

Closed Caption Log, Council Meeting, 08/02/11

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records, please contact the City Clerk at 974-2210.

we're out of closed session n the closed session we took up and discussed legal issues related to item d1. Now we go back to our agenda and item place the agenda for discussion by councilmember riley. Discussion regarding council sub committee membership and the number of sub committees. So would you like to say a couple of words.

Yeah, thanks, lee. I wanted to give us all an opportunity to visit about our council committees. I notice on the committee membership, I thought we had a couple of empty slots, it would be helpful if we talked about those committees and what we would be doing. I notice in particular, we've got vacancies on the tele-communications, and also the minority owned, women owned business enterprises council committee.

Let me just say that mayor pr cole is on that committee, has expressed the desire to get off of that committee, that's one of the things we need to talk about.

I've enjoyed that committee, I've been on it, I wanted to give someone else an opportunity to serve. If no one wants that, of course I will go back to that, during our shuffle this term, last term for 2009, we had some significant changes when mayor leffingwell became mayor and was therefore unable to serve on committees and then councilmember martinez became chair of capital metro. Now that we have a new councilmember, I was trying to open up some room for some others because we just had a vacancy, and in the past when I first came on council, mayor pro tem betty dunkerly chaired audit and finance, and brewster McCracken WHO LATER BECAME Mayor pro tem chair, comprehensive planning and transportation, and mayor leffingwell chaired health and human services, so when those two changes happened, we never really talked about the balance of the committee work here, and so I'm glad that you put it on the agenda. And I simply gave that history for us to kind of understand that I don't think we've since I've been on council had a situation where we've had so many councilmembers with so many responsibilities outside of city council, and that has made it very, very difficult for just everybody.

Well, why don't we start up at the top. Could I just ask if there's anyone else -- right now the only two members on emerging technology and emerging communications are myself and councilmember morrison.

If I could just add, one of the things that I'm interested in doing, and maybe we can put this on our committee agenda to more fully discuss it, is to try and focus somewhat on open government technology, because I think that, you know, we've moved forward with our website which i think brings us up to about the [inaudible] , I think we've got a long way to go and it could use council input and thought in terms of trying to really raise the level of that. I don't know if anyone is interested in that, and I'm certainly interested in other thoughts that you have in terms of what to focus on this year.

It's my understanding that in the past, that committee actually spent a fair amount of time speaking about austin energy and i know we'll be talking about the austin energy issues a lot this week and there may be things that come up that would provide a focus for that committee, particularly in the area of

solar technologies, so I think there's a lot that the committee could be doing going forward.

Sure. That's good.

And historically the primary responsibility of that committee has been to have oversight franchise activities like texas gas and like time-warner, those kind of activities, in addition to what you just talked about so want to make sure that we don't lose sight of that primary mission. I know when I was on this committee a few years ago, ..

And if I could add that, we do have a rotating schedule of making sure we get updates from all of those things as well as the pecan street project.

Yeah. So the way it is right now, there is one opening, councilmember shade's opening, so is there anyone that would like to volunteer to be on this committee?

Mayor, I'm not volunteering. I'm asking a question. I might conceivably volunteer in a moment.

Okay.

But looking at the committee structure we've got and then comparing that to what it is that the city hopefully spends a lot of money and time doing, i notice that there's three gaps. One of them is we don't have a formal committee that looks at public safety issues. Another one is we don't have a formal committee that is focused on utility issues. That's the vast majority of our budget is the water utility, solid waste service, austin energy and the other enterprise funds and we also don't have one that looks at economic development. I've always thought of emerging technology as being a defacto economic development committee, our economic development is based on technology, but that is going to vary over time. I wonder if this would be a good platform for us if we decided to delegate --

we do have a public safety committee.

Council sub committee.

Commission, yeah.

> any comments on that? Councilmember martinez.

I think it's a great conversation, because what i wanted to look at is are there any opportunities for emergencying responsibilities on these committees to try to alleviate some of the burden of, you know, the repetitiveness of our -- i think they're important. I think, you know, we as a council need to have these committees and public input in the process, but if there are opportunities to combine some of this workload, maybe we won't have so many gaps to fill.

Yeah.

Yeah, I certainly agree with that comment. I'm open to suggestions.

I agree with that comment, too, mayor, because for me it's not as much the work, it's putting another meeting on my schedule, and so -- once you get there, two hour commitment, and you can limit it, that's fine, but just that problem. Councilmember riley, it was my understanding that you wanted to talk about if there was any committees not only that we could combine, but also eliminate, and councilmember spelman has put some items that we probably need to, you know, assign to a particular committee, so I'm wondering if we should put maybe before we talk about adding committees -- I mean adding issues,

think about any that we don't need. Did you have any in mind?

No, not in particular. I think -- I think bill makes a great point, that those are very significant issues that aren't currently assigned to any particular committee. I wonder with respect to public safety, I wonder if that is -- since it does consume such a huge chunk of our budget, if it really is -- if the whole council really needs to deal with public safety issues, and if that's the case, maybe a committee isn't as important, because those -- because we all really need to focus on those. With respect to the other things, on the -- on the utilities that it seems like at least with respect to austin energy, that many of those issues could fall under emerging tech. Don't know about where the -- where the water utility would probably go, and then the economic development, that's a good question, and it's not -- you're right, it's not currently addressed by committee. So I'm open to some reconfiguration of those committees.

If I may add, I know out of finance we've certainly trying to work in regular reports on the utility finances, so we might think about for splitting the perspective on utilities and have the finance picture in one committee, and as you ..

Operations.

The operations on another, and I mean I could see the water utility sort of fitting in emerging tech, not so much, but just to keep it consistent.

Mayor, I just think --

mike.

-- Public safety and utilities, I mean they really are an issue that is such a high priority that the entire council needs to weigh in on it. I agree with councilmember riley. I would not want to serve on either one of those sub committees because they're just that important, and so -- audit and finance has extremely wide scope and latitude and they can -- we already send utility issues through audit and finance, and we can certainly send -- we actually did public safety, the police department through audit and finance when we merged all of our police groups in the city, so I think there's an opportunity there, if we wanted to have a sub committee conversation on public safety and utilities, the audit and finance committee is probably the most appropriate place, but to carhem out as their own sub committee, I just don't see where that would be beneficial. I think it's important -- it's a highest priority, arguably, that all of us share, so I would want to keep it at a full council --

I agree with what you and chris have said, and I also think that if we're going to talk about adding new committees, perhaps we need to first fill the ones that we have, address that issue first, and get some more thought, maybe council agenda items to talk about any additional committees, and that would -- that could come later in my opinion. Just a thought.

Mayor, I just wanted to respond to what councilmember martinez said. I do think we have at least a significant segment of the financial aspects of the public safety in the utility come through audit and finance especially on a quarterly basis. I just have a question for legal about other councilmembers and the mayor being, you know, apprised of a particular meeting that you might want to attend, and whether you can vote at that meeting, because i agree there are times that we hear something that i wish all of you were there because it would save us a lot of time.

First of all, all the committee meetings are posted and notices --

all the meetings are posted pursuant to the open meetings act. As far as the rules of who gets to vote on the committees, that is going to be up to the council to determine that. The open meetings act won't speak to that. But the meetings are properly posted with agendas and so that's no problem if all of the

councilmembers show up.

And they're posted with that notice, that quorum of council may be present.

They're posted as meetings of a sub committee of the council, and that way if all of you happen to show up, you've met the requirements of the open meetings act. As far as voting on those, i think the rules that govern each committee should determine that.

Okay.

We'll just make a special point that when we are considering a public safety or utility issue with the auditor, to make sure that the members that don't serve on that committee -- because a lot of times I don't read agenda, I just can fess up, of other committees that i don't serve on, if there is a big item, I'll try to catch that and let you guys know.

I think that's a excellent approach to it. So kathy?

I have a --

we use first names in the work session so --

okay. Thanks. Still getting the hang of things here. I have a question. Given that these are all posted, I wondered if there was some reason why some committees are limited to three and audit and finance is allowed four members.

Actually audit and finance is currently allowed five members and that is by ordinance. We had to change the ordinance and actually a few years ago, the mayor was required to sit on that committee and chair it. The ordinance was changed to accommodate that, and then just a little bit of history, a couple of years ago, we normally talk a lot about seniority when filling these committee slots and so there were two councilmembers of equal seniority who wanted to fill one slot, and so since we're already at four weeks, to five, but I see no problem in only filling four slots.

But it sounds like there would be then a problem with adding a fourth to some of the other committees.

Oh, yes.

As a majority of that --

I see.

Ly throw out to my colleagues if any of you are interested in moving from public planning to health, i have a strong interest in those.

There you have it.

If that helps.

So maybe a good approach would be to methodically go through these and just point out where we have openings that we need to fill, and first of all, on audit and finance councilmember tovo has volunteered to be on that committee. Does anyone else have any interest in that.

I just have a comment, mayor.

Mike?

And I really don't want to bring this sore subject up, but I think it's important, either -- I think we should try to stick to five members on audit finance, because you run into potential open meetings violation with a committee of four, and with two people talking to one another. We've struggled with that issue at capital metro after all of the questions were raised earlier this year, and I -- I'm not going to serve on that committee. I'm not volunteering. I'm just telling --

looks like you were on it.

I'm just telling you those that will be that could become an issue with four members.

Mike, you would be the logical fifth member since you're already on the committee.

I would be fine with putting the mayor back on it. [Laughter]

as chair.

Bill this.

Help me understand, mike, what the issue is. Two people would not constitute a majority or a quorum of the committee, so how could there be an open meetings issue?

I think it just gets you closer to it. Again violating the open meetings act as we've learned this year is not cut and dry and pure and simple. You can still run afoul by getting close to it, by appearing to, and you just eliminate those issues if you have five people on a committee.

Isn't that true to every --

sure. Absolutely. It's true to everyone. Every one of the committees that only has three members, you know, you can't talk to another member about an item.

That's right.

And that's the way it should be, as far as I'm concerned, that's the way it will be. So for now, we'll move on from audit and finance with the understanding that if a fifth member wants to volunteer for -- to be on that committee, there potentially is an open slot on it. And going to emergency technology and tele-com, we do have an open slot that was vacated by councilmember shade, so is anyone -- does anyone have any interest in serving on that? We're not -- we're not doing anything official here. We're just having a discussion about it.

Mayor, if there could be an understanding that emerging technology would be a logical place for us to consider economic development issues, I would happily serve on that.

And I think that's perfectly reasonable. In fact we've looked at some of the things, like the gaming industry. We had the chamber come in and give us reports on technology growth in the area, so I think that that could fit in quite well.

Well, there we go, then. I'll show councilmember spelman as being a volunteer for that. So judicial

committee is set with incumbents. Is there any discussion on that?

I have a question, mayor. Does the judicial committee meet only -- do you have regular meetings or is it only called meetings.

We have regular meetings.

You have regular meetings.

Yeah.

Okay.

If it's not necessary, we cancel it. So we do have a meeting coming up I believe next week.

Would you like my position?

No, no, I was just -- i was trying to figure out how to reduce committees and --

well, that's a longstanding committee.

It is. I just didn't remember.

It's required by state law.

It's in the code so --

and the mayor is required to chair that one.

Right.

Well, let's leave that.

That's why I'm on it.

Make sure I got that in there.

Comprehensive planning and I believe it's -- the official name is comprehensive planning and participation, is it not, so three incumbents on that, although councilmember toe toe -- tovo has expressed an interest if anyone wants to trade off with her. Mbe, small business council, mbe, wbe, small business council, councilmember tovo has volunteered to replace councilmember shade, and councilmember cole who has been on, as she said, for a long time, would be willing to give up her position if we have another volunteer. So for now we'll show councilmember coal volunteering for that position.

That's correct, mayor.

Public health and human services. Opening again from vacated by councilmember shade, and I know that two councilmembers have expressed a desire to fill that position. Councilmembers tovo and riley by tradition, seniority has its privilege here, within of course certain broad limits, so have kind of penciled in

councilmember riley to fill that position here. You want to comment on that?

I'm open to stepping off that committee at some point, but for now the work that the committee has been doing is so important. I found myself needing to attend the committee meetings many ways just to keep up with what we're doing on social contracts in particular. So I would like to be on there at least for now.

Okay. And so city attorney, the way we did it, is we'll have an item, a resolution posted on the agenda.

Yes, sir.

Some time in the near future. And so --

the only thing --

on the dais changes can be made.

The only thing, mayor, if you want to change the composition of the audit and finance, that's an ordinance. If you want to reduce it down to four, I think we'll probably have to amend that ordinance to reduce the number.

Back to the way it was? But for the time being, it could operate with four.

Yes, of course.

Four members. Okay. So let's make a note of that if no one else volunteers to be on the audit and finance committee, we perhaps need an ordinance change to clean it up. Is that correct?

Yes, sir. Yes, sir.

Okay. .. Firefighters relief and retirement fund, I think -- mayor, I'm on it right now. I believe required to be on it by ordinance. I'm not sure.

I believe there's state legislation that gives the city a seat on that particular fund, and I don't know if it's specifically named who has to be there, but, mayor, I need to check that one, but that is pursuant to the state law that created the fund that gives us the seat.

Pending the answer of that question, I would just say I'm willing to give it up if anyone has a particular interest in being on that committee. Not hearing a clamor or an outcry out there.

I'm more than happy to serve if there's an opening. I currently am not vested in the pension system, so I don't have any conflicts.

Okay.

Certainly is something I care about.

Thank you, councilmember. We'll make a note of that. If the city attorney could check that out and make sure councilmember martinez would be on that -- be the nominee to be on that committee. Employees retirement system. One councilmember currently, councilmember spelman, has done some good work on that committee and we will be privileged to have him continue. Bccp planning organization, one councilmember, that is only a two member committee. We have one member from travis county on it. Commissioner huber, and I am on that committee. It's one of my big interests in life, so I would like to

continue in that capacity. Anyone else? Want to arm wrestle me for it? Okay. Capcog. Councilmember riley has been doing yeoman's work on that committee.

Actually, mayor, that's the air coalition.

Air coalition.

I would like to continue serving on that.

Next is the cap tar area capital area of governments. One committee, that position is vacant. Do we have any volunteers for that? Councilmember tovo? Okay. Capital area governments general assembly. Again, councilmember tovo on that, and we have three other members that are just appointees. Campo. Executive committee. That has to be someone on campo. We currently have four councilmembers on campo. We get to that item next. Is there any councilmember that has a desire to be on campo besides the ones that are --

mayor, on the advice of my staff and my wife, I have to announce that I don't need to be on campo. If anyone else really wants to be on campo, I will seriously consider giving up my spot.

So you don't need to be on it.

Don't need to be on it.

Does anyone have a desire -- we do have to have four members on campo. Currently myself, mayor pro tem, councilmember spelman, and riley. Councilmember tovo?

I have given that one some thought, I have a scheduling conflict I would need to resolve, I'm not able to volunteer at this point, but I will give it some thought.

Well, give it some thought, and you could be the nominee if you work it out with councilmember spelman to replace him.

Mayor, councilmember tovo, do you have any questions about that committee, because --

I currently serve on it, and I was very hesitant to get on it, but -- and it does meet in the evening, all the time, and so that's always a big challenge.

Once a month.

Once a month only. But it's very important because is it a regional committee, and it deals with a lot of money for our area, and when we don't have the representation, we stand to lose funding for transportation, so a lot of times the issue comes up, and I don't think, you know, we're simply trying to make sure that are you coming, are you coming, are you coming, because there are important votes. So I just encourage you to think about either councilmember spelman staying on the committee or you staying on it, which we have to have four, but i wanted to explain it's just like audit and finance but even more so in terms of importance to the city.

And let me say it does meet only once a month, on monday nights, 6 o'clock normally out at the thompson center, and there are 19 members, four from the city of austin, and it's a good opportunity to meet elected officials from around the entire five county area, so certainly if you can resolve your conflict, I think it would be a good opportunity for you. Trying to sell that one, huh?

Yeah, we both did.

Now she really doesn't want to do it.

Mayor Leffingwell: Cap metro again, by law of some kind, we have two councilmembers currently serving that have been there a long time chair of that committee, councilmember martinez and councilmember riley I assume want to stay on that committee.

Mayor, if I could just pipe in. Both with campo and especially with cap metro, i know what an enormous amount of work it is and to have good representation there, and I want to thank you for your work on that.

The joint committee, city of austin. Aisd travis county, three members on that committee, myself, councilmember spelman and morrison. I guess everybody wants to stay on that.

Mayor, with your permission, I have a conflict for meetings on friday at noon. I believe the committee meets on friday at noon. I have class this semester between nine and noon which makes it difficult for me to get on time to the meeting, but councilmember tovo said she expressed an interest in being on the committee, and if you have no objection, you can take me off and put her on and I'll just come to meetings whenever I can.

All right.

Yeah, I would be delighted to serve. Thank you.

I do have free lunch at these meetings, by the way.

Incentive.

Mayor Leffingwell: Clean air central texas board of directors, I'm on that, I think that's enshrined somewhere that the mayor has to be on that. Community action network resource council. We have one vacancy, and so councilmember tovo, I assume you may be interested in that, so we'll put you down as a potential nominee. Envision central texas, which I will -- I'm a member of that too. I will say we don't meet very often. In fact we haven't met in the last two years so I'm very happy to continue in that capacity. [Laughter] lone star rail district, mayor pro tem cole, do you want to continue?

Yes, I could continue to serve, and I will add that i made a serious effort to get councilmember spelman to join that committee and he voted against himself at the campo meeting, but the county --

I voted in favor of terry huber. It's not the same thing.

It is the same thing. But anyway, I wanted to add that the funding for lone star is contemplated as a third from san antonio, a third from the cities in between and a third from austin and travis county. And travis county has two representatives and we only have one, and so I look at it a lot like campo, in terms of -- well, one, i always have to go because i have no one to give a proxy to if there is a consulate, and two, they are expecting a, you know, significant financial contribution from us especially over the long haul, and anyway, I would just like to throw that out there for us to considered aing a member, because i think it's important.

Anyone else interested -- would that be a voting member or ex officio or alternate --

I want to put it out there because I need to look at the process. When I was trying to get councilmember

spelman to serve, that would have been as the campo member, and then travis county commissioners, sarah eckhart, actually wanted to serve, there's karen huber, karen eckhart, and myself that served, but as y'all know, there's county funding and then there's city funding and I don't like the potential of trying to deal with all the cities in between when we're making one of the largest contributions and not having one of y'all there also. But I need to look at -- I'll get back with you, mayor, because I need to look into the process for adding a member, know we can't add a campo member anymore, if we say we want to do that, I would gladly push for that.

For now we're set with you on that street. The street project, again councilmember shade, filling her position on that board of directors. I volunteered. Is there anyone else that has one? Okay.

If for some reason it becomes too much of a burden, I will certainly consider it, I need to look at the dates and frequency of the meeting.

They meet once a month, 30 in the morning on mondays, something like --

okay.

Mayor Leffingwell: Police retirement board, that's a vacant position. Looking real hard for a volunteer. Councilmember tovo?

Well, I don't know much about that board, but I'm certainly willing to give it a shot.

Okay. In the meantime --

I should say.

It's tough being newsom times.

Happy to volunteer.

We've all been there.

Mayor Leffingwell: We will put you down as a potential volunteer.

Okay. Who served last year?

Mayor Leffingwell: I'm assuming this is councilmember shade.

Oh, shade, okay.

And I was on it before that.

So I can catch up with one of y'all.

Uh-huh.

Mayor Leffingwell: Regional planning committee for the barton springs segment for the edwards aquifer, member composition is one councilmember. I'm currently on that. Again, this is a committee that has not met for at least two years. Before that it was established I think prior to 2005, and they were very active for awhile. There's always that potential. Let me say that I'm on it and I'm willing to give it up if anyone

else would like to be on this group. Bill, any interest? No? No? Too many meetings. Okay. texas colorado river floodplain coalition. City attorney, we don't have any members on that now, and could you give us a head's up on what is required on that?

Well, mayor, I'm going to have to look -- this looks like it may be an intergovernmental kind of coalition. I'm going to have to pull the underlying supporting documents, but just because we don't have any members right now doesn't mean that the documents don't require us to appoint somebody, so let us pull that and send you out something on what the underlying documents say about our participation in that.

Okay in the meantime, i think it would be prudent for us to potentially have a volunteer member on this coalition.

Mayor, do you have any background on the kind of activity and discussion they have?

Mayor Leffingwell: I've never been on the coalition and so it's an environmental group that studies floodplain issues in the colorado basin.

Thank you for that.

We will send out information about it to the council.

That will be great. [Laughter] you're volunteering?

I'm interested in finding out what it is, potentially. Potentially.

Mayor Leffingwell: I'll put you down as a potential.

Okay.

Mayor Leffingwell: And we do have the potential for an alternate too. So councilmember tovo, that would be -- that looks good on your resume. [Laughter] texas municipal league board of directors will -- councilmember spelman has done an excellent job over his tenure here and actually gone to meetings at tml.

That seems to be the primary requirement of doing an excellent job is actually to show up. I mentioned there were exciting places like arlington right across from arlington stadium, they actually meet frequently outside of -- most of the time they meet outside of austin. I think the next meeting may be in lubbock. If anyone wants to go to exciting lubbock, I'm happy to give up my slot at least for that meeting.

Well, so far, councilmember, if you're willing, I will say in all seriousness that this is an important board, because tml represents the city of austin at the legislature every session and so it's very important that we be a part of that group. conference of mayors, and I've been privileged to serve on that, drafted so to speak for the last couple of years and plan to continue. And I think that's all. Are we missing anything?

Mayor?

Mayor Leffingwell: Mike?

I just googled the texas colorado river floodplain coalition. It is partnership of cities and counties in the colorado river basin in areas seeking ways to reduce and mitigate flood damage t coalition was formed in response to a combination of rapid growth, greatly expanded number of homes and businesses in the

floodplain and devastating floods that have recurred in the basin t lower colorado river authority provides technical support to the coalition.

Was this before they built tom miller dam that .. [Laughter] sorry.

Does it --

Mayor Leffingwell: Thank you. Thank you, mike.

So I guess I would like to check the schedule and frequency of meetings, but i would be interested in participating, if it's feasible.

Mayor Leffingwell: So can we get that information? Thank you. So any more comments? We still have the outstanding issues of any committees that we might want to do away with, or any committees that we might want to add, and chris, since you brought this up, do you have any further comment on that aspect of the item?

That's been a helpful discussion. I think the existing committee on emerging technology and tele-communications could perhaps be, you know, we could give continuing attention to perhaps reshaping that committee. I heard interest in focusing on economic development as well as government issues, so we may want to talk -- you know, we could -- maybe at an upcoming agenda for that meeting, we could consider renaming that committee, coming up with something different, different focus for it, but that seems like one that could be shaped to accommodate whatever outstanding needs we have.

We have -- I think we have a meeting next week and wednesday, and I will want to check with your schedule, so make sure that we can accommodate that, make sure we get an open discussion about the committee's mission and work and potential action on the agenda.

Yeah.

Mayor Leffingwell: And, you know, the scope of the committee's purview may be to find an ordinance, so we want to keep that in mind. I know it was -- the scope was revised a couple of years ago. Before that it had been the tele-communications committee, and it was renamed the emerging technology in tele-communications and the scope expanded at that time, so that is another thing for the law department to check in for us. But for right now -- for right now it is in existence and has councilmembers morrison, riley and spelman, potentially, if elected, will serve. Any more comments on that item? We can go to our agenda. Any items -- none have been singled out so far. I do have a couple that i want to mention. First is the item on the koman race, and as you know -- do all of you have this copy of the route outlined? So given this route, what has happened is they were denied because basically it violates almost all the cry criteria that we set forth. And we know it's difficult to design routes in the downtown area, and a lot of these events want to be in the downtown area, so where it stands right now, personally I would consider this route to be unsatisfactory because it loops out, you know, too much of downtown, it closes simultaneously all three east/west arterials, that being eleventh street, fifth AND SIXth TOGETHER, AND Cesar chavez and remember our guidelines say that you can only closing, vacating close -- you haveto keep two out of those three open, and likewise it potentially closes the drake ridge and the an richards bridge. I know they said there will be some traffic streaming through, but there will be a lot of race activity on that also, so that is another deviation from the criteria. So where we are right now is we talked to them and they are willing to go back and take another look at their route, and they have indicated that after they do that, they can go back to the staff potentially get approval from the staff. But lacking that, I'm going to be suggesting that on thursday we postpone this ITEM UNTIL AUGUST 25th. That's at the request of the race organizers. They're going to be out of TOWN ON THE 18th. The race is until november, so we do have a little bit of time. You know, this is something I think we can spend some time on it. The race for komen is, you know, one of our great charities. I think it's important that we work with them to allow them to do their fund raising, but at the

same time, almost all the other race events downtown are great charities too, and, you know, it would be a significant setting -- the significant precedent to basically violate all the rules, so we're going to try to redesign that route and they will bring it back to staff. They've also mentioned, by the way, that this would be a one-time deal. Last year they had the race in the domain, and have indicated that in future years after this -- after this year, they want to hold the race at coda, circuit of the americas, and this year hopefully we don't have to do this again.

What agenda item is it.

It's 33, to set up public HEARING FOR THE 18th.

Yeah.

Mayor?

Mayor Leffingwell: Yes, kathy.

It's my understanding that transportation did propose another route. Do you have any information about that --

Mayor Leffingwell: We have the transportation director here who can maybe --

and there were challenges with that --

Mayor Leffingwell: I think ut nixed the other route.

I thought part of the concern was it passed close to one of the cemeteries. My question to you was whether that route can be redesigned a little bit.

Yes. We had suggest add route that would go more east/west, and one of the concerns was it went by the state cemetery which I think in retrospect is probably a -- certainly an issue that we need to address, but we've been working with these folks pretty closely, and when it became apparent that we were, as the mayor said, crossing three of the major arterials and encircling some neighborhoods, we really raised the concern and needed to bring it here to counsel. It's also the nature of the race, this particular event tends to stretch out and last for a long period of time because of the nature of the participants. Some are walking. Some are running and so forth. And so this is quite a long event. So we will continue to work with them to find other route opportunities and see what we can do to help them.

Great. Just one more question. I -- as you know -- served on that committee so i appreciate the way in which the staff has really been encouraging race permitters to follow the ordinance suggestions and rules. Can you just give us a sense of whether there are races that have been approved or events that have been approved for the downtown area that have had this number of exceptions?

The answer is no. Typically when we have waived rules, they're individual pieces of the overall rules and there are good, strong mitigation reasons to do that, for instance crossing fifth and SIXth, IF IT IS A MOVING Bubble or a moving race, that it is closed down quickly and then reopened, that has typically been looked at as acceptable, but when you have an extended closure and a number of enclosures, whether they be encirclements, it becomes a cumulative issue that gets hard to get past.

So this would really be a very strong precedent for -- this would be really out of the practice that we've been following in terms of adherence to the ordinance, the street closure ordinance?

Yes, ma'am. You know, as again as the mayor mentioned in previous years, they've been up at the domain, so this particular race has -- or event has not been -- has not encountered the downtown rules similar to other longer races like the marathon and so forth, which we've accommodated through other means.

Thanks.

Anything else on that item?

Well -- oh, I'm sorry.

Chris?

Yeah, a question, first i would note that the race was downtown before it was at the domain.

Absolutely.

And was very successful downtown. Yes, I noticed it is a long race, part of the reason it's so long is the organizers were planning to stagger the beginning so that -- so that they could have officers at the key intersections that would actually allow traffic through, so that wouldn't actually be a complete closure during the time of the race. And I'm actually appreciate that kind of suggestion rather than just cutting off an access altogether, just have an officer there to control traffic and allow people to go through both people participating in the race and also traffic, and i think that actually works very well, and a number of other cities that have longer closures particularly at times when traffic is not great like on a sunday morning when this race is planned. So I appreciated that effort, and under the current rules that we have in place, is there any kind of provision for that sort of arrangement as opposed to just a complete closure or are those two things treated exactly the same.

Absolutely, councilmember. We try to use all of those techniques to minimize the impact when individual pieces of the rules are being asked to be waived. But again, just cumulative effect of this particular route, we thought it necessary to allow council to make a decision on that.

I notice that the item on our agenda for thursday is to set a public hearing for AUGUST 18th, AND DID I Hear you say there are ongoing discussions about alternate routes?

Yes, that's true. This is actually the first time that we've I believe asked council to consider waiving the rules because it's the first time we've been able to get to a course that did not create these concerns, and so we're learning as we go through it that it requires a hearing by council to go through this.

So how much additional -- do you needed a additional time beyond the 18th in order to continue those discussions or --

Mayor Leffingwell: No, in talking to the parties, chris, they indicated august 25th would be sufficient time, and that's what I'm going to be proposing at the meeting is that we have the public HEARING ON THE 25th.

And we'll be working with them at their schedule as best as possible.

Great, thanks.

I just want to mention that, you know, we work -- the task force group that worked on setting up these rules, it was not an easy process and a lot of people have a lot of time invested in this, and it was

basically the compromise of events downtown which is important and also allowing people that live, work and in this case on sundays, more importantly worship downtown, are not cut off from what they need to do. So I think it's very important that we preserve that compromise, rather than start to set the precedent for breaking it. Any other items, kathy?

I have a question actually about that, a few questions about bat fest while you're here, mr. spiller. I wondered why the deadline requirements were necessary to be waived. By waiver of closure of notice, I assumed that was the signature waivers, but i wondered why they had difficulty meeting the deadline requirements.

I will have to get back to you.

Sure. I should have given you a head's up.

The other question I'll just pose and we can get a answer later. How much the anticipated costs are. I notice we were waiving costs. It specified there would be a contribution from the city and I wanted to know what those anticipated costs would be.

Certainly.

Thanks.

The city's portion of this is going to be very small. Most of it is funded by private sources, paramount theatre is putting in a good there are other people who donate money for community events who are going to put money into it. Second annual bat fest. And again, we're going to have the original batman, adam west is going to be in attendance. Robbin, we don't know yet. We don't know about robbin. But we are going to have the bat helicopter here as well .. it's a pretty big deal. Another event for performance down at the paramount theatre also.

Thank you.

Sounds like a good event. I just want to have those details.

We'll get back to you.

Mayor Leffingwell: And I don't know. You weren't on the council when we did this, but the bat is the official animal of the city of austin. Sheryl?

Mayor, I wanted to bring up the item from council number 26 about senate bill 100, I just want to ask you guys to turn to it. I was concerned that we did not in presenting this item give the impression that we wanted the city manager to come back with information somehow suggesting one date over another. This resolution -- and there will be some clarifying amendments that I'll bring to it -- simply seeks to help us understand and how we're going to deal with various legal issues that have arisen with it. For example, there will be four of us up for reelection, and is it within our purview to actually vote for an extension of our terms? I don't know if sabina or --

we have an executive session scheduled for thursday to deal with the legal issues related to senate bill 100. If you'll look at the posting that we have related to the districting and the charter amendments. One of those actually deals with legislation and that is senate bill 100. That would be item number 37.

Okay.

And so our outside council will also be here to help us walk through that, because they've also helped us work through the legal issues related to that, as well as looking at the information that tml has provided on senate bill 100, so we are planning to do an executive session on that.

I didn't know what that posting was for, the city charter amendment. That is great. I believe councilmember morrison and I are still planning to bring this forward, but it will simply say that the city manager shall identify an option for a may election and a november election and then request a council briefing about that to all of us.

Mayor Leffingwell: I think it's very important that you did bring it forward, because it certainly needs to be addressed in a very near future. I'll tell you I had discussions with the county clerk and she will have a formal statement to present by our meeting on thursday, and also requesting a similar analysis from our city clerk, you know, to -- because obviously that's going to be one of the options -- potential options and we also have to be able to coordinate this with other bodies in the area. Aisd has a very big interest in this, acc, so I'm in communication with aisd, board president on this. We're going to make sure that we're in sync and it goes beyond that. Acc for example, has constituencies in williamson, travis, hays and bastrop counties. The city of austin has constituencies in travis, hays and williamson counties, so it is a complicated issue and we need to get about trying to get it resolved. I'm pretty sure -- I know you're going to discuss this in executive session, but I think the first question you raised is senate bill 100 does confer on the council the ability to extend terms in the event that the november date is selected. (One moment, please, for ..) finish

with the amended language to uniformly with you and council member morrison and myself to give it to the individual that you contacted so we don't send mixed messages so we can do it together.

We will certainly keep them in the loop every step of the way.

I wanted to lay that responsibility with you. [Chuckling]

thank you.

Other items? Mike?

Let's go ahead and get into chickens.

Is it chickens or egg-laying hens?

I got a text message from the mayor yesterday that said item 26, cluck, cluck. In all seriousness, this is an important issue. For me, it goes back in a personal way. My first job, when I was 12 years old, was picking eggs. I was in a hatchery rockdale. They were in battery cages. It was about as big as this piece of paper. And there was four hens to each cage. There were two rows here and two rows here. It was about 150 yards long. About four of those rows in one bar. That is the conditions that the egg-laying hens are in. This doesn't change anything. This doesn't put an ordinance in place. This is an agreement by the national humane society of the united states and the united egg producer who have come together and reached an agreement on potential federal legislation. What is happen suggest in states and municipalities, they're piecemealing ordinances and state statutes. So the egg producers agree they can operate in a more formal way. Our animal advisory commission, some brought this issue up, brought it to our office. It says that we support this movement. We ask the city manager if the council adopts this resolution, to forward that resolution on in a supportive manner to our washington team, our delegation, and to those folks trying to forward this legislation in d.c. It is -- yes, it is symbolic, but it is also in line with our values of humane practices for animals in our community. So that's really the st of it. It doesn't create any new regulations or ordinances here in austin. comments, laura? I wanted to talk about item number nine. I see outside council is here. This is an item recommending approval of a

settlement in the lawsuit. I wonder if we could maybe just get a brief overview. I see bev reese is here, the city attorney, if that is all right. A brief overview of the situation. And have received -- thank you for getting that posted. Because it was important that we get folks the ability to look at it. I received a few questions. So if you could give us an reeves and then I will let you know what the questions were.

Thank you. This is a piece of litigation that was brought by three claimants, dominique chavez, alfred stanley, mike levy. Those individuals sued the city and the city council members individually alleging that the way we handle tax exemptions when we handle them for properties designated as historical violated the texas tax code 11.24. We have been working together to come up with a compromise and settlement of the case. We have a settlement to recommend to the council at this time. That settlement is that we modify provisions of the ordinance related to the granting of the taxexemptions for historically designated properties per the language of the texas tax code and in addition we add a statement to the application form for those that are requesting the exemption. And in that form the sentence will read, my property is in need of tax relief to encourage its preservation .. then there will be a blank for the individual property owner to fill in that response. one of the questions I got with regard to the property owner certifying the need, the question is: Does this shift the determination of the need from the city to the property owner?

I'm not sure I understand the question. let me read it verbatim. It says this provision appears to potential shift the determination of need from the city to the property owner. is it still the city's ultimate decision?

Yes, it is. I think that is the clarification that was looked for. And then a couple of questions about practical impact of this. Would it impact, for instance, the city's ability to initiate historic zoning under owner opposition?

This provision doesn't contemplate or deal with at all the granting of historic designation. So it's not involved at all or related this issue.

Morrison: ok. The following question, i think sort of shows that misunderstanding, because the could the property owner simply be able to refuse to certify the need and be able to avoid the application of ordinance. The need is only about qualifying for the exemption.

That is correct. In order to fill out an application requesting the exemption, the property must first be designated as an archaeological and significant historical in need of tax relief to continue its designation. concurrent with the city council it used to say "shall" by ordinance annually approve the exemption. We're changing that to say the city council may by ordinance approve. Can you talk about the significance of shall to may?

Sure. The way it was written it doesn't give the city council any option other than grant the tax exemption. With the modification, they will have the ability to decide whether or not to approve an exemption request. that would be based on what? Certainly not when. We talked about that.

What will happen is the city staff will work on a process. That is public input. They will work on a process to work through the application all the final approval with the city council members. And it will be -- the city will have the discretion to make the determination on whether or not the property is in need, according to the terms in statute.

Morrison: thank you. And thank you for your work on this. Appreciate it.

Thanks for your hard work in negotiating this. I have never seen it go so smoothly. From my point of view it looked smoothly, I'm sure from your point of view it was much more complicated. Basically what happens is every year with a historic designation, there is a blank sheet of paper and we ask them to fill in the blank on here is why I need the tax rebate to support my historic property. Who will make the

determination as to which properties actually receive the tax rebate?

Ultimately, we do say council. ultimately, the city council and that would come to the city council in the form of a list?

Yes. I think the process contemplated is once a person applies for the exemption, city staff will review, and pursue it to the terms of the ordinance, inspect the property and the records. Those recommendations will go, if the ordinance sarks proved to the historic land commission. The historic land commission will pass along its suggestions for approval or disapproval to the city council and the city council will make that decision. at some point there is going to need to be an administrative rule as to what is allowable or categorical needs, correct?

I'm not involved in the administrative process. I have to defer to the city attorney on how that works. fortunately for you, she's right next to you and can answer the question.

Council member, Iela fireside, council.

There could be a list of things that qualify need. We don't want to limit approximate. We want people to be flexible to communicate what it is, the property need for them and articulate that to staff to the historic landmark commission and ultimately to council. this isn't the only situation where the city has to make rules. If we were all governed by ordinance, city council wouldn't specify which categories are in and which are out. It is largely or wholly determined pie -- by our staff; is that correct?

That is correct. it is not the only place, is it?

No, there are several places. are there means by which the rules are made public? Faced with a blank sheet of paper, I wouldn't know what to do. I would wait until three minutes before midnight on the day I had to have it postmarked before I would write something down.

I believe it is in publishing the rules, giving it time for comment. Of course, the staff will work to make the process as transparent as possible. we publish it first, give something like 30 days for comment and then it becomes rule?

That is my understanding.

Spelman: ok. And the historic landmark commission will have a chance to look at those in advance, and informed of them. Because it is a rule of the staff and not city council, we will not be passing an ordinance or resolution to support them? Is that accurate?

I think that that is correct.

Spelman: good. Thank you. I think that is all.

Thank you. again, good work. Appreciate it. Kathy. I have a question for the creators of the ordinance. The existing ordinance --

(whispering) what number are we on? what number?

Tovo: number 29. We're talking about the existing ordinance. The existing ordinance has 252355 section a -- I'll just read it to you.

Mayor Ieffingwell: please. the property possessed is valued by the community because it represents the

cultural economic or because it has a location, physical characteristics or other features that contribute to the image of the neighborhood or population group. I believe some of that language isn't in the ordinance we are contemplating for thursday. I think it has been captured in the provision I'm about to read. Represents a significant portrayal of the environment of the definable group of people in the historic time. I guess I would just suggest, I think the language in the original ordinance might be worth preserving. But I may be missing the original language somewhere.

Mayor Ieffingwell: why? You said you first read us the original language item.

Tovo: right. I don't think it is in the language we're considering for thursday. I think it has been paraphrased as significant environment of a definable group of people over time. Is that correct?

If I may, this has been hanging around for a while. I don't, right off the top of my head, know, but what I do have back in my office is a -- is sort of a red-lined version of what is currently in the ordinance and how this would change it. What I would like to do is go back to that and see where it came from. It also came from -- there were also recommendations that staff brought to us. So there was some element of trying to absorb as many as possible. If I can go back and get that and maybe get with you. So later this afternoon, we can go over that. That is an important question to answer. cathy, what is the language you're concerned about losing? do you have the original ordinance? Or the proposed? I have the proposed. It is -- I will ask for some help. I think I am going to hand it to you. It is number two. top of page 4?

Tovo: yes. There are so many sections and parts and subgroups that i can't capture them all. It is the line about represents a significant portrayal of the environment.

What was the original that you say was lost. the original that is not in the. That nan is the property possesses value because it represents the cultural, economic, historic or heritage of the city or because of the location, physical characteristics or other unique features that contribute to the image of the city, neighborhood or population group. I think -- I do think some of that detail is important to preserve beyond -- rather than just summarizing it as an environment of definable people.

I was noting currently under paragraph 1 c 2 historical associations, subparagraph 4 on community value, we do allow recognition based on the property having a unique or physical characteristic that represents an establishment familiar, visual feature of the city and contributes to the character or image of the city, neighborhood or population group. I think that tracks with what you're saying. it does track some of it. I think it tracks the first half.

Mayor Ieffingwell: Conceptually is there something that this draft loses that was in the original ordinance? I think the portrayal of the environment of a group of people is just a little -- it is a little bit -- um, vague. .. I appreciate you pointing out the other clause to me. I will look at it again. But anyway, I posit it for your consideration, that we might want to capture at least some of the language of the second clause in four, in the original and mesh it into it.

The underlying concept of what we would lose is what? what you mean by environment, it is not just strictly -- we're not talking about natural environment, we're talking about historical, cultural, unique features.

The word "environment" is not in the proposed ordinance.

Tovo: it is.

What is the section you're concerned about. if I may we're, defining a significant portrayal of a group of people. In the original we defined historical, cultural or whatever. A lot of modifier it's word environment,

so it was not restricted to the natural environment. Is that accurate?

Tovo: yes. And it gave meaning to the " I take your point that might make it a way that is unnecessary to give more description in 2, but I have to think about it more. I would ask those of you who created the motion if you could sort of see where you think that came from and when.

Yeah, keeping in mind this is the beginning of the process. Next is a resolution directing the manager to correct the ordinance. These are the guidelines for it. A lot of opportunities to make modifications as we go along. I'm going to mention a couple of things. First of all, I appreciate you tackling this very difficult issue, Laura and Bill. It is really important. It is important not only to us but it also affects the other bodies that take our advice on this. Travis County, AISD, A.C.C. I am going to propose two small changes. One has to do with the way grandfathering works. Instead of a fixed time to enforce the \$2,500 cap for residential, I will propose that we instead propose grandfathering we're talking about properties prior to January 1, 2010. That cap applied at the change of ownership instead of a fixed time. That would be for residential only. The other thing which I haven't entirely fleshed out, I'm still working on it, is to maintain a historic designation and allowing some work on the parts of the building that you can't see from the street. In other words, facade preservation. I will propose that. I bring it up now to give you time to think about it and give it consideration. Kathie. would that also include additions in the back? My understanding is the way that it is interpreted in the past is that you preserve that which is visible from the street to maintain your historic designation. I have heard a few concerns about whether this language would allow -- would continue to allow additions in the back. So that --

Mayor Leffingwell: Obviously, I want to hear all those concerns. And other points of view. Excuse me. then I had another question for you. Your first proposal, which I think is a good one is would I think -- if it is passed, would eliminate the clause about recommending a formula that is gradual over five years.

Mayor Leffingwell: yeah. Changing the way grandfathering is applied. it is captured --

Mayor Leffingwell: Mike. you are referring it going to commission? The way it reads in the language, we are saying immediately implement. So I'm wondering, does it immediately trigger something or is there a process that immediately is triggered after that process? I guess I need to have the city attorney answer that question.

Ed Schaub, legal department. I believe everything in here will need to start back in the process. It will go back to the historic landmark commission, planning commission. I don't think there is anything in here, particularly if it is a code amendment. Obviously it has to go back. I don't think there is anything that is immediate. I certainly support your grandfathering at change of ownership. I will attempt to make another amendment to this. It's where we talk about properties designated as historic prior to January 2010. I realize we started to this prior to January and every time we voted on it Councilmember Riley would put a qualifier on it saying it could change when it gets to this decision point. But for me, one of the principles I held as a councilmember for six years is if I as a policymaker feel that the rules need to be changed then they apply moving forward. When we talked about the PUD ordinance amendments and talk about downtown and what provisions are in place today. We don't qualify it by saying retroactively if we change the downtown master plan when it is implemented in December it throws the project that was before us last Thursday. So likewise, I feel like, when these folks after January 1, 2010, they applied under the rules that existed. They didn't apply and agree to, necessarily any change in the rules. So I think that if we're going to impose a cap, it needs to be imposed moving forward. That we establish -- which I support. I do support imposing a cap. I don't support retroactively imposing it because we have been talking about it for the last year and a half. That is the amendment that I want us to consider. Just like we have in all other cases. A deal is a deal. Let's play by the rules as they are today. If we decide as a body to change them, let's change them. Not retroactive.

I agree, it is important that the city keep its word. A deal is a deal. Sometimes I continue to hold that view against the position that I really was against. But I felt like it was more important for the city to keep

its word. In this case -- I'm certainly open to discussion about what you said but my rationale or justification for this would be that folks who got the historic designation after January 1, 2010, were put on notice that this had changed, that this financial arrangement could change. Councilman Riley, I think every case we had at that point, he made sure that folks were put on notice for that. .. you know, it is a close question. I'm open to discussion on it.

Mayor?

Mayor Jeffingwell: Bill, Mayor, I agree it is important to keep rules in place the way they were before when people sign on. The reason we put a cap in place or the reason we recommended a cap for this resolution is in particular the need to ratchet the size down toward that cap at the time was to try and keep our partners in this enterprise, to keep them with us on it. It was our perception that Aisd and Travis County were both prepared to no longer pay attention to the waivers or historic properties so long as they were uncapped. I wonder if you had any conversations with people in either -- any of those three entities to see whether or not that is still true? I have not had that particular conversation. I have had communications with, for example, the county in which they agreed and made the decision to hold off on their decision on this matter until after we developed our proposal. But I think it would be important to communicate with them on this topic, specifically. But I would point out that they still have the ability to exclude certain parts or certain properties from historic designation. They don't have to follow our examples. They can choose to honor all the historic designations for commercial properties and not for residential and perhaps for part of the residential. Because of the cap on themselves? They could, potentially. Yeah. So I think that is a decision I need to have, it needs to be done.

Mayor Mest Sheryl: I thought it was an interesting discussion. It has long been important to me to include all of Austin, especially East Austin and ethnic groups. I was trying to figure out what is the portrayal of the environment. I was thinking we say include community practice. That could include a history of practice of story telling. So I think we should add the language "or community practice" and it could include things like that. We want it to be that broad in terms of historical association for the modifying environment. That is just before the first bid before the resolved clause, item number two that is being discussed, represent significant portrayal of the environment. I'm trying to figure out what is the environment?

I think one of the challenges we had last year is when the historic zoning for the Sink House came to us. I think there was a strong sense that there was -- an enormous community value in zoning that house historic and we weren't quite clear how it fit in to the language of the ordinance. There was some attempt. That relates somewhat to what you are talking about, Sheryl. I think we should go back and look at what was intended with that and make sure the words are clear. Chris pointed out there is a community value modifier, but I think community practice would help.

Morrison: Uh-huh. I guess I do need to mention this item about plastic bags. And the only point I want to make is -- well, I want to make a couple of points. First of all, we have been -- I have been working on this issue for about four years. And we have worked with the Texas Retailers' Association. Six major retailers here in Austin chose to participate with us in a trial program and tried to do this in the objective was to reduce a tonnage -- reduce the tonnage of bags that go into our landfills, streets, waterways, so forth. So I want to acknowledge those six retailers who did participate and worked very hard to try to make this work. But it became evident that no other large retailers were stepping forward to participate. The reduction of bags into the system were not going to meet our objective. So we decided to go ahead and propose a resolution directing the manager to come back with a recommendation on the ordinance, basically for comprehensive ban on plastic bags at the checkout counters for stores throughout the city. That doesn't mean that there are going to be absolutely no bags in the system. There are, just to give you one example, Whole Foods, after we began this process, they voluntarily, on their own, established a pilot program for their Austin stores discontinuing bags at the checkout counters. There is still uses for the bags. Wet, fresh fish, plastic bags like that. Other products that required special treatment. Applied only at the checkout counter. Their pilot was very successful. So believe it or not, Whole Foods

sometimes moves faster than the city of austin [chuckling] and they have applied their ban. It has been in effect for a year now or more. Worldwide in august. So we're very proud, once again, of whole foods for taking that initiative. The other retailers who participated. I guess I got to mention their names, wal-mart, walgreen's, h-e-b, randall's -- help me a little bit.

Target.

Mayor leffingwell: target. One more. Whole foods, as I mentioned. So they, at the same time that part of the program was they were going to establish facilities on-site for customers to bring their old bags back to be recycled and they helped us a lot about putting reusable bags in the system, which are an essential component for a price, 99 cents, you can still see them at the grocery checkout counter, where you can buy them. There were a lot of bags put in the system by people that were using the bags to promote their businesses. Kind of an advertisement deal, keep austin beautiful. A lot of bags in the system. The last I heard, there were about a million reusable bags put into circulation. They're still in circulation. Most of us have a lot of those in the trunks of our cars right now. So it is not as if we're starting off fresh at the beginning. We have a good basis. We have done a lot of educational work with the reasonable bag infrastructure into place in a large part. So that will minimize any disruptive effects going forward. There are still other problems to be worked out. That is why the resolution directs -- bob getter of the solid waste services department, working on how to resolve these problems. One of the problems will be, ok, you didn't bring your reusable bags with you to the checkout counter. Will you carry everything out in your arms? What? What whole foods does is make paper bags available. What they do, you get a slight discount if you bring your own reusable bags, but if you don't, you have to pay full price. You don't get 10 cents off, or whatever it is. So the exact mechanism for getter gets recognition on that. I know he will, but I think it is important that we preserve that alternative. The best one I can think of right now is the paper bag. People say, well, paper bags cost more. The process to produce them is polluting. Yes, all that is true. But at the same time, paper bags are recyclable, that is the big point. You can put those recycled bags in our stream system, whereas they don't work with plastic bags, because if you put plastic -- a lot of people don't know this -- through no fault of their own. The single-stream system can't accommodate plastic bags. They have to be picked out on the assembly line of the item by hand. If they miss one. Sometimes they get in the machine, jamb up the -- jam up the machine and they have to pick them out. Paper bags may not be the best solution, but we have to keep the option on the table for discussion in the future. So again, start of the process, not the end. Come back with recommendations. The ordinance will work its way through. We said it would be comprehensive, what will be the scope. What is a reasonable time line for full implementation? All of those questions will getter interacts with stakeholders and of course uses his own resources to make that recommendation.

Mayor?

Mayor leffingwell: mike. I certainly agree with a lot of the statements you made.

Mayor leffingwell: a lot? I never agree with all of your stuff. But I have been a cosponsor with you for the last three years. The first go-around and we did a pilot to reduce the plastic bags. I think it would prove to be successful as you said, initially. We have seen that it has gone back to the norm and is convenient for folks -- norm, and it is convenient for folks to use plastic. We have seen other cities enact similar-type bans. In meeting with the folks at texas campaign for the environment who is probably arguably the largest, most vocal group that has asked us to move forward with considering this ordinance amendment, I think we do have to look at where these cities that have enacted the ordinances and the outcome and consequences, if you will that they have had. So I feel like some of the recommendations from t.c.d. Are viable recommendations in terms that if we are going to take the time to comprehensively look at the best ordinance to bring forward to establish all of our goals, then I certainly think we should look to the cities who have initiated these types of bans and try to learn from their past experiences and what seems to have worked best. And one of the suggestions was, um, to not have a product-specific ban, but to just let -- I guess, let the market drive which ban of product is the best. I don't have a better way of saying it. Meaning, if we ban plastic, we force paper. But if we just say

we're banning the use of bags, period, you have to bring your own bag. There is an option for you. That option is a potential surcharge if you don't have your bags. That could more comprehensively achieve our policy goals, in my opinion. So I want us to put that on the table, to have that in the conversation moving forward. I know this is not enacting anything on thursday. But I do think that there are suggestions that have a lot of merit. We will certainly be wanting to consider all the options available to us. thank you. I agree with all of that. I don't think there is any will be at the table in the stakeholder process and at the same time, there will be others at the table, too, who might have problems with anything in particular. These things have to be worked out. Again, there is not going to be a perfect solution. I think there will be a positive outcome and improvement over what we have now, which is 263 million plastic bags used in austin every year, estimated cost of \$850,000 to the city. To handle those bags, to manage the litter, to manage the landfills, to manage the recycling process. And that doesn't include the cost of what it does to the environment. Of course, that is hard to quantify. But we intuitively know that those costs would make it much more significant. So --

mayor? I agree with almost everything you said and almost everything councilman martinez said. We haven't had a chance to talk on this. We can only talk in open session. The loss of capacity to discuss things between meetings, particularly right now on this issue. I agree with almost everything both of you said, particularly the issue that if we ban plastic bags, people start using paper bags. The cost of plastic bags are well known to us because we bear those costs. We have to pick them up and dispose of them. The cost of paper bags are not so well known to us because they're felt at the production process. We have to have somebody cut down the trees, form the paper, all that purpose the environmental cost associated with production are something we don't notice in the same way, but are still very real costs. I agree with the idea that if we could find a way of not banning bags, but banning free bags and perhaps charging a nickel a bag of whatever kind you prefer or whatever for paper. I think we will end up with a more reasonable solution to the problem. At least in the short term, until we can get everybody used to the idea that when you go to the market, you have to bring your cloth bags with you. At some point in the future, we might be able to deal with the inconvenience problem by having trained everybody to do the right thing. Is there a possibility to make changes in the resolution to direct the staff to follow-through on councilmember martinez's suggestion. I think getter will take that into consideration and consider the options. I totally agree it can't be open season, we switch from plastic to paper. There has to be a disincentive to do that of some kind. That is what this process going forward is going to do. Get good consensus recommendations on how to address that problem as well. We have to keep in mind that -- what the objective is, the primary objective is to keep plastic bags out of the system. So if we simply impose a tax on them, like some people have suggested, that wouldn't necessarily achieve that objective. I'm not predisposed on anything. That is why we left the resolution as wide open as it is, so that all of these things and many more, can be considered. The answers aren't easy. That is why it has been four years we have tried to work on this. if I could add two things to that. Although it is the objective of all of us, I think, to keep plastic bags out of the system, it is the objective of many of us to save trees. Particularly, it is my wife's objective to save trees. She spent the last three years of her life doing that. I have to put a plug in for rainforest partnership, my and paper bags in general, if I don't mention in a meeting a couple of times, she will find out and she will give me no end of what for for. I have one last question. Made one argument for a charge is we might be able to recover some portion of the cost of the charge to use for cleaning up of whatever remaining bags there are in the system. Do we have the legal authority, under the state to collect special share of any charge that we mandate for bags of any kind? I'm thinking for example, we can charge a nickel for a bag, take a penny and let the store have the other 4 cents to reimburse them for the cost of it.

I think we have to do research as to whether or not we're authorized for that particular kind of thing. In general, the fees that the city collects are supposed to return the cost for running a program or providing a service. That sounds a little like a tax. I don't know that we're authorized to june laterally charge a -- unilaterally charge a tax. it may have sounded like a tax to you, but it sounded like a fee to me. We would charge whatever amount we need to to clean up the after-effects of having the bags on our streets and gumming up our recycled machines, things like that. And if a larger fee would be helpful for accomplishing our objective of keeping bags out of circulation, larger than we would need to pay for a cleanup, then we would return the balance of that fee back to the retailers who had to pay for the bags

in the first place. They would get 4 cents, we get 1 cent. Does that sound more like a fee or a tax to you?

I would need to get back to you on it after research. Does that sound like a fee?

Yes. A couple of thoughts. The process after this resolution is approved, I would interject a strong community engagement program, where we entertain concepts and ideas from different stakeholders and have a -- stakeholders and have a strong community discussion on the issue. Like the paper bag issue. One solution I have seen in another community is a quick phase out of plastic bags and longer phase out of paper bags so there is a transition period there. Another suggestion is if we want to support the recycling industry, as I do, we encourage 100% recycled content of the papered bag as opposed to virgin paper from trees. There are innovative ways to deal with the issues. Compostable plastic bags are available and not widely used.

Compostable bags have a couple of complications, they're not readily identifiable in composting systems. Composting systems are struggling with that issue. Section they're not fully compostable if they have a plastic resin to them. As a general rule, taxes have to be uniform. We can't just jump into the business of charging people for plastic bags but we can put a fee on the solid waste bill. We can't just charge one particular class of people for one particular thing, as a general rule. That is a general rule. But I did want to say that I think the market will take care of this problem as we phase out of plastic bags and perhaps gradually phase out of paper bags, there will undoubtedly be companies that sell that type of product that will make the cloth bags available so that the city is not required to get into that business. Let me say, that is not in the plan of the city to get into the business of giving away reusable bags. We demonstrated that resource can be made available in a lot of different ways. But I take your point. I want to thank you all for bringing this forward, I am a strong supporter of putting the ban in place. I want to raise the issue of paper bags. I had the opportunity to talk with the Texas campaign for the environment folks yesterday. I think they were here all day talking to everyone's office. It was interesting to me, because basically they were advocating for a ban of any single-use bag. So to expand it to include paper bags right off the top. What struck me as, you know, I heard the discussion about plastic bags for a long, long time and we had a public discussion about that. And the points that they made, you know, that they are as harmful or more harmful to the environment and they cost the city also and in cases where you put into effect a ban on plastic bags you get a consequence. We need to make sure we understand what the consequence is. I think those are all very important questions to answer. I wasn't ready to just jump in and say, right, we need to make it all a single-use ban. We haven't, for instance, had S.W.A.K. look at this issue. I think it is important to have the issue studied in parallel with the work that you will do, Bob. What I am sort of struggling with now is whether this resolution gives you the broad discretion and all of that effort will be put together, or do we need a specific resolution to actually clarify that we want all of these things considered and looked at in other cities, as has been done in other cities?

Bob Getter, director of solid waste services. I believe the current resolution gives me the latitude to do the research and come back with what might be a community-oriented solution to the problem. I don't feel restricted by the current resolution. I think it opens the door for the conversation. I think it is an important conversation to have. Perhaps we will end up there. As I understand it, we have examples in the state of Texas where just plastic bags were banned and where plastic bags and paper bags were banned. I think we could really get some good measures in understanding and learn from that. Great. I appreciate that. It is an important part. That discussion needs to be integrated into this whole discussion.

I would add that I asked a few national organizations for scientific life cycle analysis for paper bags, plastic bags, disposable bags. I hope to have the life cycle analysis reports in the next couple of weeks.

I think it will be interesting, maybe we can, through some vehicle, get an update partway through the process to see where things are shaking out and what the sense is. Thanks. And I agree with your

assessment that the resolution is broad enough to do all that. And if it takes more others please consider that direction from councilmember morrison to consider all those folks. I know as we go through the stakeholder process, because i have been through it before on this subject. Not only going to hear from on the subject but the retailers that deal with it on that end. It has to be a balance. It will not be a solution that is totally dictated by any one party or any one perspective. Finally, I want to point out, I'm very respectful of the concern of trees. I like the idea that I just getter about recycled paper bags and so forth. But the plastic bag situation is so much more dark. I think in every ocean on the face of the planet there is a multimile island of plastic bags just sitting there circling around. So I think, again, it is a balance. getter comes up with in four or five months. Mike? if we're done with the subject, I wanted to go briefly to another item.

Mayor leffingwell: I'm done. I wanted to briefly speak on item 24. The mayor and I are sponsoring that. We sponsored the original wildlife habitat movement here in austin. We're the largest city in the country to be designated a certified wildlife habitat citywide. As we saw rently, in -- recently, in my opinion, quite embarrassing, someone that has a certified wildlife habitat ran into conflict with our code compliance folks in that there was excessive growth to the curbside of their property, creating some site line problems for vehicular problems and code enforcement went out, chopped down the vegetation. Simply doing their job, according to code. But it was quite concerning and conflicting that this person went through all of the necessary steps to create a certified wildlife habitat only to have a code compliance folk comes out and remove a lot of the growth and vegetation. And so this simply asks that we start looking at, you know, our values as it relates to our certified wildlife habitat program and where it might conflict with some codes that apparently came up in this one specific incident. But because of the success of the wildlife habitat program, I believe this is not the last time we will see that. I want us to be as prepared as we possibly can to deal with these issues. Thanks, mayor. yeah, i will say that we began this move of designation for wildlife habitats all around the city several years ago. Some of you may have noticed that very recently, city hall itself has been designated a wildlife habitat. Of course, there are a lot of folks that thought it was already had a lot of wildlife in here. [Chuckling] not only residential, but commercial buildings, churches, folks all over the city are subscribing to this program. And I would say that I myself have a wildlife habitat sign in my backyard which gives me the privilege of not having to mow the grass. It works out well for all of us.

It is a wonderful idea. We'll have to talk later about how you did that.

Mayor?

Mayor leffingwell: laura. I wanted to bring up item 28, sponsored by myself and yourself. It is establishing creating a charter revision committee. We have looked at several items by resolution that we want to consider to put on the ballot for charter revisions and especially of course, the whole issue of putting together geographic districting plan for election of city council. And this is going to establish a committee that will -- that will do public outreach and have discussion and come back with a community recommendation for us on those topics, including single-member districts or hybrid system. This establishes the committee and what it says is each of the two -- each councilmember would nominate two people to the committee, the mayor would notinate three. So we -- nominate three, so we end up with 15. None of the nominations or individuals are named in this. And it states that the committee would be established -- would be appointed by august 25th. So I just wanted to highlight that but also to raise the issue that getting a balanced and diverse committee is absolutely critical to doing this job right. I think we will have some challenges in figuring out how to achieve a balanced committee, diverse committee because of -- you know, if each of us go in our offices and think up two people and throw them in the pot, it is not going -- there needs to be some kind of processing and discussion. I'm not sure how to make it happen. I want to throw it out there. I hope everybody will think about it. Maybe the city manager and attorney can think about ways that staff might be able to help us achieve our goals in getting a balanced committee. I think it is a challenge.

Mayor leffingwell: Definitely so. Chris? assuming it passes thursday, we would treat it as any board or

commission so it is registered with the clerk's office and anyone can fill out an application online to serve on it. And then any of us that would have access to the whole slew of applicants, is that your understanding?

I don't think it is treated like a boarded commission, councilmember. I'm sorry.

Mayor Jefferingwell: it is on.

I think it is more like a short-tomorrow body, instead of a board and commission where applications are submitted. That is why it is referred to as a committee instead of a commission. I don't see the city clerk here, but I think that was something that is important to her. [Chuckling] is that correct? It is sort of a short-term body instead of a more longer-term commission. yeah, i think the resolution specifies it goes away. It really should be a task force, maybe.

Or a working group. that is right. if you want people to sign up online, we can do that. It will take a while to get it out on the web, we can do that and accommodate that. When you are done appointing we will pull it off of the web. I already had at least two people contact my office to say how can I apply to serve on this committee. I raised that question for the whole council. I think that is a legitimate question. I think there should be a process. It seems like online would make sense. It would be convenient for a lot of people. I would like to be able to point -- I would like to be able to point people to some web page where they can go and fill out an application to make known their willingness to serve on the committee and so the whole council would have access to that pool of applicants.

We will start work on it today and will have it ready to launch after you take action on thursday, then. I want to ask the main sponsor of the resolution about that.

If I may before, because the clerk just launched in that direction -- because there was no adverse reaction from the rest of council that you are so inclined? I want to discuss that further.

Councilmember morrison and I had extensive discussions about this. It started with some of the challenges we had with the comp plan in trying to get diversity in knowing that this number was so much smaller. And also the task is so much more difficult. So -- I mean difficult and short and compressed and very many issues. For me, the largest challenge was dealing with the racial makeup of the committee and the alleged gentlen's agreement that occurred with it. I have talked extensively with stakeholders in the african-american community and hispanic community and am planning appoint nelson lender, who lives northeast and is president of the naacp who would actually be the organization that would sue the city if it is found that the change in this type of system was not -- did not comply with the rights act. I felt like he was an important representative. I also talked with senator barrientos who chaired the process with aisd many years ago and had expensive experience at the state legislature, because I wanted people in the community who had a lot of experience with this and especially those with specific racial makeup. So that is who I am planning to appoint. I hope that helps y'all in terms of the process that you go through in terms of geographic locations. Thank you. I think that is a good idea to make an option online for people to sign up and say they're willing to serve, but at the same time, the prerogative ultimately belongs to individual council members who -- councilmember who they select. I don't want to create the impression that it might be otherwise. Another thing I want to just say briefly, the expiration for this task force is january 31, 2012. And the reason for such a tight time line is to accommodate the possibility that if a citizen group puts an item by the initiative and referendum process, on a may ballot, if that should come to pass, then we want to be ready to put our version on the same ballot, along with other proposed charter revisions because even the act of putting a single item by that process on the ballot, pass or fail, it doesn't matter, it would preclude us from offering any other charter amendments for a couple of years. But lacking that, if there is process, I will be pushing very strongly to give more time for these and put the initiatives on the november ballot. That is the plan all along. I will promote that, unless we're forced into a may option by a couple of very unlikely possibilities, I think. mayor, this relates to the previous conversation we had today already, and that is the question about a may 2012

election. And that will be an interesting thing to look at also. And that is, how does the citizen initiative play into all that? I mentioned that, if that came to pass, you know, depending on how this process works out, may versus november in the previous item we discussed, will also guide us on what we do with regard to time line for charter amendments. There may be disagreement on that, but I wanted to let you know that is where I stand.

Mayor could I get clarification with the online application process. Your rules for a regular board say that everyone must apply online. So I think I'm getting mixed messages that if we have already predetermined some people we want to appoint, are we suggesting they need to apply also? Ok. So everyone needs to apply. let me just disagree. I think this is just an option for people to put their name out there for councilmembers to consider. But wouldn't preclude individual councilmembers in the case you have already done it, I don't think the fact that they didn't fill out an application with you would preclude their being appointed. That would be different from every other, as far as I know, task force that we have had in the past. Kathie? I have a different item I wanted to mention. That is number four. I'm sorry. I don't know if there are any staff here to talk about this. But -- I know that this is part of what is in part of the capital improvement plan. But I wondered if we could talk about what the timing -- whether this timing is necessary to spend almost a million dollars on this expansion or on the land to support the planned expansion and whether we ought to be having a fuller discussion about a council whether we want to invest in energy conservation instead of an expansion of our gasland.

Good morning, larry weis austin energy. This calls for the expansion of the facility in the next few years. We delayed it a couple of years. We need additional land adjacent to the facility for noise abatement. The timing of the generation addition and plan, we will present that but not too much detail on sand hill. That is the last base load generation addition we have to our portfolio that is in the generation plan until about 2020. And maybe beyond. That is what the acquisition of this land is planned for. since it has been delayed a couple of times, i wonder if there is an opportunity to delay it further or whether there is a pressing time issue with regard to securing this land?

Ok. I would have to go back, sit down with the staff and really drive down into the detail of that and find out that answer for you, whether this is actually an opportunity or whether it is -- you know -- an initiative to try to secure the land now.

Right. I raise this because i have heard from citizens who say there are other elements of the generation plan with which we could make progress, especially with an investment of those kinds of dollars. So, thank you. chris, if you don't mind, I want to comment briefly on that. Because the generation plan the council adopted weis alluded to did include natural gas power additions in the plan as well as considerable conservation. I mean, we are pushing the envelope on conservation with that, we have a goal of 800 megawatts of savings and conservation by 2020. And again, all the other new generation, except for this sand hill, is power from sources -- well, one exception is biomass. It is power from sources that are not base load generation sources. Something -- basically, with the current technology, we have to have that base load. We don't have the capability to store energy from intermittent sources such as wind and solar, which we're moving forward aggressively on also. We need to preserve our base load capability. And that is the reason for that modest increase proposed in sand hill. Chris? larry, the generation plan also called for ongoing consideration of the possibility of -- well, the possibilities for fayette coal plant. There are a lot of folks in the community that are hoping to find some way to discontinue our reliance on fayette because of all the emissions from the plant. If we were to move forward on that, at some point in the future, then wouldn't it be critical to have some other base load to replace that power source?

That is correct. We're approximately a year away from being able to provide you the level of reporting on fayette and our base load resource future beyond what is in the generation plan now. We're probably a year away from having that completed. to the extent that will be a priority in the future, then it seems like it would be helpful to have options for replacing for fayette and sand hill is the most obvious

candidate for that.

Well, no. Sand hill facility is fairly well built out now. We have an existing single turbine with a steam turbine. This additional turbine goes on this, makes that plant even more efficient as far as heat rate. One steam turbine, and one heat turbine. What this additional turbine does is complete that plant, really. It is really a completion of the sand hill combined cycle facility. As you may recall, we have added sprint units that are short, ones that will be 00, if not already, those are intermediate turbines out there as well. That facility is pretty much complete when we get there. This land is for laydown, other storage. Construction of the other piece. I need to get detail. As far as it goes for fayette and those thermesources. That is the plan that is approximately a year away. I have directed staff to come back with what happens with the fayette future. It is a phase-out by 2030. If we replace that it is a question of with what. That is obvious. I have spoken publicly, that is probably what the future is with future base load. Where that goes is another question.

You are saying it would not be this location? I know you explained -- would this acquisition help us build out the current plan for sand hill?

Yes. And provides a noise buffer. It is a land opportunity. The land was for sale right next to the existing facility. It provides laydown. There are additional details i don't know. I will find out what those are. does it affect the capacity of sand hill?

No, no. simply the treatment of the surroundings?

Right. as I part of the generation plan, I want to remind everyone, an equal part of that generation plan was to keep electricity affordable for our customers. And we have an equal go in restricting annual increases and rates at 2%, which is going to affect what we will be able to do and when we can do it. I think that is an important component. Anything else.

Mayor?

Mayor leffingwell: laura. I want to highlight number 18. Maybe staff can help. This is to award and execute a one-year revenue concession contract for the city of austin annual holiday festival. Folks might recall that our trail of lights had to be canceled due to budget considerations a couple of years ago. And we have been looking for interest in the community to have business pick that up. So it looks like -- I know an r.f.p. was let. It looks like we have a recommendation from staff in particular bright blue combo platter to manage that. I wonder if you could talk about what is foreseen, what was in the proposal or at least request for proposal, what we might be looking at as a community for the holidays?

Good morning, I'm cora wright, assistant director for the parks department. I have with us jason mower, our sales and events manager, he oversees large events that the parks department takes the lead on. I'm happy to provide you an update on the holiday activities coming up for this year. As the councilmember mentioned, you know, we entered our third consecutive year of trying to launch a process in which we were inviting a private entity to come to the table and offer to plan, manage and fund our holiday events for the city. And we are successful this year in being prepared to come to council this week on a recommendation. It is important that I would note to you that this particular process will result in a revenue contract. When I say revenue contract, what I mean by that is that the city will not be required to put on the table any direct cost for this event. The expectation would be that we would support the event being successful in its first years by providing in-kind, the use of the land, the park and associated fees associated with using that particular facility. In doing so, then we would call that a cosponsorship arrangement in which the private entity would be able to plan fully the event that would take place after thanksgiving, could potentially run up through december 31st. They would have full reign to plan the activities, it would be family-friendly. They would have the opportunity to bring food vendors, entertain am, concessions vendors to help complement the full holiday experience. We anticipate, like any prudent private entity when you start an event like this, you want to start out

incrementally. We don't anticipate that the first year will be a full-scale event as Austin has known it to be in the past. It will be one that will be enjoyed by all. There are some expectations with this particular contract and that would be obviously that it would be accessible to the general public. That the vendor would have the opportunity, should they choose to, to charge an entrance fee. That is within the contract and limits from the past. With respect to a fee for entering the festival. The council approved that when we were in tougher economic terms to offset the cost of doing the event, that we could charge up to \$5 per entrant as long as the person was 11 and older. It would be free for those individuals under 11 years of age. If in fact they choose to do an entrance fee, what would apply as would all other large-scale events, they would be required to pay the city a dollar per ticket entrance. Beyond that, they would be able to bring on board any sponsors they would like to do. If they're interested as an option of doing the 5k run, that would be an option for them. We would have discussions generally about the aim of revenue that -- the amount of revenue that the city would expect to recoup overall. I think that pretty much covers the general scope of the event. Much of the details of what would actually come forward would occur in the discussions that we would have after council approves or authorizes us to go into the negotiation process.

Morrison: ok. I appreciate that description. I think probably right now we can't envision what it will feel like to have our scarves on or toasty with our hats.

Or whether the weather will be cold. it is nice to look forward to. It is nice to have the option this year.

Absolutely. We're excited. the details of the activities and all that, that will have to unfold as we move forward. We don't really know exactly what it will look like. We don't know if it will resemble, what will resemble things from before. But be very interesting. I'm sure that this organization is entering into this with the intent and motivation to make it successful.

Absolutely. You will find that the contract will be for one year with the option of renewing for five consecutive years. What we would expect is we as a city would support the event in being successful year one. And over time the organizers would become increasingly independent of the city. can you tell me anything about the organization that is recommended?

I would like to defer that to Jason. If he can join us, he will tell us a little bit about the organization.

Jason Mower, sales and events manager for the parks department. Bright Blue Combo Platter did submit a proposal. They have experience in working with other events here locally and national he. They have worked with events such as South by Southwest and Austin City Limits working on the component events of the large-scale events. They did have a depth of history of experience and brought the right partners to the table in their proposal that we thought were worth bringing forward to you for recommendation. Did I read it correctly in that they were the only proposal that came?

That is correct. I don't understand that. Chris and then Kathie. Did you say it is the park and then they provide the run? Is that the event that goes outside of the boundaries.

The proposal we let out allows the vendor to do something similar to what is done in the past, create a new event or combination of that. So they have the reign and ability to do that. Have a movie at public square park or something at Brush or one of the other parks. That is part of the negotiation process from here, once authorized. I know there may be other opportunities. One that I wondered about. The old green water treatment plant, which the city will be in possession of as of the holidays. It will be sitting there. It seems like it may be worth having some conversation about. That was put out was open for all creative opportunities. We will explore everything on the table by the contractors. If I may emphasize, we're talking year one. I know they want to be successful year one. Over time, I'm sure they're interested in expanding it so it is a creative experience for all.

Riley: ok. I have two questions. Does the existing ordinance that talks about admission fees, does it

make provisions for one or two free nights or free days during the course of the event? Or is that something that could be negotiated during the course of this contract? Negotiation? [One moment please for change in captioners]

there were one or two opportunities during the course of event for them to have a free day. That was a model that would be another typically adopt to allow people who don't have the money to come down and participate to enjoy it at well.

Don't have the money.

We do want to emphasize that we will be moving forward with the tree lighting. Of course having access to the [indiscernible] will continue to be a [indiscernible] opportunity.

My second question is just more general. Can you give us some sense of why you are not receiving more responses to the rfp for this event?

I think if I were to speculate a little, this does require the vendor to completely fund and manage the operations of the festival and they are extensive, it takes months of planning, operations, logistics, fire, police, e.m.s. So I can only speculate, to step up and do this for us and with us.

I would add that probably -- probably from a private sector standpoint realize thank the hess of holidays -- the history of holidays have met with great enjoyment and love, that there's an intent to be very successful and therefore be very deliberate in thinking [indiscernible] it's not something that would be likely, if you do that you want to make sure that you take an informed approach and really do it well.

Thanks.

Yeah, not exactly a bonanza opportunity. Last year I think we also had just one applicant and that was not adequate. So we didn't give it to anybody. I'm just happy one --

excited, we're very excited. Has applied to do it.

I was curious, good questions.

Mayor Leffingwell: Anything else? Council, there's one thing that I want to mention before we adjourn, there is a special called meeting next week, water plant meeting, I think we had talked a little bit about the -- about a tour, that will not be possible. Due to the fact that -- that -- that most of the areas that you might cover in a tour are restricted areas, hard hat areas and the liability considerations are too significant. So we are only going to have the council session called council meeting -- special called council meeting in a an area, however it's located in a position where you will be able to overlook at lot of the construction site. So we will again we will not be doing the tour because of the liability issues connected with allowing the general public to -- to -- special called meeting will still take place and I would urge all of you to make your own arrangements, the water utility will accommodate whatever, you know, meet you any time, anyplace to do your own private tour. Well, with that those are all of the items that we have on the agenda.