

# Closed Caption Log, Council Meeting, 04/28/11

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I'm austin mayor lee leffingwell.

It's a pleasure to be here at crockett high school in south austin for this council meeting.

We'll begin today with the invocation from father john mary's cathedral.

Please rise.

Let us pray.

Almighty god, we come to this assembly to the people of austin.

Protect and guard the people of our city that they might always enjoy your abundant blessings and grace.

We trust to your mercy and goodness of all of our deeds -- our needs and deeds.

May your blessings come to all who work here and to all the people of the city of austin.

All glory be to you, loving god, now and forever. Amen.

Amen.

please be seated.

Try to work our way through the audio here.

So before we address our agenda I want to acknowledge some folks that helped to make this special off-site meeting work.

I know it's a lot of work and I want to thank the folks who worked to do it.

First of all, communications officer doug mathews, who has led this effort, and from channel 6, keith reeves, abel villareal and mark watson, from our ctm department bob parsons, rust romney, john rig leto, steven moore, jerry ludeki, and from building services, joe leeva and of course joe and kay godiva.

Thanks to sara hensley in the parks department for the decorative plants.

They add a lot to the meeting.

From crockett high school we have principal craig shapiro, assistant principal philip davenport.

Christine burr bank and randy crawl.

I want to thank you-all for making this -- making this meeting feasible and making it happen.

Before we begin I want to recognize crockett principal craig shapiro to say a few words.

Good morning, everyone.

I would just like to welcome you to crockett high school, and we're very proud to have you here today for your meeting, and we're here and ready if you need anything.

The community will be coming in.

The crockett community, as you know, we're in testing season today, and starting 00 our students will be coming in to watch everything in action.

So welcome to you.

Anything that you need please call on us.

Thank you.

thank you for inviting us to your house, mr.

principal.

mayor pro tem? proud to know I'm sporting the crocks colors of brown and gold today.

In honor of the coog crockett colors.

I've spent many summers here off of west gate boulevard growing up with those guys.

Honored to be here.

Thanks for having us.

so a quorum of council is present so I'll call this meeting of the austin city council together on thursday 28, 2011.

We are meeting -- by the , and we are meeting in the performing arts center at crockett high school, 5601 manchaca road, austin, texas.

So we'll begin with our changes and corrections to today's agenda.

6 add apostrophe s to make it read austin waters, and add the words utility meter.

Items 5 and 11 are postponed until may 12, 2011.

Item 39 should read texas disposal systems, deleting the word "services" and " item 43 is postponed until june 9, 2011.

50, change the wording after "austin students," delete the words to implement and add the words "toward implementation of" the automatics youth council in 2012-2013 school year.

55, delete 2010, another 2011.

61, add the words in parentheses, private consultation with legal council pursuant to 071 of the government code.

58 and number 60 are withdrawn.

Our time certain items 30 morning briefing on a presentation on historic presentation program recommendations.

00 noon we'll have general citizens communication.

00 we'll take up our zoning matters.

At 4:00 public hearings.

30 live music and proclamations and very much appropriately the music will be by the crockett high school mariachi band.

So the consent agenda for this morning will be items 1 through 55, and I will 46, which will remain on the consent agenda, which are board commission nominations and waivers.

To the mexican-american cultural center advisory board, bellia sanchez ruiz is council member morrison's nomination.

The following items were pulled off the consent agenda.

15 will be pulled for a brief presentation by law.

32 is pulled by council member spelman.

Item 48 is pulled for discussion after executive session.

Item 56 is related to executive session and we'll take up that item after executive session.

50 will be pulled for a brief presentation.

40, assuming that 39 remains on the 40 will be withdrawn.

47 and 51 are pulled off the consent agenda by council member spelman.

So those are the items -- that is the consent agenda.

I'll entertain a motion for approval.

Mayor pro tem moves approval.

Second.

second by council member cole.

All in favor say aye.

Aye.

I have a discussion -- i can do it after we vote.

Go ahead and make your comment.

on item 39 i wanted to specifically just point out and thank bob getter, robert goode and the folks at tds for the months long negotiation that took place to get us here, and I'm just really proud of where we pended up and -- we ended up and it couldn't have happened without our staff.

So I just want to thank them.

all opposed say no.

Passes on a vote of 6-0 with council member spelman off the dais.

Without objection, council, I would like to go to item 50, because there are several crockett students signed up to speak and they have to get back to taking their sat.

So the three speakers signed up are jacob few fuente, chris and diana walker.

You have a total of 9 minutes.

You can divide it up any way you'd like and welcome to this austin city council meeting and thank you for your participation.

Thank you.

I'm jacob fuente, accompanied by chris wagner and bring anna walker who is a senior at crockett high school.

Very briefly we're here to speak about austin youth council and austin city core.

Basically austin city corps was a program for senior students at crockett.

Basically it was an internship in the first semester we traveled through all the departments of the city to see how the city works with all the con joints, and in the second semester was based on an internship where we had in the mayor's office and the main focus was austin youth council which we'll speak about today.

I'm going to turn over the microphone to brianna.

Mayor leffingwell: okay.

So before you begin, I would like to ask everyone to -- we are having audio problems, so please be as silent as possible while the speaker is speaking so we can hear.

Hello, my name is brianna walker.

I'm a senior at crockett high school.

I'm here to speak about the austin youth council project.

Currently the city of austin faces a large number of citizens who hold a lack of concern toward local government and its elections.

The the shortage of interest has taken a toll on the community because citizens are unaware of the issues that greatly impact them.

For instance, in the 2009 city council election, citywide turnout was a low 13%.

This percentage was even lower for the 19 to 29 demographics.

It is safe to say that a majority of city youth are not yet aware of their government.

This city has taken a step in the right direction to get youth involved in government.

This year the austin corps city allowed us to become more aware of how local government functions.

Students from akins and crockett high school have the opportunity to visit local government facilities as well as an internship of their choosing this semester.

This program makes students more informed and aware of their local government.

Our youth are the leaders of austin.

Teenage disregard of city government does not have to be permanent.

The city needs to find a way to attract youth to not only be interested in government but partake in it as well.

With this in mind we have created an idea of a program that we call the austin youth council.

This council would allow students all around the austin area to collaborate on ideas to solve issues that impact them.

Students will simulate a council, such as the city council, and conduct themselves as such.

Students would have the opportunity to learn firsthand the wonders of city government, as well as become educated on important issues.

Additionally, this program would not only benefit students, but the city to help raise the awareness to -- to help it raise -- the city to help raise community engagement amongst teenagers.

I will now pass it over to chris who has more details about how the program functions.

Hello.

As jacob stated earlier, my name is chris blackner, I'm a senior at akins high school.

And I'm going to talk to you about what youth council is looking like, how we think it would be easier to assemble it and some possibilities for what they could achieve.

In a city as large as austin we felt simply having one large council made up of residents from every high school would be too big.

This is why we think separating the council into different areas with different areas of focus makes sense.

The first of these is the general -- austin youth general assembly.

This is the gathering of all the elected representatives from every single high school in the city coming together to discuss issues and just general planning for the year.

The second is what we're calling district.

These are comprised of 6 to 7 high schools located in the same general area of the city, and they will work together as a group.

Each of these district councils would have 12 to 14 representatives, meaning that there's two from each school.

Additionally, representing the schools on more a citywide scale, which we're calling the austin youth council, would also be assembled.

That would have a total of 7 representatives, one elected by their peers to the district council.

A junior and a senior from each high school could be selected from each of the participating schools, referencing back to what i just said, there is a graphic on the screen, and it describes how we saw the tiered system of it working out.

A junior and senior could be selected from each of the participating high schools.

We felt that having the individual schools decide the manner in which they chose their own representation would be best.

Each of the students would serve a two-year term with the exception -- with the exception of the inaugural group of seniors would be limited to a single term by their graduation.

Each of the representatives will participate in an austin youth general assembly once or twice a year, as I stated previously, and they will convene with their respective district councils approximately once a

month to discuss ways to engage students at their own school as well as those of their district.

Those who have been elected to represent their district in the austin youth council will meet approximately every two months to discuss issues and [inaudible] on the city's austin activities on a larger scale.

At this time I'll turn it back over to jacob who will explain to you what the benefits of implementing this is in both the short and the long-term.

Hello again, jacob fuentes.

Now I'm going to speak on behalf of the benefits austin youth council will bring.

As briana mentioned earlier, we have a lack of commitment and a lack of, you know, youth stepping up and be a voice in the city.

We know that youth in austin are a very big role -- have a very big role into leading the city into bigger things, and that's what we would gain from this is the first bullet point, increased voter turnout at elections for all levels of government, because this would engage students at every high school to get more involved in the community, get more involved into the local issues that not only affect them but affect students citywide.

So we see this being a very big benefit.

The second bullet says youth are more engaged in both their government and their communities.

As I mentioned earlier, the voter turnout from 18 to 29 is much less than we would want it to be at, so this would help bring more voters out into the voting and, you know, getting them involved into local -- local government.

And the last part says austin youth council would serve as a valuable outlet for opinions that normally go unheard.

We see that a lot, that youth within austin are less behind because they aren't as interested as they should be in local government.

So we see this being an outlet for them to be able to voice their opinion, voice their -- just giving us other options to see how we can do things and how we can better our civil lives as well as everything else.

So this is just a couple benefits I wanted to go over briefly with you-all, and that's it.

Thank you.

thank you very much.

And I want to thank you again for your hard work during this first year, this pilot year of the austin program.

You helped make it a big success.

I appreciate your effort and we're going to recognize that further this afternoon during proclamations.

We'll have sort of a graduation ceremony.

Council member morrison? Morrison: thank you.

I want to thank you for your work and the great ideas about the youth council, and I want to especially highlight to our staff, who are going to be working with you, there's some great models that we have -- a few of us had the opportunity to learn about when we went to a -- a national league of cities conference a couple years ago, and it was held in boston, and boston has an absolutely fabulous council -- youth council that's lasted and been productive for years.

I know that the city manager was there and got to learn about that, and assistant city manager, bert lumbreras, as well as other folks in the community, there a coalition called ready by 21 that's worked on this kind of thing, so i hope that that can come together and put together a great way for the youth of austin to participate and help us -- help us make the city better.

thank you.

Mayor pro tem? mayor, I want to thank the youth corps members for just continuing to be a part of this.

It is very critical that we get our younger community engaged in civics and in government and understand -- help us understand the decisions we make also have a huge impact on our young community, and I look forward to working with you-all and with the rest of the community.

I've already had a number of females come in asking, how do I get my child involved in this program? There are a lot of active and vocal parents who want their children to become just as active as they are, and I wholly encourage that.

So I thank the mayor for his leadership on this, and am glad to be a co-sponsor.

Move approval of the item, mayor.

mayor pro tem moves approval of 50 and I will second.

Is there any further discussion? Council member shade? I want to thank you you-all for an incredibly well done presentation and I know a lot of work goes into it.

And whenever I've spoken to student groups in the past I've always said, you know, you're learning as if you're eventually going to be in the real world, and what i would like to tell students, you're already in the real world and this presentation, you conveyed your points so effectively, and the work you're going to be doing, that's the real world.

So I really appreciate the real-world experience that you're getting right now to make a difference in our community and I'm also really proud to be a co-sponsor and I look forward to voting for it and thank you again for your leadership.

thank you.

Council member spelman? I'm sorry i missed the presentation, but I will look for it on the tape.

One of the reasons I missed the presentation is i have -- I think on this dais the similar situation, having



been a member of the mayor's youth advisory council in the city of los angeles in the early 1970s, IT HAD AN ENORMOUS Effect on me, in fact, changed a career change.

I was headed to a degree in international relations, but I got so excited about the stuff happening in los angeles, it created a career change and here I am for better or worse.

I wouldn't wish my current job on anyone, but it getting involved -- if getting involved in city government has the same effect on you it did on me, congratulations.

Thank you.

further comments? All in favor of the motion say aye.

Aye.

Mayor leffingwell: aye.

Opposed say no? Passes on a vote of 6-0 with council member cole off the dais.

Thank you very much.

See you this afternoon.

We will next take up item 32, pulled off the consent agenda by council member spelman.

just a moment, is there somebody from the police department who could speak to this item for a moment? Council member spelman, byron johnson, purchasing.

I'm ready to speak for police, apd, and the wireless communication office.

Spelman: okay.

Thank you, chief byron.

If you could describe for me under what circumstances we would decide -- worry going to do a pilot project of this first, is that right? That's correct.

explain to me what the pilot is going to look like.

Right now based upon the action, if council takes -- for the error, buy -- for 9 the record, byron johnson, financial services department.

The item, if it gets approved to do we'll work with the vendor.

The first order would come in approximately two weeks, with the majority of them coming in the first month.

Then sometime in the july-august time frame we will have the pilot completed.

We've already done the -- the city has the ddd portion of it.

This just deals with the power portion of it, and we'll be ready then to issue a report on the project at that time, and if it's successful, then the full implementation would then start after that.

will the report be given to the city council or just -- will that be an internal report only? We understood that you'd like to have this as a ciur, and so the department has acknowledged that and would handle that as part of the process.

Spelman: ciur? That would go to all council and the city manager.

Spelman: I see.

So we will have a chance to look at the report and validate your standards, verify the success [inaudible] before you go forward.

That's correct.

but we won't have to vote on that.

What we're voting on today would give you the authority to continue with the project and purchase and install the remainder of the units if the pilot is successful.

We're just going to take a look at it first.

That is correct.

Spelman: correct.

That's all I needed to know, mayor.

I move approval of this item.

council member upset man moves to approve.

Second by council member morrison.

Discussion? All in favor say aye.

Aye.

opposed say no? Passes on a vote of 6-0, council member cole off the dais.

And I skipped no.

15.

15 for a presentation by law.

Good morning, mayor and council, andy kerne, austin legal services.

This is a proposed settle for public utility [inaudible] ERCOT transition service payments for the last four

payments of 1999.

The basis for going back and recalculating the payments is the court invalidation of the puc's rules during that time concerning transmission pricing.

Under the terms of the settlement austin stands to receive a net payment to 54 million, an additional \$277,000 in interest, bringing the total amount austin is going to receive to 1.

735 million.

The settlement involves a large number of ercot utilities and is more than likely to be approved but by the puc.

We have claim for additional interest but we feel additional pursuit of that claim wouldn't necessarily result in success and would significantly delay the recovery in this matter, so law recommends approval of the settlement and staff is requesting authority to execute the proposed settle him.

thank you.

Noting once again that this money is paid to the city of austin, not by the city of austin.

That's correct, mayor.

so I'll entertain a motion on item 15.

Council member morrison moves approval, second by council member spelman.

Any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye.

Opposed say no? Passes on a vote of 7-0.

So now we will go to item 47 pulled by council member spelman.

We do have one speaker.

waiting for the speaker, mayor.

speaker is robert owesser.

You have three minutes.

You signed up three times but only get to speak once.

I don't have to speak at all.

that's right.

This is a modification that will allow people that are employed by the university to vote on matters affecting the university, and it resolves some, I think, a little confusion in the code that created some difficulties earlier, actually last year.

And I think that this resolves it and the group that I've been working with in terms of the brackenridge [inaudible] track muni, a push for this -- and council member riley and council member shade worked with us and made modifications and they worked with the city attorney's office, and i think that this will clear that up so that we have everybody that will be able to vote on these issues.

So we support this.

Is there any questions? any questions from council? Thank you, mr.

ozer.

My understanding that the purpose of this amendment is to align the city code with state law so there won't be any difference.

Council member shade? I was just going to say thank you for bringing the issue to our attention and it's my pleasure to be a sponsor on this, so that we can get some more of our colleagues to vote on issues that are really important.

So thank you.

This was a good opportunity to fix something that needed to get fixed.

and i agree.

It was something that needed to be fixed, and I look forward to all council members participating in these votes.

Yes, sir.

council member spelman? mayor, in view of the fact that this ordinance will affect me so directly I think it's appropriate for me to recuse myself.

I'm not sure if there's a conflict of interest or not, but to avoid any possibility I feel like I ne recuse.

council member morrison? same thing for me, I'm going to recuse.

but once it passes you won't have to do this anymore, right? Morrison: absolutely.

so is there a motion? I'll make a motion.

council member shade? I'll make a motion to approve this item, are they abstaining or recusing -- they're recusing.

so I'll make a motion to pass this item.

is there a second? Second.

second by council member riley.

Is there further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye.

Opposed say no? Passes on a vote of 5-0, with council members morrison and council member spelman recused from the vote.

Thank you very much.

51 pulled by council member spelman.

Council member spelman, did you want to speak -- I have a few comments.

well, council member spelman pulled it off the consent -- spelman: are we on 51? Mayor leffingwell: yes.

sure, I'll go first.

This is a -- I guess it's a question for council member shade or it could be a question for the staff.

Why is it that the african-american youth resource center was not eligible or for whatever reason did not file the proposal during the solicitation for social services contracts? is staff here to answer that question? well, I can answer it.

Yeah, because you asked me about it earlier in the week and I gave you an answer, it's the same answer.

They haven't been -- first of all, they have never been funded through our social service contracts, so while the city does support this organization already, it hasn't been since the social service contract process.

The organization didn't -- hadn't been in existence long enough.

It didn't have the metrics in place to qualify through our procurement process to apply either, and this is a great example of a grassroots effort that has been partnering with the city and with the school district and with our health and human services department for quite some time now.

It was actually one of the organizations that was mentioned when I asked [inaudible] linder, who was the speaker when we talked about the african-american quality of life initiative and the types of things that we ought to be supporting, this is one he highlighted that we're already supporting.

I presume that there were some other organizations that put proposals into our solicitation who had not been funded by the city before; is that correct? Yes e the social service -- again, the social service contract process a pretty complicated procurement process.

I think we're getting briefed -- we did get briefed at our subcommittee, and I assume that it's coming up

here in the next month that we'll be seeing it as a council as a whole.

But yes, there are many organizations.

Bert is here, he can probably give you the exact number.

That was the purpose, was to let organizations that are in existence -- we hadn't bid them out since 1994, 199 in some cases.

A lot of organizations are newly born since this.

This one is even newer that ?root barrier wasn't that they had not received money from the city before so much as they had not been in existence long enough to be eligible for funding given our rules? again, this organization has been receiving funding from the city, but not through the social services contracts process.

Spelman: right.

Okay.

Why did we establish -- what is the rule for how long an organization needs to be in place or in existence before we grant them a contract? well, again, we grant contracts to all kinds of organizations, but if you're asking -- it's sort of apples to oranges.

If you're asking specifically about the social services contracting process, or do you want to talk about what that process entailed? Because that was a specific contract for services that had a specific set of rules.

[Inaudible] city manager.

Council member, I can try to get you the specific answer to that.

Generally what we do in our scoring matrix, there's a couple levels of consideration that goes into qualifying organizations for social services, and council member shade is exactly right.

In the past this organization has not gotten funding through social services.

It's been through other sources.

But it's a tiered level.

One is where they just have to qualify as an organization that's been in existence where they have [inaudible] requirements, they have an established board.

I can get you the specific.

Right off the top of my head I don't recall what the specific time frame is as to whether they're required to be in existence or not.

I do know that part of the scoring does go into whether there have been any particular -- been a service provider in a specific area and if they have a certain level of experience, more so than someone else,

and been doing that core area of service provision.

And so obviously, you know, more experience, more experienced staff, staff that has that skill set gets more points.

But in terms of the time frame, I don't have that right off the top of my head.

did the african-american youth resource center put in a proposal in our last solicitation?

I would have to go back and check.

We have up-to-date like 73 proposals that were submitted.

they weren't one of them.

They were not?

Shade: they were not.

So 73 proposals that were submitted.

You know, we had about 2 million that we have available in terms of funding, and the council has some discretion because there was some additional \$380,000 that could be allocated on top of that, but, you know, the 73 proposals total something like 25.2.

But -- so there's a lot of proposals out there, a limited amount of funding that we would recommend, and council member shade is exactly right.

We are going to the public health and human services subcommittee on may the 9th, and then there will be a briefing of council on may the 12th, and then the rca with the consideration on may the 26th.

is the proposal -- thanks, bert.

I appreciate it.

Is the resolution -- do you envision, council member, that the african-american youth resources center would go through the usual proposal, get a score as the other social services contracts did or do you envision something different here? we already have a relationship with this organization.

Spelman: sure.

we have been in discussions, the city staff, including our public health staff has been in discussions.

Many of the council members have toured the facilities, many on the city staff have also.

And it's -- it's an organization that we already have a partnership with.

It's just not a partnership that exists through the social service contracts.

So it's, again, comparing apples to oranges.

There are, you know, lots of arts organizations that we fund through our arts social -- you know, our arts matrix process, and this -- I mean, so I'm not following exactly what your -- we have a relationship with them.

We're looking at ways to expand that relationship with them.

Our existing contractual agreement with them also is in partnership with the school district, which as you know is cutting back on its funding, and we've asked the city manager to look for ways to help offset some of the things that the city is already funding that help offset items that are on the school district's budget as well.

And again, with the caseworking, the educational aspects of this as well as its proximity to the high school, it was something that -- again, you don't have to vote for it, but what I'm asking staff to do is take a look at this.

And there is a little bit of time sensitivity here because of the building in which they're occupying, and it has an opportunity for expanded health care services and some other things that are important to shannon's department.

So that's what I've asked the city staff to look at this resolution, is asking the city manager to come back with some ideas.

And so you don't have to vote on it today, if you don't want to vote for it.

Hopefully there will be enough people to vote to give the city manager the direction to look at the options and then he'll bring back the options.

Again, I think that he's already been looking at options with his staff because I wouldn't have suggested such a quick timeline.

They felt like this was something they could get back quickly to us on, but they are working with the school district as you know to find ways on efficiencies and share costs and this is one that seemed to fit into that category.

my apologies for belaboring the point, but this is a social service, and we did recently pass a dramatic change in our social services contracting process.

And it seems to me this would under ordinary circumstances go under the social services process.

But you're suggesting that we -- you're telling me we're already funding these guys.

we're funding them not through social services.

not through social services contracts.

How are we funding these guys?

do you want to talk about that, bert, or chief McDonald? I THINK chief McDonald might be able to address that.

Spelman: thanks.



Good afternoon, michael McDONALD, ASSISTANT CITY Manager.

The -- conference has been received money for the past two or three years starting in 2009, '10 and '11 and the funding has come through austin energy.

Spelman: austin energy?

Yeah.

how is it we're funding them through austin energy?

It's parts of a -- there are a number of funding mechanisms or areas that we fund through austin energy.

It's just a line item in austin energy that we've -- we funded them to the tune of 75,000 directly, and then another 25,000 we sent to -- we would fund to aisd and that a 25,000 would go on them as well.

So the total is \$100,000 a year.

why is it we are funding this social service? Let me back up.

As council member shade suggested, several of us have gone through this facility, I've had extensive conversations with mike lofton.

I think it's a fine organizations that's doing very good work.

My concern here is mostly with the process by which we are singling out this, and apparently some other organizations for being funded through austin energy rather than through our usual social services contracting procedures.

And it seems to me that we should probably take -- somewhere along the line we need to take all the social services and put them in the same basket so we can actually make an apples to apples comparison between all the social services and make a more rational decision to which ones get funded.

I have no doubt that this organization would emerge as being an excellent organization, fully worthy of funding, but I am concerned about the procedure here.

Approximately how many -- how many social services organizations do we fund through austin energy and about how much is the total funding?

I'd have to get you that information.

What I can tell you is back in 2009 when this action was made, it was made by council, so it wasn't just put in there from staff.

It was part of the budget that was -- you know, that was carried and discussed by council.

well, if it was made as council in 2009 as the budget, I was one of the persons who made it and I'm wondering whether I made the right decision.

can I add something?

Spelman: please.

I'm really interested in this topic and actually one of the exercises that I've gone through is to really look to see across the organization.

So, for instance, in parks, we also fund things that could be considered social services.

In austin energy, one of the things that this council has also been involved with, last year there was a lot of trouble dealing with the youth supports organizations and how we handled that.

That's another place where austin energy has been supporting things that could fall into the basket after considered social services.

Austin police, same -- we have midnight basketball, we have other things that could be construed as community involvement activities.

I think this is probably how this organization and others ultimately got funding through austin energy, much like corporations who sponsor youth activities, that's essentially what austin energy was doing.

It was kind of a community relations effort, and it came right at the time that we had gotten recommendations from the african-american quality of life and from hispanic quality of life initiatives, and these are the kind of grassroots organizations that again, we hadn't rebid the social services contracts, but it is a very different type of process that does -- as we are learning, prevent some of the organizations that are more grassroots from being able to apply.

So again, this resolution specifically directs the city manager to bring us some recommendations.

If you don't like the recommendations in a couple weeks vote them down.

This is only asking that we give him the opportunity to bring us back some recommendations.

Again, it was in the context of at least the work that -- the discussions that I've had with the city manager and with the mayor and with council member riley, the co-sponsors on this item, was in the context of what we're looking at with respect to aisd and the timeliness of the opportunity [inaudible] building because of needs we have in the health department.

would the council member object to a friendly amendment to add direction to staff that the manager, while considering any additional funding to african-american youth resources center, also consider finding a way of taking this and the other contracts which could be construed as social services and bringing that under our social services contracting umbrella in future years? I'm not inclined to accept that as a friendly amendment today, but I'm definitely inclined to work with you on that topic.

I think this is a very specific ask and I want to keep it simple, and because I've done some work in what you're talking about.

I know that it would be much more complicated and not something we could get an answer back on may 12.

So I pledge to you I will work with you on that.

In fact, my office has an interesting spreadsheet that I think mardy could probably pull out to show you how much work we've done from across the various departments.

We had an intern whose job was to spend a considerable amount of time last summer on that very topic, and as you know, I share your desire to really grow the pot of what we can make available for social service contracting and for a bigger diversity of types of organizations that might qualify so that, you know, we can do better there.

But on this particular resolution I'm inclined to keep it simple and not accept that as a friendly amendment.

Spelman: I understand.

Well, I appreciate we have the same interest in having a fair and rational process which gives everybody an equal shot at getting funding, and if one of the issues that we have found important in our previous social services contracting is the length of time that an organization has been in business.

But we have one good organization -- good example of an organization that although has not done business for a long time we believe is worthy of funding and I suggest we may want to revisit our criteria to allow easier access to that funding for organizations like african-american youth resources center.

one of the things we were looking at in social service contracting is, you know, the idea of different contracting pools, because you really can't have, you know, a capital idea or a meals on wheels, you know, some of these organizations that are multi-million dollar operations that we're holding to very high requirements in terms of their -- the services that they're providing to the community.

You know, there are some very specific outcomes we're seeking.

We prioritize basic needs and transition out of poverty.

That's very different from, again, the sort of more grassroots type of activity that we're talking about here, and so it may make more sense to have different pots of money.

But the social service contracting process that we're going to be looking at in the next few weeks are the result of very -- results are very different from what I expect the outcome of this to be.

It really is apples to apples --

I can imagine a venture capital -- it was recommended by the task force that was looking at it, and I like that idea.

-- so should we go ahead and establish a formal colloquy between you and council member spelman? mayor, is one of those things which we could have done -- I will establish colloquy.

Go ahead.

Mayor, I have a comment? council member cole is next.

Cole: okay.

Thank you.

I support this item, and i want to thank council member shade and council member riley and mayor leffingwell for exerting the leadership to bring it forward.

That being said, I would like to remind my colleagues that on issues that are very important to the african-american community, it is important that when we direct staff to do something, to consider something, that we do that with all seriousness, because our community is a little concerned about our credibility.

So I would just hope that when the recommendations come back, that we decide to not only research this item, which is what I understand this resolution does, but that we ultimately authorize, execute and fund.

So I appreciate council member spelman's line of questioning because I think that we really need to make sure that we are prepared to do that.

And I also noticed that linder, who is the chair of the african-american resource commission, is here, and I would like him to step forward just a minute because I -- can you come forward, nelson, just a second? One of the things I would like him to talk about is just a myriad of african-american organizations that exist in the city and that we need to help and that we need to think about budgeting to help or not making a representation that we're going to do that.

Thank you, council member.

Let me just say that unfortunately when it comes to african-american organizations in the city, we have a tendency to always give less and not more.

The result is it creates political problems.

My position is if you look at the quality of life study, there are many organizations that need our support.

I think that this effort by lawson's group is a fundamental part of where we're going in the city in the future.

It's critical.

It does some great work.

I also when it comes to the council that you need to spend more resources on supporting african-american organizes.

The fact is that many organizes who do great work, are grassroots, are never acknowledged or recognized.

I think part of the problem is we have a mentality we only define so many people, in reality if a good organization for people of race and color we ought to fund it.

I would encourage you to read the study, look at the priorities we talked about last year, but also look at more, not less, because i think the reality, these conflict approach to finding, it pits one organization against the other and that's not good for anybody.

I don't see white organizations doing that.

So my suggestion is, do your homework, note these organizations that need support, and take more dollars and spend them with these organizations that need your support, because we're not doing this and ms.

coal is right.

We can't always [inaudible] through the eye of the needle.

Identify the organizations and -- and different organizes, we all be on the same page.

So for me it's disappointing to even hear these kinds of conversations.

The truth is many organizations need your support and your funding, and I would hope right now that when you consider this, consider things for example the [inaudible] case and getting those closed as well because that mentality that says, less not more is really our problem in the city.

thank you, mr.

linder.

So with that I hope this is a friendly amendment -- there's not a motion on the table.

let me just ask randi how she feels about this.

Colloquy with council member shade between council member shade and council member cole.

what did you call it?

Shade: colloquy.

Cole: okay.

Randi, I think that we will get further if we direct the city manager to consider this item and take it before the african-american resource commission and let kind of various african-american organizations come to the table and then bring that back in connection with the budgeting process or the social service process, but to -- I'm concerned about us bringing numbers and not funding it or giving direction to go look at numbers and we're not really identifying where those dollars come from.

So -- and we only -- I don't know what the significance of may 12 would possibly be, but I would just like for us to spend more time doing that, maybe july 1 or -- let's ask -- i mean, I was completely open on the date, and it was -- staff apparently has been already working on some of these things, because again, we've been visiting this for a year now.

This was one of the exact examples that was linder came before us to give the update on the quality of life initiative, and we have shannon, who's -- I don't see here, but who's been specifically working on this with the help of the department.

So staff said may 12.

I'm -- what do you -- i mean, is that date something where you feel like you can be responsive to this?

city manager.

Yes, it is.

I think we can be responsive, and I think [inaudible] may 12, and -- the reason for may 12 and the mayor has alluded to it, is the critical timeline that the organization is working under.

So we are completely prepared to do what we need to do in terms of financial analysis and come back with recommendations within that time frame.

well, can I ask, i

GUESS chief McDonald or -- council member cole.

Cole: I'm sorry.

When the next african-american resource meeting is?

Their next meeting is wednesday next week.

Cole: okay.

So you think you can have this item prepared for that meeting?

Well, I wouldn't have -- I guess --

we wouldn't have the work that -- you know, that we're -- if you pass this, the two weeks we need to go do all the staff work, we wouldn't have that completed by next wednesday.

We certainly would be in a position to discuss.

There's still time to get it posted to discuss it, if that's what you're asking.

well, I guess, council member shade, nothing prevents the items from coming back to us and us still sending it to the resource commission.

Is that --

shade: that's right.

Wait to see what they give you, and again, I mean, you don't have to vote for it on may 12, and you can suggest -- you can suggest it get sent somewhere on may 12, but they want to bring us recommendations on may 12 and I'm willing to let them do that.

That's all I'm asking in this resolution, is let them work on the timeline -- you're not concerned with it going to the resource commission, no reason to delay this.

Shade: no.

I'll move approval.

Second.

council member shade moves approval, second by council member cole.

And let me say, obviously I'm a sponsor of this.

I'm going to be supporting it, and a lot has to do with the established track record that michael lofton's organization has in doing good work in the city, and a lot has to do with the fact that it's a collaborative effort between the city of austin and aisd and perhaps others, and other organizations housed within the same facility.

This looks to me like a unique situation, a unique opportunity, and I think we ought to take advantage of this closing window of opportunity to support it.

Mayor pro tem? I want to briefly go back to the comments and exchanges that were taking place earlier, and while I absolutely support and agree that we need to have uniform policies, this is directly in line with the established policy of the african-american quality of life initiative.

It didn't say, where do you get the money and how do you put it through a process? It said, put your resources, time and energy towards these efforts.

And it didn't say -- it doesn't -- it doesn't matter where it comes from.

The report is very clear.

It doesn't matter how we get to this point.

Just get there as quick as we can and invest in these programs in our community.

And we have other established programs that don't run through the social service process that we fund to the tune of a million dollars a year in the holly good neighbor program.

That program is a million dollars a year and it doesn't go through health and human services and it doesn't go through a process.

It goes through austin energy.

But we fund home repair, we fund cultural arts, and that's an established policy of the council.

This is no different in my mind, and to me it doesn't matter where the money comes from, we are following the established policy of the african-american quality of life initiative by doing everything we can in overturning every stone possible to find funding for this program, and I'll be supporting this.

further comment? Motion on the table.

I believe, mayor pro tem martinez has just offered to fund the african-american resource center in the same amount that we fund the holly good neighbor program, and i guess we'll be bringing that resolution.

[Applause] clarif y, that is not part of the motion.

Cole: I understand.

[Laughter] all in favor say aye.

Aye.

Mayor Jefferingwell: aye.

Opposed say no.

Passes on a vote of 7-0.

Thank you all.

So now we'll go to our morning briefing, which is a preservation on historic preservation -- correction, we need to have a very quick executive session before we have this presentation.

So without objection, city council will go into closed session to take up one item 07, 1 of the government code.

City council will consult with legal council regarding the follow item, item 59, to discuss legal issues relating to the historic preservation lawsuit cause no.

d 1 gn 11001063.

Is there any objection to going into executive session on this item? Hearing none, the council will now go into executive session.

Fuente brianna bring anna council, citizens of austin, I've spent more than a year and a half writing a report that is about to be release odd austin's water conservation efforts.

The majority of this report has been self-funded and has been motivated by my disappointment in the city's efforts over the past few years to save water.

I expect to release this report in the next few days and it will be available to the public on my website, [environmentaldirectory](#).

info.

The new report is entitled read it and leak.

And it reviews several dozen programs and efforts that the water utility is responsible for.

The report is over 60 pages and I cannot present much of it in my brief three minutes.

However, I want to present a couple of points that all of you may find interesting.

Slide.

In january the utility presented you with a plan to reduce water use down to 140 gallons per capita per



day.

Given past history, this may seem like a formidable goal, but in fact austin already achieved this goal in 2010.

Here is the chart of gallons per capita per day.

Notice that it is down since 2007 when the two-day water restrictions began.

In 2010 we were at 135 gallons per capita per day.

Below the goal.

Next slide.

Here is another slide of overall consumption.

Compared to austin's rising population, austin's 2010 consumption was the lowest since 1997 even though it had a 33% population increase.

How did we do it? One answer is that austin had a lot of rain, but another is that there were emergency drought restrictions in a three month period ending in 2009 and the beginning of 2010.

After that consumption stayed dramatically low, even considering the rain.

Or to put it succinctly, we got it.

Austinites remembered the drought, the public education and the citations given to violaters of the one-day per week ordinance.

I do not believe austin will have consumption this low this -- consumption this low this year as we are in another drought, however with good education and enforcement, we can keep consumption relatively low.

Now, I ask you to reconcile this with your new treatment plant, water treatment plant 4 will cost almost \$45 million when it comes online in 2014.

This includes principal interest times coverage, operation and maintenance.

This assumes no cost overruns.

At this point in austin's history this expenditure is a direct competitor with water conservation.

I believe you are creating a financial environment that will --

Mayor Leffingwell: Your time has expired, mr. robbins.

There's no beep.

Mayor Leffingwell: We have technical difficulties off site.

I've been getting the signal -- your time has expired.

Finance your sentence.

Thank you.

I believe you're creating a financial environment that will encourage water conservation in order -- that will discourage water conservation in order to pay for the plant.

Hence my title, read it and leak.

Thank you.

Mayor Leffingwell: Next speaker is -- we don't have a buzzer for the timer? Okay.

Just -- do you have any balloons that you could send up? Some way we could signal the speaker.

Kelly hullender, crime and police multi-family.

You have three minutes.

Hi, my name is kelly.

I'm the community manager for fort brands at (indiscernible) located on tech in a center drive.

I came to austin with 10 years of low income tax credit multi-family experience.

I have dealt with all types of crime from drugs, burglaries, gang vielsz and teenagers in the multi-family communities.

I have also managed the community post katrina, which entailed merging different lifestyles into one community.

I have always been successful with these challenges with the help of local police agencies.

Fort branch at truman's landing participates under program not to be misconstrued as pure section 8 or housing.

The communities were developed for middle to low income families.

The average income for a family of four is 44,000.

We are attempting to target working families that need that break.

Operating a section 42 community has challenges.

Our community operates off of a budget based on rents capped by the i.r.s.

The owner making money in this economy is very difficult.

With that said I hope that this can set the tone for my concerns.

Legacy management group took over the management of our COMPLEX ON MARCH 1st.

We were amazed by the visual drug deals being made in our community.

After talking to the residents we realized soon that they were not comfortable calling 911 due to retaliation.

In the first week my maintenance was told his head would be blown off for fixing the gates.

In cities like dallas, arlington and irving texas, I was able to join programs teabd by the police department in order to fight crime.

There would be -- it would be as simple as multi-family manager meetings, increased patrol, manager notification system for all calls on the community.

March 3rd I attempted to start contacting the austin police department to see what resources I had in our corner.

My supervisor carol will be speaking next on walls that were placed in front of us for the last 60 days.

The police department would come into my office, often to serve felony warrants and I was unable to get any information.

Would I would corner them and plead for help, many laugh and confirmed how bad the situation was.

When I called the austin police association, they said that they would not be -- one officer interested in being a courtesy officer because the crime was so bad.

She suggested to hire off duty police officers as a cost of \$27,000.

As the weeks went on i continued to talk to any police officers and ask why I could not get a police control patrol.

Right now our main focus is the events.

It's that season.

The worst part of it all is when a police officer told me it would be in my best interest to get a concealed weapons license for my safety.

Fort branch could be a great asset to the austin community.

My hands are tied.

I can't get housing authority or the court to evict a residents without the police support.

I am asking you today for your help.

We need a multi-family taskforce.

Meeting for managers for the area to discuss with the police what is happening on a daily basis.

More of a presence of police in our communities that are troubled and communications set up with control and managers want I do not believe that fort branch should have to pay \$27,000 for a police presence.

I can honestly say that in 60 days not one police car has entered our community just to patrol.

The economy is tough, i understand this, however, i can't seem to get out of my head the perception that your police officers have.

Ma'am, I am sorry.

Can I just finish? Thank you.

Ma'am, I'm sorry we have too many events going on to fight the crime here in community.

Tourism is great, only if your city is safe.

This is very close to my heart and I just truly believe that every person deserves a safe place to live.

Spelman: Mayor? Miss hullender, would you do me a favor? My staff and I are working on improving safety in multi-family all over austin and we would like your help in framing that program.

If you could give my staff a call.

The fellows call is barksdale english.

Just give -- I'm expect.

If you -- councilmember spelman.

If you give our office a call, we would love to talk to you.

We would love to talk to him.

Martinez: Mayor, i would like to request that staff get with her on her immediate concerns to see if we can address some of those in the shorter term.

Mayor Leffingwell: Carol dougherty.

Topic is crime, calls for assistance and efforts made for police support.

Good afternoon.

I too am with legacy management group and have been a part of kelly's frustration.

I would like to tell you as briefly as I can some of the experiences that I've had so you can understand

where we're coming from and where we felt the need to address you today.

My first visit to the police department downtown was to request calls for service as we are new coming to the city of austin.

I wanted to know what we were walking into to we could be prepared.

When I got there I was told that I needed to write a letter, however the woman at the desk was helpful and said I can help you with an internal email and I will send that off.

So while I was there I wrote down what I needed, what the addresses were.

She submitted it internally.

It took me six weeks to get a response.

Simply on calls for service.

Which I found a little shocking.

The second effort was in dealing with some of kelly's so I started making phone calls myself.

I left messages.

I went through every voice mail system I could get my hands on to try to reach the narcotics division, gang squad, vice.

Anybody that would listen.

I left specific messages regarding examples of things that we personally had seen, drugs being handed to kids getting on school buses, interaction with them when they would come home to try and collect funds.

We watched threats being made to the employees, which I take very seriously.

They're my responsibility and I need to feel like I'm going to get some response.

Not one message over a 10 week period was left to me in response to the five or six messages that I left throughout the department, not one.

One day I was going to another community.

There was a warrant being served by a u.s. marshal.

So I called the marshal back and I said I keep trying all these different avenues.

We've worked with travis county sheriff's department and they've started to be supportive and the person we had was going on vacation, so we thought we were going to get the same response.

So I appealed to the marshal and I said I know this isn't something you normally handle, however I need

some contacts.

Please, I need your help.

He called me back.

In the meantime I said, do you know what? We're going to take it and we packed up files.

We went to the DEA office.

I can tell you that they spent an hour and a half with us.

They took notes, they listened to what we had to say.

Upon leaving their office, I asked if we should continue to pursue our efforts with A.P.D.

They encouraged us to do so.

We went downtown that afternoon.

I can tell you the experience I had there was shocking and appalling.

I spoke to a gentleman at the counter, I told him that I had just left the DEA offices, I had some serious problems at an apartment community and I really needed to speak to someone in charge of one of these departments.

Was there a commanding officer, someone I could speak to? He referred me to 311.

At that point I said sir, with all due respect, I think I'm a little bit beyond 311.

I'm new to the city, but in Houston I call 311 for issues with my trash pickup, animal control, other city related issues.

I really need to speak to someone if I could.

So after about 10 minutes he finally asked me for the address of the one property.

Mayor Leffingwell: That is your time.

Okay.

Thank you.

And we have a similar conversation with you as well.

Sir, I have been in touch with someone.

Thanks.

If I may.

Mayor Leffingwell: City manager.

Ray, could you find the assistant city manager michael mcdonald.

Ma'am, assistant city manager mike mcdonald is over our police department.

And I've just directed my assistant to go and get him.

So if you will hold on for a second, I will have assistant manager mcdonald interact with you directly and see if we can get you some satisfaction.

Thank you.

Mayor Leffingwell: Before we go to the next speaker, I want to try to get -- he know folks are waiting for the morning briefing that we haven't had and some other items that are left over from this morning.

But when we finish citizens communications, we will go into executive session, back into executive session on other items.

We'll be in there -- it's always hard to determine how long it's going to be, but i will say it will be at least an hour.

So if you're waiting on -- when we come out of executive session, we'll take up -- the first thing we'll take up is the briefing on historic preservation, but that's not going to occur before about 2:00.

Quarter of 2:00.

Just as an advisory.

So the next speaker is gary thomas to thank the city council and introduction to identity theft courses.

mayor and distinguished members of the council.

Thank you for affording me the opportunity to come and speak to you today.

My name is gary thomas.

This is don aldrige and we are the co-directors of kid gloves, identity theft self defense.

On january 29th of last year I came before you to raise awareness of the plight of children victimized by identity theft, particularly foster children.

I want to thank each of you for putting together this form.

Since I was last before you kid gloves has gloan and its mission has expanded.

We've created wonderful new alliances, reaffirmed our goal.

Our mission is now free classes for preteens, college students, adults, seniors and collect professions in

the field of endeavor.

We built alliances with individuals and groups sympathetic to our cause.

Notable among them is jeffrey richards, ceo of the austin area urban league.

Jeffrey helped to champion our cause and send it up the hill.

Also there is senator kirk watson.

He helped shape our cause into legislation and carried it to the senate floor.

Our first legislative victory was also our first goal.

On march 24th, senate resolution 616 was pass and march was declared child identity theft protection and awareness month in the state of texas.

Each of these initiatives and accomplishments merely cemented our goal, training every child in the state of texas on identity theft and what we call identity self defense by december 2012.

We're working doubly hard to accomplish our goals and make an identity theft self defense anonymous with vaccination.

We know the springboard in this form you have all put together and allowed us to come speak before you nine months ago.

So as kid gloves goes forward, grinding out more victories in the state of texas and continue our quest to make our kids number one in identity theft awareness, education and protection, we rehash the opportunity to come back here where it all start and share our victories with you.

Thank you very much.

Mayor Leffingwell: Thank you.

Next speaker is carol anne rose kennedy.

Cole: Mayor, I have a couple of questions for the speaker about the kid gloves program.

Can I just ask you to make an appointment in my office and let's visit a little bit more about that? Because I would like to have that evaluated and sent to staff for further evaluation for some of the items we're considering funding in the future.

Thank you.

I would be delighted.

Let me emphasize quickly that the classes are free and we are a nonprofit foundation.

Anyplace we're called we come.



Thank you very much.

Cole: I know jeffrey is always looking for money.

[ Laughter ]

Mayor Leffingwell: Carol anne rose kennedy? Not in the chamber.

So we'll go to phillip greene.

Phillip greene, topic is lago vista ends water fluoridation.

Councilmembers, one week ago today lago vista city council voted unanimously to end their water fluoridation program.

It was a 7-0 vote.

Several concerned citizens had petitioned the council for it's removal.

A working session on the subject was held and a week later they voted to end the water fluoridation program.

You, councilmembers, have been presented with far more information and testimony from experts pertaining to fluoride's dangerous effects, particularly on children, ki dialysis patients and diabetics.

You have been presented with studies from the national association of science all showing that low level fluoride intake from two to four parts per million can have effects on down syndrome, thyroid function increase in the severity of diabetes and has been linked to various cancers.

I have been in contact with lago vista city council and councilmember bradley spearheaded the campaign.

The lago vista city council listened to their constituents' concerned, looked at science and agreed that the risks associated with fluoride far out weigh any benefit it may have.

Recently rock island illinois has a small spill of acid requiring the deployment of hazmat teams in body suits and masks.

I brought news footage if time permits.

A similar pill in marble falls years ago ate through six inches of concrete and prompted and end to their water fluoridation program.

In fact, there is little to no research on this to human health.

wong or any of you to find such a study.

The detrimental effects of sewed yowm fluoride is not available.

Levels of two parts per million has wreaked havoc on other communities.

The cdc and hss pretend that slightly lower levels are not damaging while their study showed an average of one part per million has averaged 40% of our children's teeth.

That being said we do not add sodium fluoride to our water.

We add hex so flor rick david and there is a big difference.

This is fluoride.

It is composed primarily of calcium fluoride.

Similar to sodium fluoride, it is a relatively inert mineral.

I could not bring an dpample example of it today because I do not have the license, permit or a container to safely transport it.

In fact, if this room was exposed to a comparable amount of that acid it would have to be evacuated and decontaminated by the local hazmat team.

It is agreed upon by the medical community that there are certain risks to subgroups of the population by flor adaed water.

You cannot verify the safety of the substance being added.

This is no longer a choice.

It is your duty to serve the public you serve.

You need to put this issue to a vote and vote to end the water fluoridation practices.

I hope this will be a unanimous one.

Thank you for your time.

[ Applause ]

Mayor Leffingwell: Davila.

And the topic is the mexican-american experience.

Mayor, mayor pro tem mike martinez and council.

I'm a member of crossroads events, and we have a little presentation here with some funds that you've allotted us and helped us, something for the mexican-american community.

And we want to thank you for the bottom of our hearts for allowing us to put this function on.

Please.

I would like to add that we had over 5,000 people (indiscernible).

thank you again.

Martinez: Mayor? Leonard, I wanted to thank y'all so much.

Mayor, during south by southwest we sponsored two separate events at the mexican-american cultural center.

Both of them were latino events.

One was the pan american festival and the other was the mexican-american experience.

I can't thank these guys enough for their efforts and dedication to trying to preserve literally a part of texas culture because it is a dying breed.

It is something that is not as mainstream as it once was.

And I grew up with a father who was a tejano musician for many years.

I played in a band, not a tejano band.

It's experienced like this that help our young folks understand where we came from and I hope that we can continue to support this event and similar events moving forward.

This was a one time funding from the city of austin, but I will be doing everything i can to work with these guys to continue these events because as you saw, the turnout was incredible.

It was a family atmosphere, thousands of austinites showing up and really enjoying a wonderful night of culture and music and so I just wanted to thank leonard and all of your team.

I see skeeter out there and rivera worked very hard on this.

All of you, thank you so much.

Thank you.

Mayor Leffingwell: Ronnie reeferseed.

Peace, freedom and fluoride.

Pray for japan and all of us.

Thank you, sir.

Let us all pray for an end to the short sighted nuclear energy con numb drum and let us pray for japan.

This is ronnie reeferseed saying kids, don't waste your time on drugs.

Those are for adults.

No more fluoride for me, thank you.

And boycotting, by the way, -- I'm boycotting, like the nation of bahrain for syrian sovereignty, I'm boycotting this wedding that is in effect.

They surely lost pli invitation in the mail for the ongoing attempt at resuscitation of the long time brain dead, pitifully royals who have other people wipe their ass for them as a routine.

You know, daddy prince charles revealed that he really wanted to be that ever so special and sacred virus, amoeba or microbe that breaks out somewhere and really sterm naites the human race.

Like fluoridated h 2 o # msg, as pertain, etcetera.

Fit to be a king? You decide.

Our nation was founded because of our (indiscernible) of the victorian whims of above from our so-called leaders.

So so-called president, so-called barack obama, lifelong subject to the queen, thus ineligible and further subject to blackmail, barry satoru does not have the authority to shred our precious constitution because others have before it.

Come on now.

If billy jumps off a cliff, does that mean you have to jump off a cliff? No.

Obey your own, protect and defend your oath to -- protect and defend from all enemies, foreign and domestic, our precious u.s.

Constitution.

As we all know all the traders in washington, d.c.

Have actually sworn an oath to protect and defend the constitution in both big party schemerships, scheming leaderships conspired to shred and destroy our nation's gift to the world's history of freedom.

Which is sadly brief and incomplete.

For example, even here the today, you are more likely to be murdered in the womb than allow to be born alive if you happen to be black.

I wonder why our nation's largest capacity of abortion mills, which is called planned parenthood center, was recently opened for business smack dab in the middle of the ghettos of houston, ttion.

Not to be out done, all citizens of travis county, including austin, have to surrender our own precious tax buyer dollars to subsidize this ongoing genocide for babies of any and all persuasions.

Celebrate life.

Fluoridated water, that poison -- it is poison and we demand no more fluoridated water.

Let's try to stop the killing of our babies, our pets, our gardens, ourselves.

No more.

Face reality.

No more fluoride.

Mayor Leffingwell: Your time has expired.

What? I've got another page.

Mayor Leffingwell: No.

Too bad.

Walter olenick.

Topic is water fluoridation.

Thank you, council for your time.

Most of us have trouble believing that a few highly placed corporate-backed political experts could have an unstated agenda when they characterize diluting an inconvenient toxic industrial by product in our water supply as a universal dental benefit to the american public.

I know I do.

What do we really know about this program? We know the cdc says it is safe to drink in specified levels.

says it is effective based on their own limited studies conducted a long time ago in two city pairs in michigan and new york.

Those studies were conducted using sodium fluoride.

Do we know it is safe and effective here? We are using hydro fluor row say lick acid in the water.

No research on that has ever been published anywhere.

We have a different climate, different population, different culture.

We're texans.

It's true parts of western texas are overfluoridatedfluoridated with naturally occurring calcium fluoride in which that ion tends to mitigate the toxicity of calcium iron.

We have a little bit of that in our water which constituent subsidizes.

We have been fluoridating in austin for approximately 40 years.

We have one of the biggest research universities in the country right here.

Yet in 40 years not a single local human study has been conducted, not one.

What do we know about fluoridation in our community? Absolutely nothing.

As a texan, I don't like being hold told what's good for me by washington, d.c.

Bureaucrats.

Do you? Numerous communities in texas have never fluoridated, and several of those that once did have recently stopped.

I suggest an immediate moratorium on fluoridating austin's water.

I suggest we use the fluoride budget to fund our own research to we know something.

Almost two years ago our own environmental board called for an independent study.

I stand with our local environmental board.

Is there any one of you who disagree with me? Well, hearing none, I charge you to stop fluoridating now!

[ Applause ]

Mayor Leffingwell: Thank you.

Council, those are all the speakers that we have signed up, but without objection since we are off site here at crockett high school, i would like to allow one teacher to speak for the students of crockett high school for three minutes if there's no objection.

Your honor, I have an objection.

I would just like to ask --

Mayor Leffingwell: You don't get to object.

This is objections from the council.

Okay.

Thank you.

I would like to ask for everyone's attention when we have speakers.

Thank you.

Mayor Leffingwell: Ms.

bernard? Is she here? Welcome.

And you have three minutes.

Good afternoon, mayor leffingwell and councilmembers.

Thank you so much for being here today.

We really welcome you to crockett high school.

shapiro asked me to speak.

My name is susan bernard, a teacher here at crockett, and I have been here at crockett teaching for 34 years.

And I did my student teaching at crockett and i also attended crockett high school.

I'm born and raised in austin, native austinite, and my daughter went to crockett high school.

And now my daughter is also a teacher here at crockett high school.

She teaches english as well.

So this is truly a family tradition for us.

I believe crockett high school is austin.

shapiro came here two years ago I told him i felt like crockett was at a crossroads.

We could do one of two ways.

And -- one of two ways.

And obviously since I do bleed brown and gold i wanted us to go in a positive way.

And I feel like I've dproan up in austin, so I've seen austin change and I've seen crockett change.

I love this school.

I love this city.

And one of the things that shapiro came in, we decided to make some positive changes.

And our school now, we are winners in uil, we are going to playoffs in softball and fingers crossed baseball.

I've seen such positive changes here in just the I've seen us turn this school around.

And I feel like that's the direction our city is going as well.

I appreciate what you do.

I appreciate you being here today.

I think it's awesome that you're out in the community with us talking and staying open so that everyone can see it.

One of the things -- shapiro calls me the may tee arc.

I don't know about that term.

I think it's okay.

I love this school.

And I'm very proud to see this -- the direction that this school has gone.

And I think I need to say to you, I love the job you're doing.

I love the job that our police do.

I love the way this city is run.

And it's one of the reasons I would never live anywhere else.

And I would never teach anywhere else.

True, south austinite right here, live in south austin, went to school in south austin and my whole family has gone to crockett and now I have students whose parents were my students.

This is a family here at crockett and I feel like that's the way austin is.

And I like that and I like that all of you are trying to keep it feeling like a family.

Thank you so much for coming out today.

[ Applause ]

Mayor Leffingwell: Thank you.

You and me from south austin.

I want to thank you for being a great citizen of our community and a great teacher in making such a contribution to all of us.

Thank you very much.



[ Applause ]

I'm going to add one thing.

I also started volunteering a couple of years ago for the victim services crisis team.

And so I have gotten a different perspective in just the last year.

The other side.

And I think that's one thing that makes me so proud of the direction that austin, south austin, crockett, i think -- I just think that this community does a great job of keeping this city feeling like a family.

So thank you.

Mayor Leffingwell: Thank you very much.

So without objection, the city council will go into closed session to take up three items, pursuant to 071 of the government code, the city council will consult with legal counsel regarding the following three items.

Item 48, discuss legal issues relating to the city charter amendment item.

Item 57 to discuss legal issues related to open meetings act.

Item 61 to discuss legal issues relating to the nathaniel sanders senior, et al, v leonardo kin tan in a and the city of austin and sir smith leonardo quintana.

Is there any objection to going into executive session on the items announced? Hearing none the council will now go into executive session.

Godiva cougars cougar test test we're out of closed session.

In closed session we took up and discussed legal issues related to items 48, 57 and 61.

So, council, without objection, I think we can get through our zoning cases in about two minutes.

It's all consent.

So if there's no objection we'll take that up and then we'll go to our briefing on historic preservation.

Mr. Guernsey. thank you, mayor and council, greg guernsey, director of planning development and review.

00 zoning neighborhood planning amendments.

The first is case 62, case npa 2010-0018.03.

This is for the property located at 5011 burnet road.

This is a change to neighborhood plan for the burnet highland combined neighborhood planning area.

It would change the future land use map designation from single-family to mixed use.

It was recommended by the planning commission, and we do have the ordinance available for approval on three readings today.

So I'd like to note that change that item 62 can be offered for three readings.

63 is a related zoning case, case c14-2010-0025 for the property again at 5011 burnet road.

This is to change the property to general office mixed use building, neighborhood plan or go-mu mp combined district zoning.

The planning commission redges was to do conditional over mixed use, mu-co-np combined district zoning.

This is ready for consent approval on all three readings.

The last item is item no.

64, Case c14-20100010 for the prope 82111 street.

This is to change to dmu mixed zoning.

Planning commission recommendation was to combined district zoning, and this is ready for consent approval on all three readings.

thank you.

So the consent agenda is to close the public hearing and approve on all three readings, items 62, 63 and 64.

Council member cole moves to approve the consent agenda.

Is there a second? Council member riley.

All in favor say aye.

Mayor leffingwell: aye.

Aye.

opposed say no.

We have just enough votes.

Passes on a vote of 5-0, 6-0 with council member spelman off the dais.

Thank you, mayor and council.

That concludes the zoning items today.

thank you.

So now we'll go to our morning briefing.

Good afternoon, mayor and council members, I'm Jerry Rusthoven with the planning development and review department.

I am joined today by Steve Sadowsky, the city's historic preservation officer.

Allison McGee, the historic preservation officer and Lorri Limbacher who is chair of the historic landmark commission.

We are presenting this because of a resolution that council passed on June 10.

I will be reviewing the economic benefits of historic preservation, including heritage tourism, property values and other. Sadowsky will bring you through the historic preservation program revisions, including designation criteria, historic districts, historic landmarks tax exemption and additional recommendations.

At the resolution that the council passed on June 10, the council directed the manager to prepare an analysis of the economic benefits of historic preservation, identify best practices for identifying and assuring preservation of historic properties, to limit the total amount of property tax exemptions each year for each property and to work with the historic landmark commission on any other aspect of the preservation program.

Staff has been working with the special operations subcommittee of the historic landmark commission for the past nine months to complete this project, and the historic landmark commission vote passed Monday night on the recommendations -- on their recommendations and they are included in your report.

I will now speak to the economic benefits of historic preservation.

I'd first like to acknowledge the assistance William Kelly from UT.

Kelly Cayman made a presentation -- came and made a presentation about the benefits of historic preservation and prepared a zone report.

In his report he identified 11 studies, which focused on the economic benefits of historic preservation.

I went on the internet and downloaded those studies and reviewed them myself, presenting my findings tonight.

These studies concluded that the preservation impacts tourism, increases property values, generates economic activity and creates jobs.

This is a list of the 11 studies that I examined.

I have hard copies of these studies here.

If any council member would like to see them I can make a copy and send it to your office, but these are the 11 that I used.

The first [inaudible] speak with regard to -- is tourism.

Heritage tourism has a 3 billion impact in the state of texas in 1997 in a study done by rutgers university and the lbj school.

Heritage tourism benefits the city through hotel tax, sales tax revenue as well as job creation.

These studies show that heritage tourists spend more and stay longer on average, they spend \$623 per trip versus 457 per trip for a normal tourist, and they stay 7 nights as opposed to 3.4.

It's also noted that in general a heritage tourist in addition to being generally wealthier, will stay at a nicer place such as the judges of mansion hill or the driscoll or the intercontinental and leads to higher hotel occupancy tax for the city.

The city also has some well-maintained national registry districts such as east sixth street, congress avenue as well as the historic warehouse district.

These areas are obviously popular entertaining areas and staff feels that without a doubt the preservation of those areas is what makes them popular.

Also the city of austin, we don't have empirical data but we believe that it benefits from being the state capital with regard to heritage tourism because there are certainly people who come here to visit the state capital, hopefully in the near future the governor's mansion, the state archives, et cetera, and spend money in our city.

The next thing I'd like to address is the increase in property values.

The studies that I reviewed showed that the historic preservation on average increases property values between 6 and 21%, with the average being about 20%.

These studies use statistical methods to ensure that the increases are due to designation, not other variables, and for the math major and professor on the left side of the dais, that included ordinary squared analysis with [inaudible] for heteroskedasticity.

Historic land has most property value, other than landmarking values.

The reason is for this is because of certainty, and a lot of studies compared historic districts to a homeowners association.

When people buy a house in an area covered by a homeowners association, they are willing to pay the homeowners association dues in exchange for the certainty that the association provides through restrictive covenants and architectural review committees.

Likewise when someone moves into an older section of the city such as hyde park or capitol hill, the presumption is one of the reasons they look there is they like the look and character and feel of the older neighborhood.

A local historic district provides the benefit of knowing that that character and feel will remain through design standards and review by the historic landmark commission.

So in a lot of ways they're like an hoa in that they preserve the look and feel of a neighborhood, and this certainty leads to increased property values because people put a higher value on that than they do the possibility that the neighborhood may change and they may no longer like it.

The studies found that the benefits of a district include even the noncontributing structures within the district, that the rising tide is all boats, not just the contributing structures or the historic landmarks, and the least benefit was provided to the least expensive homes in the district.

Generally the nicer the home, the more benefit it receives from being within a district.

In addition there are some other economic benefits of historic preservation.

Again, the rutgers and lbj study found that in addition to heritage tourism -- or including heritage tourism as well as other preservation activities, that this has a 7 billion impact in the texas economy in 1997.

The studies also showed that there is increased reinvestment by property owners in areas that have historic districts compared to areas that do not.

And I also found that for every \$1 million invested in preservation, 18 jobs are created versus 15 for new construction.

Basically preservation requires more hands on work and a greater level of skills labor, and so a dollar per dollar, you can get more construction jobs out of historic preservation work than you can out of new construction.

So those are my findings with regard to the economic benefits of historic preservation.

I'd like to turn it over to steve sadowsky, who is the historic preservation officer and he will discuss the proposed changes to the historic preservation program.

Good afternoon, council members, steve sadowsky, office of the historic plaque I planning office development and review.

Hopefully you have a copy of this report that we prepared, and there are a couple things I'd like to point out to you.

In front are a matrix, summarizing the recommendation of the heritage society, the operations committee, the historic landmark commission and then the staff recommendations.

Then on the tan paper there's also an executive summary of the recommendations.

In the very back there is stapled to the back cover a cd that contains a map of all the historic landmarks and a database with all the historic landmarks, and going through various scenarios with their valuation, address, date of construction, architectural style and then various scenarios for how we incentivize the preservation of historic landmarks.

I'd like to start first by acknowledging the long hours and work of the operations committee, headed by lorri limbacher, as well as the historic landmark commission, stack holders rick hardin, tina contros, maureen matower and other folks who are diligent in coming to committee meetings and providing input

as well as the heritage society of austin whose help in this was invaluable.

One moment, please, for 57600.

you will see through the course of our recommendations that is a focus shift that staff is recommending that we consider.

Secondly, we're also unique in providing tax incentives for our historic landmarks and what we call a maintenance based incentive.

This is an incentive that the owner of the property gets.

They apply for it on an annual basis.

They have to pass an annual inspection.

And if so then we recommend that they get a property tax incentive.

For every year.

And this is in perpetuity.

Other cities in texas have the same sort of property tax incentive, but at various levels.

Round rock is the only other city in texas that matches austin's program right now, but smaller cities in particularly also have the same type of program and most have an unlimited duration, same as austin, it's an annual incentive that the property owner applies for and as long as they pass the inspection they get.

Most of the other cities in the country however and most of the major cities in texas rely on a rehabilitation type incentive where the property owner puts x number of dollars into a qualified rehabilitation project and then their property tax value is frozen at that rehab value for a period of years.

That is something that I'll be discussing through the course of the presentation, but that's also a recommendation that staff and the landmark commission will be making as an added benefit for our program.

So the two shifts in philosophy that I would like to address briefly here are first of all to look more toward historic districts as the focus of our preservation program.

And then also focus more proactively on rehabilitation and preservation of historic structures through a new rehabilitation incentive.

When we looked at the peer cities throughout the country, one thing became very clear is that texas cities treat their preservation program incentives differently and that's because we don't have a state income tax here.

Our incentives have to be based on property taxes whereas in most other states their state income taxes are the basis for historic preservation tax credits.

There are apples and oranges, but still lessons to be learned from each way that a jurisdiction treats

their historic properties.

What we focused on was the council resolution from June to look at how other cities identify and protect their historic properties.

It also made other additional recommendations to hopefully improve the program.

Let's start off with designation with historic landmarks.

In Austin we have over 550 historic landmarks.

It's a very large number, but it's because we did not have a local historic district program for a long period of time, much better than most other cities.

We did provide some protections for our national register districts and properties within our national register districts, but we continued to rely on individual designations for our historic preservation program.

What's happened over the years is the focus of the program has shifted from more commercial buildings in the downtown area to residential properties over the years, and that's a trend that we see throughout the country.

It's nothing unique to Austin.

But what we did find is that even our criteria were tightened up in 2004, there was still a lot of flexibility and if they want to take our program toward historic districts and away from individual landmarks as the backbone of our program, what we need to do is ensure that what we designate as a landmark is truly tied to the history and culture of the city.

So the staff recommendation, which was endorsed by the landmark commission on Monday night, was to revise our criteria to require a higher level of significance for individual designation.

But also to incorporate provisions to allow for the designation of vernacular and utilitarian structures, so that would be the architectural gem or the working class houses in East Austin or South Austin or places like the Tipp's Warehouse that is more utilitarian structure.

Doesn't pretty fit into a high style of architecture, but tells a broader and more inclusive story of the history of the city through the built environment.

Staff is also recommending to add three provisions.

First of which, properties that have achieved significance within the past 50 years would not be eligible for landmark designation unless they have exceptional importance and that's in accordance with the national register of historic places.

Also has an exception.

They have a 50 year rule as we do, but they have an exception for buildings that have achieved their significance in less than 50 years.

So we'd like to add that to our designation criteria.

Secondly properties in local historic districts would not be eligible for landmark designation on their architectural significance.

So a property in a local historic district could be eligible for community value, for historical significance, but not for its architecture because the local historic district designation protects the architectural character, not just of that building, but of the entire district.

And then third to require a higher level of integrity.

And what that means is that the buildings need to maintain their historic appearance to a greater extent than our criteria currently provide for.

As I said, the staff recommendation was endorsed by the landmark commission this past monday.

They adopted the staff recommendation.

And then we went on to historic district designation.

We have 13 historic -- national register historic districts in austin and only three local historic districts.

We've had that program on the books since 2005 and only three neighborhoods have been able to take advantage of that program.

One of the biggest complaints that we've heard since that time is that the process for designating a local historic district is very burdensome for volunteers in the neighborhood who have limited resources and limited amounts of time.

There's also been criticisms that the folks who own larger pieces of property within a proposed local historic district have a greater amount of influence over the creation and regulations of a district than the other people who live in the district.

We've also had a problem with loss of contributing buildings in our national register district.

So what staff is recommending are a couple of revisions.

First of all, for a local historic district right now we expect that the owners of 51 percent of the land need to sign a support petition to get the local historic district designated.

What staff is recommended is to follow the san antonio example and allow for the alternative of 51 percent of the owners within the district.

That would address the concern that the larger landowners have more control and influence over the district and it's a greater means for more people to feel like they have a voice in participating, not only in the creation of the district, but in the establishment of the design standards for the district.

For our national register districts where we have suffered a lot of losses of contributing buildings, because right now to protect a contributing building in a national register district against demolition we have to show that it qualifies as a landmark.

It's very rare that that actually is successful.



So what we'd like to do is to institute advisory design guidelines.

Our largest registry district in Austin don't have any design guidelines, so we have to apply basic philosophies when we're talking to homeowners and the landmark commission is making advisory recommendations about how to make their -- make projects more compatible with the historic character.

So there would be a standardized set of design guidelines that would be advisory that we would apply to all of our national register districts.

And there's a method in the madness, there's a method in the madness, not madness in the method.

Not madness in the method.

What we would like to do is transform our national register districts into local historic districts, which have finding design standards and which offer a rehabilitation incentive.

So there are, as Rusthoven was talking about earlier, one of the economic benefits of historic preservation is the stability and growth of property values.

Well, by protecting contributing buildings in the national register and limiting them towards local historic districts we have a greater degree of success with that.

So what staff is recommending is for our contributing properties in the national register districts, that we have advisory design guidelines and also require a certificate of appropriateness for demolition or a demolition delay of up to 180 days.

That would be basically the same thing as our pendant sign of preservation in the code right now when we've got a property that is not in an historic district, but that we're moving toward landmark designation, facing a demolition permit, going through the commissions and the council.

Nothing can happen to that property until the council makes a decision.

So this is an opportunity for a contributing buildings in national register districts to enjoy those same protections.

Then again, we would like to transition the national register districts to local historic districts with the adoption of this binding design standards and the rehabilitation incentives that is in place for the local historic districts now.

The landmark commission adopted the staff recommendation and made an additional recommendation to establish a fund to help neighborhood groups hire consultants to prepare the local historic district nomination, and that addresses one of the concerns that we've heard time after time since 2005 that these that the nomination process is simply too burdensome.

Let's get on to the historic landmark tax exemption.

Again, it's apparent that Austin is one of very few cities in Texas that has what we call a maintenance-based exemption.

From my experience in historic preservation in this city for the past 20 years, and comparing to other cities in Texas, Austin has one of the strongest programs in the state, if not the country.

And I think it's because of our incentive structure.

So what staff is recommending is that we retain the existing formula for calculating the maintenance type tax exemption, but cap it at \$2,000.

This would be for owner occupied landmarks.

These would be the residential landmarks and a 2,000-dollar cap will affect 120 out of our 270 residential landmarks.

Our average residential exemption right now is just over \$2,500.

So this is really not going to have much of an effect on the majority of the landmark owners, but it does give a greater amount of certainty to council -- to the council and the budget office as to what this program is going to cost the city every year.

And it also gives a greater amount of certainty to folks who are thinking about selling their home because the program that we have in place right now also has a cap.

It's a cap of the greater.

Of \$2,000 or 50% of the city taxes.

But if you've owned your home since 1980 and it's a landmark since 1980 and you sell it tomorrow, the person who buys it does not enjoy the same tax exemption that you've got.

If we just standardize the tax exemption across the board, there's no question about what that exemption is going to be.

The maintenance type of exemption that we have in Austin, as I said, I think has made our program one of the strongest in the state.

And it addresses several things.

First of all, older houses are more expensive to maintain.

People who own historic landmarks do not have the freedom to go out and buy -- go to a home improvement store and buy cheap replacement products.

They have to either repair the historic fabric that's on the building right now or replace it in kind, which is obviously not going to be the cheapest alternative.

So there is an additional financial burden on our landmark owners that other homeowners in this city do not face.

They also have a loss of development right.

Because the owners of historic landmarks, if they're going to build anything on their property, they have to get a certificate of appropriateness from the landmark commission.

This is also a process that other homeowners in the city do not have to go through and the landmark

commission's first priority is to maintain the historic character of our designated landmarks.

So the amount of development that is allowed on landmark sites is very limited.

We looked at higher caps and if you go through data base on the cd in the back of your packet you can see that we went through various scenarios, starting off at capping this at a thousand dollars and going up all the way to \$2,700, which was equal to the approximate cap suggested by the heritage society.

2,700-Dollar cap will affect 64 out of the 270 residential landmarks.

Staff is also recommending that the new cap go into effect on january first of 2013.

This gives everybody fair notice, in staff's opinion, of the change that is going to happen.

It's only going to affect 120, less than half the landmark owners would be affected by this.

And in some cases the exemption is going to go down significantly, but a good year and a half should be enough for those homeowners to make decisions about how they're going to adapt to a reduced amount.

Capping the maintenance type of exemption is going to reduce the exemption, but we'd like to add the rehabilitation tax incentive that we already have for our local historic districts for historic landmarks.

So what I said at the very beginning of the presentation, we want to change our philosophy, we want to be much more proactive about encouraging preservation and rehabilitation.

So if we extend that rehabilitation tax incentive that we already have on the books for local historic districts to our landmarks, I think that we will be much more successful at achieving that goal of promoting rehabilitation and preservation.

All of this applies to owner-occupied residential homestead landmarks.

Staff is not recommending a cap for any commercial properties.

And the reason here being is that our income-producing properties in austin range from 150,000-dollar houses, rent houses, to multi-million-dollar downtown buildings.

So there's really no way of applying a one size fits all cap to commercial buildings when the value is so much different across the board.

The landmark commission looked at the staff recommendation and adopted the staff recommendation to cap the exemption for owner-occupied homestead landmarks at \$2,000 with a periodic five-year reevaluation of the level of the incentive cap.

They also recommended no cap for commercial properties, but they recommended that for commercial properties only the historic portion of the building be eligible for the property tax exemption.

And that really is looking at downtown buildings where we have a lot of buildings on congress avenue and sixth street that are currently two or three stories that there are proposals in the works to built hi-rise additions on the backs of those buildings.

Obviously those brand new additions to the building should not be eligible for an historic preservation

tax incentive whereas keeping and preserving and rehabbing the historic preservation -- the historic part of the building should be -- should get some kind of incentive.

The landmark commission adopted the staff recommendation to extend the rehabilitation and tax incentive to individual landmarks.

And looked at the formula for residential properties.

Right now for residential homesteads, we exempt 100% of the value of the structure and 50% of the value of the land.

The heritage society had proposed combining those two because there are fluctuations across the board.

Staff also, if you go through the database on the cd, we went through -- and in the report, we went through a couple of scenarios where we took the combined value, but what happens when you combine the value, and we went up to 60% of the combined value because that would seem to be the closest of - to what the exemption is right now.

When you exempt only a portion of the property and have a cap, the amount of the property, the percentage of the property that you exempt from taxes becomes less material the lower the cap is.

So if you put a 60 percent cap -- a 60 percent exemption and a thousand dollar cap, the people who are going to be hit the hardest by that are the folks who own the lower end of the historic landmarks because you're not taking their full valuation and exempting that.

They're nowhere close to hitting the cap.

So it will hurt them more, so staff abandoned that idea and just said let's just stick with the formula that we have right now.

Additional recommendations that came out of these discussions from the staff was to establish a fund to provide pawluks for every -- plaques for every landmark in the city and for a fee for owner initiated landmark designations to cover the plaques.

One of the purpose of the program is to educate citizenry and the folks who come to austin to visit and we can't do that if we don't have plaques on every landmark.

This is all part of a program that we would love to institute.

These plaques cost \$98 apiece.

We don't know exactly how many landmarks need plaques right now, but this is all going to be part of a program to not only put plaques on the buildings for the folks walking around downtown or residential areas, but to establish a website where we can get information about our landmarks up on the web.

People can look at the histories, photos, get a lot of information so they can make -- they can get a lot of information about the buildings, either in our town or for folks coming in who want to learn about where to take nice walks in the afternoons.

We also want to establish a revolving low interest loan fund to help low income landowners for small

rehab projects and this is for projects that had not be covered by the rehabilitation incentive.

Because if we're following the models of dallas and san antonio and fort worth, you have to invest a fairly large amount in order to qualify for the rehabilitation incentive.

So sometimes the rehabilitation for a smaller house is not going to reach that threshold.

So we'd like to incentivize those folks to be able to take advantage and promote preservation on smaller projects that will help keep that house preserved.

And also provide a low interest loan program for a facade rehabilitation on commercial properties in the cbd.

And this would be particularly congress avenue and sixth street, which are two of our major tourist areas, but it could also be the warehouse district, anything in the cbd where we've got a lot of people who come to town, walk through and notice these areas and we'd like to be able to incentivize facade rehabilitations for properties in the cbd.

The landmark commission had other recommendations.

Many of these are addressing the administration of the program which staff concurs with.

They adopted the staff recommendation to establish a fund to provide the plaques.

They adopted the staff recommendation to establish a revolving low interest loan program.

They want a more thorough inspection process for historic landmarks and an inspection fee with an exception for low income owners and to provide a technical and loan assistance program to promote the rehabilitation of historic structures, especially in what we call our undisturbed areas to be south austin, east austin, even the university area.

And finally, the landmark commission recommended to adopt revisions to designation applications to provide more information on the history and integrity so that staff doesn't have to do quite so much double-checking approximate of applications and we can make sure that these applications coming forward are complete before the landmark commission gets ahold of them.

I did -- I'm sorry.

I skipped out on one alternative recommendation that I think was in the program.

But I did want to address is that while staff is recommend agriculture cap of \$2,000 for all homestead landmarks, staff is recommending the consideration of alternative of a higher cap for building residential -- residential buildings that are over 100 years old.

And staff is throwing out the number of 2250.

It could be -- there's no especially peer kel data that we're apair of right now that would say that well, it costs 2 fist dollars more to maintain a 100-year-old building, but if that's something that you all are amenable, we should be happy to investigate that further.

But I think this is important because what we've seen over the years, the trend in residential landmarks, has been when we're moving -- especially to west austin, the houses tend to be dating from the 30's,

the 40's, even the early 50's.

For these houses a lot of the replacement materials are still readily available whereas if you've got an 1890 house, the replacement materials generally have to be custom milled.

So what we're looking at -- custom manufactured.

So what we're looking at is an even higher cost for our 100-year-old landmarks, the ones that really -- that we have a lot fewer of that really should be on our priority list for saving and the majority of our 100-year-old landmarks currently are in east and south austin.

So this would allow the owners of those properties to participate more fully in the program.

I'd be happy to answer any questions that y'all might have.

Mayor Leffingwell: Questions? Councilmember riley.

Riley: Thanks for the presentation.

And thanks also to the landmark commission, everybody whose work you've presented.

I wanted to ask about one thing that you mentioned a couple of times and that related to the information to be made available to the public.

You mentioned the fund for plaques on the buildings.

Actually, some of the plaques that we have out there now are not that easy to read, even when they are in place.

Sometimes they wind up high on the building.

Sometimes they're up on the building and not really accessible from the street.

Sometimes they're just not that visible.

I was glad to hear you mention the possibility of providing more information on the website since that generally would be accessible to all.

And I just wanted to ask about that because that seems like something that we could be moving forward with already.

As we go through each historic landmark application, currently we have a significant amount of material that is available, if you know where to find it, on the -- you can look on the council agenda for the days we've considered it.

You can find that package of backup information that we considered.

And that's helpful if you wanted to investigate the history of that house.

But it's really not compiled in a way that's very accessible and easy to use.

Couldn't we be doing better at that already?

We could be.

We could be.

And we do provide a lot of information to the history center.

So the information is available, but not from a person sitting at their house.

Riley: Right now if i were in some other city and I wanted to visit austin and see a map of where all our landmarks are, would I find a map on the city's website?

The map that you have in this program, yes, is going to be on the city's website.

Riley: Not currently, but it will be.

I'm not sure if it is yet, but that is the plan is to put it on there.

Riley: A map that shows where all the landmarks are?

Correct.

Riley: And would the idea be that you can click on a symbol on the map and then find information about each landmark?

Well, that's the phase that -- that's step two that I'm talking about.

Right now the map is there, but in order to be able to interact with that map, that's the next step.

Riley: Okay.

And the idea is that we would start imposing more of a fee so that we would fund the project that would allow that? And do you have any -- in the meantime there has been some work led by michael that was aimed at building a database of information on historic properties.

Do you know where that stands now?

That is actually a web survey tool.

And to my understanding it's not creating new surveys, it's taking information that already exists and allowing people to add to that.

And it's not restricted to historic landmarks.

No.

That's correct.

That's correct.

The target area is the north university.

That area, which was -- had compiled a survey.

They were going to -- and hopefully they are still going to go for local historic district, but they had done a survey.

Actually, the survey was done as part of their nccd updated, but that is where is focusing their initial effort.

Hopefully once this gets into place, it will be expanded to a much larger area.

Riley: Okay.

Getting back to the simplest goal of just having that map available so people can see our landmarks and click on each landmark to get information about that, do you have an estimate of how much it would cost to be able to put something like that together?

I would hazard a -- i couldn't hazard a guess on that.

Riley: Okay.

Well, we'll have to visit about that further.

Thanks.

Yes, sir.

Mayor Leffingwell: Just a couple of questions.

First of all, another one that involves money.

You mentioned a couple of funds to be established.

One was to help people that want to form a local historic district, do the research and so forth.

Certainly a good idea.

I think everybody agrees with that.

But establishing a fund, have you identified --

we created the enterprise fund within our department for activities, whether it's landmark designation -- it would go into a fund.

This is actually a way that raleigh north carolina started.



Mayor Leffingwell: So if somebody applies for historic designation, they have to pay a fee.

And that would go into this fund, which would help with the research for districts and also the other one you mention, fund plaques for structures that have historic designation.

And I want to make sure, the salamander sticks on -- semantics on some of the caps stuff has been confusing for a long time to a lot of us.

Are you talking a fixed 2,000-dollar exemption for residential?

No, sir.

You're still talking about -- about the higher --

no, a fixed -- \$2,000 is the absolute most that you could get.

Mayor Leffingwell: What's the least?

The least would be zero theoretically.

Mayor Leffingwell: How would you calculate zero?

Well, if -- well, it wouldn't be zero, but if your land and property values --

Mayor Leffingwell: The higher the percentage of the land value.

The same formula as the old way except it's the higher of the two.

Excuse me.

\$2,000 is an absolute cap regardless of the property and structure value calculations.

Correct.

Mayor Leffingwell: Never be more than 2,000, but it could be less.

It can be less.

Say you have a house worth \$175,000 --

Mayor Leffingwell: I get it.

That's okay.

All right.

And the last thing was I know there's been a lot of discussion on specific cases in the past, historic designation based on who lived there at what time and so forth.

And I didn't hear any discussion of that, changing the criteria or making it more clear or make it more

stringent or whatever in this presentation.

Did I miss it or is that something that you felt was adequate?

That is something that staff is recommending.

And the suggested changes are in the report, I'm looking to find the page for you real quick.

On pages eight and nine.

That what we're suggesting is not just adding those provisions that I did go into more detail about, but adding words to our existing criteria to strengthen up the level of significance that each of these potential landmarks would have.

Mayor Leffingwell: Could we simplify by saying an historically significant person lived there as opposed to a prominent citizen? Would that be an oversimplification?

That's the direction we're talking about.

Mayor Leffingwell: Everybody's job is important, we all know that, but the guy who was the best selling salgd maker in austin or the best piano tuner in central texas or whatever would not be historically -- historically significant character.

Correct.

Mayor Leffingwell: It would have to be someone at least mayor, right?

At least.

[ Laughter ] at a minimum.

And that's the direction that --

Mayor Leffingwell: I'm kidding about that part.

Any other questions? Councilmember spelman.

Spelman: I have some sadowsky, but I notice the chair woman of the commission is in the audience and has been patiently waiting until 30 this morning and I was wondering if she could come up for us and describe the historic landmark commission response to this report and if there's any differences between the recommendation of the commission and the recommendation of the staff?

Mayor Leffingwell: She was part of the original slate of presenters as i recall.

Normally on a briefing we don't have citizen comment.

Hello.

My name is lori and I'm the chair of the landmark commission and also the chair of the operations committee.

Who was deeply involved in this.

And we may have been somewhat confused about the process we were to use, but ultimately we came to understand that it was a staff report, staff recommendation.

We did offer first comment on the recommendations and then at the request of the city manager we actually took votes on each of the recommendations.

And I think steve described to you the sheets that are in the beginning of the report that he's passed out to you that describe that.

And I will say that on balance there was support and agreement for all of the staff recommendations and there was support and agreement for the recommendations of the heritage society.

Some of our votes that we took at the commission level caused us to have to choose if there was a slight difference.

And one thing that steve didn't mention in his presentation, there is one issue on which we at the commission chose a third option, and that had to do with the notion of the implementation of the cap.

The staff was suggested that the cap be -- come into play on a date certain, JANUARY 1st, 2013.

The heritage society had suggested that the cap come into play as existing properties in the program were sold, and it would apply immediately to new properties entering the program.

The commission made a third recommendation for your consideration, which is something sort of in the middle that we felt would offer a bit more certainty in terms of affecting savings in the short-term, but would also respond to the concerns that we heard from the owners of these houses and buildings who were concerned about a sudden change in their budget.

And that is to implement the cap in a phased manner over a set period of time.

It might be -- we talked about something in the five to 10 year range.

And we felt like that would be an option that you all might want to consider.

But generally I think we supported the good work of the staff and the heritage society.

Did y'all have other questions for me.

Mayor Leffingwell: Thank you.

Councilmember spelman?

Spelman: Briefly if you could, lori, explain for us the argument in favor of the phase-in.

Why is it better to phase this in over a five or 10 year period than to simply pick a date and say after this point you will have to pay -- it will only go to \$2,000?

Well, we were concerned about the issue of fairness.

And I will say even in the decisions we make at the commission, our decisions are easier than those you have to make at the council.

You have to take into account a whole range of other issues, not just whether a property is significant or not.

But in this case we heard a lot of testimony from the owners of these properties and they expressed interest concern about the ability to adjust so quickly to such a significant change in their budget.

A number of people told us that they felt they would not be able to afford to continue to own their properties, that they would be forced to sell their properties with a sudden change like that.

Spelman: Let me ask you a hypothetical question.

I can imagine a difference between someone whose property has only become -- gotten historic designation in the last year, for example, as somebody as opposed to somebody's whose historic designation came 20 years ago.

20 Years ago you've gotten used to it, you've budgeted for it and I can imagine how a dramatic reduction in the cap would have a large effect on your budget.

But if you had been going along for several years, just got the historic designation a couple of years ago, it clearly wouldn't have that big a jolt on your budget if you've only just now gotten used to having the exemption.

I'm probably asking you to channel the commission and you haven't had the benefit of having a commission meeting, but is it consistent with the commission -- would it be consistent with the positions of the other commissioners as you see it for there to be -- to make that distinction in -- distinction in the phase-in period?

I can imagine that they might come to that distinction, but as you say, I can't speak for them.

Spelman: You didn't talk about it.

It wasn't something we specifically talked about.

I will say two things.

Effective -- I don't recall the exact date.

In 2004 there is also a difference in terms of the property tax abatement that programs that enter the program after a date in i think 2004 are subject to a reduced set of numbers than those who have been in the program up to that point, unless those properties have sold.

So there's already a reduction for people who come in as of 2004.

The second thing I'll offer is that we did hear from people who had recently purchased properties who expressed the same concern, that they felt they would not be able to afford to retain the property that they invested significantly in them and although there is nothing explicit in the way this is worded in any of our codes or other documents, it seems there is an expectation that this -- that people can rely upon the notion that it will be a perpetual arrangement.

Spelman: Sounds like a question for the legal department.

I'll definitely put that to them.

Are there other important distinctions between whether it was a vote of the commission or just the general feeling of the commission members and the staff recommendation?

We've been over this so many times I'm a little cross eyed.

I don't recall any other great departures.

Do you, steve? So I don't think so.

Spelman: Okay.

Thank you very much.

And commissioner riley --

Mayor Leffingwell: Were you next, councilmember shade? Riley.

Okay.

Riley: Lori, I want to thank you not only for being here, but for all the work you've invest understand this effort.

I really appreciate it.

And we could not have gotten this far without your efforts.

So thank you.

Just -- I want to ask one very general question.

And that is -- and it relates to the fact that austin's program is markedly different from programs of -- that we see in most other cities around the country in several respects.

We tend to focus a lot more on individual landmarks.

We have a lot of individual landmarks compared to other cities.

We tend to focus on the -- a maintenance benefit as opposed to the rehabilitation benefit that is more closely tied to the specific investment that a homeowner makes.

And then other jurisdictions appear to have more focus on a time duration.

They have some limit to the duration.

Can you help us just -- and when we see that, that austin is forging its own path on this, what is it about austin that sets off that apart from those other cities? Are there -- first let me say I take it from both the landmark commission and the heritage society generally see that and say that that's right, we are

different and there are reasons why we should be different on those benefits.

I want to make sure that i understand the commission's position on that and then if you could just generally help us understand the thinking behind that.

What sets us apart from other cities on this subject?

Well, I'm not sure that i can give you a great answer.

I think we have the incentive structure that we have just through the precedent of its having been established in 1997.

And I'm told that no one knows the exact reason.

Often times an incentive like that is put into place to encourage participation.

And after a certain point in time a municipality might choose to assess things and say, well, we've got some robust participation, so perhaps we should switch to a different sort of incentive.

And I think that what I like about the rehabilitation incentive is it would work -- people would go through a process.

They would indicate what it is that they want to do.

It would need to be evaluated as a qualified rehabilitation to the exterior of the building more than a certain dollar or the value of the property perhaps.

But people would actually invest the money in the rehabilitation.

The jobs would be created, the benefit to the local economy would occur before the incentive would be made available.

And the incentive would be to hold the property tax at the preimprovement value for a set number of years.

And I believe we're talking about five or seven years in our program depending upon where it is in the city.

So the rehabilitation incentive has a lot of attractive qualities in terms of stimulating the economy in terms of being able to have a dmon strabl investment in these properties and in terms of having a finite duration for the incentives.

And I presume that makes it more predictable at some level for local councilmember alvarez.

Did I answer all of your questions?

I think so.

But in terms of focusing our current incentive, which is really focused more on maintenance and the fact that here it is essentially unlimited in duration.

That that is a benefit that you'll have in perpetuity.

And what -- are you saying that it may be a time to -- we may be at a point where we can rethink that? It may make sense to rethink that? Or are there reasons why we should continue that in austin even though it's not the common practice elsewhere?

If you accept the premise that the maintenance dpands are exception -- demands are exceptional for these buildings, maintenance doesn't go away.

You have to continue to maintain the buildings.

And in fact, as the buildings age, the burden, so to speak, might be viewed as being greater over time.

I will say that we had testimony from the owners of commercial properties downtown and they indicated -- and this is why we've put them in a different category in terms of not recommending a change to their current incentives.

These historic commercial properties are competing directly with new properties.

So in the case of an office building downtown the floor plate, height, the configuration of the spaces in the older buildings is a little different.

It's harder for people to make them work.

And there are challenges that those building owners face with having -- keeping their buildings occupied and remaining competitive with the new office buildings in town.

And they use the incentive to help them keep their rents more competitive.

And that was a compelling argument that we heard.

And we heard from many, many property owners of residential properties who did say there are special burdens associated with living in these buildings and conforming with the requirements of the program, where they're inspected on an annual basis and they need to maintain their properties to certain levels and they need to go through the certificate of appropriateness review process.

So as steve explained they can't simply do what they want to do.

They need to do something that is consistent with good preservation practice and something that nurtures the historic significance and the historic character of the building as has been assessed in the landmark designation.

Riley: Got it.

Thanks.

Mayor Leffingwell: Councilmember shade.

Shade: While you're up here I thought I would ask you a couple of questions.

First I would also echo the thanks because I know this has been really hard on us.

So I know it's hard on the commission as well.

A couple of the commissioners that I've spoken to have had some suggestions about this idea of tightening the designation criteria to require the higher standard.

And they've made reference to the old criteria versus the current criteria.

And I'd love to get your take on it because I haven't had a chance to visit with you about it.

Because you're in the position, having to look at these first flush.

And then there have been -- and I think certainly there's a perception that too many are getting through the system.

That there's been a significant increase in the last -- that perhaps the bar is not high enough and the last few years we've seen a very big uptick.

So what's your perspective on it? Because you've been on a long time and seen your previous criteria and current criteria? Let's get your perspective on it.

Sure.

And by the old, I presume you mean the criteria that were in place before the 2004 changes.

Shade: Yeah, I don't mean old like 50 years old.

I do think that these criteria before the 2004 changes, or it may have been 2006 when it was finally done.

I can't quite remember.

Those were extremely broad.

They were, however, based on the criteria for designation of buildings on the national so they were based on good preservation practice industry standard.

And it's typical to value properties not just because of their architectural attributes, but they have associations with people and the question that the mayor raised about how important is important for a person is a good question to ask.

And they may have association with an event, a significant event that took place there.

I can see how people can be confused if they want to use just the architectural gauge to measure the importance of a building and the landmark commission recommends to you all a building in which a significant event took place and it was very significant to the history of the city, but it's not an exceptional -- even an ordinary building architecturally.

I can see how some people generally would think this doesn't make sense because I think there are



customers thinking a landmark building should be an exceptional building or a beautiful building.

And I think it's important for us to maintain an appropriate balance and not emphasize architecture at the exclusion of the other attributes that are part of the national standard for national registry designation.

When we made the changes in 2004 we did attempt to make the criteria more direct, i guess.

We included more qualifiers.

It needed to be -- I don't recall the exact words, but instead of just saying important, it might have said very important.

It's still something that has to be evaluated.

There's an aspect of subjectivity to it and we do our best at the commission, rely on the research from staff.

But we did hear people say things are still too subjective.

And frankly --

Shade: You're subjecting that it was -- you're suggesting that it was more subjective more the changes and less subjective today.

It still may be subjective, but you think it's less subjective now than it was before the changes are made?

No, no.

I think it was an improvement, the changes that were made in 2004 were an improvement.

What I'm saying is they remain at some level subjective.

Somebody has to make an evaluation of what is very important, what does that mean? And I think we're still working against the fact that for so long we've only had one tool to try to recognize, preserve and nurture the built history of austin and that is that individual landmark designation.

So some of the cases that people might view as quowbl are cases that if we had another tool like an historic district that was more appropriate to allow us to protect a building that someone might say this is really marginal, a marginal landmark designation case.

If we don't have another tool we have to use the blunt edged tool that we have, which is the individual landmark designation.

The changes in designation criteria that are proposed by the staff and were recommended to you by the commission are intended to respond to the complaints and the concerns and the criticisms by taking things a step further.

So instead of saying important, instead of saying very important, they say something along the lines

now of very, very important.

It's intended to make sure that landmark designation, individual landmark designation applies to exceptional sites.

And the companion recommendation to bolster the local historic district process to give us another tool that is more robust that we can use to protect other kinds of resources in the city I think will work well in the future.

Did that answer your question?

Shade: Yeah.

But it does show how much subjectivity there is there because I think there are a couple of commissioners who have been long serving who feel it's been more subjective than it used to be.

And since I wasn't really keyed into it in the precurent criteria years, whether that was 2004, 2006, it's just really hard for me to gauge.

I just know that there is this -- it seemed to be a pretty significant increase of cases and I know that as I sit up here and I try to be judicious, it is incredibly difficult to do it.

And so I don't -- and i certainly wish -- I have more questions than answers and I wish I knew how to make it a little bit easier for the public to understand here's the benefit, here's what we're incentivizing and so forth.

I'm also curious about the idea of the local historic district and recognizing that I've been here since we've approved that and i understand it or a change in direction in strategy and support that.

But would there -- this might be a steve rather than lori.

Are you suggesting it could be part of a landmark or historic district or is it an either or.

Or when you talk about there's an alternative tool, not one that's so blunt, so if a house is in an area where there's already 15 homes in the -- should be it district, but isn't yet? I mean, how do we reconcile that?

Right.

We did address that and steve with talk about it more because we had concerns that once you're in a district you're protected and so this really no apparent need to also have an individual landmark designation for architectural significance.

So if people seek it while they're in district it can't be simply on architectural attributes, it needs to be beyond that.

The district recognizes primarily architecture and historic pattern scale within a region of the city that is particular.

And so its architecture is already protected by the district, but significant events and significant people could put it in the different category if someone were seeking individual landmark designation.

Shade: Again, I don't have my criteria right in front of me, unfortunately.

When it's a landmark there's the first two things that have to be met and then it's a combination of two -- of the bottom five.

So you're basically eliminating one of those five, saying architecture can't be one of them, but there still has to be two of the other remaining four?

That's what's being suggested.

And which financial benefit would they get or would they get both?

I think the reason some filter is suggested is to avoid having double incentives in districts.

But I believe the notion is that if you had this exceptional individual landmark significance within a district, you could participate in the maintenance incentive if the council retains the maintenance incentive.

Shade: Okay.

But we're not looking at the historic landmarks that are currently in -- we only have a couple of districts.

I mean, as we've addressed.

So are we doing anything with the houses that are landmarks within the difference or are retaking into consideration when you have 15 or 20 homes all within close proximity that maybe the better tool would be district, so stop accepting every individual landmark.

Right.

We did discuss that whether it was appropriate to unwind individual landmarks designations in districts and it wasn't among the recommendation in this report tburks certainly could be something to look at in the future.

Steve, do you have thoughts on that?

No, I don't have any additional thoughts.

That was the basis of the discussion.

There were some discussions about it, but no recommendations came out.

Shade: Because given how difficult it is to become a district, and i realize that there are recommendations here that are addressing it, and knowing how it is to work with neighborhoods and sometimes how challenging it can be if I really wanted to get my house into this program, I could go it alone and have perhaps an easier time than trying to deal with the entire district discussion.

On the other hand, if I'm already -- if there are already multiple homes in a particular area, do you see what I'm getting at? Why would they have any incentive to apply to be a district? Because everybody has already got their houses or enough people already have so how do you propose -- maybe that's

something yet for further discussion?

I think that would probably be best for further discussion.

I mean, our recommendation right now is certainly not to prohibit landmark designations in existing local historic districts, but I think one of the things that our office would like to do is look at and value the the potential for local historic districts and try to get people on their way by loosening up the requirements of all the work that has to go into the nomination.

Make that process easier for the district.

And the benefit being that we affect and protect a larger number of buildings that are all related within a certain area of the city rather than one by one.

Shade: Okay.

Other question I didn't quite -- I think lori was asked, so I'll ask steve because I would like to get your opinion on this.

It was councilmember riley's question earlier about the term limitations and really being different in austin than other cities on that front.

Can you talk about that and your comparison work and how you came to the recommendation that you did.

Yes.

For the maintenance type incentive that we have in austin right now, almost every other city in the state has it in perpetuity based on an annual application and annual inspection.

The only one who doesn't to my knowledge is abilene, and their incentive is also limited to I think \$300.

They don't have very many landmarks in abilene.

But they do have a limited duration.

I think the basic philosophy is if we're offering an incentive like this that addresses something other than participation in the program, and I mean things like higher maintenance costs, loss of property rights, loss of development rights, that in order for that -- for our program to continue to be successful, that needs to be something that is available on a perpetual basis as long as the applicants are complying with all the rules and regulations that we set up for participation in the program.

In san antonio they have set up a maintenance type exemption for local historic districts that has a limited duration.

Well, it's clear that the only reason that that's there is to encourage participation in the program and to promote the creation of local historic districts.

We've never had that here and I think there is a general fear as well that if you limit the duration of an incentive like that, then you have the possibility of a loss of control where a landmark owner may just say I'm not -- I'm not getting an incentive anymore.

So I am going to put vinyl windows in my house and come and catch me, things like that.

I think the maintenance exemption works to the benefit of both the property owners and the city as a whole in that -- and I hate to use this analogy, but it is a little bit of a hammer.

And especially in our downtown areas.

Because we have a lot of businesses downtown that have illegal signage.

They put signs up, they paint.

They do all kinds of things that they don't necessarily need a permit for, but it's not within the historic character.

And as long as we have an annual incentive that they have to apply for and say yes, I'm complying with all the rules and regulations, that helps keep those illegal -- and I use illegal in a loose way.

Unapproved changes to a minimum.

So I think it's -- I think it is very important to keep that in perpetuity and not have a limited duration to that.

Now, the rehab incentive, every other city who has that has that for a limited amount of time.

So those have a limited duration.

But the type of maintenance incentives generally do not.

Shade: But one of the other things that I've noticed in looking at other cities too is that they have different -- they have different classes of properties.

Is that something too that you contemplated besides commercial and residential.

But seriously in danger.

Do they look at things like that too?

That's fort worth's program.

Fort worth has a much more --

they have highly significant and endangered historical, cultural and those don't have the same financial incentives.

Right.

Right.

Shade: Is that something we looked at here?

We did, but fort worth system is the most elaborate of the state.

The only other city that we looked at that has a designation system like that is atlanta, georgia.

We did discuss endangered buildings in different types of incentives for various types of buildings.

But the staff recommendation really was to try to keep it as simple as possible and use the exist bifurcation that we have between homesteads and income producing buildings.

Shade shea I just thought it was interesting the way dallas had urban historic, revitalizing historic and then a different aspect for citywide.

I think some of these address some of the concerns that people have had about the geographic differences across the city, so I was just curious how they shook out in the comparisons and your research.

I'll offer you a point of view.

I think that our problem is that we are already have some so many buildings in our program.

I don't know how we would apply a different classification system to the buildings already in the programs.

And what I know about the cities that you reference these different classifications are created for specific development goals.

So fort worth has big swaths of the city that were for years and years separated from downtown by the freeway that was there.

In the last few years when they took the freeway out and it was no longer a barricade and they now want to encourage development in kind of a lightly populated, lightly used part of the city, they have created some classifications and some incentive structures that are intended to achieve those specific development and economic goals.

I'm not sure there's a parallel to that in austin.

Shade: It's an interesting point but i guess it's more of a question for my colleagues.

Again, this is just for discussion.

I have no answer.

But it does seem like the onus in our program right now is on the individual homeowner or in the neighborhood to state case xyz and opposed to the city which we do have the right as a council to establish local historic districts.

It doesn't always have to be initiated by the city.

I think if we're looking at it the way the examples are, that's why I asked the question.

They're trying to incent certain behaviors and areas that they recognize our assets.

And then it makes it easier for the public to understand there's a public benefit to making xy and z happen here or there as opposed to an incentive coming in and looking like they're getting a tax abatement for -- for a house that's at the end of a cul-de-sac that nobody in the public will ever know to go and see or where we don't have the information available for somebody to learn about the history.

Those are the ones that i find most difficult to explain to an average person that meets me in an h.e.b.

Or in a coffee shop and says why did you just give that tax break? And that's why again when i look at the other cities where they've identified part of a more comprehensive program for what they're trying to achieve in the cities, it's just really interesting.

It is.

And we have a small version of that in that we have slightly different provisions for local historic districts in certain parts of the city where we especially want to encourage preservation that have already been -- been defined as homestead preservation districts by the legislature.

And I would welcome anything that would bring more historic districts online.

We have understand that direction from council and management was that district should really come up from the residents rather than down from the city government.

But if y'all would like us to take a look at that, we would be happy to because again, I'm enthusiastic about districts wherever we can get them.

Shade: It will be interesting.

Thank you.

Mayor Leffingwell: Councilmember morrison.

Morrison: Thank you.

Lori, I have some questions for you and steve and jerry and also -- why don't we just start with you.

You know, I know -- I met you a long time ago when you were trying to get districts going yet again and I think it was like 2000 or something.

And they had been an idea for decades by then.

Why did we have such a hard time getting them going? Now we finally have.

That's great.

I just want to make sure we understand why we had such a hard time getting them going to make sure we're overcoming those barriers now.

I think some of our barriers where maybe there was reluctance and I don't know quite why, but there was some reluctance at sort of an administrative level to fully embrace the notion of local historic

districts.

There was a feeling that the individual landmark designation program was what we wanted to stick with.

And so the first thing that we on the commission had to deal with was that and getting provisions in the code that actually allowed truly the formation of local historic districts.

Now that we have that in the code we've learned from each effort that we've made what the challenge is, what the hurdles are and we're trying to adopt -- adapt and tweak so that we can make this a process that works better for the people that we ask to go through it.

Morrison: I appreciate that and we are certainly learning with each one and i appreciate the commission keeping their eye on that so that we can continue to be productive with that.

And then the issue -- i wonder if you could talk a little bit about -- I want to make sure we understand the distinctions between -- distinction between landmarks and districts because of the talk about should it be harder to be a landmark in a district? Should we even have landmarks? And I think they serve different purposes when properly done.

And I wonder if you could just comment on that a little bit.

I'll try.

And steve may also want to comment on it.

My understanding of districts is they're n intended to preserve context and the buildings within the context.

So it's neighborhoods and street scapes and the arrangement of buildings relative to sidewalks and streets and fences and trees.

And the biggest complaint that we hear at the landmark commission with residential structures is don't let someone demolish this building because they're going to change the character of my neighborhood.

And it seems to me that the district is much more effective tool in responding to those kinds of concerns.

And the value of a district is you go through a process of analyzing -- yes, you analyze the buildings.

You document the buildings.

But you also analyze the pattern of development within the neighborhood.

And then you have the opportunity to create design standards, binding documents that in some cases differ from the typical requirements in the land development code that regulate construction within the district to ensure that compatibility of the context of the historic fabric within district is maintained.

Again, I think that would be a much more effective tool for the things we hear at the landmark commission so routinely from people in neighborhoods.

Morrison: And for years I've been part of the discussion before I'm on council when we had a demo



permit or something and the only tool we had to go after it was h zoning.

So I guess one -- just one concern I had, I want to make sure that with the recommendation of within a district limiting a landmark application so that you can't go -- you can't use architectural as one of the criteria.

I can envision situations where there are extraordinary architectural specimens within a district that we really explicitly would benefit from as a community by having a landmark.

Do you know -- and maybe this is a question for steve.

Do you know if the language allows so that we can handle those kinds of situations?

I imagine that -- i believe it does because i think different bodies have different authority to initiate designations.

Perhaps this is an opportunity for something along the lines of what smz was talking about where maybe there's a new category created of extra special buildings within districts.

I don't know.

Steve, could you talk about that? [One moment, please, for change in captioners]

you know local historic district.

To a landmark, of course, if it's goes all the way through and is designated as a landmark --

Morrison: But also the certificate of appropriateness within a district, doesn't it just need to be within the character of the district so it does have an explicit specimen of architecture in a local historic district and it would not be preserved, just the character of the character of the architect would be preserved.

That are.

So I just want to make sure that we don't preclude being able to landmark a house like that and did you say earlier that you had some language, that you were suggesting some language that had some flexibility for -- for community value or something like that.

For community value, yes.

Morrison: I GUESS WE Can talk offline, I would really like to address that issue.

Laurie, I had another question for you, when you were talking about what you had heard in terms of the phase-in from property owners, whether it became effective in 2013 or got phased in.

Another case, I'm not sure that I heard you say that you've heard about this, is somebody that's lived in a historic landmark for a long time, on a relatively fixed income, but their property values may have gone sky home, it's their home, they're not selling it to make money, they want to be able to live there.

I'm concerned about if they -- if the exemption changes too radically they may be forced out of their hope.

Did you hear any of that?

yeah, I think we did hear from people who have said I've lived in this property for a long time, i completed my work a long time ago so I won't be eligible for any rehabilitation incentive that you might add to the program, although that's nice, I'm concerned about my ability to be able to afford to stay in my house.

Now, I guess the only thing that I can offer is if they have lived in the house for a long time, the valuation on which their tax is based is at some level frozen by that provision in state law that doesn't allow it to hop --

not quite frozen but goes up 10% every -- that's a lot if you have lived there 10 years.

Yeah, that usually keeps you below what your assessed value would otherwise be.

The moment you pull a permit and do an improvement they bump you right up to the current category.

Morrison: I appreciate councilmember spelman's comments about that.

Obviously the heritage society obviously did a ton of work in all of this, i appreciate all they brought to the discussion.

There were a few recommendations that i didn't see whether or not the commission had mentioned.

The ones, you know, in terms of entering into compliance with recommendations by ensuring compliance with our requirements to maintain certified local government.

Training.

And professional associations and -- and --

we did review all of those when the heritage society presented their information and we endorsed and embrace all of those.

About the same time I was trying to work on local historic districts, I was also trying to work on getting austin to become a certified local government.

Morrison: I thought we were.

We are.

Morrison: [Laughter]

but the value is allows us to be eligible for certain grant funds.

Morrison: Exactly.

Which we have not always been able to pursue because of demands on people's time.

But I really think that is a good source of small increments of funding that can help us get caught up in

some of the things we are so behind on, maintaining our surveys, preservation plan.

I think it's important to keep up with that, we need to fulfill our end of the.

Morrison: Absolutely.

That's another source of funds.

The mayor brought up.

The neighborhoods can apply for those clg grants.

Assuming we still have a texas historical commission.

Absolutely.

Which I hope we do.

Yes.

Steve, I have a couple of questions for you.

In terms of -- I'm getting my head around these recommendations that were still -- the recommendation is still to maintain some level of the maintenance incentive but to work through the -- through the rehab incentive, also.

But to really push us toward districts, which, you know, that all makes sense to me, I think that it can really help us move forward.

Getting to the district, you know, you mentioned some things about loans and all of that.

I think that it's not going to happen unless we're really proactive in terms of having an outreach program at the city.

Is that, you know, in terms of let's pull -- let's do an annual survey getting in contact with neighborhoods that we think would qualify and sit down with them and ask them, you know, if they're interested in working on it and all.

Did you all think about incorporating anything like that into a program to make it happen?

We did not.

But actually, councilmember, that is something that we have been working on for the past four or five years.

Countless meetings with neighborhood groups throughout the city.

And the heritage society has sponsored workshops for folks that we have attended, made presentations at, all with hoping to encourage the formation of local historic districts.

Morrison: And I think the problem where people get stopped, I know, you know, for instance in near

travis heights that those folks are just sort of overwhelmed with the funding that they need to do.

Well, I appreciate that.

And that we recognize that that's critical.

And I did want to comment on the michael [indiscernible] program that councilmember riley brought up.

They fully intend to have that be completely integrated with our city mapping, including being able to map our historic landmarks.

You talked about the north university pilot they are working on, but they also -- we got a preserve america grant that is working with them and they are planning to actually tart an eastside neighborhood as the second phase.

But with this data available now, I think that it should be very simple for them to integrate and we should be able to get that on -- presented.

Do you have a comment on that laurie? You need to be shaking your head.

In agreement.

I agree completely.

I was just going to offer back to ways to encourage local historic districts and other cities do take that on as a city initiative.

I will say again our understanding from staff and we understood that to come from management and council was that we wanted our districts to be grassroots up from the residents.

But other cities take a more active role in the formation of districts.

Now, in recent years we've been struggling with -- with staff that is overwhelmed, but we have some new staff members and perhaps others are -- at least one other on the way and we may be better prepared to -- to take up that sort of cause should the council direct that.

Morrison: Yeah.

I can certainly see maybe finding a happy medium.

I don't think this is the kind of of city where it's right to just go in and say you're going to be a local historic district by any means, but to be able to be more proactive in providing some of the real framework.

Right.

I also wanted to echo steve's comments.

The heritage society has done a heroic job in aiding and assisting neighborhoods who express an interest in this.

And they have recently through a considerable volunteer effort prepared a draft template for design standards that can be used as the beginnings of design standards for every neighborhood.

That was another big hurdle that neighborhoods had to go through.

Morrison: Is that something that the city or intends to bless in any way.

Well, some of us have given it our little mini blessing.

Steve's blessing.

We've looked at it.

We think that it's quite good, quite helpful.

I don't know what sort of -- of process we need to go through in terms of rules postings or whatever.

Morrison: I think that might be nice for us to really adopt something so we can formally say this is where you start, these are the tweaks and this is where you customize it.

And steve a question for you, the rehab incentive i mean we just have three i guess local historic districts now.

So it sort of early, whenever use the rehab incentive --

I didn't hear the last part.

Has anyone ever used the rehab incentive for a local historic district?

Not yet.

But we have at least two applicants in the works.

Morrison: One of the concerns that I wanted to raise, when that was developed we had the same concern.

I want to keep this in mind.

There is rather a high bar for being able to access that incentive in terms of how big of a project it has to be.

It has to be a pretty big project.

Can you remind me specifically how that's determined?

For an owner occupied resident, an investment of \$25,000 is necessary and five percent of that needs to be spent on the exterior.

Okay.

So the concern that I have is that I hate for people to be precluded from being able to tonight joy that if

they intend to do the rehab in small chunks, small sequential chunks, rather than all at once because maybe some people can't come up with \$25,000 or whatever it is.

So I've -- I would appreciate being able to talk with you and maybe some other folks about seeing how maybe just in the way that we administer that, I don't know if we could, you know, put together, allow someone to put together a three-year plan to spend it or something like that.

Because I want to make sure that we're not cutting out folks that don't have a huge chunk of change to spend all at once.

Right, right.

Our purpose is to promote the rehabilitation and that's actually one of the reasons that we are recommending the revolving or low interest loan fund.

Right.

To help folks who don't have a \$25,000 project but do need some rehabilitation work on an historic house.

Morrison: And then a question in terms -- last question for you -- in terms of the two thousand dollars cap that you are suggesting, we know that the heritage society suggested 2700, the average is 2500. 25.

Do we have or could you get together maybe it's already been put together, some numbers that tell us the difference in property tax revenue, if we -- based on the sample that we have now if we do different - you have it in the booklet in front of you.

Morrison: That is terrific.

I appreciate that.

I'm sorry, I never should have asked.

I appreciate that all of the answers.

I just have one question for jerry, if you don't mind.

Jerry, thanks for the work on the economic benefits, i think it helps set the stage, gives us a little bit of context.

In a perfect world, not that we're ever in a perfect world, but for instance when we're looking now at economic incentives in terms of bringing a company into town, we actually can do a tally and we can say, we can estimate this number of jobs and this amount of, you know, sales tax and it's going to cost us this much.

And we can get a net number.

Is there any way to give us a net positive or cost? Incorporating property tax exemptions to what it does to our economy?

Well, I think it would probably be difficult for individual landmarks, but now that we do have a couple of

districts that are larger than a block on the books, we can certainly start compiling data on the overall, for example, property tax assessment of the hyde park neighborhood and castle hill and compare that to previous years and see the percentage.

Of course there's a lot of factors that go into that.

The real estate market, et cetera, et cetera.

But we think it would be a good idea to start tracking data and see how those neighborhoods compare to maybe a similar type of neighborhood like maybe north hyde park, you know, compare the area within the district to the area outside of the district once we get, you know, a couple of years worth of tax data under our belt.

That's a great idea.

I think also we could even track the permits and the rehab and all of that so we could get an estimate since you mentioned one of the big benefits is that it creates jobs and things like that.

Hopefully that won't be too big of a burden, but I think that's a great idea.

When we come back, I know there was a recommendations to come back, you know, in five years or to reassess things after a while, it will really help us next time around.

Thank you for all of your work.

All of you on this.

Sure.

Mayor Leffingwell: I have a couple of questions, kind of technical.

The -- obviously the city of austin has the authority to -- a lot of agencies give the exemption, aisd, travis , central health, et cetera.

And by the way, do the other seven school districts within the austin city limits, do they honor this provision?

None of them give any kind of historic exemption -- [multiple voices] -- school district.

Round rock does not either?

Round rock, the city of round rock has an exemption --

Mayor Leffingwell: No i mean -- there's a lot of that's in austin city limits.

Right. to my knowledge, does not give an exemption.

Mayor Leffingwell: Okay.

So only aisd -- yes, sir.

And so obviously the city is the political entity that has zoning authority.

This is a zoning change to historic status.

That all makes sense.

But since this historic structure designation or zoning has been questioned recently, by the other people who normally give it, has there been any thought given to taking these cases to them? Because I understand that they would have the authority to pick and choose who to give historic tax abatements to and who not to.

For example, travis county and aisd.

There has not been any discussion, per se.

One of the recommendations of the commission though, is to ask the city manager to initiate a dialogue with the other taxing entities to talk about continued participation in the program.

That's as far as it's gone.

Mayor Leffingwell: I mean whatever austin says, it's either historic or it's not.

But that gives -- I have heard talk, this just occurred to me a few minutes ago to even ask this whole question, but I have heard talk about some taxing entities deciding to -- to grant the tax exemptions for some things and not for others.

For example maybe for commercial but not for residential.

Or maybe more selective than that.

Some residential structures and some not.

And some based on the date of construction as well, some of the things that I have seen.

I think those are all discussions that are occurring right now.

I think it's important to let those other entities know that the city is considering changes and allow a larger table.

More people at the table, so that we can see how other entities are going to approach their incentive programs in the future.

Right.

I think that's very important because they have a huge financial stake in this and people forget because the city is driving a process that the city is forcing the property -- the city's portion of the property tax is relatively small.

I think it's important.



I'm glad to hear that you're getting them involved.

Mayor, if I may add, too, we're going to be soon in the near future going both the school board, aisd and the commissioners court to discuss the program and some of the proposed changes of the program.

Excellent, jerry, thank you.

Any more questions? One final question.

What is the tentative time table for all of this.

Well, we have prepared today's briefings in response to the resolution.

At this point we feel that we have met the direction that we had under the resolution.

So our anticipated next step would possibly be items from council directing us to initiate whatever code amendments, whatever ideas that you heard today or other ideas that you would like us to pursue.

Okay.

So items from council.

Then it would go historic landmark commission.

That would -- codes and ordinances planning commission, executive -- back to the council.

Right.

Sounds like about a three or four month process.

That's about the usual, yes.

All right.

Thank you a lot.

Appreciate it.

Mayor Leffingwell: Council, without objection, we don't have anyone signed up on item 65, without objection we can take that up next.

Item 65.

mayor, mayor pro tem, council, my name is kevin shunk from the watershed department, floodplain administrator.

Item 65 is a floodplain variance request for a property at 1505 parkway.

Within the shoal creek watershed.

The property is outlined in red here.

If you can picture yourself maybe sitting at a game there at house park field house and looking to the west across lamar boulevard across shoal creek, parkway, the street, is there on the west side of the property.

The street itself sits fairly high.

Shoal creek running from the -- from north -- north to south there on that page.

A little closer up version of the property itself here, the -- the development request is a -- is a residential building permit application and their request is to -- to add an addition to the existing single family house.

Now, you can see the -- the green polygon there, the shaded is the existing house.

There is actually a lower level storage area and garage area and the lower level storage area has a foundation that extends up -- up above the ground, I'll show you some pictures of that.

The proposed addition is on top of that existing foundation.

So this application doesn't propose any additional encroachment into the floodplain.

It's merely putting an addition on top of an existing foundation.

You can see here the darker line here is the 100 year floodplain limits and the lighter shade blue there is the 25 year floodplain limits.

The majority of the property is in the 100 year floodplain.

However, the -- the street itself, where the property meets the right-of-way, that area is not in the floodplain.

Here's a picture of the front of the house that you can see on the left side of the picture there.

That's the top of the lower level storage area.

And again the finished floor elevation of the existing house and the finished floor of that -- of the top of that area where the addition will be is above the 100 year floodplain elevation, well above as a matter of fact.

However, the property itself, the house itself is surrounded by the 100 year floodplain.

This is taken from the -- from the year of the property looking back towards the parkway, that's again the lower level storage area and the garage sits on the left of that.

Again the two story house itself is all above those lower level areas.

The variance request for this development application there -- there are essentially three of them.

As you know development in the floodplain requires that a property have safe access out of the

floodplain.

Significant part of our floodplain regulation so this -- this property since the house itself is surrounded by the 100 year floodplain, they do not have safe access from the house itself to -- to parkway which is the street, the right-of-way, which is not in the floodplain.

So the variance request is to allow the development without safe access, since the -- since the house exists now, without safe access, we -- the code considers that a non-conforming use, adding conditioned area to a non-conforming use is another variance request because of the addition to the house that is not getting safe access that's increasing the non-conformity of an existing non-conforming use.

We've talked a lot about drainage easement requirements, there is a floodplain variance request to exclude the building footprint itself from the drainage easement.

Other than that the property to the limits of the 100 year floodplain would be contained within the drainage easement.

Just talk a little bit about the safe access criteria.

Again the criteria itself states that you have to have access from the building to right-of-way.

That's -- that's an access area that's one foot above the 100 year floodplain or the design floodplain elevation.

The intent of that is not only protection of the citizens but also the first responders who during a floodplain -- a period of flood have to come to the house maybe to rescue people or respond to an emergency, so that requirement in the code for safe access is to allow people to walk from the building, which hopefully is above the floodplain elevation, which this one is, walk from the building to an area of right-of-way that's all one foot above the floodplain.

At the -- at the existing front door of this house, the 100 year floodplain 3 feet deep.

Then as you walk towards the right-of-way, obviously it gets more shallow because you're walking uphill out of the floodplain.

Again, they are increasing the conditioned area on the lot.

One thing that we did look at with the application is whether this -- this site could get safe access, that's a pretty important point for us to look at in the review of an application.

In our determination, this development could be changed a little bit such that the driveway could be regraded and you actually could get safe access off of that property.

So it's something that we discussed with the applicant.

They didn't want to pursue that.

Summary of the findings here, no safe access from the house itself to the right-of-way.

Additional occupancy being added to the floodplain and just wanted to point out that the finished floor

elevation is above minimum required.

Since staff reviewed the application and indicated that the development could actually achieve safe access, however the application wasn't revised to do that, staff's recommendation is for denial of the application.

And just in the -- you have a draft ordinance in your package.

If you had any questions about that, I did want to point out two conditions that were part of that draft ordinance.

The drainage easement requirement and the requirement for an elevation certificate.

Just to assure that the floodplain -- finished elevations are consistent with what's been shown in the application so far.

One other thing that I did want to point out, this application is identical to a residential building permit application that the applicant submitted in 2005.

In march of 2006, the council at that time heard a very similar floodplain variance request and that request was approved and the applicant had an ordinance to -- a building permit application to construct this.

Then for a variety of reasons, they decided not to construct it and the ordinance expired and the building permit expired.

So they have come back in with -- it's an identical application.

However, the changes that have happened since that time is the shoal creek floodplain has changed a little bit, so the shoal creek 100 year floodplain depths are actually a little bit more.

One foot deeper now in the models than it was at the time of the 2006 application.

Other than, the application is essentially identical.

Mayor Leffingwell: So approved by this council, not this council, but by city council back in 2006.

Elevation certificate, would that have to be reissued? I'm assuming the elevation, the floor elevation is the same as it was back then.

The elevation certificate is what we need to ensure that the --

Mayor Leffingwell: What I'm getting at, they don't have to go out and get a surveyor to do a new elevation certificate or do they not?

They may have to hire a survey.

We do have an old elevation certificate for the property, just minor things need to be added to the application.

May not requiring hiring a new surveyor to go do that.

That's not a big anticipated expense.

I would be happy to answer any questions.

bennett the applicant is here.

Mayor Leffingwell: Chris? Councilmember riley?

Riley: You mentioned the safe access could be provided.

Could you elaborate on how they could do that?

Sure.

If you see there the steps that lead from the driveway up to front door of the house, four or five steps leading up, the 100 year floodplain elevation at the door is about 2.

3 feet deep.

If you regraded the driveway, kind of picture that driveway that has two curb cuts on the parkway, on the right side of the building there, that's where the driveway goes back to the rear of the property to the garage.

But you could regrade the driveway, put, raise the grade there in the middle of the driveway there would be kind of a picture a hump in the driveway to get over it, but it could be regraded such that the elevation of land is a little bit higher right there at the existing doorway and then you can't see it from the picture, but where the photographer is 3, about 3 to 4 feet higher than the evaluation of the doorway.

So regrading of that little driveway piece there could then give the house safe access out of the floodplain to parkway.

Riley: So the whole driveway would need to be raised or at least a hump in the middle of the driveway would need to be raised to the point where it's actually higher than the doorway?

It wouldn't be higher because the finished floor itself is probably two to two and a half, maybe three feet above the 100 year floodplain.

Okay.

So about mid-way up those steps.

Right.

It's where you would have to land.

Basically just regrade that much of the front yard to allow a new driveway with at least a hump in the middle that would provide access.

Okay, thanks.

Mayor Leffingwell: Okay.

We have the applicant here.

bennett, you will have up to five minutes.

Pave.

Mayor, council, I'm jim bennett.

I'm here this evening on mitchell's shunk indicated to you.

It's -- we'll say it's essentially the same request that came before council on '06, it was approved with a one-year limitation.

However, due to economics, weren't able to complete that process.

Now we are able to complete the project so we are back before you because of that expiration.

We did -- the house was built I think in 1936.

The addition that I believe the city records are not real clear, but there's an addition made in '53.

I think that's the addition that we see to the left of the house where we're proposing to make the one-story addition on top of the existing structure.

Which I believe finished floors is about three feet above the 100 year floodplain.

We did talk to the city staff about perhaps changing the driveway, putting in a -- in a berm or a pillow, regrading the driveway.

We felt that -- after doing so and changing perhaps the drainage patterns on our lot as well as perhaps the drainage on the other lots adjant to it, that we didn't think that that would be a practical way to -- to achieve a semi compliance in getting the first responders to the site.

If you didn't build the addition that we're talking about today, the first responders would still have the same problem in rescuing someone from the house should it need be, or the occupants of the house leaving in the same manner as they would now.

So the addition would not affect the current conditions nor the future conditions.

They would be the same.

Additionally, we felt that it didn't have any impact on the watershed because of the structure being existing, it has no increase of impervious cover, we're not changing the floodplain nor the pattern of the runoff.

Additionally, that the -- that the finish floor is well above the minimum required by the code 1 foot above

the 100 year floodplain.

And council we think because the conditions are the same without the addition or the existing structure, that it's -- that it's a -- it's allowing us to make an addition without changing anything or having any impact on anything.

I will be available should you have any questions.

Mayor Leffingwell: Any questions? bennett, couldn't the first responders just drive up to the front door and jump off the truck on to the porch? [Laughter]

it's a fairly good sized porch, may, but actually they are probably going to stop in the street and walk up.

But they could I mean -- the driveway hump is not going to --

it's a circular driveway they could drive up right in front of the door, people get on the truck and leave.

Mayor, on that issue I -- mayor pro tem.

Martinez: I think we actually have a policy that prohibits fire trucks from leaving the roadway due to the weight of the apparatus.

Mayor Leffingwell: In that case what good would the hump in the driveway do? Is that a fair question?

Martinez: I think so.

In my opinion mayor it would be the same conditions with or without it.

Mayor Leffingwell: They would still have to -- have to get out in the same place.

Mayor Leffingwell: They would still have to go through a certain area that was below the 100 year floodplain or 25, whichever -- with or without the addition, yes.

Mayor Leffingwell: Okay.

That's all that I have.

Councilmember morrison.

Morrison: I wonder if staff if you could comment on that and what good does the hump in the driveway do? It sounded like -- would your recommendation change if there was a hump in the driveway was we are now calling it?

The hump in the driveway essentially takes the -- a person out of the floodplain to walk from the house to the right-of-way.

They would not be touching the 100 year floodplain.

If that were the case, the property would have safe access.

If the property has safe access, this becomes essentially an administrative floodplain variance that

could be handled on the staff's side.

There would be no increase in non-conformity because that's set aside with the safe access.

Mayor pro tem, are you saying in fact the first responder vehicle wouldn't actually use the hump in the driveway? They would stay on the streets.

Martinez: You could use a different apparatus, a fire truck, ladder truck and a quint is prohibited from leaving the roadway and also water of a certain depth.

In flood cases you see the ladder truck being used as an extension, apparatus is parked out of the water, on the roadway, they will use the aerial ladder to reach someone if necessary.

When I was in the fire department there was policies that prohibited you from leaving the roadway and entering water above a certain height.

Martinez: The council saw this various in 2006 and mayor can I ask --

Morrison: Was it unanimous the approval of it in 2006?

Mayor Leffingwell: I believe my recollection was a 5-2 vote.

Morrison: Do you recall what your vote was.

Mayor Leffingwell: No, absolutely not.

Morrison: I'm wondering if you feel today the same as you did back then.

The bottom line is we're looking at a more significant floodplain.

Yes.

Mayor Leffingwell: I am planning to support the request.

For the variance.

Basically because it's been previously approved and it's -- it's an extension under the same basically the same fact set.

Morrison: Mayor pro tem, both of you I -- I have a lot of respect for your perspectives on floodplain variances because I know that you bring a lot of experience.

Do you feel this is a safe --

Martinez: Yeah.

We have problems with this house, we're going to have much bigger problems in the downtown area.

So -- no, I don't see this as some major risk to approve this variance.



Morrison: Thank you.

Cole: Councilmember morrison, both mayor pro tem and the mayor voted for the 2 no votes on the 5-2 vote.

[Laughter]

Martinez: I don't think so.

Cole: I really don't know.

I really don't remember.

I was just teasing you.

I really do think the mayor pro tem, betty dunkerly voted against it and everybody else voted for it.

Mayor Leffingwell: Well, that's interesting but I'm not sure it bears on the case.

Cole: No.

Mayor Leffingwell: We can talk about it if you want to.

Councilmember shade?

Shade: Just the point is that the -- it's not new fill, it had already been approed and I just want to make sure that I'm not missing something.

What has changed other than the fact that they let it expire, I mean, the --

mayor, if I could -- what I'm getting --

Mayor Leffingwell: Councilmember morrison.

Morrison: This is a colliquy, it will be good.

Please correct me if I'm wrong, but what's changed the floodplain has changed.

The floodplain over the past six years has gotten one year deeper the 100 year floodplain.

7 to 2.7.1.3 To 2.3.

Shade: Right there's already a part that's in it.

I mean, this isn't adding new fill to it, is it? I mean it's just that because it's higher the water is going higher to it.

Morrison: So it makes it more challenging i presume.

The development isn't adding any fill to the floodplain at all because the only development is sitting on

top of the existing foundation.

Shade: So already the major risk to this property is already there is what I'm trying to get at.

Right.

It does not have the -- the issue is already there.

Shade: Already there, this doesn't change it.

Thanks.

Mayor Leffingwell: Any other comments, councilmember spelman.

Spelman: I'm going to ask a question which at least half of the people in the room are going to consider to be really stupid.

I'm going to have to ask it anyway.

What is the practical value of the hump in the driveway to a firefighter or a police officer who has to park their car on the right-of-way on the street? Will they get their feet wet getting into the car or not?

Not with regrading the driveway, no.

Spelman: The point behind regrading the driveway, doesn't matter where the car is parked or who can go into what driveway.

If you are trying to rescue somebody, if you regrade the driveway per your suggestion, then you park the car outside, you walk through the driveway into the house, you're not walking through a flood.

Correct.

Because the right-of-way is not in the floodplain.

Spelman: Okay, if we don't regrade, you have to 3 feet of flood waters just to get to the house.

Correct.

Spelman: I understand we may have more serious problems than this house if there is a flood of that size.

But seems to me that this is asking for trouble we can easily avoid and seems to me that we should -- it makes sense for the city to insist on regrading that driveway.

bennett, have you and your client considered regrading that driveway?

We were in discussion with kevin and his staff and then I did talk to my client.

But, councilmember, right now the same conditions would exist.

If we didn't build the addition, they're going to walk through the flood waters that may be now.

With this addition or without the addition.

Same occurrence, it would be no change.

The problem that we have with creating the hump, if you will, in discussing with the drainage staff is that this would be similar to a -- to a pillow bump in the street.

Which would require regrading the driveway and creating this hump I think six to eight feet wide hump going across there to try to divert the water away on the right-hand side as i understand it.

The water that we should be receiving from a flood is going to be coming from shoal creek up to the front.

So if you build the hump, the hump is not going to keep the water away.

The water is still going to come from shoal creek toward the street.

Not from the street towards shoal creek.

Spelman: This is exactly why I considered my earlier question to be stupid and I'm not sure it's still stupid anymore because I'm still getting a vastly different message here.

What you are saying is you regrade the driveway somebody is going to get their feet wet as they walk from the right-of-way to the front yard because they have to walk up and back down the hump before they can go up the stairs they're going to get wet.

Is that what you are telling me?

I'm telling you that they are going to get their feet wet right now without the addition.

Right.

They will get their feet wet with the addition if you build the hump.

Spelman: Even if you build the hump to the specifications of the watershed protection you are going to have to walk 3 feet of water in the 100 year flood.

If you build the hump you may be able to walk on the crown of the hump because it's going to be a wide hump, not just a little skinny hump.

Maybe you wouldn't get your feet wet.

I've got pretty big feet.

[Laughter]

okay.

I can see.

You can do it, if you did it the way staff is suggesting it, you could walk from the right-of-way along that hump to that front door without getting your feet wet.

Perhaps so but then i don't know if the driveway will be serviceable because you have a big hump that you have to cross over.

Spelman: Thank you.

Mayor Leffingwell: I would offer one other comment on the hump.

We're having too much fun with this.

[Laughter] but constructing the hump in the driveway there, would affect the floodplain.

That is a new piece of fill in the floodplain which at least infinitesimally would increase the floodplain upstream and downstream perhaps requiring a new floodplain certification or something like that.

So, you know, but seriously, I would be reluctant to even allow, much less advise, the construction of the hump in the driveway in the floodplain.

[Indiscernible]

second.

Mayor Leffingwell: So councilmember shade you are recognized.

What did you say?

[Indiscernible]

mayor pro tem moves approval of the variance.

Councilmember shade seconds.

Any further comment? All in favor say aye.

Aye.

Opposed say no.

No.

Passes on a vote of 6-1, councilmember spelman voting no.

48, we will go heat and get started on it.

It doesn't appear likely that we will finish.

We will have to interrupt at 30 for live music and brakes.

But item no.

48.

Two people signed up to speak.

Unless the councilmember wants to make a comment first we will call them up to the dais.

First is gavino fernandez.

Signed up against.

Not in the chamber.

Debbie russell signed up neutral.

You have three minutes.

Thank you, mayor and council, I signed up neutral because I am of course very much for single member districts, but I would like us to consider changing the plan.

This should very much go on this november's or next may's ballot.

We need to keep this on a non-partisan ballot that is one of the only ways this is going to succeed.

Six districts will not cut it.

Not unless you are designing this plan to fail.

We are already the largest proportional represented municipality in the country by far with one representative to 812,000 people, more than our u.s.

Congress people represent and with six districts we're looking at starting at one to 130,000 people the same size as the state reps, by 2020 it will be one to 16,000 people.

We will still -- 160,000 people.

This flies in the face of fair representation as guaranteed by our constitution.

The last time this was on the ballot, almost 10 years ago, we had 150,000 less people.

The commission then said we needed 12 districts.

That one ignored by the watson council and they sut an 8, 2, 1 system on the ballot.

What would we create that proposal minimalist as it was 10 years later when we have 150,000 more people.

This surely will not fly with the doj.

If you paid attention during the 07-08 debate the former doj rep we brought in as a consultant gave ample reasons for thinking bigger.

The commission then wasn't charged with making a map in an effort to kill the proposal.

But the community input during that time and many on the commission made clear they favored at least eight districts.

I have spoken to experts, myself from national aclu and naldia they know that six won't fly.

Eight for one is the smallest plan accepted by the community at this point the community that I'm speaking about goes beyond the instance similar center city cabal.

Even detroit is in the process of going to a 7, 2, 1 system they have 200,000 less people than we do.

We also have a revenue neutral proposal in the works here by the way.

I submit to you it's not been too many districts that we've brought to the ballot that's caused it to fail.

It not been enough.

Also, why it failed? The community didn't trust the line drawing system.

I want to present to you a much better plan for collecting a commission that will do that.

One member per councilmember is akin to the councilmembers drawing the maps themselves.

We can't get fair geographic representation if the geographic proportionment process isn't fair.

What's being put up on the screen is an excerpt from a draft ordinance being worked on by a broad section of community members to push a fair, workable, winnable district system.

It's based on the best, most progressive practices nationwide.

This piece I'm really already over? Oh, my god.

This piece was -- I can't tell what's going on here, this piece was actually written by steve bicker staff who a lot of you know, law professor and considered an expert on redistricting --

Mayor Leffingwell: Your time expired.

I just wants to mention that he was also the one that defended the city in the '84 lawsuit --

Mayor Leffingwell: Thank you.

Spelman: In light of the importance of this issue, I would like to ask russell if she could describe very, very briefly what steve bickerstaff's proposal was?

Excuse me, sorry about that.

Very briefly, I don't know if I can see it up there.

Basically, the city auditor gets three independent auditors on a panel that would then get a pool of 50 qualified people, there's various qualifications up there, that would then be tallied down actually by y'all.

Y'all would have input at that point.

You would get to strike two of those people.

Outs of the 50.

Then eight selected by that panel of auditors and then those eight would then reselect six more to have a panel of 14 to then draw the maps.

Then go back to that list that-- and find six more people despite them being stricken for other reasons to get a fair geographic, diverse, representation on this panel.

Spelman: Although it sounds complicated it does sound like the sort of thing which would definitely insulate the commission from politics.

If you can send us a copy of this, I would certainly like to see it.

Mayor Leffingwell: Mayor pro tem.

Martinez: Thanks, mayor.

Obviously this is extremely important issue, this is just the beginning of any process.

Something that I have steadfastly supported since prior to being elected and i think it certainly will improve the structure of government in austin.

As well as the many other contemplated charter revisions that will come out of this proposal.

Because we probably won't get to the end of this discussion until later this evening and I may not be able to stay for the entire event, I want to go ahead and make a motion to approve the item just to be on record and supportive of it and allow the debate to continue as long as necessary before we take a vote.

So I move approval of the item.

Spelman: Second.

Mayor Leffingwell: Motion by the mayor pro tem to approve item 48.

Seconded by councilmember spelman.

And I would note that there are no other speakers signed up wishing to speak.

Paul saldana signed up for but not wishing to speak.

All of the speakers have spoken who were signed up.

So motion on the table.

Discussion?

Mayor.

Mayor Leffingwell: Councilmember riley.

Riley: Can I ask a question of staff, legal.

This -- the resolution before us contemplates the six districts and then three at large seats.

The speaker that we just heard was raising questions about the legality of having so few districts.

Do we plan to -- to have any legal authorities involved in this process? And if so, if there are -- if there is a basis for concluding that six would be -- would not have constitutional muster -- would not pass constitutional muster, what would happen then.

[Indiscernible] ramiro, city legal.

Yes, we will have legal authorities involved in the process, folks who have done the process in the past to advise.

And if the 6, 2, 1, model does not appear to legal standards then we will absolutely proposal an alternative.

Riley: Okay.

Thanks.

Morrison: Mayor?

Mayor Leffingwell: Councilmember morrison.

Morrison: I wonder if i russell to come back up.

There was one thing that i wanted to ask you to compound upon just a little bit.

You mentioned that you thought this ought to be an item that was on during a non-partisan election and from my view having it on in a november partisan election where we get the most turnout is good for this ballot for the biggest perspective.

Could you just briefly comment on why you think a non-partisan election is important?

Because we're supposed to be electing you y'all from a non-partisan standpoint first of all, a secondly because the november 2012 will be a presidential race as we know that turns out a lot of democrats in our county and city.



Doesn't really turn out a lot of republicans because they've already been shot down in the primary.

So we won't get independents, republicans, greens, a lot of those people.

Morrison: Thanks for your perspective on that.

I'm going to support this motion for sure.

I have been on record for a long time supporting single family districts.

I do want to mention one concern, that is in item no. 4.

It's -- proposes to eliminate staggered city council terms.

All city council should be elected once every four years.

That's not something that at this point I can support.

I think it's really dangerous risky position to put the city in.

Just in terms of what it takes to focus on a campaign and then get up to speed to have the whole council doing that all at once I think would be bad for the city.

Personally I would much prefer to see staggered terms.

But I'm certainly going to support this motion and hopefully we can continue that conversation.

Mayor, mayor?

Cole: I have a couple russell, please.

I want to go back to your statements that you were steve bickerstaff and the -- the -- did you say that he actually drew maps or had a format for drawing maps before it went to the voters?

No.

He wasn't involved in drawing of the maps in the past.

He actually represented the city in a 1984 lawsuit where we sued the city over the gentleman's agreement.

He was actually on the other side of the aisle, so to speak.

He has done that in various capacities as a consultant in various other venues, he's worked at the state level, at that level on district representations.

Cole: I know him well.

Written the box on it.

Cole: Yes, he has.

I remember when jerry harris and steve bickerstaff were battling this out.

I was trying to remember some of the details that the city, community was aware of what maps were being contemplated.

Did the city handle that or did --

are you talking about in 2002?

I guess I don't know.

But one of the things that we're struggling with is when we have a town hall meeting, we don't know if we're going to have a citizens committee, we don't know if we'll just deal with one map per expert and so I'm trying to get some input from you in terms of how that worked in the past.

In the past with the exception of this last rounds a few years ago, as you know there were four of y'all that were opposed to single member districts at the time.

Because the mayor then was on the fence, he kind of designed the commission that was put together to fail because he didn't give them the opportunity to draw the maps.

He didn't give them the directive to do that.

So we -- a lot of maps were brought to that commission and a lot of discussion was had.

I think it's worth a lot of review at this point as well, some of that discussion, because there were experts brought in.

As I said, we brought this that consultant that was the voting rights division person and there was a lot of discussion from 6-2-1 to 14 districts and i know several people, I'm not going to say the majority, but I think the majority of the commission were of the mindset we needed at least eight districts at that time.

Before that the two commissions before that actually recommended 12.

Cole: I guess thank you debbie that's the end of my questions.

All that is trying to do, we can visit about this later is just get some direction that my colleagues and I can follow about the process of community input.

Especially since you are suggesting a really short date, but even the date that we're suggesting is really in the scheme of things in terms of educating our community a short date.

We can visit about that later.

I think this commission idea would help with generating that.

Cole: Okay.

I want to say that I also am very concerned about the staggered term.

I think that puts us in a very risky position in terms of governing when we are all up for office at the same time.

That just having some councilmembers not be on the trail just leads to better governing.

Second, with the number that is proposed in the current resolution, I am concerned about the african-american representation.

And I've been on record as saying that before.

But despite that concern, i do support accepting it to the voters and know that the african-american community is divided on this issue.

And -- but I will still advocate for a number that preserves the likelihood of africa americans being elected as likely as possible.

I know that could increase the numbers, but I think that is still important.

Even more important than that is the recognition of the history of single member districts coming from the voting rights act, which was there to guarantee minority representation on governmental bodies.

As much as I also believe that there is a very legitimate concern about geographic representation, the question of whether the vehicle for making that happen is the same vehicle that we used for racial representation is I think up in the air.

And that -- that -- that i just want us to think about can we go about making that happen without bringing the voter rights act and the department of justice and all of that business into it because it seems like apples and oranges.

And I believe in both.

I know that I mean I believe in apples and oranges, but i also believe in geographic representation and as well as ethnic representation.

And I think recently it has been talked about in terms representation.

Finale as I was talking to russell about, I think it is important that we have some type of citizens input on this process regardless of when we ultimately accepted it to the voters.

I hope that is not mandated by the legislature.

But even if theirs was separate community leaders that come up with that or we actually do it then we should do that and that should be a process that all of us have some ability to -- to weigh in on through an appointee.

That being said I will be voting in favor of the motion.

Mayor Leffingwell: Let me just say first of all my understanding there's a lot of flexibility in this.

This is only a directive to start drawing up charter language.

In the process of doing it in the next 90 days, the law department might -- I might ask you to come up and answer this question.

That you do -- if you come across obstacles that are identified that would be sort of a red flag with the voting rights act, he would come up with other suggestions to remedy that, other scenarios, other counts, number of districts, et cetera, is that not correct? So we have that flexibility in this motion.

Yes.

Okay.

Mayor.

Mayor Leffingwell: Let me finish, if you don't mind.

I'm sorry.

Mayor Leffingwell: I just want to make this one comment about the staggered terms.

I just simply disagree.

I mean almost every legislative body in the country doesn't have staggered terms.

Texas legislature, united states congress example.

First of all I think it's highly unlikely that the entire body would be -- i think there will be a natural staggering that takes place over time with some members deciding to run for reelection and some not, for example, so after a few terms you would have a natural staggering with people that are termed out and people deciding not to, et cetera.

So that's a question that we will resolve.

We're not voting on that today.

We're just voting on draw up appropriate charter language.

I also plan to support the motion.

Councilmember shade.

I'm hoping to be here for the after part of the conversation, in case i can't be, I have to be at something for my son's school.

I wanted to make a few comments real quickly before have to break for proclamations.

On the issue of the staggered terms, while the city council is a legislative body that's for the really our entire role.

We're really like more analogous to the board of directors for this entity that is the city.

So I agree with the comments that councilmember morrison and cole have made which is that it is very challenging to contemplate the entire council being on an election trail at the same time.

And I do think there's some benefits to having some sort of -- of staggered terms.

So I won't be supporting that when it gets to the point where we get to make that go on the ballot or not.

I'll probably be against that ballot item, too.

I wanted to mention a new year's ago that the planning commission had -- had -- had passed a resolution which was trying to address an issue really timely, currently the charter allows for the aisd board president to serve as an ex-officio member of the planning commission.

But does not allow him or her to be able to appoint someone in his or her place.

So the resolution that was passed by the planning commission is one that i would like to include in this.

I would like to add that we -- that we, you know, change the language in the charter to allow the aisd board to appoint a new non-voting public planning commission position to represent aisd.

It should not have to be the board president.

So I would like to -- to make a friendly amendment and hope that would be a friendly amendment and -- and I guess the makers of the motion accept that.

Okay? And in addition.

Mayor Leffingwell: Both accept? All right.

In addition to that, i think that while doing that we should be looking at making the terms of the planning commissioners consistent with those of the councilmembers.

Right now they have two year terms and it's kind of strange.

Especially if we're contemplating four year terms for councilmembers, i think while we're looking at that language I would like to direct you to look at that language as well.

I think that may or may not be a friendly amendment.

But it may just be sufficient to look at it in terms of direction if you want to make it a friendly amendment or --

Spelman: Is that in the charter?

Shade: It's surprising to me.

It was in the charter, made by a couple of the planning commission members to me.

Said they are appointed for two, five, two year terms and instead of currently when we changed our

terms to three years we didn't address this before.

So I think it would make sense whatever we do with our terms that ought to be consistent with the other boards and commissions that we have.

This unwith is unusual.

If you could just look at that.

Spelman: I'm not sure I'm for it yet, but I'm certainly for our considering it and having some language with it.

Mayor Leffingwell: Mayor pro tem, do you accept that.

Martinez: I do.

Shade: That's all that I would ask.

The other thing that you would like to explore in addition to the idea that is in the current proposal is looking at the odd numbered years only for elections, i would like to look at the even years.

As an alternative.

Really in part because of the discussion that councilmember morrison just had with debbie russell about when you have the maximum voter turnout.

I think before we land on one option or the other, we ought to be able to at least explore both.

Because I think a good argument can be made for either.

And certainly when we have the highest voter turnout in the even years it might make more sense.

I don't know.

But at least want to explore it.

Mayor pro tem?

This is only asking for language, of course the language can be changed before we pass the ordinance.

Shade: I think staff if they are going to be providing us with recommendation and looking at the discussion, I want to make sure -- I want to be on the record for saying i think there could be an argument made for both.

The other thing already mentioned about the term limits, that's not really that very complicated by itself.

I don't know how I feel about four years versus three years, but I do think that in our discussion we ought to also be thinking about term limits because we did, when -- we do now have three year -- three terms that you can do instead of two.

If you are moving the lengths of time somebody serves from three to four years, still allowing them to

serve three terms that really changes a lot.

I think that may be too long of a item.

I would like to at least be on record saying I am concerned.

Whether that has to be in this language or not.

Mayor Leffingwell: The friendly amendment is to take a look at the number of terms or term limits in this four year term scenario, is that okay with you mayor pro tem and councilmember spelman.

Shade: Okay.

My last one is a little bit more radical.

Those were the easy ones.

The other one is one that i would like to see if it would be a friendly amendment to look at which is the suggestion that we look at eight members who live in geographic districts and a mayor who are all elected at large.

This is an idea that I have heard from folks suggested before.

So in other words you would have geographic districts of eight districts, everybody elected at large, coming from geographic regions of the city that are drawn, but they would all be elected at large instead of only from that geographic area.

Mayor Leffingwell: I believe we have already discussed we can have that latitude but we can -- [multiple voices]

mayor pro tem? And councilmember? Okay.

Councilmember morrison.

Morrison: This sounds like a radical difference [multiple voices] there would be districts but that all of -- all of the people on the ballot are elected at large.

In other words, it addresses that -- she's suggesting.

I want to claire [multiple voices]

Shade: You don't have to be for it.

But I want to make sure that it's at least vetted.

I think what I'm understanding is that we have the option to look at that.

But the language seems pretty restrictive in what we have here.

The reason why I'm suggesting it just to explain it to folks is that my concern is that if you have geographic districts then that means that whoever is elected in those positions is responsible,

accountable only to the population there, not the entire city.

This is a way to look at another alternative that other cities do to guarantee that they have geographic representation but still have the benefits of -- of councilmembers who are accountable to everyone.

They obviously are more tied to their geogr area and have expertise but making decisions about funding it reduces some of the ward politics that you see as a problem in other cities.

I just want it to be looked at and make sure that I'm getting on the record for saying that I want to look at that.

Mayor Leffingwell: We're going to have to break very soon.

Mayor? But let me just say that we can certainly take a look at that.

I will say right now I will not be supporting that.

That kind of defeats the whole purpose.

Martinez: I would like to request that the council consider going ten or 15 minutes, you are going to lose two councilmembers on a very important issue.

That would be three.

Martinez: We want to be a part of this.

But unfortunately we have conflicts in our schedule.

Mayor Leffingwell: We will already 10 minutes overdue for our 5 on -- 5:30 p.m. time certain.

We have a motion and a second on the table.

I think that we can go another five minutes, that's good to go -- this is a special off-site meeting honoring crockett high school austin corps graduates [multiple voices] not honor them in doing the work that we have on this agenda.

Mayor Leffingwell: Well that's -- you know, with all due respect to the mayor pro tem, this entire council meeting is our work tonight.

So if we have to come back after the live music and proclamations and then that's what we have to do.

Unless someone wants to move to postpone.

Spelman: Mayor I call the question.

Martinez: Second.

Mayor Leffingwell: All in favor of the motion -- well, any objection?

Shade: My question is do we get confirmation that there is latitude to look at alternatives besides --



besides just the hybrid model.

Spelman: I accept that as a friendly amendment.

Let me just say councilmember we are hiring experts and not really being able to answer all of the kind of legal concerns we have to be able to have that flexibility based upon what the legal experts in the next or two weeks start to tell us about whatever it is that's in that resolution, so as I said on tuesday, even though it looks like that -- that the language is more restrictive because there are -- the potentially significant legal -- legal parameters related to how you do a redistricting, it is our interpretation that we will have to -- we will have to potentially look at other scenarios that aren't specifically listed there.

Great, thank you.

I'll vote for it.

Cole: Point of order.

I believe that councilmember councilmember shade's amendment has been accepted by the maker and the second.

And so all that I have is for the city attorney to also look at the --

Mayor Leffingwell: The question has been called.

Cole: Okay.

It's just a direction to look at other cities.

Mayor Leffingwell: That has already been approved by the council.

Cole: Okay.

Mayor Leffingwell: All in favor of the motion say aye.

Aye.

Mayor Leffingwell: Opposed say no? That passes by unanimous passes on a vote of 7-0.

That completes our agenda, without objection we stand adjourned at 5:40 p.m.

Mayor Leffingwell: If i could have your attention it's time for live music in austin, texas.

Special music tonight from the crockett high school mariachi band which we announced earlier.

El mariachidel oro, created in 2006 by a director of orchestra joseph baird, who saw the growing demand in austin for mariachi music.

Since the band's inception they have played for weddings, birthdays and many major events, including the 2011 governor's inauguration.

The group will be playing their cinco de mayo concert on cinco de mayo.

Right here in crockett high school.

And for the latin academic achievement awards at the university of texas, l.b.j.

School of public affairs on MAY 14th.

Let's welcome el mariachi del oro.

[ Applause ] [ music playing ]

[ applause ]

Mayor Leffingwell: Thank you very much, we appreciate the music.

I have a proclamation to be issued in your honor.

It reads as follows be it known whereas the city of austin texas is blessed with many creative musicians whose talent extends to virtually every musical genre, whereas the music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike, whereas we are pleased to showcase and support our local artists, now therefore I lee leffingwell, mayor of the live music capitol of the world, austin, texas, do hereby proclaim ap 28th, 2011 AS EL MARIACHI Del or o'day in austin, texas.

Congratulations.

[ Applause ]

good afternoon, ladies and gentlemen, my name is joseph baird, I would like to introduce to you elizabeth win winds slow the director here for the choir.

We have a wide range of students here from 9th through 12th grade.

All freshmen plays raise your hand.

Sophomores, juniors.

Seniors.

Now some of the kids go on to play in professional mariachi, some of the kids are in professional mariachi.

We were blessed to have many talented students cow co-through crockett.

We were fortunate enough to be invited to play for the governor this year and the kids really enjoyed it.

They are enjoying every moment of playing mariachi for the city of austin and we will continue to do so for years to come.

Thank you very much.

[ Applause ]

Mayor Leffingwell: As we discussed earlier in the day, this is graduation day for about 22 crockett high school seniors who participated this entire year in the austin corps program which is a pilot program, the first year it's ever been done, but definitely not the last.

The goal of this program, of course, has been to teach students about how city government works.

So I want to thank a lot of -- of folks, first of all beginning with our city staff.

Who participated in the fall semester and worked to teach these young people how each department functions.

I also want to thank the city manager, if he's still in the chamber tonight.

I guess he's temporarily left.

But I want to thank him for his leadership and his support of this extended opportunity to -- to engage these young people in helping to shape austin's future.

I want to thank several folks, staff folks, in the communications department and the public information office, worked on the program.

First of all larry schooler, where are you, larry? Larry has been --

[ applause ] -- kind of on-hands on guy and will continue to be involved in this program if the future and patricia with him, patricia, thanks for all of your work.

[ Applause ] and from the human resources department, roberta bynum, christine willingham and christina jones.

Are you folks here?

[ Applause ] thank you for your work.

And the second semester, the austin corps students participated in an internship program for 10 hours a week.

Several of them that I see here tonight actually interned in my office and were a great help to us.

And they worked in, other students worked in 12 different city departments on projects ranging from helping plan community meetings to the transportation department to working in the austin public libraries, recycle reads book store.

So we appreciate all of the work that you did this year and congratulate you in just a few minutes we're going to give you a diploma.

Not a high school diploma, but an austin corps diploma.

Also I want to thank this program definitely would not have been possible without the participation and strong support of aisd and really some key staff members in aisd and I want to acknowledge them tonight.

Laurie mara, who is an aisd trustee, are you here? Thank you, laura.

Christie rome, aisd there's christie.

I think she worked on this program just about every day for the last year.

Daniel jared, akins high school principal.

Is daniel here? You but I know craig shapiro is here, crockett high school principal.

[ Applause ] and we had a couple of teachers from each high school who worked very hard on this project and enthusiastically, we couldn't have done it without their support.

Akins high school teach erin teachearlier linda oneal and crockett high school teach david dupont.

Thank you, david.

So we're going to present the graduation certificates now.

But I want to remind you as soon as get done with this, we're going to have refreshments.

Out in the outside of the theater here, we're going to have cake and lemonade.

I invite you to all come out and participate in that.

So -- so if the city manager, his representative, could come up here with me we'll begin to -- to present the -- the -- the certificates.

Mayor, thank you very much.

If I could ask all of the crockett high school students to line up on the right side as well as the city staff who were the internship supervisors for the crockett high school austin corps students on the right side of the auditorium.

We'll be doing this in alphabetical order by last name.

[Announcing names of graduates]

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