declining in others. Meanwhile we have the state accountability systems that impose sanctions that include student flight from struggling schools that can result in potential school closures. Going this two year process some of the major findings that our committee came up with specifically relating to the community outreach component, including the need the desire expressed by stakeholders that want to obviously express an interest to be regularly informed about the criteria against which AISD evaluates school's fatality and to have a voice in shaping the criteria. There was also a discussion about opportunities, looking at opportunities to exist, develop new, communication practices need to do more to inspire trust that the community voices are valued and that input matters. Stakeholders recognize a strong connection between city growth patterns and school vitality. And I'll get back to that point in a second. And then obviously stakeholders express strong opposition to closing neighborhood schools so that the firstout that you have firsthandout thaw have is the criteria that we developed for assessing schools. You notice on the left hand side we have indicators and threshold points and qualitative factors and then on the right hand side is the assessment criteria that we developed. The flow chart after a five year process if the worst scenario is we had to close a school, then our recommendation was to follow this five year process. Year one would involve getting the community, the city, the county, and the parents and students involved in developing an action plan to look at what's going on at the individual neighborhood schools. Year two would be on actual recommendations and years three to five would actually focus on the actual implementation and the action plan. One of the other specific recommendations, and I didn't have an opportunity to catch the presentation yesterday with Dr. Carstarphen, and I know there was a lot of discussion about this. But I wanted for emphasize the need to strengthen interlocal collaboration, which is the secondhandout you have. Part of our recommendation we emphasized the need for improve collaborations with the city and the county, adopting a formal policy regarding AISD participation in community and regional planning, clarifying the focus of the joint committee that exist. I understand there's a meeting this week. Creating formal procedures for regular staff level coordination and communication. Encouraging the city to require an educational impact assessment for development applications because right now that only happens if it's a tax credit project. If there are any other types of development in the city, the school district is really not a stakeholder in that process. It's only required as a state law if somebody is pursuing tax credits from the State of Texas. So we don't on a regular basis we don't need to develop what happens in the city, ask for an educational impact assessment. I think that's something we can talk about. One of the other things that we pointed out in the Hispanic quality of life report, and we also pointed out in the we have a growing number of low performing schools and undercapacity schools. So that's probably the best example of incon grew ant policies between the city and the district. The district has a transfer policy for more affluent families moving east of 35. If they have children they're not choosing to have them go to the neighborhood schools. Instead they're using the transfer policy to send their kids to schools he is west of 35. On an annual basis when the school year starts you have an average of 10 percent more schools east of 35 that are undercapacity. So again I think that's an opportunity for us to join forces to have real discussion about the development patterns and how we can really include the school district as the stakeholder in this process. The other thing is you may have heard about this public education grant scenario, which

basically allows the student, if they are in a low performing school that has not met state academic standards, then that student has an opportunity to transfer to any school in the district. On a statewide level, Texas Tribune did a report last year that looked at that issue. There were 450,000 eligible students in the State of Texas who could take advantage of that transfer policy. [ Buzzer Sounds ] Yet less than 300 of those students did. So I want to thank you for your time. I appreciate the joint efforts with the school district. And I would be happy to answer any questions.

Mayor Leffingwell: Councilmember Morrison and then Councilmember Spelman.

Morrison: Thank you. I want to thank you for your work on all the taskforces. I want to mention a couple of things. The economic impact assessment that was recommended there as well as in our families and children's taskforce is something that was taken on. Unfortunately it's taking quite awhile to get it going, but I think we'll hear the final report on it at our Friday meeting. And with those recommendations, I think that there really has been a lot of good work coming out of that committee. We do have staff working together and it's occurred to me that the work that's going on there isn't really very people aren't really very familiar with it. I think I'll be asking how we can make that happen more. And then just one other comment. You were talking about the transfers from east of 35 to west of 35. I think that's going to be some good that's a good issue to delve into. I know there are some parents looking into that in their research. And as I understand it, it's actually not coming from east to west, and I believe it was Dr. Carstarphen who yesterday mentioned that it was really east of 35 kids going to charter schools. So I think that's something to delve into. Thank you for your work.

thank you.

Mayor Leffingwell: Councilmember Spelman.

Spelman: I was not aware that the economic impact assessment was going to be considered at the joint committee meeting on Friday. I unfortunately won't be able to make it to the beginning of the joint committee meeting on Friday. Can you enlighten me on what it will look like? What's going to be involved in it?

Mayor Leffingwell: Councilmember Morrison?

Morrison: It's not that complicated. It's a matter of looking at the number of families that will be displaced going to current schools with a development. And then an assessment of how many families and children or children really might replace or go into with a new development. So it's a matter of staff at AISD and the school district working together and supporting the developer.

Spelman: I can't help but want to be on record, Paul, as noting that someone usually associated with the business community is asking for additional impact assessment or would like to assist in. I'll have her ask you for the further information on the subject.

I do have one other issue? That is a technical question with respect to the threshold point. You were suggesting that if enrollment is 105% of functional capacity, that's over a threshold. That suggests that maybe we need to do something about the school. And I completely understand that. If the enrollment is 85 percent or less than functional capacity, that seems to be another threshold. What's the effect of that? What happens when you hit 84 percent or less?

that's when you get into the RIF list that the superintendent developed. They're looking at those issues. Garcia middle school is a did example. They're probably at 60% capacity. The school is being utilized, but there are not enough students there. The other example I can point to is Johnston high school. When that school was shut down by the state, we should have had 1500 kids at that school and it was at 36% capacity. One of the ongoing vulnerabilities for the district is that's viewed as a vulnerability from

the state's perspective if this discussion we're talking about public education and funding. Again, east side memorial is a good example. The annual budget for that school is in excess of eight million dollars. We have three academies in that school and three administrations. So you have three principals, six assistant principals. And so that's viewed as a major vulnerability when the student it's sort of a moving target. And that's something that we've talked to Dr. Carstarphen and her staff about.

Spelman: I can see 85% or any other fairly arbitrary number is we need to watch this. If we're talking about a school, even if it's at 85% capacity, if we close the school and disperse the kids to other school, that will require the parents and the kids themselves to go a longer way to get to school, and by closing the neighborhood school you're actually shifting the burden and the cost from the school district and taxpayers to the individual parents.

I have some graphs to show you and you were having some I.T. problems, but I wanted to show you the makeup of the current student population and where they fall and live in this city. And you just hit it right on the nail. For the low income families, one of the reasons they don't take advantage of the transfer policy is the transportation. If it's a single parent, mom and dad working two jobs, unfortunately didn't have time to drive their kid to school in another part of town. So they rely on public transportation and sometimes that takes a little longer, so the low income students stay in low performing schools and we get in a situation, for the Hispanic community in particular since we make up 60% of the student population and the fact that nearly 65 percent of all students in AISD are low income families, that's a major issue.

sounds like you're on top of that. That's one of the things that you're considering. I just wanted to put a finer point on that. This is not just about cost to taxpayers and the school district, it's also cost to families and the kids themselves. And if kids have a longer way to get to school, there's a higher likelihood that we won't bother to get to school on some days and it has a huge effect on their ability to succeed downstream. Lastly, I'm looking at the accountability factor that you guys are looking at. And these seem to be the standard performance targets that were established by no child left behind that T.E.A. has been producing for a long time. The socioeconomic status, the status of the parents and the neighborhood. That's something which is on the radar screen to be considered?

absolutely. We're definitely looking at that and talking to the policymakers about that.

my friend Chris Daugherty has been working on this and has produced a lot of new performance indicators on a school by school basis which suggests that some of the schools we thought were failing are in fact in the contest of the neighborhood and the parents' lack of English capacity, never finished high school, on to college. Those schools are doing better than we thought they were.

I think the prime example of joint collaboration that we did a few years ago in Austin between the city and the school district is the

Mayor Leffingwell: Paul, are you answering the question. Spell I believe he's about to answer any question.

it's the J Jake pickle joint facility where it's the school, it's a neighborhood center, it's a recreation center. I think that's a fantastic example of more collaborative opportunities between the district and the city is looking at those, especially when we come and have to consider future bond elections. We can combine our resources there and really emphasize the need for joint facility utilization.

Spelman: You did a wonderful job of reading my mind because that was the question I was about to ask you. Thank you.

Cole: Mayor, I have a couple of questions. Again, I want to thank you for all your work on the taskforce.

Now, are you on the current taskforce or previous taskforce?

previous taskforce. I was the facilitator for the strategic plan that the district is using now. But this is a committee report. We did this a few years ago and we presented this at the end of 2008. But this is one of the resources that is being considered by the facilities taskforce discussions right now.

okay.

we're still in implementation.

Cole: I notice the the statements about the need for collaboration and I couldn't agree more, but I still want to be absolutely clear that everyone understands that these decisions belong squarely in the lap of the school district. That being said, the implications of those decisions have on the city as a whole are enormous. For example, within the past year in total we have passed several economic development agreements in conjunction with the State of Texas that barely total the amount of employees that the district just laid off. So we have a real interest in weighing in just on that basis alone. I am familiar with the Jake pickle campus, but I also know that the school district is not anticipating going out for bond for any new facilities any time soon. Is that correct?

well, there's been discussion obviously with given all the discussion, that is probably going to be postponed. I know they were contemplating either spring or fall. I think that has been postponed.

so would you agree or how do you feel about the need to look at the facilities that the school district already has, taking the ones that they may take off the table or close, and the facilities that we have for joint use?

absolutely. I think that's definitely right on the mark, councilmember.

Cole: Okay. And I really seized on your transportation point because I think it's an angle that deserves a lot more consideration because we talk about multimodal transportation and we really mean that, but I don't know if we have looked at how much we mean it in connection with our kids because that's different. And so I just want to bring that up to you and the colleagues and the public in general because I think it's a conversation that we not only need to have with Capital Metro, but also with the University of Texas and probably most importantly with my colleague and councilmember Chris Riley. So that being said, the final thing I wanted to ask you to do, and you don't have to answer this question now, but I am also trying to stay focused in dealing with this issue on the fact that people rightfully expect a lot out of government. Whether it's the state or the school district or the city or the county. But we are reaching and have reached a crisis. And we're going to need a whole lot out of people. And that especially includes a dedication to children that are not yours. That don't live in your neighborhood, that you might not know, that maybe either low income or not. And a commitment to volunteer to help with that. And so a lot of this what I call energy being placed on closure or not closure and generally it is don't close my school. And I understand that sent meant, having the most kids on council. But we really have to get to a point where we rise above just being about my kid and say, I need to be a part and want to be a part of the solution and not just the problem. Can you take that message back?

absolutely.

Cole: Can you help he when we start organizing people to do that?

absolutely. Thank you so much.

Mayor Leffingwell: You have the most kids on council? Does that include me?



Cole: Wait a minute. I don't know.

Mayor Leffingwell: Just kidding, councilmember. So all the speakers are signed up on this item in favor. These are all the speakers that we have signed up wishing to speak. Deidra, Bryan could we hold it down a bit on the dais, please? Bryan, Elaine, Hannah, Kent, Catherine, Sharon, Steven, John, Kelly, Johanne, Antonette, Whitney black, Margot, James Medina, Meredith roach, Ruben Martinez, Mary, Rachel Meyer. Jackie, Debratate, Ed he'sston are also signed up in favor, not wishing to speak. I'll just make a very brief comment. I sponsored this resolution because I think it is schools are obviously what happens to the schools happens to the City of Austin. It's very important. So obviously we're concerned. We want to do what we can to help. But the method of help is going to be very complex. And advice is going to come from a lot of sources. I know that. But this resolution directs the city manager to enter directly into discussions with the management of AISD to identify possibilities, efficiencies, partnership opportunities to help ensure the success of AISD schools. So with that I'll entertain a motion on item number 48.

Martinez: Move approval.

Mayor Leffingwell: Mayor pro tem moves approval. Councilmember Shade seconds. Mayor pro tem?

Martinez: I wanted to make a few comments because I think it's important, and you've already alluded to it and we've discussed it yesterday in a work session. We have to manage expectations with this item. This is not the silver bullet that's going to solve all of our problems at AISD or here at the city for that matter. But obviously what we're saying as a council is we want to help to whatever extent we can possibly help. We value our school system so much so that we truly believe that Austin will be forever changed if some of these decisions aren't averted and if we don't step up and help. So I don't want folks to come away with the unrealistic expectation that this is going to keep all of these schools from closing and keep all of these difficult decisions from having to be made. That is not the case there's still going to be very difficult decisions that have to be made. What we're saying or at least what I'm saying through this resolution is we want to help however we can and we're asking our city staff to help us identify those areas. So I wanted to thank the mayor and Councilmember Shade for co sponsoring the item as well as my colleagues who I hope support this item. Thank you.

Mayor Leffingwell: Is there a motion? Mayor pro tem, was that a motion for approval? Mayor pro tem moves to approve item number 48 and seconded yeah, we already did that, by Councilmember Shade. Sorry. And I think mayor pro tem's comments are all exactly on target. The limitations on the City of Austin are going to, as I said, be very complicated. It's not a silver bullet. We also have to take into consideration that it's not just AISD that is affected. Most of the schools in the State of Texas are going to be adversely affected by these budget cuts at the state level. Here in the City of Austin we have AISD, but we also have pieces of seven other school districts. Round Rock for example has a big chunk and they're facing a 60 million dollar shortfall. So our challenge is going to be to find ways that are effective and that we can do and that we can afford and that are equitable across the board. So with that said all in favor of the motion say aye? Opposed say no. It passes on a vote of seven to zero. Without objection, council, let's go to item 15. Councilmember Riley has brief comments.

Riley: Thanks, Meyer. I have a question for staff on this. Item 15 is the engineering contract for the restoration of Pease Park. I'm delighted to see this item. I want to applaud the parks department for this and working with community stakeholders like the trees for Pease group. I understand there will be a tree planting day this Saturday. I'm very excited about all that work going forward. At the same time I understand that there has been a lot of concern in the community about the loss of the disk golf park that was at PEASE. At times in the past I've heard staff and others suggest that there might be some possibility of some accommodation of disk golf at Pease Park in the future in some downsized version. I understand that this engineering contract does not include any contemplation of accommodating any future disk golf. I wanted to be clear about that. At this time the department is not looking at any

possibility of accommodating disk golf in Pease Park in the future?

Sarah Hensley, parks and recreation. We're too glad that this work is going to be completed because it's so necessary as far as stabilization of the bank and other areas where we have serious runoff issues. As you well know, we stopped the disk golf effort recently in anticipation of course of what's coming for the work with the consultant. As we did that, we also worked with watershed protection who was willing to include as a part of the work with the consultant team that they would actually master plan the park for us and help us look at acceptable uses in this park. So from a parks and recreation standpoint, we're not saying that we're going to add disk golf back in. What we are seeing is that we're going through a public process through master planning this park, which will involve trees for PESAE and other stakeholders and look at what are appropriate and acceptable uses in this park. And at that time whatever those acceptable uses are, how would they be handled in this park? Which we've already seen some significant from a lot of uses. I say that because I don't want to make sure that the disk golf community knows that we do value disk golf and are really diligently looking for a space to put some more disk golf. We have to be careful and look back and where we put it previous, 20 years ago. Was it the right place? Was it in the right location of a park and did we lay out the course appropriately in consideration of our trees and landscaping? This will do that. This plan will help us master plan the park and look at what is the appropriate uses and activities that can be held in this park and then where, if any. And so the good news is we're not going to count anything out, but we as a department are not going to say we're putting disk golf back in the park.

Riley: I see. So we are heading into a master planning process. So to the extent that the public were to step forward and say that we think you could reasonably accommodate some downsized version of disk golf in this park, that would still be open for discussion?

we certainly wouldn't cut them out of the picture and that's the whole idea of completely relooking and master planning the area. It's a much needed service that's actually been needed for a long time. And it's everything from where what we're currently doing, what we were doing, the volleyball courts and where they are, the overuse of some of the areas, the fact that there is further up north the off leash area, all of these things are going to be looked at. We're going to be working with a consultant to try to address appropriate and acceptable uses.

and how long do you expect that process to take?

that's a question I can't answer, but I can let my friends in watershed answer that question.

Morgan buyers with watershed protection, the project sponsor. The design process, we expect it to take up to about a year. Starting probably should be under contract with this proposal within a couple of months. So essentially 12 months through the design process.

Riley: And that process will include opportunities for public engagement?

most definitely. Several stakeholder opportunities throughout that process.

Riley: And there will be notice of interested groups about those opportunities?

most definitely.

Riley: Great. And Sarah, if I could just ask you, in the meantime for those that have been enjoying disk golf at Pease Park for years, can you briefly update us on where we stand in terms of our efforts to identify alternative disk golf locations?

I sure will. I'm glad to do that actually. We sat down with some of our friends, Susanna Almanza and

Steven ray and we actually looked at another piece of property that is close to the existing site, which was adjacent to Roy G. Guerrero park. What we were able to work out is that there is a site there as part of Roy G. park that is underutilized and in desperate need of revitalization and we believe we found a win win resolution. Our staff will go back to this group as well as others who were not at the table and talk about the option here and the win win resolution. Begin work on an alternate disk golf course there. We also have Mary Moore C. Wright. Circle C at slaughter park. We have our own Zilker Park that we're revitalling right now. We are we do want to support our disk golf community. We want to do it in the right place, the right time and the specific park location.

Riley: Can you give us a general idea of the timeline you have in mind for the new facility at Guerrero park?

I can't really give you a set time because the first thing we want to do is bring everyone back to the table. Sometimes that takes longer than we would like. After that we want to be respectful of the property as well and looking at the trees and the ground. We think we're okay there. So I think I'm thinking we can have our discussions and everything completed in the next month to two and then look forward to being able to come back and say we actually have a site we'll be working on. That will take at least six months to complete that.

Riley: Okay. For those in the disk golf community who may be interested in participating in the discussion about that course or any other possible locations for disk golf, can you just generally tell us how they would go about doing that?

absolutely. If you will click on our website with parks and recreation we'll have an area there about disk golf and an update. You can send us an e mail at the parks and recreation department or give us a buzz and while put them in contact. Our website will have information about disk golf and our next steps.

Riley: Thanks so much. Mayor, with that I'll move approval of item 15.

Mayor Leffingwell: Councilmember Riley moves approval of item 15. Seconded by Councilmember Spelman. Just Sarah before you get too far away. To manage expectations again and for clarity, we're talking about a year to complete the reconstruction process. After that it's going to require quite a bit more time. I don't know how much more, to rehabilitate for the design the vegetation and the design to take root. So I don't want anybody to say that in a year we'll be considering opening Pease Park for disk golf.

no, sir, you're correct. It will take quite awhile for the vegetation and some of the foliage to come back.

Mayor Leffingwell: Right, even trees to grow.

right. Our trees are getting a lot of huff right now, but it will take a lot longer for them to grow and prosper with some of the overuse and other that have happened.

thank you for good work on there.

Mayor Leffingwell: Motion on the table. All in favor say aye? Opposed say no? It passes on a vote of seven to zero. Number 30, pulled by Councilmember Cole. Councilmember Cole, you have the floor.

Cole: Thank you, mayor. I wanted to first thank the staff for their hard work on this policy. I also know how much more work you put into the PID policy. And I do prefer the PID policy, but I am supporting this item because I think that it gives us another tool in the tool box, especially as we try to develop the desired development zone. A so that's the only point I wanted to make on to the extent that we use it. If the entity decides if we died that we do not like the project that is being brought before us, then that

entity will have a chance to go to the TCEQ, but then we can challenge that at the TCEQ. So because it widens our options, I will be supporting it and I will move approval, mayor.

Mayor Leffingwell: Councilmember Cole moves to approve item number 30. Seconded by the mayor pro tem.

Martinez: Mayor, if I could. I wanted to ask a couple of questions. Not really ask a couple of questions, but maybe one question. So in the new M.U.D. policy it contemplates things like green building and design standards. And the values that we want for potential development to happen in and around our community.

yes, sir.

Martinez: It specifically refers to things like Austin energy's green building program.

yes, sir.

Martinez: But does that mean that even if they're not within Austin energy service territory they have to comply with our green building program or does it mean a similar or comparable type of development that would match our green building program?

our preference would be that they would comply with standards by the green building program; however, if the developer didn't want to do that and wanted to make a suggestion as a substitute, that would be something that we would bring back to council and see if that's enough value for you to consider a creation of a M.U.D.

Martinez: Okay. Thank you. Thanks, mayor.

Mayor Leffingwell: Councilmember Shade.

Shade: I just wanted to follow up on that and say that it's going to be really important that you that those options be available because clearly we have some complex service areas in the area that will be impacted by this. I'm thinking of bluebonnet in particular, that sort of thing.

yes, ma'am. We understand that and we're pulling from the PID policy and we recognize that there may be some variances from that, but that that would be the preference and it would be up to city council if you wanted to choose to go differently.

Shade: All right. Thank you.

Mayor Leffingwell: Councilmember Cole.

Cole: Bart, can you explain to me what is at issue at the legislature in connection with this policy?

The issue isn't particularly with the policy, it's with PID's. And the issue is an interest cap from a 2009 legislation that was passed. What we're hoping is that the legislation this year will happen that will resolve that issue so that there is not a cap on interest rates for PID's. That will make it more less speculative and more desirable by developers. And I also believe that having in August of 2010 city council approved the whisper valley and Indian hills PID and we're hoping with the successfulness of that we can also build a track record that the PID policy and PID's in Austin can work and are a viable means of doing that.

Cole: Is that a part of our current legislative program?

as far as I know, John Hearne, if he's available, may come in and speak to this. We are not proposing a particular bill for that, but I understand that other developers and entities are suggesting a change to that 2009 legislation that would resolve those issues.

John is walking up behind you. Let's get him up here.

it is in our legislative program and it is also in TML's legislative program.

Cole: So one advantage of us passing this item today is that we are in essence supporting our own legislative program as well as TML. And moving this item forward as a tool for cities to use.

it's an ancillary action by the council, not necessarily directly tied to the PID issue. The PID problem is really just a technical issue dealing with the sale of those PID bonds.

Cole: Okay. So just another tool for PID's.

right.

Cole: Okay. I move approval, mayor.

Mayor Leffingwell: Councilmember Cole moves approval. Are you already done? All right. I thought so.

[INAUDIBLE NO MIC].

Mayor Leffingwell: Is there any further discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. So now we'll go to item number 49, which was pulled due to a number of people signed up to speak. First speaker is heather Fozio. Is heather in the chamber? Okay. Several people donating time. Glen may. Okay. Chris Bailey. Claudia Smith. Claudia Smith? Claudia Smith not in the chamber. So you have nine nine minutes.

good morning, council. It was last Thursday that I found out about this resolution being placed on the agenda for today and I was very excited. I thought we had done it. We worked hard. We went through the process and it worked. We have representatives that are going to represent us and help keep body scanners and enhanced pat downs out of the Austin airport. This resolution was made available on Friday afternoon and I couldn't believe what I was looking at. It had nothing to do with keeping body scanners out. This is what we've come up with is to instruct staff to talk to the U.S. Congress? The same U.S. Congress that just voted to pass the patriot act to extend it again which three out of the four a Austin delegates actually voted for? The same U.S. Congress that's been sending our brothers and sisters over to Iraq and Afghanistan to fight an endless and immoral war for profit? That Congress!!?? Isn't it obvious that the U.S. Congress is the problem here, that they've allowed this runaway agency to get so out of control that they are literally strip searching children in airports in order to fight terrorism. This resolution will do nothing. When Marc Ott goes to the Austin delegates for the U.S. Congress, they're going to regurgitate the same BS that was told them. We have provided you with the facts the ineffectiveness of this technology. The fact that it is a gross violation of the U.S. and Texas constitutions, not to mention child pornography and indecency with children state laws. And that it is incredibly risky to the health of Austinites and anybody that travels into and out of ABIA. Which and also the experts that y'all have appointed to the airport advisory commission. They made a recommendation, which was directly in line with the demands of the people. We want body scanners to stay out of our airport. We want enhanced pat downs to come to a complete halt. Which brings me to another point that this resolution does nothing to address the enhanced pat downs that are going on. The sexual assaults that are happening regularly at ABIA. Have y'all no interest in the rights of travellers to basic human

dignity? And let me tell you guys something about rights. My rights come from God. My rights come from my essence as a human being on this planet and they cannot be negotiated by any form of government, local or otherwise. And I don't care how beneficial or effective some Washington bureaucrat says a safety measure is. There's no level of national security that I'm willing to give up my rights for. I'm willing to risk my health and the relate of my family for. I have the right to travel. I have the right to not be unjustly searched, period. No butts, no what if's, period. I watched the work session yesterday, which I really appreciate the work session being available so we can hear the discussion that you guys are having about these issues. And weigh noticed is that you guys team to be operating like you're an affiliate of the federal government. There are different levels of government for a very good reason. It's designed to be a checks and a balance system. And it is your responsibility to represent and defend the people of Austin whether or not daddy likes it or not. What is the purpose of even having a City of Austin or a State of Texas if the federal government is just going to deck at a time every aspect of our lives, including city owned and operated airports. We are either free or we are subjects to a federal government that has become more of an oppressor than a servant. So y'all tell me, are we subject to the jurisdiction, even at the cost of our freedoms? Councilmember Cole, you brought up a really great point yesterday that we pass constituent has been known for passing resolutions, symbolic resolutions that are outrageous violations of human rights, like the patriot act and the war in Iraq. But ultimately we don't have jurisdiction over those things. But they are symbolic. And you as a body that represents a people that is firmly opposed to such acts of aggression have a duty to up hold that and to do what you can, even if it is just a symbolic resolution, which is by the way not what we wanted. We want something firm that says we will not allow body scanners in Austin and we will not allow people to be sexually assaulted at our airport. Not just a symbolic gesture, but if that's what you feel like is the only thing you can do, then that's what we want from you, a symbolic gesture that tells the federal government what we want here in Austin and what we don't want. Unfortunately also a big concern that you and the mayor had were our eligibility for future grants if we pass a resolution like this. And it looks to me like you guys are more concerned with politics and money than you are with morals and freedom, which is unacceptable in a free society from elected representatives. [ APPLAUSE ] Councilmember Spelman, thank you for bringing this up. It has shed some light on the true colors of this council. You said yesterday that the feds are going to do what the feds are going to do and you're absolutely right. As long as at the local level we have spineless politicians representing us, then they will run over our rights at every opportunity that they can seize. Riley and Morrison, both of you didn't have a word to say about this resolution and I'm particularly a little disappointed in miss Morrison because you co sponsored this resolution and when given the opportunity you had nothing to say about it. Mayor Leffingwell, first of all, you said that the airports rely heavily on F.A.A. grants and that's because they don't take taxpayer money. Well, my question to you is where do you suppose the F.A.A. gets their money, their funding? It comes directly from the taxpayers. We own and operate that airport, period, whether the money is coming from federal grants or not. And how dare you suggest that because we stand up for ourselves we're making ourselves a potential target for a terroristic act unless you're privy to some false flag terrorism plan against cities that dissent. And it sounds more like to me you are using the same scare tactics that the department of homeland security has been using on the people since its inception after 9 11. Scare the hell out of the people so that they will give up their freedom. Benjamin Franklin said it best, that those who are willing to give up essential liberty to purchase a little temporary safety deserve neither liberty nor security. Councilmember Shade, yesterday you said that you didn't think our lobbying efforts should be used for this issue, but I can't think of anything more important than protecting our children from harmful radiation or from perverts trying to take naked picture of them in an airport. I have a little brother and sister and subjecting them to this kind of abuse, so the question, which is why we will not fly until it is safe to do so. And I don't mean safe from some imaginary terrorist, I mean safe from the abuses of TSA in our Airports. And Mr. Martinez, you said you didn't enjoy the pat downs and you hated that they pull you aside and rip through your suitcase, but how do you feel about your wife being patted down by these thugs? How about your children? What happens to real men in this country that stood up for the honor of their family and the dignity of their wives and children? Is this really the direction that we're headed? Is society's moral fiber becoming so eroded that our elected representatives are willing to condone reprehensible behavior like this from our federal government? Austin is a beautiful city. Full of great people and culture. A culture rich with the passion of freedom and respect for individual rights. If this council cannot get with the program, it won't be long before the people of Austin are in the streets

walking like the Egyptians. Thank you. [ APPLAUSE ]

Mayor Leffingwell: Next speaker is Daniel (Indiscernible). Daniel. Signed up for the resolution. You have three minutes.

I just want to say that the TSA is absolutely terrifying and I am much more scared of them than of terrorists. Michael Rothchild, a business professor from the university of Wisconsin estimated that even if the a suicide bomber was able to take down one commercial airline a week and was able to pull off another 9 11 every year, your risk of dying in a terroristic attack would still be far less than dying from dangers that we all risk everyday, like driving a car or walking across the street. And flight would still be the safest form of travel there is. So the risk of terrorism is very tiny and it's just not worth subjecting people to these inhuman, indecent, cruel procedures in order to just let them go on a plane. You could probably make people a lot more safer just by removing security entirely because then people would choose to fly rather than drive. There was every kind of horror story relating to the abuse of the TSA procedures has already happened and I have many of them archived. There was a case of a Michigan man who had a colostomy bag, after a search had urine all over his clothes and had to fly without getting a chance to clean himself off. There was a woman in Corpus Christi, Texas who who sued the TSA after having exposed her bare breasts to the entire airport. Anyway, these things just go on and on. I'll stop now. One more thing I wanted to say. Peer reviewed paper written by I forgot to write it down. An evaluation of airport X ray back scanner units that the advanced imaging technology would not have caught the underwear bomber and that a suicide bomber could easily hide some kind of powder in a package that fits the contours of his body and the X ray would have gone straight through it. Thank you.

Mayor Leffingwell: Next speaker is Julie Miller. You have three minutes.

my name is Julie Miller and I'm a marketing consultant and in school for an advanced degree. I'm also a sexual assault survivor along with one in six women and one in 33 men with the rate of an estimated half of sexual assaults going unreported, it suggests it's closer to perhaps one in three women and one in 16 men if you would like to look around the room at these lovely people. I'm not the only one. My assaults occurred more than once when I was young by someone I should have been able to trust. It's a common story, but what many people don't know is that a victim's assault does not end when the incident is over. It was a long road of recovery for me that included much therapy and a hospitalization for stress and anxiety. I don't say this for sympathy, but I say it for empathy and hoping you understand where I'm coming from. What is occurring with the initiatives by the transportation safety administration for the enhanced pat downs and enhanced imaging technology feels like assaults all over again. To be photographed nude against one's will, even the possibility of this happening causes undue stress and fear. They do not work, they're easily fooled. They reduce the citizen vigilance that has helped keep us safe in many incidents and they infringe on constitutional liberties. All of these points are written in this resolution. But this resolution feels like to a citizen like me, it feels like a resolution to keep talking, keep learning and ultimately put it off. I'm asking you to consider a resolution condemning the alternative imaging technology. [ APPLAUSE ] We are fighting terrorism we are fighting terrorism by instilling more fear in the citizens. Citizens like me or anybody else. My family and I are actually planning my wedding for October. What was to be a happy occasion has brought a big element for me, and that's the idea of travelling after my marriage to celebrate it, like many people do. I'm a good citizen who has done nothing wrong. And I don't feel any American, any Texan, any Austinite, deserves this kind of treatment. We have to draw the line and not give the TSA carte blanche to do what they will. Please condemn these initiatives and consider protecting your citizens. [ APPLAUSE ]

Mayor Leffingwell: Next speaker is Debbie Russell. Donating time, Karen stack. You have six minutes.

I'd like tomorrow press upon you here today that while this resolution is crafted speaks to the crux of the issue well and represents the concerns of the people in the whereases. It's the be it resolved point that is the sticking point. While there is some possibilities in tossing this issue to the city manager, we've tried that in the past and sometimes it's proved to be a trajectory into a black hole. As our manager has

got plenty of issues to deal with where he actually has to negotiate differentiating factions here, we already know where we all are. The city manager is too busy to study the study, which we already have and we know how to read. We all know how we feel about this thing. We all know this supposes potentially grave health risks and is not about security, but instead about a couple of private entities, profit margins and a handful of bought and paid for congressmen, none of ours luckily that I've discovered. I've not met an Austinite who is for these measures, so let's try this. Who here, raise your hand, wants body scanners and pat downs in our airports? Not one. All right. This resolution as written seems to be putting off the inevitable or buying us time for something I'm not sure. And we might not have time to debate this in the next six months since the TSA has the resolutions are a broad expressions of opinion and often passed for democratic consensus, even when the subject matter is not under the purview of the governing entity. We've seen resolution is against the patriot act, since South Africa in the '80's. The KYOTA treaty like we saw here recently. It's imminently reasonable and responsible for council to use their voice to hold that our liberties be preserved. We've seen even these types of resolutions across the country on this matter. And none of them have become the target of terrorists. Such language is the stuff of right wing extremists that is proven to be far more detrimental to our security than Al Qaida has. This resolution should express the real public outrage of Austin residents regardless of whether it can do anything about it. It should be protest against the security system that has already proven to be a failure. We need to tell TSA we will not subject Austinites and visitors to unnecessary physical invasions be they scanners or pat downs and will not risk financially damaging our airport with these senseless, unfunded mandates. Many airports are hurting financially and are in conflict with the TSA over security. According to an airline consultant, an ACLU representative spoke with, they said the security they use the pointless intrusive efforts as a nuisance, a potent barrier to conducting pay day to day business. We manage our airport in cooperation with the F.A.A. and other agencies, not at the behest of, according to section 13 one 4 B on the charter. This is where folks make decisions together. That should be between the government and our people just as much as it should be of that of federal and local entities it and work to find the relationship and in this case it does. Cooperation doesn't entail questioning, compliance, especially given our liability and especially given number 3 up there on the screen, in spite of our liability to keep our airport financially afloat or limit our liability when privacy invasion issues arise. The TSA is force is passengers as it forces municipalities into a no win situation. Keep in mind Congress hasn't passed any legislation to mandate this yet. As far as the TSA's administrative mandate, they according to the law have to provide a reasonable alternative or opt out for scanners. If we say that pat downs aren't reasonable, then it gets kick up to Congress. So TSA's mandate is hardly a settled issue and is essentially an option and therefore it's legitimacy is up to cooperation. If the residents say no, then there's an inherent responsibility that our elected representatives in passing these valid issues at the governmental levels be dressed by resolution. While we must implement and enforce regulations imposed by the TSA, that's five up there, we have a say in it. A resolution is just that, a say. It's not legally binding, rather it just let's the feds know that we are responsible for the public health, safety and welfare here and we must satisfy residents' concerns before being forced to implement these measures. At the end of the day, sure, the feds are going to do what they're going to do, but we can put up our dukes and say we're not going down without a fight. This resolution [ APPLAUSE ] The Austin city council charged with representing the voices of its citizens should send the message to TSA that Austinites will not tolerate being forced into choosing between an unreasonably invasive body scan add an unreasonably invasive pat down. We need a resolution now that says no scanners or causeless pat downs, period, ever. Months down the road may be too late. The people have spoken. Council, please listen.

Mayor Leffingwell: Those are all the speakers that we have. Meredith roach has signed up for, not wishing to speak. And those are all the speakers that we have. I have a question. I believe we have a TSA representative here? Here today? Could you come up and I just had a question for you. It's my understanding that TSA is a tenet. It's not controlled by the City of Austin or the airport. They pay rent. The rules that they operate by do not come from the City of Austin. They come from the TSA hierarchy, is that correct?

SO IF WE TRIED TO STOP IT WE'D LOSE THE AIRPORT. WE COULD SHIP FREIGHT, I GUESS.



YOU COULD STILL RUN GENERAL AVIATION OUT OF IT. BUT COMMERCIAL AIRLINES

COMMERCIAL AIRLINES WOULD NOT. THAT'S ALL I HAVE. I WOULD JUST COMMENT I'M LIKE EVERYBODY ELSE, A QUESTION WAS ASKED WHO LIKES THE SECURITY PROCEDURES AND THE PATDOWNS. I DON'T THINK ANYBODY REALLY DOES REALLY LIKE THEM. BUT I THINK A LOT OF PEOPLE IF YOU CONTINUE THAT YOU'LL BE REMOVED FROM THE CHAMBERS. THERE WILL BE NO OUTBURSTS FROM THE GALLERY. SO NOBODY REALLY LIKES IT BUT EVERYBODY WANTS TO BE SAFE. AND THESE PROCEDURES ARE FORMULATED TO ACHIEVE THE HIGHEST PRACTICAL DEGREE OF SAFETY. AND I THINK THAT WE DO A DISSERVICE BY TRYING TONIGHT FEAR WITH THAT PROCESS. WHY I WOULD NOT SUPPORT SO THERE ARE LOTS OF OTHER REASONS WHY I WOULD NOT SUPPORT THAT.

COULD WE ADDRESS THIS LADY, PLEASE, WITH SECURITY?

SO I KNOW THE RESOLUTION ITSELF DOES NOT SPECIFICALLY CALL FOR THE SHUTDOWN OF SCANNERS. IT'S VERY RESPONSIBLE IF THAT WAY AN AND THANK YOU COUNCIL MEMBERS. BUT IT SHOWS WE ARE GOING ABOUT SOMETHING OVER BASICALLY WE HAVE NO CONTROL UNLESS WE WANT TO SHUT DOWN OUR AIRPORT. SO I DON'T WANT THE CITY OF AUSTIN TO LEAVE THAT IMPRESSION WITH THE T.S.A. THAT WE'RE ABOUT TO OR CONSIDERING OR THINKING ABOUT, WE REALLY OBJECT TO WHAT WE'RE DOING. WE WANT OUR PEOPLE IN THE CITY TO BE SAFE. AND WE'RE NOT REALLY WE DON'T HAVE THE CAPACITY TO MAKE THOSE DECISIONS, TO FORMULATE THE PROCEDURES. WE HAVE TO RELY ON OTHERS. THEY EVOLVE OVER THE YEARS. THEY CHANGE. THEY GO FROM METAL DETECTORS AND OTHER THINGS AND THEY'RE STILL EVOLVING. AND I BELIEVE IT IN THE FUTURE, POSSIBLY EVEN BEFORE AUSTIN GETS THESE SCANNERS BY THE WAY WE DON'T EVEN HAVE THEM YET THEY WILL EVOLVE TO THE POINT WHERE PRIVACY WILL NOT BE AN ISSUE. WE WILL HOPE FOR THAT. IN THE MEANTIME WE HAVE TO DO THE BEST WE CAN TO PROTECT THE CITIZENS OF OUR CITY AND THE FOLKS WHO USE OUR AIRPORT. SO I DON'T WANT TO LEAVE THE IMPRESSION THAT WE'RE NOT IN FAVOR OF THAT SAFETY. I DON'T WANT THE CITY OF AUSTIN'S NAME TO APPEAR ON A LIST SOMEWHERE THAT OPPOSES THE MEASURES, SECURITY MEASURES THAT ARE BEING TAKEN. AND I FRANKLY DON'T WANT TO THE QUESTION WAS RAISED EARLIER ABOUT POSSIBLY INTERFERING WITH OUR FEDERAL GRANTS WHICH WE USE TO EXPAND THE AIRPORT, NEW APRONS, RUNWAYS, TAXIWAYS, TERMINALS, ET CETERA. WHO KNOWS? BUT I THINK WE HAVE TO RECOGNIZE THAT AS A POSSIBILITY. FINALLY, AS FAR AS THE RESOLUTION ITSELF, I DON'T WANT TO DIVERT OUR VERY LIMITED LOBBYING RESOURCES IN WASHINGTON, D.C. TO AN EFFORT THAT REALLY IS SYMBIOTIC, AS THAT TERM HAS BEEN USED BEFORE. COUNCIL MEMBER SPELMAN.

SPELMAN: THANK YOU, MAYOR. I NOTICE THAT A REPRESENTATIVE FROM T.S.A. IS STILL HERE. IF I COULD ASK YOU A COUPLE OF QUESTIONS I'D APPRECIATE IT. I'M SORRY, SIR. I'VE FORGOTTEN YOUR NAME.

MIKE SCOTT.

SPELMAN: THANK YOU, MIKE. APPRECIATE YOU HERE. I'VE FORGOTTEN THE NUMBER OF AIRPORTS THAT THE SCANNERS HAVE BEEN IMPLEMENTED IN. I KNOW AUSTEN IS NOT YET. HOW MANY AIRPORTS HAVE THESE SCANNERS NOW?

I THINK THE NUMBER IS ABOUT 78.

SPELMAN: IT'S MY UNDERSTANDING THERE ARE AT LEAST, TWO MAYBE THREE DIFFERENT KINDS OF SCANNERS THAT BE BEING EMPLOYED RIGHT NOW. CAN YOU TELL ME ABOUT THAT?

TO MY KNOWLEDGE THERE ARE TWO DIFFERENT MANUFACTURERS OF THE SCANNER. ONE IS RAPID SCAN, WHO USES THE I CAN'T THINK OF THE TECHNOLOGY BUT THE THE L. 3 EQUIPMENT IS MILLIMETER WAVE TECHNOLOGY. AND THAT'S THE TWO DIFFERENT TECHNOLOGIES.

SPELMAN: THE OTHER ONE IS BACK SCATTER IS IT?

THAT'S CORRECT. L. 3 MILLIMETER WAVE AND BACK SCATTER.

SPELMAN: WHAT DETERMINES WHICH OF THOSE TWO YOU PUT INTO AN AIRPORT?

I DON'T HAVE ANY IDEA. THERE'S A PLANNING TEAM IN OUR HEADQUARTERS THAT RESOURCES PLANS AND DEPLOYS.

SPELMAN: YOU IMPLEMENT THE TECHNOLOGY WHEN IT'S PUT INTO YOUR LAB?

YES, SIR. I DO KNOW WHEN AND IF WE GET IT IN AUSTIN I KNOW THE BRAND. WE WILL BE GOING WITH THE MILLIMETER WAVE. SOME OF THAT MAY HAVE TO DO WITH THE SIZE AND FOOTPRINT OF THE TECHNOLOGY. BUT THAT'S WHAT I'M TOLD THAT WE ARE SCHEDULED FOR STANDARD

SPELMAN: STANDARD MILLIMETER WAVE HAS BEEN IMPLEMENTED ELSEWHERE IN THE COUNTRY?

YES, SIR. .

SPELMAN: I UNDERSTAND THERE'S A SCREENER THAT IS DIFFERENT, PROVIDES MORE OR LESS A STICK FIGURE RATHER THAN THE DETAILED BODY SCAN TO THE PERSON WHO'S ACTUALLY DOING THE SCANNING.

IT'S NOT ACTUALLY A STICK FIGURE. IT'S BEING TESTED FIELD TESTED RIGHT NOW IN THREE DIFFERENT AIRPORTS. I BELIEVE IT'S LAS VEGAS, WASHINGTON NATIONAL, AND ATLANTA. MAYBE ATLANTA. AND IT'S CALLED AUTO THREAT RECOGNITION. AND BASICALLY IF THE PASSENGER ENTERS THE TECHNOLOGY AND IF THERE'S AN ANOMALY NOTED, THEN THE IMAGE THAT'S SEEN IS JUST AN OUTLINE OF A PERSON. IT'S JUST AN OUTLINE. AND THEN AUTO A BOX IS DRAWN AROUND WHEREVER THE IMAGE OR THE ANOMALY IS LOCATED. SO AT THAT POINT THE PRIVACY ISSUE GOES AWAY. AND IT'S BEING TESTED. AND I UNDERSTAND IT'S BEING TESTED VERY SUCCESSFULLY IN THOSE THREE AIRPORTS.

SPELMAN: AND THIS THREAT TECHNOLOGY IS SOFTWARE ADDED TO EITHER THE MILLIMETER WAVE OR THE BACK SCATTER TECHNOLOGY.

SPELMAN: THEN YOU'VE GOT THE SOFTWARE ON TOP OF IT THAT REDUCES THE SCANNER TO INVADE COMPANY'S PRIVACY IN MY OPINION AND LOOK AT THE DETAILED OUTLINES OF SOMEBODY'S BODY.

THAT IS CORRECT.

SPELMAN: OKAY. WHY IS IT THAT AS YOU CONTINUE HASN'T GOT ONE OF THESE THINGS YET?

FIRST OF ALL, THE PEOPLE IN THAT PLANNING GROUP ACTUALLY HAVE TO LOOK AT THE

AIRPORT FLOOR PLANS, SPACE IS AN ISSUE. THERE'S A LOT OF FACTORS THAT THEY LOOK AT. AND RIGHT NOW WE'RE JUST NOT ON A SCHEDULE FOR DEPLOYMENT.

SPELMAN: AND IF I ASKED YOU IN E.T.A. FOR ONE OF THESE SCANNERS YOU WOULDN'T BE ABLE TO GIVE ME ONE?

I HAVE NO IDEA.

SPELMAN: BUT WHATEVER WE HAVE THE DECISION IS GOING TO BE MADE IN WASHINGTON BY THE TEAM THAT'S WORKING NATIONWIDE ON THIS SUBJECT, NOT BY YOU AND NOT BY THE CITY OF AUSTIN, IS THAT CORRECT?

THAT IS CORRECT.

SPELMAN: THANK YOU, SIR. APPRECIATE YOUR HELPING ME. MAYOR, I HAVE A VERY SHORT PRESENTATION. IT WILL BE THREE MINUTES OR LESS AND YOU CAN TIME ME IF YOU LIKE.

MAYOR LEFFINGWELL: TAKE ALL THE TIME YOU NEED.

SPELMAN: UNDERLINING FOR THE ADDITIONAL SECTIONS, THERE ARE TWO WHEREASES WHICH HAVE BEEN ADDED AND SOME SMALL CHANGE IN THE BE IT RESOLVED AS TO A LITTLE BIT OF ADDITION. ALL THESE ADDITIONS WERE SUGGESTED BY OUR FRIEND AT TEXANS FOR ACCOUNTABLE GOVERNMENT. OF ALL THEIR SUGGESTIONS I DIDN'T TAKE THEM ALL BUT THREE OF THEM WHICH I FELT WERE VALUED. FUNDAMENTALLY THIS IS EXACTLY THE SAME RESOLUTION AS HAS BEEN AVAILABLE AND BACK UP FOR A WEEK AND WHICH WE HAD A CHANCE TO TAKE A LOOK AT YESTERDAY. LET ME CLARIFY ONE LAST TIME WHAT THIS DOES AND WHAT IT DOESN'T DO. WHAT THIS DOES IS ASK OUR CONGRESSIONAL DELEGATION FOR HELP. WE'RE INTERESTED IN KNOWING WHAT THE HEALTH RISKS OF THESE ADVANCED IMAGING TECHNOLOGIES OR BODY SCANNERS ARE. I'M INTERESTED IN ENSURING THAT WE ARE GETTING ENSURING PASSENGER PRIVACY. I'M INTERESTED IN ENSURING THAT WHATEVER WE DO IS IN FACT GOING TO BE MORE SECURE, THAT WE ARE GETTING A BENEFIT FROM SECURITY, AND I'M ALSO INTERESTED IN ENSURING THAT WHATEVER SCANNING SYSTEM IS EVENTUALLY IN PLACE IN AUSTIN, TEXAS IS THE RIGHT KIND OF TECHNOLOGY. IT'S A TECHNOLOGY WHICH IS GOING TO GET US THE BEST SECURITY GAINS WITH THE LEAST PRIVACY RISKS AND LEAST HEALTH RISKS. WHAT THIS IS ASKING IS FOR THE FOUR MEMBERS OF OUR CONGRESSIONAL DELEGATION AND MORE POINTEDLY THEIR STAFFS SOME OF WHOM ARE ALREADY ENGAGED IN THIS ENTERPRISE ALREADY TO HELP US IN UNCOVERING THE INFORMATION AND WORKING WITH T.S.A. TO MAKE SURE THAT ALL THIS IS ACCOMPLISHED. NEXT SLIDE, PLEASE. HERE'S WHAT IT DOESN'T DO. IT DOES NOT PUT THE CITY OF AWE TIN OR CITY COUNCIL ON RECORD AS OPPOSING BODY SCANNER TECHNOLOGY IN ANY WAY, SHAPE OR FORM. IT D'S NOT PUT THE CITY OF AUSTIN IN THE POSITION OF OPPOSING ANY KIND OF SECURITY TECHNOLOGY AT ALL AND CERTAINLY DOESN'T TELL T.S.A. WHAT TO DO. ALL WE'RE DOING IS ASKING OUR CONGRESSIONAL DELEGATION FOR THEIR ASSISTANCE IN GETTING THE INFORMATION WE NEED TO GO BACK TO OUR CONSTITUENTS, SOME OF WHOM WERE HERE AND HAVE LEFT, SOME OF WHOM ARE STILL HERE, WHO HAVE LEGITIMATE CONCERNS ABOUT THE HEALTH RISKS OF THE BODY SCANNING TECHNOLOGY, WHO HAVE LEGITIMATE CONCERNS ABOUT THE PRIVACY RISKS AND WOULD LIKE OUR ASSISTANCE IN ENSURING THAT TRAVEL IS NOT ONLY SAFE FROM A TERRORISM PREVENTION POINT OF VOW BUT ALSO SAFE FROM A HEALTH RISK AND PRIVACY RISK POINT OF VIEW. NOW, JUST BECAUSE THESE ISSUES HAVE BEEN RAISED DOESN'T MEAN THEY NEED TO BE TAKEN TOO SERIOUSLY. LET ME GIVE YOU A COUPLE OF REASONS WHY I THINK WE OUGHT TO TAKE THEM SERIOUSLY. NEXT SLIDE, PLEASE. WHY DON'T YOU TAKE THE WORD FOR THE HEAD OF THE ALLIED PILOTS ASSOCIATION WHO IS VERY CONCERNED ABOUT BODY SCANNERS. CAPTAIN DAVE BATES

WHO'S THE HEAD OF THIS PILOT'S ASSOCIATION, THE LARGEST INDEPENDENT ASSOCIATION OF AIRLINE PILOTS HAS 11,500 MEMBERS WORLDWIDE, SAID A YEAR AGO, "I RECOMMEND THAT OUR PILOTS REFRAIN FROM GOING THROUGH THE I.T. SCANNERS. THE BACK SCATTER DEVICES NOW BEING DEPLOYED PRODUCE IONIZING RADIATION WHICH COULD BE HARMFUL TO YOUR HEALTH." HE GOES ON IN A LETTER TO ALL OF HIS MEMBERS SUGGESTING THAT BECAUSE THEY RUN ALREADY HIGHER RISKS OF RADIATION JUST BECAUSE OF THEIR DAILY JOBS THAT THEY ARE AT A HIGHER RISK OF CATCHING CANCER THAN ANYBODY ELSE IS AND THEREFORE ANY ADDITIONAL RISKS WITH RADIATION ARE GOING TO BE PARTICULARLY IMPORTANT TO AIRLINE PILOTS. HE'S WORRIED ABOUT THE HEALTH RISKS. I THINK IF IT'S GOOD FOR THE AIRLINE PILOTS IT'S PROBABLY GOOD FOR THE PASSENGERS AS WELL. NEXT SLIDE, PLEASE. ALTHOUGH THERE HAS BEEN SOME DISCUSSION THAT THERE HAVE BEEN EVALUATIONS OF RADIATION RISKS ASSESSMENT UP TO THIS POINT, SO FAR AS I CAN TELL IT HAS BEEN LIMITED ONLY TO THE AMOUNT OF RADIATION COMING OUT OF THE SCANNING DEVICE. JOHNS HOPKINS WHO WAS IN CHARGE OF THE EVALUATION OF THE IMAGING TECHNOLOGY WAS ASKED SHE SAID THIS IS NOT OUR ROLE. WE DO NOT CONSIDER PASSENGER SAFETY. WE ONLY CONSIDERED BASICALLY THE AMOUNT OF RADIATION COMING OUT OF THOSE DEVICES. SOMEBODY ELSE HAS GOT TO TAKE ON THE NEXT ROLE OF IDENTIFYING THE EXTENT TO WHICH THAT RADIATION IS GOING TO AFFECT PASSENGER HEALTH RISKS DOWNSTREAM. WE HAVEN'T GOT THAT YET. NEXT SLIDE, PLEASE. JUST WITH RESPECT TO HEALTH RISKS WHICH I THINK THE JURIST STILL OUT ON AGAIN I'M NOT FOR OR AGAINST THIS TECHNOLOGY. I'M JUST ASKING QUESTIONS ON BEHALF OF MY CONSTITUENTS WHO ARE THEMSELVES QUITE PROPERLY ASKING QUESTIONS THEMSELVES. I HAVE FEWER QUESTIONS TO ASK ABOUT THE PRIVACY ISSUES BECAUSE THIS IS A LITTLE BIT CLEARER TO ME. NOW, IT DID NOT COME ACROSS QUITE SO CLEARLY AS I HOPED IT WOULD, BUT THIS IS THE IMAGE THAT WOULD BE SHOWN TO A T.S.A. EMPLOYEE EMPLOYING THE BACK SCATTER IMAGING TECHNOLOGY. AND IT'S LOOKING AT SOMEBODY WHO IS GOING THROUGH THE SCANNER. THIS IS WHAT THEY TAKE A LOOK AT. I DON'T KNOW ABOUT YOU, BUT THIS WOULD SEEM TO ME TO BE I WOULD FEEL THIS TO BE A THREAT ON MY PRIVACY. I JUST FOUND OUT THAT THIS IS NOT THE IMAGING WE'RE GOING TO GET. WE'RE GOING TO GET THE NEXT ONE. THIS IS A MILLIMETER WAVE TECHNOLOGY. THIS DOES NOT SEEM TO ME TO BE MUCH OF AN IMPROVEMENT OVER THE BACK SCATTER IMAGE. IT SEEMS TO ME THAT WE'RE SACRIFICING A TREMENDOUS AMOUNT OF PRIVACY FOR WHAT MAY OR MAY NOT BE A LARGE GAIN IN SECURITY. I DON'T KNOW IT'S A LARGE GAIN IN SECURITY. I DON'T KNOW THAT IT'S NOT. AGAIN I'D LIKE TO HAVE MORE INFORMATION ON THAT SUBJECT. FINALLY IF I GO TO THE NEXT SLIDE? THIS IS A LITTLE BIT FUZZY, I'M AFRAID. DIDN'T COME ACROSS AS CLEARLY AS I WANTED. BUT THIS IS THE STICK FIGURE LIKE IMAGE THAT THE FELLOW FROM T.S.A. WAS DISCUSSING A FEW MOMENTS AGO. NOTICE THAT WE'RE NOT TALKING ABOUT THE BODY IMAGE IS MUCH MORE BLURRED. WE'RE TALKING ABOUT A STICK FIGURE WHICH WOULD BE THE SAME FOR ALL CASES AND THOSE PARTS IN YELLOW ARE IDENTIFIED AS THE ANOMALIES WHICH WOULD PRESUMABLY BE FOLLOWED UP ON BY THE T.S.A. EMPLOYEES. FROM A PURELY PRIVACY POINT OF VIEW, THIS DOESN'T BOTHER ME A BIT. I'LL WALK THROUGH ONE OF THESE THINGS ANY DAY OF THE WEEK. BUT I'M GOING TO HAVE SERIOUS CONCERNS ABOUT WALKING THROUGH EITHER THE MILLIMETER WAVE OR THE BACK SCATTER TECHNOLOGY BECAUSE I DON'T KNOW WHAT SOMEBODY'S GOING TO DO WITH THAT IMAGE. THERE HAVE BEEN AT LEAST SOME UNCONFIRMED REPORTS OF SOME T.S.A. EMPLOYEES COPYING THOSE IMAGES, PUTTING THEM IN A DISC SOMEPLACE AND TAKING A LOOK AT THEM LATER. I'M VERY UNCOMFORTABLE FOR THE CAPACITY OF SOMEBODY TO BE ABLE TO DO THAT. ALL WE'RE TRYING TO DO HERE IS ASK SOME QUESTIONS, NOT TO COME UP WITH SOME ANSWERS. IF WE HAVE ANSWERS WE MAY BE IN A POSITION OF THEN SAYING WE OPPOSE USE OF THIS TECHNOLOGY OR WE FAVOR USE OF THIS TECHNOLOGY. WE'RE NOT THERE YET. BUT I WANT TO ASK THE QUESTIONS. I WOULD LIKE SOME ASSISTANCE IN DETERMINING THE EXTENT TO WHICH OUR CONSTITUENTS ARE APPROPRIATE IN THEIR CONCERNS ABOUT PRIVACY RISKS AND HEALTH RISKS. AND I WOULD BE GLAD TO ENGAGE THE LIKE TO ENGAGE THE ASSISTANCE OF OUR CONGRESSIONAL DELEGATION AND FEDERAL AGENCIES

IN GIVING US THOSE ANSWERS. MAYOR, I MOVE FOR APPROVAL OF THIS ITEM.

MAYOR LEFFINGWELL: WANTS APPROVAL OF ITEM 49. SECONDED BY COUNCIL MEMBER MORRISON. BEFORE WE VOTE, I WANT TO MENTION THE REFERENCE, MAKING SURE NO ONE GOES AWAY FROM HERE THINKING THAT STATEMENT FROM THE ALLIED PILOTS ASSOCIATION CAPTAIN WAS REPRESENTATIVE OF THE INDUSTRY AS A WHOLE. THE ALLIED PILOTS ASSOCIATION IS A VERY SMALL RELATIVELY PILOTS ORGANIZATION COMPRISED MAINLY OF AMERICAN AIRLINES. THE LARGE ONE IS THE AIRLINE PILOTS ASSOCIATION, ALPA, OF WHICH I WAS A MEMBER. AND MAYBE THEY'VE MADE SOME KIND OF STATEMENT ON THE SUBJECT, TOO. BUT I DIDN'T SEE IT HERE. I JUST WANTED TO EVERYBODY TO UNDERSTAND THIS IS A SMALL GROUP OF PILOTS THAT MADE THIS STATEMENT. COUNCIL MEMBER SPELMAN? YOU'RE NOT ON.

SPELMAN: THANK YOU. THIS IS THE ONLY STATEMENT I COULD FIND FROM ANY MEMBER OF A PILOTS ASSOCIATION. I'LL BE HAPPY TO LOOK AT ANY OTHER STATEMENTS YOU COULD FIND?

MAYOR LEFFINGWELL: IT'S ALSO MY UNDERSTANDING THAT FLIGHT CRUISE DON'T GO THROUGH SCANNER. I MAY BE WRONG ON THAT. I DON'T KNOW IF THE T.S.A. GENTLEMAN HAS LEFT. THE FLIGHT CREWS DON'T GO THROUGH THE SCANNER. SO THAT'S KIND OF A MOOT POINT. COUNCIL MEMBER MORRISON.

MORRISON: FIRST I WANT TO THANK COUNCIL MEMBER SPELMAN FOR WEIGHING INTO THIS ISSUE. I WANT TO NOTE YOU DID SPEAK MORE THAN THREE MINUTES BUT WHAT DID WE EXPECT?

SPELMAN: I DIDN'T HAVE THE TIMER ON.

MORRISON: IT LOOKS LIKE MAYOR PRO TEM DID HAVE THE TIME ON AND IT WAS 8:29.

SPELMAN: WOULD YOU DONATE ANY TIME?

MORRISON: BUT I WANT TO THANK EBB EVERYBODY. THIS HAS BEEN AN INTERESTING CONVERSATION. I THINK AMONG OUR COLLEAGUES AT THE WORK SESSION YESTERDAY WE WERE ABLE TO HAVE SOME SHARE SOME WIDE RANGING VIEWS ON THE ISSUE. AND THEN HEARING FROM FOLKS TODAY AND OBVIOUSLY WE'VE HEARD FROM THEM BEFORE TO REALLY TRY TO PINPOINT WHERE ALL THE CONCERNS ARE HAS BEEN VERY INTERESTING. I THINK THAT I BELIEVE THAT WHAT THIS RESOLUTION DOES IS HELP MOVE US FORWARD TO BE ABLE TO HAVE A PRODUCTIVE AND INFORMED CONVERSATION SO THAT WE CAN FIGURE OUT WHERE WE NEED TO GO AS A CITY, I THINK IS ABSOLUTELY THE APPROPRIATE LEVEL OF STEPS TO TAKE. AND ABOVE ALL I THINK THAT WE HAVE A RESPONSIBILITY TO TRY TO DEVIL INTO THE ISSUES IN A RESPONSIBLE TO DELVE INTO THE ISSUES IN A SPONGE MANNER. THAT'S WHY I'M SUPPORTING THIS. THAT'S WHY I'M A SPONSOR ON THIS. AND THANK YOU, COUNCIL MEMBER SPELMAN, FOR BRINGING IS IT TO OUR ATTENTION.

MAYOR LEFFINGWELL:COUNCIL MEMBER COLE.

COLE: I WANT TO ASK IF HE WAS ABLE TO GET ANY INPUT FROM ON WHAT THIS MIGHT HAVE ON OUR GRANT.

SPELMAN: JIM SMITH AS IT TURNS OUT IS OUT OF TOWN. I DO BELIEVE WE HAVE THE PERSON ACTING IN HIS PLACE HERE TODAY. CAN YOU COME DOWN, PLEASE? I THINK YOU'LL FIND THE ANSWER SIMILAR TO WHAT WE SAID YESTERDAY, REALLY JUST DEPENDS.

AND IF WE'RE TALKING ABOUT A FUNDING SOURCE THAT'S FORMULA BASED THEN IT'S FORMULA BASED AND THERE ISN'T MUCH ROOM TO MOVE AWAY FROM THAT. YOU EITHER QUALIFY OR NOT. BUT IF IT'S FUNDING THAT HAS SOMETHING TO DO WITH THE REGULATORY AGENCY I WOULD IMAGINE IT JUST DEPENDS. IT'S HARD TO PREDICT HOW ADMINISTRATORS AT THAT LEVEL WILL REACT TO A PARTICULAR SET OF CIRCUMSTANCES. BUT ANYWAY

I'M PATTY EDWARDS, OPERATIONS DIRECTOR AT THE AIRPORT. AS CITY MANAGER SAID, THERE IS NO PRECEDENT SET, SO WE DON'T KNOW WHETHER IT WOULD AFFECT OUR AVAILABILITY OF GRANTS. WE'RE EVERY YEAR ENTITLED TO ABOUT \$2.5 MILLION OF ENTITLEMENT, AND THEN WE COMPETE FOR DISCRETIONARY GRANTS. AND ON AVERAGE WE RECEIVE ABOUT \$8 MILLION A YEAR.

COLE: OKAY. LET ME ASK COUNCIL MEMBER SPELMAN IF COUNCIL MEMBER MORRISON IF THEY WOULD TAKE A FRIENDLY AMENDMENT IN THE VERY FIRST SENTENCE WHERE IT SAYS "THE CITY MANAGER IS DIRECTED TO COMMUNICATE WITH MEMBERS OF THE AUSTIN DELEGATION TO REQUEST THEIR ASSISTANCE AND I WOULD LIKE TO" AND FEEDBACK." BECAUSE I'M CONCERNED THAT IT'S A TWO WAY DIALOGUE AND WE DON'T SAY WE WANT YOUR ASSISTANCE TO DO THIS, THIS AND THIS. AND IF THEY HAVE ANY CONCERNS ABOUT THE IMPACT THIS MAY HAVE GIVEN THE MOOD IN WASHINGTON AND THEY WANT TO, OH, GUYS, THIS IS DANGEROUS, THAT WE LEAVE ROOM FOR THAT.

SPELMAN: I HAPPILY ACCEPT THAT.

MORRISON: SO DO I. A GREAT ADDITION.

COLE: THAT BEING SAID, I ONLY UNDERSTAND THIS RESOLUTION TO ESSENTIALLY SAY GO TALK TO OUR DELEGATION ABOUT THIS CUTTING EDGE ISSUE AND REALLY REALLY DIG INTO IT BECAUSE IT MAKES US A LITTLE NERVOUS AT HOME AND PARTICULARLY A GROUP OF OUR CITIZENS. AND SO I WILL BE SUPPORTING THE RESOLUTION.

MAYOR LEFFINGWELL: I DID HAVE A DISCUSSION WITH JIM SMITH, THE DIRECTOR OF THE AIRPORT OPERATIONS. AND HE TOLD ME HE WAS VERY CONCERNED ABOUT THIS, POTENTIALLY CREATING A ATMOSPHERE WHERE WE WOULD NOT BE THE PRIORITY THAT WE HAVE BEEN IN THE PAST FOR DISCRETIONARY FUNDING.

YES, SIR. AS I PREVIOUSLY STATED, WE DO HAVE TO COMPETE WITH OTHER AIRPORTS FOR DISCRETIONARY FUNDS. AND AGAIN, IT'S KIND OF UNCHARTED TERRITORY. AND I SHARE JIM'S CONCERNS.

MAYOR LEFFINGWELL: THERE'S DEFINITELY A RISK THERE

MAYOR LEFFINGWELL: THERE'S DEFINITELY A RISK THERE THAT WE WOULD INCUR BY TAKING THIS PARTICULAR STANCE. AND I WOULD JUST RESPOND A LITTLE BIT, IT'S NOT THE RESOLVE SO MUCH THAT IT'S THE WHOLE IDEA IN THE LANGUAGE IN THE WHEREAS SECTIONS IS PRETTY AGGRESSIVE, I WOULD SAY, AND I WOULD SAY BECAUSE OF ALL OF THESE THINGS PUT TOGETHER AND THE FACT THAT IT WILL HAVE NO EFFECT ON WHAT ACTUALLY HAPPENS, AND I THINK EVERYONE AGREES IT'S THE SYMBOLISM OF THIS HAS SOME VERY DEFINITE POSSIBLE DOWN SIDE, I WILL NOT BE SUPPORTING THE MOTION. COUNCIL MEMBER SHADE.

SHADE: I GUESS THE THING THAT I'M MOST STRUCK BY IS WHAT STOPS US FROM TALKING TO OUR CONGRESSIONAL DELEGATION? I MEAN, WE'RE ALL IN DISCUSSIONS WITH THE

CONGRESSIONAL DELEGATIONS OR A REGULAR BASIS. AND AS HEATHER SAID, AS WRITTEN THIS RESOLUTION WHAT I'M STRUGGLING WITH, IT DOESN'T DO ANYTHING. IT'S A SYMBOLIC ISSUE. COUNCIL MEMBER SPELMAN, YESTERDAY YOU SAID THAT YOU WERE SUGGESTING THAT WE JUST ASK A FEW QUESTIONS TO MAKE SURE THAT SOMEBODY OUT THERE SOMEPLACE IS DOING THE INQUIRY ON HEALTH RISKS NECESSARY. AND I DID DO A LITTLE BIT OF RESEARCH MYSELF LAST NIGHT. AND THERE ARE A TON OF PEOPLE OUT THERE WHO ARE TALKING ABOUT THIS ISSUE. SO I THINK A LOT OF THE COMMENTS THAT HAVE BEEN MADE HERE ARE REALLY VALID. I JUST DON'T THINK THIS IS THE FORUM FOR IT. SO I THINK THAT ONE OF THE GROUPS THAT'S ALSO BEING VERY VOCAL ABOUT IT ARE THE VERY PEOPLE THAT ONE OF OUR SPEAKERS CALLED THUGS, THE T.S.A. EMPLOYEES THEMSELVES ARE ALSO CONCERNED ABOUT THE SAFETY AND HEALTH RISKS ASSOCIATED WITH BEING IN THE CLOSE PROXIMITY OF THE RADIATION. SO THERE'S WORKERS COMP GROUPS THAT ARE OUT THERE ASKING FOR MORE INFORMATION. I THINK THAT THERE'S BEEN A LOT OF HYPE AND UNDERSTANDABLY BECAUSE OF THE NEW TECHNOLOGY AND THE NEW DISCUSSIONS AND THE NEW PATDOWNS AND THINGS THAT WERE INTRODUCED JUST THIS PAST FALL. IT'S ONLY BEEN REALLY LESS THAN 12 WEEKS SINCE THAT SURGE OF INFORMATION THAT HIT THE MEDIA AND THEY GOT EVERYBODY FOCUSED ON THIS. SO I THINK THAT WE ARE DEFINITELY ACHIEVING I THINK THERE'S NO QUESTION THAT THERE'S DIALOGUE ON HERE. BUT I REALLY DON'T LIKE TO SUPPORT ITEMS THAT ARE NOT REALLY DOING ANYTHING BUT SOMETHING SYMBOLIC OR SOMETHING SYMBOLIC THAT COULD EVEN HAVE A DOWN SIDE. AND I REALIZE THAT THERE ARE MANY PEOPLE WHO WILL DISAGREE ON MY VIEW WITH THAT. BUT I'M NOT GOING TO BE SUPPORTING IT BECAUSE I JUST DON'T SEE WHAT IT ACCOMPLISHES.

MAYOR LEFFINGWELL: ANYTHING FURTHER? COUNCIL MEMBER RILEY.

RILEY: I TEND TO AGREE THAT VERY VALID CONCERNS HAVE BEEN RAISED AND I THINK A LOT OF US MAY SHARE SIMILAR CONCERNS ABOUT THIS TECHNOLOGY EVEN GETS APPLIED. I THINK THERE ARE OTHER CHANNELS THAT WOULD BE PERFECTLY APPROPRIATE FOR RAISING THESE QUESTIONS. AND I THINK AS A GENERAL MODEL FOR DEALING WITH AN ISSUE LIKE THIS I'M NOT SURE THAT A FULL BLOWN COUNCIL RESOLUTION JUST SUGGESTING WE ENLIST THE HELP OF EVERY ONE OF OUR CONGRESSIONAL DELEGATION JUST TO ASK THESE QUESTION, I'M NOT SURE IF THAT'S THE RIGHT TEMPLATE FOR DEALING WITH AN ISSUE LIKE THIS. WE HAVE THE ABILITY TO RAISE THOSE QUESTIONS WITHOUT GOING THROUGH THE WHOLE FULL BLOWN PROCESS OF A RESOLUTION THAT MAY HAVE SOME NEGATIVE EFFECTS SO I WON'T THE CONCERNS THAT HAVE BEEN RAISED.

MAYOR LEFFINGWELL: ANYTHING FURTHER

MAYOR LEFFINGWELL: ANYTHING FURTHER? ALL IN FAVOR OF THE MOTION SAY AYE? ALL IN FAVOR OF THE MOTION SAY AYE? OPPOSED SAY NO? MOTION FAILS ON A VOTE OF 4 3 WITH COUNCILMEMBER RILEY, MAYOR PRO TEM MARTINEZ, COUNCILMEMBER SHADE AND MYSELF VOTING NO. THANK YOU, ALL. AND COUNCIL, I DON'T THINK WE HAVE TIME TO SQUEEZE IN ONE OF OUR MORNING BRIEFINGS IN SIX MINUTES. SO WITHOUT OBJECTION WE WILL GO INTO RECESS FOR SIX MINUTES. RECONVENE AT 12 NOON. CHARLES TORELLO, CAROLANNEROSE KENNEDY, RICARDO NICOMEDES BUSSELL, SAM LEE, SALLY BURCHETT, JOHN GOLDSTONE, E.M. TAYLOR, SUSANNA ALMANZA, KELLY TAGLE, LINDA GREENE

MAYOR LEFFINGWELL: WE ARE OUT OF RECESS. WE'LL BEGIN WITH OUR 12 NOON CITIZENS COMMUNICATION. WE'LL WAIT JUST A MOMENT FOR THE MEDIA. FIRST SPEAKER IS CHARLES TORELLO. CHARLES TORELLO. TOPIC IS GENERAL CONCERNS. AND YOU HAVE THREE MINUTES.

LADIES AND GENTLEMEN, SALUTATIONS. MY NAME IS CHARLES TORELLO. AND I AM A

CHRISTIAN MAN. I BELIEVE THE LORD OUR GOOD MADE THE HEAVENS AND THE EARTH. I BELIEVE JESUS CHRIST IS HIS SON AND THAT THE HOLY SPIRIT HAS DEFENDED FROM HEAVEN DESCENDED FROM HEAVEN UPON US. NOW, THE GENERAL CONCERN I WISH TO VOICE BEFORE YOU TODAY PERTAINS TO THE RULE OF LAW WITHIN THE BORDERS OF THIS MUNICIPAL CORPORATION. THE RIGHTEOUS RULE OF THE DUE PROCESSES OF THE COMMON LAW OF THE UNITED STATES OF AMERICA IS TRULY THE GREATEST PROTECTOR OF LIBERTY THE MINDS OF MEN HAVE EVER CONCEIVED. IT IS OUR SINGLE GREATEST HERITAGE AS AMERICANS, AND IT IS THE LOVE OF THIS HERITAGE THAT MAKES A MAN OR A WOMAN A REAL AMERICAN. THOSE WITHOUT SUCH LOVE ARE NOT. AND NEITHER ARE THOSE WHO DESIRE TO IMPLEMENT NAKED BODY SCANNERS AT BERGSTROM AIRPORTS. THEIR CANAANITE MINDS DO NOT CONSIDER SACRED THE HUMAN BODY. THEY ARE INDIFFERENT TO PORNOGRAPHIC VIOLATIONS OF OUR FOURTH AND TENTH AMENDMENTS AND I APPLAUD ALL EFFORTS TO KEEP THEM FAR, FAR AWAY. HOWEVER, THERE ARE OTHER THINGS I SEE THAT DEEPLY DISTURB MY SOUL. THIS PAST NEW YEAR'S AND HALLOWE'EN THE AUSTIN POLICE SAID THAT THEY WOULD FORCIBLY REMOVE BLOOD FROM THE BODIES OF MEN AND WOMEN THEY CLAIM TO SUSPECT ARE TRAVELING DRUNK. I CANNOT PUT TO WORDS HOW HEINOUS, HOW ANTI CHRISTIAN OR EVEN SATANIC I FIND SUCH AN ACT. AND SHAME SHAME SHAME ON ANYONE WHO WOULD EVER THINK THIS HORRIBLE THING TO BE RIGHTEOUS. AND THERE ARE OTHER VIOLATIONS TO OUR GOOD GIVEN UNALIENABLE RIGHTS WITHIN THIS CITY. I COULD TALK IN GREAT DETAIL ABOUT A JUDGE AT THE CORPORATION COURT WHO DEMONSTRATED APPALLING IGNORANCE OF DUE PROCESS DURING A RECENT CRIMINAL TRIAL OF A MAN WHO WAS ULTIMATELY ARRESTED FOR BRINGING AN UNAUTHORIZED BOTTLE OF WATER INTO THE AIRPORT. AND REGARDING ARRESTS, POLICE NOWADAYS IN AUSTIN AND ACROSS AMERICA DEMONSTRATE ZERO UNDERSTANDING OF WHAT WERE ONCE THE ONLY RIGHTEOUS PROCEDURES TO ARRESTED SOMEONE WITHOUT A WARRANT, PROCEDURES THAT HAVE CHANGED FOR THE WORSE AND INCREASED THE NUMBER OF ARRESTS OF PEOPLE INNOCENT OF ANY REAL CRIMES GREATLY THE REVENUES OF THE CORPORATION THAT EMPLOYS THEM. HOWEVER, PERHAPS ALL OF THIS IS OUT OF YOUR HAND. SO IN ENDING I AM SERVANT TO NO DUE PROCESS

MAYOR LEFFINGWELL: PLEASE CONCLUDE. YOUR TIME HAS EXPIRED.

DON'T LET THIS BE WRITTEN OF YOU IN THE BOOK OF LIFE.

MAYOR LEFFINGWELL: NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY. THE TOPIC IS HOMELESS ISSUES. WE HAVEN'T SEEN YOU IN AWHILE, MISS KENNEDY. OKAY. YOUR TIME HAS STARTED.

THANK YOU FOR HAVING ME. HOMELESS ON THE RANGE. ¶ OH, GIVE ME A HOME WHERE THE MEXICANS ROAM I'M OUT OF BREATH. I'VE BEEN RUNNING ¶ WHERE THE MOMS AND THE BABIES DON'T CRY ¶ I DON'T KNOW A WORD OF AN ESP GUYS ONLY KNOW HOW I'VE TRIED ¶ OH, GIVE BACK MY HEALTH WITH MY FINE LITTLE WHITE SPOUSE WITH THE WHITE PICKET FENCE ALL AROUND ¶ ALL THE ROSES AND PEARLS TILL THE END OF THE WORLD YOU CAN TELL THE GOOD NEIGHBORS I SURROUND ¶ HOMELESS ON THE RANGE WHERE THE BACK BURNER'S BROKEN AGAIN ¶ BUT I DON'T HAVE TO COOK 'CAUSE MY BEST TOOL YOU TOOK SO LET'S GO OUT AND PRETEND WE'RE INSANE ¶ OH, GIVE ME A SELF WITH YOUR DRUGS AND MORE HEALTH WHEN THE GODS ONLY KNOW WHAT I'VE DONE ¶ I'LL CRY AND I'LL SING WITH MY TWO BROKEN WINGS ¶ YOU MADE ME CRAWL WHEN I WANTED TO RUN ¶ OH, GIVE ME A ROOM WITH SOME NURSING HOME GLOOM WHERE I ROCK OR GET ROLLED DOWN THE HALL ¶ MY BREATH IS NOW SHORT IT IS IN THE REPORT SO I'LL SEAL IT AND MAIL IT TO Y'ALL ¶ OH, GIVE ME A HUT WHERE I'LL KEEP MY MOUTH SHUT WHERE THEY CALL ME BIPOLAR BY NAME ¶ WELL I'LL FLY AND I'LL CRASH ON MY LILY WHITE ASS BUT YOU'LL NEVER STOP TRYING TO PAIN ¶ OH, GIVE ME A GRAVE WHERE THE BAD BOYS BEHAVE WHERE THE COYOTES CALL OUT MY NAME ¶ NOW I SOAR THROUGH



THE CLOUDS WHILE I'M CRYING OUT LOUD THAT I'M NO LONGER PLAYING YOUR GAME ¶¶  
HOMELESS ON DERANGED WHERE THE BACK BURNER'S BROKEN AGAIN ¶¶ BUT I DON'T  
HAVE TO COOK 'CAUSE MY BEST TOOL YOU TOOK ¶¶ SO LET'S GO OUT AND PRETEND  
WE'RE INSANE ¶ PLAY BALL.

GOOD TIMING. [APPLAUSE]

MAYOR LEFFINGWELL: RICARDO SNEAK MAY DECEMBER BUSSELL. THE TOPIC IS FLOUR  
RIDE.

HELLO, MEMBERS OF CITY COUNCIL AND MAYOR. I'M NICO BUSSELL. I'M AN ORGANIZER  
WITHIN WE ARE CHANGE AUSTIN. I'VE LIVED HERE FOR 25 YEARS. MORE CAN BE DONE FOR  
OUR LIBERTIES. WE HAVE BASIC CIVIL RIGHTS THAT EXIST OUTSIDE OF LAW. YOU CAN MAKE  
THEM RESTRICTIVE. YOU CAN HAVE A LACK THEREOF. BUT WE STILL HAVE RIGHTS. WE  
HAVE A RIGHT AS CONSUMERS OF CITY SERVICES AND AS HUMAN BEINGS TO NOT BE  
POISONED. SCIENTISTS LIKE DR. PAUL KLINE HAVE PROVEN THE FLUORIDE YOU BUY FOR  
OUR WATER IS A DANGEROUS TOXIN AND ALSO CONSIDERED A DRUG. IT'S SOLD IN AN  
UNREFINED STATE CARRYING OTHER TOXINS BECAUSE EVEN SIMPLE DISPOSAL OF  
STORAGE OF THIS WASTE IS EXPENSIVE AND CUTS INTO THE WEALTH OF THE SUPPLY  
EXPANDED INTO THE DIRECT TERRITORY OF OUR OWN BODIES. MANY CITIES IN THE WORLD  
ARE FLUORIDE FREE, AND NO DOCTOR WOULD TELL YOU TO TAKE DRUG AS YOU SEE FIT  
APPLYING VARIOUS DIFFERENT TIMES A DAY LIKE WE DO WITH OUR OWN LOCAL WATER  
SUPPLY. ALSO YOU'VE CREATED THE AUSTIN REGIONAL INTELLIGENCE CENTER ALLOWING  
CRIMINAL PROFILING FOR SUSPECTED TERRORISM AND OTHER CRIMES, ASSUMING GUILT  
BEFORE INNOCENCE ON A LIMITED NUMBER OF FACTS AND A GROUP OF PEOPLE IN A WAY  
NOT UNLIKE THE SALEM WITCH TRIALS OR THE RED SCARE PRETEXT FOR HISTORICAL  
CRIMES AGAINST HUMANITY. BUT YOU SEEM TO NOT CARE AND USE YOUR AUTHORITY AS  
IMMUNITY. BUT YOU HAVE NO IMMUNITY AGAINST THE HEARTS, MINDS, VOTES AND ACTION  
OF THE PEOPLE. I WILL PERSONALLY HELP START A CAMPAIGN TO HAVE WRITE IN BALLOT  
SO YOU CAN'T DO WHATEVER YOU DO, THE DIRTY TRICKS, YOU KNOW. SO THEY'LL BE  
COUNTED AND YOU'LL GET OUT OF OFFICE. YOU HELPED CREATE THE FEAR IN SOCIETY  
THAT INDIVIDUAL'S REPUTATION MAY AMONG HIS PEERS, EMPLOYER AND SOCIETY MAY BE  
SLANDERED ANY NUMBER OF WAYS INCLUDING THE LABEL OF TERRORIST UNDER WHICH  
UNDER THE PATRIOT ACT WITH THE RESULT IN INSTANT ARREST AND INDEFINITE TERM OF  
DETENTION. WE HAVE BASIC RIGHTS TO PRIVACY. WE HAVE OUR FOURTH AMENDMENT  
RIGHTS TO BE SECURE IN OUR PERSONS. SO I CANNOT EXCLUDE THE T.S.A. AND WHAT I'VE  
SEEN OF TODAY WITH THE T.S.A. IS JUST HORRENDOUS. YOU, THE CITY, CAN JUST SIMPLY  
PUT A STOP TO IT TO BUYING THE FLUORIDE, YOU CAN STOP TO HAVING THE T.S.A. HERE.  
LET'S HAVE PRIVATE SECURITY FOR GOOD'S SALES. YOU DO NOT NEED TO ALLOW THEM  
INTO OUR CITY. YOU HAVE A RIGHT AS LOCAL GOVERNMENT AND YOU WON'T CREATE A  
CIVIL WAR 2 OR BREAK UP THE UNION BY DOING THIS. IT'S YOUR RIGHT AS LOCAL  
GOVERNMENT. WHEN WILL IT BE CLEAR THAT THESE VIOLATIONS THAT I BROUGHT UP  
TODAY WORK AGAINST THE CITY AND ONLY SUPPORT THE POLITICAL AGENDA OF THE  
FEDERAL GOVERNMENT? THAT IS SO CORRUPT TODAY OUR WAY OF LIFE THAT IT  
WARRANTS SOMEBODY TO BLOCK THESE ACTIVITIES ENTIRELY. FOR FAR TOO LONG  
YOU'VE TRIED TO KEEP THE PEOPLE IN A SLUMBER OF WHAT THEIR RIGHTS ARE. THE  
ENTITLEMENTS THEY HAVE TO WHAT'S DONE IN THE CITY. NO LONGER WILL WE PUT UP  
WITH YOUR TYRANNY.

MAYOR LEFFINGWELL:

MAYOR LEFFINGWELL: TIME HAS EXPIRED. SO COUNCIL, WITHOUT OBJECTION I'D LIKE TO  
MAKE SPECIAL RECOGNITION TO F.OTIMBASHEPRA. WOULD YOU COME DOWN, PLEASE?  
FOTIMBA IS FROM NEPAL. AND HE HAS BEEN CYCLING AROUND THE WORLD SINCE 2003

PROMOTING WORLD PEACE, SOCIAL HARM ANY, AND ADVOCATING CYCLING AS A GREAT SUSTAINABLE TRANSPORTATION ALTERNATIVE. HIS GOAL IS TO VISIT 151 COUNTRIES BY LATE 2020. TO DATE HE HAS ACHIEVED CLOSE TO 50% OF HIS GOAL BY VISITING 71 COUNTRIES AND CLOCKING IN OVER 74,000 KILOMETERS IN ASIA, AUSTRALIA, EUROPE, NORTH AMERICA, AND THE CARIBBEAN CENTRAL AND SOUTH AMERICA. AND HE HAS INSPIRED MANY PEOPLE WHO HE HAS MET THAT THERE ARE PRACTICAL ALTERNATIVES TO OUR MODERN LIFESTYLE BY CYCLING, WHICH IS A GREAT SUSTAINABLE TRANSPORTATION ALTERNATIVE. AND IN ADDITION TO BEING ENVIRONMENTALLY FRIENDLY, CYCLING CAN HAVE MANY OTHER BENEFICIAL RESULTS. SO WELCOME. [APPLAUSE] HAVE A GREAT REST OF THE TRIP. OUR NEXT SPEAKER IS SAM LEE. SAM LEE. AISD PROPOSAL TO CLOSE THE SCHOOLS.

GOOD AFTERNOON, MAYOR LEFFINGWELL AND COUNCIL MEMBERS. MY NAME IS SAM LEE. I'M HERE AS A CONCERNED CITIZEN AND A PARENT OF TWO CHILDREN WITH ONE ENROLLED AT ORTEGA ELEMENTARY SCHOOL WHICH IS IN THE AISD SCHOOL DISTRICT. AS YOU KNOW THE SCHOOL DISTRICT IS IN THE FINAL STAGES OF ACTIVITIES PLANNING PROCESS. THE AS A MEMBER OF THE ADVISORY COUNCIL AT ORTEGA WE ARE ALL SHOCKED TO LEARN THAT OUR PUBLIC SCHOOL WAS TARGETED FOR CLOSURE LAST MONTH. OTHER PARENTS AROUND THE CITY WERE IN THE SAME BOAT, AND WE QUICKLY CAME TOGETHER AS COMMUNITIES OF VARIOUS DIFFERENT SCHOOLS TO COME TOGETHER TO FORM THE COALITION TO SAVE AUSTIN URBAN SCHOOLS. THIS COALITION INCLUDES REPRESENTATIVES OF ALL 15 SCHOOLS THAT ARE SLATED ON THE CLOSURE LIST. AND ALTHOUGH THE MOST RECENT DRAFT OF THE TASK FORCE PLAN DOES NOT NAME SPECIFIC SCHOOLS FOR CLOSURE, IT STILL SPECIFIES ABOUT NINE PUBLIC SCHOOLS WITHIN THE CENTRAL CITY ARE SLATED FOR CLOSURE IN THE NEXT FEW YEARS. KNOWING HOW VITAL OUR SCHOOL IS TO THE FAMILIES IN OUR NEIGHBORHOOD, I BELIEVE IT THE PROPOSED FACILITY PLAN IS SIMPLY UNACCEPTABLE. FIRST I WANT TO THANK YOU FOR YOUR CITY OF AUSTIN'S ONGOING SUPPORT FOR CENTRAL CITY SCHOOLS AND NEIGHBORHOODS. IN 2009 THE CITY AND THE DISTRICT SIGNED AN AGREEMENT TO ENSURING ONGOING LAST MONTH MAYOR LEFFINGWELL SPOKE PUBLICLY ABOUT HIS SUPPORT FOR CENTRAL CITY SCHOOLS. TODAY THANK YOU FOR ADOPTING PROPOSITION 48 IN RESPONSE TO THIS ISSUE. THIS IS EXACTLY THE KIND OF LEADERSHIP THAT WE NEED FROM THE CITY TO GET THE CONVERSATION STARTED. BUT THIS IS JUST THE BEGINNING. WE NEED THE CITY AND THE DISTRICT TO IDENTIFY AND WORK THROUGH SPECIFIC ACTIONS THAT WILL MAKE A DIFFERENCE. WE KNOW THAT MEMBERS OF THE COMMUNITY HAVE IDENTIFIED SPECIFIC ALTERNATIVES TO SCHOOL CLOSURES AND PROVIDE THEM TO THE DISTRICT. WE KNOW THAT THERE ARE SOME GREAT IDEAS OUT THERE FOR CITY DISTRICT PARTNERSHIPS. I'M HERE TO ASK THE CITY TO CONTINUE ITS LEADERSHIP ON THIS ISSUE AND TO WORK CLOSELY WITH THE DISTRICT. THIS IS NOT JUST A SCHOOL EDUCATION ISSUE. IT AFFECTS HOUSING, NEIGHBORHOODS, LOCAL BUSINESSES AND A FUTURE DIRECTION OF REVITALIZING URBAN CORE. THIS IS A SUSTAINABILITY ISSUE. AND THOUGH THE SCHOOL BOARD TALKS ABOUT SHORT TERM EFFICIENCIES AND BUDGET CUTS, I THINK IT'S AN OPPORTUNITY TO TO STAY AND MOVE INTO THE CITY. THE SCHOOLS ON THE LIST ARE ALL INTEGRATED IN THEIR RESPECTIVE COMMUNITY. MY SCHOOL ORTEGA HAS WON P.T.A. OF THE YEAR AND HAS 100% P.T.A. MEMBERSHIP. AND IT'S BECAUSE OF ALL THESE REASONS THAT MY FAMILY MOVE INTO THE URBAN CORE. WE HOPE THE CITY WILL PARTNER WITH THE DISTRICT TO NOT CLOSE SCHOOLS BUT FIND WAYS TO KEEP OUR PROUD URBAN SCHOOL SUSTAINABLE. MEMBERS OF THE COALITION TO SAVE AUSTIN SCHOOLS ARE READY AND WILLING TO ASSIST THE CITY AND DISTRICT IN IDENTIFYING SOLUTIONS TO THIS CRISIS. THANK YOU AGAIN FOR YOUR PAST SUPPORT, KNOWING THAT OUR COMMUNITY RECOGNIZES AND VALUES YOUR LEADERSHIP ON THIS ISSUE. PLEASE CONTINUE SUPPORTING PUBLIC EDUCATION, WHICH IS SO INTEGRAL TO THE WELL BEING OF AUSTIN'S CHILDREN AND TO MAINTAINING YOUR VISION FOR VIBRANT AND THRIVING AUSTIN COMMUNITIES. THANK YOU.

MAYOR LEFFINGWELL: THANK YOU, SAM. SALLY BURCHETT? THE TOPIC IS DENSITY SURROUNDING SCHOOLS.

HELLO. MY NAME IS SALLY BURCHETT. MY HUSBAND SHAWN AND I LIVE IN THE ZILKER NEIGHBORHOOD AND WE HAVE TWO CHILDREN AT THE ZILKER ELEMENTARY SCHOOL. C.N.U. IS A LEADING NATIONAL ORGANIZATION PROVIDING WALKABLE NEIGHBORHOOD DEVELOPMENT, SUSTAINABLE COMMUNITIES AND HEALTHIER LIVING CONDITIONS. C.N.U. AND OUR CENTRAL TEXAS CHAPTER ARE DEDICATED TO MOTIVATING ALTERNATIVES TO SPRAWL THROUGH THE SUSTAINABLE DESIGN AND DEVELOPMENT OF TRADITIONAL NEIGHBORHOODS. AS STATED IN THE 2009 RESOLUTION OF THE CITY SCHOOL DISTRICT AND COUNTIES, FAMILY, NEIGHBORHOODS AND SCHOOLS ARE CRITICAL TO THE GROWTH, DIVERSITY AND ECONOMIC VITALITY OF AUSTIN. THE ECONOMIC AND ENVIRONMENTAL SUSTAINABILITY OF OUR CITY REQUIRES ONGOING REINVESTMENT IN THE URBAN CORE INCLUDING CENTRAL CITY NEIGHBORHOODS. NEIGHBORHOOD SCHOOLS ALLOW CHILDREN AND THEIR FAMILIES TO WALK OR BIKE TO SCHOOL AND ARE KEY COMPONENTS OF STRONG NEIGHBORHOODS. AS REF REPRESENTED MANY TIMES IN THE VISION STATEMENT OF IMAGINE AUSTIN COMP PLAN, NEIGHBORHOOD SCHOOLS AND OUR CAMPUSES ARE CRITICAL TO KEEPING AUSTIN LIVABLE, ACCESSIBLE, AND DESIRABLE FOR ALL AUSTINITES, ESPECIALLY FAMILIES WITH CHILDREN. THE NATIONAL C.N.U. BOARD ENDORSES THE FOLLOWING POLICIES FOR SCHOOLS. SCHOOLS SHOULD ADD VALUE TO THEIR SURROUNDING NEIGHBORHOODS AS A CIVIC SPACE AND REINFORCE COMMUNITY IDENTITY. MINIMUM ACREAGE REQUIREMENTS SHOULD BE ABOLISHED. SCHOOLS SHOULD BE SIZED AND LOCATED TO ENABLE CHILDREN TO WALK OR BICYCLE TO THEM. THREE, PARENTS SHOULD BE ALLOWED TO CHOOSE THE BEST SCHOOLS FOR THEIR CHILDREN WITHOUT HAVING TO MOVE. WE URGE THE CITY, COUNTY AND SCHOOL BOARD TO JOINTLY MEET TO VIEW IN DETAILS ALL THE IMPACTS OF CLOSING NEIGHBORHOOD SCHOOLS. WHETHER THE SHORT TERM SAVINGS CREATED BY CLOSING SCHOOLS IN CLOSED IN NEIGHBORHOODS COMBINE WITH THE POLICY OF CONTINUING TO BUILD NEW LARGE SCALE SCHOOLS IN OUTGOING THE HEALTH OF THE CENTRAL CITY AND OUR ECONOMIC VITALITY. C.N.U. CENTRAL TEXAS AND ITS BOARD HAS BEEN FOLLOWING THE PLANNING EFFORTS BEING DONE CONCURRENTLY BUT ALSO SEPARATELY BY A.I.S., THE CITY AND THE COUNTY. FOR LACK OF TIGHT LINKAGES AND CLEAR AUTHORITY BETWEEN THESE PLANNING PROCESSES IT APPEARS TO HAVE LEFT A GAP IN RESPONSIBILITY. WE THEREFORE CALL UPON YOU AS LEADERS TO CONVENE A LARGER CONVERSATION WHICH ENTITY IS RESPONSIBLE FOR ENSURING THAT NEIGHBORHOOD SCHOOL CAMPUSES CONTINUE TO CONTRIBUTE TO AUSTIN'S ATTRACTIVENESS, LIVE ABOUT AND ECONOMIC COMPETITIVENESS ON A REGIONAL AND NATIONAL STAGE. HOW CAN SCHOOL LOCATIONS WORK TO ENSURE IS A COMPACT, LIVABLE, SUSTAINABLE CITY RATHER THAN CONTINUING TO SPRAWL, AND WHAT RESPONSIBILITY DO A.S.D., THE CITY AND THE COUNTY EACH BEAR? WE URGE YOU TO WORK TOGETHER TO ESTABLISH POLICIES, INCENTIVES AND PARTNERSHIPS THAT FOSTER HEALTHY AND DIVERSE NEIGHBORHOODS FOR ALL AGES. WHILE WE RECOGNIZE INHERENT COMPLEXITIES OF THE ISSUES AT HAND WE ARE AVAILABLE TO HELP COHOST A WORK SESSION WITH YOU ON FINDING CONSTRUCTIVE, SUSTAINABLE SOLUTIONS FOR ALL. C.N.U. MEMBERS ARE EXPERIENCED PROFESSIONALS THAT CAN OFFER THEIR SUPPORT ON A VOLUNTEER BASIS. IN CONCLUSION, SHAWN AND I MOVE FROM 78701 TO 78704 FOR ITS PROXIMITY TO THE DOWNTOWN AND ITS.

MAYOR LEFFINGWELL: COUNCILMEMBER MORRISON.

MORRISON: I APPRECIATE THAT C.N.U. IS DOING SOME WORK ON THIS. I KNOW OTHER MEMBERS OF THE COMMUNITY ARE DOING SOME RESEARCH. AND I WONDER IF YOU ONE OF THE THINGS, OF COURSE, THAT IS OF ALMOST DIRECT INTEREST TO THE CITY IS AS WE'VE HEARD THAT PROPERTY VALUES TEND TO DECREASE WHEN SMALL, INNER CITY SCHOOLS CLOSE. DO YOU HAVE ANY INFORMATION ON THAT?

I DO. THERE'S A STUDY THAT IS FAIRLY CONSERVATIVE SAYING THAT A 10% DECREASE IS REASONABLE. AND THEN IN THIS REPORT HERE FROM C.N.U., IT'S A CONSOLIDATION OF SEVERAL SCHOOL STUDIES. THERE'S A PERSON FROM DUKE, THOMAS MATIBA WHO SAID A THIRD IS WHAT HE FOUND IN SOME OF HIS STUDIES. SO I DID A LITTLE ANALYSIS ON JUST OUR NEIGHBORHOOD. AND IT WAS SIGNIFICANT. JUST THE 10% DROP, YES.

MORRISON: I APPRECIATE THAT. I THINK ONE OF THE THINGS FOR ME AND PROBABLY ALL MY COLLEAGUES IS TO BE ABLE TO GET TO INCLUDE THINGS THAT WE'RE HEARING AND LEARNING AND OF COURSE PROPERTY VALUES DETERMINE OUR REVENUE FROM PROPERTY TAXES. SO THAT'S OF COURSE SOMETHING OF INTEREST. AND THEN THE OTHER THING THAT YOU MIGHT BE ABLE TO HELP WITH, I'VE SEEN THAT REPORT. AND IT MIGHT ADDRESS THAT. AND AN ISSUE THAT CAME UP YESTERDAY. AND THAT IS IN TERMS OF WHEN CENTRAL CITY SCHOOLS CLOSE, WE TEND TO SEE STUDENTS LEAVING THE DISTRICT OR MORE OF THEM MOVE TOWARD THE OUTER FRINGES. ARE THERE ANY REPORTS THAT YOU'RE FAMILIAR WITH ON THAT IN THAT REGARD?

YES. THAT'S ONE OF THE REASONS WHY C.N.U. STRESSES CHOICE. IT'S ONE OF THE ONLY THREE THINGS THAT ARE IMPORTANT ABOUT SCHOOLS. BECAUSE YES, PEOPLE WHO CAN MAKE REAL ESTATE BASED CHOICES ABOUT SCHOOLS DO. AND THEY MENTIONED IN SEATTLE, I BELIEVE, A 20% LET ME SEE 20% OF STUDENTS THAT WERE MEASURED AS LEAVING, IT'S VERY QUANTIFIABLE WHICH I KNOW IS IMPORTANT IN THIS EXERCISE TO LOOK AT THE NUMBERS AND THE FIGURES OF WHAT'S GOING ON AND WHAT COULD HAPPEN SO WE CAN MEASURE YES, EVERYONE CAN SAY A SMALL SCHOOL IS BETTER IN AN INDIVIDUAL ATTENTION, BUT AT WHAT POINT IS THAT COST EFFECTIVE. AND YOU HAVE TO LOOK AT THE BIG PICTURE WHAT YOU'RE SACRIFICING AND WHAT YOU'RE GAINING.

MORRISON: ONE OF THE CHALLENGES OF LOOKING AT THE BIG PICTURE IS WHEN YOU'RE FACED WITH A BIG BUDGET PROBLEM IN FRONT OF YOU. AND JUST ONCE MORE QUESTION. YOU MENTIONED ABOUT OF COURSE WE ALL SAY THAT SMALL SCHOOLS ARE WE'RE SORT OF ON BOARD THAT SMALL SCHOOLS HAVE AN INCREASED EFFECTIVENESS. ARE THERE STUDIES THAT YOU'RE FAMILIAR WITH THAT ACTUALLY QUANTIFY THAT?

THERE'S A LOT OF RESEARCH ON THAT HOW THEY MORE EFFECTIVE. TO SUMMARIZE WHAT SMALL SCHOOLS, THE BENEFITS, THE BIG ONE THAT EVERYONE CARES ABOUT IS I.S.D., STUDENT ACHIEVEMENT, THE PERSONALIZATION YOU GET, COST EFFECTIVENESS AND SAFETY IN A SMALL ENVIRONMENT.

MORRISON: YOU'RE REFERENCING SOME REPORTS THAT C.N.U. HAS PULLED TOGETHER. ARE THOSE AVAILABLE ONLINE FOR FOLKS THAT ARE INTERESTED?

YES. HOW CAN I GET THAT? DO YOU WANT ME TO I THINK IF YOU JUST WERE TO GOOGLE C.N.U. REPORT, SCHOOLS 2007 YOU WOULD FIND IT.

ALL RIGHT. GREAT.

AND IF YOU NEED ME TO DO ANYTHING ELSE I CAN GET IT TO YOU.

MORRISON: THANK YOU FOR YOUR WORK.

MAYOR LEFFINGWELL: COUNCILMEMBER COAL.

COLE: WE REALLY APPRECIATE THE WORK THAT YOU'RE DOING. I ALWAYS HAVE ADMIRERD THE WORK OF C.N.U. WE HAVE A SUSTAINABILITY OFFICE. ARE YOU FAMILIAR WITH THAT

OFFICE AND SOME OF THE PEOPLE IN IT? WELL, SOME THE RESEARCH WE HAVE TALKED ABOUT AND I'M JUST WONDERING IF YOU KNOW ABOUT THIS IS THE FACT THAT SOME CITIES ACROSS THE NATION HAVE ACTUALLY BEEN THROUGH THIS PROCESS WHERE THEY WERE YOUR BAN AND SMALL, AND THEY GREW. AND AS THEY GREW PEOPLE LEFT THE INNER CITIES FLIGHT AND WENT TO THE OUTER CITY AND THEN OTHER SMALLER CITIES OR JUST THE E.T.J. BUT NOW THEY'RE STARTING TO SEE A RETURN BACK TO THE URBAN CORE. FOR EXAMPLE, IN. AND THERE'S SOME SPECULATION THAT THAT OCCURRED BECAUSE OF THE QUALITY OF THE SCHOOLS. AND TRANSPORTATION ISSUES. HAVE YOU DONE ANY RESEARCH ON THAT? OR C.N.U.?

ON THE TRENDS OF THE POPULATION AS THEY RELATE TO SCHOOLS?

COLE: MM HMM.

YES. I KNOW THAT THAT'S ONE REASON PEOPLE ARE SO ADAMANT ABOUT THE QUALITY OF THE SCHOOLS, BECAUSE THAT IS A DRIVING FORCE IN REAL ESTATE INVESTMENT OR IN THE CITY. I KNOW I'VE GOT FRIEND AND FAMILY IN HOUSTON AND THEY'RE KIND OF GOING THROUGH SOME OF THE SAME THINGS. I KNOW THEIR MAGNET PROGRAMS ARE IN JEOPARDY. THEY HAVE MONTESSORI PROGRAMS IN THEIR PUBLIC SCHOOLS. AND THEY'RE WORKING GREAT. AND I KNOW THEY'RE IN JEOPARDY BECAUSE OF FUNDING. BUT YES, THEY ARE WORKING. AND IT'S ENOUGH TO MAKE USE AISD IS TURNING AROUND AND PEOPLE ARE BEGINNING TO CHOOSE.

COLE: I APPRECIATE YOUR COMMENTS AND I LOOK FORWARD TO WORKING WITH YOU AND SEEING YOU ON THAT SUBJECT, BECAUSE AUSTIN IS DEFINITELY A CITY THAT EMPHASIZES NOT ONLY ARE CONCERNED NOT ONLY WITH THE QUALITY OF THE SCHOOLS BUT ALSO THE ENVIRONMENTAL ISSUES, ESPECIALLY SPRAWL. AND WE PUT A LOT OF TIME AND ENERGY AND RESOURCES IN TRYING TO PREVENT THAT. AND RECOGNIZING THAT SCHOOLS ARE A MAJOR FACTOR DRIVING IT, I THINK WE NEED TO START TO LOOK FROM A POLICY PERSPECTIVE INTO WHAT WE CAN DO TO IMPACT IT. SO I LOOK FORWARD TO WORKING WITH YOU.

MAYOR LEFFINGWELL: THANK YOU. NEXT SPEAKER IS JOHN GOLDSTONE WHOSE ISSUE IS WATER.

MAYOR LEFFINGWELL, COUNCILMEMBERS, MY NAME IS JOHN GOLDSTONE. I'M A PROPERTY OWNER AND TAXPAYER IN THE CITY OF AUSTIN AND I HATE LAWNS. I'M HERE TO TALK TO YOUR BEST OPPORTUNITY FOR CURING THIS OPPORTUNITY LAST SUMMER BEFORE THE RAINS CAME. LET'S NOT BLOW IT AGAIN AND LET'S TREAT IT LIKE THE EMERGENCY THAT IT REALLY IS. I WON'T GO INTO HOW DISGUSTED I WAS AT THE ARTICLE IN THE ENTITLED "TIGHTER WATER LIMITS WEIGHED." WE'RE SPENDING \$500 MILLION ON THE NEW TRAVIS WATER TREATMENT PLANT ON TOP OF THE \$100 MILLION THAT ARTICLE DETAILS IT WILL COST US TO IMPLEMENT THE NEW CONSERVATION MEASURES AND THE LOST REVENUE FROM USING LESS WATER. DO YOU SEE HOW STUPID THAT MILLION BY NOT BUILDING THE PLANT AND ACTUALLY INSTITUTING THE DRACONIAN MEASURES WHICH OUR MAYOR COMMENTED WOULD ALTER OUR LIFESTYLES AND BE A RADICAL DEPARTURE FROM OUR NORMAL WASTE OF WART. ELIMINATE ALL LAWNS EVEN ON SMALL LOTS. BE NOT AFRAID. AS YOU KNOW FROM MY PAST APPEARANCES HERE, I OFFER SOLUTIONS, I DON'T JUST COMPLAIN. MANY SUBDIVISIONS WITHIN THE CITY LIMITS HAVE RECORDED RESTRICTIVE COVENANTS THAT REQUIRE LAWNS AND TREES TO BE PLANTED. THESE SAME RESTRICTIVE COVENANTS REQUIRE AN ALIVE LAWN. YOU JUST PASSED AN ORDINANCE REQUIRING TAX LIKE MANY ENACTED ORDINANCES IN ARIZONA REQUIRES ONE MORE STEP. THAT STEP IS LIKE THE FEDERAL STATUTE ENACTED IN THE 60s THAT SAYS THAT NONDISCRIMINATION FOR HOUSING OVERRIDES ALL RESTRICTIVE COVENANTS TO THE CONTRARY. THE

EXAMPLE IS RESTRICTIONS THAT WOULD NOT ALLOW PEOPLE OF COLOR TO LIVE WEST OF I 35. A FEDERAL STATUTE OVERRODE THOSE RACIST RESTRICTIONS. SO I NEED YOU TO TAKE SOME OF YOUR SCARCE DOLLARS AND LOBBY THE STATE LEGISLATURE TO PASS A LAW THAT CITY OR OTHER MUNICIPALITY MAY ENACT A LANDSCAPE OR OTHER WATER SAVING ORDINANCE THAT OVERRIDES ANY RECORDED RESTRICTIVE COVENANT TO THE CONTRARY. IT WILL SAVE THE CITY AND COUNTLESS AFFECTED HOMEOWNERS VAST AMOUNTS OF LITIGATION DOLLARS AS WELL AS LOST TIME AND WATER. THEN PASS AN ORDINANCE THAT PROHIBITS LAWNS AND REQUIRES ONLY ZERO SCAPING WITH NO IRRIGATION SYSTEMS. THINK FOR A SECOND. THE ONLY REASON WHY PEOPLE DO NOT VOLUNTARILY DEAL WITH ZERO CAPE SCAPING IS BECAUSE OF PEER PRESSURE MY NEIGHBORS, A PERCEIVED DISADVANTAGE IN SELLING YOUR HOMES AND REQUIREMENTS IN RESTRICTIVE COVENANTS. IF YOU MAKE IT A LEVEL PLAYING FIELD AND GET THE STATE STATUTE PASSED ALL OF THESE THINGS WILL GO AWAY. IT'S TOO LATE TO REVERSE THE IDIOCY OF THE NEW WATER TREATMENT PLANT BUT THIS MAY HELP YOU PUT OFF THE NEXT LUNACY OF GIVE AWAY OF TAX DOLLARS D.C. WHICH DOES NOT CREATE ANY NEW UNITS OF AFFORDABLE HOUSING. WHAT A WASTE OF MY TAX MONEY. AGAIN, HANDLE THWART PROBLEM AND TAKE CARE OF THAT RESTRICTIVE COVENANT BY STATE ACTION. THANK YOU VERY MUCH.

MAYOR LEFFINGWELL: NEXT SPEAKER IS E.M. TAYLOR. E.M. TAYLOR? TOPIC IS HERITAGE? ALL RIGHT. WE'LL GO TO SUSANNA ALMANZA. TOPIC IS THE CEDAR CHAVEZ ANNUAL MARCH ON MARCH 26. WELCOME YOU. HAVE THREE MINUTES.

GOOD AFTERNOON, MAYOR AND CITY COUNCIL MEMBERS. WE INVITE EVERYONE TO CELEBRATE THE LIFE OF CESAR CHAVEZ BY ATTENDING THE SOCIAL JUSTICE MARCH. THE MARCH WILL TAKE PLACE SATURDAY, MARCH 26, 2011. THE MARCH WILL BEGIN AT 12 NOON AT THE LIBRARY, 1105 EAST CESAR CHAVEZ AN END AT THE STATE CAPITOL. HE WAS BORN ON MARCH 31, 1927 IN YUMA, ARIZONA. CESAR CHAVEZ WAS A LATINO FARM WORKER, LABOR LEADER, CIVIL RIGHTS ACTIVIST AND CRUSADER FOR SOCIAL JUSTICE. CHAVEZ WAS CO FOUNDER OF THE UNITED FARM WORKERS WHICH ADVOCATES FOR BETTER WAGES AND SAFER WORKING CONDITIONS ON AMERICAN FARMLAND. CESAR CHAVEZ IS MORE THAN A ROLE MODEL FOR FARM WORKERS IN THE HE DEMONSTRATED THE NEED FOR ALL WORKING PEOPLE TO SUPPORT THOSE WHO ARE OPPRESSED AND EXPLOITED, WORKING FOR DIGNITY ON THE JOB AND IN THE COMMUNITY, INCREASING A DEMOCRATIC RIGHTS OF WORK PEOPLE, CHALLENGING THE POWERFUL IN DEFENSE OF THE POWERLESS. MARCH 26, 2011 MARKS THE 10th ANNUAL CESAR CHAVEZ MARCH IN AUSTIN, TEXAS. AUSTIN RESIDENTS HAVE CELEBRATED THE LIFE OF CESAR CHAVEZ AND HIS SELFLESS DEDICATION FOR FARM WORKERS AND WORKERS RIGHTS, ECONOMIC JUSTICE, CIVIL RIGHTS, ENVIRONMENTAL JUSTICE, PEACE, NONVIOLENCE AND EMPOWERMENT OF THE POOR AND DISENFRANCHISED. AS CESAR CHAVEZ ONCE SAID, WE HAVE A POWER THAT COMES FROM THE JUSTICE OF OUR CAUSE, SO LONG AS WE ARE WILLING TO SACRIFICE FOR THAT CAUSE, SO LONG AS WE PER SELF IN NONVIOLENCE AND WORK TO SPREAD THE MESSAGE OF OUR STRUGGLE. THEN MILLIONS OF PEOPLE AROUND THE WORLD WILL RESPOND FROM THEIR HEARTS, AND IN THE END WE WILL OVERCOME. VIVA CESAR CHAVEZ AND SEE YOU MARCH 26, 2011. THANK YOU.

MAYOR LEFFINGWELL: THANK YOU, SUSANNA. MAYOR PRO TEM.

I JUST WANTED TO THANK SUSAN FOR COMING DOWN AND DOING THIS EVERY SINGLE YEAR. MORE SO FOR MANY WHO MAY NOT KNOW, THERE IS LEGISLATION PENDING IN THE TEXAS LEGISLATURE TO REMOVE CESAR CHAVEZ AS A STATE HOLIDAY. CESAR CHAVEZ DAY AS A STATE HOLIDAY. AND THAT IS SOMETHING THAT OBVIOUSLY IS UNACCEPTABLE TO ME AND MANY IN THIS COMMUNITY AND IN THIS STATE. AND SO I THINK THIS YEAR IT'S REALLY IMPORTANT THAT WE SHOW OUR SUPPORT FOR POLAR AND CESAR CHAVEZ AND I

LOOK FORWARD TO BEING OUT THERE AND JOINING IN YOU ALL.

THANK YOU SO MUCH.

MAYOR LEFFINGWELL: NEXT SPEAKER IS KELLY TAIGLE? DON'T SEE KELLY. LINDA GREENE? LINDA GREENE? THERE SHE IS. OKAY. WELCOME. YOU HAVE THREE MINUTES.

THANK YOU. I'M ABOUT TO PLAY THE HEALTH AND HUMAN SERVICES REPORT THAT WAS ISSUED ON JANUARY 7. AND I'M INCLUDING A LETTER TO HEALTH AND HUMAN SERVICES FOR ALL OF YOU TO READ. WE HAD A DEADLINE OF VALENTINE'S DAY. AND IT CAN ALSO BE SEEN ON YOUTUBE AS FED GOV THAT THERE IS TOO MUCH FLUORIDE IN WATER. PRODUCES A SERIOUS PROBLEM.

NEW STUDIES NOW SAY THAT TOO MUCH FLUORIDE IS DAMAGING TO TEETH IN MORE THAN ONE IN THREE TEENS. FOR THE FIRST TIME IN NEARLY 50 YEARS THE FEDERAL GOVERNMENT IS REVERSING COURSE AND RECOMMENDING LESS FLUORIDE IN WATER. HERE'S RON CLEBURNE.

EVER SINCE THE 1940s, FLUORIDE HAS BEEN ARTIFICIALLY ADDED TO DRINKING WATER TO HELP FIGHT TOOTH DECAY. IT'S BEEN CREDITED WITH REDUCING CAVITIES BY UP TO 50%. BUT EVEN THEN THERE WERE CRITICS WHO COMPLAINED ABOUT INJECTING A CHEMICAL INTO DRINKING WATER. A VIEW SATIRIZED IN THE 1960s MOVIE "DR. STRANGE LOVE."

DO YOU REALIZE THAT FLUORIDATION IS THE MOST MONSTROUSLY CONCEIVED AND DANGEROUS COMMUNIST PLOT WE HAVE EVER HAD TO FACE?

BUT TODAY THE FEDERAL GOVERNMENT CALLED FOR REDUCTION THE AMOUNT OF FLUORIDE IN WATER TO PROTECT CHILDREN FROM A TOOTH DISEASE CALLED FLUOROSIS WHICH STAINS AND EVEN ERODES TEETH. IT AFFECTS AS MANY AS A THIRD OF AMERICAN CHILDREN.

MAKING THIS ADJUSTMENT NOW WILL PROMOTE PUBLIC HEALTH, IMPROVE ORAL HEALTH AND REDUCE RATES OF FLUOROSIS.

FOR YEARS FLUORIDE HAS BEEN ADDED TO TOOTHPASTE AND IS IN OTHER PRODUCTS WE EAT AND DRINK. THE GOVERNMENT SAYS AMERICANS ARE NOW INGESTING TOO MUCH FLUORIDE. ITS NEW RECOMMENDATION, NO MORE THAN .7 MILLIGRAMS OF FLUORIDE FOR EVERY LITER OF DRINKING WATER, DOWN FROM 1.2 MILLIGRAMS A LITER. CITIES SUCH AS NEW YORK, CHICAGO AND MINNEAPOLIS AND MANY OTHERS WHOSE WATER HAVE HIRE AMOUNTS OF FLUORIDE WOULD HAVE TO REDUCE THEM TO MEET THE NEW TARGET. DR. GRIFFIN COLE OF AUSTIN, TEXAS SAYS HE HAS TREATED SOME SEVERE CASES OF FLUOROSIS IN CHILDREN.

THE TEETH BECOME BRITTLE, BECOME WEAK, AND YOU HAVE TO TREAT THEM WITH EITHER CROWNS OR NEW FACINGS. AND IT CAN BE VERY COSTLY.

CRITICS SAY FLUORIDE CAN CAUSE GREATER DAMAGE THAN JUST BRITTLE TEETH. EVEN THE NATIONAL RESEARCH COUNCIL WHO IS 2006 REPORT WAS CITED TODAY BY THE E.P.A. LINKED IT TO BONE DAMAGE AND INCREASED RISK OF FRACTURES. THE GOVERNMENT SAYS THERE'S NO EVIDENCE FLUORIDE CAUSES SERIOUS ILLNESS. THE ONLY CONCERN FOR NOW, THE POTENTIALLY SERIOUS DAMAGE TO CHILDREN'S TEETH.

AND THE PRESIDENT OF THE AMERICAN ACADEMY OF PEDIATRIC DENTISTRY SAYS

PARENTS NEED TO BE ESPECIALLY VIGILANT ABOUT ALL THE WAYS CHILDREN CAN INGEST FLUORIDE INCLUDING SWALLOWING TOOTHPASTE. HIS ADVICE GIVE THEM ONLY A PEA SIZED AMOUNT ON THE TOOTHBRUSH, MAKE IT MUCH LESS LIKELY THEY WON'T EAT A BIG GLOB OF TOOTHPASTE WITH FLUORIDE ON IT.

OKAY, RON, THANKS.

I JUST WANT TO SHOW YOU .7 MILLIGRAMS OF FLUORIDE, 1.2 MILLIGRAMS OF FLUORIDE. TWO LITTLE PIECES OF SALT, FOUR LITTLE PIECES OF SALT. THANK YOU.

MAYOR LEFFINGWELL: THOSE ARE ALL THE SPEAKERS THAT WE HAVE SIGNED UP TO SPEAK TODAY. SO WITHOUT OBJECTION THE CITY COUNCIL WILL GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE FOR CONSULTATION WITH LEGAL COUNCIL TO TAKE UP ONE ITEM. ITEM 56 TO DISCUSS LEGAL ISSUES RELATING TO THE OPEN MEETINGS ACT. IS THERE ANY OBJECTION TO GOING INTO EXECUTIVE SESSION ON THE ITEM ANNOUNCED? HEARING NONE THE COUNCIL WILL NOW GO INTO EXECUTIVE SESSION.

COUNCILMEMBER RILEY.

RILEY: I'M JUST LOOKING AT THE ZONING MAP AROUND THE SITE. AND WHAT I SEE IS, THIS IS ONE LITTLE TINY CORNER OF AN AREA THAT IS ALL MARKED LRCO. AND I'M JUST TRYING TO UNDERSTAND THE RATIONALE WHY YOU'D HAVE A MAP ON THAT WHOLE AREA YOU'D HAVE LRCO, BUT ON THIS RIGHT ON THE CORNER YOU'D HAVE THE DIFFERENT ZONING OF G.O. HELP ME UNDERSTAND THE RATIONALE.

OKAY. IF YOU LOOK AT THE ZONING MAP YOU'LL SEE THAT WHILE IT IS TRUE THAT ADJACENT PROPERTY IS ZONED L.R., THE PROPERTY IMMEDIATELY TO THE LOWER RIGHT HERE, THE MUCH LARGER PARCEL ACROSS CITY PARK ROAD IS G.O. AND WHAT YOU CAN'T SEE BECAUSE AS I NOTE THERE'S A BILL CHUNK OF TRACT ONE TO THE NORTH IS ALSO G.O. OUR POINT IS THAT G.O. IS RIGHT THERE ALSO. I MEAN, WE DON'T REALLY SEE WHY IT IS NECESSARY TO HAVE THE EXACT SAME ZONING AS THE 13 ACRE PARCEL FOR WHICH IT IS CLOSEST ASSOCIATED. THEY ARE DIFFERENT TRACTS. THEY HAVE DIFFERENT OWNERS. SO WHILE WE UNDERSTAND THAT L.R. IS APPROPRIATE FOR THAT FOR TRACT TWO, G.O. IS APPROPRIATE FOR CHAMPION TRACT THREE, IT SEEMS TO US THAT EITHER ONE OF THOSE ZONINGS IS REPRESENTED IN THE IMMEDIATE NEIGHBORHOOD. SO WE'RE JUST REQUESTING THE G.O. SPECIFICALLY TO THAT TRACK BECAUSE THAT TRACK IS SO CHALLENGED. THE DRIVEWAY FOR THAT TRACK, IF YOU LOOK AT THE MAP YOU CAN PROBABLY REALIZE, THIS THE DRIVEWAY FOR THAT TRAFFIC IS ON CITY PARK ROAD. IT'S LESS THAN 50 FEET FROM THE INTERSECTION. SO CARS LEAVING THAT TRACT LITERALLY ARE PULLING ONTO CITY PARK ROAD ACROSS THE TURN THE LEFT TURN LANE FOR 2222. SO IT'S A VERY CHALLENGED INTERSECTION. WE'RE JUST TRYING TO AVOID FUTURE ISSUES WITH HIGH TRAFFIC USES SPECIFICALLY DURING PEAK HOURS IN THE SUMMER WHEN EMMA LONG PARK TRAFFIC IS JUST UNBELIEVABLY HEAVY ON THAT ROAD.

RILEY: WOULDN'T AN OFFICE USE TEND TO DRAW TRAFFIC DURING PEAK HOURS JUST AS MUCH IF NOT MORE SO THAN THE NEIGHBORHOOD COMMERCIAL?

THE SAME OFFICE USES ARE ALLOWED IN L.R. AS IN G.O. SO I DON'T UNDERSTAND THE QUESTION. I MEAN, I'M SORRY. WHAT WE'RE TRYING TO DO IS WE'RE TRYING TO GIVE THE PROPERTY OWNERS AS MUCH LEEWAY AS POSSIBLE TO USE THEIR PROPERTY OFFICE USES. WE'RE NOT TRYING TO INTERFERE WITH THE BUSINESSES THAT THEY'RE DOING WHICH WERE RECOVERED UNDER G. L.R. INCLUDES THE G.O. USES PLUS A WHOLE BUNCH OF HIGH TRAFFIC USES LIKE CONVENIENCE STORES AND GAS STATIONS AND FINANCIAL



SERVICES LIKE A.T.M. MACHINES AND FOODSERVICES THAT ARE PROBABLY IMPRACTICAL FOR THIS SITE, ANYWAY. IF THEY'RE IMPRACTICAL WHAT IS THE HARM IN NOT ZONING THEM. SO WHAT WE'RE ASKING YOU TO DO IS EITHER CONSIDER IF YOU'RE GOING TO GIVE THEM L.R., THEN PLEASE CONSIDER PROHIBITING THE HIGH TRAFFIC USES THAT WERE INCLUDED IN OUR E MAILS THAT WENT OUT TO ALL OF YOU LAST NIGHT. IF IT'S A SIMPLER MORE STRAIGHTFORWARD THING TO GIVE THEM THE G.O. ZONING THEN WE THINK THAT IT SOLVES THE SAME PURPOSE. AGAIN, IF THE ISSUE IS TO HAVE THE CURRENT USES BECOME COMPLIANT WITH CODE, EITHER G.O. OR L.R. WILL SERVE THE SAME PURPOSE. SO WE ARE ASKING THAT POTENTIAL FOR HIGH TRAFFIC USES SPECIFICALLY THAT ARE BROUGHT IN L.R. EITHER BE PROHIBITED IN L.R. OR THAT G.O. BE SUBSTITUTED.

RILEY: OKAY. THANKS.

MAYOR LEFFINGWELL: I HAVE A QUESTION. THE CONCERN THAT YOU HAVE SEEMS TO BE CENTERED AROUND GENERATING TOO MUCH TRAFFIC.

YES, SIR. STRICTLY A TRAFFIC ISSUE.

MAYOR LEFFINGWELL: SO THE 500 TRIP A DAY LIMIT WOULD NOT ADDRESS THAT ISSUE? THAT'S THE C.O. THAT'S

SIR, IT'S IN OUR EXPERIENCE IN THE IMMEDIATE AREA SURROUNDING THIS PROPERTY THAT WE HAVE NO VEHICLE TRIPS PER DAY POLICED IN THIS CITY. SO ONCE A PROPERTY GETS BUILT OUT, NO MATTER HOW HIGH THE VEHICLE TRIP PER DAY IN ACTUALITY ARE, THERE IS NO WAY TO ENFORCE IT AFTER THE FACT. WHAT WE HAVE DISCOVERED IS THAT THE ONLY WAY TO AVOID HIGH TRAFFIC USES THAT CAUSE ISSUES IN SITUATIONS LIKE THIS IS TO TRY TO GET THEM PRECLUDED UP FRONT.

MAYOR LEFFINGWELL: WELL, NOBODY COUNTS TRAFFIC NO MATTER WHERE THE ZONING IS.

RIGHT.

MAYOR LEFFINGWELL: BUT THE WAY YOU DETERMINE THAT TRIP LIMIT IS BASED ON THE ZONING OR THE USE OF THE PROPERTY, AS I UNDERSTAND IT. SO YOU WOULD TAKE THAT USE AND MULTIPLY IT BY SQUARE FEET OR WHATEVER FORMULA THEY MAY USE. AND IF IT GENERATED MORE THAN 500 TRIPS THEY COULDN'T HAVE THAT USE, CORRECT?

THEORETICALLY.

MAYOR LEFFINGWELL: ALL RIGHT, WELL

500 TRIPS PER DAY IS AWFULLY JEN ERROUSE FOR A PROPERTY THIS SIZE. WE WOULD HAVE ASKED FOR A LESSER NUMBER BUT WE KNEW THAT D.A.P. WOULDN'T LISTEN TO US. I'M NOT QUITE SURE WHAT VEHICLE TRIPS PER DAY ARE APPROPRIATE FOR .08 ACRES AND HAS A 720 SQUARE FOOT BUILDING RIGHT. I HAVE NO IDEA. BUT I DO KNOW THAT IF YOU HAVE 1,000 VEHICLE TRIPS PER DAY IN ACTUALITY USING THAT PROPERTY AND YOU'RE ALL COMING IN BETWEEN 7:30 AND 9:00 IN THE MORNING AND 5:00 AND 6:00 IN THE EVENING IT'S A TERRIBLE PROBLEM FOR THAT INTERSECTION.

MAYOR LEFFINGWELL: OKAY. GOT YOU. THANK YOU. COUNCILMEMBER RILEY?

RILEY: JUST ONE MORE QUESTION. I'VE SEEN THE LIST OF WE PROHIBIT, WHETHER IT'S G.O.

OR L.R., DID YOU ALL MAKE A SIMILAR REQUEST OF THE ZONING AND PLANNING COMMISSION?

YES, SIR, WE DID.

RILEY: AND THEY CONSIDERED THAT BUT DECIDED NOT TO INCLUDE ANY PROHIBITION ON ANY OF THOSE USES?

I BELIEVE THAT I DON'T LIKE TO PUT WORD IN OTHER PEOPLE'S MOUTHS, OF COURSE, BUT I BELIEVE THAT THE GENERAL ATTITUDE OF THOSE WHO VOTED FOR IT WAS THAT IT'S SUCH A SMALL PIECE OF PROPERTY, THIS COULDN'T EVER BE A PROBLEM.

RILEY: OKAY.

SO OUR THEORY IS, YOU KNOW, IT MAY NOT SEEM PRACTICAL BUT WE'VE SEEN IMPRACTICAL PROBLEMS EXIST BEFORE THAT WOULDN'T NECESSARILY HAVE A.

RILEY: THANKS.

MAYOR LEFFINGWELL: THOSE ARE ALL THE SPEAKERS WE HAVE SIGNED UP AGAINST. SO THE APPLICANT GETS A THREE MINUTE REBUTTAL.

I THINK I UNDERSTAND THE EVIL SHE IS TRYING TO PREVENT FROM OCCURRING, BUT I DON'T THINK HER RECOMMENDATION IS GOING TO ACCOMPLISH THAT. THIS PROPERTY IS TOO SMALL TO DEVELOP BY ITSELF. THE HILL COUNTRY ROADWAY ORDINANCE AND THE BUFFERS OFF THE ROAD, WE DON'T HAVE ANY LAND AREA LEFT. THIS PROPERTY IS GOING TO CONTINUE TO BE USED THE WAY IT'S CURRENTLY USED, WITH THE DRIVEWAY THAT'S ABOUT 50 FEET OFF OF 2222, UNTIL ITS USEFUL LIFE HAS EXPIRED OR IT IS RECONFIGURED WITH THE ADJACENT PROPERTY. IF WE'RE GOING TO RECONFIGURE IT WITH THE ADJACENT PROPERTY, BY MUTUAL AGREEMENT OF WHOEVER THE OWNERS ARE AT THAT TIME, IF THIS PROPERTY IS ZONED L.R. WITH THE SAME CONDITIONAL OVERLAY EXCEPT FOR TRIPS THAT THE 13 ACRES IS, IT'S GOING TO MAKE IT EASY TO JOINT TWO PROPERTIES TOGETHER. THE TWO PROPERTIES ARE JOINED TOGETHER, THERE WILL BE A NEW SITE PLAN DEVELOPMENT AND THE DRIVEWAY THAT'S HERE WILL PROBABLY GO AWAY. THAT'S PROBABLY THE BEST LONG TERM SOLUTION. SO THE BEST WAY TO PROMOTE THAT IS JUST TO ZONE IT L.R. WITH THE SIMPLE CONDITIONAL OVERLAY ON TRAFFIC. IT WILL CONTINUE TO BE USED THE WAY IT IS. IF IT'S EVER REDEVELOPED IT WILL MAKE IT A LOT EASIER TO RECONFIGURE IT WITH SOME OR ALL OF THE ADJACENT 13 ACRES. DOES THAT MAKE ANY SENSE? AND THAT'S WHY WE DON'T WANT A PROHIBITION ON USES THAT'S DIFFERENT THAN THE ADJACENT 13 ACRES. I THINK IT WOULD JUST COMPLICATE THAT.

MAYOR LEFFINGWELL: THERE WAS A ZONING APPLICATION ON THE SAME PROPERTY A COUPLE OF YEARS AGO. AND I THINK THE PROPOSED USE WAS A SERVICE STATION. SO YOU'RE NOT

ON THE 13 ACRES?

MAYOR LEFFINGWELL: YEAH.

TO THE BEST OF MY KNOWLEDGE, THE OWNERS HAD NO CONTACT WITH THE OWNER OF THE PROPERTY.

MAYOR LEFFINGWELL: OKAY.

HE ISN'T TRYING TO SELL HIS PROPERTY OR RECONFIGURE IT, HE'S JUST TRYING TO GET RIGHT WITH THE CITY DEVELOPMENT DEPARTMENT.

MAYOR LEFFINGWELL: IS THAT A PROHIBITED USE ON THE PROPERTY? SERVICE STATION?

NO, IT IS NOT.

MAYOR LEFFINGWELL: COUNCILMEMBER RILEY?

RILEY: MR. YEARY, I THINK YOU WOULD NOT LIKE TO HAVE ANY PROHIBITION ON DRIVE THROUGH SERVICES OR ANY OTHER USES REQUESTED BY THE NEIGHBORHOOD?

RIGHT. AND WE BROUGHT THAT TO THE ZONING AND PLANNING COMMISSION AND SAID, JUST ZONE IT L.R. WITH CONDITIONAL OVERLAY ON TRIPS, BUT NONE OTHER, JUST SO IT WE'RE NOT GOING TO COMPLICATE THINGS DOWN THE ROAD IF SOMEBODY DOES WANT TO RECONFIGURE THIS PROPERTY.

RILEY: AN IF YOU JUST HAD THE PROHIBITION ON DRIVE THROUGH USES, YOU COULD STILL HAVE A WHOLE VARIETY OF OPTIONS BEFORE YOU IF THIS WERE COMBINED WITH A LARGER TRACT, BUT YOU JUST WOULDN'T HAVE THE DRIVE THROUGH ON THAT SMALL CORNER SITE THAT MIGHT PRESENT MORE TRAFFIC PROBLEMS.

I SUPPOSE THAT'S THE WAY THAT WOULD BE INTERPRETED, BUT I'M NOT REALLY SURE.

RILEY: OKAY.

WE'LL NEVER HAVE A DRIVE THROUGH USE ON THIS PROPERTY. WE JUST WE CAN'T DO IT.

RILEY: OKAY. THANKS.

MAYOR LEFFINGWELL: ANY MORE QUESTIONS OF THE APPLICANT? SO I'VE GOT A QUESTION OF STAFF HERE. IT'S AGAIN ABOUT THIS 500 TRIP LIMIT WHERE YOU TELL ME NOW HOW IT'S CALCULATED? HOW DO YOU CALCULATE THE TRIPS GENERATED? ARE THEY STRICTLY ON THE ZONING OR IS IT BASED ONS USE?

IT'S ON BOTH. WHEN WE GIVE YOU THE PROJECTED TRIPS FOR ZONING WE TAKE THE MOST INTENSE USES ALLOWED IN THAT ZONING CATEGORY, MAKE A PRESUMPTION WHICH IS ACTUALLY TENDENCY TO OVERSHOOT IT BECAUSE WE DON'T SUBTRACT FOR WATER QUALITY POND AND PARKING LOTS AND ALL THAT KINDS OF THINGS. WHEN IT COMES DOWN TO APPROVING A SITE PLAN OR CONDITIONAL OVERLAY WE TAKE THE PROPOSED USE, SQUARE FOOTAGE, APPLY IT TO THE TRANSPORTATION FORMULAS AND COME UP WITH THE PROJECTED TRIPS PER DAY. SO YES, IT'S BASED UPON THE USE AND THE SQUARE FOOTAGE.

MAYOR LEFFINGWELL: BASICALLY AS WE DISCUSSED. BUT YOU GET REALLY TWO BITES OF THE APPLE AT THE ZONING LEVEL AND THE ZONING SEEMS LIKE IT COULD BE THE RESTRICTING FACTOR BECAUSE YOU COULD NEVER EXCEED THAT.

GENERALLY THE ZONING YOU PUT A CAP ON IT AND WE VERIFY WHEN WE DO A SITE PLAN

AT OR BELOW THAT CAP.

MAYOR LEFFINGWELL: AND THE SITE PLAN REVIEW MAY CALL FOR 200 TRIPS A DAY OR SOMETHING LIKE THAT. AS LONG AS IT'S NOT OVER 500 IT'S OKAY.

RIGHT.

MAYOR LEFFINGWELL: OKAY. COUNCILMEMBER MORRISON?

MORRISON: SO JERRY, I DON'T KNOW IF YOU CAN DO THIS OFF THE TOP OF YOUR HEAD, BUT DO YOU HAVE AN IDEA OR HOW MANY SQUARE FEET OF A CONVENIENCE SERVICE YOU WOULD BE ABLE TO PUT AND STAY UNDER 500 TRIPS PER DAY?

I DON'T HAVE THAT OFF THE TOP OF MY HEAD. I THAT WE'RE BUILDING THIS 800 SQUARE FEET AND I AGREE WITH MR. YEARY IT'S NOT GOING TO GET ANY LARGER BECAUSE IT WOULD BE UNDER THE REGULATIONS IMPOSSIBLE FOR HIM TO BUILD A NEW BUILDING ON THE SITE. SO I PRESUME THE BUILDING IS GOING TO STAY AS IT IS. I THINK IT'S A SAFE ASSUMPTION TO SAY FOR THE EXISTING USES AS WELL AS PROPOSED IT WOULD BE VERY DIFFICULT TO GET THE 500 TRIPSES PER DAY FOR A 800 SQUARE FOOT BUILDING.

MORRISON: CAN YOU DESCRIBE TO ME THE SETBACKS FOR THE HILL COUNTRY ROADWAY AND THINGS LIKE THAT? I KNOW IT'S GOT A .5 1 F.A.R. UNDER L.R. SO THAT MEANS THEY COULD DO AT MOST LIKE 1700 SQUARE FEET. BUT ARE THERE SETBACKS AND OTHER THINGS THAT LIMIT EVEN MORE?

I DON'T HAVE ALL THOSE IN FRONT OF ME. GENERALLY SPEAKING YOU HAVE BUFFERING REQUIREMENTS MANY BECAUSE THEY'RE AT AN INTERSECTION THEY GATE BREAK. GENERALLY A 500 FOOT VEGETATIVE AREA WHICH WOULD SWALLOW UP THIS ENTIRE PROPERTY. BUT I THINK IT'S SAFE TO SAY THAT UNDER THE HILL COUNTRY ORDINANCE, THIS BUILDING IS ALL THAT CAN GO ON THE SITE AND YOU COULD NOT TEAR THIS BUILDING DOWN AND BUILD A NEW BUILDING TODAY UNDER THE EXISTING REGULATIONS. SO EITHER THE BUILDING STAYS AS IT IS, OR IF THERE WERE A FIRE OR SOME OTHER ACT OF GOD THE CITY WOULD ALLOW THEM TO RECONSTRUCT THE BUILDING THE EXACT SAME SIZE. I THINK IT WOULD BE VERY DIFFICULT GIVEN THE PARKING REQUIREMENTS, HILL COUNTRY ROADWAY, WATER QUALITY REGULATIONS, ET CETERA THE, TO BUILD A NEW BUILDING ON .08 ACRES OF LAND.

MORRISON: IS THERE ANY CHANCE OF IT BEING REPURPOSED TO BE A HIGH TRAFFIC USE?

THERE COULD BE. YES, AS FAR AS THE ZONING GOES. BUT NO IN THAT THOSE SAME HIGH TRAFFIC USES GENERALLY REQUIRE HIGH PARKING REQUIREMENTS. SO THERE WOULD BE NO WAY FOR THEM TO BE ABLE TO PARK. WE WOULD NOT ALLOW A SITE PLAN FOR A CHANGE OF USE TO A MORE INTENSE USE WITHOUT SHOWING THAT THEY NOT ONLY MEET THE TRIP LIMIT BUT PROVIDE THE REQUIRED PARKING. I DON'T THINK WE COULD GET THE PARKING FOR AN INTENSE USE ON THIS SITE. YOU'RE NOT GOING TO BE ALLOWED TO BUILD NEW PARKING SO PRETTY MUCH THE EXISTING PARKING YOU HAVE IS WHAT YOU'RE ALLOWED TO DO.

MORRISON: DO YOU KNOW WHAT THE IMPERVIOUS COVER IS RIGHT NOW?

NO, I'M NOT AWARE.

MORRISON: THEN I APOLOGIZE. I'M SURE YOU WENT OVER THIS BEFORE BUT I MUST HAVE

MISSED IT. DOES THE STAFF RECOMMENDATION HAVE SOME RESTRICTED USES?

NO. THE STAFF RECOMMENDATION WAS TO APPROVE L.C.C.O. ZONING WITH A 500 TRIP CAP.

MAYOR LEFFINGWELL: ANYTHING ELSE? THANK YOU. MOTION ON ITEM 61? READY FOR ALL THREE READINGS. COUNCILMEMBER SPELMAN?

SPELMAN: MAYOR, I PROPOSE WE ADOPT THE ZONING AND PLANNING COMMISSION RECOMMENDATION WITH THE ADDITIONAL PROVISION SO THERE NOT BE A DRIVE THROUGH USES. 3500 PER VEHICLE A DAY CAP AND NO DRIVE THROUGH USES.

SO COUNCILMEMBER SPELMAN PROPOSES TO CLOSE PUBLIC HEARING AND APPROVED ITEM 61 ON ALL THREE READINGS WITH THE ADDITIONAL C.O. CAN WE DO THAT?

WHAT WE WOULD DO IS PROHIBIT DRIVE THROUGH SERVICES AS A

MAYOR LEFFINGWELL: IS THAT GOING TO SLOW UP?

NO. WE HAVE CLEAR DIRECTION ON THAT AND WE CAN GO AHEAD AND ADD THAT FOR ALL THREE READINGS.

MAYOR LEFFINGWELL: IS THAT CORRECT?

IS THAT STATE YOUR SECOND? SECOND BY COUNCILMEMBER SHADE. DISCUSSION? COUNCILMEMBER RILEY?

RILEY: JERRY, JUST A QUESTION ABOUT HOW THAT WOULD WORK. SUPPOSE THIS SMALLER TRACT WERE SOME POINT DOWN THE ROAD CONNECTED WITH THE LARGER 13 ACRE PARCEL. AND WHOEVER WAS DEVELOPING THAT COMBINED TRACT WANTED TO DO SOME USE THAT INCLUDED A DRIVE THROUGH USE. ON SOME PART OF THAT COMBINED SITE OTHER THAN THIS CORNER TRACT. IS THERE ANYTHING ABOUT THIS, THE INCLUSION OF THIS C.O., THIS ITEM IN THERE FOR A DEVELOPMENT LIKE THAT, ASSUMING THAT DEVELOPMENT WERE ABLE TO SATISFY ALL OF THEIR REQUIREMENTS RELATED TO HILL COUNTRY, ROADWAY AND

THAT CONDITION COULD ONLY APPLY TO THE SPECIFIC PIECE OF PROPERTY.

RILEY: YOU WOULDN'T GET A DRIVE THROUGH ON THIS LITTLE CORNER PIECE BUT YOU COULD STILL HAVE IT AS PART OF A LARGER DEVELOPMENT ON THE COMBINED TRACT?

PROVIDED IT WERE ALLOWED BY LAW.

RILEY: OKAY.

MAYOR LEFFINGWELL: PUBLIC COMMENT? COUNCILMEMBER MORRISON?

MORRISON: I THINK I'M GOING TO SUPPORT THIS MOTION BECAUSE IT SOUNDS LIKE FROM A PRAGMATIC STANDPOINT IT JUST ISN'T REALLY GOING TO HAVE ANY DIFFERENCE ONE WAY OR ANOTHER REGARDING THE LIMITS ON USES. I THINK IT'S IMPORTANT TO KEEP IT L.R. BECAUSE THAT'S IN THE LONG TERM A SIGNIFICANT PRECEDENT TO BE SETTING, WHETHER

IT'S L.R. OR G.O. SO I WILL SUPPORT THE MOTION.

MAYOR LEFFINGWELL: SO THE MOTION IS THE ZONING AND PLATTING COMMISSION RECOMMENDATION WITH THE ADDITIONAL C.O. PROHIBITING DRIVE THROUGH USES, INCLUDING STARBUCKS? IS THAT INCLUDING OKAY. ALL RIGHT. ALL IN FAVOR SAY AYE. OPPOSED SAY NO. PASSES ON VOTE OF 7 0.

THANK YOU, MAYOR. OUR NEXT TWO ITEMS, ITEMS 65 AND 67 ARE RELATED. WOULD YOU LIKE ME TO DO THE STEP PRESENTATION COMBINED AND THEN HAVE THE VOTING SEPARATELY?

MAYOR LEFFINGWELL: PLEASE DO, YES.

FIRST OF ALL I'LL ADDRESS ITEM NUMBER 67 WHICH IS THE SUBURBAN LODGE SRO CONVERSION. THE PROPOSAL IS TO CHANGE THE FUTURE LAND USE MAP FOR THIS TRACT TO ALLOW FOR A CONVERSION FROM COMMERCIAL TO MIXED USE. BOTH THE STAFF AND PLANNING COMMISSION RECOMMEND THAT CHANGE. ITEM 65, AGAIN IS SUBURBAN LODGE AT 2501 SOUTH I.H. 35 SERVICE ROAD NORTHBOUND. THE REQUESTED CHANGE IS REQUESTED CHANGE TO ZONING FROM GRNP TO GRMU CONP WHICH IS FOR COMMERCIAL USE, CONDITIONAL OVERLAY. BOTH PLANNING STAFF AND RECOMMENDATION IS TO APPROVE THE GRNPCO WITH PLANNING COMMISSIONS. BOTH STAFF RECOMMEND A CONDITIONAL OVERLAY THAT WOULD PRESTRICT THE IMPERVIOUS COVER ON THE SITE TO THE EXISTING COVER OF 26%, WOULD RESTRICT THE HEIGHT TO THE EXISTING HEIGHT LIMIT OF 40%, WOULD RESTRICT THE DEVELOPMENT TO 123 UNITS AND WOULD PROHIBIT OUTDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION AND GENERAL RETAIL SALES CONVENIENCE USE. THE EXISTING USE OF THE PROPERTY IS FOR THE SUBURBAN LODGE MOTEL. IT IS A 123 UNIT PROPERTY. THE PROPOSED USE OF THE PROPERTY IS PROPOSED BY FOUNDATION COMMUNITIES WHO WOULD LIKE TO DO A SINGLE ROOM OCCUPANCY PERMANENT SUPPORTIVE HOUSING PROJECT AT THIS SITE. IT IS A SMART HOUSING PROJECT THAT OBVIOUSLY IS FOR AFFORDABLE HOUSING. THE STAFF HAS NO ISSUE AT ALL WITH THE PROPOSED USE AND WOULD RECOMMEND FOR APPROVAL. SO IN SUMMARY, THE STAFF RECOMMENDS APPROVAL OF GRMUCONP TO ALLOW A SRO WHICH IS ALSO THE PSH. SO I'M AVAILABLE FOR ANY QUESTIONS.

MAYOR LEFFINGWELL: QUESTIONS OF STAFF? AND DO WE HAVE SOMETHING ON BEHALF OF THE APPLICANT FOUNDATION COMMUNITIES? ALL RIGHT. AND WE'RE TALKING ABOUT THE M ZONING CASE RELATED. SO YOU HAVE FIVE MINUTES, WALTER.

I JUST WANT TO RECAP A FEW THINGS. THANK YOU FOR HEARING THIS CASE TODAY. WE'VE WORKED EXTREMELY HARD WITH SOME OF THE NEIGHBORS TO TRY TO GET A RESTRICTIVE COVENANT IN PLACE. THOUGHT WE HAD IT ALL IRONED OUT TUESDAY. AND WE WERE NOT ABLE TO COME TO AGREEMENT ON SOME ITEMS. THERE WAS AN ATTEMPT FOR A BALLOT PETITION YESTERDAY BUT WE DEMMED THAT WASN'T VALID. WE FIRST STARTED IN NOVEMBER, MET WITH A LOT OF THE EAST RIVERSIDE LEADERS. AND THEY VISITED SKYLINE TERRACE. DECEMBER 2 WAS OUR FIRST NEIGHBORHOOD PLAN AMENDMENT MEETING. WE MET AND STARTED TALKING WITH SOME OF THE NEIGHBORS. MET AGAIN JANUARY 5. AGREED TO PLANNING COMMISSION FROM JANUARY 11. AND 25th. IT'S SOMETHING WE'VE REALLY BEEN WORKING ON. OUT OF THAT CAME ALL THE ITEMS IN THE CONDITIONAL OVERLAY WHICH IS MOST OF WHAT WAS IN THE RESTRICTIVE COVENANT. AND WE'RE OKAY WITH THAT. I THINK WE JUST WE ARE VERY ANXIOUS TO GET APPROVAL AND WE'D REQUEST APPROVAL ON ALL THREE MEETING THAT WE CAN MOVE FORWARD WITH ENGINEERING AND ARCHITECTURE WORK AND GET THE PROJECT BID REPHRASED OVER \$8 MILLION SO FAR. AND I'M HAPPY TO ANSWER ANY QUESTIONS.

MAYOR LEFFINGWELL: COUNCILMEMBER SPELMAN.

SPELMAN: WHAT WERE YOU NOT ABLE TO GET AGREEMENT ON AS FAR AS THE RESTRICTIVE COVENANT IS CONCERNED?

TUESDAY I ADDED THE CLAUSE THAT IF WE SIGNED THE RESTRICTIVE COVENANT AT 4:00 THEY WOULD NOT COME. AND THE NEIGHBORHOOD ASSOCIATION WOULD NOT OBJECT TO THE ZONING. AND THEY WERE NOT COMFORTABLE DOING THAT.

SPELMAN: THERE ARE NO OTHER ITEMS ON THE LIST OF THINGS THAT THEY ASKED FOR THAT YOU HAVE A DISAGREEMENT ON?

I WAS READY TO SIGN IT TUESDAY. BUT HAVING WORKED ON THIS IN GOOD FAITH FOR A COUPLE OF MONTHS DIDN'T WANT TO SIGN IT, COMMIT IN A LEGALLY BINDING CONTRACT THAT WE WERE GOING TO DO AN EXTRA 8 FOOT FENCE, ADDITIONAL TREES AND HAVE SOME SUBJECTIVE ITEMS IN THERE ABOUT EXTERIOR APPEARANCE AND THEN DRAINAGE IN A CONTENTION SITUATION. I'M NOT COMFORTABLE SIGNING A RESTRICTIVE COVENANT AT THIS POINT AND PUTTING IN PLACE A LEGAL TACTIC SITUATION THAT PUTS US AT RISK FOR MOVING FORWARD.

SPELMAN: IF YOU WERE GRANTED THE ZONING, YOU WERE RECOMMENDED BY THE PLANNING COMMISSION, WILL YOU SIGN THE RESTRICTIVE COVENANT?

AT THIS STAGE I'M NOT COMFORTABLE SIGNING A LEGALLY BINDING, PRIVATE AGREEMENT WITH THE NEIGHBORHOOD BECAUSE THERE'S ITEMS IN THERE THAT GIVEN JUST THE LAST 48 HOURS I DON'T WANT MYTH INTERPRETED. I DON'T WANT TO END UP IN A LAWSUIT ON A PRIVATE RESTRICTIVE COVENANT. MOST OF WHAT WAS REQUESTED BY THE NEIGHBORHOOD WE PUT IN THE CONDITIONAL OVERLAY. SO THEY'RE GETTING THAT. AND WE'RE GOING TO BE GOOD NEIGHBORS. WE'RE PUBLICLY COMMITTED TO THAT. THAT'S OUR TRACK RECORD. THAT'S OUR REPUTATION GOING FORWARD. WE'RE GOING TO DO THE RIGHT THING ON TREES AND FENCING. I JUST AM NOT COMFORTABLE HAVING THAT TRYING TO IRON THAT OUT ANYMORE IN LEGAL LANGUAGE THAT, YOU KNOW, IT PUTS US AT RISK.

SPELMAN: I'LL ASK THE NEIGHBORHOOD THE SAME QUESTION. SO IF YOU CAN'T REMEMBER ALL THE ANSWERS I REALIZE THERE'S PROBABLY A LOT OF ITEMS IN THAT RESTRICTIVE COVENANT THAT YOU AGREED TO IN THE FLURRY OF ACTIVITY ON TUESDAY. IS THERE ANYTHING IMPORTANT FROM YOUR POINT OF VIEW ON THE RESTRICTIVE COVENANT LIST THAT IS NOT IN THE CONDITIONAL OVERLAY?

I THINK THE MOST IMPORTANT THINGS TO THE NEIGHBORHOOD WERE THE LIMIT ON THE NUMBER OF UNITS, HEIGHT, DENSITY, PROTECTION OF THE NATURAL AREA, A COUPLE ITEMS LIKE CONDITION OF THE FENCE WOULD BE A CODE ISSUE IF THAT CAME UP. SO YEAH, I DON'T BELIEVE THERE'S ANY BUT THEY'LL SHARE THEIR TESTIMONY. THERE MAY BE SOMETHING IN THE RET.

SPELMAN: THE NEIGHBORHOOD IS ALREADY ARGUING WITH YOU AS YOU CAN HEAR.

I CAN'T RESPOND TO THAT.

SPELMAN: OKAY. THANKS A LOT.

OKAY.

MAYOR LEFFINGWELL: THANK YOU. DO YOU HAVE A QUESTION? COUNSEL MEMBER RILEY.

RILEY: I WAS ASKING YOU A FEW MINUTES AGO ABOUT THE SIDEWALKS THAT WOULD PROVIDE ACCESS TO AND FROM THIS SITE. THIS IS RIGHT ON THE FRONTAGE ROAD OF I 35. IT'S NOT THE MOST PEDESTRIAN FRIENDLY AREA. BUT THERE ARE A COUPLE OF BUS STOPS. THERE'S ONE RIGHT THERE AND THERE'S ALSO ONE .4 MILES AWAY AT PARKER AND ROYAL HILL. I UNDERSTAND YOU'VE HAD SOME YOU'VE BEEN LOOKING AT WAYS THAT YOU COULD ADDRESS THE SIDEWALK CONNECTIVITY IN THE AREA. COULD YOU ELABORATE ON THAT.

WE'RE COMMITTED. WE'VE PUT IN OUR BUDGET PAYING FOR THE SIDEWALK FROM WHAT WOULD BE ARBOR TERRACE TO THE BUS STOPS ON OLD 4. IT REALLY NEEDS TO BE A.D. A. ACCESSIBLE WHEELCHAIR ROUTE. WE'LL TAKE SOME TIME TO WORK WITH THE TEXAS DEPARTMENT OF TRANSPORTATION BECAUSE IT'S THEIR RIGHT OF WAY.

RILEY: AND HAVE YOU CONSIDERED SIDEWALKS GOING THE OTHER WAY DOWN TOWARDS TO THE SOUTH TOWARDS ROYAL HILL?

THERE ALREADY IS EXISTING SIDEWALKS ON ROYAL HILL ALL THE WAY OVER TO PARKER WHERE BUS 17 GOES, WHICH IS VERY POPULAR ROUTE. SO IT LOOKS LIKE THERE'S JUST A COUPLE SMALL GAPS THERE ON THE FRONTAGE ROAD THAT WOULD PROVIDE UNINTERRUPTED ACCESS ALL THE WAY TO THAT OTHER BUS STOP. HAVE YOU LOOKED AT THAT AS WELL?

I HAVE NOT. BUT WE WILL. I THINK ANYTHING WE CAN DO TO ADD TO CONNECTIVITY.

RILEY: SIDEWALK CONNECTIVITY IN BOTH DIRECTIONS I RATHER EXPECT WOULD BE A BIG HELP IN MAKING YOUR PROJECT MORE SUCCESSFUL. THANKS.

MAYOR LEFFINGWELL: COUNCILMEMBER MORRISON.

MORRISON: WALTER, ONE OF THE QUESTIONS THAT HAS COME UP IS THAT YOU HAVEN'T CLOSED ON THIS PROPERTY YET. IS THAT CORRECT?

CORRECT. SO WE'RE SCHEDULED TO CLOSE IN JUNE.

MORRISON: AND COULD YOU GIVE US A FEEL FOR HOW CLOSE YOU ARE TO BEING ABLE TO MAKE THAT A REALITY? HOWEVER YOU CAN DESCRIBE THAT?

YEAH. I'M 95, 98% SURE WE HAVE A CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING FOR 6.4 MILLION AS WELL AS \$2 MILLION IN GENERAL OBLIGATION HOUSING BONDS. SO IT'S REALLY WE'RE EXCITED ABOUT THE PROPERTY. AND IT'S A GREAT OPPORTUNITY TO TAKE A 10 YEAR OLD EXTENDED STAY HOTEL THAT'S 10 YEARS OLD AND ON THE DECLINE BUT IT HAS THE RIGHT PLUMBING AND KITCHENS AND EVERYTHING. AND BASED ON OUR TRACK TERRACE REALLY BUILD OUR FOURTH NEW SUPPORTIVE HOUSING COMMUNITY. AND ALL THREE OF THOSE HAVE LONG WAITING LISTS. SO THE FUNDING IS THERE, AND IT'S THE RILE PROPERTY. AND WE BELIEVE A GOOD LOCATION. AND IT WILL BE A GREAT PLACE TO LIVE.

MORRISON: AND IS THAT LION'S SHARE OF THE FUNDING THAT YOU'RE GOING TO NEED? IS THAT SORT OF PRETTY MUCH ALL IN PLACE NOW?



YES. WE'LL KEEP FUNDRAISING FOR

MORRISON: OF COURSE.

SIDEWALK AND SO FORTH.

MORRISON: YOU DON'T WANT TO SAY PUBLICLY EVER THAT YOU HAVE ENOUGH MONEY, RIGHT?

RIGHT. BUT THE CORE FUNDING IS THERE THAT WE KNOW WE CAN PROCEED.

MORRISON: GREAT. AND I KNOW THAT YOUR OTHER PLACES ARE TERRIFIC AND CERTAINLY THERE'S A NEED FOR THIS. THANK YOU.

THANK YOU.

MAYOR LEFFINGWELL: ONE QUICK COMMENT AND SORT OF A QUESTION, TOO. I KNOW ALMOST ALL OF YOUR PAST PROJECTS, I DON'T KNOW ABOUT ALL OF THEM, BUT THE ONES I'M FAMILIAR WITH HAVE VERY STRONG GREEN BUILDING COMPONENT. IS THAT THE CASE HERE? ARE YOU LOOKING AT A THUMBNAIL SKETCH.

WE'RE ABSOLUTELY COMMITTED TO GREEN BUILDING BECAUSE WE'RE GOING TO BE THE LIFETIME OWNER OF THE PROPERTY. ANYTHING WE CAN DO ON THE FRONT END THAT HELPS US WITH UTILITY BILLS. WE'LL BE REMOVING THE CARPET FROM THE BUILDING FOR JUST INDOOR AIR QUALITY AND HEALTH REASONS. I DON'T KNOW WHAT WE CAN DO WE'RE REALLY LOOKING AT THE AIR CONDITIONING MECHANICAL SYSTEM. THAT'S THE BIG ENERGY DRAW THERE. AND SOME ALTERNATIVES TO MAKE THAT MORE EFFICIENT. WE'LL PUSH THE ENVELOPE ON WATER CONSERVATION, RAIN WATER HARVESTING. OUR PAYBACK HORIZON IS REALLY LONG, SO ANYTHING WE CAN DO WE'RE GOING TO TRY.

MAYOR LEFFINGWELL: OKAY. THANK YOU. SO I GUESS THAT'S ALL. COUNCILMEMBER COLE, DO YOU HAVE A QUESTION?

COLE: I JUST HAD A QUICK QUESTION FOR JERRY. I THINK MAYBE YOU CAN ANSWER IT FROM THERE. I JUST WANT TO MAKE SURE THAT MY UNDERSTANDING IS CORRECT IN THE PRIVATE RESTRICTIVE COVENANT, DO WE HAVE ANY CONTROL IN ENFORCEMENT POWER OVER THERE?

NO. THERE WAS A PROPOSED PRIVATE RESTRICTIVE COVENANT BETWEEN THE APPLICANT AND THE NEIGHBORHOOD THAT THEY BOTH WOULD SIGN. IT WAS TOTALLY OUTSIDE THE RECOMMEND OF COUNCIL. WE USUALLY IF WE GET A COPY STICK IT IN THE FILE FOR FUTURE REFERENCE. THE ENFORCEABILITY OF THAT WOULD.

COLE: WELL, WE APPRECIATE MR. MONROE YOU NEGOTIATING SO HARD WITH THE NEIGHBORS ON THAT MATTER. BUT WE KNOW THAT THIS IS HOUSING VERY URGENTLY NEEDED. SO MAYOR, I'M GOING IT MOVE APPROVAL.

MAYOR LEFFINGWELL: WELL, WE HAVE SPEAKERS.

I'M SORRY. DIDN'T KNOW.

MAYOR LEFFINGWELL: JUST A FEW. AND COUNCIL, WE HAVE 13 PEOPLE SIGNED UP TO

SPEAK. THAT'S 45 MINUTES THAT'S ON THE BOOKS RIGHT HERE. AND WE ALSO HAVE AT 4:00 A PUBLIC HEARING THAT PRETTY MUCH NEEDS TO BE HELD RIGHT AT 4:00. SO WE MAY BE IN A SITUATION WE'LL GO AHEAD AND START TO HEAR SPEAK,. BUT WE MAY HAVE TO PAUSE THIS ITEM TO TAKE UP OUR WALLER CREEK ITEMS, WHICH IS I BELIEVE FIVE DIFFERENT ITEMS PLUS CONVENING THE TIP BOARD. BECAUSE OF THE FACT THAT THE TIP SEVERAL TIP BOARD ARE NOT MEMBERS OF THIS COUNCIL AND THEY MADE A SPECIAL TRIP HERE. SO I'M JUST SAYING UP WE MAY GET IN A SITUATION WHERE WE HAVE TO PAUSE THIS ITEM AND THEN TAKE IT UP AGAIN AFTER OUR LIVE MUSIC AND PROCLAMATIONS WOULD START AT 5:30. I HATE TO DO THAT, BUT WE'RE IN THE SITUATION. AND I JUST WANTED TO GIVE EVERYBODY A LITTLE BIT OF A HEAD UP ON IT. SO WITH THAT WE'LL GO AHEAD AND GO TO OUR PUBLIC HEARING. AND IF I CAN GET MY COMPUTER TO WORK, THERE IT GOES, THE FIRST SPEAKER IS CYNTHIA MARSEKA GILBERT? AND YOU HAVE SEVERAL FOLKS DONATING TIME TO YOU? DIANA ESCOBAR? DIANA IN THE CHAMBER? NO? NO. ADAM PARKS? ADAM IS HERE? YOLANDA JONES IS HERE. STEFON BOBAND? THAT'S YOU. SO CYNTHIA, YOU HAVE UP TO 12 MINUTES.

HI. I LIVE IN A DUPLEX THAT I'VE OWNED FOR 20 YEARS THAT I BOUGHT THE YEAR THAT I GRADUATED FROM JOHNSON HIGH SCHOOL. AND IT'S ALL WE HAVE. AND YOU'RE GOING TO AND I'M VERY UPSET BY THIS. I'VE WORKED VERY DILIGENTLY TO TRY TO GET WALTER TO AT LEAST HELP US AND TO GIVE ME A PEACE OF MIND.

MAYOR LEFFINGWELL: COULD I INTERRUPT YOU JUST A SECOND? I FORGOT TO ALSO ANNOUNCE WE ARE HAVING THE PUBLIC HEARING ON 65 AND 67 TOGETHER. IF THERE'S NO OBJECTION FROM ANYBODY. SO GO AHEAD. ARE YOU THROUGH SPEAKING?

NO.

MAYOR LEFFINGWELL: OH, OKAY.

THIS IS A PHOTO FROM BEHIND MY HOUSE. I HAD A BETTER ONE, BUT I DON'T KNOW WHERE I PUT IT. I HAVE LITTLE KLEPTOS IN THE HOUSE. BUT THIS IS LIKE ALMOST AT THE BACK. AND MY PROPERTY GOES FARTHER. AND YOU CAN SEE THE HOTEL. IT'S A BAD ANGLE. BUT YOU CAN SEE THE HOTEL FROM EVERY ROOM IN MY HOUSE. YOU CAN SEE LIKE IF YOU GO UP AND STAND AND SEE WHERE THAT RAILING IS AND THE LIGHTS ARE ON IN MY HOUSE, YOU CAN SEE INTO MY HOUSE. AND YOU CAN SEE THIS ENTIRE HOTEL OVERLOOKS. I'M 30 FEET BELOW. AND THEN THERE'S JUST 30 FEET BETWEEN US AS FAR AS THE EASEMENT. AND THEN I'M A LOT LOWER. WHEN MY KIDS HANG OUT IN MY YARD IT'S LIKE HELLO, WHAT'S GOING ON UP THERE. THAT'S WHY WE WERE TRYING TO GET WALTER TO GET AT LEAST GET US A RESTRICTIVE COVENANT. HE HAS STALLED EVERY TIME WITH THIS WITH ME. AND ON FRIDAY HE TOLD ME WHAT WE HAD WAS FINE AND THAT HE WANTED TO SIGN IT. AND THEN HE COMES BACK WITH TWO CHANGES AGAIN ON TUESDAY MORNING AFTER EVERYTHING WAS FINE AND WE WERE SUPPOSED TO MEET THAT AFTERNOON. HE PUT A CHANGE. THAT'S A FINE CHANGE. PUT IT IN. I WAS SUPPOSED TO GO OVER TO HIS OFFICE THAT AFTERNOON AND SIGN IT AS OFFICER OF THE NEIGHBORHOOD ASSOCIATION. AT 2:15 I GET AN E MAIL SAYING THE ONLY WAY WE'RE GOING TO SIGN IT IS IF YOU SIGN IT WITH THIS I CAN GIVE YOU A COPY OF THIS. IT'S 8.3. IT SAYS THE GREEN BRIAR NEIGHBORHOOD ASSOCIATION DOES NOT OBJECT OR OTHERWISE CHALLENGE THE ZONING CASE. WE HAVE CHALLENGED THE ZONING CASE FROM THE BEGINNING. CAN I GIVE THIS TO SOMEONE? WOULD YOU LIKE TO HAVE A COPY OF THIS?

MAYOR LEFFINGWELL: ASK THE CLERK AND SHE WILL DISTRIBUTE IT.

I GAVE THAT ALSO TO STEVEN THIS MORNING. AND STEVEN WRIGHT WITH THE PLANNING COMMISSION AND BOTH MAUREEN MEREDITH HAVE TRIED TO WORK THINGS OUT FOR

WALTER AND I YESTERDAY IN REGARDS TO THIS. AND THEY WROTE ANOTHER CLAUSE IN THERE. AND WALTER SAID HE DIDN'T FIND THAT REASONABLE, EITHER. I THINK WE IDEA LAID PUTTING IN A PETITION THAT WE STARTED A LONG TIME AGO SO WE COULD NOT LOSE THIS WITH HIM. EVIDENTLY I DON'T KNOW HOW TO FILL OUT A PETITION FORM PROPERLY. WE HAD 15 OWNERS OF THE THERE'S 22 PROPERTIES THAT WOULD BE IN THE 200 FOOT RADIUS OF SUBURBAN LODGE. WE HAD 13 PROPERTY OWNERS THAT ARE IN THAT CATCHMAN AREA SIGNED. SO I HAD THOUGHT THAT THAT WOULD BE ENOUGH. BUT THEN IT'S FIGURED ON HOW MUCH LAND. SO I APOLOGIZE FOR THAT. WE HAD THOUGHT THAT WE HAD A VALID PETITION. WE HAVE OTHER NEIGHBORS THAT DIDN'T GET TO SIGN THAT BECAUSE THEY LIVE OUT OF TOWN, BUT THEY HAVE THEY WANT TO OPPOSE IT. I WOULD ASK THAT WE SINCE WE'RE GOING TO RUN OUT OF TIME TODAY THAT WE PLEASE REHEAR THIS AT NEXT COUNCIL MEETING. BECAUSE OF THE HARDSHIP THAT WE FACES A A POOR NEIGHBORHOOD AND THAT I OBVIOUSLY COULDN'T GET A BABYSITTER. SO MY HUSBAND AND I HAD TO BRING OUR CHILDREN WITH US TODAY. SO WE DON'T WANT IT. LET ME TELL YOU THAT RIGHT NOW. BUT IF IT'S GOING TO GO IN, IT WOULD BE NICE TO HAVE SOME PROTECTION FOR US. I MEAN, IT IS STILL WALTER'S STILL SAYING IT'S GOING TO BE NICE. BUT I WENT TO TWO OF THE PROPERTIES THIS FRIDAY WITH MY NEIGHBOR. AND THE ONE AT WILLIAM CANNON WASN'T BAD, IT STILL HAD A LOT OF LOITERING AND A LOT OF PEOPLE AROUND. BUT ONE ON BAN WHITE AND BANNISTER WAS SHOCKING AND I WAS SHOCKED THAT WALTER TOOK US OVER THERE. BECAUSE I WOULD HAVE THOUGHT HE WOULD HAVE GIVEN A HEADS UP BECAUSE HE HAD KNOWN THE DAY BEFORE THAT WE WERE COMING. LET ME READ THAT HERE TO YOU. THIS IS MY FRIEND THAT SHE WENT WITH US. SHE HAS A DISABLED SON SO SHE WASN'T ABLE TO STAY. AND HOPEFULLY SHE'LL MAKE IT BACK. WHERE THE HECK IS IT?

THIS IS THE STUFF AT THE SKYLINE TERRACE. SHE WRITES "THERE ARE THREE DISABLED VEHICLES IN THE PARKING LOT. MANAGER STATED MAYBE THE VEHICLE OWNERS WERE WAITING FOR PAY DAY TO FIX THE VEHICLES. SHE SAID THEY LOOK LIKE PIECES OF JUNK TO HER. LITTLE CONCERN FOR EMPLOYEE SAFETY. ON THE DAY I VISIT, ME AND HER VISITED, TWO MANAGERS WERE NOT AT WORK. ONE WHO WAS THE SCHEDULED DAY OFF AND THE OTHER ONE WAS A CALL. IN SO THE FRONT DESK LADY WAS LEFT THE ONLY ONE IN THE LOBBY. AND SHE LEFT THE LOBBY UNATTENDED WHILE SHE ESCORTED US AROUND THE PROPERTY. THERE WERE MANY UNSAFE HALL WASTE ESPECIALLY NEITHER STAIRWELLS. DIRECTOR SOCIAL WORKER AND MANAGER DID NOT SEEM CONCERNED AT ALL. WE DIDN'T SEE ANY SECURITY CAMERAS. AND WHEN THE MANAGER STATED THAT THERE WERE SOME BUT NEGLECTED TO SHOW THEM TO US, THE IRON FENCE SURROUNDING THE FORMER POOL AREA IS CONCERNED WITH POSSIBLE REENTRY OF UNREGISTERED GUESTS OF TENANTS, THAT THERE WAS NO PEOPLE COULD GET IN AND OUT. BUT IT'S NOT SECURE. LIKE THESE FACILITIES AREN'T SECURE. HE SAYS THERE'S ONE ENTRANCE. BUT SUBURBAN LODGE, THEY HAVE WINDOWS THAT OPEN AND CLOSE. YOU CAN JUST OPEN IT AND GO. AND YOU'RE GOING TO TELL ME YOU'RE GOING TO PUT 120 PEOPLE THAT THEY'RE GOING TO TRY TO TRANSITION OUT OF PROBLEMS, YOU KNOW. IT HAS NO SECURITY FOR ME AS A NEIGHBORHOOD. SO AT BEST WE WANT THIS CONDITIONAL OVERLAY AS IT'S WRITTEN TO WORK OUT AN AGREEMENT WITH WALTER ON THIS RESTRICTIVE COVENANT. YOU, CHRIS, YOU MENTIONED TODAY AND THEN YESTERDAY ABOUT ROYAL HILL AND PARKER? TRIED TO GET ACCESS TO THE BUS STOP THERE? AND I SAW THAT AND I WAS LIKE OH, MAN, ROYAL HILLERS THAT'S THE WORST STREET IN OUR NEIGHBORHOOD. MY NEIGHBOR JUST TOLD ME THAT THEY CAUGHT THE PERPETRATOR THAT ROBBED HER HOUSE ON NEW YEAR'S DAY, THAT HE LIVES ON ROYAL HILL. WELL, I LOOKED UP AND I THOUGHT, THERE'S FOUR ARRESTS ON FEBRUARY 10th. FOUR ARRESTS FOR DRUGS ON ROYAL HILL ON THE 10th OF FEBRUARY. I MEAN, THAT'S JUST A WEEK AGO. AND IT WAS FOR NARCOTICS AND MARIJUANA. POSSESSION. SO I UNDERSTAND THAT WE NEED CURRENT SUPPORTIVE HOUSING BUT WOULD LIKE I THINK THIS IS A BAD PLACE TO PUT IT. YOU'RE PUTTING IT RIGHT UP ON LOW INCOME, MAJORITY MINORITY NEIGHBORHOOD. I CAN'T TELL YOU HOW MANY PEOPLE ARE AT LOSS WITH THE SYSTEM

BECAUSE THEY DON'T SPEAK ENGLISH TO COME DOWN HERE. AND WE DIDN'T HAVE A NEIGHBORHOOD ASSOCIATION BEFORE ANY OF THIS HAPPENED. AND NOBODY EVER TOLD US WHAT WAS GOING ON. EROC, IT HAS DECLINED TO VOTE ON THIS BECAUSE THEY KNOW IT'S IN QUESTION. THEY CALL MY NEIGHBORHOOD ANT HILL BECAUSE WE HAVE SO MANY HOUSING. IT'S ALL AFFORDABLE HOUSING. LIKE 5,000 AFFORDABLE HOUSING UNITS. WALTER'S GOING TO CHARGE THE GOVERNMENT WITH SUBSIDIES \$688 FOR PEOPLE TO STAY THERE. YOU COULD RENT MY HOUSE I HAVE A DUPLEX. YOU COULD RENT A 2 1 DUPLEX FOR \$500 IS MARKET RENT. SO HOW IS IT FOR PEOPLE THAT LIVE THERE, YOU KNOW? AND A YARD, A LAUNDRY ROOM, A PARKING. WE DON'T NEED AFFORDABLE HOUSING IN MY AREA. WE HAVE MORE AFFORDABLE HOUSING THAN ANY OTHER AREA, AND WE HAVE A HIGH CRIME RATE. AND WE ARE TRYING TO MAKE OUR NEIGHBORHOOD BETTER. AND I DON'T THINK HOW THIS FITS IN TO OUR AREA. ANY QUESTIONS?

MAYOR LEFFINGWELL: QUESTIONS? COUNCILMEMBER SHADE.

SHADE: CAN YOU TELL ME ABOUT THE CURRENT STRUCTURE THAT'S THERE? AND HOW THAT'S IMPACTING YOUR FAMILY?

WELL, IT'S HIGH. YOU CAN SEE IT.

YEAH, I SAW THAT.

FROM ONE WHOLE STREET OVER. IF YOU STAND OUT IN THE MIDDLE OF THE STREET, EVEN. SO THERE'S EIGHT HOUSES THAT SHARE A PROPERTY LINE WITH SUBURBAN LODGE.

SHADE: WHAT IS THAT LODGE I GUESS I'M TRYING TO GET AT. WHAT HAVE THEY DONE AS NEIGHBORS FOR YOU? HAVE THEY BEEN AS A NEIGHBOR?

THEY'VE BEEN FINE. I CAN'T SAY I HAVE ANYTHING TO COMPLAIN ABOUT. I MEAN, OTHER THAN THE FACT THAT IT FEELS A LITTLE WE HAVE NO PRIVACY. I'VE NEVER HAD ANYTHING WEIRD HAPPEN. I CAN'T SAY AND ROD HAS BEEN VERY NICE. AND HE'S TOLD ME THAT PEOPLE THAT LIVE THERE NOW, HE SAYS THERE'S A LOT OF GOVERNMENT WORKERS THAT ARE CURRENTLY EXTENDED STAY RESIDENTS IN THAT HOTEL. I DON'T KNOW OF ANY CRIME COMING FROM THAT HOTEL. I'VE NEVER HAD ANYTHING WEIRD HAPPEN. BUT THEY DO BUT WITH PUTTING PEOPLE THAT AT RISK PEOPLE IS NOT A GOOD PLACE. ONE, BECAUSE THEY'RE GOING TO SEE. AND YOU'RE PUTTING SOME CRIMINALS IN THERE.

SHADE: I'VE HEARD YOUR COMMENT. BUT I WAS TRYING TO GET A SENSE FOR WHAT THE CURRENT SITUATION IS LIKE.

IT'S NOT BAD. IT'S NOT BAD AT ALL. I MEAN, BUT IT DOES HAVE AN IMPACT ANYTHING THAT GOES IN THERE IS GOING TO HAVE A HUGE IMPACT ON US. BECAUSE THERE'S NO SCREENING. THERE'S NO FENCE. THERE'S NO TREES.

SHADE: I STAND. JUST TRYING TO GET A SENSE FOR WHEN YOU GOT TO YOUR PLACE, THAT PLACE THAT WAS THERE

NO. IT WAS BUILT AFTER SINCE I'VE HAD MY HOME.

SHADE: THAT PLACE WAS BUILT AFTER YOU LIVED THERE?

IT'S 10 YEARS OLD. I'VE HAD MY HOUSE FOR 20

.

SHADE: OKAY THANKS.

MAYOR LEFFINGWELL: NEXT SPEAKER IS DILLON GILBERT. DILLON GILBERT. YEAH. AND DILLON, IT IS 4:00. WE'RE GOING TO PAUSE THIS ITEM. SINCE YOU'RE HERE AND YOU HAVE A SMALL CHILD WITH YOU YOU CAN SPEAK, DO YOUR THREE MINUTES NOW OR YOU CAN DO IT LATER ON TONIGHT. YOUR CHOICE.

I WANT TO THANK COUNCIL FOR LETTING US SPEAK ABOUT THIS. I WANT TO CONFIRM WHAT MY WIFE SAID. I'VE CURRENTLY LIVED HERE AT 10 YEARS FOR THIS LOCATION, 2508 ODD BON. AND I REALLY DON'T THINK THIS IS A GOOD PLACE TO PUT A HIGH RISK PEOPLE COMING OUT OF PRISON TO HAVE VARIOUS PROBLEMS, COMING INTO OUR AREA, WHICH HAS PROBLEMS ALREADY. AND WE'RE VERY HIGH DENSITY. IT'S A VERY POOR NEIGHBORHOOD. AND BASICALLY IT'S THE SEGREGATION OF THE WEST SIDE OF 35 TO THE EAST SIDE AND KEEPING THE ALL THE POVERTY ON THE EAST SIDE. I'VE SEEN IT. I'VE LIVED IN THIS TOWN FOR ALMOST 20 YEARS. AND IT'S JUST AMAZING THE WAY IT JUST CONTINUES TO BE SHUFFLED OVER ONTO THE EAST SIDE AGAIN AND AGAIN. I'VE KEPT UP WITH THINGS IN THE CHRONICLE DIFFERENT DEVELOPMENTS. AND IT ALL JUST SEEMS THAT EAST SIDE GETS THE DOWN SIDE ALWAYS. AND IT'S JUST ANOTHER THING THAT'S SWEEPING IT UNDER WALTER ALREADY ADMITTED TO MY WIFE THAT WAYS BASICALLY HE DOESN'T HAVE TO SIGN A RESTRICTIVE COVENANT REALLY BECAUSE HE'S GOING TO GET THIS PASSED. COUNCIL HAS BASICALLY TOLD HIM IN THE BACK THAT IT'S GOING THROUGH. I MEAN, IT'S BEING FUNDED BY CITY COUNCIL, TOO. I KNOW YOU NEED TO GET THE NEXT 400 HOMELESS APARTMENTS FOR THE HOMELESS BY 2012 OR SOMETHING. AND THIS WILL TAKE UP A NICE BIG WEDGE. 123. STRAIGHT ON SOMEONE TO DO IT FOR YOU, GIVE HIM \$2 MILLION WITH A 99 YEAR LEASE AND NO INTEREST PAYMENT. IT'S GREAT. IT'S GOOD FOR HIM. IT'S GOOD FOR YOU. YOU GET YOUR NUMBERS DONE. AND THE EAST SIDE LOSES AGAIN. HE MEAN, YOU'D NEVER CONSIDER PUTTING THIS KIND OF THING IN WESTLAKE HILLS OR TRAVIS HEIGHTS OR EVEN DOWNTOWN. BUT PUT IT ON THE EAST SIDE? NOBODY'S GOING TO COMPLAIN. THERE'S NOT EVEN A NEIGHBORHOOD ASSOCIATION. IROC DIDN'T EVEN INFORM THEY COULD HAVE SENT OUT A MAILER JUST TO THE NEIGHBORHOOD. EVEN THOUGH THERE'S NO NEIGHBORHOOD ASSOCIATION, THERE'S STILL A LOT OF PEOPLE THAT LIVE THERE. AND IT'S JUST DEEPLY AFFECTING US. THAT'S IT.

MAYOR LEFFINGWELL: THANK YOU. QUESTIONS? ALL RIGHT. THANK YOU VERY MUCH. AGAIN, I APOLOGIZE FOR HAVING TO INTERRUPT THE HEARING ON THIS AND GO TO OUR WALLER CREEK ITEMS. SO WE WILL PICK THIS UP WHEN WE FINISH THE THE SERIES OF WALLER CREEK ITEMS.

I'VE BEEN ASKED IF THAT'S LONG ENOUGH. THE NEIGHBORHOOD IN OPPOSITION TO THE CASE SAID THAT THEY ARE NOT ABLE TO STAY PAST FOR ANY LONGER AND THEY ARE REQUESTING THAT COUNCIL POSTPONE THE REMAINDER OF THE ITEMS TO THE NEXT MEETING.

MAYOR LEFFINGWELL: BUT ALSO THERE ARE NO MORE SPEAKERS OR THE ITEM?

THOSE SPEAKERS HAVE SAID THEY CANNOT STAY AND WAIT FOR COUNCIL TO GET BACK TO THIS ITEM AFTER YOU DO THE NEXT ITEM. THEREFORE THEY'VE ASKED THAT YOU POSTPONE IS AND CONTINUE THE PUBLIC HEARING AT THE MARCH 5th MEETING. I DO NOT KNOW WHAT THE OPPOSITION IS ON THIS.

MAYOR LEFFINGWELL: COUNCIL, WE CAN ENTERTAIN A MOTION TO POSTPONE THIS ITEM AND KEEP THE PUBLIC HEARING OPEN. THAT WOULD BE UNTIL MARCH 3. I GUESS WE CAN HEAR FROM MR. MORROW.

WE'VE WORKED AS DILIGENTLY AS WE CAN TO GET TO THIS POINT. WE REALLY WANT TO GET THIS RESOLVED SO WE CAN MOVE AHEAD WITH ARCHITECTURAL WORK AND CONTRACTING AND EVERYTHING ELSE. WE'LL STAY AS LONG AS IT'S NECESSARY. AND I'M SORRY ABOUT THAT. BUT OUR REQUEST IS TO GET THIS WRAPPED UP TODAY.

MAYOR LEFFINGWELL: SO YOU OPPOSE ANY EFFORT TO POSTPONE?

CORRECT.

MAYOR LEFFINGWELL: MARCH 3 IS THE NEXT MEETING. ALL RIGHT. THANK YOU. COUNCILMEMBER SHADES?

SHADE: HOW MANY PEOPLE ARE THERE'S SEVEN PEOPLE THAT ARE WAITING? WAITING TO SPEAK? AND NONE OF THEM CAN STAY? I MEAN, THE REASON I YEAH, I UNDERSTAND THAT. IT'S JUST THAT WHEN WE POSTPONED IT LAST TIME WE HAD A PRETTY LENGTHY DISCUSSION. AND THESE ARE NEVER CONVENIENT. I MEAN, IT'S LIKE GOING TO D.P.S. OR ANY. WE NEVER KNOW EXACTLY WHAT TIME THINGS ARE GOING TO WHEN THEY'RE GOING TO TAKE PLACE. THERE'S ALWAYS GOING TO BE A CONFLICT, I THINK.

MAYOR LEFFINGWELL: MA'AM?

SHADE: I WAS JUST TRYING TO GET A SENSE FOR WHEN WE POSTPONED IT FOR TODAY AND I'M COMPLETELY SENSITIVE TO WORK SCHEDULES AND CHILDCARE ISSUES. WE ALL JUGGLE IT. I NEVER KNOW ON A THURSDAY HOW LATE I'M GOING TO BE HERE OR HOW MANY CASES WE'RE GOING TO HAVE. AND I JUST FEEL LIKE WE HAD SUCH A PRETTY LONG DISCUSSION LAST TIME ABOUT WHETHER OR NOT TO POSTPONE IT. WE WERE FAIRLY SELECTIVE IN THIS TIME SLOT. SO I'M NOT SURE I FAVOR A POSTPONEMENT. I AT THE SAME TIME I DON'T KNOW HOW MANY OPPONENTS THERE ARE.

MAYOR LEFFINGWELL: MAYOR PRO TEM?

AT THE RISK OF CONTINUING THIS FURTHER I SUGGESTION SUGGEST WE CONTINUE THIS AND POSTPONE WALLER CREEK UNTIL 4:30. AND WE CAN PICK UP OUR OTHER BUSINESS.

MAYOR LEFFINGWELL: ALL RIGHT, COUNCIL. WE'LL GO AHEAD UNTIL 4:30. NEXT SPEAKER IS SARAH COULTER. SARAH COULTER. MAYOR PRO TEM?

I WOULD ALSO SUGGEST TO THE REMAINING SEVEN SPEAKERS, BE CONCISE. DON'T BE TO BE HEARD WE WANT TO HEAR YOU. BUT WE HAVE OTHER BUSINESS WE WANT TO GET TAKEN CARE OF. WE'RE TRYING TO GET THIS DONE AS QUICKLY AS WE CAN. IF YOU WANT TO GIVE TESTIMONY PLEASE DO SO BUT TRY TO BE AS CONCISE AS YOU CAN.

MAYOR LEFFINGWELL: IS SARAH COULTER IN THE CHAMBER? OKAY. YOU CAN GIVE THE LETTER TO THE CLERK AND SHE WILL PASS IT OUT. BUT YOU HAVE USED YOUR TIME TO SPEAK.

OKAY. SHE WASN'T ABLE TO COME BECAUSE SHE HAD TO GO TAKE CARE OF HIM.

WE UNDERSTAND. NEXT SPEAKER IS GILBERT SPRING? GILBERT SPRING. AFTER GILBERT WILL BE THE LAST SPEAKER, PATRICIA ENRY.

GOOD AFTERNOON, MAYORERS COUNCIL. I HAVE LIVED IN THE NEIGHBORHOOD APPROXIMATELY SINCE 1992. AND I AM FULLY OPPOSED TO ALL OF THIS, THE ZONING AND ALL OF IT. I DON'T WANT IT. MANY OF THE NEIGHBORS DON'T WANT THIS, AS YOU CAN TELL IT'S BEEN REITERATED. I'M A VERY DISTRUSTFUL PERSON OF THINGS SUCH AS. THIS AND FROM THINGS I'VE SEEN. SO I'M NATURALLY NOT WANTING THIS. I'VE SEEN SOME OF THESE PROPERTIES THAT WALTER HAS. AND I KNOW HE HAS THE BEST OF INTENTIONS FOR THESE THINGS. NOW, AS HAS BEEN STATED, THIS IS A HIGH RENT, LOW OPPORTUNITY AREA. NOW, MY UNDERSTANDING IS THAT THESE COMMUNITIES SHOULD BE GEARED TO AN AREA THAT DOESN'T HAVE THIS SITUATION. YOU'RE PUTTING THESE PEOPLE IN AN AREA WHERE THEY'RE NOT GOING TO BETTER THEMSELVES. IT'S NOT GOING TO IMPROVE THEIR CONDITION. AND I HEARD MENTION THAT WE NEED NEW HOUSING. THIS CITY HAS BUILT A LOT. I WENT AWAY FOR A YEAR. AND I CAME BACK. AND THERE'S BEEN A LOT OF DEVELOPMENT IN THE DOWNTOWN AREA. BUT THE DOWNTOWN AREA IS A HIGH OPPORTUNITY AREA. I REALIZE THAT THIS IS LOW INCOME HOUSING. I REALIZE MAYBE IT'S NOT LOGICAL TO PUT IT DOWNTOWN. BUT IF YOUR INTENT AND I THINK YOUR INTENT IS A GOOD ONE IS TO BETTER THESE PEOPLE, TO GIVE THEM A GOOD OPPORTUNITY, THIS NEED TO BE IN ONE OF THOSE KINDS OF AREAS. OUR AREA DOESN'T HAVE THAT. AND WHAT WE'VE SEEN IN THE PAST, IT'S NOT GOING TO GET IT. ANYWAY, THAT'S PRETTY MUCH ALL I HAVE TO SAY. IF ANYONE HAS ANY QUESTIONS. THE.

MAYOR LEFFINGWELL: THANK YOU. PATRICIA HENRY? DONATING TIME IS TRACY WICK. ALL RIGHT. JESSICA MAYOR? JESSICA NOT IN THE CHAMBER? ROBIN GRAYBILL? ROBIN GRAYBILL? SO YOU HAVE SIX MINUTES.

THANK YOU, COUNCIL. AND THANK YOU, COUNCIL EM MEMBER MARTINEZ TO HELP US EXTEND THIS A LITTLE LONGER. I SPOKE LAST TIME WITH AN UNDERSTANDING THAT MAYBE WE COULD GET SOME KIND OF RESOLUTION WITH THIS. I AM REALLY SURPRISED THAT MR. MORROW DIDN'T THINK THAT OUR NEIGHBORHOOD WAS OPPOSED TO THIS FACILITY COMING IN. WE HAVE ALWAYS BEEN OPPOSED TO THIS. I THOUGHT THAT WAS WHY WE WERE WORKING WITH THE RESTRICTIVE COVENANT TO BE ABLE TO HAVE SOME KIND OF AGREEMENT FOR THIS FACILITY COMING IN. I DON'T KNOW THE PROCEDURE. I THOUGHT IT WAS OKAY THAT WE STILL OPPOSE IT, FILE A VALID PETITION, BUT STILL TRY TO BE ABLE TO WORK WITH MR. MORROW'S FACILITY. AS HAS BEEN STATED SEVERAL TIMES BEFORE TODAY, AND DURING THIS HEARING, WE ARE WE ALREADY HAVE AFFORDABLE, LOW INCOME HOUSING. THERE WAS A STUDY DONE IN ONE OF THE STATS, OUR ZIP CODE, 78741, HAS QUITE A NUMBER OF AVAILABLE HOUSINGS. PER UNITS PER SQUARE MILE IT'S 473.25 UNITS. THE NEXT HIGHEST IS 316 AND THAT'S IN ZIP CODE 78702. WE HAVE OVER 3592 UNITS AVAILABLE. SO BY PUTTING IN A FACILITY TO HAVE MORE AFFORDABLE, LOW INCOME HOUSING DOESN'T QUITE MAKE SENSE TO THIS NEIGHBORHOOD. THE OTHER POINT THAT I'D LIKE TO BRING UP IS THAT WE HAVEN'T AGREED TO A RESTRICTIVE COVENANT EXCEPT FOR ONE ITEM. BOTH SIDES WERE READY TO SIGN EXCEPT FOR ONE ITEM THAT MR. MORROW PUT IN. THAT WAS THE AGREEMENT THAT NOBODY OPPOSED THIS FACILITY MOVING IN. WELL, WE ALREADY OPPOSED TO IT. AND SO NOW HE'S SAYING THAT HE DOESN'T WANT TO HAVE AN AGREEMENT WITH THIS ONE LITTLE ITEM. SO I DON'T SEE WHY THIS COULDN'T BE IN OR THAT WE COULD GET SOMETHING RESOLVED BY THIS. WE HAVE BEEN OPPOSED TO THIS SINCE DAY ONE RHETT. IT'S BEEN NO SECRET. WE WERE TRYING TO WORK OUT A RESTRICTIVE COVENANT SO WE WERE ABLE TO WORK OUT THE POSSIBILITY OF THIS FACILITY MOVING IN, WHICH I KNOW IS PART OF THE CITY'S AGENDA. AND WE UNDERSTAND THAT. AND WE'RE TRYING TO WORK WITH MR. MORROW. AND BOTH PARTIES WERE SET TO GO AT 8:30 ON FEBRUARY 15. WE SPENT ABOUT FOUR HOURS, ONE ITEM WAS PUT IN THAT WE BOTH DID NOT AGREE TO. WELL, OUR NEIGHBORHOOD DID NOT AGREE TO. AND BECAUSE OF THAT THE OPPOSITION OF OUR NEIGHBORHOOD

ASSOCIATION TO THIS ZONING CHANGE, MR. MORROW WAS NOT WILLING TO SIGN. SO THAT'S ALL I HAVE TODAY. I HOPE YOU TAKE THAT INTO CONSIDERATION. AGAIN, WE ARE A NEWLY FORMED ASSOCIATION. AND WE'RE TRYING TO WORK OUR WAY THROUGH THE SYSTEM AND GET OUR VOICES HEARD. WE ALL PUT YOU IN THESE POSITIONS. OUR NEIGHBORHOOD CAN BE VERY VOCAL. AND AS YOU CAN SEE, WE'RE STARTING TO BUILD A VOICE. AND WE'RE GOING TO BE HEARD. THANK YOU.

MAYOR LEFFINGWELL: THANK YOU. KAREN SALTER? KAREN SALTER? YOU HAVE THREE MINUTES.

THANK YOU FOR HEARING ME. I'VE LIVED THERE, BEEN A HOMEOWNER THERE FOR 11 YEARS. I LIVE ABOUT EIGHT HOUSES AWAY. ACROSS THE STREET.

MAYOR LEFFINGWELL: YOU CAN LIFT THAT MIKE UP.

THANK YOU. I LIVE ABOUT EIGHT HOUSES AWAY ACROSS THE STREET AND DOWN THE STREET. AND THIS IS THE FIRST I'D HEARD OF IT. AND SO THIS IS NEW INFORMATION TO ME. AND SO IF I HAVE ANY INFORMATION WRONG, I JUST LEARNED IT AND CAME TODAY TO SPEAK ABOUT IT. SINCE I'VE LIVED IN THAT NEIGHBORHOOD, THE AREA THERE BY ROYAL HILL AND THE STRIP OF HOTELS, THERE WAS A LOT MORE PROSTITUTION. IT SEEMS TO BE LIGHTENING UP A LITTLE BIT. USED TO BE THAT WHEN YOU DROVE OUT TO ROYAL HILL, WOMEN WOULD BE WALKING DOWN THE STREET KIND OF FLAGGING YOU. AND THAT HAS LIGHTENED UP OVER THE LAST FEW YEARS A LITTLE BIT. ALSO AS WELL, SOMEBODY BEHIND MY NEIGHBOR'S HOUSE FROM THOSE HOTELS HUNG THEMSELVES IN THE YARD. THAT'S WHAT THEY WOKE UP TO. THAT WAS A NUMBER OF YEARS AGO. THE POINT BEING THAT IT'S SLOWLY SEEMING TO GET A LITTLE BIT BETTER. AND MOST OF THE PEOPLE THAT I KNOW THAT LIVED IN THE 78704 NEIGHBORHOOD HAD TO MOVE OVER TO THAT NEIGHBORHOOD FOR IT TO BE MORE AFFORDABLE. PROBABLY SOME OF YOU MAY HAVE LIVED IN THE NEAR DOWNTOWN AREA AND ENDED UP MOVING A LITTLE BIT FURTHER SOUTH OR A LITTLE BIT EAST. SO IN SPITE OF THE FACT THAT I'VE LIVED HERE FOR OVER 20 YEARS. I'M A SINGLE WOMAN HOMEOWNER. THE WOMAN WHO LIVES NEXT DOOR TO ME IS A SINGLE WOMAN HOMEOWNER. THE PERSON WHO LIVES NEXT DOOR TO ME ON THE OTHER SIDE, SINGLE WOMAN HOMEOWNER. AND THE WOMAN NEXT TO THAT, SINGLE WOMAN HOMEOWNERS. SO ASIDE FROM FAMILIES, WE'VE GOT FOUR HOMES IN A ROW THAT ARE ALL OWNED BY SINGLE WOMEN. SO OF COURSE IT'S KIND OF SCARY TO US TO HAVE MY NEIGHBOR DOES HAVE A THE ONE WHO'S DISABLED, SHE HAS HAD PEOPLE CLIMB OVER THE FENCE QUITE A BIT, NOT FROM THAT NEIGHBOR BUT FROM OTHER HOTELS. OVER THE YEARS THE HOTELS ALSO HAVE IMPROVED A LITTLE BIT. WE HAD SOME INDEPENDENT OWNED HOTELS AND NOW THEY'VE BECOME A LITTLE BIT MORE CHAINS. THERE'S A WYNDHAM OVER THERE, A NICER HOTEL THAT WENT IN CALLED THE CONSUELO AND THEN AMERICA'S BEST. AND I CAN'T REMEMBER THE OTHERS BUT THEY'VE BECOME MORE CHAINS WHICH IS I THINK POSSIBLY CONTRIBUTED TO THE CONSISTENCY OF IT. I'M COMPLETELY OPPOSED. I FEEL LIKE OTHER NEIGHBORHOODS AROUND THE AREA, THE NEAR EAST SIDE AND TOP CONGRESS HAVE ALL GOTTEN SOME IMPROVEMENTS, AND I THINK WE'RE ALL LOOKING FORWARD TO OUR NEIGHBORHOOD HOPEFULLY BEING THE NEXT THING NEAR DOWNTOWN THAT WOULD GET SOME LOVE. AND THIS DOESN'T FEEL LIKE IT. I APPRECIATE YOU HEARING ME. THANK YOU VERY MUCH.

MAYOR LEFFINGWELL: THANK YOU. JOHN GOLDSTONE AND KENNETH BARTSON ALSO SIGNED UP AGAINST, NOT WISHING TO SPEAK. THOSE ARE ALL THE SPEAKERS THAT WE HAVE. SO WE HAVE TIME FOR REBUT STALL BY THE APPLICANT. REBUTTAL BY THE APPLICANT. NO REBUTTAL? THREE MINUTES? OKAY. COUNCIL? THE FLOOR IS OPEN. THESE ITEMS, WE'LL VOTE ON THEM SEPARATELY, 65 AND 67. THEY ARE BOTH READY FOR ALL



THREE READ,.

IF I MAY ADD I THINK I FORGOT THE FIRST TIME I DID MY PRESENTATION, THERE WAS ONE ADDITIONAL CONDITIONAL OVERLAY WHICH WAS FOR AN EIGHT FEET FENCE BETWEEN THE PROPERTY AND THE NEIGHBORHOOD.

MAYOR LEFFINGWELL: THAT'S IN ADDITION TO WHAT HAS ALREADY

IT'S IN ADDITION TO WHAT I READ DURING MY PRESENTATION, YES.

MAYOR LEFFINGWELL: OKAY. SO EIGHT FOOT FENCE.

IT'S ALREADY INCLUDED IN THE ORDINANCE.

MAYOR LEFFINGWELL: ALL RIGHT. COUNCILMEMBER SPELMAN?

SPELMAN: LOOKING AT THE VERY DRAFT RESTRICTIVE COVENANT RIGHT NOW, JUST TRYING TO FIGURE OUT WHAT ON THE RESTRICTIVE COVENANT COULD ALSO BE INCLUDED IN THE CONDITIONAL OVERLAY?

WELL, THERE ARE SOME THINGS THAT ARE IN THE RESTRICTIVE COVENANT THAT ARE ALREADY INCLUDED IN THE CONDITIONAL OVERLAY SUCH AS THE 123 RESIDENTIAL UNITS, THE 39.92 UNITS PER ACRE WHICH I PRESUME IS PROBABLY JUST THE MATH DONE THROUGH ON THAT. THE PROHIBITION OF OUTDOOR ENTERTAINMENT OUTDOOR SPORTS AND REC AND THAT'S ALREADY INCLUDED IN THE CONDITIONAL OVERLAY. THE 40 FOOT HEIGHT LIMIT ON IS ALREADY IN THERE. LETTER J THE 60 FOOT IS ALREADY IN THERE. THE 8 FOOT FENCE, LETTER K, IS ALREADY IN THE CONDITIONAL OVERLAY. WHAT WE DO NOT HAVE IN THE CONDITIONAL OVERLAY IS THE REQUIREMENT, LETTER L, THE CLEARING OF THE BRUSH, WEEDS AND DEBRIS SHALL BE DONE EVERY THREE YEARS. THAT IS NOT SOMETHING THAT WE WOULD DO IN A CONDITIONAL OVERLAY BECAUSE IT DOES NOT ALTER AN EXISTING CODE REQUIREMENT. LET'S SEE. ALSO LETTER C, ADDING AN EARTH BERM TO THE EASEMENT AREA TO HELP PREVENT INORDINATE DRAINING TO THE NEIGHBORING PROPERTIES. THAT'S SOMETHING THAT SEEMS A LITTLE BIT OPEN LIKE THEY'RE GOING TO LOOK INTO IT SO FOR THE CONDITIONAL OVERLAY WE DIDN'T KNOW FOR SURE WHETHER THEY WERE GOING TO DO THAT OR NOT BEFORE THEY PUT IT IN THERE.

MAYOR LEFFINGWELL: THEY DON'T NEED TO FILE A SITE PLAN OR ANY KIND OF DRAINAGE PLAN TO GET A SEAL ON THE PROPERTY, DO THEY?

RIGHT NOW DEPENDING ON THE WORK WE'RE GOING TO DO, MOSTLY INTERIOR WORK, THEY WOULD SIMILAR PY HAVE TO DO A SITE PLAN EXEMPTION TO DO A CONVERSION OF THE USE FROM HOTEL MOTEL TO MULTIFAMILY. THEY NEED A BUILDING PERMIT TO DO WHATEVER WORK THEY NEEDED TO DO ON THE INSIDE. ADDITIONALLY IN THE RESTRICTIVE COVENANT HAD TO DO WITH SUPPLYING 12 ADDITIONAL TREES. I THINK THAT IS SOMETHING THAT WE COULD DO IN A CONDITIONAL OVERLAY. AND LETTER B, FINALLY, IS A REQUIREMENT FOR TWO PRIVACY FENCES, ONE EIGHT FOOT ALONG THE EAST PROPERTY LINE. THAT AS I SAID IS IN THE CONDITIONAL OVERLAY. AND A SECOND ACROSS THE TOP RETAINING WALL EXTENDED AROUND THE SOUTH SIDE 30 FEET.

MAYOR LEFFINGWELL: THAT'S NOT IN THE CONDITIONAL OVERLAY CURRENTLY BUT COULD BE?

I THINK IT COULD BE. WE WOULD JUST NEED TO WORK OUT WHAT THE WORDING IS ON THAT. I DON'T EXACTLY KNOW WHAT IT REFERS TO. BUT MOST OF THE ITEMS IN THE RESTRICTIVE COVENANT ARE ALREADY COVERED UNDER THE CONDITIONAL OVERLAY.

MAYOR LEFFINGWELL: REVIEW THIS REAL QUICKLY, MOST OF THE STUFF ALREADY IN THE RESTRICTIVE COVENANT IS IN THE C.O. WITH THE EXCEPTION OF THE CLEARING OF THE BRUSH, ITEM L, WHICH COULD NOT BE INCLUDED IN THE C.O. BECAUSE IT'S NOT A REQUIREMENT.

THE TREES ARE NOT INCLUDED. AND THE SECOND FENCE ALL AROUND THE RETAINING WALL IS NOT INCLUDED.

MAYOR LEFFINGWELL: SO THE 12 TREES IN A AND THE SECOND FENCE IN B COULD BE INCLUDED IN THE C.O. BUT HAVE NOT BEEN AT THIS POINT?

MAYOR LEFFINGWELL: RIGHT.

RIGHT.

WOULD YOU NEED A SECOND READING TO DO THAT?

YES.

RILEY: I START THE BIDDING BY WE'LL PROBABLY GO ON FOR EXACTLY NINE MINUTES TO ITEM 65. THE PLANNING COMMISSION'S RECOMMENDATION WOULD BE ADDITION TO ADD TO THE CONDITIONAL OVERLAY WORDS HAVING THE SAME EFFECT AS ITEM 2 A ON THE DRAFT RESTRICTIVE COVENANT AND THE SECOND STANCE ON 2 B.

OKAY. MOTION IS ON FIRST READING? MOTION TO CLOSE PUBLIC HEARING APPROVAL ON FIRST READING ONLY. ITEM 65. AND DO YOU UNDERSTAND THAT SINCE THE MOTION IS ONLY FOR FIRST READING, YOU HAVE TIME TO INCORPORATE THOSE.

COULD I HAVE A COPY OF THAT SO I UNDERSTAND WHAT THE MOTION IS?

MAYOR LEFFINGWELL: MAYOR PRO TEM?

ARE WE READY FOR ALL THREE READINGS?

MAYOR LEFFINGWELL: YES. WELL, NO, IT DEPENDS. AS PRESENTED IT'S READY FOR ALL THREE. WITH THE ADDITIONAL ITEMS PROPOSED BY COUNCILMEMBER SPELMAN'S MOTION IT WOULD NOT BE READY FOR ALL THREE READINGS. IS THAT CORRECT?

THAT IS CORRECT. TODAY WE'RE READY FOR ALL THREE READINGS AS THE PLANNING COMMISSION RECOMMENDED IT. I'M BEING TOLD THAT WITH THE ADDITIONAL CONDITIONS WE NEED SOME MORE TIME TO MAKE SURE WE GOT THE LANGUAGE RIGHT IN THE ORDINANCE.

MAYOR LEFFINGWELL: WE HAVE A MOTION ON THE TABLE WITHOUT A SECOND. IS THERE A SECOND TO THAT MOTION? COUNCILMEMBER RILEY SECOND. ALL RIGHT. IS THERE ANY DISCUSSION? COUNCILMEMBER RILEY?

RILEY: I STILL HAVE SOME CONCERN WITH WALTER MORROW. I WANTED TO SEE WHAT THE

ISSUE IS THAT'S BEEN RAISED.

WE'D LIKE TO GET THIS WRAPPED UP AND MOVE ON. IF YOU WANT A SECOND FENCE AND THE TREES WE'LL DO IT. BECAUSE YOU HAVE MONEY IN THE DEAL AND WE'LL DO IT. BUT WE'VE ALREADY I DON'T KNOW HOW MANY ITEMS ARE IN THE CONDITIONAL OVERLAY. WE'RE ANXIOUS TO GET IT WRAPPED UP. AND WE'LL DO THOSE THINGS.

WOULD YOU BE WILLING TO SIGN A RESTRICTIVE COVENANT THAT INCLUDED THOSE THINGS?

I AM AT THIS POINT NOT WILLING TO SIGN A PRIVATE CONTRACT WITH THE NEIGHBORHOOD ASSOCIATION AND HAVING THAT HELD OVER ME FOR INTERPRETATION OR LEGAL CHALLENGE. THAT'S NOT A POSITION OF RISK THAT I WANT TO TAKE.

RILEY: BUT YOU WOULD COMMIT TO COMPLYING WITH THE REQUIREMENTS THAT ARE IN THE MOTION.

YES.

MAYOR LEFFINGWELL: WELL, I'LL JUST SAY THAT TO THE BEST OF MY KNOWLEDGE THAT'S THE CONVERSATION. THERE'S NO WAY THAT'S ENFORCEABLE BUT YOU'RE JUST SAYING YOU HEARD HIM SAY THAT. BUT THAT IS NOT REALLY PART OF OUR BUSINESS AS I UNDERSTAND IT.

I MAKE A MOTION TO CLOSE THE PUBLIC HEARING AND MAKE A STAFF RECOMMENDATION ON ALL THREE READINGS.

MAYOR LEFFINGWELL: RECOMMENDATION BY MAYOR PRO TEM TO CLOSE THE THREE READINGS.

COLE: I AM GOING TO SUPPORT THIS MOTION. I WANT TO SAY TO THE NEIGHBORS THAT HAVE BEEN SO INVOLVED IN THIS THAT I APPRECIATE YOUR DEDICATION AND REALLY TRYING TO WORK THINGS OUT FOR YOUR NEIGHBORHOOD. AND I KNOW THAT GETTING USED TO THE ROPES AND ALL IS REALLY HARD. AND I HOPE THAT YOU ALL WILL AVAIL YOURSELVES OF OUR NEIGHBORHOOD LIAISON STAFF. WE'VE GOT TWO GREAT PEOPLE THAT CAN REALLY HELP TO GET YOU ORIENTED. ONE OF THOSE STAFF MEMBERS ACTUALLY I KNOW WAS A NEIGHBORHOOD REPRESENTATIVE WHEN THE FOUNDATION COMMUNITY MOVED INTO THEIR NEIGHBORHOOD. AND SHE CAN TELL YOU WHAT THAT PROCESS WAS LIKE AND WHAT A GREAT NEIGHBOR WALTER AND HIS PROJECTS ARE. SO I HAVE A LOT OF FAITH THAT THIS IS GOING TO WORK OUT OKAY. ACE SAID IF YOU'LL CONTACT MY OFFICE WE'LL GET YOU UP TO SPEED NEXT TIME IF SOMETHING ELSE COMES ALONG.

MAYOR LEFFINGWELL: COUNCILMEMBER SPELMAN?

SPELMAN: I UNDERSTAND, WALTER, YOUR DESIRE TO PUT THIS BEHIND YOU, HAVE THIS DONE, BE ABLE TO GET ON WITH THE REST OF THIS. BUT FROM A TANGIBLE POINT OF VIEW, IF YOU GET THE OFFICIAL AUTHORITY TO GET THROUGH THE ZONING GATE TODAY OR YOU GET THROUGH THE ZONING GATE IN TWO WEEKS ON FIRST READING TODAY IT TAKES JERRY A COUPLE WEEKS TO WRITE UP THE C.O., IT'S NOT A FORMALITY EXACTLY BUT YOU'RE GOING TO GET THE ZONING. IS THERE SOMETHING TANGIBLE THAT YOU CAN'T DO IF YOU HAVE TO WAIT TWO WEEKS?

I DON'T WANT TO PUT TWO FENCES AND THE TREES ON THE C.O. AS AN ADDITIONAL ITEM. I'M COMMITTED TO DO THOSE THINGS. I THINK WE'VE BEEN THROUGH A LENGTHY, DILIGENT PROCESS. I'VE NEGOTIATED IN GOOD FAITH. AND WE'RE WORKING THROUGH THE ENVIRONMENTAL REVIEW WITH THE TEXAS DEPARTMENT OF HOUSING. I THINK THAT WILL HAPPEN ANY DAY AND THAT WILL CUT US LOOSE ON THE ENGINEERING AND ARCHITECTURAL WORK. SO I JUST DON'T WANT TO WAIT ANOTHER WEEK OR TWO OR THREE. WE'RE WORKING TOWARDS A JUNE DEADLINE, HOPEFULLY READY TO HAVE PLANS READY FOR BIDDING AND WORK START RIGHT AWAY. SO TIME ON ANY REAL ESTATE DEVELOPMENT PROJECT IS CRUCIAL. AND WE'RE HERE, WE'RE READY. WE'VE COME AS FAR AS WE POSSIBLY CAN, I BELIEVE, IN OFFERING WHAT WE CAN DO TO THE NEIGHBORHOOD.

SPELMAN: I UNDERSTAND THAT. I BELIEVE YOU JUST GAVE US YOUR WORD YOU'LL PLANT THE TREES AND PUT UP THE FENCE. I BELIEVE YOU'LL DO THAT. YOU HAVE AN EXCELLENT TRACK RECORD AS FAR AS WE'RE CONCERNED.

THANKS.

MAYOR LEFFINGWELL: FURTHER COMMENT? MOTION ON THE TABLE WITH A SECOND? ALL IN FAVOR OF THE SUBSTITUTE MOTION WHICH IS THE PLANNING COMMISSION RECOMMENDATION ON ALL THREE READINGS SAY I. OPPOSED SAY NO. PASSES ON A VOTE OF 7 0. AND WE'LL TAKE UP THE WE'VE ALREADY HELD THE PUBLIC HEARING ON ITEM 67. I'LL ENTERTAIN A MOTION ON ITEM NUMBER 67 WHICH IS RELATED PLUM CASE. MAYOR PRO TEM MOVES TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS. SECOND BY COUNCILMEMBER MORRISON. FURTHER DISCUSSION? ALL IN FAVOR SAY I. OPPOSED NO. PASS ON A VOTE OF 7 0.

THANK YOU, MAYOR. THAT CONCLUDES THE ZONING ITEMS.

THANK YOU.

MAYOR LEFFINGWELL: WE'RE OUT OF CLOSED SESSION. IN CLOSED SESSION WE TOOK UP AND DISCUSSED LEGAL ISSUES RELATED TO ITEM 56. I BELIEVE WHAT WE HAVE NEXT, COUNCIL, FIRST I WANT TO ANNOUNCE THAT BOTH OF OUR MORNING BRIEFINGS, THE 10:30 BRIEFINGS ON THE LCRA WATER AGREEMENT AND ON PARKING, ARE GOING TO BE POSTPONED WITHOUT OBJECTION FOR TODAY, AND WE WILL RESCHEDULE THOSE FOR OUR NEXT WORK SESSION ON MARCH THE 2nd, I BELIEVE IT IS. IS THAT CORRECT, MARCH 2nd? SO NO OBJECTION TO THAT SO WE WILL GO TO OUR ZONING CASES.

MAYOR AND COUNCIL, I'LL BE DOING ZONING TODAY. THE FIRST CASE IS THE ITEMS WHERE THE PUBLIC HEARINGS HAVE BEEN CLOSED. ITEM 57, PLATINUM ONION CREEK. REQUESTED ZONING IS MULTI-FAMILY, LOW DENSITY ZONING. THIS IS READY FOR YOUR APPROVAL ON SECOND ONLY. SINCE FIRST READING WE HAVE A RESTRICTIVE COVENANT, A PUBLIC RESTRICTIVE COVENANT THAT HAS BEEN PREPARED BY THE APPLICANT THAT ADDRESSES THE ISSUE OF BICYCLE AND PEDESTRIAN ACCESS TO OLD SAN ANTONIO ROAD AS WELL AS SIDEWALK ACCESS TO 1626 AND ONION CREEK PARKWAY. THE APPLICANT HAS AGREED TO YOUR RESTRICTIVE COVENANT AND THE SIGNED COPY IS ON THE DAIS.

Mayor Leffingwell: SO IT'S STILL PENDING LEGAL REVIEW, THAT'S THE REASON IT'S NOT POSTED FOR SECOND AND THIRD?

YES.

Mayor Leffingwell: COUNCIL, THAT IS OUR CONSENT AGENDA FOR THOSE ITEMS WHERE

WE'VE ALREADY HAD A PUBLIC HEARING. ITEM 57 TO APPROVE ON SECOND READING ONLY. IS THERE A MOTION TO APPROVE THAT? COUNCILMEMBER SPELMAN MOVES TO APPROVE. COUNCILMEMBER COLE SECONDS. DISCUSSION? ALL IN FAVOR SAY AYE.

AYE.

Mayor Leffingwell: OPPOSED SAY NO. PASSES ON A NOTE OF 7-0.

I'LL MOVE ON THE ITEMS WHERE THE PUBLIC HEARINGS ARE OPEN. ITEM 58, WITHDRAWN BY THE APPLICANT. 59, THE GROVE ELEVATED RECLAIMED WATER STORAGE TOWER. THIS CASE HAS ALSO BEEN WITHDRAWN BY THE APPLICANT. NO ACTION IS REQUIRED. NEXT CASE IS ITEM 60, 506 WEST 15th STREET, REQUEST FOR D.M.U., DOWNTOWN MIXED USE ZONING. PLANNING COMMISSION RECOMMENDATION WAS DMU-CO. READY FOR ALL THREE READINGS. ITEM 61 WILL BE A DISCUSSION ITEM. ITEM 62 IS REQUESTED ZONING FOR L.A. ZONING. THERE'S A REQUEST FOR POSTPONEMENT TO MARCH 3rd AND THERE'S NO OBJECTION. ITEM 63, LIFE FORCE CHIROPRACTIC, 1704 SOUTH LAMAR BOULEVARD, REQUEST FOR ZONING FOR GENERAL COMMERCIAL SERVICES, VERTICAL MIXED USE, CONDITIONAL OVERLAY ZONING. PLANNING COMMISSION RECOMMENDATION IS GRANT THE CS-V-MU-CO ZONING. ITEM 64, LOCATED AT 13635 RUTLEDGE SPUR. WE HAVE A POSTPONEMENT REQUEST UNTIL APRIL 7th. THERE IS NO OBJECTION. ITEM 65, SUBURBAN LODGE, WILL BE A DISCUSSION ITEM. ITEM 66, GROVE ELEVATED WATER STORAGE TANK PLANNED NEIGHBORHOOD AMENDMENT HAS BEEN WITHDRAWN AND NO ACTION IS REQUIRED. ITEM 67 IS THE NEIGHBORHOOD PLAN AND IT WILL ALSO BE DISCUSSION.

Mayor Leffingwell: SO THE CONSENT AGENDA FOR THOSE ITEMS WHERE WE HAVE YET TO HOLD PUBLIC HEARINGS IS ITEM 58 IS WITHDRAWN. ITEM 59 IS WITHDRAWN. AND CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM 60. TO POSTPONE ITEM 62 UNTIL MARCH 3rd. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM 63. TO POSTPONE ITEM 64 UNTIL APRIL 7th. ITEM 66 IS WITHDRAWN. AND THAT IS THE CONSENT AGENDA. COUNCILMEMBER SPELMAN MOVES TO APPROVE. SECONDED BY COUNCILMEMBER MORRISON. IS THERE ANY DISCUSSION? ALL IN FAVOR SAY AYE. OPPOSED SAY NO. IT PASSES ON A 7-0 VOTE.

WE'LL MOVE ON TO ITEM 61. THE CASE KNOWN AS AUSTIN CRIBS LOCATED AT 6320 CITY PARK ROAD. REQUESTED ZONING IS FROM DEVELOPMENT RESERVE TO NEIGHBORHOOD COMMERCIAL ZONING. STAFF RECOMMENDATION WAS TO APPROVE THE LR ZONING WITH A CONDITIONAL OVERLAY RESTRICTING THE PROPERTY TO 2,000 TRIPS A DAY. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO APPROVE THE LR DISTRICT ZONING BUT WITH CONDITIONAL OVERLAY THAT LIMITS THE SITE TO 500 VEHICLE TRIPS PER DAY.

Mayor Leffingwell: LA?

LR. STAFF RECOMMENDATION IS LR-CO. THE STAFF RECOMMENDED 500 TRIPS. THE PROPERTY IS AT THE CORNER OF CITY PARK ROAD AND THIS IS A SMALL TRACT, .088 ACRES IN SIZE AND IT'S CURRENTLY THE LOCATION OF A NAIL SALON AND A LIMOUSINE RENTAL BUSINESS. THE PROPERTY OWNER IS REQUESTING LR ZONING TO BRING THE EXISTING USES INTO COMPLIANCE. I WOULD LIKE TO NOTE THE LIMOUSINE SERVICE WOULD NOT BE ALLOWED TO CONTINUE EVEN UNDER THE REQUESTED ZONING. THAT WOULD REQUIRE GR ZONING AND THE APPLICANT IS AWARE OF THAT SITUATION. IT WAS DONE IN 2000. WE CANNOT SHOW THIS PROPERTY WAS INCLUDED IN ANY ZONING CASE. THE REQUEST FOR ZONING IS LR. I'M AVAILABLE FOR ANY QUESTIONS.

Mayor Leffingwell: QUESTIONS OF STAFF? COUNCILMEMBER SPELMAN.

Spelman: [INAUDIBLE].

I'M NOT SURE OF THE EXACT SIZE OF THE BUILDING. I THINK IT'S ABOUT 4,000 SQUARE FEET.

Spelman: IF IT WERE 800 SQUARE FEET AND ALL AVAILABLE FOR COMMERCIAL, WHAT WOULD THE RETAIL TRIPS PER DAY WE WOULD BE GENERATING?

IT WOULD DEPEND ON THE TYPE OF COMMERCIAL USE, BUT I CAN SAFELY SAY IT WOULD BE LESS THAN 500 TRIPS A DAY.

Spelman: SOUND LIKE A SAFE THING TO SAY. THANKS.

Mayor Leffingwell: ANYTHING ELSE? DOES THE APPLICANT WANT TO SPEAK ON THIS? AND YOU'LL HAVE FIVE MINUTES.

CITY COUNCIL, MY NAME IS TERRY IRION AND HERE REPRESENTING THE APPLICANT AUSTIN CRIBS. THIS LOT, AS JERRY SAID, IS A REMNANT LOT. A SUBSTANTIAL PORTION OF IT WAS CONDEMNED IN EARLY 1990s FOR 2222 EXPANSION. SOME MORE WAS CONDEMNED FOR THE EXPANSION OF CITY PARK ROAD. WHAT'S LEFT IS 3572 SQUARE FEET. THERE'S A SMALL BUILDING ON IT. ORIGINALLY I THINK IT WAS PROBABLY A RESIDENCE. IT'S BEEN IN OFFICE-TYPE USE SINCE BEFORE LIMITED-PURPOSE ANNEXATION. IT HAS A LAND STATUS DETERMINATION. THE LEGAL LOT, THAT DETERMINATION WAS MADE BEFORE FULL-PURPOSE ANNEXATION WAS MADE IN 2004. THERE IS NO DEVELOPMENT PLAN THAT IS INTENDED BY THE APPLICANT. WHAT BROUGHT US TO THIS POINT WAS A CHANGE FROM ONE TYPE OF OFFICE USE TO ANOTHER TYPE OF OFFICE USE, AND THE CITY BELIEVE THAT REQUIRED A NEW CERTIFICATE OF OCCUPANCY, AND, OF COURSE, WE CAN'T GET A NEW CERTIFICATE OF OCCUPANCY WITHOUT CONFORMING ZONING. SO THE MOTIVATION FOR FILING THIS ZONING CASE WAS TO COME INTO COMPLIANCE WITH CITY REQUIREMENTS AS THOSE HAVE BEEN INTERPRETED. WE'RE JUST ASKING FOR LR ZONING, WHICH IS WHAT THE SURROUNDING 13 ACRES WAS. WE'RE FINE WITH THE REDUCED TRIPS PER DAY AND THE CONDITIONAL OVERLAY THAT WAS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THERE WON'T BE ANY REDEVELOPMENT OF THIS PROPERTY UNLESS IT IS SOMEHOW RECONFIGURED WITH SOME OF THE SURROUNDING PROPERTY, WHICH IS IN DIFFERENT OWNERSHIP RIGHT NOW, AND THERE'S NO PLANS TO DO. THAT WE'RE JUST ASKING FOR THE L.R. ZONING SO WE CAN BRING THIS PROPERTY INTO COMPLIANCE WITH THE EXISTING USES. AND WE HAVE AGREED THAT WE WILL REMOVE THE LIMOUSINE SERVICE. IT WILL JUST BE A NAIL SALON AND OTHER TYPE OFFICE USES. I'LL BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Leffingwell: QUESTIONS FOR THE APPLICANT? COUNCILMEMBER SPELMAN.

Spelman: DO YOU HAVE ANY OBJECTION TO 500 TRIPS PER DAY AS A LIMIT?

NO.

Spelman: THANKS.

Mayor Leffingwell: ANYTHING ELSE? OKAY. WE DO HAVE SOME FOLKS WHO ARE SIGNED UP TO SPEAK. AND WE'LL GO TO THOSE NOW. THE SPEAKER IS CARL TORGENSEN, DONATING TIME TO CAROL IS EDWIN TORGENSEN, SO YOU WILL HAVE NINE MINUTES.

THANK YOU, MAYOR. GOOD AFTERNOON, MY NAME IS CAROL TORGENSEN. I'M HERE REPRESENTING 2222 CONDO, A NEIGHBORHOOD ASSOCIATION AND HOMEOWNER ASSOCIATION BETWEEN LOOP 360 AND HIGHWAY 620. WE UNDERSTAND THE CONSTRAINTS THAT THE OWNERS OF THE PROPERTY ARE UNDER IN NEEDING TO MEET THE COMPLIANCE AND THEY NEED TO GET THE ZONING SETTLED AND WE UNDERSTAND THAT. AND WE DON'T HAVE ANY PROBLEM WITH THE CURRENT USES OF THE PROPERTY, THE NAIL SALON AND THE OFFICE USES CONTINUING. THE ONLY PROBLEM WE HAVE IS WITH THE L.R. ZONING ITSELF. L.R. ZONING INCLUDES A WHOLE BUNCH OF HIGH TRAFFIC USES WHICH WHILE MOSTLY IMPRACTICAL FOR THIS SITE, NONETHELESS YOU COULD POTENTIALLY FIGURE OUT SOME WAY, WHERE THERE'S A WILL, THERE'S A WAY, STICK A FAST-FOOD RESTAURANT OR SAND LOT A.T.M. THE CURRENT USES ARE COVERED UNDER G.O. ZONING WHICH IS CONSISTENT WITH CHAMPION TRACT 3 WHICH IS ACROSS CITY PARK ROAD AND ALSO TRACTS TO THE NORTH. WHAT WE'RE REQUESTING IS G.O. ZONING INSTEAD OF L.R. IT COVERS THE CURRENT USES OF THE PROPERTY AND SIMILAR USES THAT MIGHT BE THOUGHT OF IN THE FUTURE.

Mayor Leffingwell: Hearing no questions, we have a lot of folks signed up to in favor. One wishing to speak, Charlie Betts. The speaker passes. We also have Michael wayland, Andy pastor, Kirk Rudy, Eddie burns, (Indiscernible), Melissa berry, Molly Alexander, Nancy burns, Thomas Butler, Cid Galindo, Sinclair black, Larry Graham, Robert knight, John Horton, bill Bryce, Alice (Indiscernible) all signed up in favor, not wishing to speak. So I just want to answer a couple of questions that relate to financial matters. So I understand from the spreadsheet that we saw earlier, is it \$34 million in 1999 bond proceeds that are currently available? Is that the correct number?

yes, it is. That includes the original proceeds plus the interest earnings since that time.

so what is the projected increase in value per year on the assumptions and the pro forma?

in the property values?

yes.

there was actually it was a multistep process. What initially took place is we contracted with CDS market research and joint venture with Steve SELETTE who had done the 2006 study and they had done market absorption projections. Then they had gone on to develop property value projections based on that and so they forecast new construction in the area based on demand for the various types of development and then they assumed that they would be general appreciation as well in property values, and that was five percent.

so that is a widely accepted number, the five percent that you used?

well, they looked at they looked at the downtown area, they looked at the type of development that would occur. They looked at the land use that was planned. They looked at the historical growth in the downtown area, which has actually been in excess of five percent. And then also factored into there is the additional value that would come from taking the property out of the floodplain. So it's sort of many factors that were considered.

Mayor Leffingwell: So it is a very reasonable and conservatively based number?

very reasonable.

Mayor Leffingwell: And part of the gap is made up by drainage fee increases?

yes.

Mayor Leffingwell: And

well, in the event that the the cost for the operations and maintenance for the tunnel is approximately three million dollars a year. Now, the drainage utility may be able to absorb that either wholly or partially. We've set the TIF amendment up so that the council can look at that each year as part of the budget process and the five year forecasting process, but in the event that we elected to increase the drainage fee to cover that entire three million, it would mean 40 cents per month more in the drainage fee.

Mayor Leffingwell: Okay. So I think those are all the questions I have. I probably should have more appropriately asked them in subsequent items because this is only the public hearing. So I will if any more occur to me, I'll ask them at that time. So with that, council, those are all the speakers that we have signed up wishing to speak, so I would entertain a motion to close the public hearing on amendment number 1 to the project.

Cole: So move.

Mayor Leffingwell: Councilmember Cole moves to close the public hearing. Seconded by Councilmember Spelman. Any discussion? All in favor say aye? Any opposed say no? It passes on a vote of seven to zero. So council will now recess this meeting of the Austin city council and conduct a meeting and call to order a meeting of the board of directors of the Waller Creek TIF reinvestment zone number 17. As chairman of that board for, what, I guess about six hours now, we will call that meeting to order. The board consists of the members of the city council and the following non councilmembers who are seated in front of us. Rodney Rodes representing Travis County. He's the executive manager of Travis County planning and budget office. Hello. Welcome to city hall. And the end non councilmember is William MULLANE. He is the executive director of facilities in construction with the Austin Community College. So I thank you both and welcome you to city hall. I welcome you as members of our TIF board number 17 board of directors. So the board of directors will now take up item number 1, which is to approve the adoption of amendment number 1 of the project and financing plan for TIF reinvestment zone number 17. And the submission of the amended plan to the Austin city council with a recommendation for approval, which we will do very shortly, assuming that the board approves it. Discussion or staff is available for questions on this amendment? And now would be the appropriate time or before when I ask them for questions relative to any part of this project. Any questions? Councilmember Morrison.

Morrison: I'm not sure when is the right time to ask this question, so I'm going to throw it out now and if you want to talk about it later, that's fine too. One of the questions that has been brought up and actually maybe some of my colleagues have something to add to this, is the potential for finding some funding for this project under a different kind of mechanism. Say, for instance, a public improvement district wherein there's an added tax layer on top of the regular added taxes, especially folks that are going to be enjoying some increase in entitlements. Of course one of the issues there is they have to vote them on themselves. So I wonder if you could talk about whether or not that's been discussed or what that consideration of something like that might be appropriate.

let me ask Rodney Gonzalez to come up and talk about that. He's very familiar with the downtown P.I.D.'s that we have right now and the process as well.

thank you, Leslie. As Leslie had mentioned, we actually do have two downtown P.I.D.'s currently. We have the downtown Austin P.I.D. and Charlie Betts manager for that P.I.D. is with us and we have the east Sixth Street P.I.D. We have not looked at specifically creating a P.I.D. for the Waller Creek, so we haven't looked at the implications for creating that P.I.D. But we can certainly help Leslie with assessing what creating that P.I.D. would look like. There would be some hurdles for creating that P.I.D. and we



would also assess those as well.

Morrison: The hurdles being that people would have [ INAUDIBLE ].

there are several hurdles. Number one, there are two existing downtown P.I.D.'s. If we're talking about doing an additional P.I.D. that would overlay those two existing P.I.D.'s, you're talking about an additional assessment on top of what's already being assessed, but the other is an issue as well.

Morrison: I want to just share with my colleagues that I remember being down here as a citizen in 2007 where I and a couple other folks had been encouraging that that be something that we look at initially. Now, that's water under the bridge or through the tunnel, shall we say at this point. That didn't happen. And so I think at some point it might make sense to look at that in the future, especially if we're looking at beyond the flood control project, but more in terms of amenities and the improvements that we would be able to see the physical improvements and sidewalks and all that. I just put that out there, but I hope that it's something that we do think about in the future because I think that could be an appropriate way.

Cole: Mayor, I want to let the record reflect that no one, absolutely no one on this council or in this city, remembers that it was Councilmember Morrison as the only person who testified against Waller Creek in 2007. [ LAUGHTER ]

Mayor Leffingwell: I don't know if I had said that, board member. You just did, so

Morrison: And mayor, if I may just say that I was all for the project. I was encouraging the city to look at other mechanisms for the funding.

Mayor Leffingwell: Come to think of it, I remember that too.

Morrison: And there were two other people there, by the way?

Cole: Were there really?

Mayor Leffingwell: Any more questions on the item number 1? Is there a motion on item 1? Board member Spelman moves approval on item number 1. Is there a second? Second by board member Riley. Any further discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. Excuse me. Nine 0. Nine zero. [ LAUGHTER ] That won't happen again.

I heard them say aye.

Mayor Leffingwell: All right. The Board will now take up item number 2, which is recommend to the Austin city council the execution of amendment number 1 to the agreement with Travis County to fund and participate in the TIF reinvestment zone number 17. And please feel free to join in the discussion or Q and A. So any discussion or questions? By any board members? In that case is there a motion on item number two?

Cole: I wanted to point out that we tally did go and visit with the commissioners' court with many of the professional staff, including Leslie and Joe's battalion and assistant city manager Robert goodE and they asked some questions, but they have not taken final action. They will do that after we take action. But I did want you to know that the commissioners have been fully briefed and receiving the briefing that we received yesterday.

and I believe they're planning to take action on February the 22nd. So shortly after this.

Cole: With that I'll move approval.

Mayor Leffingwell: Councilmember Cole moves board member Cole moves to approve item number 2. Is there a second? Second by Mr. Rodney Rhodes. Further discussion? All right. All in favor of that motion say aye. Opposed say no? It passes on a vote of 9 0. So those are all the items that we have on our TIF reinvestment zone number 17 board of directors meeting, so without objection we will adjourn that meeting and call back to order the scheduled meeting of the Austin city council and take up several related items beginning with item number 12. Thank you very much, gentlemen. That was easy duty. We can take up 12, 17, 25 and 26 together.

Cole: Mayor, I would like to move that we do that, that we take up 12, 25, 26 and 17 together. These are kind of simply broken up items because of the well, I guess staff did it for really good reasons, but mainly I think it has to do with do you want to tell me why we have four items as opposed to one? Leslie.

number 12 and number 17 are the tunnel contract, the award of the construction contract and the materials testing. And then 25 and 26 are the approval of the items that the TIF board just approved for action by the city council. The adoption of the amended project and financing plan and the amendment to the agreement with Travis County, which is simply to attach the documentation and keep that agreement up to date.

Cole: Thank you, Leslie.

With that, mayor, I would like to say a couple of things. One, is that under your leadership today we passed a resolution beginning the process of forming a collaboration with the school district. And with this project we have started a true collaboration with the county involving a substantial financial commitment by both us and them. And I believe that this is what people expect of government, and that is that we begin to collaborate more and stretch our dollars. And more importantly, that we take property out of the floodplain and we ask that promote public safety because people have actually died in Waller Creek. So this project takes 11 percent of downtown out of the floodplain and in doing that we will over the long term significantly increase our tax base. So with that, mayor, I move approval.

Mayor Leffingwell: Board member Councilmember Cole moves to approve items 12,

Cole: 12, 17, 25 and 26.

Mayor Leffingwell: 12, 17, 25 and 26. Is there a second? Councilmember Spelman seconds. Is there any further discussion? All in favor say aye. Opposed say no? It passes on a vote of seven to zero. Okay. Council, that I believe leaves only item number 68, is that correct? Item number 68.

mayor, members of council, I'm Carl (Indiscernible) with Austin energy. Item 68 is an ordinance which would create a tariff that would allow Austin energy to recover the cost of electricity provided to electric vehicle customers who use our public charging stations. And I'd be glad to answer any questions.

Mayor Leffingwell: Questions about the charging stations? I have one question. Explain the funding for these charging stations.

okay. There are two kinds of charging stations. I'm not talking about the ones that are in people's homes, which they will pay for themselves. I'm talking about public charging stations, public charging stations are those to be placed at either public buildings or on private property, but run and managed by Austin energy. The funding for those charging stations is coming from us, the United States of America citizen, it's coming through a federal stimulus grant under the American recovery and reinvestment act under a program being administered by the cue loam administration as part of their charge America program. So the 100 to 200 charging stations that will be deploying publicly are free to Austin energy

under the terms of that grant. Where those charging stations are being installed on public property, Austin energy will do the installation or pay for the installation cost. Where they are installed on private property, the installation costs would be paid for by the private property owner such as hotels, shopping centers, those kinds of places. And the tariff pays for the electricity that flows when a customer swipes their access card and plugs in their vehicle.

Mayor Leffingwell: Have you done any kind of analysis if it's expected to be a profitable venture for Austin energy?

we hope over the long term it is profitable. It will certainly be more profitable for us with the charging stations being free in the initial stages. So that really helps us get started. We calculated the charge for the electricity to more than cover our expected usage. But this is a pilot basis. We don't actually know how much people will want to use public charging. We've done some estimates using studies conducted by the electric power research institute and others who have looked at the electric vehicle market and then conservatively increased the charge in this tariff to make sure that we weren't giving electricity away. Long term projections depend on market penetration rates. We look to make a decent amount of money in, say, the 10 year horizon. And while we haven't completed all the analysis it looks like a good business for us over the longer term rises when penetration rates really pick up. One of the more interesting things that we have to calculate in the end is the value of things like not having and in fact reducing local air pollution, which has significant direct and indirect costs within the city.

Mayor Leffingwell: Well, just to briefly summarize what you said, the signallation costs us basically nothing. It's a grant funded operation.

the charging station cost is basically nothing. The installation costs on private property will be paid for by private property owners. On public property, Austin energy will be using its staff primarily to install those. So it's a sunk cost, but not a zero cost.

Mayor Leffingwell: And then the use of electricity is paid for as you go.

yes.

Mayor Leffingwell: Any further questions? Councilmember Spelman?

Spelman: I see on the tariff that it's 1.85 for charging time?

right. When you gross that up with taxes, it will be two dollars per hour. And that's intended for the occasional users who do not sign up for the subscription program or perhaps out of town visitors who bring their electric vehicles into our service territory.

Spelman: So say two dollars, including taxes, for charging time per hour. How is that compared to an hour's worth of charging time at residential rates?

the charging stations used at customer's homes will draw from their traditional tariff of about nine and a half cents per kilo Watt hour. I think probably if they were doing it at home, it would be just a little bit north of a dollar for the same hour's worth of electricity, depending on the voltage and the draw of the equipment.

Spelman: So we're charging considerably more than if they were at home. On the other hand, two dollars is real cheap to recharge your car.

two dollars is real cheap. It's meant to cost more to use it on the occasional basis than on the subscription basis because it's worth more having customers in our database figuring out where they

go. And even the \$25 every six months based on the number of times we think they'll use it is priced upward of what they would pay if they did it at home.

Spelman: If you had an electric car, about how often would you need to charge it?

it depends. If you lived in the central city area and you mostly worked or did activities in this area, chances are you might not make use of the public charging stations at all because a vehicle like a volt even won't even turn on its gasoline engine until it gets to does about 30 miles. And 30 miles in the central area wouldn't be much. A leaf gets about 100 miles. So if you're using that to come in from, say, Oak Hill, let's say 10 miles away, you still may not need it. It would take a really busy day before you felt like it. Most of the public facility charging stations we expect will be used by fleet vehicles, which will do a lot more of that running around, like at our buildings and stuff like that. So one of our actual big concerns is how much use these stations will actually get. But we intend to also make them capable of charging bicycles and scooters so they become electric transportation hubs as opposed to just electric car hubs.

Spelman: And electric bike or scooter would be charging at the same cost as a car?

right now we intend them to go free. We will have to add the circuitry to the 110 outlet would be installed.

Spelman: But it would be more expensive than charging at our house, but it would be available and be more expensive. If you're a frequent user it would be about the same price.

yep, that's about right.

Mayor Leffingwell: Further questions? All right. We'll entertain a motion to close the public hearing and approve the ordinance or disapprove it. Mayor pro tem moves to close the public hearing and approve the ordinance, item 68. Is there a second? Seconded by Councilmember Shade. Further discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. Excuse me, six to zero with Councilmember Cole off the dais. All right. Am I correct that Councilmember Cole said aye right as she was going off the dais. I didn't catch it. So the vote is seven to zero. And I believe, city clerk, those are all the items that we have on our agenda. Without objection, we stand adjourned at 4:53 p.m.

Mayor Leffingwell: Okay, everyone. It's time for live music in Austin, Texas at Austin, city council, a tradition we've enjoyed for quite some time now. Very proud of it. Gives us the opportunity to bring out local musicians and perform on live television. Today we have singer song writer Michael Ethan MESSICK. Mike came by way of College Station. Does that mean you're an Aggie. He spent years honing his song writing and singing skills. His style mixes heart felt folk music and rock n roll. One of his works, the ever clear song I think I've heard that. It became a signature for Roger Creiger and has given him a level of notoriety that has helped him book gigs all over the state. Since moving to Austin in 2007 he has shared the stage and studio with some of his favorite artists, been featured on local radio, performed at a few legendary Austin and Hill Country venues. MessICK has further emerged himself in the music scene by doing freelance music journalism for music publication and for the music scene TV show. You can see him next tonight celebrating his Austin CD release at Shiner's saloon. Please welcome Mike Ethan MESSICK.

howdy folks. Good to be here. This is one off the new CD. And appropriately enough I wrote this one about my wife back when it was still a long distance relationship before she was my wife. And it's the reason that I moved to Austin. Here we go. ¶¶ [ APPLAUSE ]

thanks, folks. God bless Texas.

Mayor Leffingwell: That was great, great. Sounded a little like buck Owens to me. We want to help you out. We want to help you promote yourself. Tell us, do you have a website?

I should have a website up shortly. It's currently in development. It will be [www.mikeethanmessICKmusic.com](http://www.mikeethanmessICKmusic.com). Somebody beat me first.

tell us about your upcoming shows. Do you have any scheduled?

the one looming most directly because I need to get down to the parking garage and get to it is Shiner saloon tonight. They'll be doing a CD release party. For other show dates check out the website. I have some stuff coming up around here and New Braunfels and College Station. Several things lined up.

Mayor Leffingwell: I'm sure somebody would want to buy some of your music. Where can they do that.

on itunes or on Lone Star music.com. Or come out to the Shiner saloon tonight and buy one from me directly and take out the middle man.

Mayor Leffingwell: Great. Excellent. We also have a proclamation in your honor, which I will read for you. It says be it known that whereas the local music community makes many contributions toward development of Austin's social, economic and cultural diversity and whereas the dedicated efforts of artists further Austin's status as the live music capitol of the world. Now therefore I, Lee Leffingwell, mayor of the City of Austin, Texas do here by proclaim February 17th, 2011 as Mike Ethan messICK day in Austin, Texas. Congratulations. [ APPLAUSE ]

appreciate it, everybody.

Mayor Leffingwell: It would be my pleasure tonight to honor with a proclamation the engineers of Austin, Texas, which I guess was would have to include me. I do have a piece of paper that says I'm an engineer from just a few years ago out on the 40 acres. And I'm proud of that because as I've always said, even though you don't practice engineering like I never did. I went on to do other things, but you still think like one and you still know how to print well. That's my claim to fame. [ LAUGHTER ] So Rick McMaster is here today to accept this proclamation on behalf of all of the engineers and engineering firms here in Austin, Texas. And it's my pleasure to read it to him and then he will say a few words to all of you. It says be it known that whereas Austin industry is based on engineering and technologies feed our local economy and retain highly educated workers in our area because engineers play such a vital row in our society, it is important to ensure that children discover science discover careers in science, technology, engineering, mathematics and related fields, and whereas volunteers from local companies, organizations and institutions are making classroom visits during engineers week, February 20th through 26th and will continue through the rest of the school year providing hands on activities and discussions about the importance of engineers in our society and career opportunities available. And whereas we support these efforts to inspire more students to pursue careers designing our future and improving our world. Now I, Lee Leffingwell, mayor of the City of Austin, Texas do here by proclaim the entire spring 2011 as engineers week and discover engineering 2011. So thank you very much, Rick. [ APPLAUSE ] Do you want to say a couple of words?

I do. Thank you. Thanks, Mr. mayor. This is actually the 60th anniversary of engineers week. And the 20th year that we've been going out to schools as part of discover engineering. Over the last 15 years, of which I've been part of the program, we've seen hundreds of thousands of students, elementary school through high school and encouraged them in all the stem subjects, be it science, technology, engineering or math. The effort that we have would not be possible without the support of the many local businesses and especially their employees, hundreds of them every year. And I'd like to first acknowledge our volunteer steering committee who really keep this going. I don't think anybody is else was able to join me today, but to recognize the firms we have 3 M, applied materials, AT&T labs, the City of Austin, HBJ associates, Intel, IBM, Mac tech, skill point alliance and of course the University of

Texas here in Austin. And we also have three very active professional societies that are a big part of this. ASCE, EEE and SWEEE. A number of firms also support us financially. 3M, AT&T Labs, Cisco, IBM, the technology in education executive council, skill point Alliance. But none of what we could do would happen without all of the volunteers who go out into the schools to inspire the students. We already have 80 schools, over 80 schools that have signed up for school visits and we don't want to disappoint any of them. We still need volunteers. And I'd like to encourage all of you to visit our website to learn more about what we do in the local community and also to sign up as a volunteer. There are two anchor events for engineers week. ASCE's engineer's day at the Austin children's museum this Saturday. And then the following Saturday girl day at U.T. It is hosted by the Cockrell school of engineering. Mayor, I would like to present you with one of our T shirts.

Mayor Leffingwell: Great. Thank you very much.

you're welcome. And if you make it to the marathon maybe you could wear it and encourage some more volunteers.

Mayor Leffingwell: The marathon, that's running?

yes.

Mayor Leffingwell: Thank you. We'll take a picture over here.

Mayor Leffingwell: So we have a series of proclamations tonight in honor of our community owned utility company, Austin energy, a company that we're very proud of. It's approximately half of our budget is Austin energy, that's how big it is. Austin energy is world renowned for the leadership they have played in a number of on a number of environmental fronts. But we're going to address most of those later in another proclamation. What we want to talk about on this proclamation is the science festival this year, which will be held shortly. It involves school children in Austin schools, almost 4,000 elementary school children will participate this year and we hope 10ing this theme of engineering and science and later green building and so forth, that we can really motivate kids to turn back to science. Being kind of a science guy myself and I think that's so important to our economy here in Austin. We are a technology based city. And that is our Dr.need not only in Austin our great need not only in Austin, but in the entire nation. We're falling behind in science education, engineering education. We need to motivate these kids to make up that gap. And this effort is a very important part of that road. So I want to read this proclamation. And it's being accepted, by the way, by Ingrid WEIGAND, who is an Austin energy employee who does all the hard work to put this thing together and has for 20 years? No, you're not that old. Okay. I'm sorry. Six years. So I'll read this proclamation and let Ingrid tell you a little bit more about it. It says be it known that whereas science festival 2011 will showcase the talent of almost 4,000 elementary through high school students from public, home, charter and private schools throughout the Austin area and whereas science fairs like science festival 2011 with the theme science in motion, helps spark an interest in children to pursue science, math and engineering and whereas we congratulate the participants, especially those whose winning projects will go on to state and international competition. We thank Austin energy, our community owned electric utility, for sponsoring and organizing this important event for the 12th year in a row. Now therefore I, Lee Leffingwell, mayor of the City of Austin, Texas do here by proclaim February 23rd through the 26th 2011 as Austin energy regional science festival days in Austin, Texas. Congratulations to all of you fine folks at Austin energy, and on behalf of them Ingrid would like to say a couple of words. [ APPLAUSE ]

thank you, mayor. The regional science festival in Austin has actually been around almost 50 years. That's how long Austin has tried to nurture science, engineering and math in children. Austin energy has been involved about 12 years. The reason we got involved is because we know that we need the future workforce. If we do not encourage them at this age, we will have a very hard time 10, 15 years from now finding employees. The reason my work group at Austin energy does it is because it's the greatest project basically you could do. And it really is worth all the efforts. We actually see some of the results

from the engineering efforts. Out of the 600 middle school projects we have this year, almost 120 are in one of the three engineering categories. So that's a really, really good sign. We unfortunately see a drop in participation. We have almost 2500 elementary students participate. Then we have 600 middle school. Then we have 200 high school students participate. So they unfortunately so there unfortunately is a drop. On the other hand, those students who do participate through high school have tremendous qualities, there's tremendous potential. Every year when we send our top winners to the international competition, we have at least one student who places. And that is in a competition against 54 other countries and all of the U.S. So I really, really appreciate the support the city gives this effort. I want to thank the over 400 judges from the city, from universities, from the local industry, from businesses that come and give a day of their lives to students and encourage them. If you come next Thursday to the Parmer events center between five p.m. and nine p.m. there's public viewing. And had if you come next Saturday between two and five p.m. you can see all of the elementary work.

thank you very much.

Mayor Leffingwell: I know there's a lot of you out here. Could I ask the Austin energy folks to raise your hand so we know who you are. Great turnout. I appreciate it. Thank you.

so now it's my pleasure to present a proclamation to the Austin groups for the elderly who play such an important role in the City of Austin, in our community. One of the many groups that provides much needed social services to to our most vulnerable population, folks my age who need a little help. So they do all kinds of things and I'll let Joyce tell you more about it. I just want to emphasize how important it is the City of Austin supports this. And we're so grateful to you and others for doing that. We participate a little and you participate a lot. And if you didn't do it, somebody would have to pick up the slack and it would be a lot more expensive and done less efficiently. So thank you for what you do. The proclamation reads, be it known that whereas Austin group for the elderly has been serving Central Texas seniors and caregivers with a wide range of programs, including adult day care, computer training, and caregiver resources, and whereas ages newest program, the health equipment lending program, or HELP, provides assistive devices at no cost to seniors and others who need these items to live safely in their homes. And whereas age lends out wheelchairs, walkers, shower chairs and electric scooters that have been completely refurbished. And whereas with new funding for staff and work space, age hopes to lend our 1,250 pieces of equipment to seniors or nonprofits who serve our seniors in 2011. Now therefore I, Lee Leffingwell, mayor of the City of Austin, Texas do here by proclaim February 18th through the 24th 2011 as health equipment for seniors day in Austin, Texas. Thank you again for what you do. [ APPLAUSE ]

well, I think the proclamation pretty much covered what we do from adult day care to care river resources. We support caregivers and older adults as they age. They're part of the net work trying to keep Austin a great place to grow old in. We're really delight that had this program has received the support it has recently from impact Austin and from health angels from St. David's foundation to help take us from a grassroots program to a more broad reaching program. It's a great reuse of equipment. I'm aggravated that I had to actually take advantage of it. But at least I knew where to go when I broke my ankle. At least I knew where to go. So it's really a good reuse of equipment. When you're out there and you see things at garage sales or you have things in people's sitting in people's garages unused, think about us and please bring things to us. Our website is age of Austin.org and we are having a drive this weekend. We will be at the age building over on 38th and cedar Friday and Saturday. And available all week long any time all year long to receive items and to donate items. It helps people stretch their dollar in the health care arena. We're very, very pleased to be able to do this for the city and the surrounding area. Thank you very much. [ APPLAUSE ]

Mayor Leffingwell: We have a little group here, another Austin energy group of folks. Austin energy happens to be my favorite electric utility company. So I'm very privileged to do this. This proclamation is about our green building program. Something that is part of Austin's culture now and rightfully so because it began here. The green building program was originated about 20 years ago now in the City

of Austin. The procedures and the ratings structure and all that. And we have evolved now to point where we're building green structures all over town. Several years ago before I was on council, and that is several years ago, awhile back, the city adopted a policy requiring all new city facilities to meet a silver LEED standard. And we're very proud of this. This building we're in right now, Austin city hall, is a gold LEED standard building. One of the few in the city. We're very proud of that. We do have a couple of buildings now. I think it's two that are platinum. One is the Dell Children's Hospital out there. In the course of doing our In the course of doing our Business here at the Austin city council, whenever we have an opportunity to advance green building, to include it in zoning applications and so forth, we do it. And the receptivity of that has been such that most folks who come through the door, before they think about building something, the first thing they think about is am I going to do how many stars am I going to do in the green building program? As a matter of fact, certain zoning categories are required to have a two star green building hi there. Two star green building component before they can even be considered. We're hoping to expand this program and we're very proud of it and very proud of the Austin energy folks who make it work. So we have this proclamation for them. Be it known that Austin energy green building, the nation's first green building program, is celebrating its 20th anniversary this year and whereas Austin energy green building has contributed to the transformation of the building industry through rating systems, education and influencing green building codes, policy and program development. And whereas since 2005 the program has rated more than 4,000 homes and save participants more than \$3.8 million in energy costs, 69 million gallons of water and has diverted 120,698 tons of waste. That is a very accurate measurement [ LAUGHTER ] From our landfills. And whereas Austin energy green building continues to pave the way for code changes that reduce building energy use, conserve water and resources, and lead to healthier, safer residential multi family and commercial buildings, changes which benefit everyone in our community. Now therefore I, Lee Leffingwell, mayor of the city of Austin, Texas, do here by proclaim February 2011 as Austin energy green building's 20th anniversary in Austin, Texas. Congratulations to all of you. [APPLAUSE] AND WE'VE EXPANDED WAY BEYOND SINGLE FAMILY BUILDING, WHICH IS WHAT WE STARTED OUT WITH, TO INCLUDE COMMERCIAL, MULTI FAMILY AS WELL. THE AUSTONIAN IS A RECENT PROJECT WE'VE RATED UNDER OUR PROGRAM, THE CHILDREN'S HOSPITAL. MILLER, ALL OF MILLER, THE SINGLE FAMILY, MULTI FAMILY COMMERCIAL BUILDINGS THERE. SO WE'VE HAD A HUGE INFLUENCE, AND WE FEEL THAT OUR SUCCESS HAS RESULTED FROM A NUMBER OF FACTORS. ONE IS WE QUICKLY REALIZED WE COULDN'T JUST DEAL WITH BUILDERS. WE HAD TO TALK TO EVERYONE INVOLVED IN BUILDING, THAT MEANT THE ARCHITECTS, THE ENGINEERS, THE LANDSCAPE ARCHITECTS, OWNERS, BUYS, THE PEOPLE WHO WERE GOING TO LIVE AND USE THESE BUILDINGS AS WELL. THEY ALL HAD TO UNDERSTAND WHAT THIS WAS ALL ABOUT AND BUY INTO THE BENEFITS OF THIS, AND THIS IS WHAT WE HAVE WORKED ON, BOTH PROFESSIONAL EDUCATION AND EDUCATION FOR THE PUBLIC. IS THERE ANYBODY IN THE ROOM WHO HAS COME TO OUR "GREEN BY DESIGN" SEMINAR? GREAT. OUR NEXT ONE IS MARCH 5. HOW ABOUT THE COOL HOUSE TOUR? WONDERFUL. THE NEXT ONE IS JUNE 5. WE HOPE WE SEE YOU ALL THERE. IT'S A GREAT WAY TO LEARN MORE ABOUT GREEN BUILDING. THE SECOND STRENGTH WE THINK WE HAVE IS THAT OUR PROGRAM IS TAILORED FOR THE CONDITIONS OF AUSTIN. THERE ARE A NUMBER OF NATIONAL PROGRAMS OUT THERE, BUT OURS IS FOR AUSTIN, FOR OUR CLIMATE, OUR TRADITIONS, OUR WORK FORCE, WHAT WE VALUE HERE IN AUSTIN AND WHAT WORKS HERE IN AUSTIN. AND WE THINK THAT AS GOOD AS MANY NATIONAL PROGRAMS ARE, NONE OF THEM HAVE THAT BENEFIT THAT HAVING OUR VERY OWN HAS FOR US HERE. WE FEEL WE'VE RAISED AWARENESS IN THIS COMMUNITY, AND THAT HAS HAD SO MANY BENEFITS FOR US, AND ONE WE'VE PARTICULARLY WORKED ON IS TO GET ACROSS THE IDEA THAT GREEN BUILDING IS NOT JUST FOR RICH PEOPLE, BUT GREEN BUILDING CAN BE AFFORDABLE TOO. AND IF YOU START WITH THE RIGHT DESIGN AND IF YOU WORK WITH TEAMWORK AND COLLABORATION, YOU WILL GET GREAT RESULTS. I'D LIKE THERE'S SO MANY PEOPLE I CAN ACKNOWLEDGE AND WOULD LOVE TO ACKNOWLEDGE. I'D LIKE TO JUST MENTION A FEW. WE WORK WITH A LOT OF CITY DEPARTMENTS AND PROGRAMS. THIS IS SO IMPORTANT TO OUR SUCCESS, AND WE APPRECIATE ALL THE KNOWLEDGE AND EXPERTISE THAT ALL THESE PEOPLE HAVE CONTRIBUTED TO WHAT WE HAVE DONE, AND WE LOOK FORWARD TO WORKING WITH OUR NEW SUSTAINABILITY OFFICER, LUCHEA



ATKINS, WHO'S HERE TODAY, AND COORDINATING ALL THESE EFFORTS EVEN BETTER THAN WE HAVE IN THE PAST. WE ARE GRATEFUL FOR OUR PROGRAM PARTICIPANTS. WE COULD NOT DO THIS WITHOUT YOU AND I'M GLAD TO SEE SO MANY OF YOU HERE TODAY ON VERY SHORT NOTICE. WE WANT TO EXTEND OUR GRATEFUL THANKS TO DOUG SEIDER, WHO WAS OUR VERY FIRST MANAGER, TO LAWRENCE DOXY, WHO REALLY CREATED THIS PROGRAM OUT OF THIN AIR. BOTH OF THEM ARE WORKING ON THE FEDERAL LEVEL NOW, BUT THEY DID SO MUCH FOR US. LAWRENCE, OUR GURU, WE APPRECIATE HIM EVERY DAY. FOR MICHAEL MYERS AND FOR AUSTIN LEE BROCK AND FOR ROGER DUNCAN, WHO SUPPORTED US AND THIS WHOLE IDEA WHEN IT WAS GRAND NEW AND WE WERE JUST THE PIONEERS BACK IN 1991, WHEN WE WERE AT ECS.D. DO ANY OF YOU REMEMBER THAT? ENVIRONMENTAL AND CONSERVATION SERVICES DEPARTMENT. THAT WAS A LONG TIME AGO. BUT WE'VE MADE A GOOD HOME IN AUSTIN ENERGY. WE APPRECIATE THE SUPPORT THERE FROM CARL RABIGOL AND THE DISTRIBUTED ENERGY TEAM, AND WE FIND IT'S NOT ALWAYS EASY BEING GREEN. IT'S A BIG JOB, BUT IT INSPIRES US EVERY DAY, AND BECAUSE WE KNOW THAT THE WORK WE DO IS MAKING AN BIG DIFFERENCE IN OUR A BIG DIFFERENCE IN OUR COMMUNITY AND FOR OUR PLANET. WE THANK YOU AGAIN FOR ALL YOUR HELP AND SUPPORT OVER THESE 20 YEARS, AND WE HOPE TO PROVIDE YOU WITH MANY MORE YEARS OF SERVICE IN GREEN BUILDING. THANK YOU VERY MUCH. [APPLAUSE]

TODAY WE MEET TO CELEBRATE THE LAUNCHING OF THE BARBARA JORDAN FOUNDATION, FOUR DAYS BEFORE WHAT WOULD BE HER 75TH BIRTHDAY. AND LET ME DIGRESS FOR A MINUTE BECAUSE I KNOW MY DAD IS WATCHING AND HE AS SAYS THAT I SHOULD DRESS MORE LIKE SHEILA JACKSON LEE AND SOUND LIKE BARBARA JORDAN. [LAUGHTER] THE BARBARA JORDAN FREEDOM FOUNDATION WORKS FOR THE IDEALS, PRINCIPLES AND VISIONS THAT BARBARA JORDAN EXEMPLIFIED DURING HER LIFE AND CAREER BY IDENTIFYING INJUSTICES, SPEAKING TRUTH TO POWER AND EMPOWERING COMMUNITIES TO ADDRESS THESE INJUSTICES. THE BARBARA JORDAN FOR FREEDOM FOUNDATION EMBODIES ALL OF THESE QUALITIES. AND NOW I'LL READ YOUR PROCLAMATION. BE IT KNOWN THAT WHEREAS BARBARA JORDAN WAS AN EDUCATOR AND POLITICIAN WHO BROKE DOWN THE BARRIERS OF RACE AND GENDER IN A DISTINGUISHED LIST OF AMERICAN FIRSTS AND WHEREAS BARBARA JORDAN MESMERIZES THE NATION WITH HER ELOQUENT ORATORY, HER SKILLFUL INTERPRETATION OF U.S. HISTORY AND CONSTITUTIONAL LAW AND HER RIGOROUS DEVOTION TO ETHICAL STANDARDS IN POLITICS AND SOCIETY. AND WHEREAS IN HER HONOR THE BARBARA JORDAN FOUNDATION HAS BEEN ESTABLISHED TO FURTHER THE IDEALS, PRINCIPLES AND VISIONS THAT MS. JORDAN EXEMPLIFIED DURING HER LIFE. NOW, THEREFORE, I LEE LEFFINGWELL, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM FEBRUARY 21, 2011 AS BARBARA JORDAN'S 75TH BIRTHDAY AND THE BIRTH OF THE BARBARA JORDAN FOUNDATION. [APPLAUSE]

THANK YOU, COUNCIL MEMBER COLE. I AM MARIO CRUZ. I AM A MEMBER OF THE EXECUTIVE COMMITTEE FOR THE BARBARA JORDAN FREEDOM FOUNDATION. I AM GOING TO INTRODUCE YOU TO LAURA, WHO IS ALSO A MEMBER AND WILL WILL PRESENT THE MISSION STATEMENT, AND THEN I BROUGHT TWO OF MY FIFTH GRADERS. THEY ARE CARRYING THIS ON WHEN I'M GONE, AND THEY WILL INTRODUCE THEMSELVES.

HI, I'M LAURA LINGHAM AND I'M INTERIM DIRECTOR OF THE FREEDOM FOUNDATION, AND THE VISION OF THE FOUNDATION IS SIMPLE. IT ECHOED BARBARA JORDAN'S VISION WHICH IS AN AMERICA AS GOOD AS ITS PROMISE. AND OVER THE NEXT SEVERAL DAYS WE HAVE SEVERAL EVENTS HONORING BARBARA JORDAN ON HER 75TH BIRTHDAY. ON SUNDAY EVENING WE WILL HOST A DINNER AT HER HOUSE. ON MONDAY WE ARE CO SPONSORING A LECTURE SYMPOSIUM AT THE LBJ PUBLIC AFFAIRS, WHICH WILL KICK OFF WEEK LONG EVENTS IN HER HONOR. ON TUESDAY WE'LL BE AT THE CAPITOL WHERE THE HOUSE AND SENATE WILL READ RESOLUTIONS HONORING BARBARA JORDAN. THE FOUNDATION, FOR BACKGROUND, WAS CREATED OVER THE LAST YEAR AND A HALF BY A GROUP A BIG GROUP OF PEOPLE, ALL FRIENDS, SUPPORTERS, COLLEAGUES, FAMILY OF BARBARA JORDAN'S,

GENERALLY LED BY BILL HILGERS WHO IS HERE TONIGHT. HE WAS BARBARA JORDAN'S FRIEND, ATTORNEY AND EXECUTOR OF HER ESTATE AND HE'S ACCOMPANIED BY HIS WIFE. IT'S WWW.BARBARAJORDAN.FREEDOM.ORG, AND THANK YOU VERY MUCH. WE'LL INTRODUCE OUR SPECIAL GUESTS.

MY NAME IS ALVERO FERNANDEZ AND I'M IN 5TH GRADE. I ATTEND NORMAN ELEMENTARY AND ONE LESSON WE'RE LEARNING TO DO IS A WINDSOR [INAUDIBLE]. [APPLAUSE]

I AM CHRISTOPHER PEARCE. I GO TO NORMAN ELEMENTARY. [INAUDIBLE] AND I WANT TO ENCOURAGE THE LEARNING OF BARBARA JORDAN. [APPLAUSE]

THANK YOU. I COULD HAVE BROUGHT 20 OF THIS YOUNG YOUNG MEN FROM NORMAN ELEMENTARY. I AM TEACHING THEM SOCIAL ETIQUETTE. MY PROGRAM IS CALLED FROM BOY TO YOUNG MEN, AND I REALLY BELIEVE THAT OUR CHILDREN NEED TO START VERY EARLY, AND I JUST COULDN'T I JUST COULDN'T LET THIS OPPORTUNITY GO BY. I WANT THEM TO BE HERE. SOMEDAY THEY MIGHT BE BOARD MEMBERS IN DIFFERENT BOARDS TOO. SO THAT IS MY GOAL. EVERYWHERE I GO I TRY TO TEACH, SO I'M AN EDUCATOR OF MORE THAN 40 YEARS AND I CONTINUE ON. SO THANK YOU SO MUCH, AND I NEED TO INTRODUCE NORMA, NORMA CANTU. DO YOU WANT TO SAY A FEW WORDS?

THANK YOU. OUR BOARD IS MADE OF VOLUNTEERS. THEY ARE PARENTS, THEY ARE NEIGHBORS, THEY ARE PROFESSIONALS, THEY ARE RETIRED PEOPLE, AND THEY WANT TO CELEBRATE A WONDERFUL WOMAN IN BARBARA JORDAN, WHO WAS A PERSON FIRST AND ALSO A NATIONAL SYMBOL FOR ALL OF US. THESE VOLUNTEERS WILL BE RAISING MONEY. THAT'S WHAT THE DINNER ON SUNDAY IS FOR, SO THAT WE CAN FUND PEOPLE, YOUNG PEOPLE MOSTLY, TO WORK AND KEEP ALIVE THE SPIRIT OF BARBARA JORDAN. SO FOR THOSE WHO KNEW HER I CONGRATULATE YOU. I SEE MS. DELCO IN THE BACK. FOR THOSE WHO KNEW ABOUT HER, I PRAISE YOU FOR YOUR WISDOM, AND FOR THE NEXT GENERATION, THEY WILL LEARN ABOUT HER TOO. THANK YOU. [APPLAUSE]

I JUST WANT TO ENCOURAGE MR. CHAPA TO COME BACK WITH THOSE OTHER 20. HE MUST NOT KNOW I'M A POLITICIAN, AND SO NOW YOU SEE WHY MY DAD SAYS I NEED TO TALK MORE LIKE BARBARA JORDAN. [LAUGHTER]

COLE: OKAY. CAN I HAVE YOU GUYS? COME ON DOWN, THE PAN HELLENIC COUNCIL? ARE YOU READY? [INAUDIBLE] IS CURRENTLY COMPOSED OF NINE INTERNATIONAL GREEK LETTER SORORITIES AND FRATERNITIES, AND NOT TOO LONG AGO ONE OF MY SONS ASKED ME ABOUT GREEK ORGANIZATIONS IN THE AFRICAN AMERICAN COMMUNITY AND WHY THEY EXIST IN COLLEGE, AND HE HAD QUESTIONED ABOUT THAT, AND I TOLD HIM THAT THEY EXIST FOR YOU TO FIND YOUR WIFE. [LAUGHTER] SO WE'LL JUST SEE HOW THAT GOES. THE ONES THAT WE ARE HONORING TODAY AS PART OF THE PAN HELLENIC COUNCIL ARE THE ALPHA PHI ALPHA FRATERNITY, ALPHA KAPPA ALPHA SORORITY, DELTA SIGMA THETA SORORITY, PHI BETA SIGMA FRATERNITY, ZETA PHI BETA SORORITY, KAPPA ALPHA PSI FRATERNITY, SIGMA GAMMA RHO FRATERNITY, IOTA PHI BETA FRATERNITY AND OMEGA PSI PHI FRATERNITY. IT PROMOTES INTERACTION BETWEEN FORUMS MEETINGS AND OTHER AGENCIES FOR THE CHANGE OF INFORMATION THROUGH VARIOUS ACTIVITIES AND FUNCTIONS. ON MAY 10, 1930, ON THE CAMPUS OF HOWARD UNIVERSITY IN WASHINGTON, D.C. THE NATIONAL PAN HELLENIC COUNCIL WAS FORMED AS A PERMANENT ORGANIZATION WITH CHARTER MEMBERS. THE STATED PURPOSE AND MISSION OF THE ORGANIZATION WAS UNANIMITY OF THOUGHT AND ACTION AS FAR AS POSSIBLE IN THE CONDUCT OF GREEK LETTER FRATERNITY AND SORORITIES AND TO CONSIDER PROBLEMS OF MUTUAL INTEREST TO ITS MEMBER ORGANIZATIONS, SUCH AS HELPING THE COUNCIL MEMBERS GET THE RIGHT DAUGHTER IN LAW. [LAUGHTER] SO WITH THAT I'M GOING TO READ THE PROCLAMATION. BE IT KNOWN THAT WHEREAS THE DIVINE NINE IN AUSTIN'S BLACK

COLLEGIATE SORORITIES AND FRATERNITIES WHO SEPARATELY AND COLLECTIVELY SERVE OUR COMMUNITY THROUGH ONGOING PROGRAMS AND SERVICE ACTIVITIES AND WHEREAS INCLUDED IN THE DIVINE NINE, AS ALPHA PHI ALPHA, ALPHA KAPPA ALPHA, OMEGA PSI PHI, DELTA SIGMA THETA, PHI BETA SIGMA, ZETA PHI BETA, KAPPA ALPHA PSI, SIGMA GAMMA RHO, IOTA PHI BETA AND OMEGA PSI PHI [LAUGHTER]

COLE: YEAH, I KNOW I KEPT THINKING OF ALL THESE THINGS I REMEMBER FROM COLLEGE THAT I'M NOT GOING TO DO THOSE, THE NATIONAL PAN HELLENIC COUNCIL PROMOTES INTERACTION AMONG ITS FRATERNITIES AND SORORITIES IN ORDER TO OBTAIN THEIR MISSION TO CREATE UNANIMITY OF THOUGHT AND ACTION AS FAR AS POSSIBLE IN THE CONDUCT OF THE GROUP. NOW, THEREFORE, I, LEE LEFFINGWELL, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM FEBRUARY 2011 AS THE DIVINE NINE MONTH. [APPLAUSE] HERE IS ONE PROCLAMATION THAT HAS ALL OF YOU GUYS' NAME ON IT, AND THEN WE HAVE ALL THE INDIVIDUAL PROCLAMATIONS, AND BECAUSE IT'S BEEN A LONG TIME I'M GOING TO LET [INAUDIBLE]. [LAUGHTER] BUT IT HAS YOUR NAMES ON IT. I'M GOING TO DO IT. I'LL EXPLAIN THIS VERY CAREFULLY. WE'RE ALSO OH, THERE'S LINDA. WE'RE ALSO RECOGNIZING THE SIGMA PI PHI FRATERNITY, WHICH IS THE FIRST GREEK LETTER FRATERNITY TO BE FOUNDED BY AFRICAN AMERICAN MEN. MR. DELCO, YOU'RE NOT OLD ENOUGH TO BE

[INAUDIBLE] [LAUGHTER]

COLE: THE AUSTIN CHAPTER KNOWN AS THE GAMMA GAMMA BOULE, WAS FORMED IN 1984 BY COMMUNITY LEADERS IN THE AREAS OF BUSINESS, EDUCATION, MEDICINE, POLITICS AND LAW. EACH OF ITS MEMBERS HAS ACHIEVED A LEVEL OF PROFESSIONAL DISTINCTION AND SHARE A DEEP PASSION FOR SOCIAL ACTION AND EXCELLENCE, WHICH HAVE BEEN HALLMARKS OF SIGMA PI PHI FRATERNITY SINCE ITS INCEPTION. AND YOU HAVE A PROCLAMATION. SIGMA PI PHI FRATERNITY IS THE FIRST GREEK AFRICAN AMERICAN FRATERNITY FOR MEN FOR THE PURPOSE OF BUILDING MEN OF LIKE QUALITIES INTO A CLOSE FRATERNAL UNION TO AID ONE ANOTHER AND BY CONCERTED ACTION TO BRING ABOUT THOSE ACTIONS THAT SEEM BEST FOR ALL THAT CANNOT BE ACCOMPLISHED BY INDIVIDUAL EFFORT. AND WHEREAS, THE AUSTIN CHAPTER KNOWN AS GAMMA GAMMA BOULE, WAS FORMED IN 1984 BY COMMUNITY LEADERS IN THE AREAS OF BUSINESS, EDUCATION, MEDICINE, POLITICS AND LAW, AND WHEREAS EACH OF THE MEMBERS OF GAMMA GAMMA BOULE HAS ACHIEVED A LEVEL OF PROFESSIONAL DISTINCTION AND SHARE A DEEP PASSION FOR SOCIAL ACTION AND EXCELLENCE, WHICH HAVE BEEN HALLMARKS. NOW, THEREFORE, I LEE LEFFINGWELL, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM FEBRUARY 2011 AS SIGMA PI PHI FRATERNITY MONTH. THERE YOU GO. [APPLAUSE] DOES ANYBODY HAVE ANY WORDS?

MY WIFE REMINDS ME THAT BREVITY IS THE SOUL OF WIT, SO THEREFORE LET ME JUST SAY ON BEHALF OF MY FRATERNITY, SIGMA PI PHI, I'M LEONARD WOODS. I'M HERE WITH DR. DELCO. WE GRATEFULLY ACKNOWLEDGE AND RECEIVE THIS PROCLAMATION, AND THANK YOU VERY MUCH. [APPLAUSE]

HELLO, I'M DREW BROWN, AND FIRST I'D LIKE TO THANK COUNCIL MEMBER SHERYL COLE FOR INVITING US OUT TODAY.

[INAUDIBLE] [LAUGHTER]

COLE, I'M SORRY. IT DOESN'T TAKE ME LONG TO DO A GAFFE. MY WIFE TOLD ME IMPROPRIETY OF THE [INAUDIBLE] AND SHE DOESN'T LIKE THAT FACT. SO THE MPHIC IS A COLLECTION OF FRATERNITIES AND SORORITIES, AND THE FIRST BLACK GREEK ORGANIZATION WAS FOUNDED IN 1903 AT INDIANA, AND SINCE THAT TIME WE'VE HAD AT

LEAST, WELL, 11 ORGANIZATIONS THAT HAVE SURVIVED THE TIMES. THE ORGANIZATIONS ARE MADE UP OF MEMBERS THAT ARE EXTREMELY PASSIONATE ABOUT BEING MEMBERS, COMMUNITY SERVICE AND THEIR ORGANIZATIONS. WE ALL TAKE OATHS AND IT'S A LIFETIME COMMITMENT. WE DO LOTS OF COMMUNITY SERVICE, BUT IT'S NOT ALL DRY. WE DO LOTS OF IT THROUGH SOCIAL EVENTS, AND SO THERE'S A BIG SOCIAL ASPECT AND NETWORKING SIDE TO IT. AND MANY OF THE MEMBERS THAT YOU MAY KNOW HAVE REACHED HIGH ACHIEVEMENT, INCLUDING BARBARA JORDAN, WHICH WAS A MEMBER OF DELTA SIGMA THETA. SO THAT'S REALLY ALL I HAVE FOR TODAY, AND WE LOOK FORWARD TO SERVING THE AUSTIN COMMUNITY. EACH OF OUR CHAPTERS SERVES [INAUDIBLE] COMMUNITY SPECIFICALLY, AND THE ENTIRE GROUPS ARE ALL MADE UP OF LITTLE CHAPTERS THAT SERVE THE LOCAL COMMUNITY, SO IT'S NOT JUST ONE BIG ORGANIZATION THAT SERVES AT A NATIONAL LEVEL. AND SO WE LOOK FORWARD TO SERVING THIS LOCAL AUSTIN COMMUNITY FOR YEARS TO COME. THANK YOU. [APPLAUSE] TAKE A QUICK PHOTO?

I DON'T KNOW WHY THIS ALWAYS HAPPENS TO ME, BUT I AM A VERY PROUD MEMBER. AS A MATTER OF FACT, I'VE BEEN A MEMBER OF ALPHA KAPPA ALPHA SORORITY FOR 64 YEARS, WHICH IS MY MISSPENT YOUTH AND MOST OF MY ADULT LIFE. SO I AM VERY HONORED TO BE HERE AS A MEMBER OF THAT ORGANIZATION. IT IS IMPORTANT TO REALIZE THAT A LOT OF PEOPLE ASSUME THAT ONCE WE AS AFRICAN AMERICANS RECEIVE COLLEGE TRAINING, WE GO OFF INTO THE NETHER NETHER WORLD AND LEAVE OUR COMMUNITIES BEHIND. IT'S NOT TRUE. THESE ORGANIZATIONS, ONE AND ALL, REPRESENT THE COMMITMENT FROM THEIR INCEPTION OF SERVICE TO THE COMMUNITY. HOPEFULLY WE SERVE AS ROLE MODELS, WE SERVE AS MENTORS, WE SERVE AS INSPIRATION IN A LOT OF CASES FOR YOUNGSTERS. ALL OF US HAVE SCHOLARSHIP PROGRAMS, WHERE WE GIVE PEOPLE WHO WANT TO GO ON THE OPPORTUNITY FINANCIALLY TO BE ABLE TO DO THAT. ALL OF US SERVE IN SOME CAPACITY AS MENTORS TO YOUNG PEOPLE. ALL OF US IDENTIFY WITH THE YOUNG PEOPLE IN OUR COMMUNITY, AND IT'S IMPORTANT TO KNOW THAT EVEN THOUGH YOU MIGHT NOT SEE US, YOU MAY NOT RECOGNIZE THE PINK AND GREEN, THE RED AND WHITE, THE BLUE AND WHITE, AND THE BLACK AND GOLD AND ALL OF THE COLORS THAT ARE SYMBOLS OF OUR ORGANIZATION, I ASSURE YOU THAT A LOT OF PEOPLE IN THE GREATER AUSTIN COMMUNITY AND PARTICULARLY IN THE AFRICAN AMERICAN KNOW US WELL AND THEY GREET US WITH A SMILE. THANK YOU FOR THIS TRIBUTE. WE'LL CONTINUE TO DO OUR BEST TO MAKE A DIFFERENCE. [APPLAUSE]