

# Closed Caption Log, Council Meeting, 06/23/11

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Eternal and gracious god, the one we call transcript, you have been so good to us. We ask for your presence and blessings upon us. Especially this morning as we gather in this chamber. O lord, thank you for your loving kindness and your outstretched arms that hold us near to you, and finally, lord, lead and direct your chosen civic leaders, that they make the decision with the application of justice, peace, love, hope and good stewardship. , Be acceptable to you. We ask this and many other blessings in the mighty name of jesus, the christ. Amen.

Mayor leffingwell: amen. Please be seated. Before I call the meeting to order I'd like to just -- i would like to recognize council member randi shade for a moment of personal privilege. Council member shade. thank you very much. Well, being fired is never easy, and it's especially difficult when it happens publicly, as was the case for this this past weekend, but there is one thing i want to say today, and that is, i love austin. This selection last weekend does not change that. I have experienced many ups and downs in my life and the downs have always led to wonderful next chapters. I don't expect this situation to be any different. In addition, I have always appreciated the chance to learn new things and to work with incredible people from all kinds of backgrounds. This most recent experience has been filled with both. Believing that the dots will somehow connect down the road is what has always given me the confidence to follow my heart even when it leads me off the well-worn path, and the same is true now. Obviously we don't all agree on all of the issues all the time, and clearly city politics, especially in austin, is at times a blood sport. People like to assign all kinds of reasons as to why any of us up here take the actions that we do from one week to the next, but having known many who have served before me and knowing the people who are sitting up here on me today, I can say without a doubt that this job is tough and it is filled with grays. For most of us it will never as simple as being pro growth, pro neighborhood, pro growth, pro public safety or pro civil rights. During my time here at city hall I have never cast a vote or cast an opinion for any other reason than to do what I thought was best for austin. Austin is my home, just as it is your home. It is a place that if you're in this room today you care about deeply. Whether you're sitting on the dais or working tirelessly as a city staffer, community activist, lobbyist, journalist or citizen, too often we get caught up in our titles, professions or in the fight for a particular cause, but at the end of the day, at the end of every day, we are all in this together. This is our home and we are all engaged in this activity at city hall because we want to make our home the best place that it can be. Austin is a very special place and I appreciate the role each of you plays in making it that way. Whether you like me or not, whether you voted for me or against me, whether you voted at all. I want to thank all of those who supported me as well as those who did not, and i want to thank the thousands of citizens with whom I've had the chance to work on project or learn from. There are far too many of you all to call out individually but please know how much I appreciate our time together. I want to make a special point to thank my council staff, mardy bier, glen coleman and elaine diaz as well as the interns our office has been blessed to have over these years. Each of these folks has worked hard to be responsive to a whole host of constituent concerns and each has worked diligently to give it 100% day in and day out. I'm a strong believer in the council manager form of city government and I want to thank the city manager. Mark arrived at city hall just six months before I did and we've learned a lot from each other and I have really appreciated the opportunity to have a good working relationship with him as well as a solid friendship. I also want to thank the assistant city managers and countless city staff members with whom I've had the pleasure to work. Our city staff may not always be perfect, but when you take a

moment to consider the complexities of running a city of this size it is impossible not to feel incredibly grateful for the work of our staff, from public safety to public works, from parks, libraries, to social services, economic growth, wrch protection and public planning, our utilities and airport and convention center as much as, this city is an amazing organization, filled with bureaucratic challenges as well as competent and dedicated public servants. I applaud the work of so many long timers as well as the many newcomers who have joined the city in recent years. Your work is challenging and incredibly important and I thank each and every one of you. I have had the honor and good fortune to be the first openly gay member of the Austin City Council. I have the most supportive partner anyone could hope for, and I want to thank her publicly for all she has done to make this possible. Kayla is here, this is the first Council member she's ever attended, but I want to welcome her. [Applause] the learning curve for anyone who serves as a new Council member is steep, but this was especially true for me since prior to being on the Council I had not spent any substantial time here at City Hall. My partner, Kayla, has supported me all the way. She encouraged me even in the face of great difficulty, and when I think back and consider what my family has experienced during these last few years I am truly amazed. Just a month after I was sworn in, Kayla was diagnosed with a major spinal cord problem that could have left her paralyzed. She endured a high risk eight-hour surgery just before I gave birth to our daughter, Emmy, and during the course of my being on Council she's continued walking, and supporting our children as we plodded through the terrible twos and my time on the Council. I have never missed a single City Council meeting, including the week I gave birth to Emmy and I couldn't have done it without Kayla's strength, love, and support. During this campaign when we finished our last forum, former Council member Max November Nop Sinker acknowledged what we shared. And I was struck by his comment and I want to wish Kathy Tovo the best in her new roll. She and I shared an experience only we can know and it wasn't always pleasant but it was important. It was important for Kathy to win with a majority and having more voters turn out, also gives us a stronger term. That is what democracy is about and that is aware what our City Charter calls for, elections matter. Everyone in this room appreciates we live in a society that gives you the very important right to vote. My friend and mentor Governor Ann Richards was known for saying, in politics your friends won't hurt you but your enemies will kill you. I think in my case I was hurt by both. Ann, you also say in life you always look ahead, you never look back, but before we close I want to take a moment to look back and say even though this Council is divided right now it hasn't always been and doesn't have to be. Regardless of last week's election, I would have just as I am today called for or worked towards repairing any damage. By serving together we have for these last few years also shared a unique bond among us that only we know, and that bond will be with us and our staffs forever. I can look at Sheryl Cole and be proud of what we did to get the Waller Creek Conservancy formed and make sure the plans for Waller Creek don't end up on a shelf but instead become a reality. I can look at Bill Spelman and know that while it wasn't very popular at the moment we started the ball rolling to make changes to our historic zoning program. I can look at Laura Morrison and know that we worked together to stop the wildfire HUD development over the aquifer from happening. We fought for neighborhood planning and contact teams to have understanding. We stuck together on a number of CS zoning cases and we launched the Hate Crimes Task Force together. I can look at Chris Riley and know that while incredibly painful, we took a stance to call for a settlement to the Nathaniel Sanders case that achieves neutrality and healing rather than continued divisiveness. I still hope that happens. Chris and I also worked to support reasonable density in the central city that promotes our task base and promotes vibrant urban life for those who seek it. I can look at Mike Martinez and know that we did some important work to support the creation of the music office that while not everything we had hoped for is certainly a very good start. We also did important work together as committee members on both the public health & human services committee and the minority and women-owned business enterprise committee. Sure, we have very different backgrounds, and sure, we have disagreed on many issues, but Mike and I became very good friends while sitting next to each other these last few years, and it is a friendship that I will treasure forever. And finally the Mayor. Lee and I got to know each other the campaign trail in 2008, and I can not say enough about the importance I place in the friendship that Lee and I have developed. Lee is pragmatic, if not always patient. He is smart and honest. He does not play games, and while sometimes his engineer's precision and Navy pilot's focus can be maddening, I can't say enough about how very fortunate this city is to have someone like Lee step up to serve as our Mayor. Lee knows how to land airplanes in the most turbulent of weather patterns and I want to wish him the very best in landing this plane. We all need Lee

to succeed and I will do anything I can to support him, not just as a friend but as a citizen who cares deeply about the city's well-being, and I hope others in the room will do the exact same thing. Now, if I can wave a magic wand and make it possible for everyone on the dais to get along better than it has been the last several months I would do it in a heartbeat, but learning from Sheryl Cole I made a quick trip to Whole Foods instead yesterday, in search of some aroma therapy candles. [Laughter] Now, I could have picked passion or I could have picked reflection, but instead I went with harmony. It has been said that harmony makes small things grow, lack of it makes gray things decay. And that sentiment certainly seems appropriate when we think about the work at City Hall. Again, I am deeply honored to have served the city in this unique capacity. I appreciate all that I've learned and I look forward to continuing to serve our community for many years to come. This is our Austin, this is our home, and together we shape its future, whether at City Hall or through our work else -- or through our work elsewhere in the community. And again, I thank everybody. [Applause]

Cole: Mayor? Thank you, Council member Shade. May I just say that I appreciate your friendship and I appreciate your service to this community over the last three years, and I'm sure your contribution will continue for this community in the future. Council member Shade has requested that Council members not comment on her comments. So if you'll respect that -- [Laughter] just light your candles. But I have something in harmony to say. [Laughter] Mayor, are you going to let me say it in harmony? Well, I'm just telling you what her request was. Randi, I have something in harmony to say. Will you allow that?

Why don't we take it off the dais. I just want to say that -- light the candles, everybody, quick. I want to make sure you mentioned three things that you and Laura did and only one that you and I did. Now you see the problem? I want to say God bless [inaudible].

Shade: Thank you. Thanks again. A quorum is present so I'll call this meeting of the Austin City Council to order on Thursday, June 23, 2011 at 10:18 a.m. We're meeting in the Council Chambers, Austin City Hall, 301 West 2nd Street, Austin, Texas. The chamber is full, according to the fire marshal, and I don't think anyone else will be allowed to come in, but there are spaces outside of the chambers with television monitors so that people will be able to watch the proceedings. Yeah, and there's -- City Manager informs me that there is room -- a little bit of room left in the Board and Commissions room. So lengthy meeting today beginning with a lengthy list of changes and corrections. So we'll begin with that. 2, add the phrase "recommended by the electric utility commission and the resource management" 19 is postponed indefinitely. 26, strike "2011-2012" and insert "0, strike the word with -- 30, strike the word authorize at the beginning of the sentence and insert the words "approve a" on item 70, 75 -- better -- is that 71 through 75 or 71 and 75? 72 Through 75, add the phrase "recommended by the electric utility" item no. 80 is withdrawn. 89 is postponed until June 29, 2011 as a special called meeting at 10:00 a.m. It's a white launching item. Item no. 90 is withdrawn. -- Withdrawn. Item 91 add as a co-sponsor Mayor Pro Tem Mike Martinez. 95 add as a co-sponsor Mayor Pro Tem Mike Martinez. 97, add as a co-sponsor Mayor Pro Tem Mike Martinez. 8 -- 98, add the phrase "recommended by the public health & human" 102, add as a co-sponsor Council member Chris Riley. 104, add as a co-sponsor Council member Sheryl Cole. Item 109 is withdrawn. Item 110 is withdrawn. Item 133, at the 4:00 p.m. Time certain staff will request a postponement of this item until August 4, 2011. Our time-certain items for 00 noon we have our general citizens communication. We'll take up our zoning matters. Our public hearings. 30, Live music and proclamations and the musician for today is George Powell. The consent agenda for today is items 1 through 108 plus items 137, 138 and 139. I will go over the items within that number that have been pulled off the consent agenda in just a moment, but first I want to read into 88, which is our board and commission nominations and waivers. This item remains on the consent agenda. To the billion and standards commission, David Brown is myself, Mayor Leffingwell's nominee. To the early childhood council, Leah Muniay is myself, Mayor Leffingwell's nominee, and we're also waiving the residency requirement under sections 123 of the city code in this nomination. To the Mexican-American cultural center advisory board, Kathy Smith, is Council member Riley's nominee. To the zoning and platting commission, Gabriel Rojas is Mayor Pro Tem Martinez's nominee. To the urban renewal board all the following are myself, Mayor Leffingwell's nominees. These are Christina de la Puente Valdez, Jennifer Diamond, Travis Michelle, and Roy Perry. We've got even more. To the long center board of trustees, the following are nominated by the council, Peraza, Wolfgang Needa and Sharon Watkins. Additional waivers

to the commission for women, approve a waiver of the attendance requirement in section 21-26 of the city code for veronica garcia's service for commission on the. It includes waiver through today's date. Through the comprehensive plan citizens advisory task force, approve attendance requirements of 21-26, for members on the plan, citizens advisory task force. Farla come vastos, alan weeks, and marcus naga. The waiver includes absences through today's dates. Those are the nominees and waiver proposals on item no. 88. The following items are pulled off the consent agenda. 20 and 21 are pulled off the consent by council member spelman. Item 101, which is related is pulled by council member morrison. We will consider items 20 and 21 and 101 together at one time and vote on those items with a single motion. 25 is pulled for a brief presentation. Item 35 is related to item 134, which is a public hearing item, so we will hear both of those items together after 4:00 p.m. 78 is pulled by council member morrison. 96 is pulled by council member spelman, and 98 is pulled by council member spelman. The following items are pulled off the consent agenda due to a number of speakers signed up to speak on these items. 39 and 40 together and item 43 and item 49.

That should be item 45. did i say 45? I meant to say 45. So I'll go over it again. Items 39 and 40 together, item 43 and 45. Those are all the items that we have with more than one speaker signed up.

Mayor, there is also [inaudible] no. 97. 97 has one speaker with two people signed up. So it will remain on consent.

And 100. 100 now has two?

Yes. 100 has one speaker also.

[Inaudible], though. i know, but it's considered to be one speaker.

Being --

okay. so what I'll do is call up the items with only one speaker before we consider the consent agenda.

Mayor? council member morrison. 34 we have one speaker, but i have some additional questions about that, so I'd like to go ahead and pull it off consent. say that again, council member morrison? I'm sorry. 34 has one speaker. I have some additional questions about that, so I'd like to go ahead and just pull it off consent. so item 34 is pulled off consent by council member morrison. So we'll hear from the single speakers and then consider our consent agenda. The first is on item no. 34. Yeah, just pull it off. Item 80. Item 80 now has two speakers, so that will be pulled off consent agenda as well. It's off the consent agenda, regardless. Item 80 is correct. Thank you. 34 is to be heard, so that is pulled -- also pulled off the consent agenda. [One moment, please, for ] .. two months to get those parts in, repaired and up and running. The city manager went to work on it right away after some questions were raised. I was informed this morning by assistant city manager lumbreras that we will have it open on july 5th as opposed to the two month delay. I want to thank the city manager and staff for working on that, thank you.

Mayor Leffingwell: All in favor of the motion say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. 100 does have a speaker, if necessary we can move that. Gavino fernandez, donating time is paul hernandez, is paul in the chamber? He's somewhere in that other room.

So you have three minutes. I just need three minutes, mayor.

Mayor Leffingwe Okay.

Good morning, council, my name is gavino fernandez. I'm here speaking to you on behalf of the holly decommissioning committee. We had a meeting last tuesday. When I noticed on the agenda on number item 100, it prompted me inquiry as to balances because I thought we had already exhausted all of the funds. So basically why I'm here, this is just to support item 100. But to also request that the remaining balances that you see on your sheet be -- in the cultural arts that it be allocated for the senior fest that we had last year, we're going to have again this year. Throughout this whole mitigation program our senior citizens at mets have never, never received any type of funding or support through the holly mitigation. I would strongly recommend that amount be allocated to the metz recreation center and senior citizens program in order to fund this event. Other one you see a fly on the day camp. I would also like to request that the balance of the after-school program be split in half, one for metz recreation center and the other one for camacho recreation center. I went to speak to the intent. When it talks about recreation, when they first started. The intent was these funds never leave the city coffers, that we would subsidize at programs at the rec centers or cid projects, all that it would merit is a transfer from austin energy to the cost centers. As you realize, degrees of weather up to 102, 105, the children in these particular neighborhoods, the families are not able because of the economic situation to be able to afford the \$75 per week. So -- so -- so again I ask you to -- to consider that and hopefully we will be able to provide scholarships to kids in this community that attend metz and that attend camacho. I just want to make sure that these children do not pass the experiences that i did when I was growing up around pan am there because in parks and recreation, you have what they call organized or fee based program and then what you call free play. Well, we were the free play. We would always have to look through the window when there were others that were able to financially support paying fees to attend organized and fee-based programs at our recreation center. So with that, I just want to also close by thanking you, mayor pro tem, and city manager marc ott for addressing the sound issue on cesar chavez that was brought to our attention, i want to thank you for not only addressing it, but addressing it in a fast fashion. Thank you, mayor and thank you, council, I wish you and your family good luck, councilmember shade. I went through that experience when we lost at the commissioner's race. Thank you.

Mayor Leffingwell: Thank you. Mayor pro tem?

Martinez: Mr. Fernandez, I just want to make sure, can you send those two forms and get that request to my office? I will be glad to -- to put that on the agenda and consider funding those two programs.

Okay, thank you mayor pro tem.

Martinez: Uh-huh.

Mayor Leffingwell: Try to pick up a couple of short items. And councilmembers who have pulled items, if they appear to be very short, let me know. Because I want to go to items 20, 21 and 101 together this morning as soon as possible. 25, presentation from law. Good morning, I am here on behalf of the law department to recommend for the city to receive the total amount of \$370,000, a settlement as you may recall, two weeks ago in executive session, casey dobson as outside counsel and I presented to you the city's claim against mw builders for construction repairs to the airport's parking garage. The parties participated in mediation and agreed to a settlement. The city's claim subject to city council approval. The city will receive \$370,000 in the settlement against mw builders. I'm happy to answer any questions that you may have?

Mayor Leffingwell: Yes. Motion on item 25? Mayor pro tem moves to 25, seconded by councilmember spelman. Discussion? all in favor of the motion say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. Item no. 78. Pulled by councilmember morrison.

Thank you, mayor, i wonder if we could get staff up here. This is a southwest services proposed contract that relates to the fact that we are going to be moving towards a dual contract for single stream recycling in the near future. One of the issues that was discussed when we approved those back in april was that there may need to be a transition plan for the balcones resources folks, sorry. So staff was asked specifically to come back for the -- by this date and so one of the things that i want -- it's sort of raised some questions for me as to why we were really needing to do this. I wanted to ask you, mr. Getert, if you could talk about if we really need to make this decision now and what kind of alternatives we might look at.

Yes, bob gettert, director, solid waste services. In relation to this issue, council requested on april 21st that I respond by june 23rd with a site assignment for the transition site. The concept of a transition site is in the event that the -- that the facility is not built on a proper time schedule. And we cannot deliver the material to the new facility by 2012 balcones is responsible to assigning a secondary site. That's the concept. We are simply assigning a site. I have recognized through recent days there is significant concerns and issues and questions about this issue. I have looked at the construction calendar for balcones and it appears like they will be fully OPERATIONAL BY JULY 31st, But the risk on the city is if there is any delays behind that schedule. I have looked at the schedule and found a break point in april next year where I can very realistically assess if we are on schedule with the construction or need a transition site. I cannot guess at this moment in time. But in april I can make a very educated assessment on the construction schedule and whether we will need a transition facility or not. So I suggest that we defer this decision until april, and I can update council in april of next year.

Morrison: Okay. I think part of the discussion last april mayor pro tem also mentioned the amount active to a transition site of merely extending our existing single stream. I think your response then was that it could be an alternative, also. You would be comfortable if I withdraw this item and we would look forward to hearing back from you by next april.

Yes, I'm comfortable with that, yes.

Morrison: Mayor, with that I would like to move that we withdraw item no. 78.

Mayor Leffingwell: Motion by councilmember morrison, could we say postpone indefinitely.

Morrison: Okay.

Mayor Leffingwell: Postpone indefinitely. Seconded by the mayor pro tem. Further discussion? all in favor of the motion say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. So those are the items that have been identified as short items. So I'm going to go to the items pulled off by -- because of excess speakers. Items number 30 and 49 together. 39 And 49 together. First speaker is gus pena, signed up for. And you have three minutes.

Good morning, mayor, city manager, marc ott, gus pena, proud east austin native, proud marine corps veteran. Mayor and councilmembers, ott, all of these items, I'm going to pull them together, 39, 40, 45, have to do with anti-gang activity. Funding for a gang coordinator. This is cool. But let me -- let the record reflect we do have a problem. I want all of y'all here to know that we have a problem here that is being understated by several city of austin. We do have a gang problem. I'm not scared to mention it. We worked on the gangs issue, we helped bust the gang members back in 1994 when -- when elizabeth watson was our chief, i worked with dyson, everett, watson, stan knee on this particular issue.

Mayor, councilmembers, mr. City manager, we need to provide positive, alternative measures and activities for our youth. It's good to have a gang coordinator. If you do not have jobs for our young kids and students it's counter productive. You need to be able to deal with a small group of kids, it's not good. What happens traditionally, I've been told this, the good kids are hey maybe i ought to become a bad kid, that way I can get jobs, et cetera. Well, I worked with austin travis county advocate programs adult and worked with juvenile probationers, we started this program, well the county started this program back in 1994. And I can tell you that it's a very positive program. But deals with the whole family structure. We cannot just deal with the student or the child. It has to deal with the whole family structure to provide positive counseling, alternatives and other positive competitive sports, if you will. But it has to be dealt in a holistic manner, not just in a fragmented approach. I support this issue. This funding. But you've got to have everything in place for the whole family structure. Otherwise it's fragmented approach is not good. We support this. But anyway I will leave it at that because it's a good issue, but we do have a problem in the city of austin. Mayor pro tem martinez you approached me at the work session tuesday about the air conditioning. I have been asked by the community to approach, i live in east austin but also worked in montopolis with the kids and the gangs over there. We need that air conditioning. lambreras stated it will be done by the fourth or july or even before that. I applaud that. Marc ott. Thank you. Mayor, of course, very positive, of course you mayor pro tem and councilmember spelman you went on a ticket, too, so i appreciate you all very much. It's just that the kids it serves, it's not just the kids, but serves the adults as well that go to the library. Thank you very much, have a good day.

Mayor Leffingwell: Thank you. Doctor ross. Doctor ross in the chamber? Doctor ross is not in the chamber. Clay defoe. Signed up against this item. You have three minutes.

Good morning, ladies and gentlemen. I stand here before you today to rise in opposition to this motion to approve a resolution authorizing the acceptance of grant money in implementation of the a.p.d. Anti-gang strategies and programs, gang intervention project and austin anti-gang youth apprenticeship. Many citizens of austin, in particular many members of this council may think that such positive sounding initiatives are in the best interests of our city. I beg to differ. Nobel prize winning economist and journalist, author at the new york times and news week, henry, wrote often of governments instituting programs of false philanthropy. It is in this so-called call for goodwill that our governments so often fail us in protecting our personal and economic liberties. It is in this policy that the truth is all too clear. The promotion of this policy evinces this city council's desire to aggrandize this city's agency at an expense detrimental to our local economy and introduce a burden to cripple our already ailing pop el paso. It is a fiasco to think this city council can introduce measures they think by merely giving a hefty sum to induce police to fight gangs with anti-gang strategies will work. Isn't it already our police department's duty to provide their own anti-gang activities upon their own police work. Isn't already their duty to live with their own funding rather than circumventing the public will through outside grants? Does this policy take on any semblance of law and justice? I think not. This resolution provides for the employment and funding, supposedly through federal grants, of a so-called termed gang coordinator and to whom will he/she be accountable? ... No. 3 of the description 39 supplies, if they are supposed to be so trusted why even where nobody 4 that a written assurance of the governing body will return all funds to the cjd in case of malfeasance. This is absurd. Why give such positive power to a newly created agency and in the same breath restrict it negatively in a retroactive fashion to guard in the perhaps likely event that there will be a misuse of funds? Why create so many new agencies when the people of austin will have to prop them up for years to come. The fact that the money will be appropriated solely to anti-gang unit without any strings attached whatsoever in the drafted ordinance is a blatant issue that needs to be examined. How does the city plan to track the money spent by such a large agency without any binding legal ain't to do so? When will it take to funds the salary of a gang coordinator indefinitely when we can't even pay the bills at city hall? How would this unwieldy position be accounted for by the police department or local government. I think the programs like these --

Mayor Leffingwell: Your time expired.

Thank you. Those are all the speakers that we have on 39 and 40 together. I will entertain a motion on

those items, councilmember spelman moves approval. Seconded by councilmember riley. Discussion? All in favor say aye.

Opposed say no. Passes on a vote of 7-0. Go to item no. 43. 43 And 45 together are gus pena. Did you want to make additional remarks? Okay. ross, whoever that is, not in the chamber i assume. So -- so those are all of the speakers that we have signed up. Entertain a motion on items 43 and 45 together. Councilmember spelman moves approval, seconded by councilmember riley. all in favor of the motion say aye opposed no, passes on a vote of 7-0. Council, now we'll go to consider items 20, 21 and 101 together. Puled by councilmember spelman. We have a number of speakers. You want to go directly to the speakers, councilmember?

Morrison: Mayor? I just have a question. I know that we have such an overflow situation going on and I'm wondering how we can handle it if some of the people that have signed up are perhaps in the atrium or the boards and commissions?

I think the way that we would do this is have somebody go out and when the speaker is signed up can come in. If they would be kind of ready to -- to listen for their name to come up. We are considering 21 and 101 together, we have people signed up to speak on 20 and 21, you will only have one opportunity to speak. So I'm going to go through item 20 and then when that's completed make sure that everyone who spoke on 20, everyone who spoke on 20 has -- excuse me, everyone would wants to speak on 21 who didn't sign up on 20 will have the opportunity. Before we go to the speakers, we'll hear from -- from economic development.

Good morning, rodney gonzalez, the items for your consideration are resolutions authorizing the negotiation and execution of agreements that would result in the creation of a major events trust fund for the grand prix and an agreement with the circuit events local organizing committee. These items follow several discussions with council that started earlier this month. ON JUNE 7th, COUNCIL HELD A work session, the purpose of which was to receive a briefing on the genesis for the formula one project. The mechanics of the major event trust fund, the specific ask of the local organizing committee and the legal considerations should the city council choose to participate as an endorsing municipality for the formula one major events trust fund. On june 9th there was a city council discussion item at which the council received public comments on the formula one project. At both meetings, the council posed questions and gave direction to staff on a number of items related to formula one. At the request of council, a website page was developed to post all available information related to formula one, that website includes all presentations on formula one, the proposed agreements and all responses to city council. And at the request of council an outside review of the economic impact was performed. This review was performed by john hockenyos of texas perspectives, both john's review and the economic impact study are posted to the website. More recently, on june 21st, A SECOND WORK Session was held to provide council with updates that OCCURRED SINCE JUNE 9th. Chief among those updates was that the local organizing committee rescinded its request for the city to contribute its tax increment of 4 million per year for the term of the agreement. So, council, today we're here for the consideration of the resolutions. That authorize the negotiation and execution of the agreements with the texas comptroller and the local organizing committee to initiate the creation of the major events trust fund. Before you deliberate on this item, sabine in a ramiro will review changes to the agreements that were requested by the council on JUNE 21st.

Thank you, questions of staff?

Sabina, go ahead.

As rodney mentioned at tuesday's work session there were a number of questions for legal staff follow-up. Councilmember cole asked that we be explicit in the documents that all city tax, even over the local indecrement, will flow directly to the city. Councilmembers cole and morrison asked that we choir that the city is -- clarify that the city is not choosing the board members and councilmember cole also asked



that we be explicit that should it be found illegal for the local organizing committee to provide the local increment, that the agreement should have a termination. Councilmember Riley requested a sustainability initiative and the local organizing committee has addressed that matter as part of agenda item 101. Staff immediately sent proposed language to the comptroller and local organizing committee Tuesday afternoon following the work session. We have received responses from the state and last night from the local organizing committee. Those discussions are continuing and comptroller staff is here as well if you have questions for them. Thank you.

Mayor Leffingwell: Mayor pro tem?

Martinez: Sabina, sorry?

[Indiscernible] councilmember Riley and I under the community sustainability options, I guess if I wanted to make any suggested changes, we would have to make a motion to approve that item first, right, then make amendments.

I would suggest that we go ahead and hear public comment. Then as we get to working on the motions, you can make friendly amendments or unfriendly amendments at that time.

Okay.

Martinez: Before the speakers come, it may be a topic. Instead of saying make good efforts, I would want to say it complies with the city's ordinance as well as the third party [indiscernible] ordinance. I want to let citizens who are about to speak know that's what I plan on doing.

Thank you.

Mayor?

Riley: Mayor, mayor?

Mayor Leffingwell: Councilmember Riley.

Riley: I would like to ask that we get some explanation of how the sustainability initiative described in item 101 would be integrated into the agreement with the local organizing committee for purposes of enforcement. I know take we have -- there's been work on that, I would just like to get a brief summary of how what's been resolved.

Thank you, this is Lela Fireside for the law department. It's my understanding that pursuant to item 101 that you will have a motion that will seek to incorporate the -- the sustainability initiatives as an exhibit. And to require the -- the local organizing committee and the circuit of Americas to enter into an agreement where that is based on those items. And then there will be performance measures that will require them to report on that agreement and then to annually report on the progress on the initiative before getting the pre-event funding from the state.

Riley: The bottom line is with that language there would be an enforcement mechanism through the agreement with the local organizing committee, even though much of the agreement regarding the matters addressed in item 101 would actually be with the circuit of the Americas?

Correct.

Mayor Leffingwell: I would just like to mention that Mayor pro tem mentioned that he and councilmember

riley worked on this, i would add that I'm also a co-sponsor of item 101. Hate to get left out.  
Councilmember spelman?

Spelman: I would hate to get left out if I were you, too. Lela, I have a quick question. I think that I heard you report that the term sheet we had handed out to us if adopted as part of item 101, would go into the contract .. Annual reporting of performance measures pursuant to that list, am i right?

The way that it's envisioned is because because a number of conditions are what the circuit of americas would have to do, not the local organizing committee, the requirement would be for a provision in the local organizing contract that would require them to contract with the circuit of the americas to get these things done. Then require them to report to us both on that contract and then on the progress made on the initiatives annually. Those would be performance measures in the agreement between the city and the local organizing committee.

Spelman: Okay. So this requires a change in the contract with the local organizing committee, which would then trigger a contract between the organizing committee and circuit of the americas.

Right.

Spelman: Has any of that language been written yet?

We're in the process of negotiating and executing this. So there are drafts that are being exchanged. But there's not a draft that I could provide to you that's a final.

Spelman: No closure yet but working on it.

Correct. But with the direction from council on this motion that will help give us guidance on how the language should look.

Spelman: Gotcha. Thank you, ma'am.

Cole: Mayor I have a question. I'm trying to -- to not have so much confusion here, make sure that the document that is in play is -- as we know it and that the public know it and that it might affect the -- the comments that people have to say. So -- so I -- mayor, I guess that I'm looking for more feedback from you than lela. Because like one of the issues that has been very important to all of us was that the \$4 million actually be put up by the local organizing committee. So perhaps we should concede that language if it has been approved by the comptroller so the speakers that want to speak directly to that issue know what it is before we actually take all of those speakers and maybe they just want to -- to be in support of that item or say less or say more, but we don't have all of that testimony.

Mayor Leffingwell: Well, I think, councilmember, we could just note that there will be additional language proposed, which will reiterate and confirm those -- those inputs to the motion, those changes to the motion and as the motion is being made and amended, that would be the appropriate time to include that.

Cole: Okay. So we're clear that the citizens recognize that all.

Mayor Leffingwell: Right.

Cole: Worked very hard to make changes on the environmental issues, councilmember riley, mayor pro tem martinez and of course mayor leffingwell, many of us have worked, of course, myself, councilmember morrison, just to try to address and analyze some of the financial issues and also we

have worked to try and deal with some of the legal issues. So all of those things will be addressed in subsequent motions so that the public recognizes that.

Mayor Leffingwell: Thank you. So we'll go to our speakers now. And -- and the procedure will be to take speakers in order. And I will announce before they speak whether they are for or against. In an effort to be totally fair, in calling up speakers for and against, we're just going to go in the order people signed up. First is joe raymond. Is joe raymond in the chamber? Is he right outside the chamber? Can you check? Is sondra in the chamber? kelly McCally? Not in the chamber.

Lillian, all of those folks donating time -- none of these speakers are in the chamber, so we'll go to the next speaker. James jolly clark signed up against. And has three minutes.

I cut my speech down. Before I get going, you start timing me. I sent this email. Being a technological trogladyte, I'm not sure whether you got it. Did you each get it?

If you will pass it to the clerk, she'll pass it out to the council.

I will take two minutes and read it so you have an idea of what I was speaking about, why I was speaking about it, if that's possible.

Mary: You have three minutes. Now down to two minutes and 40 seconds.

My friends and political leaders, I wish to speak on the \$250 million boondoggle that you are asked to certify. When you read this entire article, you'll know that the vote to spend 25 million every year for 10 years is not only the epitome of rank stupidity in the light of information in this article but will also be total immoral vote. When the mayor, when the major source of revenue is a saning fee of \$25 million, the one they want you to hurry up and vote for, it does not take a rocket scientist to realize these con art track developers have found real easy marks to dupe all over the world. Politicians, they saying figures can lie appeared liars can figure, apropos at this very, very late date to prove this is a viable project. Even the rush starter with susan combs and the figures being presented by one of her former assistants who set up a lucrative business to approve combs figures. combs is getting from this. Thanks to the nine semi folks in black robes in washington telling us corporations are people, we will probably never know. Everyone presenting these figures has a \$25 million price for your vote, the only losers are the texas taxpayers. Those people who want you to hurry up and vote, rush, rush, rush so they can get your hands on the 25 million. I'm a businessman, every time when someone shows me something that seems to be too good to be true, they want me to hurry up and spend my money, it has always proven to be a con job. When the state has 6 billion in their rainy day fund and they will not use it to fund schools and health care in a manner befitting a great state. When we are firing teacher, librarians school nurses, cutting out activities and not funding health care, agree to spend \$250 million on a bunch of rich con artists and their expensive toys is unconscionable and immoral. [ Applause ] for you to agree to spend 250 per year for 10 years is one vote that you should not take. This will, I promise, become a major issue in future campaigns. If you think the water plant was rough, at least we'll get water for 50 years or more. Here we may get a financial knife stuck in our backs. At this point I would like to make a few suggestions or questions. shade, thank you for your fabulous work that you have done at the council for all of these years. You've been a tremendous asset for all of us. But please, as this may be a vote that may be hung around our necks for many years, please vote to postpone this vote to august. [Buzzer sounding] I realize you don't get to make a yea or nay vote, if you really care about austin postpone it. I ask that all of you --

Mayor Leffingwell: Your time expired. Thank you. Next speaker is daniel grocer. And donating time to daniel is victor fecundo, victor in the chamber? Craig [indiscernible], craig is here. Daniel elkins. Daniel elkins. Apparently not in the chamber. So daniel, you'll have nine minutes.

Okay. I probably won't use that much. But thank you. mayor and city council. My name is dan grosser. I

SPOKE ON THE 9th. I am a film producer with f 2 films here in town. First thing that I would like to say is thank for all of your work on this, it's an important issue for the city. It's a tough issue. And I just appreciate all of your work on this. Randi, I supported you in the election, I appreciate your service on the council. And it's good to be able to speak in front of you today. Anyway, my name is dan, as i said, a producer with f 2 films. The last time I spoke on the 9th I spoke about the job opportunities that f 1 coming to austin is going to add to my company. I'm putting totting a marketing campaign and we're going to be able to hire between 30 and 40 people. I'm just one person that's going to be able to potentially contribute to our economy as a result of this event. I'm not talking about that today. I'm here today as a racing fan, I've got my ferrari shirt. I don't have a ferrari just a shirt. I can't afford a ferrari. I want to address a couple of the misconceptions that we've been hear about formula one. I'm a life-long racing fan. Like the fan, the face of racing. I've been a racing fan since I was 12. There are a couple or three things that I want to talk about that I heard a lot on THE 9th. One of the misconceptions is that formula one has never succeeded in the united states. It's failed in the united states. I've been to a lot of races, a lot of formula one races so obviously they are going on. It really hasn't failed. If you look at the history of it. In upstate new york it had a successful run for 20 years. It provided economic benefits, provided a lot of jobs for 20 years, walkins glen, new york. People say indianapolis was a failure. The last time formula one was in the united states was at the indianapolis motor speedway. Well, you know, people say well that's a failure it left. It ran there for seven years. The first year they ran they had 230,000 people. Let me explain why it failed in indianapolis. Many may be aware that the track is owned by tony george and his family and they actually created a competing racing series, indy car. So every time I went to indianapolis motor speedway for nascar, indy car, formula one, formula one was also the third tier. The lowest priority. The track did not to market it. They always kind of put it on the back burner. So despite the somewhat hostile environment formula one had at indianapolis motor speedway, it ran for seven years successfully. So that's something people cite as a failure. I'm using my ipad teleprompter still figuring it out. Bear with me. People talk about other formula one races in the united states that have failed. I will tell you another reason these races have failed in the united states or other parts of the world is because they're set up on temporary straight courses. Long beach has been a successful street course for indy car. But I've been to races where there are temporary street courses and they make for a poor fan experience. The city is disrupted for a month when they are trying to build it and take it down. There's no way to make revenues or create job opportunities over the year when you have a street course you set it up, you tear it down and you're done. The bottom line as a fan it's a poor experience for fans. I would have to say when i look at all of the reasons that tracks have failed or succeeded, I would have to say people who came up with the circuit of the americas, they came up with case studies, from what I sigh they have selected all of the factors that are going to contribute to success, they've eliminated the ones that are going to be contributing to failure. As I see it, circuit of the americas is going to be the best chance to make formula one a lasting, major sporting event here in this country, like nascar, like n.f.l., like baseball. Gives it the opportunity to do that. The second misconception that I would like to talk about, I always hear that it's a sort of billionaires, the fans are all rich. I have a ferrari logo on my shirt, that's it. I'm not rich, I'm not wealthy. Formula one like any major sporting event comprises a wide variety of fans. Diverse population of fans. And again my parents were lower middle class and i grew up, we were not wealthy by any means and we went to races and were able to enjoy them. It's not a sport of the rich. People who own and run it, as with any major sporting event, yes, they may be rich and billionaire, it's not a billionaire sport. It's a sport for everybody. The third misconception, it's not a misconception, it's really a difficult issue. My used to be a substitute teacher in california. And she lost her job because of budget issues. And I hear all the time people saying why are we going to spend this, why is the state going to spend 25 million a year when we're laying off teachers. You know, one thing that i look at, I'm an engineer, used to be a rocket scientist, propel and engineer. I look at numbers and data. We have a shortfall for education in the state somewhere around \$7 billion, we have a huge shortfall. The one way I look at this 25 million a year, it's a lot of money over a 10 year period, but it's really a drop in the bucket. It doesn't solve the problem. Even if this major event trust fund if this money was reallocated for other uses, there's no guarantee that it would save teachers or education. There are a lot of areas of the state budget that are facing shortfall. So it's an opportunity to spend money that gives us an opportunity to create jobs, to create an economic impact and that's how we're going to solve this problem. I mean the reason my mom got laid off, the reason we're laying off teachers is because we're -- our economy is down, property tax base is down,

business revenues are down. Formula one is just another opportunity that we have that can help us boost our economy a little bit. I know that it will boost my economy. I know if it go through it will create a job opportunity for myself and up to 30 people that I'll be able to hire. That's all that I want to say. Thank you for hearing me [ applause ]

thank you.

I've got time left.

Thank you [ applause ] the next speaker is advance [indiscernible] for, you have three minutes.

Air and councilmembers, thank you for your service and thank you for listening to my point of view regarding items 20 and 21. I'm a circuit of the americas fan. One of the reasons that I'm for it, I live in del valle. I'm a neighbor of the track, the track is a good neighbor I don't know of any other companies or project or facility in that portion of travis county that's been more open and responsive to the citizens as the f1 folks. They listen and they care. The second thing is we need jobs and we need them now. I have heard concerns about dog parks and swimming pools but those are luxuries that we don't really care about in southeast travis county. We need industry, growth, employment. We need to put our folks back to work and infrastructure to support our community. The third one, I have lived in del valle over 30 years, I have graduated from del valle high school. I learned in automotive trade at del valle and used those skills to better my future. I'm a racing fan and I like to talk shop with people who will listen and have the same interests. Out of curiosity, I started a group on facebook and to see if anybody else in town was interested as i. The response has been fantastic, our group has over 2,700 followers, spilled over to the linked in network. We call ourselves friends of formula one austin, texas. When the stop you met several weeks ago we started petition to voice our support for formula one. The response has been amazing. In two short weeks we collected over 800 signatures in favor of the city hosting the formula one event. I would like to share a few of the comments. E [indiscernible] we plan on attending in 2012 and many more years after that to come. We are extremely excited about having the gp back in the u.s.

I will be there with at least eight lowers.

to whom it may concern, please support this, I will be coming to austin which i think is a wonderful, vibrant city to the event. C waters, I'm planning on attending two races for the season for the foreseeable future. I would love to come to automatics to visit a city that I have heard great things about. Please help us to support formula one. Thank you for your time and [ applause ]

Mayor Leffingwell: Thank you. Next speaker is leslie asonmon. And donating -- leslie signed up against, larry miller who is for is donating three minutes. Is larry miller here in the chamber? Larry miller? Larry miller not in the chamber, so you have three minutes.

I had signed up under both 20 and 21, was expecting and prepared for six minutes or actually under that.

Mayor Leffingwell: You have three minutes, we're considering those items together.

Okay. Going to cut me off. Honorable mayor, mayor pro tem and council persons, as an elected member of the gray panther board of directors, may I take the occasion of my comments on the f1 controversy to invite you all current panthers, past panthers and non-panthers, whatever the case may be, to our poolside party at the hill country home of our convener jerry and his wife lisa dugger 00 to we'll engage in good political talk and discussion regarding all that affects our lives. As small d democrats we are deeply concerned with the issues of democratic and transparent governance. Speaking in concert with a variety of groups dedicated to these principles, I wish to request that you delay any action on the questions relating to formula one racing for a later date. In the enter the of the

people of austin and the transparency of your leadership, it is necessary that you provide access to any and all agreements between the city, its political leadership and city staff with any and all groups associated with formula one ownership or representatives. And then we need the time to read and absorb the content. There is rarely a time outside the constraints of an all-out war in which it's a good idea to jump into something without considering an assessment of all aspects of any deal. When we are told by the snake oil salesmen to act now or we may lose the deal, it's probably a time to sit back and think, consider, what's involved and what's at stake. We will be acting not only for the future of austin, but on behalf of all of texas. With \$250 million at risk, at a time when education is no longer guaranteed and we are told we can't afford to properly educate our kids. We have arrived. We are not at the top of the bottom in educational funding. We are number 50! Pave that should give you pause to reflect on how any moneys that are in the state should be used. Even mississippi provides more funds per child than we will now. [Buzzer sounding]

Mayor Leffingwell: Thank you, leslie.

Okay.

Mayor Leffingwell: All right. [ Applause ] for, you have three minutes. Is that better pick that up a little bit. Hi, I'm y whereman gilliam, I think a lot of these people know me as wild bubba. Nothing wild about it. I've seen a lot of your faces in the restaurant and you can see when you came in, I try to educate you on what formula one is all about. I think a lot of the rhetoric, a lot of the talk about track, track, track is being in the forefront of what's really going to be going on out there. We're talking about a major development over 1,000 acres of land which is going to include a center for development, research, educational components. Everybody seems to be stuck on one race one time a year. There are going to be other races, other big events, concerts, major activity going on out there. You want to build a tax base. You drive out there, you drive past three dump sites. The city has a dump site out there. We don't need a prison out there. You know, I don't want anybody to go that direct. Take a break here. We need something to kick start southeast travis county. Here you have some developers that are willing to do that, come up with big money. If you want to build a tax bus and grow austin, that's the perfect starting point right there. They are going to be the catalyst for growing southeast travis county. Others will follow. Right now, if I were somewhere in the united states I wanted to bring a plant or a business here, if I'm driving out 812 or southeast travis county, I'm not going to say well look there's a really nice dump over there, let's put our car manufacturing plant out here. It's not going to happen. This is our only chance right now to get southeast travis county started. Let's go with it. Let's build a tax base, let's annex the hell out of the place if you have to. But let's grow. You can't go out to the west you're going to fall off into a dry lake. Georgetown is full. You know? This is it. Southeast travis county is poised for the growth. We need it. Austin is going to grow. We can't stop it. I believe in smart growth. You all do, too. So let's act on that. Thank you. [ Applause ]

Mayor Leffingwell: I believe I recall that -- gilliam is the mayor of el roy at least he told me that. Thank you for coming all the way to austin. Tim wood. Tim wood. Donating time to tim is jake hambrick, jake is here. Kevin olson. And he is here, so you have up to nine minutes and you are signed up in favor.

Thank you, mayor, I doubt that I will be needing nine minutes. But -- good morning, everybody. Councilmembers. My name is tim wood, like i you said. Nobody really calls me wild anything like bubba, but it is what it is. Thanks for this time to speak, what I would like to do is briefly touch on misconceptions about the environmental aspects of the track. Some people are going to say that austin is just too green for auto racing. But on monday I was lucky enough to visit the race way at laguna [indiscernible] near monterrey, california. Sitting a mere eight miles from monterrey bay it has been a vital and beloved except of the community for over eight -- 50 years. Surely no rational person would suggest that the austin area is more environmentally sensitive than monterrey bay's delicate ecosystem. They will say the city should require a carbon offset program and they'll talk about emissions produced by race teams and fans. What they're not going to mention is that f1 has actually been carbon neutral since 1997. They won't mention alternative fuel research which produces environmental benefits far

outweighing any negative effects. The opposition also will not mention austin's golden opportunity to make this area a world leader in the auto industry's green movement. I think mayor leffingwell put it best when he said, what's left to talk about? Environmental agreement has been drafted and the only economic issue remaining is what do we do with the money being generated by the event. Please don't be bullied by a very vocal minority. We've been down that road before. And it got us nowhere. Thank you. [ Applause ]

Mayor Leffingwell: Thank you. Sarah speights.

Donating time.

Okay, dexter jones, signed up for, you have three minutes.

Thank you, mayor, city manager and council men. I helped with the cedar park convention center. Many years ago and a lot of people didn't want to have it. Now they just wish it was larger. I'm in helping creating jobs, making companies prosperous and I gave all of my profit and salary back to all of the different charities here in austin. I think that it's a very valuable thing to have. I like it because that site can be used more events to have other companies and plus benefits for non-profit organizations as well. I'm definitely for it i wanted to thank you all for looking at it. If you need any help in doing numbers, I could business plans in helping other organizations, thank you.

Mayor Leffingwell: Thank you. [ Applause ] michael [indiscernible] jr. Signed up for. You have three minutes.

I wasn't planning to speak today per se, but i wanted to take the opportunity to do so because about a year ago when i heard about formula one coming to town, not being necessarily for or against it, I'm not a race fan, per se, I'm not polarized really for or against the track in and of itself. But I remember hearing about it for austin and thinking this is just great, you know, our city is already great, we have these world class events already, you know, that we're known for and formula one it's just the best of the best. How lucky we all are that they picked austin. You know, to have this event much then as all of this debate ensued, it made me kind of wonder what's going on. I started talking to people about the various reasons why they were against. And I kept seeing, hearing, like we've heard today, i keep hearing teaching and budget shortcomings mixed into the debate against which didn't make sense because these two funds and issues are separate, even though it's all one part of the big pie. And the fact that all of the projections indicate that will be a lot of economic influx to maybe offset these deficits. So the idea of combining bad for schools with formula one didn't make sense. Still doesn't. They seem like they're kind of separate in the big picture. And I think that we should be again grateful that -- that austin, texas has been chosen for this. And that we should -- [ applause ] -- world class. It's -- it's the best of the best, there doesn't -- by my view, anyone, most people's view, not anyone, most people's seem to be all things considered any down side, a pretty big upside. I would encourage the vote that's scheduled for today to go ahead as scheduled. That's it. [ Applause ]

Mayor Leffingwell: Thank you. Bill lunch. Signed up against, you have three minutes.

Thank you, mayor, councilmembers. Speaking as a citizen who has been paying his taxes since I guess about '86, not asking for any of those to be rebated. I'm asking you to -- to treat other folks the same. Let's hang out a welcome mat for businesses coming to austin. But only if they are willing to pay their share. Folks who aren't willing to pay their share really should go someplace else. I'm not a race fan, I don't play golf. But I'm not against this. I'm against bank rolling it and handing their tax receipts back to them. When I pay my taxes, I don't get my tax receipts rebated back to me. Businesses all over town, they pay their taxes. They don't get them rebated back to them. A few details. I can remember -- recall a very complicated deal that came before the council june 7th, 1990. The document wasn't drafted yet. Please don't even dream of delegating the execution of this document to your city manager. You need to have a document in hand, finalized, several days before, at minimum, so that you can get intelligent

input on the details. Because the devil here is in the details. There's a lot of complication. Beyond the complication, though, there's a lot of simplicity. Simplicity that reminds me of a deal recently where it was important, at least to some of you, to take \$250,000 out of the pockets of a family suffering a tremendous loss. And now we're asked to say it's important to put \$250 million into the pockets of out of town billionaires. Is that what this city is really about? At some level, it boils down to it being that simple. And people understand that. They understand it from the left, from the right, down the middle, driving fast or driving slow. They don't call it pulling a fast one for nothing. We just had an election about this, I think that it's inappropriate for this council to vote on this today. Our new council woman elect, kathie tovo campaigned on this issue. She's going to have to live with it. It's a 10 year plus deal. Let's let the next council vote on it when we have the information and we understand it. Thank you.

Mayor Leffingwell: Thank you. [ Applause ] eric bear. Eric bear. Fehr. Is here. Eric signed up for and you have three minutes. mayor and city council members. I'm here on behalf of circuit of the americas as well as students in the area. student at the university of texa McCOMBS SCHOOL OF Business. I have the opportunity to work with the circuit of the americas over the summer. Work with some of the most talented business people, designers, engineers in the world that have come to austin to develop this project. As we look at students not just through the university of texas, through all of the regional colleges and university, and the talent that they recruit one of the major points that -- that will bring that talent to austin are these types of opportunities. The opportunities to work not just with the project like this, but with the -- with the people that will be attracted to this and the opportunities that will happen for 365 days a year. This is not just a formula one race. This is a facility that's going to bring hospitality, that's going to bring engineering, that's going to bring music, and all types of other things that will attract not only tourists but will attract other talented students to the area which will be the future entrepreneurs. We have already created 1700 construction jobs, you can see our men and women up in the stands here supporting us. [ Applause ] they are out there every day building this future growth. This project will bring future not just jobs, but will bring entrepreneurship and growth to the area which is the hallmark of what austin has been about. Thank you very much [ applause ] next speaker is warren peck. Donating time is jennifer [indiscernible] virginia [indiscernible] virginia is here. So warren you are for, signed up for, up to nine minutes.

All right. Good morning, austin. I have a little one minute video. While he's getting it loaded I will go ahead and say my piece. I really -- I'm not a huge race fan, but I enjoy it. I remember when I was a kid growing up here in austin, they actually had a formula one race if san antonio and I went to that and just thought it was the coolest thing. I enjoy it. I don't follow it a lot. Not a big nascar fan. I didn't know any of these formula one people here when everything was getting started. But I did think it was a good thing coming to austin. I have grown up most of my life in austin. I left after going to southwest texas, joined the navy, saw the world. I got to see formula one races around the world which is really kind of cool seeing, you know, just it's an amazing cross-section of people that comes to these things, sure there's billionaires that come to it, also soldiers, sailors, joe off the street that go to it. It's a pretty neat little thing and I was kind of thinking austin is an entrepreneurial city, i decided formula one is coming, I'm going to start a business related and formula one. I started this back in october, racing little slot cars, you all may remember when we were kids, little cars that race around on a plastic track. Now just because of the furor and everything going around formula one, I now have four employees, this is from october. The formula one track is not even open yet. I know that I'm not the only entrepreneur in austin that has started something formula one related, things are being sold already. People making successful businesses out of selling t-shirts, bumper stickers, all kinds of stuff going on. We heard bubba talk, his restaurant is doing unprecedented business, again the track is not even open. I'm a parent. I've got two kids in leander school district. Of course I would love for that 25 million to come here to austin. But in reality, that's not going to happen. Why don't we take that 25 million and invest it where we're going to get a return on our investment multi-fold. [ Applause ] you know, I hear about -- about people talking about the environmental impact. People may not be aware that formula one is a fantastic research platform. That's where many of the advances that we have in our modern cars that we use every day came from. Come from the research that went into these formula one cars. I think the environmental it's a non-issue. There's just so many other things above and beyond formula one. There's the motorcycle racing, bicycle racing, concerts. We have, you know, all of these 5 k, 10 k runs around town lake or they



block off the streets. We can have people running around the track. You know, people are concerned about the traffic that it's going to cause when there's a race. How about the traffic when we block off, you know, dozens of city blocks to let people go jogging. They can go jogging out there. You want to do a 10 k there's a perfect spot. [ Applause ] just a -- i really -- you know, i think -- I mean not only -- we're talking about yes i hear we're going to make billionaires richer. I don't envy or I'm not against billionaires, dell probably one the most generous people in austin. Built the children's -- bernie ecclestone I don't care. I don't care. Look at him, all of the jobs he's created, workers building the track, people doing stuff right and left with every event coming to austin. It takes money to make money. Let's spend a little bit. Let's get it done. People that are saying we're rushing it. We're not rushing it. People have known about formula one coming to austin for years now. Tavo has been promoting it. It's been -- you know in front of the city council for months and months. Now we're hammering out the little details. We need to get this track built and we need it here and I don't know if you got the video up, I'm done. Thanks. [ Applause ] [indiscernible]

I just wanted to let you all know, downtown know what you are watching, these are actually a bunch of canadians, people from around the country that are at the montreal grand prix that want to come down here and watch this. [ Applause ]

Mayor Leffingwell: Thank you, rodrigo sanchez. And rodrigo signed up for. You have three minutes.

I would like to ask for someone to donate three minutes of their time to me.

What is your name, sir? Are you signed up? All right. You have up to six minutes.

Good morning, council. My name is rodrigo sanchez, a professional race car driver who has been actively involved in racing for the past 15 years. Originally from mexico i have moved to austin seeking to further my career as a driver with the road to indy program, a system that feeds talent to the [indiscernible] indy car series and the indianapolis 500. Over 15 years my experience in racing has not been limited to the driver's seat only. I am an avid motor sports marketer actively involved in the business side of racing by helping drivers, teams and sponsors to use the excitement and reach of motor racing to fulfill their marketing objectives. Most recently I came back from indianapolis where i had the chance to work at just marketing international, the only motor sports exclusive marketing agency in the world where I managed sponsorship programs like .. With what I have stated, i can prove that I possess an insider knowledge and understanding of the sport like no one else in this room. The reason for me being here today is to help you understand the impact reach and excitement that a venue like circuit of the americas can offer not only to involved in the sport by to austin and the state of texas as well. Formula one is known as the pinnacle of racing worldwide. High profile making personalities gather to not only be part of an exciting events but to foster relationships that can help them increase their footprint in the international markets targeting business to business and business to consumer initiatives. Racing provides the adequate atmosphere for people to network and formula one will not only generate an economic boom in the area by provides jobs, events, tourism, but will allow business owners to network with high profile decision making individuals who are looking to increase their business across national vertical market. In addition to the 2010 u.s. Census hispanic population is no longer a minority, but rather a majority in states like new mexico and texas. As a representative of -- of latinos in racing, I can assure you that this new majority is high by interested in the formula one event in austin. The announcement of mexican drivers sergio perez joining the formula one championship has created excitement and pride among hispanics, racing has reached a very high popularity status in mexico due to sergio. Since formula one does not have a track in mexico, it means austin will be the .. Following him with heart and wallet. [ Applause ] this alone will offer austin new interest in tourism from mexico in a setting to foster business relationships with the neighbor country. Finally, I don't see the circuit of the americas project as an investment designed to benefit the minority, but it's a platform that will allow local businesses to engage in international markets that are currently supporting f1, places like abudabai, chain.

, Australia, there's a wide range of possibilities and we shouldn't miss out. I have been the witness of the power that these events have and how they can paramount the success of a local economy on a three day weekend. As a driver I can share the excitement of the racing community here in the united states to come and put up a showing in austin which will give the circuit of the americas of on the owe the possibility of hosting nascar, indy car, american lenans, grand am events among others which will keep the track active on a year-long basis. I trust that the austin city council will make the right judgment in this matter and I would like to make myself available you for any further questions, comments or concerns. Thank you. [ Applause ] next speaker is susan moffett. Susan moffett. Donating time sarah spates, sarah still here? Sharon brown. ... Susan, you have up to nine minutes.

Thank you, I'm susan moffat a former legislative researcher, taxpayer indefatigable correspondent. This is not about whether you love racing or you don't. It's about whether this is an appropriate expenditure of a large amount of public funds over a long period of time to prop up a single private for profit enterprise and it's about whether we have had enough time to actually understand the contracts that we are signing. I appreciate all of you, i am really sorry that you've been put in the middle of this deal. But this is where we find ourselves. Each of you unfortunately has to decide whether to pull the trigger on a \$25 million state appropriations that could have been used to help our public schools or provide health care, which our state senator voted against. Each of you has to decide if you will play corporate favorites with huge amounts of public money that will benefit a foreign corporation over home grown events like austin city limits and south-by-southwest that are already bringing significant economic benefits to our community and who pay their taxes and don't get them rebated. And you have to decide whether you will be a party voting on the record to enable susan combs and mick perry's quarter billion dollar taxpayer give away over the next 10 years. I know city hall is its own bubble, but many austin family students, teachers, administrators, myself included, have spent the last six months up the street fighting cuts to public education against a legislature that has failed to meet its obligation to our public schools for the first time in 60 years. Over 1,000 aisd employees right here in austin have already been laid off, pre-k, after school care, community colleges, student scholarships, every facet of public education has been slashed as well as health care for our neediest residents. The comptroller's representative at the most recent council work session said the state will not make money on f1 and that the \$25 million amount was the state's break even point. If this is true, and we can't ever really know that because the parties that benefit are producing the economic benefit analysis, but if it's true it means there won't even be a trickle down effect at the state level. All of our tax dollars that go into this deal are going to london. Because the comptroller reversed the statutory process, now we hear possibly illegally the austin city council now finds itself in a unique position to make this decision. Senator kirk watson early proponent of f1 did recently vote to strip state funding for the race citing it as the wrong priority when we were slashing basic services, but that vote failed and that means the ball is in your court. I hope that you will show as much courage as senator watson and that the reverend said earlier, vote for the application of justice. Okay. But let's pretend that none of these very real effects for austin families exist. Right down here at the city level, inside our bubble, there has simply not been enough time for the public council to fully understand and address the economic, legal environmental financial risks or application. I'm sorry, ramifications. The hoyte impact study has only been available for barely 72 hours. The independent review, city economics, turned out to be a one page letter produced in less than 24 hours according to the release dates on the city website, that is a pretty thin analysis of a 49 page report that's going to drive a 10 year contract worth a quarter billion. Then we have the statutory quagmire, the section of the governing statute that covers this deal has never been used before. It was drafted just for f1, nobody has experience with it, no case law exists to highlight potential pitfalls or guide interpretation, no one can even say with certainty that it's legal to let f1 cover the city's tax increment and a lawsuit was filed yesterday against the comptroller in exceeding her tax authority in promising this deal in the first place. That brings us to the draft contracts which have also be available for barely 72 hours, we just heard are still actually drafted. Yesterday I sent you six pages of questionable clauses and unaddressed issues based on a quick read through of the contracts as they existed yesterday. And I strongly urge you to heed the advice of auto week and retain an outside counsel that is specifically experienced in racing contracts before you sign-off on this. I'm just going to hit a couple of the major contract problems. The clause in section 18 that let's the local organizing committee modify any of its responsibilities, including payment provisions, simply by notifying the city and the comptroller. We don't have to get their

permission, the clause that delegates the city's interests to a group of people hand picked by the applicant's agent with only one city appointee who doesn't have voting rights. I think this is arguably an unconstitutional delegation of legal authority, but i guess we can wait and see if anybody else sues over that. Finally my favorite section 15 which once you check all of the numbered cross-section references actually says even if the city terminates a contract with the local organizing committee for cause, we are still on the hook for the overall deal and the council -- the comptroller gets to continue scraping off our tax increments for the life of the contract. Plus there are no enforceable environmental provisions in the contract as they stood yesterday, provisions aren't solid. Nobody in the public has seen these things yet. Despite all of that, all of those unanswered questions, if you approve this item as posted today, none of these draft contracts or identified risks, problems, questions, whatever will come back to council or the public. There will be no final public review, no public hearing, no final council vote. We're just going to cross our fingers and hope for the best. This is crazy. I do not believe any of you as intelligent adults would buy a house in this manner or conduct any other business deal like this. You don't sign until you can see what you are actually signing. You have a fiduciary responsibility to the taxpayers of austin not to bernie ecclestone and you must at least slow this thing down enough so we have a chance to identify and address all of the legal, financial and environmental risks to the best of our ability and again you really need experienced counsel with racing contracts. We have to also ensure that all of the final documents come back to the public and council for final review and approval. With this many loose ends, postponement is clearly the only rational course, but i think dutch mandell, editorial director of auto week had a better idea in an editorial posted yesterday in america's largest racing magazine. Mandell said I have two words for the austin city council and its constituents before thursday's vote to police the proposed 2012 austin grand prix, run away! The bottom line -- [ applause ] -- the bottom line is that f1 has a decent business plan and can come here on its own down, if they do, absolutely hang out the welcome. But if not, it's not a good investment for our tax dollars. Again, you have my sympathy. I'm sorry you all have ended up in the middle on this, please do the right thing and postpone this until we can figure out what the heck we're signing on for. Thank you. [ Applause ] [one moment please for change in captioners]

I'm sorry, that meant interlocal --

I'm looking at the agreement with the major events.

Major events? yes, and it was section 15 that you said we should strive, because it was the most dangerous. It provides that even if the city terminates its agreement with the local organizing committee we're still on the hook for the overall deal. And I just looked at that and I want to ask city staff to make sure that they look at it. It's section 15 of major.

It's the last page of the major threats on contract and it's hard to decipher because it's done by knew mayor dal sections in the agreement on ennumerical sections in the agreement and you have to go to those sections to understand that what it's saying even if you terminate for cause under 6 or 7 with the local organizing committee, the provisions of 1, 2, 8, 9, 10 or 11, which allow the comptroller to keep scraping the tax increment off are still in force, and they survive the termination date with the local organizing committee and I'm very concerned about that. and evening that i am concerned too, now that you brought that to everybody's attention and I think that we can fix that or correct that in that we have a proposed amendment that's coming in later that just makes it kind of very, very baifng and clear that we are not -- basic and clear that we're not putting in the \$4 million, we're not putting in any city funds, and I think that that provision probably also needs to be inserted in section 15 and I'm going to ask legal to look at that while we're -- okay, they're shaking their heads. They got it, okay. The issue with the local organizing committee and the fact that we didn't pick them or have any --

or have any voting rights.

Or voting rights, is one that I've been concerned with from day one, and one of the things that I have asked city staff to do is to make sure that the agreement has a provision that would require that council

consider the reappointment or appointment of them next year, and then we can deal with all the requirements of potential, you know, board and commissions and financial disclosures and that type of thing. So that's come in and hopefully that is a part of the document that we'll be looking at later. And there was one last thing you said. And I do think the amendment -- it was section 18, b 1 b?

Yeah, that's what let's them change any of their responsibilities just by saying they're going to. say that more slowly. Say what your concern is.

It's on the last page of your email. It's in section 18 and it says that the local organizing committee can change, modify any of its responsibility or authority under that entire section, which also includes payment provisions, and they don't have to get our permission, they just have to notify us and the comptroller. And I find that very frightening, from a financial and legal perspective. a lot of the angst about the contract for me declined once we didn't -- weren't making a direct, immediate financial contribution, but I totally understand the process transparency issues that you are raising, especially for the long-term with this committee. So I'm going to also ask that that portion in terms of the roles and responsibilities for the local organizing committee also be considered by council after this year at its option so that in a year we're not going to hold this up, because I think we need a lot of time to think about this entity and they've been appointed and that type of thing. But during this time we can think about people that -- whether -- how well they serve and what requirements we would want to put to make more consistent content with our ethics requirement.

Thank you. I appreciate that, and I would just say that the devil is in the details, and my overriding concern is that nobody has seen any of this language yet, and I really believe that, council, you owe it to the taxpayers to see the final language and give final approval, and I believe the public process owes it to the public. council member morrison. thank you, mayor. Susan, I appreciate all the questions that you posed, and I've been trying to sort of work through some of them and make sure I understand the questions. 00 and we'll be stopping soon. I wonder if -- I would like to walk through the issues that you raised. I think we have a responsibility to do that and to work with staff to have an interaction. Obviously that's not going to happen in five minutes. Are you going to be around for part 2? yes, sadly I am.  
[Laughter]

morrison: okay. And just to let you-all know, I am interested in being able to walk through and have a public discussion about these issues, so you might want to converse about them ahead of time.

Absolutely. Sabine a romero, city legal. One of your own tasks is to be sure we're talking about the same version because I think you may have looked at proposed language or a prior draft and I want to make sure we're talking about the current state --

that's my point is that nobody has seen the current drafts. and I'm not version, then, I'm looking at so it would be helpful if we could get current version.

The version that's in backup is the most recent agreed to version at the state of negotiations when we posted, so there has been some discussion since but the city has not committed to a number of proposed edits and perhaps those are part of what you're considering.

Right. I mean, I'm concerned that it's still being negotiate negotiated and I have no idea what you would be approving if you approved it today and I think that is the bottom line for me.

Thank you.

Thank you. [Applause] next speaker is paul saldano. Donating time to paul is carol headnot. Carol headnot. So you have to six minutes.

Thank you. Good afternoon, council members. My name is Paul Saldano and I'm speaking on behalf of Hispanic contractors, we've been working in partnership with the Austin Black Contractors Association. I think our groups were among the first to start making the rounds and making public testimony to the individual council members and going to the various boards and commissions to talk about about the community values and the fact many of them have not been considered, specifically relating to MBWBP. The mayor said we haven't seen that don't know what it entails. It was my understanding that the third-party agreement or MB agreement could not be forced on F1 given this project is outside the city limits so I'd be curious to know what language that is. The fact we've only had a working group meeting for the last couple weeks, there were proposed changes to amend language to capture F1 but the language we saw were basically all loopholes, and really no serious intent to capture any minority women-owned participation. I hear that the WBE may be up to 1-9d% 19% of what? This is potentially a \$500 million project. I understand the track alone is valued at \$250,000. If you take into consideration all the vertical construction and the 900-acre site, that could be another \$250 million. So if it's 19% I'd like to know 19% of what. Excuse me, Mr. Saldano. I've paused your time here. I've just been informed that I misunderstood Carol Headnot's statement, that she was not donating time to you. So you have 1 minute and 35 seconds remaining. I am donating time to me.

Are you signed up?

Yes, she is.

You have four and a half minutes left.

Bottom line I want to reiterate all the points Ms. Most of it made. Clearly we need more time to address these particular issues. Part of our community values is we value inclusion for minority women-owned participation and that simply has not happened on this project. I remember working for Gus years ago, and I think Gus was the first mayor that started the City Book Club, subtle was circulating the rounds, for dummies, and I may have missed today because it sounds like that's the book of the club or month or year that we're supposed to be reading. Except the one, it talks about how you can get the City of Austin to pay for wastewater. Chapter 2 is how Austin Energy can pick up the tab for an electrical substation that will only concern the F1 site, so I can go on and on and on. But the point being we're making up this agreement here and the citizens have not yet had an opportunity to see the language. I have a compromise. Authorize staff to enter into negotiations with F1 but bring it back only after you have the specific language and all the -- all the details that need to be addressed, bring that back only after you have all that language, and then you can execute it and sign it. I think that's a -- that's a fair compromise. Rather than stand up here and make -- basically create language from the dais. I think it doesn't make sense. So go allow your staff to go and negotiate with F1 folks, come up with the language, authorize them to negotiate it and when they have a detailed contract that you're comfortable and the taxpayers are comfortable, come back and vote on it. I think that's a fair compromise. And then my last point is if you feel compelled you need to vote on it, I would remind the council members maybe who might not be comfortable voting -- mainly to be comfortable voting for it, I would urge you to vote it because you can also rescind the vote. Those who might be on the losing end of the vote I encourage you to vote for it and then you can vote to rescind it and bring it back to council. Mayor Pro Tem? I wanted to try to answer your question as best I can. You're absolutely right, what we're discussing for an entire year still applied in that our MB and WBE ordinance cannot be applied to this project because it's not a city project. My amendment, though, will state that the standards and principles of the third-party agreement and the MBE ordinance apply, and my understanding from law from Sabina Romero, is that it is enforceable and after Laura from MSMBR, their staff can handle the oversight and enforcement. Provisions -- the standards and principles of those ordinance. Because the two ordinances were written for city projects. That's simply why we can't just say you got to follow this ordinance. What we can say is you must follow the standards and principles, and that includes going through MSMBR.

We would consider seeing that language. We got a letter from her office yesterday that said that the draft language being discussed by this working -- that your law department still had issues with it.

could not be enforced. So I would be very interested in seeing what specific language because it's absolutely contradictory to the language we got from mbmsr yesterday. we'll make sure you have it. council member spelman. very briefly, paul, it sounds like a good idea to pass something, you think you're for it and then hold open the possibility of rescinding it later o the problem is that are -- on. The problem is rescission requires a two-thirds vote which in our case would be 5 out of 7 rather than just 4 out of 7. We have to make sure we know what we're voting for.

Absolutely. I think the exro price was go to your staff, only after you have language that's been properly vetted, you can come back and vote for it. of your two suggestions that one strikes me as much more practical.

Thank you, council member. so 00 noon and go to citizens communication. We'll table this and go to citizens communication. Take approximately 30 minutes. After completion of that we'll go into executive session. Should be a very short executive session, and when we get out of that, we'll come back and pick up this item again where we left off. So I have a verbal request from the first three speakers that they be moved. The last -- the bottom of the list because they're going to be late getting here. So the first speaker I'm going to call is nicole barrera. Nicole barrera.

Cole: mayor? council member cole. I would just like 89 be briefly discussed in executive session with our lawyers. this item? this item -- yes, item -- is it -- can we do that? and we'll bring it back out after we -- council member, city attorney says they're prepared to discuss any legal issues -- outstanding legal issues in public forum.

Cole: okay. all right. Any legal issues about this item. Excuse me. You said 89. 20 And 21. Yeah, I gotcha. So could I ask you to please hold it down so we can go on with our meeting? Is nicole barrera in the chamber? Okay. Nicole? Do you want to come up? Don't try to start until we get it quiet here. Nicole's topic is don't cut the budget for youth services. Folks, again, could I ask you to please hold down the chatter until you exit the chambers? Once again, can we hold the conversation down? We're only prolonging time when we take up this item again. So I would respectfully ask for your cooperation in leaving the chamber quietly so we can go on with the meeting. Okay, nicole, go ahead.

Hello, mayor and city council members. My name is any coag barrera and I'm -- nicole barrera, part of ysj. The program is dedicated to youth and people of color to address social color injustice, affecting them to ensure racial and gender resource equity. That is an environmental justice organization that seeks to empower our community through education, advocacy and action. I represent the voices of many young people who cannot be here today. As you review the city's budget for the new fiscal year we urge you to seriously consider the importance of youth services and employment. When making these tough decisions about the budget. We are austin's future and we're depending on you. Potential budget reductions recommend the summer playdown program would be cut from 27 sites. The number of participants, which range from 6 to 12 years old will decrease because of the removal of sites. Young adults and teens who normally fill these jobs/positions would also lose their jobs due to the proposed budget reduction. The summer playground program offers more than fun times. It fosters self-esteem and friendship and provides participants with positive and caring role models. By accepting this proposal you are taking this opportunity away from developing young children as well as young adults who are looking to gain employment experience and job skills. Regarding the community development block grants for this year, action plan, we recommend that funds be made available for the 6 acres set aside at the betty dunkerley campus for rek ration al facilities. Affordable housing, community gardens and the possibility for future community health services as funds become available. This project [inaudible] members of the govalle/johnston terrace neighborhood review team have worked on with the health & human services department and other city departments for over a year. Together preserving youth services and employment, affordable house, health and community services will demonstrate collective process towards east austin and a sharing of the abundance and quality of life that the rest of austin enjoys. Thank you. thank you. [Applause] next speaker is christineo herrera. Your topic is protect our

youth. Don't cut services. You have three minutes.

Hello, mayor and city council members. My name is kristino herrera. And young scholars for justice known as ysj. As a young person I would like to have the opportunity when I graduate from college to live in my east austin community. I would also like opportunity to find employment in my youth when I graduate from college. These are opportunities that I and other young students of east austin are working to achieve. I am also a member of the montopolis neighborhood association. The president of the association informed us that the dan reeves library will be closed for some time due to air-conditioning issues. I come today to request that you use various funds and/or to hold off on paying for any additional studies until you reopen the dan reeves library. My community uses the library to read books, check out movies, access the internet and for numerous community meetings. It is a secure and comfortable place to escape the heat. We need the dan reeves library open immediately. As you review the city budget for the new fiscal year we urge you to consider -- seriously consider the importance of youth services and employment when making these tough decisions about the budget. We are austin's future and we are depending on you. We are very concerned about the budget cuts that would close swimming pools in austin, including simpson pool and month top list on rows -- montopolis on rosewood street. Swimming pools serve people in the four months they are open and even though the above pools are less than a mile from other pools, many families who use them do not have cars and walk their families there, so we need them to stay open. Simpson pool in particular serves an area of montopolis with many children. The remaining pools will become extreme lip crowded as they pools are closed. Eliminating the pools, recreation -- this proposal would eliminate part-time jobs that are historically held by older teens and young adults. Together, preserving youth services and employment, affordable housing, health and community facilities will demonstrate a collective progress towards including east austin in the sharing of the quality of life that the rest of austin enjoys. Thank you. [Applause] thank you. Next speaker is unico rontrea. Welcome. Same topic. You have three minutes.

Hello, mayor and city council members. My name is unico rontrea and I am part of young souls for justice leadership development program, known as the ysj. It's an environmental justice organization that seeks to empower our community through education, advocacy and action. This summer the young people for justice participated in the launch of the preserve east side affordability campaign. The goal of the campaign is to preserve housing affordability in east austin neighborhoods in order to slow down the displacement of low-income families. The campaign would accomplish this goal by providing tax payments to low-income families, help them avoid foreclosures and decline weans. They went door-to-door in the goa valley neighborhood plan area to survey president about utility assistance and home repairs needed. We must work to ensure there will always be a place for the poor and working poor in central east austin. The ysj feels that the city of austin summer youth employment program should allow youth to work with nonprofit organizes as well as the city of austin's run programs. Ysj provides an additional mechanism for youth to gain leadership skills and knowledge in order to make sure that the next great generation of leaders continues, it works to ensure that youth are part of the future visioning of neighborhood plans and future services. Youth attend meetings with poder and host youth meetings to receive youth suggestions and recommendations. Youth work with elders to help create recommendations for the continued improvements in our neighborhoods. There is a body of literature that demonstrates that facilitating the involvement of young people in civic activities increases the likelihood that they will be civically engaged as adults. We must continue to fund services and activities for youth. Thank you. [Applause] thank you. Linda green, topic is water fluoridation. mayor, these bottles of pb free bottle and the class bottles cost about \$15 each. As a citizen -- senior citizen, I find it a burden to have to go and spend time, money and gasoline to refill these bottles. It is a burden -- it is a burden on all our taxpayers to have to filter out the fluoride that you add to our water. I hold before me a calcium fluoride rock, naturally occurring rock. It has eight sides, eight facets, and like the fluoride that's in our water, there are many facets to this issue of fluoride in our water, and there are some irrefutable facts that we brought before you going on three years now, so it was very disturbing for me to hear you say when laura presley, chemist, last january -- citizens communication session on june 9 asked what actions the city is going to take regarding adding fluoride medicine to our water to treat us without our consent, and you said, to your knowledge no action would be taken. So again, I guess I have to give some irrefutable facts. It's an irrefutable fact that ingesting fluoride causes thyroid disease, arthritis,

some forms of cancer, and this is reported in our own government studies, the national research council report of 2006. Hypothyroidism causes cold intolerance and memory issues, lethargy. It inhibits or affects iodine intake. It has actual physical impacts on our body, causing various disease. These are documented also by health & human services in 2011 of this year that it causes risk of bone fracture and brittle bones, and 41% of our teens between 12 and 15 have departmental fluorosis. What about the rest of our children, what kind of fluorosis do they have? The city must stop medicating pets and people. A lot of discussion was taken last week on parks and -- pet parks. What about the fluoride that pets have to ingest and the fact that pets have thyroid disease and cancer in a high rate that they didn't used to have. They have -- half of what we ingest is -- accumulates in our body, irrefutable fact. Fluoride reduces iq in children, irrefutable fact, 25 studies. Fluoride replaces iodine in the thyroid, undermining thyroid function, fluoride binds with calcium causing brittle bones and crippling arthritis. These are all irrefutable facts. So here is a fact. We want you to put a moratorium on the fluoride -- thank you, linda.

-- And a warning on our water bill, please. may a make a comment to you?

Yes. I know you've been coming here for a long time, maybe a couple years, and I appreciate -- and respect your persistence and I also appreciate the courtesy that all of your group has exhibited when you come here. But I can make a suggestion to you that there is a process to gain citizen approval. It's called initiative in referendum. If you could go out and gept gept -- get the requisite number of signatures on a petition, council would put this item on the ballot and most properly the citizens could make this decision.

Well, sir, that cost a lot of money, time and energy that four of you could dispel, because all these facts -  
- well --

-- make it to me seem like it's an ethical, moral and civil duty on your part to not put us through -- i don't want to get into a lengthy discussion about this. I'm just throwing that option on the table for you --

[inaudible] another option -- it would also assure everyone that the majority of the people in austin want to do this.

The majority of the people don't know about it because the press pretty much does not report these irrefutable facts. I'm just saying that is one option you have available to you.

We will pursue all of our options, mayor, and we would -- you would make it a lot easier for us if you would just -- mayor pro tem? I just wanted green know that council member morrison and I did discuss this the other day, because it is an ongoing agenda item for health & human services subcommittee. We will continue to work through it, but one of the options that we did discuss was asking the council if four of us on the council would be willing to make this a ballot initiative and then therefore allow it to run in the campaign cycle so that citizens can decide and so that you-all can advocate and educate for your position.

[Inaudible] thank you, linda. August harris iii. August w. harris iii. The topic is intercare contract and oakwood maintenance.

Good morning, council. Thank you for your time today and for your service. I know the challenge of being on the dais and serving as council members and I do appreciate all you do. Council member shade, I want to thank you for your service on the council and wish you the best of luck. I'm here today to talk about austin's public cemeteries and to briefly talk about the current status, and I do have an action request. Before I do that, I do want to invite you-all to the 4th of july parade that starts at 9:00 on july 4. It will begin at good shepherd church at windsor and exposition and proceed to reed park which is part of another issue that I'm working on but I'm not here today on that particular one. Second slide, please. This is from thomas longoria, who was commissioned by the city to conduct a study on the city cemetery issue, and his quote was the city of austin is clearly not following best practices for



management of municipal cemeteries. Next, please? This is the view of the capital from the historic oakwood cemetery, which has a number of deciding naigs, by the way -- designations. Next please. The city's responsibility by law are to repair, fences, walls, buildings, roads or other -- straightening of markers and memorials, maintaining lawns and shrubbery, removing debris and plastic flowers and gravesites following intermittent. This responsibility has largely been passed to intercare through its contract. I think city staff will agree, whether it's a lack of adequate supervision by city administration or by out right neglect by intercare, a lot of these things aren't happening. I know you've heard from stakeholders about various cemeteries about the overall condition. Next, please. This particular building is a former bathhouse, and it -- I have referred to it as the gatehouse incorrectly, but this is at the oakwood annex. This apparently has been an issue that's been before the city for seven years and the roof is so deteriorated. This actually is an historic structure that was designed by hugo kuny. They've now tarpd it because the roof has collapsed on itself. Had this been tended to by the city then we wouldn't have gotten to the point where we had to tarp it in the first place. We do understand the funding issues, but neglect of not just this facility but facilities throughout our parks is an ongoing problem. Next slide, please. One of the biggest challenges that I know that you-all face from the community is a standard of care issue, and there are very differing -- and I've read studies and reports from cemetery organizations throughout the country, and there is a difference in perception between the standard of care expected by families and loved ones and folks that care about the cemeteries and the municipalities take run the cemeteries. I've already run out of time. The standard of care varies between the cemeteries next -- and I'll wrap up real quick. One of the big issues is the trees. one sentence. One sentence.

One pretty long sentence? I'll be watching for punctuation.

Okay. I think council member morrison knows I can go very quickly on the one sentence. If you'll go to the next slide, one of the problems is that the trees have died and they've been neglected because they haven't been watered. You will see I've titled this slide the arbor of the dead. These were not mature trees. That was a comma, by the way, these were not mature trees that were at the end of their life span but they are dead because they were not watered. that was a period.

The next one. that was a period.

Okay. i would love to hear more about this but, you know, there's a fairness standard.

Absolutely. I understand. but i do want to assure you that this is a high priority for me. My wife, as a matter of fact, is a member of save austin cemeteries so she keeps me motivated on that.

There is an action item that I put at the last slide unfortunately and that was to direct city legal to review the intercare contract for enter care -- for breach, and determine the cost of exposure if any for terminate -- cost to the city for terminating early. I'll ask them to look into that.

Are you sure that was three minutes?

Mayor leffingwell: yes. Travoan green. Travoan green. Topic is police issues. Travoan is not in the chaim chamber. Travoan, where are you? You signed up to speak?

[Inaudible] you can't donate time. So it's a use it or lose it. Okay. Kirk schuler. Fluoridation of austin water.

Hi. May I start? you may.

When the west texas fluoride people were here in mid mid-may, they said people in their austin were doing great because they're drinking water that contained large amounts of naturally occurring fluoride,

but natural isn't the main problem because that means natural water, which is exactly what we've been asking for. So if those people are diagnosed well, it proves one of our points which is that we think people should drink natural water, because naturally occurring minerals are different than artificially supplemented minerals from chimney scrapers. Much of the fluoride added to municipal water is industrial waste and a lot of that is literally scraped out of chimneys. That's where they get fluoride. But if you have industrial waste to dispose of, why should you care if there are non-fluoridated countries with better track records than fluoridated countries? And why should you pay to take your fluoride to the toxic waste dump when you can sell it to places like the city of Austin instead. And you don't mind being poisoned because unethical people with financial motivation, do you? In every single study the fluoride people have done has been on isolated fluoride or naturally occurring fluoride but they're not using either of those in Austin. They're using stuff that has toxic minerals mixed with it. And every study done on these two things and were using a different things, that fact alone completely nullifies every single argument the fluoride people have, and it's not just that they don't have a single standard study showing fluorosilicic acid is safe. The EPA classifies it as dangerous toxic waste and it's against the law to put it in any lake, river or ocean. It is against the law to put fluorosilicic acid in any lake, river or ocean but they're putting it in your drinking water. Are you okay with that? [Cheers and applause] also, you guys said you're confused about conflicting evidence, since we have people with irrefutable proof, showing it's a poison to the brain and heart. Why then is the government continuing to claim that fluoride is safe. The same government once told you DDT was safe but why would they bother? I'll tell you why. Can you imagine the lawsuits if they were to admit tomorrow that fluoride is what it is? Can you imagine the lawsuits? So they're not going to admit it because they don't want to get sued, and you must understand that it really does come down to this. So rather than waiting for them, just look at the facts. What are the facts according to Bruce West who studied over 69,000 people, he believes 4 out of 5 women develop subclinical thyroid problems from fluoride. Symptoms include obesity and over time he developed a pear shaped body. Some people would like to be overweight and developed pear shaped bodies. They used fluoride in World War II. When you heat up fluoridated water it turns to steam and you inhale fluoride gas. How many people here would like to continue to turn your hot showers into little mini-nazi -- thank you, your time has expired.

Thank you for listening. I appreciate it. Thank you. [Applause] Next speaker is John Locket. Next per is John Locket.

Why was the mayor not present for that? Next speaker is John Locket. Mr. Walker, you're next. Welcome. You'll have three minutes.

I want to start out by saying greetings, and may peace be unto you. To the absent mayor, all the city council members, everyone who made it out here, the family of the deceased that was shot and killed in the latest police officer involved shooting. I want to thank them for making it out here today. [Applause] you know, when you're an elected official, they make you the government of the people for the people and by the people, which means you have the duty and responsibility to respond to the critical needs of the people. When that government fails to respond to the needs of the people, they either need to be reformed or they need to be abolished. You can cut off my time when I'm going to try to work with what I get. In Austin, Texas we have great police officers in this city. But we also have some dirty, no good, low down, racist police officers who do everything in their power when it comes to the East Austin community to make things miserable for the black race. Now, this is a box. This is an empty box. I want to demonstrate, it's an empty box. But I want to talk to you on a level that you understand. If you're a police officer and you raise up -- you were raised up as a child, brought up to be hateful, racist, anytime you get in a situation with a black African-American negro minority you're going to respond with what comes natural to you. The snake in a box, what is going to happen? It's going to attack because that's its instinct. That's the same way with East cops. They were brought up to be. We are so divided. Let's talk about the latest police officer involved shooting. I know a lot of people can't answer a lot of questions because it's still under investigation but the family deserves some answers. Let's start from the top because I know they want to paint a dirty picture, up-to-date a picture for these guys to be criminals, pimps, thugs, to be gangsters but you're not understanding our community. Here you got two individuals, minding their own business, not doing nothing, but the police officer is going to assume,

going to assume that they're suspicious, doing nothing wrong. And now you whipped up with a diseased 20 -- wind up with a diseased 20-year-old and wind up with another guy locked up fighting for his freedom. And you as politicians are sitting back. You are not really there for the people. So the people that really thinking, we're tired. [Applause] and we're frustrated what's going on in our community. Suggesting you're here for your gain but not for the people. You owe us some type of answer. They say it's going to take 6 months for the investigation. They want you to be quiet, stay silent, do nothing, and it will happen again. Right now our back is against the wall. So what are you-all trying to force us to do? What kind of response do you want from us? As long as you continue to get these officers off the hook after shooting, you put a big s on their chest making them think they're superman cop with cape running down their back. Let me tell you something. The super cops are about to run into people are frustrated. How are you going to -- stop stopping you, family -- time expired.

You might accept a wie -- we want justice. your time has expired.

I don't know what you-all are waiting on. You -- I cut off your microphone. I'm going to ask you to step back. [Applause] [inaud] [inaud]

step back. step back. Tommy green jr. [Applause] ? Would you get john locket? Has he spoken? Those are all the speakers --

shade: mayor? council member shade. sandra, were you expecting to speak today? I noticed you were signed up last time and thought -- sorry, wanted to make sure we didn't overlook you. those are all the speakers we have in citizens communication, so without objection we'll go into closed session to take up only one item 074 of the goad. The council will discuss personnel issues regarding the following item, item 111, to evaluate the performance of, consider the compensation and benefits for the city auditor. I would note that items 109 and 110 will not be discussed. They have been withdrawn. Is there any objection to going into executive session on the items announced? Hearing none, council will now go into executive session. Aye..

Mayor Leffingwell: We're out of closed session. In closed session we took up and discussed personnel matters related to item 111. With that, we'll resume our public comment period on 20, 21 and 101, next speaker is johanna job or -- job, j-o-b. Signed up for, you have three minutes.

Thank you very much, mr. Mayor, fellow council men, women. I am a sophomore marketing major from houston tillotson university. I am for items 20 and 21. Not only because as of a student of business i understand the economic impact, but also because i understand the social impact. This summer, circuit of the americas had an internship program. They partnered with a couple of schools around austin, which houston tillotson was also one. I was lucky enough to be selected as an intern and I've been so far working with a lot of marketing executives, this internship has opened vast doors for me. Personally. And it is greatly supplementing the theory that I'm learning in school. Also it shows me what is expected of me in terms of my practical stuff that's expected in terms of professional field. And it's introduced me to a new sport. I have gained a lot of real-life experience that, you know, I had no idea that would be necessary of me coming out of the university in the next two or three years and I'm hoping that with the thousand plus jobs that have been created, currently on the construction, when i graduate when it is in actuality, that I can get a job in the future. So circuit of the americas has showed me that they are interested in community development. Not only making money from the track, but also by reaching out to the schools in the community, partnering with them, showing us that they care, not only about making money as I said, but also partnering with us developing the human resource shows me that they are definitely interested in the community development aspect. This is why I fully throw my support behind circuit of the americas, I believe that you all should. Thank you very much. [ Applause ]

Mayor Leffingwell: Thank you. Jeff jacks. Jeff jack? Jeff jack is signed up against. There he is. Okay. Welcome, you have three minutes.

Mayor, councilmembers, thanks for the opportunity to speak about f1 today. And city manager ott, my comment is not directed to you. The item is posted as to give the authorization for the city administration to negotiate and execute this contract. I think we as the city have seen the problems in doing that before. We sit in a building surrounded by tracts of land that were the victims of that kind of language in a contract many years ago. Somebody stated earlier god is in the details. In that contract for the csc, we forgot to include that the site hyped us where th behind us where the w is needed to be completed to complete the second street retail. Only after the contract was signed did we find out there was no obligation within that contract to do it within any reasonable amount of time. We ending up spending between 8 and \$10 million to buy back the development rights for that lot from the people that we had given it to on property that we owned. It's an example of getting the details right. You talked about language today that's still being negotiated. Please get the language before you, final version, go through it, know exactly what you are signing and then bring it back to the council for approval. There's a lot of discussion about the \$250 million how it's not related to other things in our city's -- state's budget like education. Let me share with you a -- an idea that came out of an article that I think it was the new york times a couple of weeks ago. In a budget situation that we face in the state, if we have a dedicated revenue stream that goes to something like formula one, \$250 million for 10 years, that means that the state legislature has less opportunity to have the flexibility to provide funding for other needs in the state. Like education, parks, social services. So it is tied. It may seem like a small number compared to the state's budget, but it is an example of a trend that we have to be very careful about. And particularly in a city that -- that claims to be very progressive, liberal, democratic, blue. We seem to be buying into a strategy at the say the level being pushed upon us by a republican administration. I want to talk about trickle down economics. The idea that we simply have economic development and it will trickle down to the rest of us doesn't seem to work. I asked one of the construction workers at the back of the and you remember auditorium a minute ago, whether he was here on his own or whether he was on the clock. He said that he's here as a volunteer. I said well, you know, you're going to have a nice job out of this, but how is it going to affect your cost of living later? His response was, well, he doesn't live here anyway because he can't afford austin. For 20 years, we've been doing these kind of economic deals [buzzer sounding] and the cost of living for us has continued to go up. Let's give some time.

Mayor Leffingwell: Your time is up.

To figure out the details. Thank you for your time. Thank you. [ Applause ]

defoe signed up against, you have three minutes. After clay will be karl hadnot.

Good afternoon. This is a scandal. This is a scandal! This is a scandal! I cannot tell you how wrong, morally, economically, socially it is -- to be giving formula one a bailout on the state level, coming to the taxpayers, saying we need your money, when at the same time as reported recently in mainstream news, the head of f1, this famous heir 22 years old, just bought a \$150 million mansion in the los angeles area. I don't think we should be subsidizing that kind of aggrandizement of the wealthy. This is simply socialism for the rich. So all of you conservatives out there who care about how your tax dime is being spent. We need to stand up for this and stop it immediately. Nobel prize winning economist frederick hyak has often written about the seen and the unseen and I'm afraid what's happening here is they are parading the seen. We see people sitting in the seats with formula one hats, they've brought a slew of their construction workers here to show as if this was some sort of spontaneous economic growth that people in austin really want, which is not the case at all. What we're not seeing here is the thousands of jobs of -- in development, construction and other fields that could be provided in our economy if it were not for this formula one, which is basically going to suck us dry to the point where -- where we're not going to have an economy to take care of. Basically, what's happening is formula one comes to the austin city council, these members here and, you know, just like a slew of other special interests that come here, formula one does not care about austin. They are a global entertainment group. They move around from city to city. That's their thing, they're not going to be here in five years. How are we going to pay for the track? The council, I would like someone to answer that question. What will we do if formula one abandons the track if five years? Are we just going to have to hang on to it, maintain it, indefinitely for 20 or 30 years? And formula one basically here to put it simply, they are

sacrificing the well-being of austinites to advance their own sordid objectives. This \$250 million grant is going to be a disastrous project and we're not going to be able to hold any of these people accountable at all. So -- so I highly recommend that the council vote against this. In an effort to protect not only the texas taxpayer, the austin taxpayer, and also our real economy rather than a propped up corporate machine that will disappear, I assure you, shortly. [Buzzer sounding]

Mayor Leffingwell: Your time expired. Carroll hadnot signed up against.

I had a question.

Step back.

I thought you had to answer any questions that are offered to the council.

Good afternoon, councilmembers, mayor and councilmembers, my name is carol hadnot, I am the program manager, consultant for the austin area -- austin area black contractors association. Paul saldana pretty much said what our feelings are about this project. However there's one thing that needs to be put out here. No one ever champions the businesses when these projects come up. We have met from last year up until a few months ago. With representatives from formula one giving us a good spin, selling us [indiscernible] tickets about our participation. When we have tracked over the last three months reports, january, february and may, we have received \$27,000 out of this great project that's supposed to bring economic development for this community. Then, when we ask, please give us a breakout of how much you have expended in terms of construction projects, and by ethnicity of the groups. We only received \$27,000 out of \$45 million that they said they have expended. When we asked who are these people? They can't tell us because it's proprietary information. I've never heard of that. Proprietary information. That they can't tell us who are the contractors who got the excavation, who got the site work, who got whatever they did out there. The erosion control, they can't tell us who they are because it is proprietary information. This is obscene. I don't want my taxpayer dollars subsidizing a -- a company or an event such as this when we are not included. I am sick and tired of it. When this guy gets up and talks about there are 1500 jobs they have created, i look back there, [indiscernible], I don't see anybody that looks like me. Back there. And I probably won't see them out on the jobsite as well. No. We are tired of this. If this is a project for the citizens of austin, it needs to be inclusive. Not ex-exclusive. And the other thing, I have tavo hellmund. He was doing a mic test over at kxan. They asked him to identify himself. You know what he said. His name is kunte kinta. I'm a descendant of him and I don't appreciate that. That's exactly why we got the kind of support of participation that we have because of arrogance and people who feel entitled that they can do and say these kinds of things. So at this point, I am not for f1 because f1 is not for us. [Buzzer sounding] [ applause ] ashley dean. Signed up for. Is ashley dean in the chamber? Going to the next speaker. Marian sanchez. Signed up against, you have three minutes.

My name is marian sanchez, I'm a member of the hispanic chamber of commerce. I'm also a member of the capitol city chamber of commerce. Most important, I'm a long-term member of east austin. Councilmembers, thank you for this opportunity. Councilmember shade thank you for your service, we appreciate that. I'm here with a very simple message. It says patience is a companion of wisdom. I would like to say it in spanish for our friends in the back. [Speaking in spanish] what I'm asking today is very simple. Wait. Wait. Marinate. Think about it. And then come back with a decision. I feel that we're rushing. I think we're doing things too fast. Me as a community member, i take my time and I try to know what's going on out here. And I try to see what the benefit for my other business people. My friends are chamber members and so forth. When I'm in the middle of a situation, I don't understand what's going on. I don't -- we're all here, what is the decision, what is at stake, what are the benefits, what are the risks? I don't see anybody talking about the risks. Every proposition has a risk, even when it feels right. And all we're talking about are benefits. I don't even know if those benefits are real. My message is very simple. Please wait. Give some time. Wait. Sleep on it. And then decide. If you want to hear from the community, go out there and have a community conversation. Listen to other people's needs. Listen to

our dreams and how we would like to be a part of this. I'm not into racing and cars and anything like that. I'm into business. And I want my business community to do well. I don't want a few to do well. I want the wealth to be shared amongst everybody so please wait. Thank you. [ Applause ]

Mayor Leffingwell: I have a question for you. Marian, I have a question for ya. I have a question for ya, ms. sanchez. You mentioned that you are a member of the hispanic chamber of commerce, are you speaking for the hispanic chamber of commerce.

I'm not speaking for the hispanic chamber of commerce but it's important to know that I'm involved with the community.

Mayor Leffingwell: To your knowledge has the hispanic chamber of commerce taken a position on this issue?

No, they haven't asked for my opinion, I don't think they have asked the other mens for their opinion either, I think that it's important that --

Mayor Leffingwell: Thank you. Frederick gloson. Frederick lawson. Signed up for. Frederick is not in the chamber. Debbie russell. Signed up against. Donating time to her is stephanie collins, stephanie in the chamber? Stephanie collins in the chamber?

She's not here.

Mayor Leffingwell: Not in the chamber. Kirk becker? Kirk becker in the chamber? Kirk becker is in the chamber. You have up to six minutes.

Thank you, mayor and council. Thank you, councilmember shade for your service the last three years. What I want to first start out with is yes indeed we have yet -- you have yet to make a case to us that this is a good deal. Y'all are still drafting this contract as we speak. We deserve a chance to digest that and have -- have time to -- to communicate our thoughts and feelings about what that final draft looks like before you vote on it. At the very, very, very least, add this to your special session next week. Give us a few days. Give y'all a few days as you said to sleep on it. This -- I want to go back to a couple of very important overarching issues here. This money that you're about to vote on to trigger public funds to -- to bernie ecclestone and his sanctioning fee, which is not something that helps us with our costs, that money is -- is public money. It's real money that we've already put in. It's taxpayer money. The metf fund was meant as an incentive fund. It was meant to incentivize people coming here. That's why that lawsuit was dropped yesterday because -- was drought yesterday there was no competitive process, it's already building, they are already happening, you can see the evidence of that tracked in on the floor of these chambers. The metf fund was also created with respect to giving reimbursements back to the local entities for the costs that are incurred to throw on -- such a big event such as happened in north texas with the superbowl and the north texas city they received all of their costs back. That's great. That's what it was for. We are not going to get those costs back because this money goes every single year to the sanctioning fee. There are three reasons why you cannot vote for this today. One, we have not done a cost analysis. We have no cost analysis on what it's going to run this city and what it's going to take for this city to do all of the public safety, all of the water, all of the traffic, all of the everything that we have to do to bring in an eighth of the size of our city in for a week each year. This is the biggest event that we have ever seen. We need to look at this first. The second reason is councilmember riley is sponsoring an item today, item 101 which we don't get to speak on separately for an environmental impact study. Until we have the results of that, we shouldn't be voting on this. The third reason is that we, the economic impact study that you have is bogus and we know that. It's based on the same bogus figures that we got from the state. We need an independent, outside analyst to come in and look at that before you vote. The rest of my time I want to spend to you reading an op ed from auto weeks, the editor of auto weeks, dutch mandell wrote an open letter to the austin, texas city council and the citizens of that fair city. As the editorial director of america's largest racing magazine and a guy what has grown

up around racing and racers, worked for a professional race team and ... I have two words for the austin city council and its constituents before thursday's vote, for austin's 2012 grand prix. Run away. I don't say this out of spite or malice, I want formula one as much as anyone else. Austin is already what's right in america. It's a city that's by almost all accounts, vibrant and .. extraordinary educational facilities, fantastic surrounding scenery, carries a thoughtful and eclectic vibe. Austin is comfortable in its .. I say if you allow bernie ecclestone and his f1 circus to attach themselves [indiscernible] to you it will be an enormous and very expensive lesson. If I read correctly, the austin race organizers are ready to pay 4 million annually to trigger access to a texas state fund and later on access to revenue generated by sales tax attributable directly to the race that will cover the 25 million or so that ecclestone charges per motorist each year to host f1. Hey, I want that deal. For 40 million I gave you, you give me a quarter billion, right? You councilmembers know to whom the money flows, right? Take a google began del at ecclestone. He who holds f1 marketing rights. You may stumble on recent news accounts of his 22-year-old daughter petra who last week paid 85 million for a los angeles area mansion to go with her 90 million crib in london, but I digress, know that nothing happens without bernie's approval. Nothing, if you want a green space, he'll get his green, too. The local rattle snake burgers sold track side for e probably takes three dollars apiece. The point is not to be rushed into doing anything that you don't want to do. If after sufficient due diligence, surely you've f1 organizers and city fathers from say indianapolis, finally this evening, watkins, long beach, detroit, heard their tale of whoa. If you want to offer up [indiscernible] think about this if the cradle of american motor sports, the home of the greatest spectacle in racing, indianapolis failed to keep f1 in america, what makes austin not the promoters who have a bunch of reasons, maybe quite true for why they are different think it can succeed. Again I'm talking to the fine people of austin, not the people directly behind the track project. Remember, bernie always gets his money, always, again, i like f1, auto week has covered grand prix racing for all of our 53 years, i wake early to watch qualifying live from exotic --

your time expired --

thank you. [ Applause ] pam thompson? Pam is signed up against. And you have three minutes. Next speaker is michael [indiscernible].

Okay. Thanks for letting me speak. We've had one other council meeting where the citizens had input. I think that you can see that we need a little more time to discuss this. I would I would like to ask you some questions. Have you analyzed the economic costs of the environmental impact? How much cost to the city and region if we go into non-attainment? Do you have that data? Is there any other reason to not postpone other than what you have heard from richard suttie. I think that you have the cart before the horse. You are talking about passing the contract now. The environmental issues are going to be discussed after. Why? We will not have any say on that. We don't have any data. What are you thinking of? Oh, by the way, before you start in on what bloomberg had to say, I wore white because evidently me and every other woman in the room to the guy that you are going to give the money to is that I'm an appliance, a white appliance. Have you heard what bernie ecclestone said about women. Look at us. You could spend time doing that research even if you aren't going to cover any of these other issues we really need to get to. The \$25 million comes from the general fund like everyone has said. They have made none of this money. This is the state of texas' money that we are giving to bernie ecclestone, wonderful man that he is, and -- and -- it's from the general fund and it goes to the major events trust fund and then they're going to pay ecclestone. Okay. Here's what bloomberg says: Banks, including goldman sachs group, I'm sorry, i said that wrong, are seeking buyers for a client selling about 300 million euros or 432 million of leveraged loans such as formula one holdings, limited. Investors are shedding .. further europe and depress the economy. Leverage loans are typically those to buy out targets saddled with debt by their private equity firm owners. Okay, this is going to happen, london time, noon. After your vote. Okay. What are you thinking of? I don't understand why we're doing business with someone like this. I really don't understand why -- why we don't have any more say. So I'm just telling you in case you didn't get that, I'm opposed to this and i would really like to have a voice and the future discussions and not have y'all meet in non-quorum groups with the promoters of f1 and then come out here with your faces set in stone and tell us we've got to do it now! Richard suttie and f1 says now is the date. Okay. Have you even addressed the issue of whether the race date is in fact set at june 17th,

2012? No. Did anyone compete for this? No. And in fact new jersey, which is the holding company for f1 has said give it to texas.

Mayor Leffingwell: Thank you. Next speaker is michael [indiscernible] [ applause ] donating time is shelly gupta? In the chamber? No. Brian [indiscernible] brian in the chamber? No. Rich parsons. Rich parsons here. There's rich. Russell ria. So you have up to nine minutes.

All I can say is hoowah. I'm the owner of zinger hardware. One of the prominent retailers here in town. I've struggled quite a bit in trying to make an independent company go here. I'm also one of the co-founders of the f1 watch party here in town as well. I want to speak about just my position on the retail side of it and then also give you some of my results from the f1 watch party. As a retailer, we need outside moneys to come into the city. When we have south-by-southwest or the games or we have aclf, what we have is people saving money here in town so that they can spend it during those seasons. Or those events. What happens is it cannibalizing moneys from other businesses here in town. We do have some tourism, but it's not a large amount. I can track specifically on our sales days how they drop during those event times. What happens is the disposable income isn't here locally to support all of the businesses as well as the event. When you look at something like f1, you are talking about a huge amount of income coming into the city. As it's been pointed out by those who are not in favor of this, this is a big event. This is going to bring a lot of people here. This is going to bring outside income that our city desperately needs. Retail and services desperately need to have a regentrification for all of our events. What the f1 will do for us is actually show us that there will an expansion of south-by-southwest and all of the other event that we love because they will suddenly become exposed to those events. Now, we have promoted the f1 watch party locally. We have approximately 100 to 200 people that show up to each event. We have over 3,000 signatures on a petition to support formula one, primarily from outside of the austin area. To show that there are people interested in coming here and spending their money. We have been able to promote local businesses such as warren peck, cool river cafe and others and it has been a good income generation. We have a video that I would like to show you from one of the f1 parties, simply to show you what it is about the enthusiasm of these individuals and how willing they are to support this type of sport and how much they are willing to do it financially.

[Indiscernible] huge formula one fan, also a business owner here. Vice-president of [indiscernible] also come to our city to consume all of the things that we have here in austin. Been amazing opportunity for all of us.

I am the assistant general manager here at cool river cafe. We have the formula one races here whenever they are on. We are really looking forward to having the track here next year. Figure it will be a good boon for business all around.

My name is daryl sergeant, I live at 78717. I've been a life long formula one supporter. I have gone to long beach for that there, went to indianapolis when they had it there. To get this in austin is huge. Not just about formula one, not just that weekend although that alone will be beneficial to whatever support austin can give. [Indiscernible] we will have other races come here, the ferrari, bmw, all of the clubs using that track. This will be something we use year round.

Hi, I'm warren peck, a native austinite, doss elementary, murchison junior .. I am so excited formula one is coming to austin, formula one is not even here yet and it's helped me launch a new business, I have new employees and, you know, we haven't even started the races yet. Austin needs formula one.

Bill [indiscernible] 78636. I'm an avid race fan, a native of california, been in texas for 35 years, I've seen how these races transform a city. My wife and I go all over the world following formula one and other racing venues, spent hundreds of thousands of dollars in the last 30 years, I can't tell you what an economic benefit this will bring to the city.

I'm [indiscernible] I live in 78717. I've been watching formula one racing since I was a little girl with my



father. I now watch with my husband. We watch it every sunday. I think that it's great that it's coming to austin. It's a great way to get people here. We would be so lucky to have formula one here. I've been to a formula one race. The people are fantastic, friendly, a lovely crowd of people that like to spend a lot of money.

My name is [indiscernible] 32. I've been a formula one fan since I was four years old. Moved to austin five years ago. I cannot wait for formula one to come to austin. It's so beneficial to towns and the tourist going to benefit hugely. It's a great [indiscernible]

richard, 78731. If we were talking about the superbowl supporting the event would be a no brainer. Ten years of formula one will bring -- be the biggest economic engine austin has ever seen.

My name is kobe, 78726. I just recently moved to austin and I think being a world class city, a world class sport like f1.

Kyle hodge, 78759, I want protozoan to come to austin, my whole family is f1 fans. I vote, I pay my taxes, bring it to austin.

Tony becker, 78731. I have only lived in austin for a year, moving down from boston, but I am 100% behind the f1 track being built here in town. From what I have read, i have read quite a bit. Seems to be a great economic boost for the area.

Scooter wo mac, 78746. I think we need to bring f1 here because it really will exhibit the great things about austin, our cultural diversity, our technical advancements and where we are in the world.

[Indiscernible]

matt harris, we live in 78705, west campus. We want formula one racing here. Boost the economy. Brings a lot of good people in and just think it would be one more cool thing to bring people to austin.

Very true, yeah.

Austin city council, this is mike dunlap, I wanted to let you know I'm a huge formula one fan. We have already proven in austin for events like south-by-southwest, austin city limits, rot rally, thing like that. You can bring a big event here. We do it right. Seeing formula one coming here it would be great for the economy, for people, for morale. Let's do it.

As you can see the f1 watch parties have been very successful, people coming together to support this. They want to support it even outside of the track event. They do it all year round. The event facility itself is going to bring more revenue than just the one race. We know that. Last time we spoke, i mentioned the demand for justin boots, cowboy hats, belt buckles will peak. I noticed that warren buffet saw his shares in berkshirehatwaway, the europeans and the asians will be coming here buying good, buying texas made products. Going to be a good boone to the austin economy as well as the manufacturers of texas made goods here. Lastly, I don't know if we cut this -- the funding, what we're going to do [buzzer sounding] or who is going to go out and give pink slips to those young men in the back back there.

Mayor Leffingwell: Thank you. Stefan ray. [ Applause ] stefan ray. Stefan ray is not in the chamber. So we'll go to gary dugger. Gary dugger. Gary dugger is not here. Chris lehmann. Chris lehmann signed up against. You have three minutes.

For your service to the community, I especially appreciate councilmember chris riley asking for an environmental impact statement. I think becoming aware of the consequences of this event coming during peak ground level ozone season. It's going to hit us twofold, one the race is going to promote the

upselling of cars, change the mix of cars on the road, the event itself occurring during peak level ground level ozone, means that we are going to experience that ground level ozone with its impacts on our health and our economy. I'm very concerned that we're going to signed the contract and then hope we got the deal we wanted. Your strength in negotiating ends as soon as you sign the contract. hadn't's experience is going to be your experience. I have sat through community meetings with richard suttler, he didn't know, he imagined, they believe, they got nothing. They did get pushed to the side because they stopped objecting. They thought they were going to get something. They got nothing but irrelevance. F1 is going for sale today in the london times it's been announced. The values that you are bringing to f1 is the reason that it's going to go on sale. This is the peak. They're going to get another venue with its \$17 billion, trillion dollars economy, that's going to make the value of their racing league. So they're going to sell. Very passive investigation, we're imagining and yet this all over. Have we talked to the previous host cities, do we know the real impact? Have we looked at the before and after? Peak ground level ozone contamination is a serious issue. I want to get into that more. Does that matter with f1? Mexico city, the very last grand prix they held, they expressed 420 and 380 parts per bill ground level ozone, records for those stress. The week of f1. They said no more, no thank you, they wised up. Do we know what the impact has been in other cities in , other parts of the world? 's analysis of consequences of ground level ozone, I'm looking at the difference between 70 parts per bill, 60 parts about her billion, I did the -- per billion, I did the math on it based on i forgot how many days an hour, \$152 a day for those as a consequence I mean the austin msa, a consequence of 9,515 days life, 79 emergency room visits, 29 lives lost prematurely just to ground level ozone. The cost at the bottom there is 200 million a year. 10 Years of this, two billion dollars to our local economy. That's the burden that we're going to bear to have formula one come here. We did not have our own analysis done, that was done by somebody who advertises his services on a contingency basis. Please postpone this vote -

Mayor Leffingwell: Next speaker is roger correction. Roger krebb's, signed up for. You have three minutes and after roger is richard franklin.

Thank you, good afternoon, I'm roger krebb's, a 30 year were the of the city of austin, texas, also the regional executive of the lone star region of the [indiscernible] we have approximately 230 plus members in the austin and local area. We have -- part of the national fcca which is about 50,000 members strong. Formula one is just the tip of the iceberg. We are grassroots racing organization and our purpose is to take the racing off the streets and put it on a track where it belongs. We hold events, our current events we have to hold in college station. We're looking forward to the inevitably of racing at circuit of the americas. Typically when we have a race we bring in about 200 cars, 200 cars means 200 teams, we also have 100 to 125 volunteers. We hope to have our events like I said at the circuit of the americasment one or two events a year. It would be very nice to be able to go and race during the day, sleep in our own beds rather than spending our money in college station or houston or dallas where we do now. Like I said, we're 230 members. We're for this proposal and we hope you dot the l's, cross the t's and pass the proposal. Thank you very much.

Mayor Leffingwell: Thank you. [ Applause ]

richard franklin is against and he has three minutes after richard franklin is richard suttler.

Thank you, gentlemen, councilmembers and mayor. I think we're having an apples and oranges conversation here. I'm kind of saddened that i didn't have paid crowd come down to cheer for me. Especially with the people with the short-term jobs that are in the room right now that they really need to reassess their situation. suttler back in october, del valle coalition went to him and asked him to pay for some independent studies at which time he said they would consider it. He said that he didn't have any studies at that time. I find it strange that they didn't have any impact studies and going to spend 250 to \$300 million to building a facility without understanding how it was going to be impacting their pocketbooks. I also think that it's also strange that no one that has stood up here and said anything about the fact that they were for this project has put any studies on the table that this is how it's going to

affect the community. If this is going to make so much money, why the cities going to let this go, why did other cities let this go and not fight for it tooth and nail. Somebody said seven different cities they named, it's no longer there. We have to ask the question, why isn't it there? I just emailed some of the councilmembers a report on Melbourne that says 2014 they are done with the taxpayer funded project which is the f1. We're asking that you postpone this vote until you've done a proper vetting of the process. I'm not saying if f1 can't stand on its own merit that it shouldn't. But let the free market rule in this case. I call on all of you that are out here selling your souls right now for a short term gain, be aware that your children will bear the cost of this if it goes south, most likely it will. Just as the cities that had f1 before now, finally I can tell you as a Del Valle school board member, I have not been made aware of any partnerships with f1, although it's been alluded to some kind of partnerships with the schools. I'm concerned about the fact that we're getting misdirection. Everybody should be concerned when we start talking about paying taxpayer dollars out to billionaires so they can -- taxpayer dollars out to billionaires so they can continue to make money off of our pain. Thank you [ applause ]

Richard Suttle. We'll just -- we'll go to next speaker, come back to Richard Suttle. Roy Whaley. Roy in the chamber? Scott Johnson in the chamber. Scott. Scott is not in the chamber. So you have -- Roy is signed up against, you have three minutes.

Howdy, Roy Whaley, vice-president of the Austin Sierra Club. Sorry I was outside. Sorry I made you wait. We did send a letter earlier this morning, I understand the attachment did not come through. But y'all should all have a copy of it now. And there was another letter sent to you by -- by Environment Texas, EDF and Public Citizen. We had an opportunity to sign on to that letter. But chose not to. And it's not because we don't appreciate our frequent partners and allies in those three groups or have any lack of respect for them. We just disagree that this event can be greened in any way. You can green wash it. But putting curly fluorescent light bulbs in the low flush toilet bathrooms does not green up one and nothing will. You can put all of the Sierra Club decal, logo, decals on all of the cars and it will not green f1 as a racing event. And so we continue to oppose that, primarily because we have spent so much time, so much effort to become -- to become the green mecca of the world. This does not fit with that. The way that I can see anything doing, having to do with this site, the only real possibility of offsetting the long-term impact of f1 is to have long-term positive impacts that would be both environmental and financial. And that would be by taking the business part, the industrial part that they have, and turning that into a world class research and development facility. If they were serious, they wouldn't be asking us for \$250 million, it would be a matter of them offering us money to be matched by the department of energy and start a green tech, Sematech style consortium here in central Texas. Where we can work on issues such as -- as battery storage. Not just for electric cars, but to take care of our base load by being able to store the wind power that's generated at night, when the wind is blowing, and be able to phase out of Fayette. That would offset whatever impacts by having cleaner air across the state and that would lead to across Texas. That's the only way we can see anything there, it does not fit with our goals here. Hope you've had a chance to read our letter. Citizens of Austin should not be forced to pay one -- forced to pay one dime for this --

Mayor Leffingwell: Thank you, next speaker is Richard Suttle.

Command good luck to you, Kayla and the kids, your family --

Mayor Leffingwell: Richard Suttle.

Thank you.

Following him will be Todd [indiscernible]

Members of the council, my name is Richard Suttle, I'm here on behalf of the project and event. I don't know if you wanted me to speak towards the end to answer questions or go ahead and say something

now, be available, leave it to up.

Mayor Leffingwell: We're taking speakers in order they are signed up. This is your time.

My time. Let me just tell you that we're proud and happy to bring this event and facility two different things to our community. What I'm hearing from folks, there's a lot of different concerns. What I'm hearing a lot of folks just don't want this events, formula one and i don't know -- I grew up in this town as many of you did and, you know, we don't pride ourselves in being exclusive or exclusionary. This is an event that as you can tell hundreds of people that showed up here today, the thousands that we know of from the website are going to enjoy this event. It's going to bring our city a lot of exposure. I don't know if you can measure how many people are on the website now. But we're getting hit and inundated right now with texts and emails from around the world of people watching this very event right now. Our very hearing is being watched. We've tracked since this was announced, there's been over seven million articles written about austin, texas in the grand prix event since this was announced. It's -- I was in montreal frankly having to answer some questions from one of the last hearings that we had where I commented what if this doesn't go and there's a distinct possibility it may stop and it went worldwide and the question to me in montreal was surely this isn't possible. You misspoke. Because surely the city of austin is not trying to run this event off or this facility off. And we -- we danced around without saying well, you know, ya never know. .. it's amazing the -- the eyes are on us here. You've heard from guys that live in del valle and around the track. You've heard about how we've had community meetings out there and have addressed concerns and will continue to address concerns. You've heard about the potential impact on t school district. franklin may disagree on this. Any time you take a couple of thousand homes with kids to educate and the tax base of a home and you change that to a commercial facility, without having to educate kids but it generates a large tax base, that -- that enables that school district to do a lot of things that it wouldn't otherwise be able to do. You heard about the jobs that are already ongoing from this facility and that will come as a result of the facility and the event. You will hear or you have heard in the past about the different uses other than the formula one one, running races, bicycle races. There's been a lot made about senator watson, what he said. If you go back to his web page and look at his conditions of support, it's basically environmental credibility on the facility. I will be happy to answer any questions that you might have.

Mayor Leffingwell: We've actually hit every one of senator watson's questions for support on his web page.

Mayor Leffingwell: Did you have a question, councilmember riley?

Riley: What else did you see on his page -- [indiscernible]

I will do this by memory, because I didn't bring the piece down. It's worded in such to explore environmental aspects of the facility including I think he mentions lead on the buildings, but also the environmental aspects of this, which we have worked with you to address. He adds multi-use of the site, the music. He adds transparency in the process. Although I know there are some of you that are thinking that we need to postpone this tonight, this thing has been in the public now for over a year. I don't know how many articles have been written about it. We've had three hearings, we're going through the standard process of an economic development agreement where we have a work session, a hearing, a third hearing and then a vote and I can tell you that -- that that is transparency.

Riley: Richard, i wanted to ask you about one particular element. [Microphone not on] there's one particular bullet [indiscernible] green technology rmd. That bullet says coordinate with partners including , texas state, houston to support the establishment of a green racing research institution and testing center at the site. I know that I have seen letters from educational institutions. Can you elaborate and explain what that's about.

Sure. I think that you either have them on your email or we've got hard copies for you. But we've been in

contact with all of the universities and schools in our area as far south as texas state. And they are excited about the research capabilities. Now, remember this is a site that is under construction. We've reached out to them. We actually have interns. We are going to have programs, all of the universities expressed an interest in having programs at the facility. We have meeting facilities, testing facility, all of that. Do we have assigned entity that's doing that? No, because everybody -- this is still early. We're trying to figure it out. We're committing today, we have committed in writing to those schools that the educational component as mentioned in senator watson's deal is being fleshed out. We actually have kids now interning at several levels from several of those schools. Not on the technology because the facility is not built. Hospitality, photography, guy talking earlier today. We've reached out and we have a large educational except to this. The facility lends itself to it.

Riley: Thanks.

I would urge you not to postpone today. It throws the project into a very bad position should you decide to postpone today. Thank you. [ Applause ]

Mayor Leffingwell: Next speaker is -- [indiscernible] donating time to todd is laura [indiscernible], tammie ryan is here, erwin gronquist is here, todd, you have up to 12 minutes if you need.

Thank you, mayor, councilmembers, I'll try to be as brief as I can. I want to start off by saying a condition of aaron donating his time to me is to let you know that he is not against formula one itself. Just against as he said the corporate welfare issue. I'm personally not against formula one. But I am against the use of the major events trust fund and the reason why is that i don't believe that it's an eligible event as defined in the statute. Could you bring up photo one? It really isn't an issue of whether or not we want formula one or do we not want formula one. The issue is is it eligible under the statute. And 5 a requires so that this is not a give away that there was a highly competitive process to bring formula one here. You can see that an event included in subsection a 4 which is formula one is eligible for funding only if the site selection organization selects a site located in the state for an event after considering through a highly competitive selection process one or more sites that are not located in the state. We've been told that new jersey wanted this, california wanted it. New jersey turned down formula one. They wanted it at liberty island in front of the statue of liberty in a park and it was turned down by the mayor's office and the governor due to environmental reasons. In new jersey [laughter] okay. So there's no evidence that I can find that we're involved in any kind of competitive selection process. Can I get picture two. The only evidence that we've been able to see from anywhere is this letter from tavo hellmund to susan combs' office that it makes a reference to f1 usgp bids. As you can see it was withheld by combs until the attorney general ruled to release it. Now, if that's the kind of transparency we're going to get on the law, from the comptroller's office, what does that say about the process that we're getting ready to go into? And if you notice the comment at the bottom from hellmund, it says what competing city's bids were. This was sealed, I had to beg my buddy at the fia to tell me over the phone. Not something we should ever publicize because we, i, could get in trouble. Now, the law requires that that information be submitted in the -- in the t administrative code defines highly competitive process. They will have to document continued effort on a competitive basis. Okay. So once again who did we compete with. When this goes up a year from now, when they reapply to the major events trust fund. That condition is going to be there again. This is going to have to be a part of a competitive process. If there are no other cities wanting formula one, by my understanding they don't qualify for the major events trust fund anymore. As I said, until we get evidence of who repeated with for us, there is for -- this is for legal, do they qualify under the statute. Could I go back to picture one, please? The other limitation on being eligible for -- f1 being eligible under the statute is if you look at section b it says if a site selection organization, if, if a site selection organization selects a site for an event in the state pursuant to an application by a local organizing committee, et cetera. Now, from my understanding, what I've been told by an attorney, is that pursuant to means following or after. That means they will only be eligible if they selected the site after the application was made. Here we are voting to make an application, yet we know the site has already been selected. This is the content of the lawsuit that was filed to prevent the application. So this isn't my opinion. This is actually going to be looked at by a judge to see if it has any merit. Picture 3, please. Now, we all know that there's a one-year time to -- to

limitation. You can't apply before one year before the event. Now the date that we've been dealt is a proposed date and you can see that nick craw, president of the federation of the fia, the governing body for formula one, is quoted, this is a proposed date. The date won't be final inspect the september or december world motor sports council meeting. We don't have a finalized date for this. A "call date is therefore possible, which would possibly offer cooler " could I get picture 4? This is a picture of the venue and you can see the large grand stand there that's uncovered. It was 104 degrees on june 17th of this year. What are those people going to do in 104-degrees? It would be highly irresponsible on the part of the promoters and formula one to hold a race in the middle of june when it's 104 degrees. It's just -- it makes no sense and so what I'm saying is that I'm predicting that if this goes through, they're going to get their money and they're going to go oh, well you guys are right, we're going to move it to the fall. That in essence, once they change the date, would have to change the economic impact study which is based on a time frame two months before the date of the event. So if we have an economic impact study, which I'm not even sure is based on the date of the event but in the statute that it's supposed to be, the economic period for it is set two months before the date of the event, which I'm asserting that we still don't have an official race date and therefore application cannot be made. I just have a final question for legal and for you guys and this is -- this is kind of derives from what happened at the superbowl. The superbowl was a disaster in many aspects. I think the most notable was the ice falling on the people from the stadium and critically injuring six people. Okay. Are there any liability protections for the city if something -- well, something like that won't happen in june. Let's take it to the other extreme. What if we have heat stroke, what if we have deaths due to, you know, there's -- it's in the middle of the floodplain, I'm not fear mongering here, but there are gas lines. If there was some kind of catastrophic event at formula one at the event, does the city have liability protections as an endorsing municipality? I hope that I didn't take up all of my time. Thank you very much. Please do not vote on this today. Or vote to endorse it. Thank you [ applause ]

Mayor Leffingwell: I don't think that I mentioned oblinski was against the item. Doug young, doug young. Doug young is also against. Is me the chamber? Is he in the chamber? Not in the chamber. Scooter womac. Donating time is lydia fecundo, is ms. fucundo in? Yes. Michela ebler? Or some michael ebler.

I think it was michael. He had to leave.

You have up to six minutes.

Okay. Thank you.

First I would like to thank the chamber as a whole for participating in civil discourse. I think it's one of the things whether you are for or against that makes a city thrive and stay vibrant. With that being in mind, i think that it's important that we not demonize the other side, whether you are for or against. Regardless of what the seven members vote on today, whether or not they vote for or against, we're still going to have to see each other, do business, conduct our daily lives. So I hope that's taken to heart. I didn't really have anything prepared to today. I don't have facts or figures or anything else. But I do want to share with you an idea. I bet that I could count on one hand maybe the people that know where jefferson, texas is. That's the city that I'm from. He does. That's one, two. I bet I couldn't count on that many hands or on my hand that know where the city of fort worth is. It's a big difference. I'll tell you a little story. Right after the civil war, jefferson, texas was the third largest city in this state. 30,000 People. Doesn't sound like a lot. But it was only behind houston and austin at the time. Jay Gould came to the city and offered his privately funded railroad to cross through the city. And they said you know what, month, we've got the steamboat, we're a bust selling city, no thanks. So he took the railroad to the city of fort worth. Created a big boom for them. Two years later this corps of engineers undammed the river that was diverting water to the city of jefferson and in about two years the population was 2,000 people. That's what it still is today. I think the message that I'm trying to give here is they didn't diversify. I'm an investment financial advisor, we talk about that every day. What we have now for the city of austin is the opportunity to diversify our industry, diversify our revenue streams. And I think that it's really important. If that happened to them back there, if you don't think that it can happen again, great lady referenced

the city of detroit. They didn't diversify. They were all auto. Look what happened. Mayor pro tem, I attended a breakfast and he mentioned that dealing with expansion as a city council member is much easier to deal with than contraction. We don't want that to happen. How much time do I have left, mayor?

Mayor Leffingwell: Three minutes, three and a half minutes almost.

Three and a half minutes. Malfunction here.

3:15 Now.

Thank you [laughter] what I would like to do is read a letter, whether we realize it or not, our service crashed earlier, people around the world are waiting to see what's going to happen and there's so much traffic that it crashed the servers and the feed went down. I would like to read a letter given to me by mr. Kevin olson of the austin com sent to him by will buxton the lore commentator for f1 the races that happen. He's out there in the field. He says as I sit here in the media center at the home of the 2011 european grand prix I and many of my colleagues are hanging on every word coming through to us online of today's events in austin, texas, there have been salient points made, but there are a number of falsities and some scare mongering which I feel only correct to address particularly in light of an ill informed article by mr. Dutch mandell in auto week which those who have displayed an argument against the race today have all almost referenced. Bernie ecclestone has become a rich man through his control of f1. Of that there is no question. But this is a man who has almost single handedly responsible for turning this sport from a rag tag operation into the single most watched sporting event on earth, only the olympic games and the soccer world cup gets more viewerrers locally and they ham happen only four years. .. If you came up with the idea you would feel that you were entitled to a cut, wouldn't you? Of course you would. The anti-lobby seems to think that he will take the race away and run away with it. Bernie ecclestone although still in charge of this sport for a long time has not owned this sport. He's a minority shareholder. But that fee doesn't go purely into the equity firm's pocket. This sport takes the money, divides it between the teams to aid their transport costs year and year, pays out to those who score well in the championship races, it does not run on bread crumbs, never has, never will, no .. Last season over 500 medical people worldwide watched formula one. Why does auto week suggest that you wish to run away from that kind of exposure. That's exposure which national governments have decided is worthy of investment to promote their country and host city for international tourists. And in the case of austin it takes -- it's taken individuals and entrepreneurs to take the decision and personal financial risks to build a traffic that in most other nations on earth would have been funded by national government, circuit of the americas are doing this because they have a dream and this dream is one which can only serve the people in the city of austin, texas. I'm surrounded by hundreds of fellow journalists in the paddock beneath me and hundreds of people who work for the f1 teams and put these cars on the track. Hundreds of people working in hospitality. Around the track are .. Promotional, track side or be it operational. Hundreds of thousands will attend. This is one formula one race. Formula one is a circus. Motor, gp, nascar, they .. Which they race year on year. [Buzzer sounding] [one moment please for change in captioners] project, and we're really happy formula one is now -- we're getting formula one instead of wandering creek. Like they said, there were a number of other homeowners in the area who weren't able to come down here today, and everybody I know from elroy, texas is really for formula one. Thank you. [Applause]

suzanna almanza. Suzanna is signed up against and you have three minutes.

Good afternoon, mayor, city council members. I'm suzanna almanza with poeter people organized and [inaudible] resources. First I would say that you-all need to move so that the workers back there -- i have seeing them stand off for quite a while. I think it's an injustice they have to stand out while the people can sit down in the white hats. I think the other thing -- icht I want to make sure that the workers are being paid for being here. [Speaking in spanish]

it's important that the workers get [inaudible] that are here understand that. Takes me back to the master plan. When the city developed the master plan back in 1928, which we call yes master, it decided that all the people of color would be relocated east of ih-35, but in that master plan it also decided that all the unwanted growth would also go east of ih-35. And we have continued to experience that growth. You know, with all the pollution, unwanted industries, chemicals, plants are in our communities, plants that are right across the street, around the corner, across the street from our community, and yet here is another industrial zoning. And I mean a major industrial zoning case that is coming into our community, you know, and we fought the horse racetrack when they tried to come to montopolis, because we saw the dangers of that, you know, pollution, the traffic, the gambling, you know, the crime, all the things that would impact us, and now we see not the horse racetrack but the car racetrack. But basically you can see the same impact that will happen to our community had the horse racetrack been allowed to come into east austin. I call it east austin because it is east austin still, and what a lot of people don't know is that montopolis community pay their due. We -- they're dual. We pay del valle texas and aisd city taxes. It makes no street who does or who doesn't, one part can be del valle or one part not. Our children are involved in the del valle school district. I think there are a lot of unanswered questions in this particular issue. I understand that it will bring jobs, but I also look at what are permanent jobs, what kind of permanent jobs. There's a lot of jobs during construction, but the real thing is what are the permanent jobs that are coming into our community, and what type of jobs are coming into our community? Or should I say what type of jobs are coming to east austin? I wonder if this racetrack was going to be out in west austin, you know, if there would have been even a discussion or a possible contract or a discussion as to allowing this racetrack to be in west austin. But since it's in east austin I think it's very, very easy to say -- decide, this is where they want to -- for it to go. But, you know, we need a lot of housing and a lot of people could work on developing that housing. Thank you. thank you, suzanna. [Applause] so we have a few more speakers who are signed up on item 21, which we're considering together with this but who have not signed up on 20, and I'll go to that directly, but first I'll read off the list of those who are signed up but not wishing to speak for our ron cunningham, gail richard grant, holly town send, elsa decker, robert bradshaw, bailey cook, barbara berlin, clerk clenin, kelly clenin. Cindy make tulea, andy fisher, ross bennett, garrett waters, kevin ewe, david ivy, michael webber, ann richardson, david ruiz, phyllis courier, david carley, travis burros, sara canipper, david clutcher, lawrence clark, michelle reef, darrell perish, cynthia -- excuse me, kathleen robertson, cynthia howard, amelia lopez, joseph pedante, brenda hiensman, mike craddock, cooper drennan, john hurley, jeremy martinez, toby evans, jeff hahn, marty hunt, steven caits, charles brigan, lon frommely, sandy west, brian durham, fox, lee whitehead, carol o'hurn, robert hesly, todd duncan, christie McFARLAND, JENNIFER Shellback, ramiro casiano, daniel crispo, brian yates, be stefan van, jenny tynes, timothy harris, contended he kendall burns, matthias blos, becky splain, daniel allen, ted anthony, virginia cumberbotch, brian beard, shannon perry, will lyons, good afternoon minor, david weaver, allison rigs, todd mess calf, james brandt, teal gomez, melia putnam, miesh, tom bienum, elizabeth quintanilla, susan -- excuse me, elizabeth quintanilla is signed up against not wishing to speak, following again for susan row, jessica engelhart mike boon, jessica farrar, steve lanier, toby windish, luke donaldson, david lun stead, julia hild e oliver, jacqueline manning, angela peterson, rock lynn smith, denise val, j george alesandro, patrick bond, homer stevens, jennifer ramberg, natasha jahansuzy, guatam mock dell toro. Steven jones, patrick ort is signed up neutral. The following again for, john russell, deanna king, debbie ax lin, jeremy cross, david axlynn, david walker, runnel martinez, debbie lopez, calley richman, salvador obles, omar, kathy nun, jesus cartess, against, robin schneider, gilberto perez is for, against, frank quentes, matt is for, as are the following, jesus morgan, rossana martinez, lorenzo lopez, nick skoval, april what tan by, jose mecada, armando ray, armando blees, kristin on sal es, juan montoya, brenda thompson, manuel torres, signed up institute rale jessica dorthy, keith fall, william searsi, jessie johnson, david picket, mara sin, gerald juarez, brian mulin, elizabeth walker, andres nava, he lie as ishmael, he lie as me tis take, abel leon, jacob score bazik, ruth vevver, magari renoso, mark rose man, kimberly, rogelio quinte, bill aseem, eliazar estrada, jarrett kays, james freeman, adriana cruz, tony shiewm, nicholas walker, steven le des ma, anna how, eric castro, renea mueller, aaron betison, ed taylor, against is curt becker, rashatd islam, and the following are for, budget powell, core by jastro, michelle [inaudible] blessing, mark harries, andrew martinez, mike rawlins, het ebailey, britney byrd, heather bailey is signed up against. Britney byrd and the following are for. Suzanne ericson, david weeks, jed buoy, forest priest, receipt brannon, ashley configly, evan sin, bruce knox. [Reading names] I guess I'll



have to pan a so now we'll go to those signed up on 21 who were not signed up on item 20. Okay. George eliman, signed up for. George, is george in the chamber? You have three minutes.

Thank you, mayor and council. Thank you for having an open forum and allowing us to come and speak. Obviously you can tell by the hat that I'm for the event. I am a local central austin citizen, taxpayer, and believe that this is something that we should move forward with. I think a number of great things have already been covered by a number of supporters so far. This is going to be a world-class event and they are building a world-class facility. I think that the fact that they're willing to bring such a state-of-the-art facility to austin will enable austin to have a much stronger presence on the local, regional, national and importantly on the worldwide stage. And I think one of the important things that is not really coming out very well is the amount of discussion against it in regarding spending -- spending money that really doesn't even exist yet, because the money that is being spent is money that comes from the event. And I continue to be confused about the discussion of this money being available -- or talked -- the people against it talk that this money is available today and it's sitting in a pot and we're going to take it and we're going to spend it on an event, and we could be spending this money on other things, such as teachers and schools and libraries when the money does not -- the event does not exist because the money gets generated by the event and the things that happen out there at the circuit of the americas, which the f1 is just one of those things. And so I think as so many of the other supporters have mentioned today, the economic development that will come from the circuit of the americas and all the many events that happen there, that money will then go into the major events fund, and it's really more like a profit-sharing with them to partner back and to enable this entire facility to move forward. So I hope that you will move forward quickly to enable this undertaking to continue and to move forward, and i know it's a difficult decision and I know that we don't necessarily have all of the answers, but I also understand, you know, it's hard to make all of the people happy all of the time, but I think that overall the benefits for austin are going to be tremendous, and I think that we should move forward. So thank you for your time and participation today. [Applause] patric patric ia king? Is patricia king in the chamber? Patricia is signed up neutral, and you have three minutes. Flush usual

good afternoon, mayor and council members. I signed up neutral because I'm just not sure. I'm a resident of del valle, the far southeast, travis county, austin/travis county community, and I see f1 and I see downtown austin as an arch. On your right hand here you have f1 and a pot of gold. You have this big arch and then you got downtown austin or the council, another pot of gold. I'm seeing these coins go back in the forth because in the middle you have the del valle community. Nothing is coming down into the del valle community. I would like to see economic development or some type of infrastructure for our community, starting with a grocery store. I have been trying to get a grocery store in del valle for the past two years. As you are aware, and I hope you are aware, in a 2009 federal report the far southeast area was listed as a food desert. It is still a food desert. So a lot of the people in the del valle community plan to leave out their homes during the f1 racing. They got to have a grocery store to go to. We're 20 miles in any direction from a grocery store. If we go to the one on riverside and pleasant valley, that's 20 miles from del valle. If I go to bastrop, that's 20 miles. Most of the people, 62%, in fact, of the residents of 50,000 plus in del valle goes to bastrop. That's \$50,000 spent in bastrop. I would like to see some sort of infrastructure getting developed in del valle. That's why I'm neutral. If f1 can help with that I'm for it. If they can't, I'm not. [Applause]

menajay hureka. I may have mispronounced that, please correct me. Is signed up against and you have three minutes.

Hello, thank you council members and members. My name is mannajay hureka, del valle, also within the city of austin. I am the president of the del valle community coalition, and I am here on behalf of my community members. We are working people and not all of us can get out here, but not all of us has been misrepresented -- as has been misrepresented here are for f1 in our back yards. Nos all of us from elroy are for f1 in our backyard. There are several concerns that we have and we did ask f1 to address those concerns as far as a cost benefits analysis, an environmental study and also to be a good working neighbor with the residents of the area. We have been completely ignored. They cut off all communication with us, and they will no longer speak with us as an organization, as the only

organization in the area that can speak on behalf of the people, as the coalition for the whole 55,000 people of that area north of the river, south of the river, the whole div.s.d. area. I can see the construction taking place outside my window. I drive down the same roads that all these people are going to drive down. I drive -- when the traffic is taking place during the race, I'll be trying to get my kids to and from school. So this does concern me and this does concern my family. This does concern my neighbors, and we have no information as a community. We were told that this will bring businesses and it will bring development to the area, but empty promises, to not give our community and our residents the secure knowledge of knowing that this will benefit us. And so I do ask that you would hold off until we, the community, the neighbors within a five mile radius can get some information from these people. They have rolled out the red carpet for some of these neighbors that are involved with formula one, and for the rest of us that have questions they have blocked us out. Thank you. [Applause] david power. David power is signed up neutral. And you have three minutes.

Excuse me while I change glasses. mayor, city council, my name is david power, I'm with the texas office of public citizens. Public citizen would like to express its concerns regarding the lack of transparency and speed with which this vote is occurring. Developers have made promises currently regarding 60 to 70% of the environmental issues that we were asked to look into. But they have yet to provide adequate details about the implementation of their plans. So we're deeply concerned about how the facility will affect austin's compliance with federal clean-air standards, especially the new pending ozone standards. We don't want this facility and its race to push austin into violation of the standards. We're concerned about its climate change impacts and -- climate change impacts and we need to better define how global warming will be determined. The city has to require there will be some form of rapid transit to and from the facility so the roads aren't completely congested and we'd like to see some type of off-site parking facility. Our opposition is based upon the environmental impacts. We believe that a delay is in order of at least a week, probably longer, so we can get the other issues defined and written down rather than just promises made. We are also concerned if this is the best way to spend the taxpayers' dollars. That's an issue that you have to make, but we're concerned about it. We should not be in such a hurry. The developers have the ones that are hurrying this through. We think that you have time to make a responsible decision regarding these issues and how they're going to impact our community. We also have concerns about the long-range fiscal impacts, and we hope that you do as well. And with that I thank you for your time. [Applause] thank you. So those are all the speakers that we have signed up wishing to speak. Without objection, council, I will not read all -- which item are you signed up on? All right. Come forward, mr. robbins.

A great deal has been made today about how we have to do this now, and several people have also spoken opposite saying we need to wait until an environmental impact study is done on air quality, because this might push us into non-attainment. Now, one could theoretically accuse some of the environmentalists of using air quality as a delaying tactic. They could make that accusation if this issue hadn't been going on for the last year. So I really have to fault someone. I'm not quite sure who, as to why this issue hasn't been fleshed out before. It's not exactly a secret that we are on the cusp of non-attainment. It's not exactly a secret that formula one wants to come here. How come no one has thought of this before? One other point, and that is, I really wish someone here could explain why india rejected this project. Thank you. [Applause] thank robbins, and for the record, I'm not showing you signed up on here. I gave you the benefit of the doubt, however, in case there was a mistake. So on -- as I was starting to say, there are a number of other people who signed up not wishing to speak, and without objection, council, I'll not read these -- it's a lengthy list, not read it into the record, but ask the clerk to enter it into the record. There were two citizens signed up neutral, 12 against and 225 for on item 21. We're going to bring up the staff to give a brief presentation, but I also want to enter into the record a resolution that was given to me yesterday by the caldwell county commissioners' court. It's a resolution. I'm not going to read it all, but it's a resolution in support of the city of austin's commitment to support the circuit of the americas. A number of where as's, but that's basically it. It's signed by the caldwell county judge and all four commissioners. Staff, to give us a brief update on where we are currently.

Sabina romero, city legal. Just to sum up, over the past month staff has received a -- has received feedback from the public, from council, regarding what are the city's interests and the measures that

should be taken to address and protect those interests in the two contracts that are on today's agenda. So we'd like to summarize for you the city interests that have surfaced as the priorities the dais has voiced, the community has voiced, that staff has integrated into the documents for purpose of your consideration today. Just to sum up, these two contracts reflect that no city money will be spent on the major events trust fund the item. Both contracts state that the local organizing committee will be the only entity providing local increment funds, and that leaves no financial obligations for the city. The city will receive all of the new revenue that is a result of the event. All tax revenue earned by the city in the normal course, because of this event, anything in excess of what was estimated -- what would be the local increment, all of that will flow to the city in the normal course of business. sabrina, you're talking kind of fast. Could you slow down just a little bit? We're taking notes.

Thirdly, there is endem indemnification language in both contracts. The indemnification language in the contract between the city and the local organizing committee underscores that the local organizing committee will take responsibility for defending any concerns that come up around the obligations in the contract. There are green initiatives in the contract. The contract between the city and the loc specifies that the loc will take responsibility for certain green standards for the events and that there will also be a separate agreement between the city and the circuit of the americas for purposes of sustainability measures year-round at the facility. The contract between the city and the loc also underscores standards and principles of our city's mwbe program. Now, understandably, it is the circuit of the americas that is building the facility, and the contract terms proposed look to the local organizing committee to provide sufficient feedback that standards and principles are being followed. We realize that the local organizing committee is of course not constructing the facility, but they can certainly report on circuit of the americas' behalf. Loc is the one held to that. It would be grounds for termination if not followed. And then of course citizen impact, citizen feedback has been important throughout, and that has been an exent expent way to fet out issues unfor -- vet out issues unforeseen, and that has been part of the process. All of you have on the dais a contract between the city and the local organizing committee, and I would just like to point out to you what staff is proposing as language to memorialize the city interests that we've just gone over. These paragraphs can be on page 2 in the recitals, there is now a paragraph that explicitly lays out that no city money will be spent in the arrangement, that the city will receive all of the new revenue that is the result of the event. sabina, hold on one second. council member cole, did you have a question?

Cole: yes. all right. You have the floor. sabina, are you talking about section 9, the underlined section?

Yes. give us all a second to get there. This is really important to us. Let's go ahead and either let's slowly read it or put it on -- I think it would be better if we have a copy to put it up.

We can do both.

Cole: okay. Let's do both. I know this is an amendment we've been talking about for a while.

And this identical language will go in the interlocal. and I'll just say while we're waiting, mayor, that -- council member cole. that you slowly read the second sentence of that section.

This section will read, the parties acknowledge and agree that city will solely and exclusively utilize the local organizing committee as its designee to provide the local increment, and this agreement does not affect the comptroller's responsibility to provide city's tax revenues to the city. and what does that mean, sabrina, in plain english?

This means that only the loc will have financial obligations from the state and that all tax revenue generated from this event will not go through the comptroller's netf. It will come to the city as it always does.

What is that? The.

The major events trust fund. The account that's being established for this trust fund, no city revenue will go into that account. It will all come directly to the city.

Cole: thank you, sabina.

Sure. This agreement does not require the expenditure of city funds into the major events trust fund. okay, sabina, that has caused us a lot of angst for at least two months. It's been the subject of discussion in newspapers around the world. It has been the subject of discussion in campaigns. It has been the subject of discussion in a lawsuit filed yesterday. So I'm going to ask you to read that sentence one more time.

This agreement does not require the expenditure of city funds into the major events trust fund.

Cole: thank you.

To provide funds for future events, city has requested that the local organizing committee, as its designee, have the right at the conclusion of the 2012 event and all future events, to submit additional amounts to the comptroller for the purpose of replenishing the formula one major events trust fund.

Question. the crafting, i guess -- I get the idea there, but the crafting of that language seems a little strange to me. Could you explain why it says that the city has requested that c log -- are you trying to identify that they are the designee or --

we have asked the comptroller and in the signature of the interlocal, the comptroller is agreeing to our stipulation that all [inaudible] in the city specified in the statute fall to the loc.

So we have requested of the state comptroller, not of c lock, because it looks like we're asking them to do something there.

It will happen in both contracts. We'll tell the comptroller to look to the loc and we'll tell the loc they must meet the comptroller's requirements.

And does it say somewhere that c lock is going to be responsible for meeting those requirements?

Yes, there's a section just for responsibilities of c lock, and it's a ground for termination if they don't meet them.

Morrison: okay. Thank you.

Mayor? council member spelman. since it's evident, what we'll do is mark this up like the legislature does. I'm uncomfortable going there, frankly. This seems it may not be the best way for us to write a contract. But since this particular question has opened up on this particular paragraph, let me suggest that one way of implementing council member juarez's concern about that line, which appears to be ambiguous on its face, might be to say city has requested that, insert clause, the state comptroller regard c lock as its designee and to have the right, or something like that, so it's clear who it is we're requesting of. While we're on the subject, help me understand the practical value of the section on that - the last part of the second line, where it says, this agreement does not affect comptroller's responsibility to provide city's tax revenue to the city. A plain -- I'm not a lawyer, I've said that more times in the last week than I think I've ever said it in my entire life. I'll say it again. I am not a lawyer, but it seems to me that the plain language reading of the statute suggests that absent any agreement, the

comptroller would be eligible to scoop off up to \$4 million off of our hotel, mixed beverage rental and sales taxes if somebody submitted an economic impact statement suggesting we were going to get that off of the formula one race. And this reading -- this language says, this agreement does not affect comptroller's responsibility to provide tax revenues to the city. It also does not appear to affect comptroller's capacity to remove tax revenues from the city pursuant to that statute. I wonder if you could comment on that.

That's a good question. The statute says that the local increment can be met one of two case, either by the tax scooping that you're describing, or an alternate plan proposed by the endorsing county or city that's entering into the agreement. so that's actually in the statute that there are two ways that we can m those responsibilities?

Right, the withholding period, as it's called, the scooping -- the withholding period, or some alternative plan proposed, and so we have made it clear to all parties that we are taking the alternative plan route and memorializing that alternative plan as the only plan in both agreements. is it worth the trouble to state that in the contract here with the local organizing committee that we are -- to memorialize the fact that we're taking the alternative plan and not the first version? Thanks, sabrina. Appreciate it. council member morrison. could you reference in the statute where those alternatives -- the alternative plan is? Because that is a question that was raised before, is this event something that's foreseen in the statute.

Yes, and it's -- it's the top of the fourth page in my notebook, which I don't have at the podium. So yes, I will get you that citation as soon as -- either leala will pull it as we're talking or I'll pull it as soon as your comments are complete. but I do think that that would be helpful to get it real clear that we are using and reference the statute, the alternative plan.

Rather than make you wait through this uncomfortable pause I'll have leala look through the language. It's there, we'll point it out to you. Just to continues in the contract that you have in front of you, page 8 has the new sustainability be initiative language. This is the new 27. A, b, c, d and e are intended to memorialize that the city has expectations that both the local organizing committee and circuit of the americas will follow through on sustainability standards. The next page, page 9, the new 28 is the minority women business enterprise initiative. And as I mentioned, this asks celoc to be the responsible party for purposes of reporting. We acknowledge that circuit of the americas is building the facility. This is just a manner of making the requirement an obligation of the local organizing committee. council member spelman. sabina, it occurs to me that the percentages assigned to african-american-owned, hispanic owned, asian american and women-owned enterprises are likely to changed over time, that the completion of the construction of the track is going to be different from the construction of the building and any subsequent construction that takes place on the site is likely to be of a different form, which would cause different percentages to adhere. Do we have a process in place for changing those percentages on an annual basis as those needs change?

I will step into the shoes of veronica lada for just a moment, director of msmb about but it's our practice with economic development agreements to put in the goals relevant for our city and retain those goals for the life of the contract. so even though those numbers are likely to change, they may go up or down, but we keep one set of numbers throughout the contract?

That's correct, that's our practice. is there any evidence that these numbers are likely to be roughly equivalent to what numbers we would be putting in in years 2 through 10?

That's a good question, and the only way we know is the disparity studies that we do every time we renew our city's mwbe ordinance, and that's due to be done again, I believe in 2012-2013, so that's no way of knowing how much the numbers will change, but traditionally they change slightly with each disparity study.

So these numbers are based on an average for construction, not for the particular construction that

circuit of the americas and associated companies are working on right now?

That's right these. These are the annual goals you'll find in city goals that are not project specific.

Spelman: gotcha. Thank you.

Council member morrison, the site for the alternative option is in d1, which offers the option in lieu of the local tax revenues remitted to or retained by the comptroller, a municipality or county -- can I just hold -- I have -- I'm looking in an act? Is that -- am I reading the right thing?

Yes, you want to find d 1 --

morrison: section 1? There are sections first.

[Inaudible] I'm reading the statute. So I need to know what section they're in.

You need to go to 5a first.

Morrison: so section 5. Okay.

There's actually a section 5, big a.

Morrison: okay. You're reading from the senate bill?

I'm reading from a printout of the act.

Morrison: of the act. I see. I have the wrong thing. I have the --

so it would be -- 51 -- and it's 5a and then it's a big a and goes down in lettered sections and when you get to d1, it gives you a time frame, but it says, "in lieu of the local tax revenues, remitted or retained comptroller, under subsection d of this section, a municipality or a -- may remit to the comptroller for deposit into the major ents trust fund other local funds in an amount equal to the total amount of local tax revenue determined under subsections b2 through 5 of the section. So basically this is the alternative path. mayor, I have a follow-up for that. council member cole. leala, one of the things that I was concerned with when we talked about this language in work session was the authority the comptroller would have to to take our other taxn't haveanything to do with this event for expenses. I wanted to make doubly sure that we weren't intermingling because the comptroller collects our other sales taxes. And so when we -- so i thought this language was also getting at that. Can you comment on that?

When you say this language -- the language that says "the city will solely and exclusively utilize the local organizing committee," and really the last part of that, that this agreement does not affect the comptroller's responsibility to provide city tax revenues to the city. This agreement does not affect the comptroller's responsibility to give all our other tax revenues to " that's what I was concerned with. that was your request and this was our work to help address that concern that you raised.

Cole: okay. So kind of double.

And I will turn it back over to sabina because she has the rest of the agreement.

The final change that i want to bring to your attention that is not in the draft you're holding in your hand is that of course in the termination section the sustainability, mwbe sections will be a responsibility that

is a performance measure. So that will be added in. Those are the four major changes. The general recital at the beginning, the mwbe, sustainability and the termination extension. and that's no. 29?

Termination is now 30. tracy is now 30. Okay. -- Tracy is now 30. Okay etermination is now 30. sabina, what neverthelessment mechanism do -- enforcement mechanism do we have for mwbe compliance?

Mwbe compliance will be a performance measure, and the performance measures are grounds for termination, and the contract addresses the termination process. and so who would be the city's oversight agency or department, if you will, that will ensure that the performance goals are -- they're making good faith efforts and what those goals are actually turning out to be and reporting that to us?

On the loc side or on the city side?

On the city side.

On the city side smbr director veronica, who already has city staff committed to the f1 responsibility will be able to provide regular follow-up.

Martinez: thanks. Thanks, mayor.

Council member morrison? I wanted to 27, the sustainability initiatives. First of all, just the construct of the language here. I sort of have this idea that -- that we will have -- we will have a commitment on everything in exhibit a, whatever exhibit a is. But on the other hand, i read it -- it says that celoc and circuit of the americas will enter into a agreement with city input that specifies their responsibilities, celoc and circuit of the americas's to accomplish the terms specified in exhibit a. That doesn't tell me that they're necessarily accepting responsibility for accomplishing those completely as oed to this is just -- this sort of says to me they're just sort of -- that they just have to say how much of each they're willing to be responsible for. I don't think I'm being very clear, but I -- I'm concerned that -- that it's not clear that we can count on celoc and circuit of the americas committing to everything in exhibit a with this statement.

There is definitely a plan for city input to be key to your point, which is to ensure that the agreements that are entered into do address these standards in a manner that was our expectation. That's the plan for the city input aspect of that agreement. but there's -- but it could be that no agreement would be reached; is that right? I mean, there's nothing enforceable about it. The people could just be -- disagree and the city could be in a position of saying, we think you really -- to accomplish this you really need to do such and such, and there's a disagreement.

The anticipation is certainly that because entering into the agreement is a responsibility that's a performance -- that's a performance measure, that if we felt that they had not met that responsibility by entering into an agreement that reflected exhibit a, that would be a point of disagreement about whether or not they were in compliance with the contract. and is this available to the public right now, the modification?

Not yet. and what about exhibit a, has that been made available? And I do want to say, council member riley, i really appreciate that -- the work on that, but that has been made available?

Riley: if I may, mayor. Mayor? council member riley. if I could just respond. In fact, I wanted to point that out. If anyone who is following this wants to see the exhibit a that we're talking about, you can go on-line to org forward slash redevelopment and you'll see a back about right near the top of the page that says formula one information. And if you click on that that takes you to a page full of formula one documents, and scrolling down to the next-to-last item, there is the draft of exhibit a that sets out the term sheet with all of the -- all of the environmental initiatives. And then the last thing on that page of formula one

documents is the item 101 motion, which includes the additional section that's being added into the agreement between the city and celoc that really provides the enforcement mechanism, and essentially what that says is that they're -- that celoc will report to the city annually after the f1 race is held and prior to the disbursement of funds to celoc by the comptroller on progress that's made as relates to the items in exhibit a. And so then there would be an opportunity to review and assess the performance. Now, if -- if the city feels that there really is inadequate performance, for instance, if there were just a complete default on the part of the circuit of the americas or the -- or related parties, then there is a process set up for dealing with that. There's obviously a concern about the city being in a unilateral position to determine default, so the idea is if we get into a disagreement about how well they're performing, then we would agree to go to arbitration on that, which would, of course, be subject to council approval, but at least we would have a neutral forum for judging the performance on those environmental initiatives. Anyway, that -- so those two documents are available on that web site, both the -- the term sheet of environmental initiatives and the -- and also the contractual provision that would go into the contract between city and celoc that would provide an enforcement mechanism with respect to performance on those environmental initiatives. Mayor? council member spelman. I applaud council member riley first for entering into this in the first place, second for coming up with exhibit a, which I think is terrific. I think it covers the vast majority of things people have been talking about for the last year or so as to what we want formula one to accomplish. And finally, if we're talking about mediation and arbitration in the contract, I think this is exactly the right way to go about it. I'm concerned about the technical wording, however. I just want to point this out and see what you think about it. Under 27 c, what would trigger grounds for termination is failure to meet items a and b above or terms specified in exhibit a. Okay. Now, hold off on that second clause. Failure to meet items a and b means a failure to enter an agreement between celoc and circuit of the americas, which as we've discussed, it's not clear what the content of that agreement has to be. There just has to be some sort of agreement regarding their responsibilities to accomplish the terms specified in exhibit a. And as sabina mentioned, it's our intention to hold their feet to the fire and get them to do as much of this as we can, but whether we have a lot of capacity to get that to happen or not is not clear. And second, that they have to report to us annually what progress they've made on exhibit a. I can imagine the following world and tell me why we can't -- why this isn't going to happen? Celoc and the circuit look at this list and say, you know, this is a pain in the neck. We'll p 800 trees but we won't do the rest of the stuff. They enter into an agreement that specifies who will plant the rest of the trees. They report to us, we done anything but we planted 400 trees and we have 400 to go this year. Would that not be ground for termination or would it be? They had an agreement, they're reporting to us accurately what it is they're actually doing. How could we terminate them for that? council member riley? I'll respond to that but I'll also look to sabina to back me on this -- or to correct me. The failure to meet the terms -- failure to enter into that agreement or the terms specified in exhibit a would constitute grounds for termination. So if they just said, well, we don't want to put in those silly trees, then that wouldn't be ground for termination [inaudible] the agreement, and sabina, is that fair? Is that correct?

If the tree planting were a term that was memorialized by the loc and the circuit -- and it is, it is one of the bullet points under air quality and environmental initiatives on-site, a planned 800-plus trees.

They would like an opportunity to cure if we do find an error.

Spelman: all right. That's usually what happens in mediation and often what happens at arbitration, so that makes sense. Help me with this. So we're talking about -- i mentioned trees as the worst possible case, they pull out something which is easy and relatively cheap and they try and avoid any responsibility for the rest of this, which is suggesting if they have responsibility according to this -- that second clause, to meet all of this.

Riley: that's right. some of this is remarkably direct, plant 800 or more trees. I can understand. We don't say how big of trees, what kind of trees, where they get planted, but, you know, you can count the trees, I understand that one. Purchase carbon offsets to achieve carbon neutrality for the formula one race.



Doesn't say which formula one race.

Riley: mayor? council member riley? more generally, we're not being real specific in several of these points. can i enter here, there is going to -- the motion that we're going to consider is going to be to negotiate and execute items 20 and 21 and to negotiate item 101, which is the term sheet, and come back with council approval on july 28. well, if i may, mayor -- council member riley. yes, that's what we've been talking about and i was about to make that clear. We have -- we hear the point made by environmental defense fund and others that there really hasn't been much opportunity to review these terms, and that's a fair point. There has been a scramble to get everything in place and these are very complicated issues. And on top of that austin has a very active environmental community that has far more expertise than we have up here on the dais, who could be very helpful in fleshing out exactly what the best terms would be for memorializing the specifics of this agreement. And so what we've been talking about is simply agreeing to negotiate and directing -- to negotiate a written agreement on these things, and, in fact, that's the first paragraph you see on part 1 on the motion there, if it's on-line. It would authorize the city manager to negotiate a separate agreement with the city and the circuit of the americas to accomplish the terms specified in exhibit a. City manager shall return to council for execution of the agreement. What we said was at the next regularly scheduled city council meeting. I was hopeful that we would be able to take until july 28. Now, I will say that we have just recently heard that there is a concern about financing that they would -- that they'd feel like they need more certainty on the cost of these things before the end of july 28. So what i would propose is that we -- rather than -- while i'd like to take till the end of july in order -- because financing is an issue and that needs to be in place sooner than rather than later, that we go ahead and bring it back for approval next week, at the special called meeting on wednesday. And that will still allow some additional time for folks to take a look at exactly what these terms are and provide -- and provide additional specifics that would help flesh out the very points that you're talking about. I think this is a great first start, but i really applaud your willingness to hold this over for a week to let people take a look and refine tune it a little bit. Thanks.

Cole: mayor? council member cole. I just want to be clear, and again, I do want to applaud council member riley for taking this on and all the hard work you put into the environmental initiative. So on the next week -- on the 28th, according to the potential motion, we are simply going to be taking up the sustainability initiative or the exhibit -- can you lay that out better how you see it? actually, again, it wouldn't be the 28th. It originally talks about doing it the 28th but because of financing concerns it looks like that would have to be next week. So we would bring it back at the special called meeting that's now set for this coming wednesday.

Cole: the 29th?

Riley: june 29.

Cole: okay. What time -- I think we need to be clear with the public because I know supposedly they're listening all around the world. So june 29 at 10:00? Is that when the special called meeting is.

Riley: yes.

Cole: yes. Okay. and we're talk about 101 only.

Cole: item 101 only.

Morrison: mayor? council member morrison. I have about -- several questions, also, about the agreement and the ila, the interlocal, that mainly were raised by susan moffet, and we did get a response on one of them but not on the other one -- not on the other two. And so I could go through these in gory detail also, or we could also take the same at that particular time with 20 and 21, and that would be to ask staff to go back and continue work on these and then address them in their final form at the june 29 meeting. I think that makes a lot more sense because, you know, it doesn't make any sense

to do this wrong, and I think that there are some pretty serious issues that are raised by the questions, and I'd like to -- I'd like to just give a couple of examples because -- the one that Susan did mention before, and that was in the agreement with the loc, it was no. 18 b. I think it's maybe now no. 19b. And it says that modification or obligations of the celoc may be modified or amended with notice to the comptroller and the city. So it seems strange to be entering into an agreement where there are obligations on celoc's part, but they can just modify them by notifying us. Am I reading that correctly Sabina?

You are reading it correctly, and we did have a discussion about making the city a party to that, so yes, we met with Susan Moffitt over lunch, myself and the comptroller, and she pointed out that that language had not kept up with negotiations. So you are right, that will be written more to the strength of the city.

Morrison: okay. So that was -- I guess I'm curious why we've ever had that in there at all.

It was discussed. I mean, everything -- all options were on the table as far as different ways to do different aspects of the obligations, and that is -- thank you for pointing it out. It is a former version of that language. and you'll have to excuse me for a minute, because I would like to -- I'm drowning here in paper. I wanted to go back and ask about a couple of the other things. The question would be, for example, in the agreement again, in 18b, 18 b 1 d, except I guess that's really 19 now, there's a mention here that the celoc will pay for -- pay or provide for payment of the city's local incorrect contribution -- increment contribution up to the amount of estimate local increment determined by the comptroller, and the question was, why does it say up to, why doesn't it say exactly what it is? Moffitt pointed out that it would arguably be clearer if exact amounts were mentioned in the contract. Each place where we reference an amount, that language acknowledged r acknowledges that will local increment number changes with every raise. And we discussed the local organizing committee's option to provide that local increment, whether that number goes up or down. so does that -- okay. Does that mean above or below -- how does that relate to \$4 million?

The \$4 million is the number that we began with before the economic impact study, knowing that a local increment of 4 would be met by the state, but we acknowledged that going forward the economic impact study may show that the local expected income will go up or go down, and same for the state.

Morrison: okay. And so that means that the 25 million might go up?

At this time it cannot -- the estimate could go up, but currently the contracts are capped at 25 million from the state. well, if the contracts are capped at 25 million and our 4 million is defined by that ratio, why would it ever be any more than 4 million?

The estimate may be more than 4 but the state is not committing more than 25 at this time.

Morrison: I see. But they might change it?

Based on the responses we got from them about how they are estimating their contribution, they are leaving that option open. That was their response.

Morrison: okay. So it may well go over 25, and is the cap in the agreement with -- between the city and the state?

Yes. so it requires our agreement to increase it?

Yes.

Morrison: okay. And then I wanted to ask 26, except for probably it's 27 now, it's called termination with

cause. Well, I guess --

29 [inaudible]

morrison: okay. It's 29 in the latest version. It talks about the event of a default by our -- by a party the other party has the right to terminate for cause but only after written notice. It talks about notice. During this time period the party alleged to be in default shall have the right to and may cure the event of default or may provide evidence sufficient to prove to the other party's reasonable satisfaction that such default does not exist, or will be cured in a time satisfactory to the party alleging the default. Evidence may include an opinion from the comptroller regarding whether or not the alleged default is material to compliance with the act. That was raising some concerns that the comptroller's opinion is used as evidence in a dispute. Is that common?

That phrase is intended to reflect the fact that the city and the loc are together carrying out responsibilities that the comptroller is responsible for enforcing. So it just reflects the fact that there is an option for there to be feedback about whether or not there has been compliance with the statute. Since this is everyone's first time moving through the major events trust fund in this manner, we've discussed each of these interpretations between the three parties, and that would continue.

Morrison: okay. Frankly, I have -- I've heard loud and clear a lot of discomfort, and personally I have a significant amount of discomfort in terms of moving these documents forward in this way today when we still have these kinds of issues that we're trying to sort out, and so my -- I think that it is really the responsible thing on our part to take the time to do it right, to take the time to be able to have people sitting around the table with their -- the right people sitting around the table as opposed to on the dais, to work through these. And so I would like to make a motion that we postpone items 21 and 20 until january -- excuse me, till june 29, that's our meeting, and we take them up again then, with the understanding also that public input at that point would be focused solo specific comments on the specific documents. motion by council member morrison. I'll second for purposes of discussion. second by council member spelman for purposes of discussion. Council member spelman. mayor, I'd like to ask a question, if I could.

We've got a motion on the table to postpone this for four business days, till widespread next week. And a lot of the discussion we've been hearing, pretty much all the people who are -- who fight against this today, didn't say don't vote against the agreement. Our quarrel right now is not against f1, not against the race. It's against doing this right now. Now, you know, I know, they know that we know, that some of those people are never going to be reconciled to a race. They're just plain against the race, and some of them are stalling for time. But some of them, I think in good faith, I'll put susan moffitt who I'm looking at right now, is one of those groups. She may not ever be reconciled in favor of this race, but I think in good faith she and a lot of people like her are serious about thinking that if we had just a little bit longer to take a look at these contracts, we would at least hold the city more harmless and make sure that we've found all the possible traps for all concerned, and even people who are against the race would feel better about the experience and feel that we've accomplished something more valuable if we find all those traps. What, from your point of view, will be the consequences if we hold this off for another four business days until wednesday? What's going to happen if we do that?

Without, I guess, my editorial comment on what i moffitt's motives actually are, because a woman that actually gets big tax breaks on her house, and the last time she gave you legal advice it cost the city a lot of money, and you know which case I'm talking about. I'll just tell you that what happens with a delay is the loc, the local organizing committee, operates under the same rules that you do, the open meetings act, so there's three-day posting rules. And so what has to happen is the loc is posted to meet this saturday to act on what we had hoped that you are going to act on today. But we had hoped you are acting on today, or hope you will, because I hope you won't postpone it. This is the third time that this has been before you. You could act on this, the local organizing committee could act on it, and then it starts the process of being able to submit the paperwork and the report to the comptroller, and she

has 30 days to look at it. Hopefully it doesn't take 30 days, and the process gets done before the end of july, which is the time that the trust fund has to be formed and the money has to start coming out of it. If you bump this until next wednesday, I believe is what you said? the 29th of june, correct.

The 29th, then depending what happens there, there has to be another meeting posted for the loc, but then we're bumping up against the july 4 weekend and I can already tell you that the loc members have said that the july 4 weekend, we'll have a very difficult time getting a quorum. So now we're into the middle of july before the loc could act. And then the loc act and then it starts the process, and then the comptroller looks at it, and all of a sudden we are to the end of july. And all that time that we have investors and financing issues that are all on hold until that happens. So while I know it seems trivial, four business days, to the city, it is an immense problem for the project and the event to push it off to then. would your concern be assuaged if we knew that the comptroller was not going to need the entire 30 days to consider this contract, since they have been obviously negotiating on an hourly basis, it sounds like, with leala and with sabina, perhaps others in our legal department, and if you knew in advance that we were going to consider this item, as council member morrison mentioned, with any public -- public hearing limited only to the terms of before us, which I think gives -- contract before us, which gives you an idea where we're headed, so you could post now a meeting for thursday -- wednesday afternoon, thursday, friday, and not be constrained by the 4th of july weekend.

I don't know what the schedule of the loc members are. We have one that -- one member that's in the hospital due to a bicycle wreck, with broken ribs and a punctured lung. We have one that is currently out of town. We're down to a quorum now, and many people start their 4th of july weekend before the 4th of july, at least people on the loc might, and I can't -- I can tell you that I can't guarantee that we can get a quorum. We're counting on the comptroller not to take an entire 30 days. We're counting on the fact that it will be done quicker than that. There is probably going to be some back and forth, and I can't say it any more emphatically, that we are now nervous from a daily basis. thank you, mr.uttle.

If you push it off, it gives us great trepidation on this thing pulling off and making it, because it's not just the financing -- it's not just the trust fund but it's the financing, it's the whole package that has to come together by the middle of july.

Spelman: I understand. robert wood still available? i don't know if he's here -- I believe he's coming here. yeah, there he is. if he'd be willing to answer a question or two I'd appreciate it.

Good afternoon, robert wood, director of local government assistance and economic development for the controller's office speaking speaking. good to see you, mr. wood.uttle talking about his deadline and he needs this all in apple pie order by the end of july. You're probably going to be the point guy in the controller's office for reviewing these documents and making sure this is all in apple pie order. Are you going to need all 30 days to do that or can you not tell me at this point?

We will act as quickly as we can, and the statute -- the statutory requirement for 30 days is really to go through and properly evaluate the incremental tax piece, which obviously is a big piece, and we have -- as you said, we've been working -- our attorneys have been working with city attorneys and everybody to bring the agreements forward. The economic impact piece, you know, was published a day or two ago. We haven't received it in official capacity, but obviously we've printed that out and we're starting to look at it. I don't think it will take us 30 days. What I don't want to tell you is it will take us x days because I don't think that's fair to our staff or to you-all or to anybody.

Spelman: I understand. Have you had a chance to take a look at the economic impact study yet?

Our staff has looked through it, I've glanced at it but I wouldn't want to comment on it. so your best guess is probably won't take you 30 days but you wouldn't want to commit to a particular time.

Yes, sir.uttle's concern that it clear your office before end of july, do you foresee any difficulties if we

were to pass this over to you on wednesday, not right now, for him being able to help him meet that deadline?

We will act as quickly as we can, and -- I don't -- i just -- I'm hesitant to tell you you can give it to us on x day and we can have it out by x day.

Spelman: I understand. I understand. Thank you. let me just say that I will not support the motion to postpone. I think it is fraught with risk. This potentially could kill this deal for the city of austin. I think we've already created a great deal of uncertainty. We've had deliberations on this and gone into the fine details of legal contracts to a degree, in my experience unprecedented on this council. We are also taking the additional precaution that we will bring back the term sheet on the 29th, and -- bring back the term sheet on the 29th if items 20 and 21 are passed. If we do not pass items 21 and -- 20 and 21, there's no assurance that this will go any further from this point. So I won't support the motion to postpone. Mayor pro tem? I think you make a good point that we're bringing the term sheet back. I wanted to ask that -- a question. Maybe it's for sabina or leala. So if we move forward with 20 and 21 but we leave this term sheet pending out there till wednesday -- hook them horns. [Laughter] if we leave it pending out there till wednesday, the term sheet, and council member morrison's concerns over the language in items 20 and 21 is not relieved by then and she's able to persuade the council to not agree to the term sheet, what does it do to items 20 and 21?

The term sheet for item 101 and their relationship to 20 and 21?

Martinez: yes.

If the item 101 agreement doesn't happen that is built into the contract with the loc, and so it would be a fundamental edit from the contract. [One moment, please, for ] .. I would say that both parties at that point have an interest in reaching an agreement with respect to the -- that the -- the -- a contractual, a detailed contractual agreement. But in the event that we just run into some, if one party just refuses to cooperate, there's some break down, we're not able to reach an agreement that this council can approve, wednesday, then that would lead to the -- to the dispute resolution process set out in that paragraph. But until -- until -- arbitration process. In other words, if one -- if the negotiation process totally goes south, then it goes, then it goes through an arbitration process to decide what -- who is at fault. In fact if it were the -- the circuit of the americas that was at fault, then that would lead to a -- to a default that would be grounds for termination of the agreement.

Mayor Leffingwell: That would be something that really could happen at any time throughout the next 10 years, that would be something that could happen.

Riley: Right.

Martinez: The reason that I'm asking this question, I think --

Mayor Leffingwell: Mayor pro tem?

Martinez: I'm sorry, mayor. The reason that I asked the question is because I think if such a motion is pending and councilmember riley has already said he plans on making this motion, sounds like it has the same effect of the motion that you just made.

Mayor Leffingwell: First of all, I don't think that's quite right. But councilmember spelman.

Councilmember riley, would it not be simpler for us to authorize further negotiation but not execution of items 20 and 21 and to execute 20, 21 and 101 all on the same date, it would be the same thing,

wouldn't it?

Riley: That would be one option. I was trying to address the concern about the timing.

Spelman: Sure. I understand. But it would be simpler if we're just negotiating everything and it's all tied up together, we wouldn't have to worry about mediation and arbitration because now you may or may not be at variance with the contract.

Just to clarify, if -- if we're not able to reach an agreement regarding sustainability, initiatives, that would be failure for the loc to meet a responsibility that's a performance measure, it would be grounds for termination for --

Spelman: Conceivably we could enter into a contract today and terminate it on agreement because we couldn't come to a meeting of the minds on sustainability.

Yes.

Mayor Leffingwell: There would be -- that's not exactly true. There would be an arbitration process to be gone through.

It would be lengthier, but you are absolutely right. In the end if we could not come to an agreement that would be grounds --

Cole: Mayor, I have a question of mr. Suttle.

Mayor Leffingwell: Councilmember Cole.

Cole: Suttle, you sort of told us the hardship this would put upon you if we waited until next week. The part that I really wanted to focus on is the quorum issues with the loc. I know that we have a member that after we pass this will be appointed but they are non-voting so that doesn't help you. How many, you have five existing members, is that correct?

Correct.

And if -- if councilmember man suggested that you just kind of assume, even though you don't know and go ahead and ask the loc members to meet earlier than you planned to kind of keep you on your time table but us acting on this next week doesn't necessarily have to hold you up. Can you speak to that time line again?

Sure. I have no idea whether I can get a quorum of the loc any time after this Saturday. We have a meeting posted this Saturday where a quorum has committed. We don't know if we can get a quorum next week. If you've delayed today, there's no need for them to meet this week and if I can't get a quorum the following week, then they're gone -- now we're into the middle of July. We cannot even start the process with the comptroller until that meeting occurs.

Cole: Okay. Thank you, Mr. Suttle.

Our understanding --

Mayor Leffingwell: You can start the process of items 20 and 21 -- if items 20 and 21 are passed.

If they are passed today and the term sheets are passed. We would rather have everything done today

on the sustainability side. With the term sheets passed, we're confident that we could bring you the sustainability agreement under 101 by next wednesday. And in fact we would probably -- we have an item on the agenda that's broad enough for this -- the loc could -- could take up and discuss the sustainability agreement this saturday.

Mayor Leffingwell: Councilmember morrison?

I'm just very uncomfortable here. I believe that, you know, our responsibility as elected officials to the citizens are pretty strong and deep and with all due subtlety, if we're talking about, you know, making sure that we have all of our I's dotted and t's crossed with some pretty serious questions on the line, that adjustments, we could ask folks that are now going to be I believe working, you know, for the city, what's the term I'm looking for? That the loc designated, you know, speaking for the city that we could ask them to stick around until june 29th. [ Applause ]

well, that's -- when you are watching out for -- you are watching out for me, too, I'm a citizen here. To respond to one lady in the audience, I'm from here. But we have -- as part of my clients taking the financial responsibility away from you. You have no risk. No financial risk because of what my client has stepped up to do. Of course the rest of the other cities are wondering what in the heck is going on here, but -- but we've taken all of that risk away. We're taking a site that is in southeast travis county that up to now there's not many people been wanting to make this kind of investment and create this kind of jobs in this area and we're not -- we're taking there outside the city where you have absolutely zero control today, we are taking a sustainability measure that exceeds any that you've ever done on any project in the city of austin. So what we're saying is basically we're -- we've taken the risk away from you. You have no -- you have no risk. We are adding sustainability in an area that historically, frankly, has not been looked after very well and is going to get a heck of a sustainability package because of the -- because of the exhibit a or the term sheet that we have. And all we're asking for all of that, that we're doing, we're -- all that we're asking is that you act today so that we can keep this process going and we don't put this project at risk because if it goes at risk, and it does fail, then this piece of property, I don't know what it ends up being, but it's not going to end up being the job creator, the tax base, and you know the kinds of things that -- that end up historically there and we want to make that better, we want to do it better, it's important to the folks that live out there, and please I just implore you to do this today so that we don't take that risk.

Morrison: I appreciate your points. I think we're just struggling here to find that balance of while the financial risks of the \$4 million you all have -- your client has embraced. Signing legal documents, you know, it always pays to be careful. So I appreciate your points, I think we're just trying to find that --

the legal documents are clear. You have no risk.

Morrison: I have been looking at the legal documents. When I look at them. Questions get raised for me. When I ask the attorneys. It enters into a discussion. I don't feel that I've had the opportunity to look at them as carefully as i should. So -- so that's why i believe it would be the responsible thing to wait. [ Applause ]

Mayor Leffingwell: Any further -- councilmember cole?

Cole: I want to say that I appreciate all of the testimony today and some of the most moving were the people from the jobsite that -- that said they would not otherwise be employed. But this is not just about formula one. This is not just about the state of texas. This is about our credibility as a body when we make decisions. And how we shouldn't do that in haste. And so I will be supporting the motion. Although I am supporting the motion and respect all that formula one has done and really been struggling with it here. I want to say that the issue that percolated to the top in testimony for me was that do people really appreciate the difference between the oath that I took in this seat to help protect and increase the revenues for the city of austin and its citizens as opposed to the oath that we're taking down the -- the

oaths that were taken down the street at the capitol. Because if we could return \$25 million to the state of Texas and the governor and all of the legislators would let me write the memo about hiring teachers back and giving money for social services, I think that would be seriously on the table for me and all my colleagues. But it just simply doesn't work that way. I do not believe if we did not seriously entertain this offer, that the state of Texas would all of a sudden adopt our values and do what we think that they should do with their funding. [ Applause ] so the issue -- I wish they would. I heard Roy Whaley clapping there. What we're trying to do as a body here is to put our imprint of Austin values, you see Councilmember Riley working real hard to environmental initiatives, we all are working real hard on the financial initiatives because we have been very inundated with concerns, not only about teachers, but state workers and many others who are going to be laid off. So really this economy isn't send the 25 million-dollar back if y'all don't endorse this because the state might hire the teachers. It's about the teachers they have decided to lay off that are Austin residents who do for the have a safety net and who may be very well standing on our streets in front of Caritas, in front of the Arch and we need funding for them. So when you come next week, maybe, and talk about how we -- how we don't need to do this, I would also like to hear the answers of what we're going to do about revenue for that. Because we simply cannot have it both ways. We cannot have opposition to tax increases, understandably and opposition to economic development and parks and affordable housing and open space. So we have to balance all of those interests and I hope that everybody that is on both sides of this issue, this issue, help us to do that. Thank you. [ Applause ]

Mayor Leffingwell: And again I said I'm not going to be able to support the postponement because I do think that it's too risky. I do want to point out once again the city has no financial risk in this. I know a lot of speakers have pointed out that the state plans to put an initial \$25 million, of course they are planning on getting that back. Year after year. I think one possible outcome of our inaction could be, and I wouldn't be surprised or I -- I could -- criticize a move to locate this event in some other city in Texas. In which case, in which case, the major events trust fund would still furnish the money for this event. And we would be affected to the same degree as citizens of Austin, but we would derive zero benefit from it in that situation. Who is to say that another city couldn't choose to sponsor this event, perhaps even on the same site. I don't know if that's possible. Could happen. But again I -- I just think that -- that we have examined this for a long period of time and it is in effect a huge gift offered to the city of Austin. And to risk losing it is something that I'm not willing to do. [ Applause ] further discussion on the motion?

Spelman: Very briefly, mayor. I share your concern about risk and one of the things that I like, one of the things that I'm always going subtle and to circuit and the loc about is their willingness to assume the risk which otherwise would have been the city's risk. I think their willingness to take up that \$4 million, put that \$4 million up in lieu of the city's tax money I think is the only thing which would have made it real clear to me this is probably a good idea for the city. Because it does ensure the city from a financial point of view is not at risk, so long as we get the contract properly written. My concern at this point is not the basic terms of the agreement. Which I think are in pretty good shape with the exception of exhibit A which of course needs work as I think we've all agreed. But to be sure that the words in this contract are properly implementing those terms of that agreement and I would like to have just another couple of days and more importantly, I would like to have the rest of the people in this room to have a few more days to take a look at that agreement to make whatever suggestions they need to make and if we have gone wrong in ways that we did not foresee to give us a chance to cure that by Wednesday, when I fully expect to have an agreement which is in good shape, which I can vote for. Thank you, mayor.

Mayor Leffingwell: Anything further? Councilmember Riley?

Riley: This has obviously been a difficult, complicated proposition. I really appreciate the help of the mayor pro tem and others in sorting through the environmental issues. I appreciate the help that the cooperation that we've gotten from the circuit of the Americas and its representatives. And I do -- I am hopeful that we will be able to finalize that and -- in a -- in a form that will be agreeable to the whole council. But in light of how complicated the it is in the interests of the whole community and my colleagues in making sure that we get the details of the agreement right, that -- that I -- recognizing that there is some risk, I'll be willing to support the motion. But I do -- but I do -- I'm hopeful that we will be



able to finalize the deal, including specially the -- the environmental commitments next week. [ Applause ]

Mayor Leffingwell: So the motion is on the table to postpone items 20, 21 and 101 UNTIL JUNE 29th. Next week. All in favor of the motion say aye.

Aye.

Opposed say no? No.

Passes on a 6-1 vote, with me voting no. [ Applause ] take us to item 34. Councilmember morrison, you pulled item 34.

Morrison: I did, mayor. And at one point we had at least one speaker, if not two speakers.

Mayor Leffingwell: We do have two speakers, I just wanted to give you a chance to comment first.

Morrison: Thank you. As I understand it, this is a -- this is an item that would -- that would resurrect, as I understand it, an expired ordinance. It was a site specific zoning ordinance, and done in -- in 2004. And I'm concerned about -- about extending it beyond where we are today because i think that it's -- that it's - - it provides some pretty extensive additional impervious cover, so I think we need to take a look at it and determine whether it really makes sense to -- to extend it again. So with that, I would like to hear from the speakers, if they are still here.

Mayor Leffingwell: First speaker is bill bunch signed up against. Bill bunch is not in the chamber. Paul lynnehan signed up for.

Mayor, councilmembers, my name is paul lynnehan, I'm here representing larry, moe and curly on a site called camino real. 4-acre site that is on slaughter creek and you can see the sign in this map right here. The land all above this since 2004 is south park 3 million square feet of retail development that has developed since this ordinance was passed. We have detailed site development permit that we've done that had corrections done on it. After we got it approved on may 10th of 2006, we got a one year extension. We did a recollection in '09, 2010 and it was extended by the planning commission. We came to council because there was a deal that council made in an ordinance to allow to get horses and stables and arena -- horse training arena off the creek because of the environmental concerns. We applied all that. The land is no longer pervious, the stable has been removed. Part of exhibit a conditions that we're supposed to meet FOR -- BEFORE MAY 13th, 2006. We met that criteria, extended the site plan and we came back to the council asking for that deal to be continued because it was a deal to council and we had met our conditions, but because of the economy we couldn't build out the site plan and because of the conditions in exhibit a at first, the parking lot alone for 76 parking places was over a million dollars. That was a correction that we had to do. We worked with environmental staff to do that. This site has zero degradation. It meets the intent of the s.o.s. ordinance. We have gone to the environmental board as per their request of the city council, it received unanimous approval to continue the ordinance. We went to the planning commission, it received unanimous approval to go forward. There were some conditions, of part of the ordinance that were clarified regarding any disturbance in the -- in the critical water quality zone. With repairing vegetation. Anything else would be -- would be outside of that area would be -- would meet environmental standards as far as -- as far as replacement of plant material. Because the site had a site plan when the original was done, done according to the site plan according to the floodplain at that time, our site plan made all of those conditions. Since that time, the floodplain has been changed. They had an effect on the site plan, it's still conformed, but the planning commission added as part of their language that -- to specify that the fee of the floodplain would be as per the original agreement in 2004. So we've just -- we've had super transparency on this. Not only was the condition made and jackie, council woman jackie goodman sent a letter to all of the councilmembers saying this was state-of-the-art environmental layout for the

buildings and the environmental staff has made numerous presentations to the environmental board as well as the planning commission. And we did have it on for consent this morning because everyone had agreed to the scrutiny. And rereview of the site plan and I don't think the ordinance has gone away. The ordinance was simply extended by this council. Months ago to go to the boards and commissions to have it reviewed again. [Buzzer sounding] it was reviewed again and now worry simply coming back saying could you continue with the deal that we had and it's gone through full transparency.

Thank you, your time has expired.

Thank you.

Morrison: I have a question.

If you have any questions I'm more than happy to answer them.

Martinez: Councilmember morrison.

Morrison: I do have a couple of questions, i didn't catch what you said about the 76 parking spaces.

Did you install a parking lot?

We have not. We tried to our bids were over a million dollars, we had to go back and redesign. We met with environmental staff again about the exact criteria and detail, we corrected the plan and have since recorrected the plan and redesigned the parking lot. So it does meet exhibit a and the criteria. But we can build it now for approximately 300,000 instead of a million.

Morrison: Are you in the existing 100 year floodplain?

No.

Morrison: As i understand it, it says the ordinance says stay out of the 100 year floodplain and the one year floodplain has actually changed.

It did change, but there is no building proposed in the 100 year floodplain.

The existing 100 year.

In the existing 100 year floodplain, we are out of the 100 year floodplain. In this case specific criteria of how much impervious cover we could do in the critical and water quality transition zone as part of the deal to get the horses and stables off the creek. So we are just trying to extend the agreement that the council made or the ordinance that the council made years ago and again the environmental board and planning commission recommended that it's a good deal.

Morrison: So are you going to have to submit a new site plan or --

yes. I'm going to take the exact site plan that's approved and resubmit it to the city within two weeks.

Morrison: Do you have a time line for actual construction and financing?

We have to have the site plan approved by december 23rd, SO THAT GIVES US SIX Months from right now to get that site plan approved to the city. Then I'm hoping to start construction the day I get the site

development program approved.

Are things really in place for that?

Yes, they are. We have bids, been looking into it. But we just ran out of time. Again it was the economy. Mike young is the major landowner and Larry, mo and curly, he developed Chuy's, Shady Grove, he's very much a part of this community and really doesn't want to make this project work. Thank you.

Cole: Mayor pro tem?

Mayor Leffingwell: Councilmember Cole.

Cole: Mayor, I'm sorry. Linehan, you talked about zero degradation, can you explain that to me.

We are capturing all of the water on site. It's not leaving the site. It's going through vegetative filter trips. One of the corrections to the plans that we have done, instead of doing spreaders, we are doing biofiltration planting materials that the environmental staff has the plans for.

You are also saying you need clarification about the impervious cover within the critical water quality zone?

Yes.

Can you explain a little bit about that?

We are saying because the site is so close to the creek, we're not getting in the 100 year floodplain. But the critical water quality zone in this area is set back 300 feet from the creek, which sometimes goes beyond the 100 year floodplain. We are putting the buildings up on the cliff where they are not on the floodplain. They still fall in the critical environmental zone, that was part of the agreement in '04 to allow for the impervious cover to be built in that area because it's really not that close to the creek. And [Indiscernible]

I understand you got environmental board approval and planning commission approval.

That's correct.

Cole: I know this has been an issue because of the decline in the economy, is that right.

Yes it has been.

Cole: We've been struggling with trying to find a sweet spot with those issues as the economy hopefully bounces back.

You and I both.

Cole: I understand. I'm glad y'all are getting on the rebound. With that, Mayor, I move approval.

[Indiscernible]

Mayor Leffingwell: No. I thought we were supposed to close the sign-up once the item is started. We'll go ahead and hear the speaker since he's here. The procedure is once we start to hear the item, sign-up is

closed. Roy whalely.

Howdy y'all again, roy wailly, still with the austin sierra club. Just to make sure that i understand it, is that from my old notes, the claim is that the current use is 34,608 square feet. However, when you go out to the horse area, which I will admit that I have not, i would bet if you walked across it after a recent rain, that is a little bit wet, muddy and tacky, whereas if you walk across a parking lot, it is not. Therefore that is not impervious cover. That is a pervious area, that horse arena area if my numbers are still correct is 21,163 square feet. So that leaves us with -- with a variance of being asked for an additional 36,797 square feet. Is that correct? Does that sound right y'all? That's a pretty big variance there. A critical water quality zone, as you know sierra club is very pro water quality, air quality, this is a quarter quality issue. We think it will have a detrimental effect so we ask or state that we're opposed to this variance and ask you to vote against it. I'll wrap up my time because I know everyone is wanting to get this done. Any questions?

Mayor Leffingwell: Councilmember morrison.

Morrison: I actually have a couple of questions of staff. Can you talk a little bit about the horse arena issue, because I think that's where the questions arise. There was a horse arena and it was originally counted as impervious cover.

My name is mike mcdougal, an environmental review with the planning and review department. City staff would consider the arena to be impervious cover. If an area is compacted by vehicular activity, heavy animals such as horses, or anything else, the soil is compacted and it's considered for the purposes of environmental review to be impervious. While it may allow some water to go in, it is considered impervious, there is no middle ground. It could be returned to a pervious situation if it were tilled or scarified. That is roughing up the soil. But staff considers that the arena would be impervious. Okay, I appreciate that, i appreciate people's time on this. Site specific or zoning get really challenging because we're basically giving one property owner a specific entitlement that other people don't have. So in general I have real trouble with them, i certainly understand the discomfort with the horse arena being counted as impervious cover. But considering the -- i hadn't understood that it actually had been to the environmental board and planning commission, also. But with that I will second the motion that councilmember cole is about to make.

Mayor Leffingwell: Councilmember cole moves to approve item 34. Seconded by councilmember morrison. Discussion? All in favor of the motion say aye.

Aye. ? Passes on a vote of 7-0. Item 96. Pulled by councilmember spelman.

Do we have any speakers on this?

Mayor Leffingwell: Yes, five speakers. Brad beam.

Mayor, I was going to suggest maybe a -- a change to the speaker schedule. Maybe begin with larry tucker who is chairman of the animal advisory commission, then myself, heather bailey and ryan [indiscernible] if that is permissible.

Mayor Leffingwell: That is permissible. You have got larry tucker has two [indiscernible] remaining.

Thank you, I'm here to 96 which gives staff the criteria for determining which non-profit the cities should partner with to operate the town lake animal center site after the new shelter is opened on levander loop. The six items were unanimously approved by the animal advisory commission during our may meeting after we heard from several citizens with staff input and full agreement. We're looking forward to council approval on this resolution which will provide the solid safety net for austin's homeless pets.

Thank you.

Mayor Leffingwell: Just come up in the order you want and announce your name.

Mayor, mayor pro tem, councilmembers, my name is brad beam. I'm here to speak in favor of item no. 96. Time is of the essence. The move to the new animal shelter is scheduled in november of 2011. Please remember that the new shelter will have fewer kennels than the existing shelterment and shelter intake typically increases when a new shelter is opened. This council unanimously approved in march of 2010 a resolution to keep an adoption center open at the current site as well as keeping the entire site open for six months as safety net. Delay and failure to act now may result in the needless death of animals at our an services shelter. The adoption center is critical to maintaining the 98% live outcome rate under the city's implementation plan. Please keep austin as the largest no kill community in the united states and approve item no. 96 today. Thank you.

Mayor Leffingwell: Next speaker, you must be heather bailey.

Good afternoon, thank you for the opportunity to speak. I'm heather bailey. I'm on the board of austin pets alive. Which is the shelter's largest partner. We have saved 3,000 animals from the shelter in the last year. Which is a very large portion of helping to achieve the no kill status. I want to congratulate the council on their support of the no kill plan, going very well. Apa is voicing its support for the recommendation produced by the animal advisory commission and encourage you to approve those guidelines. Thank you.

Mayor Leffingwell: Thank you.

Brian clinton. mayor, I'll be brief as well. First of all, I want to thank the council and also the city staff for their dedication to life saving reforms and programs at town lake animal center due to your commitment the commitment of the management and employees at town lake animal center and the work of the city's partners, including predominantly austin pets alive, the shelter has a near or at 90% save rate since december of 2010. Making austin the most humane large city in the nation and we thank you for that. 96 is necessary to continue that commitment in austin by partnering with a non-profit to operate the -- the what will be the former tlac site. The city will be better able to continue saving 90 percent and will be able to meet the council's in the 2007 mandate led by the mayor to keep open an adoption center at town lake animal center and also the council's 2010 mandate to keep open the adoption center as a safety net for animals. Passing this now, will as the previous said, will ensure that there's time for that planning and orderly transition, rather than delaying it, which will delay the orderly transition of the shelter. Finally this resolution is an example of what is good about the city's programs in animal welfare and the -- where we are in this because this was a joint effort of the citizens, city staff, and the unanimous animal advisory commission. I think that should be celebrated as well. Finally, I know that I am probably running out of time, I would specifically like to thank councilmember shade for her contributions, she was one of the first councilmembers to pay attention, she was paying attention before most people in the city probably knew what no kill meant. Also led the health and human services subcommittee that drafted the no kill implementation plan, which is now nationally famous and she appointed a heck of an animal advisory commission member as well and I really believe that she deserves this. I was not partisan in this election, I'm not trying to be partisan now, I just want to recognize her on this issue and we greatly, greatly appreciate it.

Mayor Leffingwell: Thank you. Has david lunstead spoken? Larry tucker? Those are all of the speakers. Larry tucker has spoken, correct in. Those are all of the speakers that we have.

Spelman: Mayor? Mayor?

Mayor Leffingwell: Councilmember.

Spelman: I have just a couple of fairly technical questions of our animal services staff and I believe [indiscernible] is available from public works. I have a technical question of her if she's about? She's not. Abigale, I guess I'm talking to you. Here's my question. We decided to move to -- to the levander loop site and away from town lake because the town lake site was difficult, and the buildings on the site were in bad repair. Am I roughly correct in that?

To my knowledge, yes.

Spelman: Okay. It my understanding, I have not been on that site in a couple of years, but this is hearsay, it's my understanding that the davenport building is in pretty good shape, that's mostly an office building. But that the kennels are in disrepair. And chronically wet, difficult to dry out. Difficult to clean. And just in poor repair generally, is that your understanding or am i misunderstanding it?

I think that's fair to say. I will say I did walk through with the state INSPECTOR ON MAY 5th, There are varying agrees of disrepair. Certainly some of them have proven, you know, quite good enough for us to use, we're still using all of them. I think in future use you wouldn't want to use all of them. But certainly there are some spaces that are acceptable.

Spelman: Okay. From your point of view is it likely that the new tenant of that space is going to be able to use all of them?

I don't --

Spelman: If we execute this resolution, actually have somebody use this place as an adoption center, will they be using the kennels are be able to keep the pets in davenport --

I think the partners that the city is going to need right out of the chute is a not for profit that will have to do both. It was mentioned, it is true that we have 40 fewer kennels at the new site. Day one we're going to have a shortage of space. Ideally we would use some of the kennel space. I think it's fair to say not all of the kennel space will be used. It's a capacity of over 300, I don't think -- we certainly won't need that day one and I doubt that we will use them all because of the state of disrepair.

Spelman: So we will be using the kennels that are in the best repair.

Certainly.

Spelman: Is the non-profit which you select going to need to put any money into those kennels or do anything to refurbish those or do you think they are in okay shape as they are.

Some will need some attention, that's true throughout the campus.

Spelman: Is this something which ought to be part of your decision making process as to whether or not the non-profit chosen has agreed to put some money up to refurbish or do a long-term clean, I'm not sure what the words are, to make sure that the kennel space that they are going to be having to use is actually going to be clean and safe for the animals?

I think that the non-for profits who are interested in partnering with the city will want to take a look. I do think there's sufficient space to start right awand be able to develop the property over time as needed. I also think this is a really dynamic issue. We haven't moved before. We don't know exactly what we're going to need or how long or any of that. So I'm interested in exploring ideas and creating a partnership

that can evolve as needed. I think managing that space on site will be part of that.

It sounds like it would certainly be helpful if the -- if the partner understood that there may at some point be -- it may be necessary to raise money or to find some money someplace to refurbish the kennels or keep them in good repair. That may require a financial commitment on the part of the non-profit. Does that sound like a reasonable statement.

Agreed, sure.

Okay. Two other issues, one of them is were you envisioning this would be an open ended agreement or a time limit on the agreement with the non-profits that you select?

I wouldn't -- the city does not believe that it will be an open ended agreement at all. It really is phase 1 of this is just a transitional deal. So that when we move, we do have that safety net as put forth by council. So I don't consider -- i don't think the city considers it an open ended deal at all.

This is just a transitional thing to help sort of ease the difficulties, the burden of moving from one place to the next. About how long of a transition period do you think is going to be needed?

That's really hard to say. I think that goes back to that whole point about it having to dynamic. We vice-president done this before and I'm on -- haven't done this before and I'm not sure. I also think having an offsite location whether it stays on that property or goes somewhere else is a critical piece. We have to have more than one adoption place.

Spelman: I agree completely. We definitely need to have more than one place. Also, however, since we're moving the bulk of our animal population from town lake to levander loop, we're going to have to make sure that our marketing campaign cues people, most will be on levander not --

yeah. There are two plans already in place with funding attached so it so we're already working on that.

Spelman: My first reaction was to ask for a change in the resolution to ensure there be a time limit. But I think we agree there's going to be a time limit anyway. In addition I was concerned that the non-profit needed to know in advance that there may at some point be [indiscernible] for them to come up with money to make sure that the kennel space that they are using stays clean and safe for the animals, sounds like we agree on that. Mayor, I will move approval on this item in its current form with the understanding that I think we all have on this.

Mayor Leffingwell: Motion by councilmember spelman to approve item no. 96. Seconded by councilmember morrison. Discussion? All in favor of the motion say aye. aye all opposed? Passes on a vote of 7-0. We don't have time to take up another item. Mr. rusthoven. Are you ready to go through the consent zoning cases for us, we could probably do that, that's it.

I'm greg guernsey, director of the planning and development review department. Let me go through the items that I can offer for consent from the 2:00 agenda. The first item that I would like to offer is 112. C 14-2011-02 located at 13653 route ledge spur. Zoning change to cs mu co or general commercial services mixed use conditional overlay district zoning. This is ready for consent approval on second and third readings. c 14-2010-0200 for 13635 and 13645 rutledge spur. General commissioner services mixed use conditional overlay or cs mu co. Fine combined district zoning. Also ready for approval on all three readings. 114, a postponement request from a neighborhood. It's a first request from the neighborhood. TO JULY 28th, ALSO ON THE Dais I believe jerry is passing out or maybe has already passed out a letter of support to not delay your action today from the circle s neighborhood support association that supports the case and opposes any delay. So -- so I think that you have that on your dais. Council did approve this on -- on a 7-0 vote. It was a zoning change at .. as you may recall, there

was a public restrictive covenant that has been executed. There are also additional conditions attached to the ordinance in the form of conditional overlays. That has also been completed. So mayor and council, i don't know if you want to hear from both of those parties or I can go through the rest of the consent agenda whatever your desire is.

Mayor Leffingwell: We'll discuss that item, go through the rest of the consent agenda.

Okay. 00, public hearings are open, possible action. The first item that I would like to offer for consent is 115. [Reading item 115]

it is recommended by the staff. There was previously opposition to this case, but I understand all of the issues have been resolved with regards to the owner. In light of that I would offer it as a consents item. Items 116, 117, 118 are related. I believe we have speakers on 117, I suggest we leave those on as discussion items. The next item that I can offer for possible consent approval is item no. 119. C14-2010-0206 - Arabella - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1502 West Avenue (Shoal Creek Watershed) from We have a postponement request. From the judge's hill neighborhood. It is their first request on this item. The request is to july 28th. Item no. 120. C14-2011-0006 - 701 & 711 West 7th St. Rezoning - Staff is requesting a postponement of this item to your july 28th meeting. 121. C14-2011-0009 -iqra llc - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11331 North Lamar Boulevard from neighborhood commercial (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Planning commission recommendation was to grant the gr-co combining district zoning for consent approval on all three readings. 122. C14-2011-0039 - 1519 e. Cesar Chavez Street Rezoning To zone the property to general from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a Condition of zoning. Recommended by the planning commission, ready for consent approval on all three readings. 123. C14-2011-0018 - Davis Springs Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9301 Spectrum Drive (Lake Creek Watershed) from general commercial services (CS) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Ready for consent approval on all three readings. The zoning and platting commissio reading ready for consent approval on all three readings. 125. C14-2011-0036 - 807, 809 & 811 Nueces Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807, 809 & 811 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use - (DMU) district zoning. Planning commission recommendation was to grant the downtown mixed use with a conditional overlay. Ready for al readings. 127. C14-2011-0041 - Bowie Street Rezoning - Conduct a public hearing and approve an ordinance amending Chapter -- Mayor I'm not sure if you have a speaker. Signed up for item no. 126. If there's nobody here, i can offer it by consent.

Nobody signed up.

Okay. 126. C14-2011-0037 - South 1st Retail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 South 1st Street (East Bouldin Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining District zoning. Planning commission recommendation was to grant the commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining District zoning. Ready for consent approval on all three readings. 127.



C14-2011-0041 - Bowie Street Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 309, 311 & 315 Bowie Street (Shoal Creek -- I have a request by a neighborhood advocate to postpone this to your august 18th agenda. I know that the property owner is opposed to the postponement. But I don't believe is present in the audience or has a representative in the audience. If you so choose to postpone this, we did receive word from the property owner they would respectfully ask that this only get postponed until your next meeting and not until august.

Mayor Leffingwell: We will that that one off the consent. 128. C14-2011-0042 - Toro Negro Lounge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 615 West Slaughter Lane (Slaughter Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district Zoning. This is ready for consent approval on all th readings. 129. C14-2011-0044 - Roxie Business Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12307 Roxie Drive (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district Zoning. This is ready for consent approval on first reading only. 130. C14-2011-0046 - 6207 McNeil - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6702 Mc Neil Drive (Rattan Creek Watershed) from rural residence (RR) district zoning to warehouse/limited office (W/LO) district zoning. Staff Recommendation: To grant warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant warehouse/limited office-conditional overlay (W/LO-CO) combining district Zoning. First reading only. [One moment please for change in captioners]

115 is to --

we can offer that for consent approval on three readings,.

115?

Of the staff recommendation, because the chition -- without a recommendation. right, so 115, close the public hearing, approve on all -- through 115. To postpone items 119 and 120 until july 30 -- or july 28, close the public hearing and approve on all three readings items 121, 122, 123, to close the public hearing and approve on first reading only item 124, to close the public hearing and approve on all three readings, 125, 126 and 128, and 129, and to close the public hearing and approve on first reading only 130. move approval, mayor. council member spelman moves approval of the consent agenda. I'll second that with a -- second by council member morrison. what was the disposition of no. 121? close the public hearing and approve on all three readings. is that -- i just wanted to check with staff. I had noted something differently. 121?

Guernsey: 121?

Morrison: all three?

That's correct. It's for all three readings. motion and second on the table 6789 all in fair say aye.

Aye.

Mayor Ieffingwell: aye. Opposed say no, passes on a vote of 7-0. We're now in recess for live music and proclamations. Be back about 7:00. Bowy town gate langford shire pick rutledge dimare ar bell a ar bela kuhn I can dairl joy hardin joi harden gr-co li-co reichly ricial group bee cave crvi harrison david moncada moncada joan mayoral [ ♪♪ music playing ♪♪ ] [ ♪♪ singing ♪♪ ]

cole: are you ready? Are you ready? Joining us today is gifted singer, songwriter, writer and minister, george powell, a native of austin, george graduated from lbj high school and received a bachelor of arts in music from houston-tillotson university, where he received numerous music scholarships as well as the president's scholarship. He was also recognized by who's who in american colleges and universities. George has been privileged to perform with several national gospel recording artists. George also performed for president barack obama at the austin valley that attracted approximately 20,000 visitors in february 2008. Please help me welcome george powell. [Applause] [ ♪♪ music playing ♪♪ ] [ ♪♪ singing ♪♪ ] that the ri cal [ ♪♪ singing ♪♪ ] [applause]

cole: exciting. Do you have a web site? Do you want to announce it, [georgepowell.org](http://georgepowell.org).

And where will you be performing next?

July 2 we will be performing at the texas lutheran university in geen, texas. July the 22nd we will be performing at the delta sigma sorority. is that the national convention?

Yes.

Cole: at the hilton. Downtown hilton. Very good, I will be there. So where can we purchase your music?

Music mania, itunes, amazon.

Cole: okay. Well, I want reverend griffin to know that they're intown and here especially for you. [Applause] thank you.

We have a proclamation for you. Be it known that whereas the local music community makes many contributions toward the development of austin's social, economic and cultural diversity, and whereas, the dedicated efforts of artists further austin's status as the live music capital of the world. Now, therefore, i, lee leffingwell, mayor of the city of austin, do hereby proclaim june 23, 2011 as george powell day. [Applause] [applause]

well, did we bring the whole church or what? Now I have the wonderful opportunity to present a distinguished service award to reverend griffin. Do you want to come down? And bring the ebony -- come on down. [Applause] I don't even know if reverend griffin knows how long I have known of him, but that would be close to all of my life because I've had relatives in austin, and my aunt really [inaudible] who spoke so highly of the work that you've done in the community, and I knew that you were retiring, and i thought it appropriate that you be on tv and come down to city hall and bring some church members with you. Why don't you guys come on down and stand because we're going to take pictures and all that. And while we're in the process of doing that I want to read the proclamation. We are pleased to recognize marvin griffin as he retires after 61 years. [Applause] 42 of which have been as a shepherd of ebenezer baptist church in east austin. Pastor griffin's impressive educational background and broad experience prepares him to found the east austin economic development corporation, which has helped to revitalize the east austin community and provide access to affordable housing for our citizens. He has also shared his talents with any number of church, educational and community service organizations as a board member, lecturer and trainer. The list of his contributions as a pastoral leader in austin is amazing. We trust that his retirement from ministry doesn't mean requirement from being active in our community. We treasure his input and interest in the betterment of our city. This certificate is presented with our admiration and appreciation this 23rd day of june in the

year 2011. The city council of austin, texas, mayor lee leffingwell, mayor pro tem mike martinez, council member chris riley, random randi shade, laura morrison, william spelman and me, sheryl cole.  
[Applause]

thank you for this proclamation and all that you do for the improvement of the quality of life.

Amen. [Applause]

anybody want to say anything? No? Any other comments? All right. Well, let's go over here and take pictures. Brigance bringin'ance bringin'ans [applause] folks, it's my pleasure tonight to welcome a couple of beautiful young ladies who are going to talk to us about a disease that affects mainly women. Little known, in fact, i knew nothing about it until tonight, so I look forward to them telling us about this disease. But suffice it to say I'll read the proclamation and let joan maril, who's over here, discuss it, and julie, and I don't know what she's got in that package there. I'll let them both talk to us a little bit about this disease again that affects mostly women. It says, be it known that whereas schleroderma -- schleroderma is a chronic disabling autoimmune disease in which the body's soft tissues suffer from an overproduction of collagen, and whereas the disease can affect many parts of the body, causing damage to the heart, lungs, kidneys, gastrointestinal system, and whereas an estimated 300,000 americans suffer from schleroderma, 80% of them are women, but researchers have yet to identify the exact cause of the accident, and whereas we joined health care providers, patients, and schleroderma advocacy organizations in calling for increased awareness of this disease and the need for more research into its cause and treatment. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim june 2011 as schleroderma awareness month in austin, texas, and that's what we're doing with this proclamation, is fulfilling the last part of this script here today and creating awareness of this disease so that people can know more about it and be able to identify it and seek help when they need it. So I'll just bring up ms. maril right now. Thank you. [Applause]

we don't look sick, do we? [Laughter] this is a disease that impacts you from the top of your head to the tip of your toes. There are multiple organ failures. There is great morbidity and mortality. We have -- are constantly seeing specialists, and when you see someone like us drive the handicap slot, even though we appear to be perfectly healthy, a lot of times we can't walk that far because of the lung and heart involvement. It's a very insidious disease. There are ten to 20 cases per million diagnosed per year. It's that rare. There are no specific treatments for schleroderma. There are no specific drugs for schleroderma. Everything is symptom treated, related to other things that they try on us, and a lot of us are on trial medications so that we can function in a normal manner.

One ways that i have been affected by this schleroderma is that it has scarred my lungs, and so consequently I have increased pressure in my lungs that causes a pressure within my heart. So I have both a problem with breathing and going up stairs and any incline. I'm on oxygen at night, and it continues to affect my lungs. And there is no way at this point that they have anything to stop its progression. We have a support group in austin that meets monthly for people who have schleroderma and they're caregivers, because we do need a lot of help with our hands. That's one of the main ways that you may discover that you have schleroderma, is that your hands get involved. They get swollen and painful, much like rheumatoid arthritis, and the skin gets heartened. And those -- hardened, and those are kind of the preliminary symptoms of it. But if it does affect you internally, then it can affect any of the organs of your body. So these people that meet with us are people in this area, austin area, who have had struggles with the disease, and we meet monthly, and it is a great h for us to talk with each other, because we all are trying to increase awareness within ourselves of ways that we can help ourselves, and also to our caregivers and also to the physicians. So one of the ways that we work on this is by -- we study on the internet and try to find out as much as we can about the disease from other people and then pass that on. So if you ever hear of anybody with schleroderma or have any of the symptoms that I described, kind of talk to them about seeing a rheumatologist and getting a diagnosis. We want you to know about it because the more you understand about it and know that it exists, you can help other people also. And if you ever have an opportunity, we do have a foundation, a

schleroderma foundation, and if you ever would like to make a donation to that, there is research happening, but we need a lot more going on. It's an autoimmune disease, and so the autoimmune society is also trying to work on a cure for it. But the schleroderma foundation, which is a national organization, also tries to fund research, and so we can always use donations. So we thank you so much for listening about schleroderma, and we want to thank the mayor so much for letting us have this opportunity, and I'd like to present this little gift to the mayor. Thank you very much. And you can open it right now if you'd like.

Mayor leffingwell: sure. Yeah.

So you can show them what it is. And I also have literature here for anybody who would like to have some literature on schleroderma. I'll pass that out, with the mayor's permission. And he can show you what he's got there. It's a little football. it's a football blanket. Isn't that nice. [Applause] [laughter]

thank you very much. isn't she great? She's got her texas earrings on. Let's go take a picture.

Don't mess with texas. this is going to be an interesting proclamation that I'm about to read now. It's to honor an organization caldwell aware. Are the folks -- called well aware. Are the folks from walled aware down here? Okay. -- Folks from well aware down here? Okay. So what's interesting about this is these folks are, of course, working to provide clean, safe water for people in kenya, and they have adopted a new procedure to work for that, saving water here, and the way they're saving water is they're going on strike from taking showers. So they are going to not take showers until they reach their fundraising goal. So fair warning, folks, let's all help them reach that goal before it's too late. [Laughter] seriously, congratulations -- that's a very nice thing for you to do. And, of course, we have a proclamation to honor them and their work. It says, be it known that whereas, well aware is an austin-based nonprofit that provides lifesaving water for those in east africa who have none, and whereas, well aware shower strikers are so committed to digging wells and building pipelines in kenya that they are willing to forgo showering until they each raise \$1,000 towards current well aware projects, which would provide water to 100,000 people in africa. And whereas, we recognize the need for shower strikers to meet their fundraising goals quickly, as I said, to minimize the potential stench caused by not bathing. I don't write this stuff, folks. I don't make it up. [Laughter] and whereas we urge austinites to support the well aware shower strikers in self-defense, if for no other reason. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim july 24 to the 31st, 2011 as the well aware shower strike in austin, texas. So congratulations to all of you. Thank you for your good work. [Applause] I hope you raise the money quickly and, sarah, you're the representative. Do you want to speak for a moment?

Thank you so much for having us. We're very honored to be here. Well aware is a 501(c)3 nonprofit based in austin, texas and for the past three years we've been working really hard to create water systems in east africa to save lives and to decrease the amount of waterborne illness, which usually attacks infants and children. All of these amazing people standing here with me are devoted volunteers and supporters of well aware, and we completed enough water systems last year to service 45,000 people in kenya, and this year we will at least double that with your support. [Applause] thank you.

Mayor leffingwell: great.

We -- I just want to explain the shower strike. So this is actually our third annual shower strike. In 2009 we raised almost \$20,000. Last year we raised over \$30,000, and this year we aim to raise \$100,000 in the one week of the shower strike. So if you're interested in getting involved or just supporting the cause, you can go to [showerstrike.com](http://showerstrike.com). Nobody had that domain yet, and you can check out information and you can sign up or you can figure out who how to participate in some way. We appreciate so much your support. Without your support we can't do what we do in africa. do you think summertime is the best time to do this?

Yes. it's much more effective.

People motivated.

Morrison: so welcome. I am joined here with rachel magee and several others. Rachel is the president of the international alliance theatrical stage employees local 205. And we are here today to recognize and celebrate their 100th?

100Th. 100th anniversary which is just really sort of incredible to think about. We think about history and looking at buildings and all that, but to know that this organization has been around performing some amazing service and involvement in the arts for 100 years in the city of austin is something that's really special. So I want to read this proclamation, explains it a little bit. It says be it known that whereas since 1911 the international alliance of theatrical stage employees, iacfe, local 205, has been the labor union representing artisans, technicians and crafts persons in the austin entertainment industry, and whereas iatse 205 is the source for professional experienced personnel, including stage hands, scenic carpenters, properties personnel, projectionists, wig, hair and makeup specialists, lighting, sound and av technicians, camera operators and decorators, and whereas iatse 205 has had a contract to provide the technical nitions to the theater, they work with events at the long center, the ut performing arts center, the austin convention center and at many other hotels and convention centers, and whereas we congratulate iatse 205 on its 100th anniversary and look forward to their continuing impact on austin performing arts scene. Therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim june 2011 as iatse local 205 centennial anniversary in austin. Congratulations.

Hello, my name is rachel magee and I am the president of the international alliance of theatrical stage employees [inaudible] I want to thank councilwoman morrison [inaudible] all the council members for recogni 100 years of service. For the past 100 years local iatse, has [inaudible] with stages built, painted and moved our scenery and mic'd, dressed, wigged and made up our performance. We have contributed theater magic in a variety of austin performance spaces both past and presence, including the hancock performance house [inaudible] bass concert hall, the long center for the performing arts and many, many more. Equally important is our 100 years of service to the austin entertainment industry is our 100 years of unionism. Unionism is essentially about democracy and equality, about having an equal say in negotiations for safe and fair working conditions, which help establish standards within our industry that are joined by both union and nonunion workers as well. Our longevity highlights the [inaudible] and the emphasis placed on professional quality work. Our members have always risen to the challenge of our ever changing workplace and we look forward to continuing to do so for the next 100 years. Thank you. this is a great honor for me, and I've seen the person who we're honoring do this before so I'm just going to do it as if I was her. If you're here to recognize betty baker stand up. [Cheers and applause] bet I baker, come on up here so we can honor you. It was -- I still remember meeting betty baker. It was during my campaign in 2008, and she was a force -- she was somebody that i learned so much from. She's obviously given a tremendous amount to this community, and I think it's totally fitting that this is -- we're going to do this last meeting together. [Laughter] so in any case, I'm going to present her with this distinguished service award, but I'm also going to invite many -- I know jerry rusthoven, I would love for him to come up but if there are other people who would like to make a comment, and then I think it would be great when we do the picture -- we're not going to register like we did at the big acvb event when she retired, but I would like it when we do the picture, if those of you that are here could come forward and all be part of it, because i think that -- in fact, it may be easier if we all stand there, betty, now that I think about it, and then the photographer -- all right. Listen, this is obviously a great dedicated servant and it has been my pleasure to know her as a friend and as a teacher, and I'll read the certificate. This is a city of austin distinguished service award certificate presented to betty baker in recognition for the deep imprint that she's made on the growth of our city and the preservation of its heritage in both paid and volunteer thinks. Betty began her career as clerical support for the historic landmark submission. She joined the city in august, 1974, became a land use planner and then a senior planner and then served as the sole staffer for the historic preservation planning in the city. In 1996 betty transferred to the austin convention and visitors bureau as director of heritage marketing. That same year she was appointed to the planning commission before becoming

the only chairperson ever for the zoning and platting commission. She's also served in support of the USS Austin and for the Lincoln Land Institute at Harvard University. We are pleased to recognize Betty's many varied efforts on behalf of Austin, with preservation of our history at the forefront of her thoughts and actions, this 23rd day of June in the year 2011. And this is signed by Mayor Lee Leffingwell as well as the rest of the council, and again, there really aren't words to fully acknowledge and show our appreciation for the many, many years of voluntary service that Betty Baker has provided, and it's been my honor to know you as a friend and like I said, as a great teacher. So thank you. [Applause]

I'm afraid to say anything before you-all speak. So I want to have -- pardon me, I want to have the last word, but I do, for clarification, want to say that I have not been here 100 years, contrary to the rumor. [Laughter]

Well, Betty, I would just like to say a few words on behalf of myself and my fellow employees at the planning department. [Laughter] both past and present, in all its various incarnations and various names. As a coworker you have been a terrific mentor and a terrific friend. We all appreciate the valuable advice you gave us as chair of the planning commission and the zoning and platting commission. You asked us tough questions, kept us on our toes and did the best to keep the train running on time. And we appreciate that. I think that your services, especially with regard to heritage preservation, has been invaluable. You are irreplaceable, and I want you to know that we are still going to call you and ask you advice and questions, whether you are on the commission or not. Thank you very much.

Thank you. [Applause] Well, it looks like you're going to be here for a while, Betty. Looks like a lot of people have come down here to honor you tonight, and I certainly am one of those. I look out here and I see all the people you worked with on the zoning and platting commission, the planning commission before that, and people you've worked with on both sides of this, on the city and on the board and commission side, all respect you and revere you, actually. Some of them fear you. [Laughter]

I've heard that. I remember -- I remember when I first got involved in city business back when I was on the environmental board, you know, and one of the first people I heard about was Betty Baker, and so I - I always watched Betty Baker with a little bit of trepidation, but also trying to learn something, and I tried to master over -- over the years I've tried to master the Betty Baker look where you -- like this, but I never quite did it like you do, Betty. So I just want to say, all of us are so appreciative of your service to our community and specifically to the City of Austin government. We appreciate what you did. Thank you very much.

I appreciate it. [Applause]

I really would love to have the opportunity to do a I can picture. I just think it's so great how many of you showed up. You're the photographer, but would it be better for everybody to gather here or would it be better for them to stand there and you get up there?

[Inaudible] that's what we'll do. Betty, go to your usual chair, no, you go to your usual chair and everybody gather because I think --

[Inaudible] I'm Clark, you'll say a few words. Sorry about that.

While this transition is appearing, Betty Baker, tough as nails, helped Austin lay out the grid for this city. [Laughter] a true lady, a true lady, a very kind and warm and generous friend, and she owns a pitbull. I'm really going to miss Betty. She taught me a lot, and I enjoyed my 35 years serving on the zoning and platting commission with her. Good luck, Betty.

Thank you. [Applause] if you've ever served on the Austin City Council you have to go up there with

betty. I know -- where is jackie, betty dunkerley. You-all go up on to the dais, if you've ever been on the council. Yeah. Anybody that's served on the council, that's what we're doing and -- okay. [Applause] bringing,.

Mayor Leffingwell: We're out of recess, council, and we need to go 130 on the consent agenda for zoning was recommended and we passed approving it on first reading only. I understand now from mr. Guernsey, that it -- it is ready for all three readings. So I will entertain a motion, if it's your desire, to reconsider item 130 and then vote on approving it on all three readings. Is there a motion to reconsider item 130?

So move.

Mayor Leffingwell: Councilmember morrison moves to reconsider. Seconded by councilmember spelman. All in favor say aye.

Aye. Opposed say no. Passes on a vote of 7-0. Then we can consider item 130 as a motion to close the public hearing and approve on all three readings.

Spelman: So move.

Mayor Leffingwell: Councilmember spelman so moves and second? I will second. Discussion? All in favor say aye? Opposed say no. Passes on a vote of 7-0. So now we will go back and council we have two items that were scheduled for 10:00 this morning. And -- and -- the first one is item 34, we are considering that together with item 134, and we have to take 134 which is the site plan appeal before we hear 135. So -- so 134 is an appeal. And before we begin discussion of this item, are there any requests for postponement or issues of standing that anyone would like to raise. Hearing and seeing none --

Morrison: Mayor, i believe they may be a request for a postponement.

Mayor Leffingwell: I just asked. I didn't hear any response.

Morrison: I saw some activity.

Mayor Leffingwell: Come forward. State your request.

I am lynn harrison david, not familiar with the procedures, unfortunately i didn't quite understand what was said. Yes, we have asked for a postponement. There's two issues that we are actually dealing with at the moment. The first is that we have made an open records request ON MAY 20th. For some reason these -- the information was not provided. It appears to have been mislaid at some point. And we only received access to that information the 16th, WHICH WAS LAST WEEK. There's a lot of details that we want to go through. We have -- we have documentation that we think is very relevant and that city council would definitely want to -- to understand. So we would like to do that. The other item, of course, is that we asked for the consideration of the zap appeal.

Mayor Leffingwell: We're not discussing that right now. We're just discussing the postponement.

Okay, so that's why we're asking for the postponement.

Mayor Leffingwell: Okay. Is there someone from the other side who would like to respond to the request for postponement?

Mayor and council, my name is david armbrust, i would lake to respond. We have been in this process two and a half years, we take any request for a delay very, very seriously. I know that ordinarily you give courtesy postponements when one side asks you normally allow that to happen. I would lake to point out that we have not received courtesy from the neighborhood group. We have asked six times since november to meet with them, all of those have been declined. I don't view that as very courteous. She talked about the open records request. That's really irrelevant to this proceeding. The issue today is really what was before zap when they considered this case. Open records requests later really have no relevance at all. I'd like to point out that the appellate's burden here tonight is to prove that the decision that was made by the zoning and platting commission was contrary to applicable law or regulations. That is what the issue is. And I will submit to you that nothing is going to change between now --

Mayor Leffingwell: Mr. Armbrust, we don't want to discuss the case. But I'm assuming the reason that you're saying this is because the basis for the request has nothing to do with the open records request, is that correct.

Yes, mayor. Of course we're talking about the summer break. We're talking about at least a month delay here. And cypress, the developer, their financing costs in this project are \$4,000 a day. So with that being said, we respectfully request that we be allowed to proceed with the hearing tonight. Thank you.

Mayor Leffingwell: Thank you. You.

Cole: Mayor, I have a question of mr. guernsey.

Mayor Leffingwell: Councilmember cole. Can you lay out how it works differently when we're actually dealing with a case where our burden is only whether or not zap applied the applicable law. I thought in the past when we were dealing with issues like this, it was kind of like do you have standing, which is the first question off the bat before you even get to the postponement issue or the merit of the case.

Well, in this case, i believe that this -- this is a neighborhood organization, that would meet the interested party status for the city of austin being one within 500 feet of the -- of the property that's before you being considered for this -- for this appeal. As far as --

Mayor Leffingwell: The issue of standing is not in question here. It's not being questioned.

Then once the appeal is brought before you, you actually stand in the position or shoes of the zoning and platting commission and so as they have made a decision to say that they've made a determination that this is in accordance with the applicable codes, you would be also charged with that same I guess position to go forward and make that decision as if you were the zoning and platting commission.

Cole: I guess, mr. Guernsey, what I'm trying to determine is it seems like to me we should make the decision about the zoning -- the standing in their shoes, about whether we can make that determination before we make a postponement. But I'm wanting you to tell me if that's the right conclusion or not.

Well, the merits of the postponement are separate from that I think actually hearing. For you it's your determination and your discretion whether you feel that the merits of the postponement are valid, that you consider that --

Mayor Leffingwell: I want to reiterate that we are not considering the merits of the appeal at this point. We're only considering the reasons or against postponement.

Cole: Okay. You've -- okay. Thank you, mr. guernsey.



Morrison: Mayor, I have a question.

Mayor Leffingwell: Councilmember morrison.

I would like to ask that neighbor, I'm sorry that i forgot your name, the suggestion was that additional information couldn't make any difference.

Lynn harrison david. Yes, that's right. The information, I think the emphasis within this case is that nothing has change the. Actually, we struggled with the information that we received and we couldn't get the details that we want. The open records is providing that. We still are looking for additional information and we have made a further request to the city of documents that are missing. But at this point, the information that we are receiving is what we feel would help city council make a decision on this.

Morrison: You may you submitted the request on may 20th.

MAY 20th. The first documentation was ON JUNE 16th. There was an acknowledgment that there was some hiccup in the process.

Morrison: It took longer than it should.

Sorry?

Morrison: That it too longer than it should have.

That the protest maybe hadn't done the way it should.

Morrison: Was that acknowledgment by staff?

Yes.

Morrison: Thank you.

Mayor Leffingwell: I'll have a question for you maybe in just a minute. First I want to ask a question of the attorney handling this case, mr. Lloyd, is he in the room? Maybe I'm misinformed, but my understanding was that this appeal is on the narrow basis of whether or not the zoning and platting commission acted properly in accordance with their rules, rules that govern their meetings, in a reconsideration of this item.

I believe, you know, that council everything that's been said is correct. Council sits in the shoes of the zoning and platting commission. However, you essentially have to apply the same criteria that the zoning and platting commission does in looking at the site plan, those criteria get into some fairly broad factors like compatibility, traffic, all of the sorts of kind of planning considerations that go into site plan review. So you can certainly consider issues that i believe the neighborhood may raise with regard to the fold in terms of voting and we will be prepared to address those issues if they arise, but you also can look at the site plan using the same criteria that the zoning and platting commission does. I think that if the appeal goes forward, depending on how you decide the request for postponement, staff will be able to outline those criteria for you. As part of their report.

Mayor Leffingwell: Well, I think what we're trying to do, I'm assuming that you're saying that I'm wrong, it is not based on the procedural matter with the way that the z.a.p. Handled this?

I think that the appealants, one of the issues that they have raised is in fact there were some procedural defects the way handled their voting. I think that will be one of the issues, if you get into the merits of the appeal that you will consider. However, the point that i was trying to make is you will also, if you get to the merits, be looking at the basic planning factors that zap considers when they review a site plan. That has to do with the compatibility, traffic issues, so I think that you will have a variety of issues, including the procedure, but also including the planning considerations.

Mayor Leffingwell: Thank you.

Mayor Leffingwell: Well, I would say given the circumstances here that the applicant has been in this process for two and a half years, that coupled with other factors that had to do with the case itself, that this is a basically a redevelopment that's very beneficial redevelopment. But we can't get into that right now. But I think two and a half years being in this process with a cost of \$4,000 a month to continue this and no possibility of hearing this case again for a month UNTIL JULY 28th, I Personally would not support a postponement. Think further discussion? Councilmember shade?

Shade: Who -- who do you represent?

The bee cave woods neighborhood association.

Give me some sense for is that the only neighborhood association out there --

that is the biggest neighborhood association surrounding it, the interested parties. The other two that are involved are very small groups. We're about 450 properties, just to the -- to the corner to the property.

Shade: Why haven't you met with the applicant?

We have actually. We did meet with the applicant and the city. One of the issues that we've had is that we keep getting this nothing has changed. Well the answers we were getting really we knew things had changed. We could see it was like hitting a moving target. But we weren't getting the information that we wanted. What they wanted to do was represent the same information to the neighborhood. The documentation they provided we said we cannot reconcile the information that you have given us. Now we're beginning to better understand why we complaint. Although I don't --

I was trying to get a sense. Two neighborhood groups that are small that are okay with this. One neighborhood group that you represent that's big and that is having a problem with it. And the big group has met with the applicant and the two small groups have met with the applicant.

Yes. That's right.

Shade: The two small groups --

wanted I believe five properties. Also wanted maybe I think 28. So quite small and yes, they have met with -- with the developers.

Shade: Okay.

Mayor Leffingwell: Council?

Mayor.

Mayor Leffingwell: Councilmember cole?

Cole: I guess I want to lloyd has anything to add to this. But it's generally my understanding from your comments that the initial question is did zap have the authority. And if the answer to that is no, then we go into the discussion about the merits of the case. I view that as something we can answer initially before we consider the postponement. [One moment please for change in captioners] do you understand it now? let's just have that one more time, no, I do understand it, and in light of your comments, then i will be supporting the postponement because we routinely grant those. I just wanted to make sure that we didn't have that option because it was handled uniquely under the law. is that a motion, council member? yeah, I move -- becaus e -- move to postpone until when? till our next -- july 28, I believe. council member cole moves to postpone until july 28. Second by council member morrison. Any discussion? yes, mayor, I'd like to just make a comment. I think that, you know, we usually do grant one postponement, but in particular I know that GETTING PIRs THROUGH OUR System lately has been a real challenge, and I just think in fairness to the folks that have been subject to the lateness of that, that we really do need to acknowledge that and give you the time but also i would certainly request that you roll up your sleeves and sit down with us if we do have this additional month to sit down with the developer.

If I can add a comment on that. The information that we have got has been very willingly given. yes, of course, no, it's just a timing thing, but I would -- i would really expect some significant conversations to go on with the developer.

Mayor, we object to postponement, but if you're going to do it, could you do it till august 4? I'm going to be out of the country on the 28th, but we do -- we do object. all right. mayor, I would revise my motion. till august 4? Is that acceptable to the second? Any further discussion? All in favor say aye.

Aye. all opposed say no. No. Passes on a vote of 5-2 with myself and council member shade voting no. 134 and 35 are postponed till august 4. We'll now go to item no. 98. Pulled by council member spelman. I believe we have some speakers, mayor. Let's hear from the speakers first. we do have speakers. Council member, I just -- since you pulled it, i offered to you for initial comments. First speaker is weston siekoff. You're donating your time to who?

[Inaudible]

okay. Jasmine griffin had donated her time to you. Is jasmine griffin in the chamber? Okay. So next speaker is adrian neily, who is signed up neutral. siethof griffin have donated their time to you, so you have up to nine minutes.

Thank you, mayor, mayor pro tem, council members, and I guarantee you I want to take the nine minutes. I've forgotten about -- i won't take the nine minutes. I've forgotten about half of what I was going to say. 00 this morning but it's been an interesting day. My name is adrian neily, a member of the workforce solutions capital area board of directors. Workforce solutions is proud to lead a collaborative of 11 other community organizations that have come together to focus on helping address the education, training and employment needs of austin low income residents and those who are underrepresented in the workforce. First, I'd like to identify the people that have joined me today. A lot of them have left, but there are still some here in the audience, and I'd like them to stand and be recognized as part of this collaborative. This collaborative consisted of any baby can, the austin academy, austin area urban league, austin community college, youthworks, lbu in foundations community, goodwill industries, menos de cristos, travis county department of health and human services and veteran services, workforce solutions, capital area workforce board and solutions, capital career centers, managed by art, education and training. The collaborative is known as workforce and education readiness continuum, and we go by the acronyms werc. This group -- this group's proposal has been recommended for funding by the city staff and phhs committee, which we're more than grateful. It's been a long and arduous ordeal, but we appreciate the opportunity to participate. First on

behalf of workforce solutions and the werc collaborative, we are greatly appreciative of being recommended for funding. I want to assure you that we will be good stewards of your investment and that we will provide the city with a positive return. In approving -- in approving proposals for funding awards, there is one recommendation from phhs committee that we would like for you to carefully reconsider. Proposal -- the first -- the recommendation is the proposed delay in the contract start date. When the rfp was released back in january, the anticipated contract start date was october 1, 2011. Later a six-month delay to april 1, 2012 was suggested. Now the committee is recommending an october 12 start date -- I'm sorry, october 2012 start date, a full year. Proposals, budgets, service targets, leverage resources, outcomes, et cetera were all based on the dates published in the rfp. The rationale is to provide agencies with existing contracts another year for transmission, and we pretty much understand that, but the procurement process began nearly three years ago. Agencies were well aware that changes were coming. A six-month delay in contract start dates allowing for some period of transition is reasonable, but not a full year. A 12-month delay prevents some of our most vulnerable citizens from accessing priority services. This is a growing -- this need is growing, and we all -- we are ready to begin addressing it now. In enclosing we recommend the city -- recommend the city -- we commend the city for bringing about change to the hss contract and process. For soliciting board input and to identifying priorities and developing procurement processes, the sad part of all of this is that our community needs a larger than available resource, and we understand that. We can't fund everyone. We highly recommend that you stick with the process that has brought us this far and not deviate for expediency or other reasons. Thank you very much. thank you, mr. neily. Madam clerk, I don't have any of the speakers -- they've disappeared from my speaker sign-up so you'll have to call speakers out for me.

Jeffrey richards.

Welcome, mr. richards.

Mayor pro tem, members of the council, city manager, all concerned, I have a powerpoint ready. I'm jeffrey richard, president and ceo of the automatic area urban league. We have a vision mission that empowers all individuals in the community. That is our purpose. We've been doing it for just about 101 years in the united states and 34 years in austin. The mission started to assist african-americans in 1910, and now all other underserved austin area residents as their chief social and economic quality, and we do this by focusing on educational improvement, employment readiness, health and wellness and the presentation of affordable housing. I have mentioned how old we are, but our services include emergency home repair, the first-time home buyer program, gd services, after school programs, microsoft development, workforce development services and I'll stop there. We are part of this workforce collaborative that we call work. You saw me stand a moment ago. Our proposal, just for your information, is ranked 9th out of the approximately 80 submissions that you have already received, and I want to say now, then, from the perspective of the urban league, we are a current social services provider. That means we are receiving funding at this moment, and yet we decided not to submit a separate proposal as in years past because we wanted to be integrated and enhancing our services into this larger proposal. We believe that that's what you wanted to see over the last three years, and I'll talk more about that, and that is why today we oppose the revised staff recommendation, not the first one but the revised one, that goes for 30% across the board cut from the original staff recommendation, and we also oppose the one-year further delay in implementing the council's bold approach. So I wanted to start, really, by commending the council for creating the process in the first place. You had courageous conferrings about new ways to provide services. I remember in the meetings many, many days and weeks and months in the evenings on the other side we had testimony. We created a process. The process was solid, and i would say even exemplary. And so I would just say, then, that what's needed now is not a new process. What's needed now is courageous decision-making to follow through on the council's own direction. The council said funding is limited, said we needed to set priorities, wanted to move the needle and make an impact, and we believed you. The question is, should we not have done so? It isn't the process that's going wrong. It's that the results in ranking are now visible and we know who the winners and losers are and they surprise and disappoint us. But rather than talk about what's not working, I would say that I support -- there's five things I'm going to recommend in the 19 seconds I

have left, to permit the highest ranked respondents to enter into agreements with other currently unfunded agencies. That's called subcontracting, which the current process allows. Second, the council may select staff to -- undesired service gaps, and if you subcontracting it keeps the faith with the painstaking process we began so many years ago. Thank you. thank you, mr. richard. Next speaker is beth apperton. You have three minutes.

Good evening, I'm beth apperton. I'm the executive director for caritas of austin, and i am the lead and fiscal agent for the best single source project which you have had recommended to you for funding by staff. I've come to all of these meetings. I've attended many work sessions. I've attended -- I've read every single document that you've been sent through wilbur jones, and I haven't seen anything in there that's requested this extension for 12 months that's been publicly requested or agreed upon. And in particular for our project, which is a collaboration of 14 agencies, that's extending the work, expanding the work of the bss that has been in existence for six years, the city has been a big partner in that. We have then also built on the stimulus funding that we've had the last two years, so we have presented a very creative, dynamic service transformation model that will serve people, we thought, starting in october. We now have a lapsed time with much less funding, and many of the participants aren't going to be able to participate. Many of our partners aren't going to be able to do that. This is an opportunity that we have for significant service transformation for people experiencing poverty. To delay it a year is just not a good idea. And I really hope you will consider the delay for 12 months. That's very significant and a change I think needs to be made. Thanks.

Martinez: thanks, beth.

[Inaudible] let ne go ahead and -- could I ask staff to come up because council member shade wasn't able to make it to the health & human services subcommittee yes and so the additional -- shade shad the question is -- council member shade. yeah, the question is I think that -- i included thought that there was so much pressure on people after the first two meetings that we had that an extension of time was important to make the transition easier. Your original staff recommendation was to start these contracts in april, and then we asked, I mean, i asked, would there be another option that would give people more time to transition because it was so dramatic that there would be so many groups that wouldn't -- that were not selected. And we heard mostly from those that weren't being recommended for selection, not so much from the people that had the stronger scoring applications. So then I guess the question is, is now the staff has changed its recommendation to believe that october is better for -- or is -- would the staff still be recommending april had we not inserted ourselves?

Bert lumbreras, assistant city manager over at city services. In our original recommendation we did agree with the april 1 start date because of the fact that -- I think we recognized immediately that there was going to be an impact to those folks, particularly the ones that are not going to get the funding, and we wanted to make sure that we had plenty of notice to be able to give them an opportunity to transition out of the loss of funding here to some other source as one issue. The other issue is that we also wanted to spend some good quality time in terms of preparing the type of contracts that we all want to see that produces the results that we all want to see throughout this process. We spent a considerable amount of time in the process, but at the end we want to make sure that those contracts are contracts that meet all of the needs that we expect, so that was another component of it. I also -- and then we're also taking longer -- sorry to interrupt, but the process took longer than staff originally participated because we had a lot of things we wanted to weigh into, which again, the longer it takes to make the decisions and negotiate the contracts, then the less time you have for transition.

Sure. And I'll try to reflect back on some of the discussions that we had, but I think as a result of that last work session that took place within the public health & human services subcommittee, there was some discussion then about the consideration of looking at instead of the april start date, to maybe look at doing something towards the start of the following fiscal year. So I recall that that was certainly something that was -- that was discussed then. But I think from staff's perspective, certainly balancing out particularly those lost funding and then also making sure that we address the issue about solid

contracts with good expectations coming out of it.

Martinez: thanks, bert. All right. We'll continue on with the speakers. I'm sorry, I'm sorry. council member shade. just reminding myself, so the key is, though, it could be april or it could be september, there's no -- I mean, there's no reason from a budget -- there's no reason from a mixing of funds from one budget cycle to the next that would prevent? I mean, if the council wanted to go back to the original recommendation of april they could. If they wanted to stick with the newer recommendation of october they could.

That's correct.

Shade: either option.

We can make it work, just like we were originally, we could make it work if it's april the 1st, so that is not a problem at all. just know that either way we decide, it does hurt nonprofits, whether you're a nonprofit that's not going to be in a contract or whether you're a nonprofit that collaborated, your resources to join in with another proposer, you're now waiting for another year if we go to october 2012 without funding at all because you put all your eggs into that basket that we considered asking you to put them in. So I mean, it's going to hurt either way. We just got to find out where that balance is. Council member shade? one other question. So when beth apperton said they were thinking that this it was this october, was that what the rtc said? We've already pushed it to this october to april, and now from that april to the following october? I wasn't aware of that. Okay. That's pretty significant. I mean, that gives me a lot of reason for pause because, I mean -- because the original recommendation was to fund those that were -- that are currently selected for half the year -- half the fiscal year and then the other half would go to the new groups. Okay. All right. Thank you. we'll continue on with speakers and then I'm sure we'll have more questions. Next speaker is ross wilson. Is ross still with us? Gus pena. Dr. ross? Park smith? I don't see park anymore. Linda welsh. Angela baker. Oh, ms. welsh? Welcome. You have three minutes.

Good evening, mayor pro tem, council members. My name is linda welsh and I'm a professor of child development and department chair at austin community college, and I'm here today representing teacher track, a scholarship program that was originally recommended as an essential component of quality early childhood system in 1999 by your own austin child care council at the time. It's now the austin early childhood council. Because of the low educational requirements for child care workers and teachers and evidence of the importance of education for quality services, the council at that time recommended and funded the teacher track project. We're currently partnering. We have funding from travis county and the workforce board as well as support from austin community college. Last year 278 teachers benefited through one or more courses and 110 were able to complete either a three-course sequence, 33 credit hours or 70 credit hours, and the ones that completed 70 credit hours are on like the seven-year plan because we give them about a scholarship a year. 94% Of those who completed our associate degree started off needing developmental work. These are the teachers that are working with our youngest children, our most vulnerable children. I'm grateful for the hard work of the council subcommittee that has seen that the rfp process did result in gaps in the early childhood system. I was the first child care coordinator for the city of austin many years ago, 1988 -- see what happens when you leave ?us.

Pardon? see what happens when you leave us.

Yeah, I know, but with 20 years of planning, I support the 70% option because it retains a lot of the work of that 20-year history of putting an infrastructure in place for early childhood, and I would appreciate that -- you know, we don't have all of our early childhood people. I think they're all in bed by now after working so hard. Just recently you saw on the front page of the statesman a study that was done by a 25-year history study on the importance of early childhood, and it was published in the prestigious manage "science" that showed, and it was just one more study that shows the importance of early

childhood, that for every \$1 invested there was a \$10 return. We believe that you need to invest in austin's youngest and neediest children through support of the early childhood system as well as support for their families. Children grow in the context of families, and so the families need a variety of support. So we hope that you'll consider our request. Thank you. thank you, ms. welsh. Is angela baker here from austin interfaith? Mona gonzales, you're next. And is jay george here? And suzanna is here, so mona, you'll have nine minutes. Welcome.

Good evening. As the co-chairperson of the mayor's task force on crime, gangs and drugs in the early '90s, this was a time when the lack of a coordinated citywide strategy to provide youth with accessible prevention services resulted at that time in an unprecedented rise in violent juvenile crimes citywide. At a time when the statesman -- their front headlines after a gang-related downtown shooting stated that citizens were arming themselves against violent gangs and other crimes. At a time when in austin was described by the attorney general's office as, quote/unquote, an emerging gang city. I'm deeply concerned when i see how \$13 million will effectively leave -- leave out prevention services, many prevention services, especially in high-risk neighborhood areas, like dove springs southeast austin. In the early '90s, in cooperation with our then city council, led by mayor cook, the mayor's task force worked relentlessly. Some of you are old enough to have been here at that time. Some of you grew up in this community, and some of you were already leaders at that time. As you recall, we developed citizen driven solutions that addressed citizen fears, concerns and recommendations. From a collaborative problem solving process we produced code blue, a blueprint to help turn austin around. It had specific recommendations to prevent the needless destruction of human life, mostly youth, property and dignity. Our city council then voted to make youth at risk the number one priority in austin. They infused the budget with resources to help prevent this violence. That council helped make austin a shining example in the nation of how a city could turn around before it was too late. So we learned, an ounce of prevention is worth a pound of cure. Today I am concerned. I'm concerned that the funding recommendations of the phhs committee diminishes the city's commitment to youth prevention, that safety net that we cast in the early '90s will emerge with holes that will grow bigger -- bigger and bigger over time, and bigger as our youth population grows. This city experienced in the early '90s a frightening crisis. Are we headed backwards towards another crisis? As the executive director of riverside youth foundation, I'm deeply concerned. Our mission is to help dove springs 78744, youth and families, to live safe, healthy and prosperous lives. We're devoted ourselves for over 20 years to that. I'm concerned that the council's new direction, not so much towards self-sufficiency and basic needs, but away from a robust prevention strategy for youth, that it will further reduce the few social services and resources for dove springs, for the children and families who must live there. Once you stop funding prevention programs in dove springs, a huge geographic area of over 50 residences, described by ryan robinson, your own demographer, as austin's truest [inaudible] a area the statesman described as a community as at a crossroads, one struggling against seismic growth by families in poverty, one that is severely underresourced, where child obesity is the highest in town, in part, as studies show, because parents are afraid to let their children play outside. There's growing attention to the plight of dove springs. Laura, you have been involved in dove springs. You have led the charge to bring new studies, ut's school of architecture, a dove springs analysis, a public oriented study of public health and the built environment has helped. It has helped to reveal what is out there and what is not out there. The children's optimal health on childhood obesity has also revealed serious issues. These studies are one clarion call to action now. They show critical need for prevention strategy. Because arrive side youth foundation is the only nonprofit on your list with roots in dove springs, with a \$1 million facility that has become a safe place for children in dove springs. The one that is a trusted neighbor that has been there for over 20 years, and if you look at the map that i gave you a couple of days ago, is the only one that has a main office in dove springs. Any reduction of our year-round wrap-around prevention services will no doubt usher in a contingent of harmful effects to austin's fastest growing latino population. I urge you to help protect the future of austin, and that is our youth. Now. Not when it is a crisis of magnitude that we witnessed in our beloved austin back in the early '90s. If you do this, our neighborhood children cancel [inaudible] their god given promise, not only in austin, but globally. Randi, you had asked a few meetings ago for agencies to tell you what percentage of their budget was being affected. In our case, and you have it in your work papers, that it is approximately 40%. We are a leader in dove springs at a time that is critical. This is a time to increase, not reduce. I have here a couple of maps that have been

around the block a bit. I'm going to pass them to you, chris. Take a close look. Laura, do you remember on wednesday when we were here, I gave you those maps. You took a look at them, and you asked your staff to update those maps with the additional 15 agencies that will be funded as a result of the 70% formula, correct? We haven't gotten those maps yet, but I took and look at those additional 15 agencies, and I believe that what you see in those maps is very, very clear. What you have right now is an undersourced -- underresourced dove springs. What is going to happen is it's going to be an arid wasteland. It is not going to have your support. Now, many of us will work to the death to save our children, and we will replace those funds, but it is unconscionable to think that you as a city council will abdicate your responsibility to fund the children that are the poorest of the poor in our community. Don't leave it to someone else to do. That is your responsibility. I thank you because I've gotten to know each and every one of you. You're good people. You have good hearts. You have a tough, tough job ahead of you, but austin's future is only as certain as our children's present, and I thank you again, and i stand ready to answer any questions. any questions, council? Thank you, ms. gonzales. [Applause]

thank you. the next speaker is curt becker. I think I just saw curt walk in. There he is. Welcome, curt. You'll have three minutes.

I've heard some of the social services funding, I've seen news reports relating to this. Every now and then I've half-heartedly looked on the city's web site trying to find this matrix, I never found it, maybe I didn't look hard of it but I'm skeptical of any matrix that doesn't come out with [inaudible] on top. I look at mhmr clients, many are disabled, not many are employed. There's not an upside to funding. There's a few hospitalizations, jails. When mhmr funding doesn't work you see it in the newspapers. When it does work you don't see it. The other thing is I see things like, well, you're going to look for funding for mhmr. Mhmr people are anxiety prone. You're not giving them a lot of encouragement there. Meals on wheels comes out on top. I can see why that might be valid because the clients have a hard time coming down here begging for funding, but -- so there may be some value in funding that. But today there's stuff on the city's web site. It doesn't match any of what I've read in the news reports. I've heard of salvation army being defunded and I see some things are applying for double funding. In the development arch, it's run by front steps. Front steps isn't listed as one of your recipients under care at that time. When we're -- caritas. When we're developing the arch, the existence of salvation army was assumed in the design of the arch, both the scale of the building and the scope of its programs. I've seen united way cut off funding to salvation army a couple years ago, and i think the city took some of that slack, but when united way cut the funding and then city wants to cut the funding, there's something going on there. And I'm not here to really stick way up for the salvation army. They -- when people are first homeless they usually go there and everybody hates homelessness. They hate the salvation army too, but that doesn't mean you should defund it. I don't think there's been enough public input, certainly not from the clients. I still don't see the matrix formula, how you came up with it. I see that -- I think you should have a better public hearing on this, a broader public hearing on this, is probably the budget process. I know you don't want to listen to a bunch of clients begging for funding but that's part of your jobs. I think there is a lot of business community involvement, especially when they hear things like self-sufficiency. The business community is made up of the most successful people in the city. The social service recipients are some of the least successful. When you have the business community trying to figure out how to do social service funding, how to direct that they're completely clueless. If I have one last point, everybody knows that the [inaudible] created are going to get funding. If you want funding for a little thing you go to caritas and get them to include knew their bid. You have a prohibition against lobbying the council. Their people like caritas -- they shouldn't be allowed to lobby. I think there's so many gaps in here that your matrix just leaves out, that you should keep a lot more discretion for yourselves. thanks, mr. becker. Just so you'll know, becker, all of the mhmr funding we remain committed to that. We just don't believe it should have to compete for resources, because those are commitments we made with the healthcare district through an interlocal agreement, so what we've done is we've removed the mhmr funding and are going to create a dedicated source each and every year and maintain those commitments. And as far as the arch is concerned, same thing. Because of the commitment that we made to the arch, we have carved out the funding for the arch so that it is a dedicated source of funding and not in a competitive process, because that's commitments that this council has made with those groups.



I can't tell that from looking at the web site.

Martinez: okay. the next speaker is leslie aceman. Is leslie here? And then the last speaker is frank fernandez. Wake up, frank.

Welcome, fernandez, you have three minutes.

Thank you. I'll try not take take all your time. You've had a lot of speakers talk to you today and past meetings about this whole social service process, and I would reiterate some of the things you've heard in terms of there have been some good things come out of this, some of the collaboratives you've heard are a good thing and a lot of the organizations that are proposed to be funded are great organizations that are doing good work, but i do think it's important to note that it has been an uneven process, and the two big points that I would present before you are, one, that I think staff did a good job in terms of really trying to get stakeholder involvement and get input, but in terms of how the process and the application translated to results, i think that's where there has been some breakdown, in terms of specifically service caps. You just heard some very compelling testimony around what happens in dove springs, and we have a lot of properties in dove springs so we see what she was saying in terms of there is going to be basically a resources -- there is already a resource, so you can see it more so. But the one that we're directly concerned about at green doors is permanent supportive housing. So as you-all know, you-all voted last year to really promote permanent supportive housing. We had a resolution, we have strategy, but in the original set of recommendations that was presented before you, even though we have a goal, 350 units of psh, not a single application touched on services for supportive housing -- permanent supportive housing. Not one. How does that happen? There is a fundamental alignment kind of strategic funding parties when something like that occurs, because on the other hand that's something you want -- we as a community and you as a council want to promote, but then with all the social service money you have, you choose not to fund a single psh project, what does that say? Think about that. From my perspective what it tells me as a provider is that I'm not really going to look to the city or talk to the city about psh in terms of the services -- you know, we obviously work with the housing side but I'm kind of writing off to a large degree because there aren't any more funds and you're tying up money for 3 to 5 years on the service side, which I think is problematic, and for many different reasons. So that would be one -- i think one thing to consider. Another point I would make in terms of the process is on the housing side all the applications are made public. Everyone can read through all of them and you can kind of see what's going on. I would encourage you -- this is a similar type of thing, but that should occur here, because one of the challenges, you don't want to get into sour grapes is we don't understand how we scored the way we scored. If you have the application you can see, you can say, okay, that makes sense or it doesn't be and you can make your case but because it's not transparent you're not able to do that, and I think that to me hampers this process in terms of making it feel transparent and completely accountable. So the last thing I would say is -- thank you, frank. That's your time.

Thank you. the following are signed up, but not wishing to speak. Deann johnson for megan McCOY AND THE FOLLOWING AGAINST justin McCoy, aaron smith, william kelly, paul dela moitz, mark headerson, mica shorter, brandon townsend, katie fal goust. Those are all the speakers we have. Council member spelman? mayor, i understand that there is a couple of ways on the table for us to allocate these funds. I wonder if somebody could walk us through those alternatives? I'm sure that we can get staff to do that. Would you walk us through the two different proposals that are on the table. --

bert lumbreras. The recommendation that came from the public health & human services subquestion is accurately reflected in the resolution, which specifically states that there would be the 70% target goal, targeted amount, and then also that staff would enter into negotiations with each of the proposers in terms of identifying possible funding allocations. So there are no other options other than a 70% target that would go into the negotiation process.

Spelman: okay. I understood there was a second option but that was not adopted by the subcommittee.

That's correct.

Spelman: okay. This is a very technical question, but my apologies for asking it, but it did strike me as an interesting anomaly. As I understand it, 70% was 70% if the proposal was oaf 1 over 100,000, if it was 100,000 less, it was adopted, it was rolled over as 100% of the previous funding. Is that accurate?

Yes, that's correct. -- 100% of the request was actually rolled over.

That's correct. one of the strange anomalies I ran into in looking at this is if you asked for 105,000, then option 1 would get you 70% 105,000. If you asked for 100,000 you got 100% of 100,000, meaning if you asked for a little bit more you got less than if you asked for a little less.

I think the discussion that happened in the subcommittee was that there was some sensitivity to those lower amount contracts in terms of the impact, and so I think that was kind of the line that was drawn, and that's what I recall in that discussion. Let me give you an example. [Inaudible] requested 120,533. Option 1 would get them 80% of that or 84,373. It's a relatively small proposal but it's over 100,000 and so they're getting 70% of it. On the other hand, let's see -- another one I ran into which was exactly 100,000. Here we go. Foundation communities housing proposal was for 100,000, but because it was 100,000 or less, they would be granted exactly 100% of it or 100,000. So this is a case where a slightly larger proposal would be receiving less funding than a smaller proposal.

Martinez: mayor? council member spelman, are you through with your comments or -- I always wonder if you can comment on that and did I understand correctly what you were doing?

Yes, and -- let me make sure that I state, the public health and human -- we talked about those variations in those options, option 1 and option 2, which you're referring to. What the subcommittee acted on in their meeting this week, and certainly there are several members here that were there in attendance, was a 70% target, and as the resolution states, it does not reflect option 1 or option 2. It just simply states a 70% target allowing staff to enter into negotiation looking at each of those contracts, determining, obviously, you know, a variety of issues going into those discussions in terms of you know, what services they're providing, what gaps, how does that align to the overall goal, what we're trying to achieve. So really, the 70% target was essentially, as what I would say a point that we would look at, but it could go up or down based on the provision of services and quality of services, the needs, a variety of different things that we would discuss. well, so, the numbers here under option 1 were only advisory and a starting point for negotiation.

That's correct. That's correct. if I might suggest as a starting point for negotiation a very slightly altered version of those numbers that are here. You pick some baseline, like, for example, 100,000, and then if your proposal is for less than 100,000, give them 100% of the request. If the proposal is for 100,000 or more, give them 100,000 and then some percentage above that target point of 100,000. That means that larger -- organizations that put in larger proposal would generally speaking get a little bit more funding, and organizations which put in smaller proposals, that would require them to make less drastic cuts in the proposal than otherwise, or than at least on the -- well, than this option would give them -- with require of them.

You know, the only thing with that, council member, I certainly understand that, and we will take the direction from the council, certainly, in any way that you want to direct us. The nuance with that is that looking at each individual proposal in terms of what they're providing, I think that's the key for staff, because we'd hate to come back with a recommendation and not recommending a specific amount up or down.

Spelman: of course.

-- That would, in my mind, not meet with the intent of what we want to accomplish, or if it's cutting off a pretty valuable service in terms of gaps or needs. So I certainly want to get your direction on it, but I think that's one of the considerations that staff would make in that -- my suggestion is only offered in the spirit of a starting point for negotiation rather than as an end point of that negotiation. I understand completely what you have to do.

Thank you. mayor pro tem. yeah, I just wanted to comment. Councilman spelman is exactly right. If you were to take that -- if you were to take this resolve as the hard-and-fast rule, that is exactly the outcome that would occur. What our recommendation was is to use, as you've already figured out -- use that as a starting point and take into consideration factors that you've mentioned as well as other factors, such as what exact service is this? Does it fit into the basic needs category or does it fit into another category? So this recommendation really does provide the most flexibility for staff to make those kinds of determinations, and I really think it could provide the best outcome. You know, I -- I absolutely agree with some of the speakers that the intentions of going through this process really did bear out some really good proposals. No doubt in my mind it did, but it also shined light on some funding gaps, some issues that we are going to have to address as a body. I absolutely agree that there are some major gaps. I think this process works. I think it has caused these organizations to look at themselves and one another and partner up and leverage what they do to create the most wrap-around comprehensive services they can, and some of them did that, and gallitos came out with the highest recommendations and meals on wheels came out with the highest recommendations. That's what we wanted. But on the back end we also see that there are some major gaps when you have, as frank mentioned, you know, no permanent supportive housing, but that's because that's the matrix we designed. It wasn't geared toward that being a high priority, if you will. But it doesn't mean that someone like green doors can't partner with another agency and create leverages and compete, and this allows staff, by moving forward today, it allows staff to sit down and begin actually negotiating with the individuals that are in that recommended mode and allows for that flexibility to adjust their award up or down or to suggest a type of agency or service that they could partner with to improve and enhance what they're offering. So, you know, for me I think it was very tough getting here. I realize it's been a long time, and I am open to pulling it to at least an april start date. My concern is, and it's not even a concern, it's real. It's just a caution that I'll issue is, just know that if we move it to april, then there are some agencies that are currently being funded that don't have the funding source, that they're going to lose it on april, 2012. But if we move it to october, 2012, just know like I said earlier, there are agencies that aren't getting funding right now that can't wait to get this award that we've already said you're going to get, and now we're thinking of pushing it off. So there's a really tough delicate balance going on right now and I think there's a whole lot more work for the health & human services subcommittee moving forward. I think this is a great first step. My position right now is I don't want to throw the process out and start over. I think it had some intended consequences that we wanted to see. What I want to see is this next cycle, and how much better the proposals get, and then determine if we need to revisit this issue. But there's still a lot of work to be done.

Spelman: mayor, if I may? could I have a chance first?

Spelman: sure. let me just say that I certainly don't want to second-guess the work of the public health & human services committee, which has spent hours and hours studying this new plan and hearing hours and hours of testimony from public -- lots of public input on this. So that is not my intent. I intend to ultimately support the recommendation, and I know the public health & human services committee has actually worked on this kind of proposal for years, three or four years probably. That being said, I would like to get your comment on, one -- one complaint that I have heard about this proposal, which is that using the 70% formula has a great impact on large nonprofits in terms of raw dollars, obviously. And it's going to, therefore, impact more people when you take 70% of a large contract versus 70% of a smaller social service agency. I'd just like to hear your response to that, and I'm sure you've thought it out but

just share with us.

Mayor, you're exactly correct. Obviously the 70% with a larger number is going to have a greater impact, and I think that's the reason, and that's why I agree with the subcommittee in terms of the flexibility, because then it gives us, the staff, an ability to look at those larger proposals and say, it is going to have this greater impact, and as a result it will be negative because of the array of services and the intents, as you heard earlier, as much as 14 partnerships, you know, the direct impact it's going to have and negative impact it's going to have. So I think that gives us an ability to really carefully evaluate that and then come back with something that -- that we believe that -- especially if it meets those higher priority goals that we want to achieve, there's no reason that staff could not come back and give you a recommendation that tries to get as much services out of those proposals in an amount greater than the 70%. If I may, mayor, I do want to clarify a point that I made earlier, and I need to correct myself. Earlier I was asked about the April or the October 2012 start date and not having an impact. I forgot to include the fact that, if you recall, in the -- in the recommendation we would look at awarding the new contracts. However, we excluded several, atcic and then the cpcc, I believe is the actual acronym. I'm trying to get all the acronyms correct. The impact would be if we started in April, then we have to identify the funding sources for those two in particular. Putting it in October gives us an opportunity to look at other funding sources, and as we suggested, and recommended, which I believe you-all agreed, it gives us an ability to work with some of our other partners to see if we can work with them on the funding option. So if we do it in April, that really puts us at a spot where in this tough budget we would have to identify those alternative sources, for those two in particular, and I would say that that would be very, very challenging and very difficult for us to do. So I would lean towards October, but certainly that's your prerogative as to the date that you start with. Well, I'm glad to hear that you not only have the flexibility to make those kinds of adjustments but that you have every intention of looking at it from that perspective. So -- Council Spelman. Mayor pro tem? I do recall that, Bert, and I think that is a very fair point. I understand that it's going to be difficult to find all of the funding sources that we're asking you to look for, Center for Child Protection, Austin/Travis County Integral Care, but I will say this. I just feel like there's a small part of me that feels like we're trying to kick this can down the road as far as we can one more time. And so what I'm going to suggest is that -- I'm going to make a motion that we approve the Health and Human Services Subcommittee recommendation but with an amended start date to April 2012. And that means we have to bust our butts a little bit to get to that date, but it also allows us -- so let's say in March we have our Health & Human Services Subcommittee meeting and we get a presentation, and we just clearly cannot see where we're going to find that additional funding, then this Council, I think, can move the date a little bit farther and continue working on it. I'd really like to put -- on it. I'd really like to put a hard-and-fast deadline on it so we work as hard and as fast as we can to find a solution and work in this direction that this Council clearly wants to go in terms of funding social service contracting. So I'm going to make that motion, Mayor. Motion to approve the subcommittee recommendation with the amended start date of April of 2012 instead of October 2012; is that correct?

Martinez: yes. is there a second to that?

I'll second. Second by Council Member Shade. And I would just -- I have one more question. With that amendment, moving it to April, and I heard the comment that in March of 2012 they could take another look, but doesn't that have to be taken into account, since in September of this year when we do the budget that it's going into effect. So actually you'll have to address that question this year in just a few months.

That's correct. Council Member Morrison. This has been really a challenge, but I think it's been a good challenge and I think we'll get through it. One of the pieces that really became quite clear at our last meeting when we came up with a recommendation was that we had gone about as far as we could looking at just numbers and, you know, order and sequence and all of that, and we really needed to insert the human element into figuring out what the best way to go is from here, and that's why what we really thought was important was to give staff the flexibility to work through these things now, and that's what we did come up with, and at the same time we intend to have this item on the agenda every month at the Health & Human Services Committee, so folks can come and talk to us and we can talk about how

discussions are going because that's what it's going to be since we're still under the whole anti-lobbying thing. So I do think that's a good thing. I think we've learned a lot and I think some of what's become apparent here is the consequence of the waits weights that we set, higher priority for safety net than prevention, which was a third priority, and that comes out as a result. And I believe that what we really need to be doing is to -- and I think we can do this through the community action network, is just do a better job of figuring out where we need -- what types of services we need to be funding as the city. [One moment, please, for ]

so with that understanding, I can certainly support the change. i want to respond to a small part of that, about talking about spreading the money out which certainly is a good thing. We have so many worthy causes here but I just want folks to keep in mind the original impetus for this kind of change which was four or five years ago, there were three partners in this -- we all did the same thing. It was us, the county, united way, and united way, all of a sudden made a decision in the way they were going to do things. I am not criticizing them. I am sure they did the right thing for them at the time, but they decided that they were going to put their emphasis on one particular job training prevention of problems, et cetera, and moved away from what we refer to as basic needs and left big gaps. I remember the first year we had to go in and do a budget amendment to put a large chunk of money in the salvation army so they could put lunch on the table for people that year. So that, just as a reminder, that's where all of this stuff began and so in the next budget year, we felt like -- and I was on the public health and human services committee at the time, that we had to move into those gaps that were created by that change in policy. So that's why all of this came about and I just wanted everybody to remember it. Council member shade.

Shade: I was going to say it has been a very hard process and one that I have been glad to be involved with a and sorry I can't see it through but I wanted to get back with what council morrison said about the needs for certainty to stay on schedule. One thing about the april deadline, it is going to be part of this budget cycle, so it may mean that you can't go as far down the list as you want. I mean, if you start to debt. When organizations apply for grants for foundations or to the united way, the selection process is all down behind closed doors. This is very hard to do because it is being done in open. There are no discussions occurring outside of public meeting but now giving staff the ability to negotiate, using criteria and scoring matrix and knowing they have flexibility to do 90% funding on one project and, you know, 70 percent on another one based on what services they are trying to bias bye and based on what seems to make most sense f if committee continues to get reported, I would assume that you would get through that list and pretty soon you would know where you are going and then the council would have a much better basis for making additional budget requests or saying we can only go down this far down in the list and here is what we are going to be able to fund in april. The sooner people get it figured out the better but it may mean people lower on the list won't get their funding until early october but at that point they are happy to get funding is six months later and you aren't penalized those in the higher ranks collaborative. That is my suggestion. But, again, I wish all of you god speed. lots of luck, guys. Council member cole.

I echo the comments that have been made thusfar and i enjoyed the additional public safety meetings i want to and congratulate the staff for their work and i appreciate the speakers today toward their effort for more collaboration and a recommendation to move to a system where we do more with less and more people coming together to try to figure out how to do more with less, but there was one sticking point that I still recall from one of the meetings, and that was the fact that there is not a common language. So we throw terms around like, well, we are focusing on basic needs. We are focusing on workforce and among the agencies, among the cities, among the counties, even in the five-county region, it is just hard to determine exactly what we are talking about and who is going to be the resource winner or loser in that scenario, and, of course, we don't intend for anybody to be losers. So, I think that is some work that will leave to the health and human services committee, but I will be supporting this staff recommendation and the work of the committee thusfar and recognition that this is not an easy matter and that we are facing difficult times on every level of government. The national level but especially at the state levels that flowing down to us and we have to be prepared to meet these challenges. just for clarification I believe it is the subcommittee's recommendation on the table as

modified out of date. Anything further? All those in favor, say "aye." Opposed say no? Passes on a vote of 7-0. [Applause] council members, if there are no objections, we had two items, public hearings in action that have only one speaker. If we could go to those and get those out of the way, we could get some folks the opportunity to go home. No objection, number 135. 135 Has one speaker. Is there a staff report?

Thank you council, planning guilty department, item 135 to conduct a public hearing and please consider an ordinance amending the map indicating areas with additional regulations applying to mobile food establishments and this would specifically apply to a neighborhood that's located in the northern part of our city known as the summit oaks neighborhood association. The summit oaks neighborhood in -- let me give you a map so you can see. We will bring that map up in just a second of the this is a neighborhood that has asked additional information that will apply to mobile food vendors. It will establish food establishment must be at least 50 feet or further from sf1 through sf5 or further from 50 feet where townhouses, duplexes or single family homes are located. A mobile food establishment may operate between if it is further than 50 feet and not more than 300 feet from property of sf1 through sf5 and the mobile food establishment can office and if it is further feet but further than 300 feet from a property where townhouses, duplexes and single homes located and mobile food establishment may operate between if they are sf1 and sf5 and further than where single family houses or duplexes are located. This item does not amend the city's mobile food regulations for other parts city and as far as the regulations as far as the health code. You see the area that is red. It is a fairly small area going up duvall 183 area and it is this amendment to the map is limited to that portion of the city ones are. My staff did meet with some folks showed up at last hearing, my department staff and the health department staff talking with these people, they were concerned about the health regulations applicable to mobile food vendors and also were representing mobile food vendors that operate in the east riverside corridor area. It is my understanding they were not on opposed to the item that is before you tonight that is in the northern part of the city. If you have questions I will be happy to answer them.

Mayor Jefferingwell: Questions from staff? We will go to our public hearing. The first and only speaker signed up is Anne Ti Lynn Aguirre. Not in the house. No other speakers signed up to speak but I would note that [indiscernible] Vasquez, [indiscernible], Sandra Hernandez, Leanal Cruz, Ray Hearne, Roberto A Miranda As, Rene Lieu Pose, Jose Derna, Lieu Pay Lopez and Jose Leon are all against. Any other speakers signed up to speak in this public hearing haven't been called? Hearing none, I will entertain a motion to - motion on the ordinance amendment and to close the public hearing of course on item 135.

Mayor and council, if it is helpful, I know there is a meeting with some of the folks that were here earlier that will meet with the health department, I believe, on July 6th to talk about the issues related to the operations of mobile food vendors inside the city of Austin and how they operate as far as health conditions are concerned, not pertaining to the item before you this evening, just the operation. I understand. Thank you. Is there a motion.

Move to close.

Mayor Jefferingwell: Council member Spelman.

Spelman: Move close and adopt in all three hearings. Spelman moves to close and adopt on all three meetings. Seconded by Morrison. Further discussion? All those in favor, say "aye." Oppose say no. Passes on a vote of 7-0. Go to item 136. Mr. Johns.

Mayor, council, excuse me. This is item 136, which is a -- to conduct a public hearing and consider an ordinance for the economic development program and for authorizing the negotiation and execution of the economic agreement for the advisory board. You will recall that is a high growth software company, 239 jobs. Here representing the company is Pete MacLeod who is their general council. MacLeod, did you want to -- available if there are any questions, we can go to our public hearing. Tim

crowley signed up for.

Council, I will be brief. I know it has been an arduous day for you all but this is project alphabet which we now know as the advisory board. It has a very specific and unique niche in the medical field mostly and this meets all of the tenants of opportunity austin and the program we presented to austin. It is a company over 239 jobs in the ten year period. Very well paying jobs as a company that we think is very well with the fab brick of what we brought to council before in the economic -- the economic impact on the city, it is a million four over that period of time which is very strong relative to incentive being requested tonight, i encourage you to please vote question and I want to congratulate council and mayor leffingwell for your leadership. This year 439 people have filed for jobless claims and this month we have created more than 14,000 new jobs and that is coming out of the greatest recession we have seen in my lifetime. So thank you very much. it is a cooperative effort with a lot of folks working hard on that. So those are all of the speakers we have signed up to speak. Adrianna cruz and tony shume are signed up for not wishing to speak. Those are all of the speakers we have. I will entertain motion, close a public hearing and approve the ordinance creating the economic development agreement.

Cole: So move, mayor, and I want to thank opportunity austin and the chamber for all of the work you do, also, and for congratulating us. It is a day that we need it.

Mayor leffingwell: Motion by council member cole. Second by council member spelman. And that would be on all three readings of course.

Cole: All three readings. is there any further discussion? All those in favor, say " oppose say no. Passes on a vote of 7-0.

Item 133 is public hearing that has no speakers signed up. guernsey, do you want to take that.

Item 133 conduct a public hearing and consider an ordinance amending chapters 25-1 and 25-2 for the open space and staff is asking for postponement of this item on your august 4th agenda. We are still presenting before the coverage and plan and transportation subcommittee and so we --

mayor leffingwell: Entertain a motion to postpone item 133 until august 4. Motion by council member morrison. I will second. Any discussion? All those in favor, say " oppose say no. Passes on a vote of 7-0. So we will go back in regular order now. 127, Number 127 only has one speaker.

Thank you,m and council member, item 17 is c14-2011-0041 for the protolocated at 309, 311 and 315 bowie street. We had a postponement of your august 18th agenda added to that, and we have representatives of the property owner that are in the audience that would be opposed to the postponement request. And if you'd like to hear from -- you say there is someone that is requesting --

we have an individual, i believes the heather way has requested a postponement of this item to august 18. is she in the neighborhood? Is she a resident of the neighborhood or associated with the association?

I don't believe so. well, I don't think it is within our long-standing customer tradition to grant a postponement request by tradition or automatically by someone who doesn't have so-called standing for that. So -- but that is the request, council, is there anyone who wants to speak on the postponement either way. Council member morrison.

Morrison: Thank you. I would like to hear from heather to hear her comments on why she would like to have a postponement. is healthier way here?

Morrison: Yes, she is.

Thank you, council member morrison. My name is heather way. I think in this case we are missing a lot of critical information that we need and the council needs to make informed decision about whether tier zoning is appropriate. This is the case where developer is asking for a dramatic increase in density through cure zoning and cure, as you know is meant to be applied to limited circumstances where the community benefits being offered exceed the benefits that would be provided under existing ordinance and right now the city has a zoning ordinance that if applied in this case would provide significant affordable housing benefits, at least 10%.

Mayor leffingwell: way we are just talking about postponement. Reasons for that.

In this case there has been no vetting at all about what the city is bypassing, what benefits is the city bypassing by granting this developer exemption by going through cure and I think it is critical for no information. There needs more information. Wasn't presented to planning commission. Staff doesn't have that information. On what are these community benefits. I heard numbers up to 3 million-dollars that we would be exempting to allow this development to go through cure, so we want a chance to get more information. If we can get that before august 18th in time for the july council meeting, i would be pleased with that. I have been talking to housing advocates who are very concerned with that and want to see.

Morrison: Would you intend to sit down with the property owner at any time?

Absolutely. We exchanged business cards in the lobby earlier today and I emailed perry yesterday to open up a dialogue about this issue as well.

Morrison: Thank you. so it is my understanding that this is recommended by the staff and on consent by the planning commission. Council member shade. Yes.

Mayor. first of all, do we have a speaker that a is going to speak in opposition to a postponement ..

Cole: Mayor, I was also going to ask that it is misunderstanding.

Mayor leffingwell: Council member cole.

Cole: That the downtown neighborhood association is in support of this item. thank you.

Mayor, council members, my name is jamele adam and i am acting as agent on behalf of the property owners, peter lornez and larry war there is shaw with the endeavors real estate group and we are under contract to purchase the subject property and we respectfully but strongly oppose any request for a delay on several counts. I think first and foremost, we don't -- really don't belief that delaying this project is going to present any new information. We presented our zoning application about two months ago. We met with numerous stakeholders and really receive nod initiative feedback. Went to planning commission last tuesday. Went on consent agenda and found out, you know, late yesterday that there was one person that was not a person of standing that's requesting a delay. The delay will result in significant expense to us, to the sellers, ultimately to the city by delaying the project. With we've got some time sensitive issues, one being that the city starting a study on the shoal creek data and our understanding is the study will be completed in october and in order for us to submit the necessary information to the city to include cross-sections in the city, we need to start on plans. We need to submit a site plan and the city won't accept a site plan until we have our zoning. So we really find ourselves in a position where, in this case, 30 or 45 days may result in more like 3 or 4 months, because once the flood data gets released, then we are sort of starting all over again. We've got design work to do. We can't go partners. We can't make any progress with our site plan. We can't t -- can't talk to tenants, so



we would be stuck and we respectfully request that the council denies the can postponement. is there a motion to postpone the item? Otherwise we will clear the case.

Morrison: I would like to move that we postpone.

Mayor leffingwell: Council member morrison moves for postponement until when?

Morrison: 28Th, or did i lorenz will be out of town then? If it is going to be postponed, do you want it a different date?

That is another case.

[Indiscernible].

Morrison: July 28th, then.

Mayor leffingwell: Second by council member spelman. This motion is postponed until july 28th. Any discussion? All those in favor, say " oppose say no. No. Motion fails on a vote of 4-3, with council members riley, mayor pro tem march, council member shade and myself voting no. So we will hear the case.

Thank you, council, do you want to do the other discussion postponement before we take up this item?

Mayor leffingwell: no. Let's hear it from now.

Thank you, in this case, c1420110041 for the property located on 309, 311, 315 bowie street. This is a rezoning to district zoning to downtown mixed use and combining district zone cure, and this is about 9-2-acres in size, it was recommended to you on the planning commission on consent of 7-0 and approved staff recommendation that would be the cure overlay would allow a ratio of 12-1 and maximum height of 400 feet on this property. The condition overlay would also allow the traffic impact analysis to be deferred until site plan and at that time the actual building square footage and its design as far as access and [indiscernible] into the property would be determined. The mu designation is for use of the property on cb disk area and it includes not only retail and residential uses, it is intermediate density and is an area around the surrounding and downtown area, the cure overlays applied the in urban core to allow additional height as requested. This particular request the property located between the spring tower to the west, 400 feet and the monarch resident tower to the east which is approximately 300 feet in height. Just wanted to note that the mu or cbdu project is also to the one star energy program and surrounding properties north are all signed the mu cure and there is a parking lot to the south, the mu co, multi-family and to the east is cbd and multi-family to the west is dmu and office retail. I will pause at this time. If you have any questions. You can also hear from the apa can't regarding their presentation.

Mayor leffingwell does the applicant want to speak on this item? You have up to five minutes if you need it. Test. are we waiting for video or are we just going to look at each other for a while here? [Laughter]

we are waiting for a brief powerpoint to get loaded up. are we experiencing difficulties or.

[Indiscernible] just a second? That's what they always say about powerpoints, isn't it?

You are going to use up your whole five minutes with the powerpoint. There you go.

The property located at 311 and 315 bowie which is located to the southeast of whole foods. You can

see an aerial there, it is less than an acre site with frontage along bowie, the eastern boundaries along shoal creek and we are next to tiniest bar of texas. It does not include the tiny bar site. We are sandwiched between two who capitol view corridors, south of 6, west of congress that is outside the view corridor. One of the unique attributes about the opportunity is you can see the end of the shoal creek trail. I am a cyclist. I know council member riley is. Perhaps some others. One has to get off their bike, walk across the dry creek and get on the other side in other words to complete the path. As a part of our process, we are going to contribute an easement to the hike and bike trail that will allow the city to complete the gap. A part of the reason we were anxious to get going on our zoning is so that we can get far enough in design to match up our building design with with parks and recreation's easement design, as it will impact our property. Another opportunity here, you can see, is the pfluger bike path that is one day expected to be extended understood the railroad tracks and up bowie street to whole foods. You can see in my pen showing the frontage of our property along bowie. I will go to the next slide. This is an aerial shot, again, and the point of this is the entire frontage of our site is curb cuts and head in parking, not very appealing opportunity for a cyclist. That is a shot from the street. The existing build also old safety rental equipment facility, a little two-story office building and one-story wooden structure in the distance. So you can imagine if you are riding your bike up bowie from the beautiful pfluger bridge and you have a bunch of head in parking to backout and there is life safety issues obviously. We have looked at two different design schemes. One is for an office building. This is a preliminary rendering of what an office building might look like. This is a view from whole foods. This is a view from seaholm. The other scheme we are considering is a residential tower. There is a version of the residential tower from whole foods and that is from the southeast from seaholm. We expect to make a decision on product type within the next 60-90 days and are hopeful we can move things along faster than that. In terms of community benefits, we are commit to go green building or leed silver. I referenced dedicated easement, hike and bike trail. The property does sit shaly on the flood plain and we is will have to create a flood wall. Great streets and elimination -- currently the property taxes are are \$100,000 a year. We expect it to increase to 1 million to a million and a half a year upon completion and we appreciate your support on this project. Thank you. I will answer any questions. thank you. Questions for the applicant? We will go to public hearing. Those signed up for. Gary farmer signed up for. Not wishing to speak. Those are all we have. Signed up in opposition is heather way. Heather way has three minutes. Council member riley.

Riley: Thanks. I would like to ask one question. I understand within the 60-90 days you will make a decision whether this will be residential or office. Can you help us understand what factors will weigh into that decision?

It will be a variety of topics. One large decision is really just going to be a result of our design and ultim cost. We still need to -- it's been quite some time as you know since the new high-rise has been built in downtown of either product type and so construction information is still a little bit spotty. Some of it will depend on which users may show up. We have is one specific office user who has expressed an interest and that could sway our decision and frankly the financing markets are going to be a significant factor as well. It's much easier these days to get a multi-family building financed than it is certainly a speck office, but if we've got significant preleasing on office, that would even things out.

Riley: Okay. Thanks.

Male student: ms. way.

Mayor leffingwell:

Mayor leffingwell: Ms. way.

I think the issue in this case is not whether the density is appropriate. It is something equivalent like a 3-foot square foot increase in density but what is the appropriate ordinance vehicle to be able to grant that density increase and council has the vehicle that was adopted just for cases like this and that's the

density bonus ordinance that was adopted by council in January of 2008 that was the result of an extensive stakeholder discussion include it is co-chair was Frank Hernandez and the real estate council reached consensus in this ordinance topped by council to provide in exchange for significant increases in density that a developer should provide at least 10% affordable housing and this really is our key -- pretty much our only tool for getting affordable housing downtown. If the developers don't want to have the affordable housing they can pay in lieu of \$10 a square foot. Half of the funds go to supportable housing trust fund to support that and also to other community benefits including open space and green building and such. The tier was meant to be applied in situations where you are getting greater benefits than you would under existing ordinances. In this case, we have an ordinance that is on the books. The city consultants and downtown plan have recommended basically extending that ordinance with some modifications but essentially on residential housing it is the same 10% affordable housing and the same \$10 a square foot and if council is not committed to affordable housing downtown, I believe -- I wish this ordinance would be repealed so as long as you grant cures, the ordinance has no effect and council has yet to apply the ordinance as we know of and as a result we have 30 affordable housing units that have been achieved through downtown other than with a prior ordinance that applied to rainy street where we did get some units that. I am extremely troubled. I think it is important to at least see the numbers. What is the trade-off, what are we losing? I hear the fee in lieu would be upwards of \$3 million and we are looking at losing by granting tier zoning instead of density bonus, we are losing up to 50 or 30 affordable housing in this and it is huge significance and I hope it's not taken lightly that sort of exchange. If it is not applied in this case I hope we can have a conversation about how we can actually enforce the ordinance - ordinances on our books and make we use this key critical tool to affordable housing downtown for our workforce so downtown is affordable for all people. Thank you. Thank you Spelman.

Spelman: Remind me, when was the density program departmented?

2008, November.

And what was the benefit of 10% affordable housing or \$10 a square foot. ?

There was extensive analysis done, a lot of people in the real estate community involved with that and a lot of numbers vetted and different scenarios and that task force which included representatives of the real estate community reached consensus on that. Since the downtown hired an outside economic consultant that came back with the same numbers and it was vetted second time and that was more recently. We have an ordinance on the book adopted through stakeholder process that council adopted and since that we had outside consultants evaluating ordinance. Hopefully it will come to council soon to adopt as permanent but it should be enforced and applied.

On long term basis it sounds like \$10 a square foot or 10%, I can understand how the conditions, certainly the financial conditions available in January 2008 that would go down more better with the real estate community. Given the current drying of financing since last November of 2008, it has been much more difficult to find financing, I can easily understand how your average real estate developer would say, well, I would have gone for that in January 2008, but I can't think of that I am wondering to what extent would we be going to alter our density bonus program, adjust it in response to changing fiscal conditions.

The way it works is really about the land value, where most of the value comes from, when you have increase in density, land value is worth more. That is not a matter of financing but affects sales price is going to be for the land. The ordinance that's on the books now does call for council to periodically re-evaluate that 10-dollar fee in lieu to make sure that it is the appropriate amount and I think if there are concerns that the numbers that have been vetted now twice are not the right ones, given the economic climate, it is appropriate to review that. We have the city -- the city has an outside consultant, gosh, maybe two years ago, and I believe we were already in the recession with that -- look at the numbers and came up with some more ones.

Riley: And this is two years -- my apologies for asking this, -- it is very late in the day and a lot of things I knew at 10 then this morning, I have forgotten.

I don't -- that's something that needs to be confirmed. I am guessing it is about two years ago but I don't want you to rely on that.

Riley: Well, feel so bad about not remembering myself, because I know know more about this than anybody else in the room. I would very much like to look at those numbers. In the meantime, it seems to me \$10 a square foot is a very aggressive program, given the current fiscal situation. It seems like we may want to revisit the numbers on temporary basis, maybe annually so to be sure to track the availability of financing from developers.

Sure. Yes.

Riley: Thanks.

Any other questions? three minutes rebuttal from the applicant if anybody needs to.

Thanks for your time. S.

I will take 30 seconds since I wasted your time earlier. We believe that cure is the right call as previously mentioned. Staff has been completely in support of this. Again, completely we respect Mrs. Way's mission. As council member Spelman mentioned, the real estate environment is completely different than it was at the point in time this was brought up a few years ago and because this site is currently DMU 5-1 it is not a CBD site that is 8-1 that is trying to add from an 8-1 base but it is starting at a low base and we are already surrounded by towers that are already 3-400 feet tall. We think this density is appropriate and the affordable housing calculation starting from the 5-1 base would be quite punitive. Thank you. Thank you. Guernsey, I guess, I have a real short simple question. Is this ready for all three readings?

Yes. Council.

Cole: Mayor.

Mayor Leffingwell: Council member Cole.

Cole: I think that we have established that the economy is coming back and that we need to support that and that density in this area is a good thing and that the downtown neighborhood association supports this and so the staff and the planning commission, and so I move approval.

Mayor Leffingwell: Council member Cole moves to close public hearing and approve on all three readings. Is that correct?

Cole: Yes, all three readings.

Mayor Leffingwell: Second by council member Shade. Any further discussion? Council member Morrison.

Morrison: Thank you. I am thinking back to when the spring zoning case was here in city council chambers and I was president of the Austin City Neighborhoods Council and I was down here opposing that and in part I was opposing it because I thought it really made sense to make such -- two things, it made sense to make such big decisions in the context of a plan, and we were just getting started on a downtown plan, and, secondly, that it didn't make sense to be providing such extreme addition of

entitlements when the community benefits in return were so slim. So it is interesting now to be here on the dyas with this because we do have essentially a downtown plan that is probably going to be adopted in august, I think and it calls this for height here, I think it is completely consistent with that. They don't have issue with height but the downtown plan also has strict standards and appraa identifying what the community benefit options are for -- in the density bonus program. Some of it is affordable housing. Other options are are childcare and a lot of different things because it's been identified that those are are critical elements of making the data the downtown that we want. So I believe going ahead and approving this as is is putting the cart before the horse and if we are going to use the guidelines for height in the downtown plan, then we really should be following the rest of the guidelines for community benefits that are in the downtown plan. So with that, I won't be supporting this motion.

Mayor leffingwell: Council member spelman.

Spelman: Under ordinary circumstances, I would be right there with with council member morrison, because in principle and philosophy, I agree completely with that. Unfortunately, I disagree in that I believe that there are -- we need to recognize that there are times and places where rules like \$10 a square foot make more sense and less sense. I am concerned that if we hold to stringent \$10 a square foot for height increases or far increases, the downtown in this context, it will be years before we actually see something built. And I much prefer to see something built downtown perhaps at a loss of affordable housing, which we really desperately need, and then not to have anything built at all. I think this is a community benefit associated with a tall building that has the right kind of stuff in it and the increase in property tax and sales taxes from the businesses that are located there and I think that's sufficient for me -- just barely sufficient for me to support cure in this particular case, particularly you are surrounded by other buildings of a similar size and it would give you unfair position to say no. But I think the long run we need to revisit our density bonus program to make sure it is current with current financial conditions. Ten dollars a square foot i think is little too steep. We need to back off that possibly until conditions reverse themselves and more money available from the banks. In this case I support it but I want to look at the density bonus program, which is actually the sort of thing that makes sense. i will just say I am inclined to support the motion, also, and I realize the critical need for affordable housing, as I think do all of my colleagues here on the council. I want to remind everyone that we have steadfastly supported ways to provide affordable housing for the first time in the history of the city of austin in 2006, we passed \$55 million in affordable housing bond money and we are looking at another opportunity perhaps next year for another general mind package and i intend the pursue the goal after including more affordable housing money in that particular bond package and there is big support on the council. At the same time, as has been mentioned by council member spelman and others, the economic climate right now is a little bit different. The geography for this site is sort of bracketed between capitols and it is hard to achieve this kind of density in downtown, the areas where we want to achieve density. That is what we said we want. It doesn't make sense to turn around with the other hand and say, okay, but if you want to put density in there, we are going to penalize for you. So I will be supporting the motion. Council member riley.

Riley: I want to echo the mayor's comments. I do -- I absolutely -- we all support affordable housing, especially getting affordable housing downtown but this is a difficult economic time we are in and there is a desperate need for getting additional density in this area especially where we are to be served with transit. I do hope that we will continue progress in the downtown plan and get more people and mechanisms in place to address affordability over the long term, but for now, this is -- this zoning is consistent with the zoning in the area that is supported by the neighborhood and unanimously approved by the planning commission. I will just add one note. I would hope that -- it seems to me that there could be real issues raised with an office used here, not particularly but the traffic patterns that would be associated with an office use at that site and so I am hoping that we can see something that is for our residential project here, but I think saddling with heavy affordability requirements would make that all the more difficult. So I am going to support the motion. all in favor of the motion say aye. Opposes no. Passes on all three readings with council member morrison voting no. Back in order now. We did have another postponement, I guess, so 114.

Thank you, mayor. Item number 114 is c14-2010-0199. This is a property at 402 corral lane, a general from general commercial services, district zoning combining district with conditions, at first reading council approve this on a 7-0 vote. There is a valid petition which currently stands at about -- just little over 32%. The ordinance has been prepared to include additional overlays that speak to the conditions that council approved in first reading, also public restricted covenant that would also address some soft conditions that council spoke to at first reading. The neighbors have brought forward a request for postponement. I believe it is to july 28th meeting. The applicant's representative is also here and is opposed. You have received a letter from the circle s neighborhood association saying that they would like you to move forward. I will note for the record that the neighborhood organization is not currently registered with the city of austin. I believe they may have been in the past but are not currently registered as a neighborhood organization with the city of austin.

Mayor leffingwell: okay. Consider the postponement. Is there someone to speak in favor of the postponement? Not discussing the merits of the case at this point but only the merits of the postponement?

My name is mary salcedo and we were asking for postponement for august 4th. The first one by the neighborhood, and then we are hoping y'all grant that as a courtesy to us. We are the neighbors with a valid petition. The other -- the letter y'all received from the neighborhood association, we do not have an association, that I am aware of. We don't have any [indiscernible] or anything like that. We wanted time to work with the apcap on restricted covenant that we have come up with and we also have a medical hardship with one of the neighbors and so we are asking for postponement.

Mayor leffingwell: Anyone want to speak against the postponement.

Spelman: I have a question.

Martinez: Council member spelman.

Spelman: salcedo, have you been working with the applicant on restricted covenant?

I guess I could speak for blumar, he did call the applicant last night to get a meeting hopefully by this week. Like I said we had a medical hardship that kind of delayed things.

Spelman: Is he the only person working on restricted covenant or several of you.

There are a few of us who are.

Have any of you contacted the applicant?

No, the first contact was last night.

Last night. You are kind of waiting until the last minute.

Again, we are unfamiliar with the process. This is something we came up with -- we really don't want this in our neighborhood but if we do, we would appreciate, you know, having a restricted covenant.

Spelman: Have you discussed at any previous time with the applicant what you want to see in a restrictive covenant? What kind of restrictions you have in mind?

Actually they presented us with a restrictive covenant and we have had several meetings regarding their

restrictive covenant. However, it did not address noise, traffic.

Spelman: You brought up with applicant, you want noise, traffic, other things included on the restricted covenant.

On several occasions, yes.

Spelman: They are aware what you want.

Definitely.

Spelman: Have they sat down with you to try to work the this out?

Previous to --

Spelman: Between the 26th of may, when we approved this on fist reading a now.

No.

They are not called you?

No.

They have not reached out to us so we decided to reach out to them.

Spelman: Thank you.

Uh-huh.

Hi, mayor and members of council, I am representing the applicant. We are opposed to the postponement. This matter has been fully discussed and vetted. There were a number of salcedo on plume meyer, prior to the zoning commission, the restrictive covenant was offered before we went to zoning and planning commission and thoroughly discussed with the neighbors. They had rejected it. We then went to zoning and planning commission and received a unanimous vote for this project. The neighbors oppose to that restrictive covenant to that zoning were all here and discussed that in zoning and planning and were here and discussed it at public hearing of city council. The public hearing has been closed. There was a contact made yesterday or the day before plumemeyer to perro and he said he wanted to discuss this new restrictive covenant that they didn't show us that they had come up with and guerrero said fine, let's come -- come on over, let's talk about it right now. And the answer was, no, we want to talk about it after we get a continuance. So they wouldn't talk about it this week. So we -- we would like the council to move forward second and third reading with the restrictive covenant -- that includes all of the conditions that you asked us to put in the restrictive covenant and with the conditional overlay overprovisions that you directed be put in the zoning ordinance.

Mayor leffingwell: Council member spelman.

Spelman: Remind us, what did we can be included in your discussions with the neighbors that might be included in the restrictive covenant?

A prohibition of any 18-wheelers coming on to the property. Prohibition of a roll-off dumpster. And we said we would restrict it to a trash container, not just -- 8 cubic yards for trash that is generated on site only so that none of the construction debris from the job sites would be brought to the property. That's

what is in the conditional overlay -- sorry, that's what is in the restrictive covenant. In the conditional overlay, we prohibit all cs uses except construction sales and service. The mu, mixed use combining district is limited to three units in the existing structure. The impervious cover is limited to exactly what we have right now on the survey that we provided to the staff.

Okay. And the additions restrictive covenant you were talking about earlier? You were talking about conditional overlay doesn't change, but conditional overlay we are talking about here, but the additions of the restrictive covenant were about no 18 wheelers and no roll-off dumpsters.

Correct.

Spelman: Has anybody else tell you anything they want or they say we have a plan for restrictive covenant and we will talk to you about it on friday?

Right.

Thank you.

Mayor leffingwell: Council, is there any motion for postponement reminding that the public hearing has been closed. I think it is likely unusual to request postponement after the hearing has been closed and moved for approval on first reading. Anybody want to make a motion to postpone?

I would like to make a motion to postpone, because frankly after the last hearing -- after the may hearing, it was certainly my understanding that -- I guess what we have in front of us a public restrictive covenant. It was certainly my understanding that there were issues to be worked out between the neighbors and the property owner and that conversations were going to be going on between them and, you know, whoever's fault it was have not reached out -- to have not reached out earlier, I think that needs to be laid aside right now and ask folks to get together to see if they can't work it out. So I will move to postpone until July 28th. August the fourth. August the fourth.

Mayor leffingwell: Motion to postpone until august 4. Second by council member spelman. I will say I won't be supporting postponement. Any other comment? Mayor pro tem. [One moment, please, for change in captioners]

I think the items that council adopted on first reading are in here. There were things that needed to be incorporated in an ordinance and others that needed to be in a covenant. 18-Wheeler, that's in the public restrictive covenant and the others had to do with a roll-off dumpster and we actually categorized the size of the dumpster in the public restrictive covenant, that has been executed, that is in our position of the city files. I think the applicant also offered, although I don't know what the -- what the status of that is, but I think the applicant also offered a private restrictive covenant that spoke to along certain property lines that I think was offered to the neighbors. I don't know if the neighbors actually accepted that, but that was kind of a side discussion, not one that was going on here at our last meeting. So I believe those things that you have asked for have been put into the ordinance this evening. I've also had a slight discussion if you decide to hear this case, the applicant may ask to modify some of the residential uses to modify to single-family, if they want to go from three down to one to be allowing a duplex or three to one. If they want to go from three to two. That was not part of your specific motion. I think the applicant would like that. I don't think staff has any objection. why don't we wait to see if we hear the case before you get into all of that, mr. guernsey. mayor, I want saucedo a question. mayor pro tem. alcedo, what's remaining? My understanding was when we left this council meeting on march 26 you had laid out your concerns, you had asked the applicant if they agreed to those concerns. They agreed and we said, okay, let's approve this on first reading and let's draft up the documents so that we can come back to this meeting and adopt it on second and third reading. So what's not in there? What is



not in the agreement that you believe we agreed to on may 26 that isn't there tonight?

Well, I didn't think we had come to an agreement on may 26, that's why we had a restrictive covenant. And I gave a copy have to your aids. So there's quite a few things in there that would be added -- because as far as the restrictive covenant that they presented us, that's not going to address any of the traffic or the noise issue, the fence, just the fence along the west side of the property. And some bushes in the front. so what is it in addition -- you're asking for a postponement.

Yes, I am. so I assume you want something else. What is that?

You didn't have a copy of that restrictive -- I don't have it with me, no. guernsey, where in the backup do we find this? some of the private restrictive covenant?

No. Gerns I believe it's about four -- I believe it's about four pages into your backup material. It speaks to the circle s ridge neighbors would like some additional restrictions, restricted business hours from monday 00 to 00, no dumpsters whatsoever, only the city-issued waste receptacle. Limit trips to 15 per day. No mixed use as part of the rezoning case on the eastern lot, which is lot 32. That no additional business besides the cgns to operate from said property, no big trucks as described in city ordinance title 12, section 12-1-1 excluding fedex and ups. Only one dwelling unit on the first floor of the triplex and the second story of said triplex is to remain unoccupied [inaudible] llc to initiate roll back case to sf-2 if the ownership of the property is transferred or sold to any other person 9 finally, the four-year limited liability company or property owner agrees to pay all legal and court fees related to legal proceedings that result from disputes, violations or other legal matters of this restrictive covenant. And it's dated june 14, 2011. and the restrictive covenant that you just handed me, this is something that you-all have drafted? Because that's not what's in the backup at all.

I was told that when -- wendy would forward that to you for the backup. It should be in the backup. Sorry?

Spelman: I don't see it. there is -- there is a draft of a restrictive covenant in the backup, but it's not what you just handed me.

Okay. Well, I was --

martinez, in fact, it's what I remember us discussing at the last meeting and what's in this document is not what we discussed. In this document you're asking for no dumpsters whatsoever, and i specifically remember us discussing that and you agreed to a smaller size dumpster, as long as it was just one on the site.

Did I agree to that? yes, that was the exact conversation, and we can pull up the minutes from the meeting and review that.

Well, I don't recall -- the limit of 50 trips per day, that was not something that was brought up at all.

No, this is something that we want to do discuss with the applicant. That's one of the reasons -- right, right, but I'm saying why wasn't this brought up last month when we were discussing this?

This is something we came up with. We thought we were going to get the sf-2 to be quite honest with you. It made sense that the staff recommended it and we thought that was what was compatible to our neighborhood, and so we just went kind of blindly into that, I guess you could say, and not being familiar with the process, to be honest with you, like I -- this is all new to us, and we're just kind of doing it as we go along and learning as we go along. So it might not be done the conventional way, but this is the only way we know how to deal with it at this point. All we're trying to do is keep the peace in our

neighborhood. That's it. We're just -- we have to still live there. I mean, we're going to be stuck with this for the rest of our lives, you know, lot of us plan to live there. thank you, mayor. the question is on the postponement and I think we're getting a little bit into the merits of the case here. Council member riley? what confused me is if you wanted additional matters in the covenant that weren't covered at the hearing, why wouldn't you have reached out to the applicant to try and work that out, like after the hearing, instead of waiting until this point to ask for a postponement?

Well, again, being not -- not being familiar with the process we just kind of went along and just -- as a matter of fact, I think we presented it to you unknowingly and then you kind of were the one to tell us, hey, this isn't the way it's done. Okay. we met, when was that, last week?

Yes. and I urged you to reach out to the applicant.

Yes. and I think you said the first time you called was last night?

Yes, we called them last night. Yes. And like I said, we've had a medical hardship with one of the neighbors that's pretty involved. I don't want to go into a lot of detail, you know, but that has been part of some stuff that's going on as well. further discussion? Motion is on the table to postpone, I believe, until august something, 4. All in favor of that motion say aye.

Aye. opposed say no. No. Motion to postpone fails with council member riley and mayor pro tem martinez and council member shade and myself voting no. So we'll hear the case. Well, we've already heard the case and we've already had the public hearing.

If you have any questions staff will be more than happy -- any questions for staff on this? I would remind the council that there is a valid petition that currently stands on the property at 32%. anyone have any idea where council member shade is? -- I mean, excuse me, coal. cole.

Cole.

[Inaudible] next month.

Mayor leffingwell: huh? Okay. If we could pause for just a second here, it would be much preferable to have full handle up here, since there's a valid petition. -- Full panel up here since there's a valid petition. So we don't waste too much time, council, could i suggest without objection we table this case and go on to the next item? We'll come back and vote on it, continue the discussion. so item 116.

Thank you, mayor and council. It might be more, pe dishes if we -- ex-pe dirves if we take the three items together, 116, 117, 118, they're all involving the same property. I can introduce all three and we can go from there. go with that.

Item 116 is case npa 2011-0005.01. This is an amendment to the me top list neighborhood plan to change the future flum for designation, 6716 east riverside drive from the commercial land use to multifamily land use on tract 1, the staff recommendation is to change the future land use map to the higher density in tracts 1 and two. Planning commission recommendation wants to change to higher density, single-family, use of tracts 1 and 2. There's a related zoning case which is item 117. This is case c14-2010-0204 for that same property, 6716 east riverside drive. This is a zoning change request, two single-family residents, small lot, sf-4a, np combined district zoning. The staff and planning commission both recommended the zoning change. However, we do have a valid petition on this case as well. It stands at 20.58%. The last item is case c14-84-0310. This is a restrictive covenant termination for that same property, 6716 east riverside drive. The staff and the commission recommend the termination of the covenant. I understand that we have opposition speakers on items 116 and 117. There actually is an agreement on the consent approval of the restrictive covenant termination that staff

would suggest we talk about all three just to make sure everybody understands everything that's happening. On 116 -- we have speakers on all three items.

Guernsey: on item no. 116, The whole track is 23-acre tract of land. Currently there is sf-3 and mhmp zoning to the north. To the east is ms 3 and cs zoning with house type struck awrs and apartments. To the west is single-family sf-3 and sf-3 -- np, i should say, and csmf. South across riverside is gr-mu zoning from this tract, and the area that's not being rezoned or changed is on the tract that's owned by the same property owner which is currently zoned cs-mu mp. The property is being proposed for development, a small lot single-family residential. The restrictive covenant that I mentioned earlier, which is the subject of item 118, is to remove a buffer area that's along north -- northwestern boundary of the property which is approximately 50 feet wide, contains about 27 acres of land, and the covenant provided for a no-building setback line. It was created at a time when we had just established compatibility standards and was similar to a compatibility tool maybe before we really had compatibility in place, but compatibility does exist today, and if these prpts were being -- properties were being developed with a use subject to compatibility, the sf-3 zoning or the single-family type of land uses nearby would trigger compatibility on this property. It is in conformance with the montopolis neighborhood plan, also the east riverside corridor plans, east riverside corridor plan for this area designates these tracts as neighborhood residential part of the me top list neighborhood -- me top list neighborhood plan was to emphasize family ownership in the montopolis neighborhood. At this time I'll pause. If you have any questions i know that you have citizens here that are speaking, i think, in favor of the requests and both in opposition. I think the opposition mainly has to do with concerns and issues related to the east riverside corridor plan, and I have a staff member here that can go in more detail on the east riverside corridor plan, where there's concern or not maybe not having enough density along this corridor and the concern of compatibility standards being triggered in the future on their property. okay, so item -- we're having the discussion on these items all together, but we'll have to have separate public hearings, as I understand it from the attorney, and we'll have to vote on these items separately. So are there any questions for staff on this? In that case we'll go -- hear from the applicant. charles brigance is here on behalf of the owner, equity secured capital. and you have five minutes.

Thank you, my name is charles brigance. I represent the applicant here today, and like guernsey just pointed out, he made a good presentation about the basics of the case. I would just like to point out that the applicant has a sales contract with a home builder for the 18-acre portion that we're trying to get zoned to sf-4a. It's not a speculative thing. If you-all see it to vote the zoning in, then they will go forward with this project immediately. Also, as greg pointed out, we are leaving the front -- frontage along riverside drive as cs out of deference to the riverside corridor plan, and so that remains intact. Also, I'll just reiterate, we submitted this project -- we've got city staff support. We have the support of the montopolis neighborhood organization and the planning commission. So we would sure appreciate you-all's help tonight, and I'll be glad to answer any questions. Thank you. Questi questi ons for the applicant? Go to the public hearing. On item 116. Those for, suzanna almanza is first. You have three minutes.

Good afternoon, mayor and city council members. I'm suzanna almanza and I am the former president of the montopolis planning contact team. We just had elections so larry gross was elected president and I'm now the vice president. This case came before us on january the 20th, 2011, i hope you have that in your backup, so that's how long we've been in support of this particular zoning case. But even before that, in the year 2000 and 2001 when we first embarked on the montopolis neighborhood plan, the owner actually requested single-family, that we keep single-family on the property adjoining this property that we're now trying to roll back, which is the property close to vargas and riverside drive, and we felt this was in agreement because we wanted to in our neighborhood plan, was keep the interior, the heart of montopolis, single-family, and at that time we were told we had to take on apartments, and really we had, I think over 343 or 400 apartments, you know, about -- the apartments we have there. But we were willing to take on more. And we said that those apartments and high density would be to the south of riverside corridor -- riverside drive. So we ask that you -- we have passes. We think it agrees with all the different points that you have that we've listed on our neighborhood plan for our objective to continue to promote a neighborhood pattern and development, smart infill housing. When you look at it,

this is exactly the project that we are looking for. We are willing to keep the cs-mu-np at the front portion, so I think this is a win-win situation for everyone involved. There's so much single-family housing that is needed these days, and especially, you know, with the riverside corridor plan coming up our way, we're real concerned, I'm not going to lie to you. When we're talking about 16 stories possibly coming downriver side corridor in montopolis community and you know montopolis community is a poverty neighborhood. We're now getting [inaudible] come into the area, but the majority is people of color, at least 95%, and most of the people earn less than 37% median family income. So when you look at these things it's good to bring the single-family housing into our community. We hope that you will support this, that you will override the valid petition and that you would leave this particular zoning that the neighborhood wants, it voted on to keep it, and like I said, in 2000 and 2001 when we were going to plan, they requested the property adjacent to this be single-family, and we think that's a good zoning. Thank you very much. next speaker is lawrence gross. After lawrence will be pam thompson. You have three mechanics.

Mayor and council members, thank you. I'm the chair of the montopolis contact team. We voted overwhelmingly in favor of this for the same reasons that suzanna almanza just stated. This is currently in line with the vision of montopolis and the neighborhood plan. What we want are more single-family homes in montopolis. More single-family we have more investment in the neighborhood, and we want to -- we want to see that area thrive. This was originally part of the vision. Again, I echo suzanna almanza that you would override the valid petition and continue to support this, just as staff has recommended and just as the neighborhood overwhelmingly has agreed to. Thank you. pam thompson?

I would -- I've been here since 10:00 too. Thank you very much. I won't -- I won't say much. I hope that you will follow suit and take everybody's recommendation. We have a hub there. We have lots of people, and we need to anchor our community with single-family homes. A lot of people that live in apartments don't get involved in the community and don't help us have continuous -- they move and such like. So we would really appreciate it if you would approve this zoning because right now we have a hub, and if we have more intense zoning on this place, i think it will trigger a traffic problem because this is consistent with the neighborhood plan, and we have no exits out except riverside, and then one through the neighborhood. So we've looked at all the issues here and we just think that this would be the perfect thing. So please approve it. Thank you. those are all the speakers that we have for. We'll go to those signed up against. Larry sunderland. You have three minutes.

Mayor, council member, thank you, my name is larry sunderland and I'm a resident of e rock and the riverside corridor master plan. I'm here today to speak out against the proposed development. Bottom line, I think it is uninspired, unimaginative, unsustainable and contrary to the vision laid out by this council and developed over so many months with the assistance of we the citizens. What is being offered is a basis form of development that can no longer be tolerated. In this proposal there is no evidence of the plan this council has promoted and the vision we citizens have laid out. Overlaying a boilerplate plan and to attract on east riverside does not constitute good sustainable 21st century design. I have studied the background documents and the notes of the neighborhood association contact teams negotiations with the builder and I am perplexed. The neighborhood asked for five-star home. They got one star. They asked for a bike trail. They got a sidewalk. They asked 12 questions and offered no pushback. That does not sound like a very fruitful negotiation. Sounds like they got everything that the builder wanted to give and nothing else. Also, city staff and commission seem to be confused about the direction that this council has given. Seems across the board no one pushing this thing forward is giving east riverside a chance to be anything other than what it already is. But there is an opportunity to change that here. We have a neighborhood and a property owner in agreement, so we should build on that, but we should not accept less than the current best practices of urban residential dissen. Design. If our goal is to create resill yant resill yant neighborhoods, why should east riverside go in the other direction. Maybe we can send everyone back to the drawing board. Maybe the sustainable office and city architect could offer guidance to the contact team and the property owner to show them some of the design tools available to truly make good projects that meet the very real needs of this neighborhood and the property owner. My hope for east riverside was that the corridor regulating process would be the moment when east riverside took the lead in this and embraced new standards

and openly advocated for sustainable development, thereby drawing much needed investment and revitalization to itself. The seeming consensus on this development shows we have not come very far. Right now we are starting an initiative on airport boulevard that is showing great cooperation and much excitement between all the stakeholders as we contemplate the benefits of form-based design and application on that corridor. That corridor will bloom and it will be because folks are embracing change. I believe it will have a profound effect on how we do business here in austin. We are really on the cusp of turning a page and I do not want to see east riverside allowed to inflict this wound upon itself. Please be firm, offer guidance and encouragement, but do not let this stand as it is proposed. thank you. Ron thrower?

Mayor, mayor pro tem, ron thrower representing the landowner that is abutting this property to the west. I have a powerpoint presentation if you'll look at your screens and it will be a colorful telling story of the situation out there. Running from side to side on here is east riverside, on the right-hand side is ben white boulevard, and the property that I'm -- well, the item I'm trying to show first of all is the boundary of the east riverside corridor master plan that is in place today, and in pink I'm showing the montopolis hub and also the gateway had you been. Inside of there is proposed for 65-foot development, 100-foot development and 160-foot development. And what you're going to find is these transit hubs and their 500-foot walking distance and quarter mile walking distances, are going to fall short of the densities necessary to support the transit hubs along this route. You-all are very aware of the urban rail projects and the increased transit opportunities that we're trying to achieve on east riverside corridor, and gateway is going to fall short, and the montopolis had you been is going to fall short, or going to be slightly increased above the minimum necessary. I did a study and presented you-all in february of '10 when you-all were looking at the master plan that the montopolis hub was going to be very tight and asked that you-all please not ever support single-family zoning inside the corridor boundary. There was movement at planning commission, which you-all adopted, to specifically exclude and modify the boundaries to get single-family -- existing single-family outside of the corridor boundaries. So that's what I am still advocating to this day. There is a project on the east riverside corridor that's going from 340 units projected in the plan to 54. There's another one inside the montopolis boundary that is going from a projected 300 units to 32. The east riverside -- or riverside gardens project was projected at 364 units and is going to 117. At some point the whittling of the projected densities for these projected hubs have to stop. These hubs have to draw from a larger area than the quarter mile that's planned and the only way to get that is to get the density necessary outside of the quarter mile to make these hubs work. And I'm available if you have any questions. Counselor Spelman. thrower, the client you're representing is immediately west of the riverside gardens project; is that correct?

That is correct. on the maps you just gave us, there are the two -- they're the two red arrows going to the left?

That is correct.

Spelman: okay. That's usually west but i wasn't sure of the orientation. Does your client have a proposal for this lot yet or is it too soon for that?

My client, through me, has been very involved in the east riverside corridor plan. I've been on the working group, involved in the meetings, participating, outreach, everything. My client wants to see the corridor plan succeed. He would like to see, and i argued in february of last year, that we shouldn't have the single-family inside the corridor and argued for my client's property to be increased in its land use designation at that time. You-all's response back to me then was, we will deal with that through the regulating plan. We're at the point of the regulating plan, which you're going to see, i believe, in the fall, and i think you're going to find that single-family is going to not work in this location to make these hubs work. Any client wants to put in a much larger development that would be better suited for the corridor plan.

Spelman: okay. What would be the practical effect of putting sf-4a lots next door on the east side of your

property -- his property?

Compatibility would be triggered upon my client. There would be a reduction in potential density on my client's property, and again, my client would rather see more uniform development in there that doesn't have compatibility triggers inside the corridor boundary.

Spelman: all right. There are already some compatibility triggers along the north end of this property, examining the picture, it looks like that north picture will be affected by the single-family lots to the north on canal street, santos street.

That is correct. That's a given. That single-family existing today outside of the corridor boundary and it would trigger. then there would also be a compatibility issue on the right side of the lot, the east side of the lot too, if this --

if this goes through, yes, that is correct. do you have a sense for how much that would reduce the densities that your client would be able to build from what it is that he is thinking about right now?

That's probably going to be in the range of 20 to 30 units on my client's property.

Spelman: okay. Thanks. next speaker is jim herbert.

Evening council, my name is jim herbert and i appreciate the opportunity to talk. I was calling for a vote against the zoning because, again, I support -- I've been involved and supporting of the corridor, the different corridors, riverside and as well as airport, and I feel that, you know, this type of development is just going against that. It's going against not just the new corridor studies, but also the comprehensive plan for the city. I think that amidst all of this effort to implement these new types of form-based codes and densities to support the rail, that we continue to chip away at that with this type of development. We're just fighting ourselves. You know, we're making the effort to make this change to do a smarter urban development, and we're fighting against that. Also, one of the arguments for the development was the idea of, you know, providing affordable housing, and yet you're reducing from over 300 down to 117 units. You're obviously not using the land efficiently. It doesn't make that much sense as far as whether or not it's affordable housing or not, and really, that's all I wanted to say. I'm available for questions. thank you. A clemits?

Mayor, council members, thank you for your considerable service and time, especially today. I wanted to come speak against granting of the rezoning, especially I think you understand the need for density along our major corridors. We're undergoing major corridor plans, and especially the need for density where we're considering such heavy investment in mass transit. The walk shed that was shown on the earlier photograph actually is becoming more accepted pedestrians will walk within half a mile of the transit stop, which makes this property easily within the walk shed of the montopolis planned stop. The east riverside corridor plan has been adopted. The regulating plan will be considered, and this property will be suggested being neighborhood residential, and what's being proposed in your backup in the plat, and the proposed riverside -- proposed development as far as a minimum, it comes nowhere near the maximum density of even what's proposed for neighborhood residential. It comes nowhere near the height of 35 feet that's allowed in neighborhood residential. I hope you'll understand with such a heavy investment in public transit being considered -- I hope we'll go for the maximum and not the minimum to make public transit work. I hope we understand we want to maximize our investment in public transit and get the most out of a piece of property. I don't -- I think the neighborhood is a little bit misconceived that this will be a transition, especially when they've -- they are allowing a -- agreeing to a 60-foot building on the property that they've -- along riverside, and then they think it will be fine for the small houses to be immediately abutting 60-foot development. So I hope you'll consider density on this piece of property, even more of a transition to another thing the photograph shown was quite a bit of single-family housing already present. I don't think there was a call for more single-family housing in the east riverside corridor. I think there's a call for density and I think there's a need for maximum density, not

minimum. Thank you. thank you. Those are all the speakers that we have before we go to rebuttal. Entertain a motion to extend the meeting past 10:00 p.m. Council member cole moves to extend, council member morrison seconds. Discussion. All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed so no. Passes on a vote of 7-0. Three-minute rebuttal by the applicant. Council member -- correction, council member shade votes no on the motion. [Laughter] I've always wanted to do that and never have. there you go. Still passes.

Shade: I know.

Thank you. Just very briefly, it's my understanding that there are at least five apartment complexes within the montopolis hub now. My client believes that there is a demand for single-family housing, people want to own their own homes in this area, and that's why he's proposing this, and so I don't see how the difference between a -- a picture somebody throws up on the wall and says there's going to be 300 houses here or 300 apartments or whatever it is, compared to what you can really build if you want to build a single-family development, which is more like 117 as we're proposing. I don't think that difference between those two densities is going to make or break whether there's going to be, you know, transit there or not, mass transit. If those 200 -- the difference between those two housing numbers is driving whether there's going to be rail out there or not, then there's not going to be rail out there because that's too skinny. Anyway, I appreciate your time very much. Thank you. I have a question for you. Would it also be the case it will reduce density on adjacent properties due to compatibility?

I'm sorry? won't it also be the case that you reduce density not only on this property but on adjacent properties because of compatibility?

Due to compatibility?

Mayor leffingwell: yes.

Yes, sir, it would -- it could have that effect. I would like to point out there's a gas line that runs between my client's property and the next property over that has an easement associated with it that's also going to require setbacks, both on our property and on the adjacent property during development. That in itself would also cause there to be a compatibility buffer that would overlap that as well.

Mayor leffingwell: okay.

Thank you. so those are all the speakers that we have signed up to speak on items 116 and 117.

Mayor? council member riley. I just have one question for the applicant. Sir, I noticed -- I was reading over the records of the public meeting on this, and one of the questions that came up during the public meetings was, will you build a bike path on frontier valley? And the answer was, I don't know if there will be space, but we will build a sidewalk. Has there been any change in that?

To expand on that just a little bit, there was a request for a hike -- or a bicycle trail. The -- we were working at the time on our layout there. It a very tight layout, and we -- it's a very tight layout and we were up front with them in saying we knew we could get an extra wide sidewalk in there, but a separate trail we thought may be a problem. And so we wanted to be truthful with them in the planning of that.

Riley: okay. So no real change?

Yeah, we're talking about a sidewalk wider than city standards sidewalk to allow more pedz and more bicycle -- pedestrians and more bicyclists, rather than a granite trail or something like that.

Riley: okay. Thanks.

Uh-huh. so council, first we will consider item no. 116. mayor, I have a question. council member spelman. greg, I'm looking at what I think is the current future land use map from the montopolis neighborhood plan, which shows this lot in red, which I believe is commercial. Is that accurate?

Guernsey: yes.

Spelman: okay. So the current flum is commercial for this property.

Guernsey: yes. For tract 1 I believe. I believe it's orange for tract 2. yes, you're quite right. The circle is just around tract 1, not both tract 1 and tract 2. What is the relationship between the future land use map and more generally the neighborhood plan and the corridor plan? Is there anything in corridor planning which triggers some reconsideration by the neighborhood contact team, for example, to make adjustments in the neighborhood plan? there is a coordination between those two plans right now. Actually this would be in accordance with the corridor plan as it's adopted as far as the land use is concerned. It's neighborhood residential, which would be -- the proposed change would match that situation. What is being proposed by the applicant today. I think there is an idea that you would have more intensive uses, more intense development generally along the corridor. I think part of the discussions that staff has had with the applicant left the -- I think it's about 4 acres in the front as cs-mu-co -- or np, I should say, to leave that intact to allow that more intensive development to occur. I know also in a regulating plan I might invite erica leak to come down and speak to this. She's a member of our staff that's actually working on the riverside corridor plan. But in the regulating plan there's a discussion of having alternate sets of compatibility standards that would actually compress compatibility in this area so that the impact to the adjacent properties not as severe as far as limiting height and density. It's sort of accordion such that you would press compatibility in. The distances and the heights immediately adjacent to single-family residential may be actually similar, but the distance going out would not go out the 540 feet. It might only go out 300 feet, and I think there's an exhibit that erica can probably share that with you, and I'd actually ask her to address a little bit about the discussions that have occurred with neighbors and the stakeholders, because what is being reflected in the east riverside corridor plan came out of stakeholder discussion as it was presented to you and a daped -- adapted by council. I'll ask her to come forward and address that little piece. I'd like to hear about it. Thank you, greg.

Good evening, mayor and council. As -- multiple people have alluded to and as hopefully most of you remember, you did adopt the east riverside corridor master plan in february of 2010, and as -- as you've heard, the proposal before you this evening does match the very minimum standards for the land use district that we're proposing for this piece of property, but the master plan also says that residential units in this land use district could be in the form of detached single-family houses, duplexes, townhomes and smaller scale multi-family buildings. Obviously to -- to create vibrant neighborhood centers having something that was on the denser side of that would help create more dense hubs, as you've heard. In terms of compatibility standards, we will be proposing revised compatibility standards just for the east riverside corridor. As you can see in this image, if you'll focus on the bottom -- the very bottom image is compatibility standards as they exist citywide today. Those have an impact out to 540 feet, or approximately a block and a half. We are proposing that within the east arrive side corridor -- riverside corridor planning area boundaries, that new compatibility standards would only extend 300 feet and that they would be in this new stair-step format that makes more sense in terms of actual construction. So you'll be hearing about that in a few months, and we'll get to weigh in on that. But if -- if you support these new compatibility standards, they would apply within the east riverside corridor boundaries. but to



be clear, they don't apply right now?

That is correct. so the estimate thrower gave that his client would be losing 25 or 30 units as a result of the action before us today if we took it is probably an overstatement if we adopted these compatibility standards?

Maybe yes, maybe no. It really depends on what type of building were proposed on his property and how tall it was, if they were going to do something like townhomes, there wouldn't be too much impact because you can put, you know, a two-story townhome development and it would fit within the -- either compatibility bubble. they're not too high but they're still very dense.

Right, exactly. If he wanted to do something higher, you know, taller, there would be more impact. How far, depending on the zoning, that might or might not be allowed. So there are a lot of variables, but I think it's a little hard to really estimate what the impact would be without knowing what's being proposed.

Spelman: I understand. And I don't think his client has a solid proposal yet so it may not be possible to estimate it at all. Is -- I think you said a few minutes ago, maybe guernsey said it a few moments ago, that the proposal here is consistent with the corridor plan.

It's the very minimum essentially that sort of would be allowed within the land use district proposed for this property, but it is the land use district that's proposed would allow significantly more density potentially in the form of duplexes, townhomes, small-scale multi-family.

Spelman: okay. Thanks. council member riley. erica, I wanted to ask you about the boundaries for the east riverside corridor. I think I heard from one of the speakers that when the boundaries were drawn, that there was an effort to draw the boundaries so that they would not include single-family properties; is that correct?

That is correct, unless they're actually on riverside drive. and can you help me understand why that was done?

There was certainly a desire to preserve existing single-family properties in the area so that those wouldn't be change, and the reason that we have a land use district that does allow low-density residential is to respect that desire for -- for various lower density housing. and so the idea is that within the boundaries, that we would -- we would not tend to see so much single-family. You would like to see that outside the boundaries?

Definitely we'd want to preserve it outside, and there is the potential for it in a few areas within the master plan boundaries, but they're limited. is the -- the east riverside corridor plan is being guided by consultants that we hired to help us with the planning process. Have the consultants on the east riverside corridor planning process offered opinions on this particular case?

The consultants were -- are you talking about the consultants for the master plan or the consultants -- on the regulating plan.

On the regulating plan. They have not specifically weighed in on this case, but they did look at density numbers for the corridor, and sort of desired numbers of people living within walking distance of the hubs, and there are areas, especially on this end of the corridor, that either barely reach or don't reach the target densities for those hubs. and have they expressed concern about that?

Again, not specifically about this project, but certainly there is a concern that -- that it will be difficult to meet target densities to support transit, and that would be even more so the case if there is more low-

density development.

Riley: okay. And just -- can you help me, on the -- for anybody who wants to find the -- information about the east riverside corridor planning process on-line, I'm looking around on today's web site, is there an easy way to find that?

The easiest way is we have a link that's east riverside corridor.com.

Riley: okay.

You can also find it on the city's urban design web site, were you the com would be easier.

Riley: okay. Thanks. all right. Thank you. So we are considering item no. 116 by itself right now. Council member morrison. guernsey, i wonder if I could ask you a question. I know we're just -- on all of these items basically the staff and the planning commission recommended approval. Is that correct?

That's correct. because it's sounding a little bit what we were hearing from [inaudible] that it might be that it's just not good for the corridor plan, but on the other hand we have staff recommendation and planning commission recommendation. Can you align those? Am I just hearing wrong? well, I don't think so. As I think erica said, it's probably kind of at the lower end of the density. I mean, certainly more density would be accommodated too if they wanted to build a higher density product on this project. Sf-4a is generally somewhat close to sf-6 density. If you look at that way, i think -- I just asked charles lot sizes, and he said about 36 to 4,000, so you're looking at maybe somewhere, 10 to 12 units per acre. Sa 4 is typically 4 acres -- that's a density that staff gives you as a density because the lot sizes are smaller within that type of product. They're just attached units. Whether it's townhouse or condominium, you're also 4 units per acre. The big difference, you know, when you're looking at the condominiums and the products of all attached units, right now it's harder to get financing, I believe, on that type of product, rather than a stand-alone lot. So in that respect, whether they're building townhouses or they're building single-family sf-4, the density may end up being actually similar in that regard. So I think that's, you know, partly why, you know, you're hearing staff saying, yes, this is matching montopolis, when there was a strong desire when we were doing that neighborhood plan, wanting to -- you know, detached single-family homes and maintaining that. That was before we had the east riverside corridor planning coming through, but during this process and during the east riverside corridor plan, it's on the lower end, I think that's simply because the density is similar to what you might find in townhouse/condominium products. and then one other thing I noticed in the backup is that the planning commission asked for an educational impact statement. Is that done and is it in the backup somewhere in maybe I'm just missing it. council member, I have to go back and see. I believe it is somewhere in this document. I'll go back -- and I might be looking at the wrong item, since there are three items. I was looking through 117 and I did not see it but I can check the file and get you that information. Just a minute.

Morrison: okay. Thank you. Entert entertain a motion on the flum change, which is item 116. I'm assuming all this stuff is ready for all three readings? Is that right? yes, mayor and council, item 116 and 117 are ready for all three readings. 118 is the restrictive covenant termination, and that doesn't require three readings. It requires a simple vote. all right. So we're -- but as I noted before, there is a valid petition on the zoning case and that -- and, guernsey, that's why we're considering 116 and 117 separately. So entertain a motion on 116. Council member morrison moves to close the public hearing and approve on all three readings item 116. Is there a second? I'm not hearing a second. Second by the mayor pro tem. Is there further discussion? Council member riley. mayor, I'm concerned by the points that have been raised and the input that we've received, that the east riverside corridor plan has been in progress for some time, and the concept was that we define boundaries for the corridor and that within those boundaries we focus on accommodating additional levels of density that would be well-served by transit, and that's an important thing to get right, especially as we undertake our comprehensive plan and we try to accommodate large numbers of folks in the future and we want -- we hope to have ways

of moving them around the city without jamming all our roads. That presents a problem when we -- once -- when we've already defined our corridors and we start taking those properties within the corridors and downzoning them to single-family uses that not only will accommodate lower numbers within the corridor but will actually impose additional restrictions on neighboring properties within the corridor. And we already know that there are legitimate concerns about the particular -- the nodes within this corridor, the transit stops -- the consultants that we've been paying for have been advising us that there is a real issue as to whether the transit stops along the east riverside corridor actually have enough population within the transit shed around those transit stops in order to appropriately support those -- those stops. The reason I asked about the bike lane is -- on frontier valley is not just because i always ask about bike lanes. That's not actually -- that's not a bike route. The plan doesn't call for a bike lane there. The reason I asked for that is if you're going to start down zoning your properties within the corridor you have to figure out some way you're going to be able to serve that transit stop, and one way that you might do that is if you had really, really good bike facilities, then you would actually extend -- you could actually broaden your transit -- the captured area for transit. That's one reason to have good bike facilities, because it broadens the capture area for people that can access transit easily. And, in fact, that -- there could be an opportunity to do that along frontier valley. What we heard is there will be no -- no bike lane at all, just a wide sidewalk, and that is not an appropriate bike facility. We do hope to have a bike facility along east riverside, so if bikes had a good way to get up frontier valley, then they could access a nice bike facility there. But a sidewalk will not fit the bill. So what that means is -- i mean, you're not going to draw additional density back -- it's going to be that much harder to draw additional density from further areas along frontier valley because people are not going to find it easy to ride bikes. You really are stuck with a limited area, and here we are, you know, talking about investing very significant amounts of public dollars into a transit system in the hope that it will enable people to get around and at the same time we're undermining the ability of those transit stops to actually serve their intended purpose of enabling people to get around. And that is -- that does pose a real problem. You know, I hear the applicant say, well, this is just the difference between 364 units and 117 units, and if that kills it, then it's not worth -- you know, then it's in trouble anyway. But that's -- that is a request to treat this as a unique case unlike any other and give this one case special treatment, and that's not the way we should approach this. We should approach them in a principled way and be ready to apply similar principles anytime a similar request comes up within a transit area, if someone in any corridor of the plan, we'll need to consider a similar issue and this will come up again, and in each case you could make the argument, well, it's only a little bit, but if you keep chipping away at all those areas, what you've done is made it that much harder for our community to ever -- to be well-served by transit. And I think that poses a real problem for the long-term growth of our city. [One moment, please, for ] hernandez,.

Of the neighborhoods that we are going to exclude from density, so we have to start making a real policy decision and applying that through the areas that we are designating or thinking about designating as a corridor. So I am not supporting it because I think it is insistent with the vision for the riverside corridor that we spelled out a few months ago. Further discussion? All those in favor, say "

all of those who say no. Vote.

I believe it was two those in favor of those opposed or. Council member riley, council member shade, myself, council member spelman, council member cole voting against the motion, so it's denied. So now we go to item 117, which is a zoning case for a petition for 117. I believe -- we've already had the applicant's participation and the public hearing. All of the persons who have signed up on 117 have also spoken also on 116. I don't know if you intended to want to speak again. If you do, you are welcome to. I will say those -- those in favor are susanna almaza and vance thompson.

And susanna is coming up, I believe in the del valley district school area. We have an agreement with the austin independent school district to do education impact statement. At the time I think we actually spoke briefly with del valle and they don't have the staff that aisd has to actually complete the form to

give you that information. I wanted to pass that on to you.

Good evening to all of you again, susanna almanza with the montopolis plan contact team and president of the montopolis neighborhood association. When does our vision come? You keep talking about the austin vision. I can tell you that montopolis has over 6 multi-family, over a thousand units already. We are one of the most compact -- I am talking about low -- these are low income affordable units which people use the transit system. There is not like the people who are middle class or high class who take transit only by choice, to get on the rail only by choice. These are people that have no choice, that they are transit residents, so to hear people say who probably don't even know montopolis or come to montopolis are going to say we won't have enough riders. I will tell you, you will have enough riders, if the price is right. If you keep going up on the ridership, people will get on and the poor people will continue and take more out of their budget to be there. Yet, you don't live in montopolis. One little strip there that you want to high densify, you know, to serve your own personal means because you don't even come up montopolis. You are not even living there and all of a sudden, the plan that we spent years to design, because of your willingness or the council before, all of a sudden, you want to trump our montopolis plan with your corridor plan and want to put over 160 feet in our community when we are a low income poor community looking for single family housing and we've included in that and you have audacity to say that we have these masters and I am sick and tired of having the masters. I am sick and tired of having masters. [Applause] when does the community have a say in this process and do you know what montopolis ride on bikes. I don't care if it is on the streets or the sidewalks. We haven't had the bike lanes, but we ride them. We don't need any numbers. We don't do it for fun of it. We do it because we have to and it is the only transit we have. I am very, very upset as you can tell now. Because we are not talking about vision, vision, vision, vision, and when the community has a vision and you tell we have to work on a neighborhood plan and have a vision and then you come back and say you know what, we don't like your vision and now we will put a master vision on your vision and you will have to accept it. Because one slither of land, that's all we are asking for, a single family. Now because a owner who houston who wants to come into our community and make a lot of money, oh, we will go into your community and build more high density in your neighborhood. Like we don't have high density. Thank you.

Thank you. Council member spelman.

Amanz is a I was looking at the flum which was made by the neighborhood contact team and part of this, it is asking for the land for -- I am just making statement. It calls for multi-family and commercial on this lot and the proposal which we just heard which we are about to turn down, we asked for a deviation from the flum which was developed by the neighborhood, I by saying no to the deviation from the flum and deviation from the neighborhood plan, what we somewhere have just done is upheld the neighborhood plan. Not turned it down.

[Indiscernible].

Look at the flum, ma'am.

[Indiscernible] let me just say -- are you throw council member? Sympathize comments made by almanzo and it was already requested to be zoned and to put down zone on it, the zoning case somewhere we are considering now is a request to down zone property. If we were looking at it the other way around, if this property were zone single family and trying to up zone it to commercial, it would be hard-pressed to grant that request, even it is in the corridor. But this is property already zoned commercial and we are asking to down zone it. As I said, it is inconsistent, but I want you to know I do sympathize with your concerns and if it were different, if it were the other way around, I would most likely be on the other side of this. So we do have other speakers that can -- already spoken, but if you like to speak again. You are entitled. Mr. gross. Not declining. Pam thompson. You have three minutes.

Maybe I can explain this where you will understand it. I am really tired and so i may not get it right and i

may have to help with the math. You probably never have been there but there is a street called frontier valley. The property is on this side. Across the street was single family, but because there was a need for section 8 housing and there was a willing developer, they changed it from single family to build the sendera apartments and they have -- I don't know how many units. Hundreds of units there, okay. When this property -- we thought that it was a trade, because it was the neighborhood plan to have this commercial -- that be single family and this to be the multi-family. But because they had everything in place to build the more intense zoning on this side of the street, they -- we had hoped that we would trade for it and get this single family on the other side of the street, so I know that staff can look this all up for you and you can understand it. But what it does, earlier when I said that doesn't cause a traffic impact analysis, is because basically what you would be doing is just trading what was single family on the right-hand side of the street which is already built out with really intense apartments to the single family on the other side of the street and it's consistent with the neighborhood plan. We have small houses on small lots and they are very dense. What it also does is give us a community of people who are invested in the community. We have had not luck of reaching out to people at sendera in community meetings because they are in apartments. Their goal is to move away and have a home. A neighbor of mine lived in sendera and he said, mom, call. She said we can't afford the house. Mom, you've got to call. And they live in the house now and this is a subdivision that the city has helped people get downpayment assistance for their homes. So if you are talking about affordable housing. I am going to tell you not any of the people who came over here who asked for density live in an affordable house. I do. I know the neighborhood there needs affordable homes because we have people who live in their apartments and their dream is to live in a small home, a small lot. We don't ask for huge lots. We have tiny houses on tiny lots, but we have a community of invested homeowners that helps to maintain the heart of the community. [ Buzzer beeping]

so do know that we have a hub now. I don't care what any of those people tell you. We have a hub now. Ask staff, please. thank you. Your time has expired. Signed up against, we have the same four individuals. I am assuming you don't want to speak again on this case. sunderlan, herbert and clemens declining to speech. Since we have already had the staff presentation, would you like your three minutes? So those are all of the speakers we have signed on item 117. Entertain a motion. It is ready for all three readings. There is a valid petition outstanding against the down zoning request. Council member spelman move to close public hearing and move on all three -- deny -- to deny the request. Is there a second? Second by council member riley. Any discussion of this? All those in favor of the " aye. Any opposed say no? Passes on a vote of 5-2 with mayor pro tem martinez, council member morrison voting no. Takes us to item 118. We have people signed up to speak. Do you have any --

as far as know, all parties are in agreement to remove or terminate this restrictive covenant. I thought it might be helpful for you to know that. all parties are -- I have people signed up.

I have spoken to both sides. I don't think the applicant objects to removing it so regardless of the actions that you have taken on the previous two cases, the removal of the covenant -- i still have to conduct a public hearing.

Right. I just want to make you aware of it. first speaker is susanna almanza to speak in favor. almanza declines, larry southerland against declining to speak. Ron thrower. You have three minutes.

I will be very brief. The reason that we are in favor of terminating the restrictive covenant is because it will allow for additional units to be built on the property. It basically removed an old compatibility standard. i understand. Tim herbert. Now declining to speak. Those are all of the speakers we have signed up. Entertain a motion to close the public hearing and approve the removal of the restrictive covenant.

So move. so move by council member spelman. Second by council member riley. Is there any discussion? All those in favor of the " aye. Oppose say no. Passes on a vote of 7-0.

. Go back to item 114. Which is a request to approve on second and third readings the zoning request. There is a valid petition outstanding. The public hearing has already been closed. Entertain a discussion or motion on item 114. Mayor pro tem.

Martinez: You know, I realize there are still concerns by some of the neighbors but I think we have tried to get as much of an agreement as we can and with this current -- the most recent restrictive covenant copy that I received from the neighbors, I mean there are things that we don't even impose on single family homes like limit of 50 trips per day. Just because the trips per day limit is 2,000 doesn't mean it's exactly what it hits. It is just a standard number that we use per zoning category. So I just don't think we are going to achieve complete consensus, but I think the applicant has shown their good faith effort to try to do everything they can to limit themselves to exactly what they have now and even reduce it by removing some uses that they agreed that they no longer want on their site. So with that, I will move approval of the request on second and third reading. Mayor pro tem horizontal moves to approve on second and third readings. Is there a second? Second by council member Spelman. Is there further discussion? Council member Morrison.

Morrison: Thank you, mayor. I just have a different memory of how we came out of that hearing. I thought that there was really going to be some additional discussion. I understood differently from you, Mayor pro tem, that there really were some more issues and we were hoping they would be able to be addressed. I won't be able to support the motion.

Mayor Jefferingwell: Further discussion? All those in favor of the " oppose say no. Passes on a motion of 6-1 with council member Morrison voting no. Move to item 131 which is to conduct a public hearing only on the 2001-2012 action plan.

Good evening Mayor and Council, I am assistant director of the neighborhood housing and community development. I defer to the public hearing but I wanted to take a moment and thank the many people who have really been with us through the process the last few months. I have drank a lot of coffee in the mornings with our stakeholders who I really want to stay who has become great partners with us. So, I again, don't have a presentation I necessarily have to give but wanted to also just really thank the folks who hung in there to speak tonight. Thank you. We will go to our public hearing. The first speaker is Stewart Hersh. Who is for. You have three minutes.

Thank you, Mayor, and members of the Council. I apologize but my documents adds community development commission, because my testimony is almost identical to what I said to them last week. My name is Stewart Hersh and I rent and I was at my first planning of the use of community block grant funds before 1979 before what used to be a joint subcommittee on the joint planning communication and the development commission. I am pleased to report the action plan you are reviewing tonight is the most responsive, competent, lucid and balanced recommendation for addressing a variety of needs in Austin that I have seen in more than 30 years of involvement the staff at neighborhood housing and community development should receive the highest praise for this achievement. Some might suggest revisiting this delicate funding balance at the end of the process. I ask that you not modify the staff recommendations on allocations of federal funds at nearly the end of the public comment period. So many who provided public input at the needs assessment stage have not appeared here tonight because they, too, agree that staff has struck a remarkable balance under trying circumstances. Like any human work product, there are always opportunities for improvement. I provided you the housing trust fund task force recommendation that the community development commission approved unanimously last week. Council adoption of these recommendations could increase local investment through the housing trust fund to \$1 million for the next fiscal year and years to come. Smart housing production is predicted to still be below 70 -- 75% of homeownership and rental production that it was in 2007, 2008. That means there has been a 75% decline in three years for what that program has been producing. Some of this is the market. Some of this is the lack of action on possible policy changes in the university neighborhood overlay and other areas that could increase smart housing west of I-35 and create fee in lieu for nonprofits to create long term affordable housing in campus. These are topics for

another day. Finally I can't find in the plan how much the homeownership rental is expect to be completed the next fiscal year, we need to see the problemtions. Thanks for the staffer who brought balance in an environment of federal financial resources. Thank you.

I apologize, I didn't know the mayor was gone. Council member riley.

Riley: I have a question for staff in light of mr. hersh's comments. First I want to congratulation on the warm recommendation you get from hersh, but in the next to last paragraph he mentions he can't find how much mueller homeowner and rental completion is for next year. We need to see those projections.

We have a report as appendix. We do feel there will be additional clarification so we will revisit that to make sure it is in the final. It is something ha is a requirement to be included in the action plan but agree that it can be more clear.

Riley: When you get that, you will provide that information to mr. hersh?

Absolutely.

Great. Thanks.

Martinez: All right. juan sanchez. I know he was here. There he is. Do we have roger villarreal? Welcome. Roger. You will have 6 minutes. Dr. sanchez.

Thank you.

Mayor pro tem, council members thank you for your time. I do have a very brief powerpoint that I am going to share with you, starting our proposal. My name is juan sanchez. I am the founder and executive director of southwest key programs. We are here because we have actually submitted a proposal requesting some support for our project through cbd money. We are certainly aware this is not going to be one of the recommendations in terms of our particular proposal but we are coming to you as council to consider our request and also to help find ways to which you can fund this project. Our request is for \$500,000 to help us to complete our construction of our social enterprise complex. The goal of this particular project is to create business enterprises and in the process create jobs, and in the process, also train people for employment. If you look at the next slide, please, you know the neighborhood. This is a building that is going to be adjoining the existing building. Many of you have been there. You know this neighborhood. You notice a neighborhoods that johnston neighborhood. It is 84% hispanic and 12% african-americans in terms of resident. The community has a number of strengths but also a number of challenges. The two most critical challenges it has is unemployment and poverty. If we look at just the unemployment rate, it usually hovers about 3 times what its is in the city of austin which is about 27%, 30% currently. We also look at the poverty level there and that is at about 30% -- unemployment at about 20% poverty level at about 27% in that particular neighborhood based on the last censors. What southwest key has done is we have made commitment to take this one community and invest in this community and to try to transform a very vulnerable community into a very healthy community. While southwest key is a nonprofit organization, i want to emphasize to you that we are also an economic driver for the city of austin. We bring into the city of austin millions of dollars every year. If you just look -- and this creates jobs. It creates -- buys woods goods and services and makes major investment in this community. If you look at the building we have been -- many of you have been here -- we took a dumpsite. That's what it was. And informed \$8 million to transform that into a very beautiful building for this community to use in several ways. For our budget, just in austin by itself, we have a 14 million-dollar operating budget in austin. Our payroll is over 6 and a half million dollars. We hire currently about 141 employees. The projection by next year, we will hire 169 and by 2013, we will propose to hire 200 people. Now, we are working -- as we work in this particular community and work with this community, there are two strong, very overriding problems that stand out consistently. One of them is high unemployment and the other one is poverty. And this particular project is that we are

proposing 5 million project. We are already raised over 2.7 million. Our -- what we have left to raise is 765,000. We anticipate we will be able to raise another 265,000 in the next 6-12 months. We are coming to the city and saying, help us close this gap. Give us 14% of what the total projects are over a two-year period, \$250,000 a year, and we will be able to completely pay for the construction of this project that, again, is going to be committed towards creating jobs and towards addressing the issue of poverty. Change this please. You can change it again. We are at the last one. You can see where the money has come from. Most of this money has come from the federal government, has come from private foundations and corporations and from fundraisers. We want -- and the project itself has already created 60 construction jobs, just the fact that we are doing this right now. We are open to the idea in working with the city, that you can hold us accountable for creating and sustaining jobs for the dollars that you give us. So you -- we are willing and open to that idea, that you will require us to actually hire and maintain certain jobs for the dollars that you give us. We also believe that this investment in this community will go a long ways in terms of addressing the issue of unemployment and poverty. Finally, we also believe that if the city of austin and southwest key can partner together, we can bring millions of more dollars to the city. We have shown that we can raise money and we will -- we, together, can do that. You have been to our facility. It's a beautiful place and there are some wonderful things that are happening in our facility. What we need -- and there is a number of other folks that partner with us in order to do what we have been able to do in this place. If we could partner with the city, we believe that it would be a very critical partnership that will allow to keep people employed and keep people out of poverty. And there was a comment that was made a earlier by council member cole who said we think the economy is coming back and the economy continue -- continues to come back, we want to make sure that it also comes back to this particular neighborhood, where, again, the history of the this neighborhood is a lot of unemployment and a lot of move thety. And I will be glad to answer any questions you may have. [ Buzzer buzzing]

Martinez: Thank you, dr. sanchez. Mayor, do you mind if I ask him some questions? sanchez, first of all, thank you. Six years ago when I was first -- I first decided to run for office, you were -- you guys were a fledging organization and you brought me in and showed me pretty incredible plans you had and you asked as a council member, will you support us and obviously I supported your vision and your mission but I had no idea it was going to turn into the community hub that it has become in those five short years. Although we didn't end up entering into a partnership, the city of austin and southwest key, it got dicey, it got really political. Aisd got involved and got upset, but you moved forward and you said, fine, okay. You tell us no. We are not going to stop our mission. We are not going to stop what we started. And you continued those efforts and have proven not only to the surrounding community but to me, specifically and I hope that council you stand by your commitments and when you say you are going to do something that you will fulfill those commitments and give back as much as you can to the community. I see that. Every time I go to southwest key and see those programs there and I was just there the other day for the youth lunch. You provided the facility for them on one phone call notice when they said we need a place to do the annual lunch, you said come here. Do it here. There was something, though, that you said when we met a couple of weeks ago that stood out to me. Can you talk to me and the rest of the council about the comment that you made about other funding sources who -- who say that they would be more than willing to give even more or give for the first time if they could see you in a partnership with your local community? Can you speak to that issue?

Yes. And I will make it very brief. You can go back to where the funding has come from for two slides back. Yes, one thing I was sharing with mayor pro tem is that we have relationships with various foundations throughout the state and the country and as we laid out the proposal for this particular project to get funding and they look at this look at this 5 million project, where are you projecting to get your money? The one critical question they ask is where is the city in this? Where is the city support? Why should we support you from oklahoma or dallas or anywhere else if austin is not supporting you. And our response is we will ask, we will ask the city and hope the city will join with us because the beneficiaries of this is the citizens and city of austin and specifically that particular community so we -- it -- it raises the question with funding sources. We believe it would be easier for us to raise millions more dollars if we have this partnership with the city and southwest key. I want to make one other brief point I shared with you also men you met with us, the hispanic business magazine that prints the top 25



hispanic led nonprofits in the country and in the state just came out with ratings and rated southwest key the fourth largest hispanic-led nonprofit organization in the country and the first -- and the highest hispanic-led nonprofit organization in texas and I say that only because we are in a position. We have national presence and national recognition and state recognition and we have an infrastructure that makes it possible for us to be able to attract millions and millions of dollars for the kind of work that we are proposing to do here on the eastside.

Martinez: And i appreciate that, sanchez, and I assume that staff is not recommending funding because it doesn't meet those -- the highest priorities? In fact, what staff has said it is the medium priority. It is in the medium priority category and obviously we have limited resources and we try to make the best decisions, but I want to commit to you and tell you that I want to figure this out. I want to -- there are other ways to do this. If we do this through cbdg, you mentioned the job creation and the jobs that occur from this site and there is a new facility. Maybe there is a new way to create partnership with the city. We just listened to a proposal, this company advisory boards that going to move to austin and create 239 jobs over the next five years and we signed an agreement and we provide them revenues and incentives for doing that and we have to provide options with you all because I see the fruits of your labor the last five years and you aren't going to go away and I want to solidify our relationship as a city with southwest key and I work with you how we can to achieve that and if we can't accomplish it through cbdg money, I would like to explore with the city manager and see if there are any other options available to us.

Thank you. We have an entire business plan and entire proposal and we are ready to work with the city council. I think it would be wonderful partnership and it would lend itself to being much more successful for both of us coming together and working together with the city. Thank you.

Thank you.

Council member spelman.

Spelman: I am persuaded that southwest key does wonderful work and if we had the money to include you in our cbdg program we would accomplish something valuable but I am looking at your powerpoint here and finding in all the description of how much your buildings are worth and how large your payroll is and how it's growing and how large your budget is. I am not seeing anything here about what it is that you are proposing to do of govalle and johnston ter race and I suggest next time you put that together, you may focus more attention to that.

Yes, part of it is the limited time of my presentation. Had I had more time, i would -- I can go into that. As I said, we have an entire business plan that outlines more specifically the kind of things we would be do for creating jobs. We started doing this and 2 millions in contracts which we are training and providing employment for people.

That's what I am interested in. Not how big your building or your budget is. Thank you, sir.

My point to that, council member, is to show the fact that we have an infrastructure here to handle the this and that we are also economic drivers that bring millions of dollars into city.

That is valuable, too, thank you.

Thank you.

Mayor leffingwell: Golvino --

I want to echo mayor pro tem's comments. I have been to your facility and very impressed what you are

doing and met with the folks at southwest key recently and I share the mayor pro tem's interest in finding a way that we can partner with southwest key and sci if you could send us that -- or send me that business plan.

Sure.

I would love to do it.

That will be a starting point.

Be glad to do it. Thank you very much.

Thank you for your time.

Galvino fernandez. Not in the chamber. Darn yell yanez signed up for -- daniel. You have three minutes.

Thank you mayor and council. I am here to support sanchez and southwest key. You all know who I am and the work th I do in my neighborhood. I want to tell you that i also chair the govalle johnston terrace neighborhood planning team. We are all in support of this and many of the -- my colleagues have are worked for years to bring political empowerment, housing, education, and economic opportunity to our part of town, and when you all were candidates, when you were a candidate, council member riley and randi and mayor leffingwell, you came and you saw the facility there. You said, council member riley that govalle johnston terrace is ground 0. Ground 0 meaning it is one of the most disenfranchised areas in the city. The quality of life that austin enjoys is not the same quality of life in east austin. However, it is changing. Part of that is because many of us work to get rid of the tank farms of bfi and then it became more attractive to be there. Since southwest key came to our neighborhood, all of our efforts have accelerated tremendously. As you can see, we have -- we have taken good advantage of the facilities that they have, the infrastructure that they bring and al the -- the networking that we all do. So all of our efforts that we have done over the years have been accelerated because of southwest key and they are asking for 1/7 of this project, almost \$4 million of it is already coming from other places. We, in the community, are committed to housing, to education, and to job creation. Council member spelman, one of the things that this enterprise complex will also help and facilitate is something that I have been working on for a long time and that is getting our local businesses, our -- our home grown businesses inside of govalle johnston terrace to create mentoring and apprenticeships, so through this facility, we will be able to do that kind of thing. We will be able to bring in the energy of the local and small businesses within our neighborhood to strengthen the education and the job creation there. So I know that there is numbers and there is -- the spirit of that, but I can tell you that southwest key has been a tremendous, a tremendous asset to east austin and not only east austin but to all of austin. They are helping us with many, many things and so this is why I have taken my whole evening to wait until this moment to be here and i appreciate all of your time, and I will close by saying, randi thank you for all of work you have done on the council [ buzzer buzzing] and so if you have any questions I will be happy to answer them.

I have a question.

Mayor leffingwell: Council member cole.

Cole: young because you are active in the community -- I hope this doesn't sound like it is coming out of left field. But what are you guys doing with eastside memorial and how is that working out?

We have -- when you are asking -- when you say you guys doing with eastside memorial.

Southwest keys -- I am sorry, southwest keys, because I remember the --

I can very quickly answer that question to you. As a person of color, as a minority person, aisd has failed -- has failed our community for many, many, many years. Southwest key, in the area of education, just like with this project, in the area of economic development, in the area of political empowerment, southwest key is the only entity in austin that has brought quality education to the eastside. The prep academy is the first middle school we have had in over 25 years. Where was aisd? Nowhere. Johnston is again failing. So are the other two high schools in our area. That is the failure of aisd. Aisd is jealous because southwest key walks its talk. Because we in govalle johnston terrace, we work to solve our own problems, and when you talk about eastside memorial, I would suggest that you guys get with the school board and let them know that if they turned that school over to us, not just southwest key, because southwest key, as I said is a facilitator. Those of us working in the community are working hand in glove, just like economic empowerment with this facility, just like with political empowerment with the east austin development program and the east austin --

Cole: I had a feeling i was going to push your button.

You had -- and I am glad you did because this is a very important thing. We, as community of color, have lived with institutionalized racism for 85 years.

Cole: Okay.

Mayor leffingwell: --

and southwest key is one of those solutions, so i hope you walk your talk and help us to contribute and participate with us to enjoy the same quality of life on this side of i-35 as the other side of i-35 as well. i think you got yourself another 3 minutes.

Well, you know how it is. Thank you very.

Mayor leffingwell: okay.

Cole: Thank you.

Thanks for pushing it. she opened the door for you.

Cole: I asked for it. I asked for it. I did.

Good night. I should say good night everybody. I am with lulac district 12, mr. marsell.

You can't leave after all of that.

I have been here too long. still falling for it at the last minute.

Southwest key has done a great job in east austin. Something we seen in a long time. Council member, you are talking about a building. You know what? A building brings a lot of things. The state capitol brings a lot of things. It is the building. This building here brings a lot of people and a lot of things come out of this building that you are talking about, and a building brings people together. And this is what southwest key has been doing for bringing people together. We have the boys and girls club there, by the way. We have other activities going there. Acc has been there for a good while giving classes. We have our charter school there. We have other things that -- in that building which is a simple building that brings people together and east austin has never had a corporation that has really developed -- or

devoted itself to bringing people together. We have had community meetings there, a lot of you have been there when you running for office. You see how many people come up. That is a building that brings people together. Not only that. The amount of money that they bring to this city, tax money that people spend in this city and the city has turned its backs against southwest key. I think a little bit. That's all we are asking. A little bit to be given so that we can go out somewhere else that will appreciate us more of what we are trying to do to our community and all we have to say is the city is participating. It is not -- it is not being a ghost. They are actually participating so consequently other granters can give us more money. That's all we are asking. The city of austin has to be one of the colleagues in the wheel in order for the wheel to be rolling. That's all we are asking. We appreciate your support. I know it's a hard time -- hard times right now but do you know what, when you give and you receive like the way southwest key has been giving for many, many years -- for 24 years, and if you do the math, just payroll alone should be over \$15,000 that has been -- into this community and spent in our stores and our grocery stores and in the infrastructure, in taxes. This is the thing that a nonprofit such as southwest key has brought to our community. Take that into consideration and it's only a building, sir. It's only a building. But you ought to be there when all of these people come up, when they give food away and they have two or three hundred families coming, receiving food for nothing and come to southwest key. It is only a building, sir. And the our children play in just this building. Anyhow, thank you very much. Have a nice night, sleep tight.

Thank you. Our next speaker is frank fernandez. Frank fernandez in the chamber? Not in the chamber, deanne johnson. Deanne johnson signed up against. You have three minutes.

Good evening, my name is deanne johnson. I am not against the whole action plan. I am in favor of affordable housing and a lot of is in 78702 where I live. In our neighborhood we would also urge you consider city wide placing affordable housing and make strong efforts for that but there is a portion of this direct action plan that our neighborhood organization, essentially east austin neighborhood and the robertson hill neighborhood is opposed to and that is with the juniper and olive street and some of you were at the african-american cultural heritage ground breaking on friday. If you had gone across the street, you would have seen several small shotgun houses that are all set for demolition by the nhcd. We are opposed to that. We like our itty-bitty little dense houses, even if they are really old and they are kind of tacky shotguns. We would the line item of 1 million that is for four demolitions, three new constructions and three historic renovations to actually be for 7 historic renovations. That's \$190,000 a piece for 700 square foot houses. I think they can handle that even if they are not in good shape. So this is what we want to bring your attention to. That they are talking about demolishing what very few of those little houses are left and that they kept saying over and over at the ground breaking, this is the heart of the cultural east austin and what it looked like and as you let nhcd keep doing what urban renewal did to us so that there is nothing left, you just take one at a time. Just like you were talking about the density on the riverside corridor. One or two or three more at a time means there is hardly anything left. There is nothing left to it. We want our heart intact. And we are asking you to tell them, no, on this part of the direct action plan and to go back to the drawing board and figure out how to save those houses because we think it can be done. The neighborhood has been getting together and figure out how it can be done. Transfer it to nonprofit who is willing to take it over if the city can't figure out how the own reynolds straight 700 square foot house with 190,000 bucks each. I am available for any questions. thank you. Council member riley.

Riley: I would like to ask staff, if I could.

Randi, thank you.

I heard a number of johnson and from others about the demolition of older homes on juniper and olive street. Could you address the points johnson raised and specifically speak to the prospect of renovating those houses or demolishing them?

I can provide you just a preliminary update on the project. Juniper olive has been in the works for a

number of years. Currently right now there is a plan to continue the demolition of three of the structures, with the historic renovation of three. It is a financial hardship to propose the historic renovation of all of the structures. Plus there are some structural infeasibility of actually going in and dealing with it in terms of many of the structures are just -- they have been determined very difficult to renovate. We have been talking with ocean, which is comprised with a number of organizations in the area and we are aware of their desire to see all creativity put on the table to see what can be done. I can tell you that we certainly want to vet those issues, so we have postponed the items from the landmark commission meetings and we probably will be working with neighborhood representatives. We would actually like to take a few of them on a tour. We welcome actually any of you who might be interested. We have had media who have been interested. We have taken them as well. It's a difficult and challenging subject matter, but we certainly are very much open to working are through the issues as we are looking really at some pretty severe funding constraints in terms of what we can do.

I think I heard you say you are working with ocean to explore possibilities?

I should say that recent conversations, we actually have found ourselves a standing meeting on the ocean agenda each month so we have been able to go and that has been one topic. It came up a couple of months ago and we have had subsequent meetings and conversations with different individuals in that group and so we are very aware of the neighborhood concern and was at a meeting actually just last tuesday where there is continued desire to really work the issues more comprehensively, so betty spencer, the director pulled the items from the landmark commission and so we will be working with them the next several weeks.

Riley: Has anybody looked at partnering with a nonprofit to perhaps move them to different sites? Are those sorts of possibilities explored?

I want to be careful not to say something publically that alludes to the fact that those kinds of things can be done, in terms of truly the feasibility of really even moving up of the structures or several of the structures, however.

Riley: Like making them partner with some nonprofit that can work with fixing up the houses in place.

As we have stated to the individuals who talked to us fairly recently, we are not in a to say no to any particular proposal that was feasible. I don't want to be difficult in my answer but we are not at the point to say where that's what it looks like but we are exploring an option.

But that's what I am saying, be open to the possibilities and make sure that the neighborhood is aware of plans, that nobody is caught off guard by demolition and there was ample opportunity to explore all possibilities to avoid continue demolition of the homes.

Yes. The communication aspect has been signaled as critical and we understand that.

Thanks.

Charles clotman. Three minutes.

Thank you. I want to make it brief. Housing chair of public coalition here in austin. That the neighborhood housing has done a wonderful job on this year's action plan. That comes strange coming from me. We always want more but there is not a lot left so we feel like we really did due diligence as stewart said to really spread the I want to commend them for doing that and they've kept us in the loop the entire year. It's worked the way it's supposed to work. We have worked as a team. We have worked as partners. It has been very refreshing for it to work proper wily. I want to thank this council for allocating the money, for home repair and we look forward to 2012 bond election and hoping we have

your support for at least doubling the amount that we have for affordable housing. There is so much of a need. We all -- all the partners have put out our need statements. We quantify a need of home repair and affordable rental and homeownership and we have a plan. We have goals set and it is very attainable. It is very doable. If we stay the course, we can get this done. If we are wishy washy, never working together as partners, psh, portable rental and homeownership. Home repair working together collaboratively to make us work smart, to make us work effective and do it right and I commend you. Thank you all for your compassion and your care. Council member shade, we will miss you. Thank you for your compassion and your care for the poor. I pray your successor can be as compassionate as you are. So thank you all and just icing on the cake and a long night. Thank you. thank you. Entertain motion to close the public hearing. Mayor pro tem moves to close the public hearing. Second by council member cole. All those in favor, say " aye. Oppose say no. Public hearing is closed on a vote of 7-0. Go to item 132.

Good evening, mayor and council members, I am george zapalac with the planning department to number 132, to conduct a public hearing and approve an ordinance of 30-220 add 30-2-287 requiring that residential plats in the extra territory jurisdiction of travis county include a consumer protection notice alerting home buyers that minimal land use regulations apply outside the city limits. This was initiated by the travis county commissioners court and notify people who purchase lots in the subdivisions there can be fewer land use controls in the county for any development near or adjacent to their subdivision and that development may occur that may not be compatible with their subdivision that may affect the value of their home. The county commissioner's court has approved this amendment but since the city and county have a combined governing subdivisions in the etj of the city council approval is also required before the ordinance goes into effect. This item was heard by the planning commission last week on june 14th, at which time they heard opposition from the home builders association. There were concerns raised that the note on the plat would not be an effective means of informing the public about the intent of the note and there was also some concern -- concerns expressed about the actual wording of the note. The planning commission ultimately recommended that the code amendment be approved with the following additional considerations, first to look at additional notification documents that would show up with the title commitments and the sales contracts for new houses, not just on the subdivision plat itself. Secondly, requesting that the county work with other stakeholders on the wording of the notice, and, thirdly, that the county work with the city of austin law department regarding any concerns that the note might establish some type of grandfathering. With regard to the last item, the city attorney's office has looked into this and although -- there were concerns expressed about previous version of the note, they are comfortable with the current wording that is before you. [One moment, please, for change in captioners]

Mayor Leffingwell: All right. And -- and again, I believe you said it, but to clarify, this applies only in that part of the -- austin's that is within travis county.

That is correct.

Mayor Leffingwell: Um ... okay. We do -- we are conducting a public hearing and we have one person signed up to speak. Tom nuchols who used to work in this place. And donating time to tom is anna bolin is here, steven manila.

He's gone.

Mayor Leffingwell: Not here. We'll give you up to six minutes if you need that much time.

I will keep it briefer than that. Mayor, mayor pro tem, councilmembers, bert, karen, I don't know that I can honestly say that it's good 30 on a thursday night, but certainly not an unfamiliar experience for me.

Mayor Leffingwell: I was wondering what you were doing back there, frankly [laughter]

let me just touch on a couple of things in light of the -- of the conditions pc put on the recommendation. The genesis for this code amendment is the fact that one of the phenomenon, the county commissioners deal with on a fairly regular basis is that the city and county will approve a subdivision plat in the , the homes will get built, people will move in and then a few years later some incompatible land use will crop up right next to the subdivision and the people who bought those homes will -- will call their land commissioner and say, I object to this, please stop it, can you do something, the commissioners having been through this drill then go through, you know, the explanation that there are no land use controls outside of the city limits. And often the reaction of the constituent is I wish somebody had told me that before I bought my house. And I think to -- to me and y'all, you know, we spend a good deal of time working on land use issues, and we're not surprised, you know, we know there's no land use outside of the city limits. But these are just average people, the kind of people who have to live that far out because they have to drive that far until home prices are low enough to -- they can qualify for the mortgage. So these are just average folks. And so -- so some of the commissioners approached county staff and said, well, what can we do, what are we empowered to do? This has happened so many times I would like to do something. So we looked at all of the legal tools available to city and the county and one of the things we realized is this is a consumer protection issue. Subdivision plats are really consumer protection documents. Subdivision plats are the tool and landowners and developers use to take a raw material, raw piece of land and turn it into a finished consumer product, which is an approved, platted subdivision lot with a home on it. So we started looking at the plat as -- of course the city and the county can regulate the content of plats. The other thing plats are, they are a title document. They create easements and building restrictions and limitations on the ownership of the lot and they are actually filed in the county clerk's record, in -- just like deeds are. So -- so if you look at the typical real estate purchase contract for a single family residence, it obligates the seller to provide a title commitment to the buyer from the title company and the title company will give the buyer, along with the title commitment, with a listing of all of the instruments affecting title, a copy of the plat. Because the plat does affect your title. .. we thought, well, okay. On the cover of the plat, if there is in large print a notice to homeowners that says you need to find outside whether you live inside or outside the city limits it can affect the use and enjoyment of your home, that's some way we can provide some opportunity for notice to people who are buying outside of the city limits. And, you know, they will be getting this long before closing. The contract requires that the seller give it to the buyer before closing. If they are seeing it for the closing, if they are seeing a plat at closing for the first time, then the process hasn't worked as it was intended to do. We did -- we did hear from the home builders on that, they did have objections to it. We did work with them to stepsively revise the listening and -- it was a case of give and take and really the commissioners court felt to have the meaning they wanted this thing to have, it needed to have the language that's in there now. The home builders association also brought up several other possibilities. Work with the realtors to put a mow in the form contract. We're happy to work on all of those, but we don't feel like working on those should delay approval of this code amendment. The commissioners court would very much like to get this in place so they can tell their constituents outside of the city limits we've done what we can. Once this is in place, we'll be happy to work with people on any other alternative. With that, I'll conclude and be happy to answer any questions for y'all.

Mayor Leffingwell: Any wes for mr. nuchols? Councilmember spelman.

Spelman: Sorry, mayor, I realize that it's 11:35. But I can't resist.

Mayor Leffingwell: I knew you couldn't.

Spelman: I can. But it will only take a second. The commissioners court will want to see the notice on the plat. The home builders association wants to see a separate sheet. Why are you doing it the commissioners court's way and why do they want it on the plat?

I'm convinced that that's the only document that the city and the county have the legal authority to require this as part of the content.

Spelman: Okay.

There are other alternatives, but that's going to take working with the realtors association and a long --

Spelman: Okay.

This has been pending for 16 months. Working with the realtors on that will take even longer.

Spelman: I was surprised to find the home builders association were actually in favor of something which appeared to be would be more forthcoming than putting it on the plat. But if we haven't got the authority to do that, in your opinion, I understand. Thanks.

Mayor Leffingwell: Anything else? Those are all of the speakers that we have signed up to speak. I will entertain a motion to close the public hearing and consider the ordinance. Amending chapter 30-2. Councilmember morrison so moves, on all three readings. Seconded by councilmember spelman. Discussion? All in favor of the motion say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. Council those are all of the items that we have on our agenda today, 139 and all. Without objection, we stand adjourned at 11 --

Spelman: Mayor, I would like to make an observation. 37, in the -- at night, councilmember randi shade is still here and doesn't need to be. I would like to thank her for being here until the bitter end. Thank you very much, randi.

Mayor Leffingwell: Thank you.

Mayor Leffingwell: Without objection, we stand adjourned at 11:37.