

# Closed Caption Log, Council Meeting, 04/21/11

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Mornin g. I'm austin mayor lee leffingwell, and we'll begin today with the invocation by the reverend george clark, mt. zion baptist church. Please rise.

Let us pray. God our father, we thank you for having brought us to the beginning of another day. Help us to recognize you as the fountain of wisdom whose stature is good and gracious and whose law is truth. We ask you now to guide this council and bless our city. Be with each member in a very special fashion, and be with those who may stand before this council, that what is ordained for the governance of our city may be pleasing to you and to the glory and honor of your name. We pray for the welfare and well-being of all of austin, and we pray that during this session you will guide this council that it might maximize energies and resources for austin's betterment. We pray this in the name of your son jesus christ, amen.

Mayor leffingwell: amen. Thank you, pastor. Please be seated. A quorum is present so I'll call this meeting of the austin city council, on april 21, 2011, at 10 a.m. We're meeting in the council chambers, austin city hall, 301 west 2nd street, austin, texas. We'll begin with the chaaption and corrections to -- changes and corrections to today's agenda. First is item no. 2. Add the phrase "recommended by the electric utility commission, not recommended by the resource management commission. Noting that items 12, 13 and 31 are related and will be considered together. 18, delete the word "texas, department of transportation" and add "texas department of " 22, add recommended by the electric utility commission. Item no. 40 is withdrawn. 46 is on a postponement request till april 28, 2011 by council member riley. If there's no objection we'll leave that on the consent agenda as a postponement. Item 47 is withdrawn. Our time-certain items for 00 noon, our general citizens communications. 00 we'll take up our zoning matters. our public hearings. 30 live music and proclamations. The musician for today is alexander kourey. -- Khoury. The consent agenda for today is items 1 through 56 through several items pulled off, which I will note in just a moment. 48, which are board and commission nominations and waivers. That item will remain on consent. To the central health board of managers, lynn hudson is the council nominee. Pulled off the consent 22 by council member morrison, and items 2, 12, 13 and 31 together, and 44 are pulled off the consent agenda because of speakers. We have one item which will remain on consent that has one speaker. 53, and we'll go ahead and hear that speaker now. J.d. porter. porter in the chambers? Welcome, and you have three minutes.

For purposes of identification I'm j.d. Porter, representative of austin zero waste a leans, i alliance, I want to thank council member morrison, for her work with travis county commissioner eckhardt on moving this forward. This interlock agreement is a step toward making austin a reality in achieving zero waste which can't happen without regional cooperation. I'd like to read into the record a portion of the report presented by the solid waste advisory subcommittee that entered this interlock agreement to clarify the hoped for result of this interlock agreement. Quote, it is the recommendation of this subcommittee that swab direct council to investigate an interlock agreement with travis county for the purpose of developing an austin/travis county zero waste plan compatible with the austin zero waste strategic lan. This will initiate the process of developing a regional scope for zero waste in central texas. It is further recommended that such an interlock agreement be -- interlock agreement -- enter local agreement, to become parties to the agreement and providing regional governmental jurisdictions with a template for creating their own zero waste plan oriented interlocal agreements. It is recommended to move expeditiously with this so it can proceed with good pace for the solid waste plan. Thank you for

considering this interlocal agreement. thank you. So I'll entertain a motion on the consent agenda. Council member cole moves approval. Second by the mayor pro tem. Further comments? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. So without objection council 22 first for a brief comment by council member morrison. thank you, mayor. This is the item for contract amendment with ibm concerning our development of our billing services program through austin energy, which will provide a really critical foundation for us for billing for our utilities, and it's going to be a real step forward to for us. It is it will be flexible and allow us to move into rate plans. The one comment I wanted to make, to talk with you, reese as you know, this is -- this is a major contract, over \$50 million, and we're looking at something like an 8 or 9% increase in price. We had an audit on this contract recently, and they came up with several recommendations and concerns, frankly, and they -- they brought a lot to the table, and I wanted to make sure that in the contract negotiations and the approach that we are taking in finalizing this contract with the amendment, that we are taking those considerations and recommendations under advisement and are really try to integrate what we learn through that audit in the contract amendment to ensure that we'll have a final price and it won't be creeping along even after this.

Larry weiss, general manager, austin energy. Thank you. Yes, we -- in that report and the work that was done, we did integrate all of those comments and suggestions into our process. We negotiated this with ibm during a 30-day period and we're very happy with the results, and yes, it's my desire to make sure that we finish this on time and incorporate all those changes and make sure we have a great product, which is very important to the whole city.

Morrison: okay. And I would just like to ask you, I understand that the contract negotiation is a very complex issue, and i don't think the auditors have any interest in getting involved in any of that. I wonder if you could -- you or your staff, sit down and just on a general level talk with the auditors about how the recommendations have been addressed, if they have, in the contract.

Okay. Yeah, we'll do that.

Morrison: all right. Thank you. Thank you. Mayor, I move approval.

Second. council member morrison moves approval, second by council member spelman. Any discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. And we have a correction to make to the consent agenda so we'll need to reconsider 50 should have been pulled off. It's related to an executive session discussion. So, council, if we could have a motion to reconsider the consent agenda. Mayor pro tem so moves. Council member cole, and we would reconsider -- we would now consider the consent agenda with item 50 pulled off of consent. Council member cole moves approval. Mayor pro tem seconds. All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So now, council, we'll go to 2, which has several folks signed up to speak. We'll begin with those speakers. First is bob thompson. Bob thompson in the chamber? Okay. Donating time to bob is linda thompson. Is linda here? Okay. Sara thompson? So bob, you have up to nine minutes.

Mayor, city council, I'm bob thompson with the austin apartment association appearing here in support of the revised amendments to the ecad ordinance. I was here two weeks ago and at that time the apartment association was requesting some amended language be included in the revisions to help our cooperating high-energy user multi-family owners that were doing all they could do to comply with the ordinance but still might fall short of the proposed 20% reduction target. And since then we had a productive work situation with austin energy personnel and presentation by staff, council member morrison. I think we came very close to a meeting of the minds at that session, and following that, staff and austin energy put some slightly revised language together, which we're in full agreement. We did hear -- and we thought that the controversy was ended at that point. We did hear subsequently at one of

the commission meetings that there were some concerns raised that we might be trying to avoid our responsibilities as the apartment association in cooperating with ecad ordinance or trying to insert loopholes to evade having to achieve the energy efficiency improvements, and I wanted to appear here today to assure those individuals as well as the council that that is not the case. We are in full cooperation with austin energy. As I speak, there is an ecad training session going on in the headquarters of the austin apartment association, one of many that has been going on. The vast majority of our members are enthusiastically supportive of the ecad ordinance, and we're just seeking the language which has been agreed upon to help people know they are doing their best, but for factors partly beyond their control may not be able to achieve the 20% target. The handout that I'm passing around has on the first page some of the outstanding factors justifying the site proper language which has been agreed to, and I'm not going to go through all of this in great detail. The succeeding pages have some backup information, but I would only like to point out that, again, from the beginning two years ago, both the eeu task force and the previous council focused the ecad ordinance upon cost-effective energy efficiency improvements and stated then that noncost-effective improvements were not intended to be required. And that's really all that we're asking, that be honored. Item 3 on that first page, there was some discussion at the last council meeting about low-hanging fruit and the possibility that energy savings might be not achieved due to the safe harbor. I would simply like to point out that as a quantitative matter of fact, that is essentially not the case because all multi-family properties put together only comprise between 10 and 11% of the energy that's demanded from austin. Only 5% of those users are high energy users. Only a portion of those will be able to achieve the 20% reduction factor, and, in fact, austin energy has told us that they think almost everyone probably would be able to achieve the 20% reduction factor. And everyone that is a high energy user will have to do all of the cost-effective measures that make sense and are recommended in the audit to achieve that. So only a portion of the 5% may be unable to achieve the 20%, and they may only fall short by a small amount. When you put all those factors together, what you find is that the cost of giving us this safe harbor amounts to a delayed energy 04%, that's 1/25th of a% of the energy command, so by giving us this safe harbor you're not leaving much fruit on the tree. Secondly, I would also like to point out that the number of residential energy users in the city of austin, residential being one to four-unit properties, whose energy consumption in kilowatt hours per year, not the energy density, which is in the eui, which is kilowatt hours per-square-foot per year, but the total consumption in kilowatt hour per year in energy users whose energy exceeds that of a high-energy user multi-family property right at the 150% of average threshold, the number of those residential energy users is far in excess of the number of multi-family high-energy users by more than an order of magnitude, and yet no residential energy users are required under the ordinance to make any cost-effective improvements or other improvements. So we don't think it's asking too much to allow our cooperating high-energy multi-family users not to have to do the noncost-effective things when no one else in the city is required to even do the cost-effective things. The residential energy users are not so required, the commercial energy users are not so required, industrial, hospitals, the city facilities are not so required. So we're not asking that much, we don't believe. And finally, the last point on the slide, which is supported by a couple pages toward the end of the handout is simply pointing out that the eui energy density kilowatt hours per-square-foot per year competition which is usedness high energy multi-family portion of the ordinance is vulnerable to distortions for smaller properties, and that is because that measure was used to equalize heating and cooling costs, which do sort of go with square footage, but there are many other energy sources which are not entirely negligible, which follow the occupancy, not the square footage, that would include cooking, balances, et cetera. Because of that smaller square footage properties with a high density of occupancy are at a distinct disadvantage enemy competition, and that is just -- in that competition and that is just one factor out of a dozen factors which make the competition unfair -- composition unfair, fair as it can be while being simple but it's not perfectly fair. You can find specific examples due to property by property, existing characteristics, a property that may have a very hard time in that competition and the factors which cause that are more or less beyond the capacity of the owner to deal with. And so for all of these reasons we would ask that you approve the agreed-upon amended language offering us a mild safe harbor with the assurance from our side that we're in full cooperation with this ecasm d ordinance -- ecad ordinance and we have no intention at all of supporting irresponsible multi-family owners who are trying to evade their responsibility under the ordinance. In fact, the multi-family sector here in austin i would say is the point of the spear in this ordinance. We're doing more than anyone else

is doing as it is. And with respect to disclosure, very late last week some people requested a disclosure provision be added to the ordinance, and the austin apartment association is fully supportive of that, and for the record, I would like to point out that we have been, in the association, urging austin energy for months to disclose their preliminary eui results, thinking that it made sense for our multi-family owners that might not realize that they were in trouble to go ahead and start now to make their energy efficiency improvements. thank you, mr. thompson. Next speaker signed up opposed to the revised ordinance/amendment is katherine stark. Welcome, you have three minutes.

Good morning, mayor, council members. I'm katherine stark, and I'm the executive director of the austin tenants council. I'm also here representing texas roads who does rate payer issues for low-income families. I was on the task force that made these recommendations, first. Second, I became aware of the changes to this when it came up at council and I was listening to council on my lunch hour. So I was never approached or given any information that this particular piece of it was going to be amended. I don't have any problem with the changes throughout the rest of the amendment except for disclosure requirements and high energy use facilities. Since I do represent tenants, some of the high energy use people are coming up, it's my understanding, 3, 400% over the average. Tenants need to be aware of this. If those are supposedly affordable housing, we get them into our office in july and august with \$400 utility bills, and they can't afford to pay their rent and pay their utilities. So how affordable is that? I would love to see the disclosure required on all multi-family of what the energy usage is for that property so everybody was on a level playing field and tenants were also on a level playing field, just like disclosures when you go to buy a house. You're told up front before anything happens, before any of your money is gone, what that energy report says, and then it's up to that particular person to use their judgment on whether they rent or buy. So I would love to see it disclosed on all properties, but if not all properties, i would love to see the high energy use either have to disclose and tell tenants up front before they ever put an application fee down that this property uses 400% of the average. I guess that's all my comments at this time except for to say that I am not an engineer, I do not know what they can do energy-wise, but 20% reduction seems kind of small to me. Thank you. If you have any questions -- council member spelman. I understand why you request that we made the disclosure mandatory for all multi-family properties. That's what makes sense to me. That's not what's in front of us right now.

Right. Right. what specific amendments would you make to this ordinance to better meets the tenants [inaudible]

I think they have most of it in the revised ordinance, I think that's put in front of you where it states that it has to be in the application process. Under the texas property code all multi-family properties have to hand a tenant before they put a dime now, a list of what their criteria for rental is, whether that's no felonies, three times the income, whatever. So that disclosure could very easily just go on that same piece of paper that they have to give to every tenant. Now, you know, the disclosure right now is to state that they are a high energy user and that -- and the percentage of the high energy user, it's my understanding, I could be wrong because it's been a little crazy this week, but it's my understanding that is there. And I'm all for that. I just wanted to bring up the fact that, you know, if I had been brought in just a hair earlier and had time to really think about it, i would have loved to have seen the disclosure requirement right up at the front for all multi-family.

Spelman: okay. And there would be no -- you're not asking for any changes in who has to disclose, who doesn't have to disclose, but everybody when they do have to disclose ought to be in the position to disclose up right the very first thing as you give the tenant --

right. Because it doesn't do any good after you put your deposit down and your application fee to be told that you're going to have a 300% utility bill because at that point you're locked in. You're going to lose all that money, including your deposit, if you back out at that time, and most tenants can't afford that. thanks very much.

Thank you. council member morrison. Do you have a question for the speaker? well, I think i have a

clarification for her.

Okay. because we do have a section in the code that's not being changed that is disclosure requirement for all multi-family. Are you familiar with that section? It's not as explicit.

I saw it and it was a little fuzzy to me, and it talks about in a form in elocution described by rule. So I think it really needs to be -- right now for example under the texas property code a landlord has to disclose ownership, but if they disclose that ownership in the office that's disclosed. Most tenants don't know that, can't find it posted, don't know it's posted because it's in a back corner. I didn't want to see that happen in this case.

Morrison: okay. Well, and it does say the facility must post and provide the current and prospective tenants, and since we're not changing that section right now and there's an opportunity in terms of developing the rule, what I'd like to suggest is we have an opportunity to sit down with staff and you and others --

I would love that. -- and see if we can get that rule appropriately defined.

Yeah, and I would like to say that, you know, the austin apartment association throughout this process has not cut me out. They weren't aware that i didn't know. They assumed I did, so just -- well, thank you for your patience on that and for being part of it.

All right. Thank you. mayor, I also have a couple points of clarification. council member cole. you talked about the property code and the fact that a landowner may post and not be aware that -- of the disclosure requirements. Are there any requirements that you know of as to on-line applications or anything like that in the property code or that -- have you-all talked about that?

I'm not an attorney. I've been doing the tenants council for a while, but I'm not an attorney. It's my understanding that the texas property code really has not caught up with the times. They don't address email, they don't address on-line, okay? The property code states that they have to hand that disclosure to tenants at the time they're inquiring about renting there, and I'm pretty sure, somebody here can correct me if I'm wrong, that they have to get the tenant's signature that they got that notice.

Cole: okay. So --

or they can get out of their lease if it wasn't, is my understanding, in certain instances, if they weren't provided notice.

Cole: okay. So that might be something we visit with staff later about just to make sure that people are getting adequate notice.

But yeah, check with attorneys first. [Laughter] attorneys aren't that reliable. [Laughter]

cole: thank you. Yes, and I can say that. next speaker is brook mahoney. Brook mahoney is signed up for the revised amendment. You have three minutes.

Good morning, mayor and council members. My name is brook mahoney. I'm currently the president-elect to the austin apartment association. Thank you, caddy, for -- kathy, for the kudos. On behalf of the association we just really wanted to extend our appreciation to you, the council, as well as austin energy working with us to get the revised amendments. We, as bob thompson reported, are very happy with the proposal as it stands. On a side note towards the disclosure, I will say as an association and as an industry, we do believe in transparency, so at this point in time we don't have any opposition to the disclosure that's being proposed. I think as council member morrison said, the fact that it will be posted,

the fact that it will be made available to all prospects, residents alike, we feel will satisfy that. That's all I wanted to say. Thank you for your time. thank you. Sugar chat man thomas. Earl harrison, garrett helsy and randi garrett -- randi guthrie are signed up willing -- for, willing to answer question. Also signed up for not wishing to speak are christine artiz -- kristina artiz and rudy rowsengarden. Those are all the speakers we have signed up to speak. I'll entertain a motion or discussion on item no. 2. Council member morrison. I want to first thank everybody that's been involved in trying to bring this to what I consider the sweet spot. I don't think anybody is completely happy with this. We're trying to balance different values that we have in this community, and that's always a huge challenge, and it's the value of being energy efficient and the value of providing affordable and an affordable housing stock to the residents of austin and trying to have all those balls up in the air and settle in a sweet spot is a real challenge. So I want to thank folks for working on that and trying to come to that place. And I do think that -- i appreciate the issue that was raised about the disclosure under 6-7-22. motion by council member morrison to approve the revised amendment to the ordinance, with additional direction. Second by council member spelman. Further discussion?

Spelman: mayor? council member spelman. a question for staff.

Andy ferny, austin legal services.

Andy, thanks for coming. Suppose I owned a multi-family apartment and you measured my energy usage and found that I was an energy hog. I was in excess of 150% per square foot. If I believed that a mistake had been made somewhere along the line you had overestimated my energy usage for whatever reason, what recourse do I have?

I believe -- I believe the remedy would be basically I think the same remedy for most ordinances. First there would be basically an appeal to the director of the utility. Obviously we would work with the owner informally first, do whatever sort of retesting would be necessary, you know, be sure we're okay with that. But I think eventually the appeal would be again up to the city council for ad i think is going to come out -- finding is going to come out with the audit results. The owner is going to find out, when the audit is done, they're going to be handed, you know, audits showing the ruments. But the official notice is going to come from the utility. We'll be sending out official notices based on the findings, and that notice triggers the 18 month period in which the owner needs to bring it into compliance. They also have the option of coming back to the utility and asking for an extension if they can demonstrate that additional time is needed.

Spelman: okay. And if you believe -- if the owner believes that a mistake has been made for whatever reason, would you be willing to put in that letter that you believe that we've made a mistake, here's the procedure --

absolutely. Absolutely.

Spelman: okay. I'd appreciate it if you could do that. council member riley. just a couple questions, first about the disclosure. [Inaudible] duration [inaudible] on disclosure. Can you clarify exactly where we stand now on the table in terms of disclosure that prospective tenants would get before renting an apartment at a complex that is a high-energy [inaudible]

well, right now the disclosure requirements are the same across the board for multi-family. You know, regardless of where they fall, the audit has to be disclosed both -- both in a common area and also provided to the tenant or prospective tenants. You know, I think based on the conversations we've heard today, we can obviously go back, you know, and look at the rule and see if any tight nipping up of that needs to be made. The current ordinance then imposes sort of an additional duty on the high energy use provid, where in that case the disclosure actually has to be provided along with the tenant's closure that's provided under the property code. That has to be given and signed off prior to the lease

being entered into. prior to the lease.

Right, and that's in the proposed ordinance. so that's -- with our approval of this item there will be additional disclosure for tenants at high energy use --

correct. stepping back to the bigger question about the improvements that are being required, we originally had considered -- in discussion about this ordinance there was originally a proposal to bring all of the high-energy using complexes down to 110% of average and now we're just looking at an incremental 20% --

correct. -- for those high energy using complexes. That is more of an incremental approach than we had originally considered.

That's right. and I understand the community's interest in taking things step by step and just keeping the forward progress going. Information and the square footage we'll be running the calculations further and further down the road, you know, to track how folks are progressing. And I think if you look at the original council resolution that sets up the ordinance and the city's goals, I think this ordinance really is intended to be a work in progress where we come back every once in a while and sort of get a reality check and we'll see where we're at and what needs to be done further. You know, I think probably in the near future we'll probably be back for some additional -- even some further changes to this, but I think as far as this 20% goal goes, we're talking about a -- you know, a fairly limited subset of customers, so, you know, in the not too near future once most of this is actually implemented, I think we'll have a -- we'll have a good idea based on actual data where we are and we'll certainly revisit the ordinance and the goals to see, you know, what further steps can be done. to put this more concretely. Suppose you've got a complex out there that is using 300% of average, a very high energy usage complex and as a result of this code amendment they'll be required to improve their -- to come down 20%. There's still a very -- they're still a very high energy using complex. At what point would you foresee some additional expectations placed on that complex to make further improvements?

-- To make further improvements.

I think that's a difficult question to answer. I think as of right now, the 20 -- you know, the 20% goal is based -- I think based on, you know, what's generally available energy efficiency technology, and I think we'd certainly have to see, once we've gotten through this, how many properties are out there. We'd certainly be working with these properties in addition -- in addition just to meeting this goal but working with them on energy rebate programs and things like that. So it's not as if this ordinance would be the only means of working with these -- working with these properties. I think that's difficult for me to answer as far as -- once they do come into compliance with this ordinance, you know, it's certainly then up to council to -- you know, to determine how -- you know, how they want to proceed forward with respect to properties once they've gone through this process and actually come into compliance with this ordinance. is it fair to say that the results of this action will be subject to ongoing review by utility --

absolutely.

And public?

Absolutely.

And -- euc.

And if we were going to expect the euc to take a look -- once this goes into effect we can take a look at the improvements that were made, take a look at what patterns do we see in terms of energy usage in complexes and what would be reasonable in terms of a next step. What sort of time frame would be

reasonable in terms of coming back and looking at the data and considering further changes?

Well, I think throughout this process staff has already done a pretty good job of regularly reporting back to the euc and the rmc on the latest statistics in how this program is running. So I think that both of those commissions are going to have an ongoing -- are going to have a realtime ongoing look into how this is proceeding and what sort of results we're getting. So, you know, I think that as -- you know, as results are coming in you know, i think that there's going to be -- there actually already is and there's going to continue to be ongoing scrutiny on behalf of staff. We spend a lot of time, you know, working on this, you know, studying the data, conducting training. A lot of effort is being put into this. But both of the commissions are also heavily involved with this ordinance and tracking how it goes. So I think that, you know, issues are certainly going to bubble up, both to the commission and to the council level on a fairly quick basis.

Riley: okay. So this will remain a work in progress for both the utility, the euc and the rmc will continue to keep an eye on usage and patterns and would be considering additional steps in the future and working with stakeholders collaboratively to consider further changes?

Absolutely.

Riley: okay. Thanks. council member morrison.

Morrison: thanks. I wanted to just get one thing clarified a little bit based on council member spelman's questions about what if there is -- an owner thinks that there was an error in the audit. I just want to make clear, austin energy is not doing these audits, correct?

That's correct. That's correct. they're being done by companies that do energy audits.

We provide training and certification to the auditors, but once they're trained and certified it's up to the home owner, the apartment owner, to actually go out and contract with the auditor to have the work done.

Morrison: right. And so the situation where the owner feels that there was an error made, I would think that to some large degree that could also be addressed between the property owner and the company doing the audit?

That's correct. I think I should point out too, you know, that this is -- this is a city code, which like other codes does have -- you know, it does have potential municipal court implications, so obviously to the extent that there's a question about enforceability, you know, it's not as if the ownership doesn't -- I'm -- owner doesn't -- I'm not saying that's the best way to go, but ultimately it's up to an impartial fact finder to determine who's in the right and who's in compliance.

Morrison: right. And then one other thing in terms of -- he was asking about variances and you were commenting on variances. In fact, there is discretion allowed in the code explicitly by the director in terms after timeline for implementing the changes.

Yes, correct.

Morrison: thank you. motion on the table to approve. All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. We'll go to -- we're considering items

12, 13 and 31 together. And we have several folks signed up to speak. First is clay defoe. Clay defoe is signed up against, and you have three minutes.

Good morning. Appropriating \$5 million is no easy task. Even worse, when the decision to make it involves whether it be for additional police funding instead of simply letting schools stay open, it makes my stomach churn to sickness. It makes me desire almost that no power of appropriation existed at all, for the questions of economy are too far-reaching and nuanced for any sea of elected officials to grasp. I oppose this resolution because I believe excessive spending on a police force that is already well adequately equipped is a suspicious use of the public power. First, very little information was provided on the resolution on the city's web site, and for such a grave decision I abhor the lack of detailed information divulged about this latest project. In resolution 13's words, this temporary measure is only until an acceptable replacement can be identified. I repeat, until an acceptable replacement can be identified? Ladies and gentlemen, this is most decidedly a curious phrase. It indicates that this \$5 million purchase of police vehicles, of which an adequate number of the city already has, is only beginning of funding for a new round of police vehicles? In layman's terms, why buy 170 new crown victorias when we're just going to buy another fleet one year later? And what about our current fleet? What happens to that? What will be the cost, sir, of a permanent fleet of patrol sedans, perhaps a number worthy would be 25 millions of dollars. I must demand we close waterloo park as we know it and close exemplary elementary schools for cuts, but give an extra \$5 million to the police? What is it we would want ourselves? Chained and shackled before we have learned to read? How long will it take for the austinites to figure out this is only a shell game to aggrandized power in the military government in the industrial complex. This vote undermines the trust with the people of austin. It undermines my confidence and alerts my panic at the city panel. This not only -- it's not only entirely illogical but also not a long-term solution for police vehicles. It is a temporary stopgap measure. Only if sorely misguided and twisted logic could support such a burdensome and unnecessary speaker. Thank you.

Next speaker is colette mitchellette. I may have mispronounced that. Please correct me. You're signed up geys and you have three minutes -- against and you have three minutes.

Good morning, my name is colette maholic. And I'm here to talk about the cars for cops extravaganza. These items are intended to supply austin police with more cars. Why are cops not pairing up and riding as partners together? This is -- this absolutely should be occurring, not only is it a money saver in regards of less vehicles. It would most likely end the robe cop phenomenon that seems to be prevalent in austin. Rowing cops arriving separately to the scene, no relationships, no continuous dialogue, just individuals ascertaining a scene individually. Then together creating unnecessary speculation leading to escalation. Partnering promotes relationships, dialogue and therefore conscience. Another check and balance mechanism to protect the public from tyranny. There is significant costs involved in supplying 1600-plus apd officers with their own cop car. Let's talk about each of these officers then having two-plus vehicles work in private vehicles, this kind of pollution and waste is wholly unnecessary. Where is this entitlement coming from? City cops, I need to remind everyone that city cops don't serve any branch of government. They are actually glorified security guards. Hordes of them respond to a scene as it is. The question is, most of the time it's the cop who's creating the scene. When they act alone they are going to the utmost lengths to criminalize someone, erratic maneuvering in traffic, high speeds, traveling impacts on public roads, they endanger the public more than they protect. Each day I estimate witnessing four to six cops harassing the public just on my way this morning I saw four cops on i-35 -- this thing. I mean, what are we teaching the public here? Very aggressive. There is already an oversavings of police in this town -- over saturation of -- we don't live in libya. These further promote the macho mentality and acceptance of a police state. Thank you. next speaker is debbie russell, signed up against. And you have three minutes.

Thank you, mayor, council. Yeah, I'd like to echo colette's call here. I think the basic premise of this item hasn't been questioned and I would like to see that questioned before you approve this item or approve any other police vehicles. And I remind you we actually approved 90 not too long ago, 90 vehicles. I'll get back to that in a minute but I wanted to echo the previous speaker's comments. Not having done the research yet for alternative vehicles is questionable. I actually just googled up new police vehicles

yesterday and there's a plethora of information there about other cars that qualify that cops use across the country, across the world, that are cost-effective and actually more fuel-efficient. So I think the information is there if we look for it. I think there's a bit of a fetish factor going on here with the crown veks and i don't think there's a -- vicks and I don't think there's a justification for them that we don't need. If we question the premise that one officer needs one car -- I don't know when that changed. Sometime 20 years ago, 15 years ago, but we used to always have two officers per car, and they used to travel around in pairs and we used to have partners and, you know, we see the cop shows and the cop movies and the witty banter that happens between the two. There's no relationship building, there's no accountability as colette spoke of. When officers arrive on the scene, when quintana arrived on the scene, he had no checks and balances when he was making his mistakes on the scene the night he shot and killed nathaniel sanders. If we actually needed one cop per quarter, the only justification I think for that is patrolling the neighborhoods and since they're not doing that and and since every call we have four or five officers showing up with four or five cars, what good goode is that? Why aren't they carpooling? We're encouraging our public to do that. Why aren't they going together there and leaving from there? And a lot of times they arrive on scenes that are ems and fire-related that actually there's no crime involved but there's a medical situation. Well, they're not using their emt skills. They routinely ignored using though emt skills until ems arrived. They did so with david morales. They did so -- one night i was downtown helping a bleeding man at police officers wouldn't -- and the police officers wouldn't help me help him and I'm not certified. So we need to go back to basics, question the basic premise of this expenditure, especially now that we're facing tax increases next year and especially since our mayor ran on being fiscally responsible, and not once in his tenure has he questioned one police expenditure. The largest amount of our general fund today. So now I think is the time. Thank you. [Applause] next speaker is scott johnson. Signed up neutral. You have three minutes, scott.

Good morning, mayor, mayor pro tem, council memb mr. ott. When I attended the copenhagen summit, the people from the himalayayas and andes mountains were calling out for leadership because they're always seeing climate change and there will be a catastrophe as sea level rises and glacial ice packs melt in the mountain regions. What I care about most is environmental policy, fiscal spopt. I started working -- responsibility. I started working on this issue in 2006. I brought it to the attention of the city council at that time. I'm not here to challenge, necessarily, this purchase as much as I was prior to this. What I care about is how the city is looking to reduce fuel use. I'm not a believer in ethanol. These vehicles are ethanol capable. When you look at the energy potential from these vehicles, they get lower miles per gallon on ethanol than they do on gasoline, and they already get a low mpg rating on gasoline in city driving. The v 6 dodge chargers get a higher mpg rating and that's what I was advocating before. What I'd like to advocate to the city council is that there are opportunities that exist, those which are listed there on the screen. Right sizing. We've made progress on that. Obviously we don't want a v8 engine delivering mail within the city. Less unnecessarily idling. Some progress has been made. An administrative bulletin was sent out by mark ott in 2006, 2009, it says not to I'd say any equipment unnecessarily. That's been improved. It could be better. It says all the most efficient fuel-efficient vehicles, meet the performance requirement for their intended purpose should be selected for purchase. Decisions will be coordinated with fleet service and austin climate committee members. That is happening but not to a large enough extent that it could be. Some progress. Reducing jackrabbit starts, unknown. I saw an apd cruiser recently fly to a scene, not turn off their lights. That didn't happen. Perhaps our greatest opportunity, if you're willing to hang out at dan's hamburgers you'll see people going unauthorized, leaving their vehicles idling for one, two, three, four, five minutes. I lived there for a bit and I witnessed and would call directors and they would chastise their employees. Opportunity in all these areas. Another one it says on the memo from mark, departments shall eliminate unnecessary unauthorized trips. So progress has been made, but what I'd like the city council to do is look at the numbers that say between fiscal 2008 and 2009 there was an increase in the amount of fuel used by apd, which is taking funds away from other general fund departments because of the spending on fuel use for all public service departments, particularly apd. In '09 fuel use went down, in '10 it went back up. I'd like to you capitalize fuel use for these departments, please. Thank you. those are all the speakers we have signed up. Do you have a question, council member cole? Entertain a motion on items 12, 13 and 31 together. Council member spelman. mayor, I move approval of all three of these items but I have

a question for staff.

Mayor Jefferingwell: okay. Motion by council member Spelman. Is there a second? I'll second. And council member Spelman. Byron, I'm not sure this is for you and for police -- Chief Carter could answer the question. I suspect any guy who wears blue could answer this question, but I want to get it on the record.

Mayor, council, council member. Chief, why do cops drive Crown Vix?

Crown Vix are basically an established patrol car that's been in one -- one it's been proven over many years. Actually it's a you want that's going to go out of service. They're not going to reproduce those vehicles, but it's been a tried and true vehicle. There are actually two or three police vehicles that are out. There's one that the city of Austin has actually used for many, many years, and fleet can tell you more of the specifics, but they're geared up to address issues involving Crown Victorias. So this is a car which is in use not just in Austin but in police departments all over the country, am I right?

Absolutely. And part of the issue is when police departments obviously try to leverage resources and then can also actually get price breaks when they use contracts, go on to other police department contracts, and that's also an issue that's important basically in addressing taxpayer issues. What, roughly, are you doing to -- since Crown Vics won't be available next year, we talked yesterday -- two days ago about some of the things that you-all are doing to investigate alternative cars. Will you have a recommendation or do you know what kind of car you're going to want to buy in the future, six months from now, a year from now? What's the timetable for that?

We basically -- obviously we have to figure out by the next, you know, replacement cycle, to figure out which vehicles we're looking at between the Ford, the Chevrolet, as well as the Dodge products that are out there, and I think one of the issues this year, some people will say, well, why don't you look at going with the Ford or the Chevrolet? In some ways those are new vehicles and it's probably not in the best interest of the city to be beta testing, so to speak. So we're going to watch and see what the performance of these vehicles are for other police departments. We also may look at identifying a couple that we can test. Are there benefits to city's fleet services for standardizing on one vehicle and not trying several?

Fleet may actually be the best to address that particular issue. I would say -- in general terms I would say yes. It's easier for you if you've got one patrol vehicle and not several different kinds?

Standardization is always the preferred direction. Just basically there's several from the police officer's standpoint, is that trying to drift different vehicle, especially if they're working a ten hour shift or in some cases an eight-hour shift, if they have to change vehicles. Standardization is very important to us.

Spelman: I understand. Thank you, Chief. I have questions for Byron. I have a question -- did you have a question? I left one out by mistake. But go ahead. Well, my question was just to respond to the suggestion that you put two police officers in one car and thus reduce the number of cars. It seems like that would essentially double the number of police officers required to cover the same area. Is that correct?

It is a concern, and also basically it's a -- basically it's an operational technique, because cities have to decide -- you know, Austin having nearly 300 square miles, if we put two patrol officers in a single car in all cars, then we also have to worry about the issue of response times to other issues that are coming up. So you're absolutely right, there is -- there would be a concern that we may have to staff up additional -- it would be much more expensive to add additional police officers to cover the ground, much more expensive than adding additional cars.

Yes, sir. council member spelman. that was the question I was going to ask. But let me follow up quickly. I grew up with reed and make maloy and adam 12 in the '60s, and I understand two officers in the car was the standard in the '60s. How long have we been operating predominantly with wan car in the -- one man in the car in austin.

I've been a police officer in austin 25 years, and as long as I've been here a single officer car. There are times we've moved people up when they're short or there are special needs to address. but to your knowledge, is that the standard in cities all over the country these days?

In most cities. There are still some cities that use a two-officer-per-car standard, and I don't know specifically how many, but the majority, especially in the southwest, are using one officer per car. thank you, chief. mayor, I have a question. council member cole. thank you, chief carter. I had a question on a different line because -- different line of questioning because it has been suggested that -- this just kind of popped up out of nowhere and was unanticipated and not expected and not budgeted. So my first question is whether or not you or any member of management has visited with the financial staff.

In reference to cars, yes.

Cole: okay. Because I know that we're issuing certificates of obligation, and that generally there is a schedule that we prepare and we -- of course it is frequently modified, but -- and I didn't see anybody from the financial staff here, so -- oh, there you are, jeff. Okay. Jeff, why don't you come up. Because I'd like you just to briefly explain the process that we go through when we're considering issuing contractual obligations and what that means.

Jeff canol, deputy chief financial officer. Council member, the item for the reimbursement resolution is only a requirement for the city. If we elect to issue that for this item -- so just because there's a reimbursement resolution does not require the city to issue that for this purchase. So it's simply out there, it's required through the tax law to reimburse ourselves, the city, if we were to issue tax-exempt debt. But again, it's not a requirement, so this item does not require us to issue debt for this item. so where does the money come from?

Well, it will come from one of two places. Either we will issue debt during our normal bond process, which occurs in august, or we'll do the standard process that we have done in previous years, which is utilize part of the budget stabilization fund to fund the issue. So the timing of this, because we're required by ford to accelerate this purchase, it's a little cumbersome for us to accommodate the bond process in our budget process. We certainly want to keep all of our options open as we move forward in our proposed budget for fiscal year '12. well, it sounds like you've analyzed it and you have two options, which is the budget stabilization fund or our future bond debt, and do you have any concerns about doing this now?

No. No, I don't.

Cole: thank you, jeff.

Spelman: mayor? council member spelman. jeff, you're here. Let me ask you, may as well. It's really -- it's really a financial question. you couldn't resist. well, this is where I was going in the first place. You got me three-fourths of the way there. Let me finish it. [Laughter] some people have argued that by buying -- we're roughly buying twice as many police cars this year as we ordinarily would because the crown vic is going out of production and this is going to be our last chance and that's roughly what's going on, isn't it?

Yes. by buying twice as many police cars this year as we normally would, is that going to cost us more

money than it ordinarily would?

Well, first of all i wouldn't say ordinarily in the sense just based on historical patterns, but we certainly are using the criteria that we've used in the past, and just because of the buying cycle or the criteria is determining the amount of vehicles that we're purchasing. So it's been a normal process. Secondly, just the cost perspective of it, it's not costing us any additional amount. In fact, I would argue that it's saving us money by purchasing the crown vics we're able to use some replacement equipment from other models, for this purchase is about \$400,000. It's about what we estimate that we can utilize for a vehicle that we're taking out of service. for example, you can pull lights off a car which you're going to salvage and put it on a new crown vic, you know it's going to fit. Save yourself money on that.

That's correct. Any of the equipment we'd be able to utilize -- be able to utilize it on any model or a different model car. it's another argument for standardization, keeping the crown vic, this year and longer.

Absolutely, it's the standard practice to take equipment from vehicles being put out of service and then putting them back into a new vehicle, rather than buying new equipment on every purchase.

Spelman: okay. So the question that was put to me in the follow-up way, and I think I know what the answer is but I want to hear you say it. So by buying roughly twice as many patrol vehicles this year as we ordinarily would, moving up the purchase of vehicles from next year to this year, we are not spending any more money and we are not taking money which could otherwise be used for other departments during this fiscal year?

Yes, sir, that's correct. that's what i needed. Thank you, sir. council member riley.

Riley: chief carter. Chief, as council member spelman mentioned, we did talk in the tuesday work session about the department's efforts to move towards environmentally friendly vehicles, and i understand the operational basis for selecting the crown victoria and i appreciate and recognize the fact that the department has, in fact, bought some alternative vehicles for those vehicles in its fleet that -- where that type of vehicle works well. But yet we do see instances around the country where other departments have been moving forward with hybrids and other alternatives, even for their -- the response vehicles. New york actually deployed 40 nissan ultima hybrids back in april of 2009. There is - - and there are other places in the country where departments have been moving forward with purchases of hybrids for response vehicles. Can you just help us understand why here in austin we would have more difficulty in making moves like that? And how do you see us -- if -- do you see us moving in that direction in the future? And what sort of timetable would you expect?

Council member, I think a couple important distinctions. When we look at cities like new york, back on the east coast, you also look at the geography and the compact nature of the city is that austin, you know, is really a fairly large city geographically. We're looking at 300 square miles, or nearly, that we actually are responsible for and have to cover, whereas a current hybrid vehicle actually may be something that's effective to use in a kind of a closed-in city, a small area, the way that they're currently configured they would not be suitable for austin's geography. Now, that's not to say that in the future, including the new vehicles that are being developed, the industry out there is looking and is, i think, very cognizant of the fact that cities do want to go green, and, you know, use, you know, whatever technology is out there. There are some improvements that are coming, even with our crown vics. One of the things that we're looking at is issues involving electrical systems, improved, modified electrical systems so you don't have to use as much gas, if the car has to stay out on the highway with the lights on or something along those lines. But right now, we don't see that as a viable option, the way that we operate in the city of austin, but we are looking, and working with fleet to see how police departments like new york or other big cities are operating their vehicles also. we'll be keeping an eye on those other cities that have moved towards hybrids for their response vehicles.

Yeah. and assessing the results and making thoughtful decisions about moving in a similar direction here?

Yeah, absolutely. It's the same way when you have a -- like a compact downtown, maybe -- we actually use fewer vehicles downtown, we have more officers on bicycles and things like that, that you can do in an area that's -- where it's fairly compact. We just don't have those same options when we go out to the outer parts of the city. so when do you think we might be able to see some additional progress in terms of the departments moving towards more efficient vehicles?

I think that police departments are -- again, as I mentioned, are very cognizant to this matter of energy efficiency and other related items. I think it's an ongoing process we'll be continuing to watch, see what the current trends are out there, and I can assure you in the major cities across the country this item comes up with meetings with the major city chiefs, are looking at those energy fishes. [One moment, please, for ]

Martinez: In the fire department we rarely go over the speed limit. Yet we can get anywhere in the city in under four minutes. Those big trucks don't roll fast at all. We have to challenge the notion that a fast moving car is the highest criteria for response to our citizens. I don't want to compromise response in any way, but i think it's about strategic placement, I think it's about two-way communication. All those things factor into a rapid response to mitigate any situation. And I think you could do that in a car to go just as you could in a charger. I mean, you know, if you look at european cities -- and I realize that they're more compact and there's a lot more density in their urban core, but we have to challenge ourselves if we're ever going to reach our climate protection goals, we have to challenge that notion and thinking of doing things the way we've always done them. So I'll ask for your continued efforts in that regard.

Okay. Mayor pro tem, we absolutely hear you and we'll continue to look for best practices and also opportunities.

Mayor Leffingwell: Motion on the table, all in favor say aye? Opposed say no. It passes on a vote of seven to zero. We'll have order in the chambers or we will clear the chamber of those who are not order. -- Not in order. That brings us to item number 44, and I think we have a very brief staff wrap-up on this to get us started and we have a number of folks speaking. er, director of solid waste services. What I bring to you today is the conclusion of seven months of negotiations, and I wish to just briefly update you. I do have a powerpoint in reserve. I don't believe I need to use that, but there is some slides if we need that for discussion. In brief review of my memo most recently from yesterday, we have met with both parties on tuesday, negotiated terms. We believe we have an agreement on the master agreement with both tds and balance cons in the master agreement. We believe we have finalized all details with balcones on exhibit a and all schedules. We do have some remaining attorney language work to be done with tds on the exhibit a, and that is from my understanding the only unresolved issues. We are in agreement in principle with all terms with tds in all exhibits and all schedules and the master agreement as of tuesday. It's just a matter of the attorneys cleaning up some loosens on the language. And that's -- loose ends on the language and that's the most recent communications were this morning. Quick summary, most favored nation was an issue of concern and city and tds have agreed with the most favored nation. Essentially identical language with balcones with a slight added language of single stream residential material to be delivered to the facilities. Very specific language to address some concerns there. Tds has dropped their request for cpi adjustment in reflection of a cost adjustment that we have offered to both balcones and tds at the first reset date. Living wage, there was a concern about a couple of words in the living wage agreements within the schedule, and the exhibit a there was some conflicting language. We cleaned that up and both parties have agreed that it will not be an averaging of wages, it will be a specific living wage requirement consistent with city policy. And the facility fees, tds has offered as of tuesday a five-dollar facility fee. We have accepted that offer and that is five dollars per ton fee on all city delivered tons to their facility. We also encountered some concerns on the transition facility that balcones had identified in exhibit a. We have negotiated with balcones on tuesday

and they have graciously agreed to remove the east sixth street facility off of the table for the transition facility. The intent of a transition facility is a very short-term usage in the event construction is not done by the cutover date. The cutover date is intended TO BE OCTOBER 1st, 2012 And if there is construction delays there is a need for a transition facility. What we've agreed upon as of tuesday is that the location of the transition facility will be determined by agreement of the parties no later than 60 days after execution of these service schedules. Therefore if we execute an agreement within 60 days, the city and balcones will agree to that transition facility and that transition facility will not be the sixth street facility.

Mayor Leffingwell: Can I interrupt you right there? That was an item of concern. And you mentioned that you've come to an agreement. But it would also be possible to bring that agreement, whatever it is, back to council for final approval within 60 days?

Yes. It's my understanding that both balance coansz and the city attorney -- balcones and the city attorney have agreed that could be presented back to city council for approval before it's enacted within the agreement.

Mayor Leffingwell: Okay. Mayor pro tem.

Martinez: Along those same lines, in the transition agreement I hope that we have a provision that allows us just to extend our current operations as opposed to engaging with another third or fourth party and having to create this temporary transition, spend money and resources on a transition, when we already have a contract in place that would allow us six months or three months, whatever more we need. I hope the transition language allows for that.

Yes, absolutely yes. And the agreement does not take away the power of the city to designate a transition facility if one cannot be agreed upon. So we have designation powers as well. I believe that sums up the negotiations of the last few days. I am available for any questions. My recommendation based on financial offers is the 100 percent balcones offer based on the financial assessment. I realize there's significant discussions on other options and I'm open for discussion. With council.

Mayor Leffingwell: I'll probably have some questions, but I want to hear -- we have several people signed up to speak first. Do other councilmembers have questions now? We'll go ahead and hear from our speakers. First is dallas calhoun, who has signed up neutral. And you have three minutes.

First off I would like to call it to mind when you were a candidate for mayor you spoke to unitarian congregation and you promised that recycling services would be provided to commercial establishments at that time. It's been years. I've called your office once a we since you took office and we still don't have anything. I take care of the american legion post 76. We're real good about trying to recycle. I have to have people come there, we pick up the garbage, we sort through it by hand, take it downtown to the recycling thing there across from the police department. If called solid waste services, they've said oh, yeah, we can do that. Then they get back to me later, oh, no, it's not in the contract. If you're going to renew a contract with either one of these companies you need to put some provision in for recycling services for commercial buildings. We don't mind sorting it out. You pick it up across the street, you know, but you can't pick it up at our place. You won't let us get just a dumpster to put it -- dumpster to put it in so they can put it up there. We can't even pay extra and get one because we have a dumpster service, and we would have to have 40 of those little trash cans to get all our stuff in for a week. Anyway, I just want you guys to consider this when you're thinking about doing a contract. You have a large group out there that generates a lot of waste that could be recycled. And it's not being done. It's going to the landfill. Thank you.

Mayor Leffingwell: I appreciate your comments and obviously this is something that's very important we need to do. We have been working on it. Progress has been made and i would refer you to one of our

solid waste staff to update you on progress.

To be honest with you, you call solid waste staff, leave a message, nobody ever --

Mayor Leffingwell: I'll ask them to talk to you right now.

There are five people in your office that you can buzz through to. You can leave messages with all of them. None of them will get back.

Mayor Leffingwell: Sir, we do have solid waste folks who are here to talk to you about it right now.

I gave him my name and number when he sat down.

Mayor Leffingwell: Okay. Thank you. Next speaker is Kerry Getter. And donating time to Kerry is Dave Stevens. Is Dave here? Okay. You have up to six minutes.

Thank you, Mayor, Councilmembers. My name is Kerry Getter. I'm the CEO of Balcones Resources. I don't need six minutes here at the moment. I just wanted to let everyone know that we've had an opportunity to review the proposed contract and we're in agreement with all the terms and conditions. We're ready to be the city's partner. And I've got myself and remaining staff here available to answer any questions you may have. Thank you.

Mayor Leffingwell: Questions of Mr. Getter? Thank you. JD Porter? Signed up for. Have you three minutes. You have three minutes.

Good morning, Mayor and Councilmembers. I'm a member of the Austin Zero Waste Alliance. I support the recommendations you received from the Solid Waste Advisory Commission on this item and the changes made to the iteration of the contract considered by SWAC at their April 18th meeting. I would further like to address the issue of assigning volumes of recyclables to both potential vendors. The discussion today is focused on the rather short-term issues of rebates, revenues, etcetera. But I would like for you to take perhaps a broader view and consider something that might extend beyond reset points and each the life of the contract itself and that's economic development in zero waste context. Supporting two regional MRFs by providing both will attract new businesses and create more jobs. Spinoff jobs in the community. When I was recycling market development specialist for the Texas Department of Commerce, one of the top 10 questions I would get from recycling companies I was trying to recruit was what volume of quality materials will be available to us? That's still important to companies looking to expand or relocate here. So far the economic benefit is strong local market and job creation has not been part of the evaluation process. I think it should be. Being able to attract end markets close to the source of raw materials will reduce our carbon footprint by eliminating long range transportation, less greenhouse gases mean less remediation costs locally. This has positive economic benefit. Further when we don't export our raw materials we cease to act like a colony and realize added -- value added benefits locally. TDS is building their eco industrial park now and Balcones has indicated interest in business development. Supporting both will stimulate both end markets. Finally, with both vendors in the mix, new regional clients outside of Austin will be drawn into the market as both companies aim to achieve their maximum capacity. This will increase the success of zero waste locally and regionally and will stimulate new recycling companies and programs. And we would all benefit from that. Thank you for your time and attention.

Mayor Leffingwell: Thank you. Bob Gregory. Signed up against. And several people donating time. Rebecca Hilt. All right. Ryan Hobbs. Dennis Hobbs. And Curt Johnson. So you will have up to 15 minutes.

Thank you, Mayor, Cowbsz. I have a handout that you would be disappointed if I showed up without a handout probably. Over the past five days TDS has had the opportunity -- let me introduce myself. I'm

bob gregory, ceo and principal owner of texas disposal systems. Over the past five days tds has had the opportunity to review the staff's proposed balcones contract and we've discovered that the staff has negotiated a dramatically different contract, type of contract as compared to what staff has negotiated with tds relating to the way balcones has to process and pay for the city single stream recyclables. Over the past two days we've had the opportunity to negotiate with staff rks to accept the contract language and to begin to accept this different approach for processing and marketing the recyclable products and upon their offer we have incorporated most of the differences existing in the balcones contract into the proposed tds contract. Also late yesterday afternoon we were given the opportunity to add the balcones contract revisions that staff reported came as a result of our negotiations with staff on tuesday because issues have gone back and forth between the vendors. The end result of all this is that tds now has a contract that allows a lesser degree of processing costs and different uses of sorted material, the same as the staff had allowed and has allowed for balcones. This is a game changer for tds and for the contract negotiations if the city council wants to allow a week or more of contract negotiations, maybe even less, to allow tds to verify with staff the details that would allow tds to significantly reduce its proposed processing fees. It appears to me that the tds contract language negotiations are now complete, although staff mentioned a moment ago there are some fine details on attachment a. And tds just needs to confirm with staff their allowance of this understanding and to negotiate rate adjustments. Then the council should be able to accept proposals from different companies with the single stream recyclables in the same manner, something we thought was intended by staff and council originally, but only the last two days realized there's a difference. Please delay the vote on the long-term single stream recyclables processing contract to allow the final contracts for balcones and tds to be posted as agenda backup in the city's website ahead of scheduled action. If the contracts can be completed today or tomorrow, then the vote could occur next week on april 28th or in the next scheduled meeting on may 12th. As you know, the next scheduled swac meeting is may 11th if there's a reason to get input from swac in that meeting. This will allow both company representatives to review the final wording of each contract as well as the public and other interested parties and will allow council to understand the details of both companies' plans to process and market the city's single stream recyclables. Otherwise if you feel you must move ahead and vote today, please rely on the pricing already negotiated with staff. Please recognize that neither tds nor the public has seen balcones contract revisions reportedly designed to protect the city from potential problems identified just this week. From the most recent balcones contract language made available on the city's website is backup for today's agenda item that came up last friday. And which was made available to swac -- for swac review. I believe the following things are true and excellent reasons to delay today's contract approval action. Neither the council nor the public has seen either company's final contract language and the balance coansz contract language currently posted on the city's website has been changed enough to warrant reposting, I believe, particularly since the balcones pricing schedule posted today is inaccurate and incomplete. No one has seen the tds negotiated contract. Really even me, now that there are issues remaining. Since the balcones contract method of reporting and paying for recyclables extracted from the city's single stream recyclables is so dramatically different from the tds requirements in the existing short-term contract and in the long-term contract and rates proposed by tds until yesterday as described above, the city could not have accurately depicted the value of recyclables that balcones will extract from, quote unquote, the city's recyclables in the future. Reestating there's no way that the city could have come up with an accurate projection now knowing what we've just learned, that they're not doing it the same way that it's been done in the past and the way we do. And the council has no way of knowing whether the staff's financial analysis comparisons of the net revenue from balcones are even close to being reliable. The bottom line is that if you approve the balcones contract as currently proposed, you will not know how much the city will be paid. Because the balcones contract allows a completely different method of allowing the weight of the recyclables and for payment than does ours. It is very different from the method tds and staff have used for the past six months and how staff evaluated the financial performance of the tds contract in comparison to the balcones contract. We've talked about or you just had a report on the transition facility. As I understand it, the language in the balcones contract still allows the transition facility to be set. That transition facility to remain in place once set until the designated facility, the johnnie morris facility, is completed, quote unquote, completed. We have not seen anything in the contract that requires a completion date. Meaning that if it's not completed, it could stay at johnny morris road indefinitely for the entire term of their contract. Furthermore, the reset dates

start based on dates from a cutover period. And if the reset date doesn't start, then there is no -- if the reset date -- if there's no cutover period, then there can't be a reset date is my point. The balcones contract language allows for recyclable material to be converted to synthetic fuels, syn gas, and other types of energy conversion not required in making the fuel. This was contemplated in the response in 2010, which is attached to this attachment where they estimated that as much as 34,000 tons per year of the city's recyclables could be converted to fuels. The current tds long-term proposal for 100% of the city's volume for recycled materials is the best financial proposal for available for your consideration today. As you know, tds submitted long-term proposals for various splits of the volume of recyclables as well and those are yours for the choosing, that's how we presented them. Tds has also submitted a new and separate proposal this week for 100% of the volume for only three years. And each of you have a copy of that. I hope you will allow additional time to complete this process and allow the public to review one or both of the company's contracts that you may decide to finalize. I also encourage you to allow whatever contract proposal is approved to come back to council for a contract to execute a finally negotiated and publicly reviewed language. That concludes my comments. Happy to answer any questions.

Mayor Leffingwell: Questions for mr. gregory? Thank you. So council, questions? A motion? Mayor pro tem.

Martinez: I just had a couple for staff, mr. geddar. We've already discuss this had, probably three times, but just for the sake of public record I wanted to ask some questions that we've been through this week.

Certainly.

Martinez: I'll start with one of the last points gregory made about gasification and I wanted you to clarify exactly what is allowed and not allowed.

Yes. In recent weeks we've adapted -- adopted new language in disposal definition of the agreement. It is agreed upon by both parties. And part of the proposed contract. And it restricts disposal to a few options. It does not -- it specifically prohibits thermal destruction of the material. Thermal destruction is any heat-related process of destroying the material for disposal purposes. That is a fairly large picture, including incineration, and would include conversion to synthetic fuels. That would be prohibited by this contract.

Martinez: So we also discussed this as an option later down the line and you said that you remained open to having that conversation, but not until after the first reset date, which would be after three years.

Yes. The current definition is fairly tight in its definition of disposal in discussion with both parties. We have asked for the consideration of alternative, progressive technologies after the third reset date -- after the first reset date, after the third year, and that would be in discussion and negotiation. After that there's no predetermined pack, just an open door for new technologies. I do believe the city should be open to emerging technologies that might reduce the greenhouse gas issue from landfilling disposal situations.

Martinez: Thank you. We also talked about definitions under section 1 and the subjective language use about a reasonably viable market for a certain product. Did we clean that language up in the definition?

Yes. Basically there's a replacement language in the agreement that specifically itemized the recyclables that are to be collected and to be recycled. There is contention among one of the vendors on glass recycling. We are open to alternative recycling of glass until there is a viable market, as determined by mutual agreement. But all other materials collected in the single stream are to be collected and recycled with no form of disposal of those materials.

Martinez: So anything that's going to be done with glass moving forward has to be a consent agreement among both parties?

Yes. And there is emerging -- I've spoken to two glass processors and there is emerging activity in the glass market. I believe by the time the cutover date of this agreement, which is OCTOBER 1st, 2012, WE WILL Have strong glass recycling markets. It simply is an unknown at this time.

Martinez: Great. Thank you. At the reset dates will there be a public input process and will it ultimately rest on council to any new agreements or expanded agreements?

Yes. The way the contract is constructed the master agreement is a 20 year agreement. The exhibit a, which identifies the reset dates and all the conditions, pricing schedules and material collected and recycled and so forth, are in exhibit a. And that is renegotiated if the reset dates and that renegotiation would come back to council for action by council.

Martinez: Thank you. Also one last point. We talked about a potential acquisition of either of the companies or any of the companies that we may engage with. What language in the contract assures us the ability to nullify any agreement if the company is acquired by someone else?

Yes. There is city standardized language in the agreement. It's been in all forms. I must say there's been about 10 different drafts of this agreement over the last seven months. This language has been preserved throughout that period of time that gives the power of the city to reject the transfer of this agreement if the company transfers its assets or sells its company in any form or format. And the city has the right to terminate that agreement, and I believe that is the power of our city council as a form of action.

Martinez: Thank you, bob. Thanks, mayor.

Mayor Leffingwell: Councilmember cole.

Cole: Bob, I agree with the mayor pro tem that we have been talking about this contract for quite awhile and there's a number of provisions that have been renegotiated, but there are two that were of major concern for me and I believe that you have said that both of them have been addressed, but I want to make sure of that. Will you explain the most favored nation issue?

Yes, yes. The most favored nation issue in concept allows the city if -- let me back up. This is within a reset period for in this case the first three years. If the city identifies a contract, a municipal single stream contract on residential materials that is of similar nature to this agreement and better terms financially, then we negotiate with the vendor that has offered that agreement. And if the vendor agrees, this contract allows at the reset date for the city to acquire those more favorable terms. If the vendor and the city cannot agree then it kicks back to a third-party, disinterested authority that would evaluate the proposals and decide if it's a like contract of single stream material similar to the city's stream and if it is favorable terms or not and whether the most favored nation applies. So there's a procedure in place for protection of the vendor and the city. The generalized concept is during the course of the contract if either vendor -- whatever vendor we contract with has better terms of a similar nature of material, then the city could acquire those better terms at the next reset date.

Cole: Has tds agreed to that?

Yes, as of tuesday in principle they have agreed to those terms. We did a minor modification on tuesday that both the balcones and tds have agreed to that specifically states residential single stream materials so that it is not inferred that it covers commercially generated material or any other source of material.

Cole: Okay. And also there was a point that you were very concerned about a net revenue difference between the two options that you had recommended. Can you explain that and where you are now?

Yes. There are two financial considerations that I am looking at. A net revenue per month that the city receives for its recyclables and then the bottom line cost as transportation -- our city incurred transportation costs are calculated into that bottom line. In looking at the net value we are interested in negotiating the best net value to the city at this stage and there has been an offer on the table to extend a 2,000-ton minimum if that positive net volume is at the reset. So there is that extension of the next five years, favorable terms to the city and net positive value if we offer that 2000-ton minimum.

Cole: I see that on your staff recommendation in the slide that you have. Can you tell me how that impacts tds?

Well, if we come to terms with and tds signs an agreement, first we are looking for a good net value in this set of negotiations that is favorable to the city, but also we guarantee a 2000-ton minimum if they are in agreement of extending that positive net value to the city and the second period. This consideration ends at year eight. This is a two-period clause that ends at year eight and gives the city a little bit of protection at year three for favorable terms on pricing.

Cole: Now, I know that you've been in this business for awhile. So tell me how reasonable are those terms in term of reevaluation?

I've been in the business 35 years. This is a very unique path. And the recycling world has changed dramatically over the 35 years and contracts have moved from a two-page document to a 75-page document in that life-span. This set of negotiations over the last seven months have been spirited with equal treatment throughout the entire period of time. We have looked at the city's position. And if there is a concern from the vendor we offer alternative terms that benefit the vendor as well as the city. We are looking at equity, partnership, the idea of signing an agreement is that it works for both the vendor and the city. And that has been the spirit of our negotiations. We have also -- every time we've adjusted contract language with tds, we've offered that to balcones. Every time we've adjusted contract language with balcones we've offered it with tds. There is that concern over the last month tds in mid march stated that we're done with negotiations. It's time to move on. And there was a period of a three to four weeks where we were working with balcones on language changes. It has always been the intent of the city to offer those changes to tds and we have done so. So in the spirit of these negotiations, I believe this is a fairly progressive agreement and on the platform of equity.

Cole: Okay. gregory asked us to rely on the pricing already negotiated with staff, but cautioned that that contract had not been reviewed by the public. And it's not -- I don't have any recollection of us necessarily offering big contracts on the web before the public, but can you excellent on that?

I can't speak to tradition in austin, but i can speak to my 35-year career, it's not common to publish contracts for public negotiation of the terms, although I do believe in a transparent public process. And there's a balance there.

Cole: So that contract is subject to an open records request.

Absolutely, yes. Absolutely yes.

Cole: And then finally, there was a concern about the transition facility and not having specific dates in connection with it, the facility on johnnie morris johnny morris road. Can you speak to that?

Yes. The contract speaks to a cutover date. There is an expectation direct hi in exhibit a of balcones

agreement that their johnny morris road facility will be up and running october 1st of this is the cutover date that is identified in exhibit a. If by chance there's construction delays, then there isn't a risk to the city of not having a facility to haul the materials to. So the city can answer that in two different ways. One, require balcones to offer a transition facility at their cost to handle the materials until the johnny morris road facility is up and running. The second option the city always has in its back pocket is to designate another authority -- another processing facility by the authority of the city. And the city may do so by extending the current short-term agreement or finding another location. And that is a discussion that I would enter into with city council if we reach that point.

Cole: Thank you, bob.

Mayor Leffingwell: And just following up on that. You said when you were up here the first time that we were going to consider a transition plan and come back and have that transition plan approved by the city council.

That's exactly right.

Mayor Leffingwell: Within 60 days or by i BELIEVE JUNE 23rd. I would like to ask a question about how you calculate the recyclable material that's actually recycled out of the total stream. And I want to make sure that whatever that process is, it's exactly the same for any vendor that we might have.

Yes, it is similar to the evaluations I performed last year as well as -- it's the industry practice procedure that I have used over the years.

Mayor Leffingwell: That's what tds is doing now?

My staff evaluations are consistent with. And a quick description of that is that we take a market index -- it's a reference point. It's a published index, and in this case we've asked each vendor to propose an index that they trust. This is a publication that we can independently check. We take the composition of the austin material, and that is -- for instance, it may be 4500 tons in a month and 25% is glass and 15% newsprint. That's what I mean by composition. And we multiply that by the economic value in the index by that percentage to gain a net -- we gain a market value of that material. Then each proposal gives a certain percentage of that market value to the city and we subtract processing costz and facility fees and so forth. And we end up at the end of those calculations with a net value. That net value could be a payment that the city makes to the vendor any given month or could be a payment from the vendor to the city given the value of the recyclables. That is the same procedure i applied in my evaluation to balcones as well as to tds's proposal.

Mayor Leffingwell: All that is way above my pay grade, and who knew that it was so complicated, right? But my main concern is to make sure that we have exactly, precisely the same process for any and all vendors that might be involved. That will be contractual.

I assure you my evaluation is consistent among the two vendors as well as the same evaluation I performed last year.

Mayor Leffingwell: Finally, I would just like to get your comments. I made remarks the last time we talked about this about having two different competitors in this business, two different reasonable accommodating locations, both for proximity to where the markets were, where the recycled material was, and also to reduce vehicle miles traveled. But the main thing is the redundancy that is provided. So realizing that the contracts may not be exactly the same, may be substantially similar i think is the term of art, there are still huge advantages into having competitive vendors, and we can track the performance through the years, at the three-year mark and at the eight-year mark. But I want to make

sure that the city recognizes that advantage as well. Could you speak very briefly with that?

Yes. I totally concur with your statement. I do believe there's a high value for keeping both vendors and splitting the volumes between both vendors. There's an economic development component as well as a competitive edge component there, as well as some of the other values you noted. My concern in these negotiations -- and I have stated that desire of the city throughout the negotiations since september of last year of the desire to sign with two vendors. The option has always been on the table to sign with one vendor in the event that the other vendor cannot come to terms with the city. My statement last time we met is that I desired to come to terms with tds on contract dpreament language and I believe we are very near the finish line on that. But I also have the concern on tds's pricing proposal and my evaluation demonstrates that in the five months of data collection analyzed over 12 months to give an annual calculation, the splits offer a positive payment to the city from balcones and a negative payment from the city to tds in those splits. And I desire a better economic offer from tds. And that's been my position for about the last three months. Mary mayor okay. Councilmember spelman.

Spelman: Let me ask you to put a fine point on that. If we were to go -- let me back up a little bit. It just -- from looking at the city we have two proposals on the table, one south, one east, that the logical thing to do, all else equal, what would minimize our transportation cost, is to have something like a 60/40 split, 40% stuff collected below the river goes south and the rest goes east. That seems to be where we'd be heading. What you've been recommending consistently based on your evaluation of proposals is not to do that, but 100 percent to go to balcones to go east. Because the -- although the transportation break is the same as you would expect it to be, the price offered by balcones is consistently better than the price offered by tds. Right?

That is correct.

Spelman: Could you put a finer point on that? How much would it cost the city to go with a 60/40 split real testify to 100% balcones on a manual basis?

The calculations on transportation demonstrate the point that the 40/60 lends better carbon footprint, lower carbon footprint. So in calculating total bottom line costs of the city, we are calculating our transportation. That lends itself more 60 active towards the 40/60 split. The differential, the bottom line cost of 100% balcones is approximately \$3 million a year and the 40/60 split is \$3.4 million a year. About a 400,000-dollar a year difference there. If I look at the net value not calculating in transportation, then the 100% balcones is the net payment to the city of 1 million and the 40/60 split combination between the two, the net, is about half a million dollars a year. So there's about 600, 650,000-dollar differential there.

So depending on how we score it, we're talking about 400 to \$600,000 is the difference, 100% balcones which gets the city a better deal, and a 60/40 split, which will cost us about half a million dollars a year.

Yes.

Spelman: And i understand this is something which is in flux. The contracts have changed some and tds has offered a 500-dollar facility fee. Is your 500,000-dollar a year or so (indiscernible) to incorporate the facility fee that has recently been offered by tds?

Yes, it does. It's neutral. That five-dollar facility fee is neutral on the cost assessment. And for clarity, it is a fee assessed to the city tonnage delivered to that facility at five dollars and then a fee paid back to the city of five dollars. It's a wash on the economic analysis. The fees are intended to be put into a separate enterprise fund, a carbon offset fund for a separate purpose, but it's a wash on the economic evaluation.

Spelman: It has nothing to do with the bottom line of the proposal, just a means of moving money into that carbon offset.

That's correct.

Spelman: I understand that the contracts have changed in non-trivial ways in the last few weeks and that the contracts negotiated with balcones and tds are now much more similar than they were before. Are they identical or is that someplace you're moving towards?

We are moving towards identical agreements. There may be some slight changes or differences in exhibit a. It's very vendor specific. Master agreement it's our desire that both agree to the exact same terms in the master agreement and the affected schedules. I would also offer that bringing tds back to the negotiation table we did offer the exact same terms to tds last friday. We met with tds on tuesday and we are continuing to work towards very, very close contract agreement with tds that models balcones. There should be no economic or disadvantage one way or the other between the two contracts.

Spelman: So the exhibit a's that we can expect when we see this again will probably differ because of vendor specific issues, but the term sheet of the basic agreement will be the same with both vendors?

Yes. And more specifically on exhibit a, it's section 1 of exhibit a that is vendor specific. Most of the rest of exhibit a I'm attempting to model so that both vendors agree to those terms.

Spelman: And we can for obvious reasons expect the prices to be slightly different from one to the next. That's section 1?

That's section 1 of exhibit a, yes.

Spelman: What is the value to the city of making 60% of the decision today and holding off on the last 40 percent as opposed to just holding off on the entire agreement for a week?

If the desire of the council is a 60/40 split that would be my desired path to move forward with the balcones agreement because they are ready to sign an agreement. We have come to terms on the agreement. And they desired to start breaking ground on the construction. There is a construction timeline issue there.

Spelman: So if we made a deal with balcones for at least 60%, conceivably 100%, but if we made a deal for 60% they could start breaking ground immediately and we would be that much more certain to have the facility available in october when we need it.

Yes. And note there is 17 months from the cutover date. If we sign fairly quickly there may not ever be a need for a transition facility. It is a risk we need to nail down in writing, but we may not need that transition facility at all if we move soon.

Spelman: Okay. If we were to pass your optional motion of a 60/40 split, if we were to move that forward, then what would happen on your end in the next week and what would we see next week?

What we would move forward on is the signing of the agreement if authorized by council on the balcones site. And proceeding with the implementation of that agreement there are certain kick-in provisions for required documents and so forth. On the tds side, we would finalize the contract language per our negotiation session last -- this past tuesday, two days ago, that we would nail down the exact

language, make it come to terms and bring that back to council for council's approval.

Spelman: Okay. But if we pass a -- if we passed the motion that you've put before us as an optional motion, that would not necessarily assume a 60-40 split, it would enable a 60-40 split, but you could come back to us and say we're still recommending 100% balcones?

Yes, that gives us both options, yes. And I yield to our city attorney on any legal conditions that might be applied.

Spelman: Mayor, that seems like a reasonable course of action, and i would move approval of the optional motion put before us by mr. getter.

Mayor Leffingwell: I think it actually requires two motions. And the first motion would be to award the 60% -- execute the master recycling services agreement with balcones and a service schedule for recycling single stream recyclables with them, including an award of 60% for the first three years, guaranteeing a monthly minimum of 2,000 short-term per month.

Spelman: If it's the opinion of the legal department to do it in two motion, I will hopely move the first.

But councilmember, based getter had said, it looks like the recommendation is to do two separate things because in the second vendor, the contract, one of the contracts has not been finalized. So there's some negotiation that still needs to be done. So it probably is best to separate them out to be very clear what the follow-up needs to be for each vendor if you're going to do that.

Spelman: In that case, mayor, I move motion 1 as you just stated it.

Mayor Leffingwell: Motion by councilmember spelman, seconded by councilmember cole. Any further discussion on motion 1? Councilmember morrison.

Morrison: I do just have a couple of brief getter before we go forward. And your explanation so far have really sorted out a lot of things. I want to go back and clarify you said that as much as possible the terms of both interactions and the way the contract will look for both vendors will be identical as much as possible.

Yes.

Morrison: Does that include then for example the way -- the structure of the payment scheme? Whether you're paying on out right tonnage versus extracted materials and all intend for those approaches to be the same?

Yes. What you're referring to as adjustments in the last two weeks; however, I'm asking both companies to agree to the same terms on those issues.

Morrison: And they'll also both have a maximum allowable percent to the landfill?

We actually took out the requirement of a certain percentage limitation on residuals for the first three years, and that would be reinstituted after three years.

Morrison: Is that because it wasn't important?

It's an important issue, but unresolved, difficult in bringing new processes up online. And one of the driving forces is the public's reaction to the single stream and the mistakes of providing -- are putting

trash into the recycling bins.

The bowling balls theand up in the recycling bins.

So the burden is on the city in the next three years and then we renegotiate those terms.

Morrison: So that won't be in either one. And one last issue that gregory just brought up in terms of it's a contract so that possibly we would never get to a reset at a date as -- he raised the issue that it's based on the cut jeafer date?

The cut jeafer date is firmly in both agreements, OCTOBER 1st, 2012. I'm not moving on that date. So that is firm and communicated to both parties. Threet-year resets and all the resets are based on the OCTOBER 1st, 2012 DATE.

Morrison: Thank you very much.

Mayor Leffingwell: And councilmembers, I would like to offer a friendly amendment that will include direction that the new transition site for balcones would have to come back to council for final approval NO LATER THAN JUNE 23rd.

Cole: That's fine.

Mayor Leffingwell: Councilmember riley.

Riley: Just a couple of quick questions. Just to get back to the bowling ball in the recycling, I'm not sure i caught that, but the zero waste questions, about the residuals that would be leftover once we bundled up everything that we have in the single stream and marketed it, can you clarify exactly what would be in the balcones contract, if anything, addressing the expectations in terms of the residuals. I know we've talked about whether or not it would be incinerated. Are there any expectations in terms of percentages of residuals and how they should be disposed of?

Yes. For clarification, in the first three years we actually -- this is a unique part of this agreement that I'm very proud of. We have defined residuals in two categories. One is trash and one is residual fines. The trash is generated by mistakes of the public putting it into the recycling container and handled at the processing facility. The residual fines are part of the process of processing the material, you sometimes grind it to the point they cannot be recycled. In the composition studies, the quarterly composition studies that are required in this agreement would identify the percentage of the loads of those fines and the trash that's generated. The city will take the trash percentage and consider that in (indiscernible) to the public. It's available education for us in educating the public what goes in the blue bin and what doesn't. The percentage of the fines we will be monitoring closely for the first three years as they refine their processes. I expect the fines to be a little higher in the first year and slowly going down as they refine their processes, both companies. And then at the three-year reset we will discuss a fair and balanced percentage requirement that the fines must be below a certain percentage. As for disposal, it's only authorized disposal by contract terms if they desired to stretch the definition of disposal, it must be approve by the city with -- as I assume a public process discussion on that.

Riley: [ Inaudible ].

Absolutely, yes.

Riley: One last question. The first speaker this morning talked about the issue of commercial recycling. And I know we've talked about that a lot. Just recently as two weeks ago we made progress in the downtown recycle. Could you very briefly highlight where we're going on that general issue and how you

see commercial recycling making its way into the single stream that's on the table today?

Mayor Leffingwell: And I would ask you to be very brief because we've gone over our time certain for citizens communication.

Thank you. The single stream agreement that we are discussing today does not incorporate commercial. We are addressing commercial streams through our universal recycling ordinance implementation and we have stakeholder meetings through this summer. We hope by the end of this summer to resolve many of the questions about commercial stream material and how it can be processed and where and so forth and --

Riley:.

There's a significant opportunity at the three-year reset to roll in the commercial. In the first three years not capable, but at that reset date we can engage in those conversations.

Riley: Thanks, bob.

Mayor Leffingwell: Motion on the table with friendly amendment included. All in favor say aye. Opposed say no. It passes on a vote of seven to zero. The second motion would be to authorize the city manager to finalize negotiations of a master recycling services agreement and service schedule for recycling the city's single stream recyclables with Texas disposal systems in a form substantially similar to that executed with Balcones resources to include an award of up to 40% of the city's recyclables and to bring back the final agreed service schedule back to council on April 28th for authorizations to execute. Councilmember Spelman moves approval. Seconded by councilmember Cole. Further discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. Thank you. That brings us to our citizens communication. Sorry for the slight delay. The first speaker is Kunda Wiccee. Topic is natural resource management. Correct me if I mispronounce your name, please.

You were close. Good afternoon, mayor, councilmembers. My name is Kunda Wiccee. And there are many excellent and timely initiatives underway in Austin to address how we manage our urban ecosystem. We've got climate protection, the urban heat island, wildlife Austin, green Austin and many more. I'm here today to address what unifies those initiatives, how to bring a clearer focus on getting the long-term sustainable results we all want to see. Also is currently managing its water quality and quantity. It's managing 22 urban nature preserves, wildlife corridors, green life, urban forest, parkland management. We're managing green building, energy conservation, carbon sequestering, caves, salamanders, resident and might gra story piece seize and a lot more. So we're managing energy, we're managing the land, the water, our air and our fellow species. Are we seeing it as an ecosystem management? Are we clear on how beautifully and easily the parts fit together? Addressing the urban heat island means more greenery, which means more wildlife habitat and less carbon in the air. Restoring our waterways means better wildlife corridors, cleaner water, more sustainable quality greenery and less carbon in the air. Resoreing prairies means less carbon in the ground and more wildlife. Ecosystem management means managing our natural resources, plain and simple. Managing our natural resources and managing the volunteer coordination, public outreach and education that support those goals. Because it's all been evolving over time, bits and pieces are naturally scattered here and there across departments and programs. Each issue is a subbullet sometimes under another subbullet. Sometimes under departments and programs with different priorities and missions and expertise. Some programs are positioned to receive extensive support and others because of their sub, subbullet status receive less. What can we do to bring a comprehensive, more unified, more focus to our city's natural resource management related program? Austin's urban nature preserves are coming up on their 30th anniversary since itsception. The Balcones Canyon Lands Preserve is looking at its 15th anniversary. This is an excellent time to review what is happening where with regard to managing our natural resources of air, water, land, how it impacts energy and how all the various programs already serve the various initiatives and what can be done to bring a clearer focus on that work. [ Buzzer sounds

] thank you. [One moment, please, for change in captioners]

okay. Yeah. That news clip refers to the most recent acid mishap to make headline news. Just a couple of weeks ago. Two main types of incidents can and do happen. First, equipment leak can leak or spill, and a significant spill will trigger a costly hazmat response. And second, operational failure in the treatment system often not immediately detected, could cause fluoride concentrations in drinking water to soar. Chicago, pittsburgh and st. Louis are among many cities ha that have experienced major incidents in recent years. The utilities chief of elgin, which recently ended fluoridation in a personal communication to my wife said that watching this acid eat straight through six-inches of concrete during a pipe maintenance event convinced him that this was not a material he wanted his staff to have to handle. The austin water utility claims that our fluoridation system is totally safe because the operation is 100% automated. And nobody handles the material. That's kind of odd because when has having something automated ever made it fail-safe? [ Buzzer sounds ]

Mayor Leffingwell: Thank you, walter. Next speaker is heather fazio. No topic. City issues.

Good afternoon, mayor, council. I was going to actually show you guys that same video, a break in communication.

Mayor Leffingwell: You still can.

Quite terrifying that's something that we're putting into our water is eating through cement. I still maintain that the bottom line for me about water fluoridation is it's not the proper role of government to medicate people and this is classified as a medication. So that's that. Thank you.

Mayor Leffingwell: Thank you. Next speaker is babes k. Warren. Topic is radiation and the poisoning of our food and water. We won't start until you get there.

Can you hear me? I'm speaking today for warren, and no organization, to talk about water fluoridation, but more importantly about why substances that are bad for our health are being put in our food and our water in the first place. We who are informed have a duty to help inform people about conspiracies and the art of lying. No one should naively assume that our government would never allow poisoned food and water to be sold to them or forced to bomb them in the case of local government going along with water fluoridation. Anyone uninformed about the water fluoridation to realize that any city council must immediately move to stop the fluoridating of our water supply that we and our children are using for drinking, cooking, bathing, etcetera. We cannot afford to have contaminated needs to get to the internet so what we need to do is go to the internet and a search engine and look up water fluoridation. It will give you the real particulars. It will be probably a big surprise. Please encourage everyone to do this and to spread the word. Learning about fluoride poisoning and wondering why our government seems to be complicit in a conspiracy to allow us to be poisoned, the reason for which we need very much to understand is merely a first step in becoming informed about on broader conspiracy to keep us as uninformed or dysinformed as possible about the poisoned and other things that are hazardous to our health be put in our water, our food, our vaccines, people dying from them all over the world, y'all. For a lack of time I will focus only on the poisons to be put in our water and our food. These poisons, which are -- which number into the hundreds, are usually slow acting, taking enough time to gradually weaken our bodies such that unless we are informed about the health problems we tend not to suspect that our growing weaknesses that are new to our bodies being slowly poisoned. Okay? Helping others become informed about the conspiracy to their health lets them regain their health, but will not save them from any worse conspiracies. They need to know about not only the conspiracy that devastate our health, but also the art of lying. And you all, I'm going to remind you, in the 60's when I was in my 30's, I got to hear david rockefeller say on a video and also dick cheney that by the time the one world order is in place for a takeover by the united states and the soldiers that are going to be in our country from other countries, we've got to listen. Okay? There's only going to be -- they want to kill us. They want to kill off

all the blacks. What's wrong with learning about this stuff? We've got to stop it, okay? [ Buzzer sounds ]

Mayor Leffingwell: Thank you. Next is aleithia artemis. The topic is cops and impossible to make a complaint.

Mayor Leffingwell: You will need to get started.

Okay. On the fourprth of this month, last week, i presented this to the austin municipal court --

Mayor Leffingwell: Just pass it out at the end and we'll pass it down.

I presented that to the austin municipal civil service commission, so it is now part of the public record. It is public information. I'll give you a bit of introduction about myself. I had a stable history as a business owner for roughly a quarter of a century. When some psycho killer cops assaulted, tortured and almost murdered me several times. I then did all of the logical stuff one does in that situation. However, law enforcement and prosecutorial entities refused to take a complaint. Refused. They then focused their efforts on whistle blower retaliation, revenge. On the 14th of this month i conveyed all of that stuff, it's an original complaint with supporting evidence, to the municipal civil service commission under oath. That oath includes all past and future conveyances, so i have some evidence to add at this point. I then followed up on the 18th via email with the attachment thoughts on the meet and confer agreement to ruiz with the request that it be forwarded to each of you. I next contacted the city clerk's office to request you acquire the under oath original complaint with supporting evidence from the csc to prepare you for my recommendations as shown in the thoughts on the meet and confer agreement. In other words, what I've conveyed so far is very simple two-part formula. Problem, solution. So the problem is that little complaint. The solution is my recommendations on the meet and confer dpreament for this city. Because I never did get a city council reply on my april 5 query to all via miss ruiz concerning a council ruling under 2529 of the city code up to 20 minutes. That's all I have to say to now. Any questions?

Mayor Leffingwell: Thank you. Questions? Thank you very much.

Morrison: Mayor? I was just going to ask the city manager if maybe you could follow up and make sure things are moving forward properly.

You don't look like the city manager. Oh, okay.

Mayor Leffingwell: She's authorized to act for the city manager.

We will follow up with you. And your name, ma'am?

Sue edwards.

Mayor Leffingwell: Jose acosta. Is jose acosta in the chamber? Okay. Ronnie reeferseed. Topic is peace, freedom, fluoride and japan.

Thank you. I'm ronnie reeferseed shouting frantically come on, everybody, out of the pool. Our very own probably documentable proven subjecting us to the queen and thus forever ineligible to be president and usually blackmailable for further treason and harms to the u.s. constitution. And other impeachable offenses including, but not limited to so-called president blatantly defying constitution, article 1, section 8 about allowing allegiance to any other organization, any other foreign group or , , nafta or any of that other stuff. does not have the right, logic nor wherewithal to force their tiny minded schemes which are irrelevant and out of date and can't each exist to regulate anything. They have no authority here. So as a weapon, bureaucracy, the slow svenly slug to get more -- more tear ran any is strangling us all. Toxic water and the cancer rates are metastasizing. During my lifetime. And one in every -- one in two of us is

dying from these so-called cancer. And this is not an excellent. So we all just need to grow more food, hijack the poison train of pesticides that poisonous with death crops, eaters and drinkers of our world must unite now to get back to their free, fluoride free water here. We can do this. Y'all know about it. My water company at home, southwest water company, that informs me, the customer, that on their website that they decided to force mass medicaid all of us, the young and he would, everybody, on everybody, supposedly helping their teeth. Yeah, that's what they're doing. They're doing it to help our teeth. And all the recent most thorough books, papers and studies demand no more poison, please. We can't afford it anymore. Sorry. No more kickbacks, loan guarantees, whatever, endless bribery mechanisms you team up with here. Here's what us citizens say. We say no more excuses, no more dog and pony shows, favoring the evil status quo about the toxic sludge in our water. We want more information, com, listen to alex jones. For weekly updates call from george washington, thomas jefferson, etcetera, ron paul. And father of senator rand paul. And try online, ron paul.org. [ Buzzer sounds ]

Mayor Leffingwell: Okay. That is your time.

Thank you, sir.

Mayor Leffingwell: Thank you. Dar si bloom. Topic is water fluoridation.

Just like so many others before me I'm here today to educate. Actually, to reeducate the public and you, council, on the topic of fluoridation. To open the eyes of all to a practice that is almost fent years nationally and almost 40 years old in austin. Created with studies from within themselves, large organizations that obviously ignored other studies and facts of its true harmful effects. Even with 70 years of research, experience and a new science persist in fluoridation. But who is going to question ? The ama, cdc, who, they are the final word. But here in austin you are the final word. In 1965 austin mayor lester palmer had concern over fluoridation because the travis county medical association then had an almost split vote 27-24 for its approval. I'm sure these were some credible people, but the vote gap was not large enough to sway acceptance. We all learned everyday as we live our lives that things change. Council and everybody, it's all right to learn, realize and change something, especially something that sounded good back then, something that was told to us was good back then and after fort years it isn't. It's a worst of money and unnecessary risk to emp's well-being. It's being sold to us like it's vitamins. The whole mindset for people not object alarmed by this is that. Well, remember, this isn't the fluoride god made that's already a perfect fixture in everything, the soil, water and food. This is the hydro forerow sill lick acid. The leftover and official by product of fertilizer production. This is a poisonous felt being dumped on us. Companies used to have to dispose of these companies. Now we have to pay millions to dilute it and wash it all the way down our throats. Whose pocketbook is benefitting from this program? Almost half the percentage ingested steals into ours and children's bones, weakening them or causing excessive remodeling. We are all consuming this medication in different dosages per individual so there is absolutely no control here. Council, you have a choice to make. It should begin today. Guys, this is a serious situation affecting all of us, the whole nation, but this is austin. There's a reason I live here. Something monumental like this happening that could knock down all the fluoridation dominoes across the country. You could help be that much closer to living in a world that's aware and cares. Nothing is perfect, but there's always a start in making things better. Really. Thank you. [ Applause ]

Mayor Leffingwell: Thank you. Next speaker is kirk smith. Kirk has no specific topic.

I do have a topic. It didn't make it into the record. The topic is sidewalks and specifically in the galindo neighborhood down south of us. There are two maps, if you could show the first one. This represents a neighborhood with excellent connectivity represented by the green lines here. This is good connectivity. This is sidewalks on both sides of the street. You can take a peek of that in a minute. This is over here in manor. By contrast, the other map with the yellow and red on it as well as the green is the galindo neighborhood. And this is south of oltoft, north of ben white between south first and the railroad tracks.

So we're just down the road a little ways. This is a central austin neighborhood, a lot of redevelopment, a lot of pedestrian traffic, a lot of bike traffic. I'll call your attention to the highlighted areas that include galindo elementary school, dawson elementary school and the sawn recreation and tennis center. Big pedestrian traffic generators there. What you see the green represents sidewalks on both sides of the street. The yellow is sidewalk on one side of the street. The red is no sidewalks at all. There's really three things going on here, three problems. The first one is we don't have enough sidewalks. The second one is the sidewalks we have don't have good connectivity. The third problem in my view is that the way we're going about building the sidewalks exacerbates the second problem. The way it's working is when a lot is redeveloped, the developer is responsible for creating new sidewalks if there's no sidewalk there. But that ends up putting one sidewalk in the middle of the block on one part of the street, maybe another lot across the street or down the block getting a new sidewalk. So what we have is this sipper or zigzag effect when a pedestrian starts on one part of their journey, maybe walks 100 or 50 feet down and have to cross mid block or choose to walk in the street. I've actually seen it happen. I'm doing a project on morgan lane now in this neighborhood. And we just built 150 feet of sidewalk in front of our project. And I see people cross the street, walk down our little 150-foot strip, and cross back to go to the montessori school at the end of our block. So clearly this is not a good way to do it. The person that's speaking after me, phillip, can address maybe some other ways to do it, but let me say this. The method that's in place having the developer take responsibility for financing the sidewalks I think is fine, but I don't see why we have to build the sidewalk just in front of the project where the redevelopment is happening. The sidewalk construction is taking place in right-of-way. It's being inspected by city people. The planning of the sawk is being looked at so it seems like the developer perhaps could have the opportunity to develop across the street, create better connectivity at their option. Thank you very much for your time. I appreciate it.

Mayor Leffingwell: Next is phillip koske.

I'm basically speaking after kirk related to the same issue. I really feel like we've got a bond that's just passed to fund things like sidewalk projects and the timing of this presentation or whatever you want to call it is not random. So what we really would like is the same thing that -- we have a map and I guess it got passed out at the green berry village in manor, texas, a good 20 miles from here as the crow flies and it has a much better sidewalk system and ironically we're just less than two miles away from here and our sidewalk system is inferior, it's disconnected. By no means is it in keeping with why folk want to live in that neighborhood, the proximity of that neighborhood to the rest of the city. And I think that, you know, investments in the central neighborhoods will create value for the city over time in terms of we already see a lot of redevelopment. We see things sort of slowly densifying and that creates tax value and those values are meaningful for the city. So from one perspective i think there is value in you guys investing in the central neighborhood and making sure that we have safe, adequate, urban minded facilities and frur to support the kind of growth that I think that we're looking at in the plan and that the market is just naturally providing. And so I'm here asking you to kind of look at -- is it appropriate for us to have a sidewalk on both sides of the street on every single street in south austin? No. There are streets peively safe to walk on and folks would like to keep it that way, I'm sure. There are a lot of areas that channel a lot of pedestrian traffic because of the disconnected nature of the roadways and so on. I think it's just kind of silly that we don't have better connectivity in some of these areas and are working to make the neighborhoods stronger and really connect pedestrians to places that they want to go. So in closing, we're not asking for anything revolutionary or special or crazy. I think we're asking for some really simple things that will make our neighborhood better and create value for the city in terms of making our neighborhood better. Thank you for your time.

Mayor Leffingwell: Thank you. Let me say that I personally agree with you. It's a goal that we have. Can't do it overnight, but every time we address transportation issues with bond money, we include money for sidewalks. So we're making progress.

Thank you. We've been trying to work with local developers as things come along, as kirk says, and we

just need a little help.

Mayor Leffingwell: Thank you. Mayor pro tem.

Martinez: I just wanted to add also one of the reasons you'll see newer neighborhoods with the infrastructure in someplace plains is because our policies have also evolved over time. When Galindo was planned as a part of Austin and platted as a neighborhood subdivision, our policies weren't in place that said the developer has to put that infrastructure in place. Now they are. So anywhere in Austin where a new subdivision is developed, the developer is required to put that infrastructure in place, not us. We're trying to play catch up in other areas of the city where we didn't have that policy in place. Irvette admittedly I did it to be ironic.

Martinez: Appreciate it.

Mayor Leffingwell: Those are all the speakers that we have signed up to speak in citizens communication. So without objection, the city council will go into closed session to take up three items. 071 of the government code, the city council will consult with legal counsel regarding the following two items: Item 57 to discuss legal issues relating to the open meetings act. Item 58 to discuss legal issues relating to a proposed settlement regarding docket number 30966 pending before the public utility commission of Texas. And pursuant to section 074 of the government code, the city council will discuss personnel issues regarding the following item 59 to evaluate the performance of and consider the compensation and benefits for the municipal court clerk. Is there any objection to going into executive session on the items announced? Hearing none, the council will now go into executive session. The item has been withdrawn. Item 61, for if property at 1400 of and 1506 Parker Lane. This case has been withdrawn, no action required. Case 62, property located at 8922 Manchaca Road. Staff is requesting postponement to May 12 agenda. The zoning and platting commission will consider this at their next meeting on May 3rd. Item number 63, for property located at 800 Edge Cliff Terrace. The property owner would like to request postponement to JUNE 9th. And that concludes the agenda.

Mayor Leffingwell: The consent agenda for zoning cases is to withdraw item 60 and 61, postpone item 62 until MAY 12th, AND TO POSTPONE ITEM 63 TO JUNE 9th. I'll entertain a motion. Moved and seconded. Any discussion? All in favor say aye. Opposed say no. Passes on a vote of 5-0 with councilmember Shade and councilmember Spelman off the dais.

Mayor Leffingwell: City clerk, those are all the items on the agenda in meeting so we stand adjourned at 4:12 p.m.

Shade: Okay. Ladies and gentlemen, it is now 5:30 or a little after so it is the official time to do city hall live music and proclamations. And I get to be the lucky person who introduces Alexander Khoury. He is an alternative singer/song writer and was the front man for the band Fouled Out, part of the blossoming Nashville, Tennessee rock scene. Fouled Out won many battle of the bands competitions and later released a four song EP called A Walk Through Walnut Ranch. Whether they heard him for relay for life for cancer or the radio in Dubai or at a Framing Stanley concert, many different types of people have found Alexander Khoury's music appealing and I have a feeling you will give us a great performance. Earlier he left Fouled Out and moved to Austin where he was featured as an artist and official South by Southwest showcase. Welcome to Austin, welcome to city hall and we look forward to hearing your great music.

Why thank you. This song is called the obvious. [??Music playing??] ???? ???? ?

thank you so much. [ Applause ]

Shade: Thank you. Thank you and again welcome to Austin. We're glad to have you here. A couple of

questions just for the viewers out there. Do you have a website?

You know, you can find me on facebook. Anything that most people are on, I'm on it.

Okay.

If you just type in alexander khoury, you can find me.

But you need to find khoury.

That's right, not cory. Kind of cool.

Shade: And other question I want to ask is when are you performing next or where? When and where, I guess?

I'm playing at momo's at next week at midnight.

Shade: And when can we purchase your music?

Not many people know who I am, if you want to download it for free go to [com/alexander khoury](http://com/alexander_khoury) and download it free.

Shade: Now the fun part I get to issue a proclamation to you. Be it known that whereas the local music community makes many contributions towards the development of austin's social, economic and cultural diversity and whereas the dedicated efforts of artists further austin's claim as the live music capitol of the world, we do here by proclaim APRIL 21st, 2011 AS Alexander khoury day. Welcome to austin.

Thank you, guys. [ Applause ]

Shade: Next we will do some proclamations and it is great for so many to be here for so many exciting announcements and proclamations today. The first thing that I get to do is present the austin champions. And I think we decided the easiest thing was for me to call everybody up. Welcome. Welcome tree champions. Thank you. And we've got certificates for all of you. I'm going to go ahead and read the certificate and I'll let marion say a word to you about how we all came together today. If that's okay. And then we can do -- I love having a tree here on top of everything. That's great. All right. In recognition -- this is a certificate of appreciation presented to austin's tree champions. And we have a lot of them in this community. In recognition of their work to preserve austin's trees, which are so vital to our city's unique character, beauty and quality of life, their efforts to preserve our heritage trees and to grow our urban forest are both honorable and commendable. All austinites benefit from your beautiful tree canopy. It reduces global warming, provides habitat for wildlife and creates a sense of peace and tranquility. This certificate is presented with sincere appreciation and thanks to the community professionals, volunteer organizations, nonprofit groups, city departments and extraordinary individuals whose hard work and ongoing dedication make our city so great. And it's signed by mayor leffingwell and has the names of the rest of the city council on it. Again, we're so pleased to be able to acknowledge the important work that do you collectively and individually. And you represent so many more people who aren't actually here. So thank you very much. Marion, do you want to come up and say a word? [ Applause ]

thank you. Well, randi didn't tell me i was going to do this. I thought I was just going but I'm really glad to be here and so is everyone else that's here. As you know, friday is earth day and the backbone of earth day is truly trees that do so much for our earth. They capture the carbon, they provide shade, they provide health, really health benefits as well. And they do -- the list is just endless. So because it was earth day coming up, we decided why don't we just all get together and really celebrate trees and that's

why a lot of these folks -- and there are many others as well that have planted trees, that have worked to plant trees, that have taken care of trees, that have preserved trees that need to be recognized as well. But this is the group that came up. Mostly we're tree planters, and that's it. We're sort of like johnnie appleseed, only we plant trees. So that's why we're here. And I'd like you to come up to the second floor mayor's balcony where tree folks -- I'm president of the board of tree folks, and we are having just a nice get together compliments of the salt lick. They have great food. And so please come and we welcome you and we welcome all that have helped plant trees and been part of this wonderful event. And do you want to introduce yourselves?

Shade: Yeah. I think what's so amazing is actually the organizations that you represent. We kind of highlighted that in the certificate, but we have city boards and individual nonprofits and philanthropists. I just think it's really great to get a since whof is here. So shout out your names if you want.

[Inaudible - no mic]. [Inaudible - no mic]

Shade: I noticed your pant legs are folded up pretty good. [ Laughter ] [inaudible - no mic]

Shade: We have a lot to be proud of. Thank you very much. [ Applause ]

Shade: And happy almost earth day. Definitely come on upstairs for some food and drink after the rest of these proclamations. So just right upstairs. Again, happy almost earth day tomorrow. And all right. Great. I'll be right up. Yeah, we should do a picture. Get everybody together.

Shade: All right. Next we'll recognize the river city youth foundation. I know we've got a lot of kids here. I think you should come on up. All right. Welcome. Y'all come stand up here. Welcome, welcome. All right. Well, the mayor pro tem had to leave earlier than expected and so I was so happy to get a chance to do this proclamation in his place. And excited to let mona make a few comments in a minute, but let me read the proclamation first so you know something about these kids here that are to my right. Be it known that whereas the river city youth foundation is an organization dedicated to improving the quality of life for the youth of our community and our most precious resource and whereas the foundation's programs are designed to foster self confidence, academic achievement, personal growth, healthy living, civic pride, concern for the environment and obviously great tv presence. Whereas this year's celebration honors the achievements of both the youth and those individual organizations and businesses -- every time the screen comes they get so excited. They can see thems selves right here. And whereas this year's celebration honors the achievements of both the youth and those individual organizations and businesses who support them in ceremonies with the theme beacons of light for a brighter future. Now therefore I on behalf of lee leffingwell, mayor of the city of austin, texas, do proclaim april 19th THROUGH 21st, 2011 AS River city youth recognition days. Congratulations. [ Applause ] and I'm going to recognize the founder who sheer to tell us a little bit more about the history and what y'all are up to. Welcome.

Well, thank you, randi. We're delighted to be here we're very proud of the river city youth foundation children, the honorees this evening. I would like to ask officer valdez up at the front if he would swing around here and join us. I do want to say that the beacons of light is exactly what these children are, but they cannot succeed alone. We hailed from the dove springs neighborhood where many exciting things are going on, but we do have our share of issues out there and it makes it a little tougher for eadz cidz to succeed, to go to college torks have the kind of life we want them to have. You're looking at the cream of the crop. You're looking at kids who have succeeded against many odds, but we couldn't do it without the support of the community and the support of the community comes in many forms. It is through officers, like officer valdez, who is our district representative. I want to give him a round of applause because he keeps us safe. [ Applause ] when it comes to businesses, churches, the fire department, many firefighters come out and make sure the children understand how to stay safe. It also comes in the form of the people out there who are entrepreneurs. I'm about to introduce a young woman who has joined the ranks of the austin giving. It's a wonderful web mag here in town, wonderful

thing. They have just recognized the top young entrepreneurs in austin. Can you step us, please? She's going to share with you one way in which entrepreneurs are helping to get the word out about the issues and the solutions in our community of dove springs and southeast austin.

Thank you, I won't be long. I'm glad to be working with , with austin fire department, with river city youth foundation. We are excited about a new project called austin com where we are going to work on targeting young professionals and emerging leaders to create awareness about the issues in southeast austin, in particular dove spring. All of you know that we have issues ranging from educational attainment to childhood obesity. So we're really excited to work together for the kids. The first issue is going to launch in about a week and we'll highlight river city youth foundation and some of the exciting technology programs that are going on in that area. So log on, [austinsoutheast.com](http://austinsoutheast.com). Thank you. [ Applause ]

Mayor Leffingwell: Mary, you're here. Good.

I'm here, yes, sir.

Mayor Leffingwell: So this is a kind of special event for me. We're going to pass out environmental awareness awards, which is a long-standing city of austin tradition. And I was thinking back when I was first appointed to the city's environmental board. That's 12 years ago. It's hard to imagine that, but -- it seems like only yesterday. 12 Years ago. And the chair of the board at that time kind of pulled me aside and said, you know, we haven't done these environmental awareness awards for several years now. There have been some budget difficulties and they were trying to cut expenses wherever possible. And he said since you're the new kid on the board, you get to organize it. And so nobody had called me a new kid in quite a long while, so I eagerly took it up and helped organize it along with some good folks from the water and wastewater commission and resource management commission. And we started that backup and it's been I believe going ever since. It's an event that does a lot towards creating not -- not only creating environmental awareness, but also recognizing environmental awareness. So we've got a bunch of awards. I'm very proud to be a part of this passing out these awards here today. And mary priddy is going to do the announcements and I'm just going to sit over here and hand them out. Mary?

If I could have all the recipients to please come down. No stampeding, people. Come on, slow it down, slow it down. I'm mary priddy with the austin protection program. I would like to welcome everyone to the second annual environmental awareness awards. The mayor and I had something kind of cooked up. At this portion of the show we were going to do a nice interpret active dance reliving the history of austin recycling. Sadly during rehearsals today trying to lift him over my head I threw out my back. [ Laughter ] we'll try to again next year. So without further adieu we are going to move on to the presentation of our first award. And first up on the hit parade is our solid waste services division. And solid waste services is deserving of public acclaim and recognition. The city held over 20 outdoor events in fiscal 2010 and the solid waste services event recycling program managed to divert 44% of the subsequent waste from our area landfills. In addition, 10 tons of recyclables were diverted from the landfills. Those numbers represent a huge positive contribution to our environment. So we are pleased to acknowledge the fine work of our solid waste services division with a certificate present this had 21st day of april 2011.

And if we could have everyone to stay and we'll get a picture. It's more face time for you. We'll just go with that. [ Laughter ] second up we have the clean air force. And the clean air force is deserving the public acclaim and recognition. The clean air partners program, capp, is one of the leading voluntary programs of its kind in the united states. It brings together all types of businesses to work toward the common goals of reducing ozone forming emissions in our five-county region of bastrop -- that's where i live in case you're interested -- caldwell, hays, travis county and williamson county. So we are please, sirred to acknowledge the innovative and earth friendly work bundy clean air force with this certificate

presented this 21st day of april, 2011. [One moment, please, for change in captioners]

reducing demand for clean water produced by the city of austin, which is obviously having just a tremendous impact on our environment. So we are pleased to acknowledge this innovative and earth friendly company with a certificate presented the 21st day of april, 2011. [Applause] next up in the small business category is car to go, and we're just going to read from this -- thank you for saving me, sir. You don't know how much that means to me. I'm a member, if that helps, of car to go, so that really helps. Car to go is an innovative car sharing mobility program designed to provide convenient, efficient and sustainable transportation sluice solutions for fast growing urban course. Car to go low emission, high fuel efficiency vehicles eliminate congestion and help austin lighten their footprint. We're please pleased to acknowledge this, the 21st day o 2011. [Applause]

it's like I was never gone.

The next category up is the school and education, and the winner this year is the voltage program at brentwood elementary school. And the voltage program uses I object vaitd I have radio frequency waves technology to automatically record each child's trip to school. So brentwood is the second school in texas texas to use this revolutionary program that encourages alternate forms of transportation. So we are pleased to acknowledge brentwood for their use of the state-of-the-art program with a certificate the 21st day of april, 2011. [Applause] of course by the time -- it might be 2012. Last but not least anybody who knows about environmental issues in the city of austin has to know this wonderful person that is a recipient of the mayor's individual achievement award. Ms. brandy clark burton. [Cheers and applause] some of the highlights include developing eco network to improve communication and coordination between eco-related groups. Brandy also helped launch the austin car share. She has done numerous help to work with sustainable food. Quite frankly she's done it all, for the love of god. Wonderful clark things she does. Randi clark burton you are the recipient on this 21st day of april, 2011. [Cheers and applause] we'd like to give our congratulations to everyone and after a group picture i would encourage everyone to join us on the third floor for food fellowship. Just to be -- just a few remarks from brentwood, elementary.

Hi, I'm leslie lisa and I'm director of advocacy for bicycle sport shop, and i just want on commend brentwood elementary as one of the first four schools in texas to launch this innovative commute program. In one year we've gone from zero to 600 kids commuting to school, and you can imagine those health issues it addresses, idling around schools, traffic around schools. But I really want to commend carter, the principal, because this was kind of my baby along with all sorts of advocacy organization support, bike texas, austin cycling association, austin social cycling, funded by trek and bicycle sport shop for four pilot programs that carter she totally thought outside of the box and she said, yeah, bring it. And that school already had green initiative. They already had organic gardens. They had already tapped into the community. They had already connected the dots, and this just exponentially moved them forward significantly in regard to showing our state what these leaders in our schools truly can do and will do with the support we can give them. So I want to have a big hand carter and brentwood elementary. [Applause] thank you all. Appreciate it. Group picture. Group picture.

And again I want to encourage everyone -- invite everyone upstairs to the third floor. We have a lovely reception up there with some rocking harp music by the city of austin's own shannon norton.

Mayor leff it's my privilege to issue a proclamation. Once again -- once again an award for one of our favorite departments here, health and human services. They do such a great job for people who are in need all over the city. One of those programs is -- has to do with immunization. We're very proud of the work that they do. We're very proud of being a city that's able to offer the kind of service that our health and human services department does. I'll read this proclamation and then invite coleen christian, representing a group of those employees, up here to say a couple words. Be it known that whereas vaccines are among the world's most successful and cost-effective public health tools for preventing disease and death, and whereas children need a series of vaccinations starting at birth, to be fully

protected against 14 potentially serious diseases. These have been reduced -- these diseases have been reduced by 99% or more since the introduction of vaccines, and whereas immunizations are among the best ways parents can protect their children against serious diseases, and whereas in the 17 years since its inception this week has served as a call to parents, caregivers and health care professionals to increase awareness of the importance of immunizing children before their second birthday. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim april 23 through the 30th, 2011 as infant immunization awareness week in austin, texas. So congratulations to all of you, and thank you for the work that you do. [Applause] so I'll just give this to you.

Thank you.

Thank you, mayor leffingwell. I j us want to -- I just want to express the importance of age appropriate immunizations in everyone, not just infants, but unfortunately texas has the distinction of only having about 75% of its children under 2 years of age age appropriately immunized. Travis county has also the distinction of having the highest rate of whooping cough in the nation, and children that are unimmunized are 37 times more likely to get a vaccine preventable disease. Through programs like the vaccines for children and the shots for tots and big shots program we provide immunizations free of charge or low cost throughout the city. Thank you. [Applause] a privilege to issue a proclamation tonight for the austin symphony orchestra. It's their 100th birthday. Can you imagine that? Let's give them a big hand. [Applause] you know, I've been privileged several times to attend the july 4 concerts over on auditorium shores outside the log center and enjoyed them very much. I think austin symphony is one of the attractions in a wide variety of cultural opportunities that austin is able to offer to its -- to our citizens, and it's one of our most noted cultural organizations, along with the lyric opera and everything across the board here in this live music capital of the world. So let me read the proclamation and then we'll invite pat harist to come up -- harris to come up. Be it known whereas the austin symphony orchestra has been delighting audiences since its first concert on april 25, 1911 at the hancock opera house, which still stands, doesn't it? Oh, it doesn't? And whereas as the city's leading professional performing arts organization, the austin symphony touches the lives of more than 215,000 citizens each year through its classical pops and youth education programming, including its free july 4 program with fireworks, free sing along system, and whereas we join the symphony in celebrating and thank the organization for its performances and all the hard work that has gone into maintaining an excellent symphony orchestra. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, look forward to continuing to enjoy magnificent music as the symphony begins its next century and do hereby proclaim april 24 to the 30th, 2011 as austin symphony orchestra centennial week in austin, texas. So congratulations, pat. Come on up. [Applause]

well, I first want to thank the mayor and the members of the city council for this great honor. We are so proud of the hundred years that the symphony has been in effect. We're very excited about the week of april 24 through the 30th that you just heard was designated in our proclamation as austin symphony orchestra centennial week, plus riverside drive will be named for our conductor on april 28. It will be called peter bay boulevard, and we're very excited about that. So that sign will be up for that day. We hope you'll have an opportunity to join us for some of our events. We do have one coming up a week from today on april 28 in the long center, and the orchestra will be playing, and they will have as a guest artist itzak perlman who is one of the world's famous violinist, so we are thrilled he's going to be joining our orchestra. We also would like to say is the major sponsor for the evening, and we invite everyone in austin to come. There are very few tickets left, so if you can't get a ticket, please come and watch the live video feed of the concert from the long center terrace, and we're going to then have after the performance "into the light, which is going to be the experience which tells the story of the aso's 100 years history, through narration, music and light. And then that's going to be followed by spectacular fireworks. So we think it's going to be an evening to remember forever. And thank you. We hope you'll come. [Applause] itzhak perlman

mayor leffingwell: okay. A group of citizen volunteers here with me along with betsy spencer, who heads up our housing department and has done a great job for, what, about a year now? Time flies when you're having fun, right? This really is one of the most challenging jobs that city volunteers have, and i

want to really thank them and recognize them for the hard work and important work they do in our community, and let's give them a quick hand. [Applause] a program that's always threatened, always in need. The fight goes on, and i really appreciate the work you do to carry forward and make it work in spite of all the difficulties we face all the time. And it's my honor to issue this proclamation, which be it known that whereas since 1975 the community development block grant program has provided local governments with the resources to meet the needs of low and moderate income persons, and whereas, austin has customized the cdbg and home programs to address our community's most pressing needs, providing jobs, employment training, business loans, home buyer education, down payment assistance, home rehabilitation, and services for children and the disabled, and whereas I urge austinites to join us in recognizing the neighborhood housing and community development office and the city's neighborhood, nonprofit partners for leveraging cdbg dollars for a lasting local impact. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim april 25 through the 30th, 2011 as community development week in austin, texas. So congratulations to all of you. [Applause] betsy?

Thank you, mayor. We appreciate this a great deal. Next week we join the nation in celebrating the 25th anniversary of community development week. Community development week is an opportunity for us to celebrate the federal funds, both the community development block grant, and home funds, that are dedicated to community development and providing opportunities for low-income families in our communities, and this has been a long-standing commitment that we've had. And the benefit of these monies is not just the service that it provides, but it does leverage a great deal of private investment to help families in our neighborhoods. In the last five years the community development block grant fund and the home funds have helped over 70,000 austinites with services, and many of the folks that provide these services are here with us tonight. We have a representative from the austin urban league, who is here with us. Life works is here with us. People fund is here with us. Austin tenants council is here with us. Mary lee foundation is here with us. And then we also have very dedicated staff from the austin housing and finance comption and neighborhood housing that is here with us. -- Corporation and neighborhood housing is here with us. This is truly commission driven work and all of these folks work very, very hard to serve the deserving folks in our neighborhoods and our community. So I'd like to give all of them a big thanks for all that they do. [Applause] and if I -- if I could, does anyone -- I know we've also got some clients here as well. Would anyone like to say something about their programs or what they do? Sure. Come on.

I'd like to introduce steven stephanie from bennett's coffee house. If you haven't been there on east mlk drive you haven't lived. So I want to acknowledge him as an example of some of the maintenance clients we've been able to assist with business loans over the last 20 years. Thanks so much for acknowledging us today. [Applause]

all right. And just -- next week we have a few -- there are some free events. We've got financial fitness classes on april 27 and 28. There is a housing fair on april 30 hosted by the austin tenants council, and if gov/housing you can find out more about the community events. I was supposed to make a joke but I'm terrible about that. All of this tonight was an appetizer for our big event next week but we've got dessert in the foyer. So we've got a big cake. Come and join cupcake with us. Thanks very much. [Applause]